

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER NO.:      RULE CHAPTER TITLE:

9B-72	Product Approval
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9B-72.180	Equivalence of Standards

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 26, June 25, 2004, issue of the Florida Administrative Weekly.

9B-72.005 Scope.

(1) Products in the following categories as defined by subcategories of subsection 9B-72.010~~(31)(29)~~, F.A.C., shall be available for approval ~~either approved~~ by the Commission pursuant to Rule 9B-72.090, F.A.C., for use in the state ~~or approved by local jurisdictions pursuant to Rule 9B-72.050, F.A.C., for use within that jurisdiction and accepted pursuant to Rule 9B-72.050, F.A.C., by the local jurisdiction for use in a~~ specific building:

(a) through (e) No change.

(f) Shutters; and

(g) Structural components; ~~and~~

~~(h) Products comprising a building's envelope introduced as a result of new technology.~~

(2) This rule applies to approval ~~and acceptance~~ of products and systems, which comprise the building envelope and structural frame, for compliance with the structural ~~and any weathering property~~ requirements of the Florida Building Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842~~(5)(6)~~ FS. History—New\_\_\_\_\_.

9B-72.010 Definitions.

The following terms have the meanings indicated.

(1) through (15) No change.

(16)~~(a)~~ Evaluation report means a report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity or a licensed Florida professional engineer or architect ~~licensed in this state~~ indicating that the product was evaluated to be in compliance with the Code or the intent of the Code and that the product complies with the Code or is, for the purpose intended, at least equivalent to that required by the Code.

~~(b) Legacy report means an evaluation report that was originally issued by the National Evaluation Service (NES), Building Official Council of America Evaluation Services (BOCA ES), International Council of Building Officials Evaluation Service (ICBO ES), or Southern Building Code Congress International Incorporated Public Safety Testing and Evaluation Services (SBCCI PST & ES), and that was in good standing at the time these organizations came together to form the International Code Council Evaluation Services (ICC ES); or an evaluation report issued as a result of an application received by one of the above-noted organizations prior to March 1, 2003, with the application being approved by March 1, 2004.~~

(17) through (22) No change.

(23) Product Approval:

~~(a) Local product approval means an approval of the product, method or system of construction for local use after an appropriate review, performed by the building official or designee pursuant to Rule 9B-72.050, F.A.C. The review shall verify that either the requirements pursuant to Rules 9B-72.045~~

and 9B-72.040, F.A.C., have been met or the product, method or system of construction has statewide approval pursuant to Rule 9B-72.070, F.A.C., indicates the product, method or system of construction is suitable for use in the location and project where it is proposed to be used. The issuance of a certificate of occupancy indicates acceptance, pursuant to Rule 9B-72.050, F.A.C., of products used in the building as complying with requirements of the Florida Building Code. Approval may be by inspection of the certification marks of approved certification agencies.

(b) State product approval means the approval of a product, or system of construction by the Commission for acceptance of a product on a state or regional basis consistent with an evaluation conducted pursuant to Rule 9B-72.070, F.A.C.

(24) Product Model means a method of identification of products that is more specific than its subcategory or individual units as utilized in the field.

(25) Program System Administrator means a public or private entity qualified to review product approval and product entity documentation for compliance with this Rule.

(26)(24) Rational analysis means a standardized or non-standardized method by which a Florida Registered Architect or a licensed Florida Professional Engineer or approved evaluation entity uses mathematical or scientific analysis to evaluate the product behavior and to demonstrate that the product evaluated complies with the code for which the evaluation or engineering report is issued. Rational analysis shall be performed in accordance with well-established principles of mechanics and sound engineering practices.

(27)(25) No change.

(28)(26) No change.

(29)(27) No change.

(30)(28) Structural component means any part or assembly of a buildings that comprises the main wind force resisting system and components or cladding the envelope or structural frame.

(31)(29) Sub-category of product or construction system means a specific functionality:

(a) For exterior door: 1. exterior door assemblies: roll-up, sectional, sliding, swinging, automatic; pre-engineered roof access hatches; and products introduced as a result of new technology. 2. exterior door components and products introduced as a result of new technology;

(b) For windows: awning, casement, dual action, double hung, single hung, fixed, horizontal slider, projected, pass through, mullions, and products introduced as a result of new technology wind breaker;

(c) For panel walls: siding, soffits, exterior insulation finish system (EIFS), storefronts, curtain walls, wall louver, glass block, and products introduced as a result of new technology;

(d) For roofing products: built up roofing, modified bitumen roof system, single ply roof systems, spray applied polyurethane roof system, roofing fasteners, roofing insulation, asphalt shingles, wood shingles and shakes, roofing slate, roof tile adhesives, cements-adhesives-coatings, liquid applied roof systems, underlayments, non-structural metal roofing, roofing tiles, waterproofing, roofing accessories that are an integral part of the roofing system and products introduced as a result of new technology;

(e) For shutters: accordion, Bahama, storm panels, colonial, roll-up, pre-engineered equipments protection, and products introduced as a result of new technology;

(f) For skylights: skylight, and products introduced as a result of new technology; and

(g) For structural components: truss plates, wood connectors, anchors, exterior coolers-freezers, insulation forms systems, engineered lumber, pre-engineered air conditioner stands, structural wall components, and roof deck-roof, and products introduced as a result of new technology railing.

(32)(30) No change.

(33)(31) No change.

(34)(32) No change.

(35)(33) Validation means determination of compliance pursuant to Rule 9B-72.045, F.A.C., for local approval and Rule 9B-72.080, F.A.C., for state approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03,\_\_\_\_\_.

9B-72.030 Exceptions Local Product Approval Generally. Products listed in Rule 9B-72.005, F.A.C., and revisions to an existing product approval shall be approved according to the provisions of this rule.

(1) Prescriptive. Products that have prescriptive specification standards and are manufactured under quality assurance procedures as specified in the Code will be deemed approved. Products, materials and systems of construction specifically addressed in the Code through standard specifications shall have third party quality assurance and shall be approved through building plans review or inspection. Determination of third party quality assurance and compliance with the specification standard may be by inspection of listings, labels, other demonstration of compliance authorized by this rule or other demonstration of compliance acceptable to the building official. Such products shall include but not be limited to the following:

(a) Structural components covered by United States Department of Commerce Product Standards; and

(b) Structural components comprised of products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement; and

(c) Custom (one of a kind) pre-engineered buildings.

(2) Performance. Products, methods and systems of construction specifically addressed in the code through performance criteria shall demonstrate compliance pursuant to Rule 9B-72.070040, F.A.C., and shall be approved pursuant to Rule 9B-72.090050, F.A.C.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (7) (6), (8) FS. History--New 5-5-02, Amended 9-4-03, \_\_\_\_\_.

9B-72.040 Product Performance Evaluation and Quality Assurance for Local Approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History--New 5-5-02, Amended 9-4-03, Repealed.

9B-72.045 Validation of Performance Evaluation for Local Approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History--New 5-5-02, Amended 9-4-03, Repealed.

9B-72.050 Approval by Local Jurisdictions and Acceptance of Products with Performance Criteria and Products with Standard Specifications.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History--New 5-5-02, Amended 9-4-03, Repealed.

9B-72.060 State Approval Generally.

Statewide approval of products listed in Rule 9B-72.005, F.A.C., and not covered by subsection 9B-72.030(1), F.A.C., or revisions to existing statewide product approvals requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New 5-5-02, Amended 9-4-03, \_\_\_\_\_.

9B-72.070 Product Evaluation and Quality Assurance for State Approval.

(1) through (c) No change.

(d) An evaluation report from a Florida Registered Architect or a licensed Florida Professional Engineer developed and signed and sealed, based upon standard tests or standard comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(e) Rational engineering analysis cannot be used in lieu of a standard test required by the Code for approval of products within the scope of the standard, except that project specific approval by the local authorities having jurisdiction in accordance with alternate methods and materials authorized in the Code.

(f) A legacy report from a nationally recognized model code organization may be used if the report demonstrates compliance with the code.

(2) through (a) No change.

(b) An evaluation report from a Florida Registered Architect or a licensed Florida Professional Engineer based on testing or comparative or rational analysis or combination thereof, which provides verifiable documentation indicating the product complies with the intent of the Code.

(c) Rational engineering analysis cannot be used in lieu of a standard test required by the Code for approval of products within the scope of the standard, except that project specific approval by the local authorities having jurisdiction in accordance with alternate methods and materials authorized in the Code.

(d) A legacy report from a nationally recognized model code organization may be used if the report demonstrates compliance with the code.

(3) No change.

(4) Evaluation Report and Test Report Documentation Requirements. All reports and documentation required in subsections 9B-72.070(1) and (2), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information. When the Code requires a standard test as a component of a product approval using the evaluation methods, the test lab must be accredited by an approved accreditation body for the test performed. The entity issuing the evaluation report or certification is responsible to ensure that the test lab is accredited.

(a) through (b) No change.

(c) Complete description of the product including all drawings, manufacturer's product designations and materials, except materials specifications identified as proprietary; construction method or building system.

(d) Technical documentation, including all substantiating data, supporting the compliance statement. Substantiating data shall include all test reports and calculations which may be referenced within the evaluation report; and

(e) Installation requirements. Installation instructions including attachments shall be developed by an evaluation entity, test lab or by the manufacturer's licensed design professional.

(f) through (5)(d) No change.

(e) Installation requirements; and

(f) Agency certificate designating product certification.

(6) Review and verification of installation instructions required under paragraph 9B-72.070(4)(e), F.A.C. Prior to posting installation instructions, including anchorage requirements, on the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), they shall be reviewed or verified by the evaluation entity, test lab, the architect or engineer of record, or by a manufacturer's licensed design professional.

(7) Review and verification of installation instructions required under paragraph 9B-72.070(5)(e), F.A.C. Prior to posting installation instructions, including anchorage requirements, on the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), they shall be reviewed or verified by the certification agency or by a manufacturer's licensed design professional.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New 5-5-02, Amended 9-4-03,\_\_\_\_\_.

#### 9B-72.090 Product Approval by the Commission.

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check.

(b) No change.

(c) Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., the Commission may approve the product for use statewide in accordance with its approval and limitations of use unless credible evidence is provided questioning the validity of the documentation submitted in support of the application for approval.

(d) No change.

(e) When a new edition of the Code does not require a material or substantive change for an approved product, the manufacturer of the approved product shall affirm that his or her approved product meets the new edition of the Code. Self-affirmation is subject to review and verification by the Program System Administrator. ~~Product approval is void if the manufacturer fails to renew as required in paragraph 9B-72.090(2)(a), F.A.C.~~

(f) through (g) No change.

(2) Fees for state approval of products.

(a) Fee for approval, Three Hundred Dollars (\$300.00) per sub category of product ~~with renewal every two years. Renewal fee shall be \$50.00.~~ The Commission shall review annually and adjust fees accordingly;

(b) No change.

(c) Fees for approval of evaluation entities, certification agencies, testing laboratories and validation entities; for first time approval, Five Hundred Dollars (\$500.00), annual renewal fee, One Hundred Dollars (\$100.00), revision fee, One Hundred Dollars (\$100.00).

(d) Fee for revision of an existing approval, Three Hundred Fifty Dollars (\$300 50.00) for a revision that results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory per product or entity approval revision.

(e) Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, One Hundred Dollars (\$100.00).

(f) Fee for affirmation of an existing product approval for compliance with a new edition of the standards adopted by the Code, Fifty Dollars (\$50.00).

(3) Applications, affirmations, and revisions shall be made through the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check.

Specific Authority 553.77(1)(I), 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03,\_\_\_\_\_.

#### 9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) through (2)(a) No change.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and fees submitted pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check.

(c) through (5)(a)3. No change.

(b) Quality assurance agencies shall apply to the Commission for approval by filing an application in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made

through the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check.

(c) through (d) No change.

(e) Commission approved certification agencies are also approved as quality assurance entities for the products covered by their certification program.

(6) through (d) No change.

Specific Authority 553.842(6)(9) FS. Law Implemented 553.842(6)(9) FS. History--New 5-5-02, Amended 9-4-03,\_\_\_\_\_.

9B-72.110 Criteria for Certification of Independence.

A certification of independence shall be provided by a Florida registered architect or licensed professional engineer as applicable or by an officer of the entity, agency or laboratory who is responsible for operation of said entity, agency or laboratory that attests to the following:

(1) through (2) No change.

(3) The Florida registered architect or licensed professional engineer performing an evaluation does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the reports are being issued.

(4) The Florida registered architect or licensed professional engineer performing an evaluation does not have, nor will acquire, a financial interest in any other entity involved in the approval process of the product.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1), (8)(9) FS. History--New 5-5-02, Amended \_\_\_\_\_.

9B-72.120 List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

The Commission shall make available a current list of approved product evaluation entities, testing laboratories, certification agencies, quality assurance agencies and accreditation bodies on its website, the Building Codes Information System, [www.floridabuilding.org](http://www.floridabuilding.org).

Specific Authority 553.842(13)(14) FS. Law Implemented 553.842(13)(14) FS. History--New 5-5-02, Amended \_\_\_\_\_.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, and via the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org).

(1) Florida Building Commission, Application for Organization/Entity Approval, Form No. 9B-72.130(1), updated October 11, 2005 ~~September 4, 2003~~ (electronic version).

(2) Florida Building Commission, Application for State Product Approvals, Form No. 9B-72.130(2), updated October 11, 2005 ~~September 4, 2003~~ (electronic version).

(3) Validation Checklist for State Approval, Form No. 9B-72.130(3), updated September 4, 2003 (electronic version).

~~(4) Florida Building Commission, Application for Local Product Approval, Form No. 9B-72.130(4), updated September 4, 2003 (electronic version).~~

~~(5) Florida Building Commission, Validation Checklist for Local Product Approval by Method 1 or 2, Form No. 9B-72.130(5), updated September 4, 2003 (electronic version).~~

~~(6) Florida Building Commission, Application for Revision to State Approvals, Form No. 9B-72.130(3), (electronic version), effective \_\_\_\_\_.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03,\_\_\_\_\_.

9B-72.135 Revisions to Product Approvals or Entity Approvals.

(1) No change.

(a) A product manufacturer or approved entity shall submit a revision for approval by filing an application in accordance with subsection 9B-72.130(2)(6), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Revisions shall be made through the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check. The revision will carry the same Florida Product Approval ~~PL~~ number as the original approval with the addition of a revision number assigned, R1, R2, as applicable.

~~(b) Revisions to all data will be allowed, but in the case of revisions to product approvals, new products shall not be added.~~

(c) Once a revision is approved by the Commission, the approved revision will supersede the original approval. ~~In the case of product approval revisions, the time clock for renewal of the product approval every two years will be set back to day one.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New \_\_\_\_\_.

9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.

(1) Product Approval Revocation or Suspension.

(a) through (c) No change.

(d) The Commission shall clearly post the status of product approvals, denials, suspensions or on its website, the Building Codes Information System, [www.floridabuilding.org](http://www.floridabuilding.org).

(2) No change.

(3) Incomplete Product Approval or Entity applications. Any application that has no activity and is not complete within 180 days from the date of initial filing shall be denied.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History—New 5-5-02, Amended.

9B-72.180 Equivalence of Standards.

(1) Equivalence of product standards. Where conformance to the Code is based on standards, then product evaluation shall rely on national and international consensus standards referenced in the Code. Other standards which meet or exceed standards referenced by the 2001 edition of the Code and recognized as equivalent for determining Code compliance are:

(a) through (e) No change.

(2) Standards which meet or exceed standards referenced by the 2004 edition of the Code and recognized as equivalent for determining Code compliance are:

(a) AAMA/CSA/WDMA 101/I.S. 2/A440-05 is equivalent to AAMA/WDMA/101/I.S./NAFS-02 and AAMA/WDMA 1600/I.S. 7-00 for skylights only;

(b) ASTM D 5055 – 2000 is equivalent to ASTM D 5055 – 02;

(c) AAMA 501 – 94 is equivalent to AAMA 501 – 05; and

(d) AAMA 103.3 – 83 is equivalent to AAMA 103.3 – 05.

(3) Equivalence of product standards for specific product application. Standards which meet or exceed standards referenced by the Code and certified as equivalent for determining code compliance by one of the following entities shall be considered as equivalent by the Commission:

(a) An approved certification agency;

(b) An approved test lab;

(c) An approved evaluation entity;

(d) Florida licensed professional engineer or architect; or

(e) A nationally recognized standard writing organization.

(4)(2) No change.

(5)(3) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History—New 5-5-02, Amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NO.: 12E-1.012                      RULE TITLE: Consumer Reporting Agencies

**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.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

Paragraph (a) of subsection (4) of Rule 12E-1.012, F.A.C., has been changed, so that, when adopted, the paragraph will read as follows:

(a) The department shall give notice to the obligor by regular mail at his or her last known address with Department of Revenue Form CS-EF32, ‘Notice of Intent to Report to Consumer Reporting Agencies’, incorporated herein by reference with a revision date of July 2006 February 2000. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030. The notice will inform the obligor that the department will report the amount of overdue support owed by the obligor to consumer reporting agencies, that the department subsequently will report an update of the overdue support amount each month, that reporting the information may affect the obligor’s ability to obtain credit, and that the obligor can avoid the initial report by paying the full amount owed within 15 days. The notice will also inform the obligor of the department’s duty to release the information, that the obligor may request the department to enter into a written agreement that establishes a payment plan in lieu of reporting the overdue support, and that the obligor has the right to contest the information proposed to be released if the overdue support amount is incorrect or if he or she is not the individual obligated to pay support by requesting an informal review. Form CS EF32 shall provide notice to the obligor of the intent of the department to release the following information to one or more consumer reporting agencies: the obligor’s name, social security number, and the amount of overdue support owed by the obligor.

Subparagraph 3. of paragraph (4)(b) of Rule 12E-1.012, F.A.C., has been changed so that, when adopted, the subparagraph will read:

3. The department shall conclude its review by hand delivering or sending to the obligor by regular mail the Department of Revenue Form CS-EF62, ‘Notice of Decision Concerning Report to Consumer Reporting Agencies’, incorporated herein by reference with a revision date of July 2005. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030. The notice shall inform the obligor whether the department intends to report the obligor’s overdue support amount to the consumer reporting agencies. The notice must inform the obligor of the right under

Chapter 120, Florida Statutes, to file a petition for administrative hearing to contest the accuracy of the information to be reported.

Paragraph (b) of subsection (6) of Rule 12E-1.012, F.A.C., has been changed so that, when adopted, the subparagraph will read:

(b) The department shall provide notice to an individual whose consumer report is sought by sending Department of Revenue Form CS-EF15 ~~CS-EF10~~, 'Notice of Consumer Report Inquiry', by certified mail to the individual's last known address at least 15 days prior to transmitting the request to the consumer reporting agency. Form CS-EF15 ~~CS-EF10~~ is incorporated herein by reference with a revision date of September 2005 ~~January 1999~~. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE CHAPTER NO.: 15B-13  
 RULE CHAPTER TITLE: Operation of Soundmaking Devices in Motor Vehicles

**NOTICE OF CORRECTION**

A notice of Proposed Rule Making regarding the above rule was published in the July 7, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 27, on page 3025. The following statement was not included in the notice: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED.

The time period to request a hearing on the above rule is extended to 21 days from the date of this Notice. The foregoing correction does not affect the substance of the Notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lt. James D. Wells, Jr., Bureau of Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2303.

**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."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-2	Water Use Permits
RULE NOS.:	RULE TITLES:
40D-2.011	Policy and Purpose
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.302	Reservations From Use
40D-2.321	Duration of Permits
40D-2.331	Modification of Permits
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use-Caution Areas

**NOTICE OF CORRECTION**

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 31, Page 3637 on August 4, 2006. The hearing will be held during the Southwest Florida Water Management District's monthly Governing Board meeting on Tuesday, September 26, 2006, beginning at 9:00 a.m. in the board room at the Tampa Service Office located at 7601 Highway 301 North, Tampa, Florida 33637-6759.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-8	Water Levels and Rates of Flow
RULE NOS.:	RULE TITLES:
40D-8.041	Minimum Flows
40D-8.624	Guidance and Minimum Levels for Lakes
40D-8.626	Minimum Aquifer Levels

**NOTICE OF CORRECTION**

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 31, Page 3637 on August 4, 2006. The hearing will be held during the Southwest Florida Water Management District's monthly Governing Board meeting on Tuesday, September 26, 2006, beginning at 9:00 a.m. in the board room at the Tampa Service Office located at 7601 Highway 301 North, Tampa, Florida 33637-6759.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-80                      RULE CHAPTER TITLE: Recovery and Prevention Strategies for Minimum Flows and Levels

RULE NO.: 40D-80.074                      RULE TITLE: Recovery Strategy For the Southern Water Use Caution Area

**NOTICE OF CORRECTION**

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 31, Page 3637 on August 4, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, September 26, 2006, beginning at 9:00 a.m. in the board room at the Tampa Service Office located at 7601 Highway 301 North, Tampa, Florida 33637-6759.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.: 59C-1.021                      RULE TITLE: Certificate of Need Penalties

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32 No. 12, March 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Purchasing**

RULE NOS.: 60A-1.002                      RULE TITLES: Purchase of Commodities or Contractual Services

60A-1.033                      MyFloridaMarketPlace Information Security and Electronic Attachments

**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. 22, June 2, 2006, issue of the Florida Administrative Weekly. These changes are in response to both written material received on or before the date of the final public hearing and comments received from staff of the Joint Administrative Procedures Committee.

As to the proposed changes to the PUR 1000, a compliance with all controlling laws section will not be incorporated into the PUR 1000 – rather, this requirement will be incorporated into Rule 60A-1.002, F.A.C., as provided below. Also, the PUR 1000 is changed to notify contractors that failure to pay MyFloridaMarketPlace transaction fees may subject them to being removed from the Department’s vendor list in accordance with the process provided in Rule 60A-1.006, F.A.C. Further, the language to be added to the PUR 1000 per Section 287.057(26), F.S., has been shortened to include only

that language found in quotes in Section 287.057(26), F.A.C. Also, the PUR 3785 is changed to address the removal of confidential request for payment information from MyFloridaMarketPlace.

The above-mentioned rules are changed as follows:

60A-1.002 Purchase of Commodities or Contractual Services.

(1) through (8) No change.

(9) All contracts entered into as a result of formal solicitations issued by an agency shall include a contractual condition requiring vendor(s) comply with all laws and rules applicable to the vendor(s) providing the commodities or services to the agency.

60A-1.033 MyFloridaMarketPlace Information Security and Electronic Attachments.

(1) To process invoices for payment, the Department of Financial Services (“DFS”) requires agencies to submit request for payment information and supporting documentation to substantiate the payment. Request for payment information shall be entered by agencies into the corresponding comment field as specified in MyFloridaMarketPlace. Supporting documentation for payment requests in MyFloridaMarketPlace may be sent by the agency to DFS as electronically rendered (i.e., scanned) copies of the original documents.

(2) When entering request for payment information or scanning supporting documentation for purchase orders and invoices and loading them into MyFloridaMarketPlace, agencies shall comply with Rule 1B-26.003, F.A.C., Electronic Recordkeeping, and with Chapter 60DD-2, F.A.C., Florida Information Resource Security Policies and Standards.

(a) Before entering request for payment information or scanning and uploading supporting documentation for purchase orders and invoices into MyFloridaMarketPlace, the agency shall review and redact all confidential information from the supporting documentation. Specifically, agencies shall redact from request for payment information and supporting documentation, before it is uploaded into MyFloridaMarketPlace, all protected health information as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all information that is exempt from inspection or copying as provided in Chapter 119, Florida Statutes, or any other provision of Florida law exempting or making information exempt from public records review. Further, before entering request for payment information or uploading scanned copies of supporting documentation into MyFloridaMarketPlace, agencies shall review and redact from request for payment information and supporting documentation all personal agency employee information that is unnecessary for DFS to review to process the invoice for payment. The agency shall retain the original hard copy of the document (unredacted version) for subsequent auditing purposes.



(3) If an agency identifies that confidential information has been entered into any MyFloridaMarketPlace comment field or that an agency's supporting documentation attachment in MyFloridaMarketPlace contains confidential information, the agency shall complete and submit to the Department Form PUR 3785, MyFloridaMarketPlace Confidential Information Attachment Removal Request Form (6/06), which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/dms/purchasing>.

(4) through (5) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, [garciaa@dms.state.fl.us](mailto:garciaa@dms.state.fl.us)

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Purchasing**

RULE NO.: 60A-1.041                      RULE TITLE: Solicitation Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the notice of proposed rulemaking for Proposed Rules 60A-1.041, published in Vol. 32, No. 32, August 11, 2006, of the Florida Administrative Weekly, incorrectly listed the publication date of the notice of proposed rule development. The correct date is July 7, 2006. The forgoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, [garciaa@dms.state.fl.us](mailto:garciaa@dms.state.fl.us)

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE CHAPTER NO.: 60H-1                      RULE CHAPTER TITLE: Leases for Real Property  
 RULE NOS.: 60H-1.001                      RULE TITLES: Definitions  
 60H-1.002                      Division Approval; When Required  
 60H-1.003                      Standard Lease Agreement Form  
 60H-1.004                      Filing of Leases  
 60H-1.006                      Escalation Clauses  
 60H-1.007                      Right-to-Terminate Clause Required  
 60H-1.009                      Notice of Renewal  
 60H-1.013                      Fire Code Compliance in Leased Space  
 60H-1.015                      Leases of 5,000 Square Feet or More

60H-1.017                      Turnkey (Lease) Construction Program  
 60H-1.022                      Prior Approval of Space Need  
 60H-1.025                      Disclosure Statement – Private Entities  
 60H-1.026                      Disclosure Statement – Public Officials  
 60H-1.027                      Legal Review  
 60H-1.028                      Information and Forms  
 60H-1.030                      Rental Rate Guidelines for Privately Owned Space

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 22, June 3, 2005, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Licensing Board**

RULE NO.: 61G4-16.0031                      RULE TITLE: Practical Examination for Swimming Pool Specialty Contractors

**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., originally published in Vol. 32, No. 18, of the May 5, 2006, issue of the Florida Administrative Weekly. The change is response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board approved the change at its meeting held on July 14, 2006. When changed paragraph (3)(h) of the rule shall read as follows:

“(h) The practical examiner shall have the responsibility of notifying the applicant of the scores received on the practical examination, on form DBPRCILB4373 (July 10, 2006), effective \_\_\_\_\_, which is incorporated herein by reference. The form may be obtained through [www.myflorida.com](http://www.myflorida.com).”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Detention Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63G-2 Secure Detention Services

RULE NOS.: RULE TITLES:

63G-2.002 Definitions

63G-2.004 Staffing and Operations

63G-2.005 Security

63G-2.006 Treatment, Training and Education of Youth

63G-2.007 Sanitation

63G-2.011 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, and amended in Vol. 32, No. 7, July 7, 2006. The changes are in response to comments received from the Joint Administrative Procedures Committee in a July 21 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 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 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, 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.

(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.

(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 and the right and duty to protect, train, and discipline the youth 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) Precautionary Observation – A suicide precaution method that provides for the constant supervision of a suicide risk youth in designated observation areas of the facility that are safe and secure.

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

~~(31)(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.

~~(32)(30)~~ Radio Ten Codes – Standardized communication codes to ensure fast, accurate, and universal communication in detention facilities.

~~(33)(31)~~ Regional Director – The person responsible for the supervision of the superintendents of regional juvenile detention centers in a specified region.

~~(34)(32)~~ Release – The removal of a youth from detention status.

~~(35)(33)~~ Secure Detention – A physically restricting facility for the temporary care of youth, pending adjudication, disposition, or placement.

~~(36)(34)~~ Security Devices – Devices both mechanical and electrical that enhance security in the facility.

~~(37)(35)~~ Superintendent – The person responsible for the operation of a designated regional juvenile detention center.

~~(38)(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.~~

~~(39)(38)~~ Youth – Any youth ordered into secure detention status.

~~(40)(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-2.004 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.

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.

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 reviews by the department’s Bureau of Quality Assurance ~~unit~~. The detention center shall achieve a minimum score of 60% in the performance standards and a minimum score of 80% in the compliance standards that are evaluated by the Bureau of Quality Assurance. The standards that are evaluated cover the following areas:

- 1. Program management;
- 2. Living environment;

3. Food Services;
4. Health Services;
5. Program security and safety;
6. Training; and
7. Education.

(d) Should a facility fail to maintain at least a minimum satisfactory rating in quality assurance (QA), a corrective action plan shall be implemented. 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. Extenuating circumstances include, but are not limited to, hurricanes/Acts of God, facility damage and structural problems. 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.

~~(e)~~ (4) 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.

(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.

1. Phase One of the staff training includes the following subjects:

- a. Mental Health and Substance Abuse;
- b. Suicide Prevention;
- c. Safety;
- d. Security;
- e. Supervision of Youth;
- f. Youth Behavior and Consequences;
- g. Protective Action Response; and

h. CPR and First Aid.

~~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 training in Protective Action Response 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 the following subjects:

- a. Balanced and Restorative Justice;
- b. Ethics;
- c. Health Care;
- d. Human Diversity;
- e. Mental Health and Substance Abuse;
- f. Promoting Professional and Appropriate Staff Conduct; and
- g. Effective Communication and Adolescent Behavior.

~~policy and procedures as identified by the Department of Juvenile Justice Bureau of Staff Development and Training.~~ Upon successful completion of Phase One and Two training, and the Certification Exam, the staff member will be a certified officer and will 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 under the level 2 screening standards set out in Section 435.04, Florida Statutes per departmental screening procedures. 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 level 2 department's screening standards requirements are not required to undergo background screening.

(c) Interns and volunteers shall receive security training prior to having contact with youth. This training will consist of the following:

1. Facility Emergency Procedures;
2. Key Control;
3. Tool and Sensitive Item Control;
4. Fire Safety;
5. Security Devices; and
6. Child Abuse Reporting.

~~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 at a minimum, the approved background screening paperwork, the superintendent's review of the paperwork, and documentation of training.

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

(f) All activities, topics of discussion, lessons, etc. shall enhance services to youth. 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 required paperwork from law enforcement and screening staff prior to initiating the admission process.

2. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a computer-based form database containing all elements required for an admission. The Admission Wizard (DJJ/DCF Form 1 02/2005) is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

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

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

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

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

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

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

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

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

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

(6) Transfers:

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

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

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

~~1.2.~~ Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.

~~2.3.~~ Youth shall be electronically searched, frisk searched, and strip searched.

~~3.4.~~ 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 documented.

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

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

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

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

- a. Shift reports
- b. Incident reports
- c. Confinement reports
- d. Documentation of physical interventions to control behavior.

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

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

b. National School Lunch meal reports.

c. Reports to the Florida Abuse Hotline, pursuant to Chapter 39, 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 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 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 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 shall intervene using approved PAR ~~verbal and physical intervention~~ techniques and if necessary, the application of mechanical restraints.

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

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

(7) Classification of Youth:

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

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

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

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

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

(8) Living Area/Room Assignments:

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

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

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

(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 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, F.S., shall not be in the possession of any department employee while on state property or during the performance of their job unless authorized by the department.

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

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

(11) Emergencies:

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

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

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

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

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

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

(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, 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 in accordance with PAR.

(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.

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

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

classroom and shall clearly specify what are appropriate and inappropriate behaviors ~~cooperative agreement shall include the mandated standards and requirements found in section 1003.52, 1006.13, 985.3155, Fla. Stat.~~

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

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

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

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

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

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

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

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

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

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

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

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

7. Visitors shall be denied entrance if they:

a. Are disruptive or uncooperative.

b. Refuse to be electronically searched.

c. Refuse to comply with officer instructions.

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

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

f. Attempt to introduce contraband into the secure area.

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

8. Legal counsel, guardians ad litem, probation officers, law enforcement officers, clergy and other professionals may visit youth as necessary, but are subject to the same requirements regarding signing in and contraband. Parents, and legal guardians are approved visitors. Others may only visit if so ordered by the court or specifically approved by the superintendent or designee. The criteria for allowing others to visit is based on that which is consistent with treatment and

progress in the program. Both the on-site mental health professional and the youth's probation officer shall assist the superintendent or designee in making this determination.

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

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

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

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

(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. Except for an incarcerated relative, Youth shall not write to anyone ~~relative~~ incarcerated in an adult correctional facility.

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

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, Suite. 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 (8-7-96)
- (b) Food Service: F.A.C. 64E-11;
  - 1. General: F.A.C. 64E-11.001 (8-28-96)
  - 2. Definitions: F.A.C. 64E-11.002 (7-14-03)
  - 3. Food Supplies: F.A.C. 64E-11.003 (7-14-03)

4. Food Protection: F.A.C. 64E-11.004 (7-14-03)  
 5. Personnel: F.A.C. 64E-11.005 (7-14-03)  
 6. Food Equipment and Utensils: 64E-11.006 (7-14-03)  
 7. Sanitary Facilities and Controls: 64E-11.007 (7-14-03)  
 8. Other Facilities and Operations: 64E-11.008 (3-15-98)  
 9. Temporary Food Service Events: 64E-11.009 (3-15-98)  
 10. Procedure When Infection Is Suspected: F.A.C. 64E-11.011 (2-21-91)  
 11. Manager Certification: F.A.C. 64E-11.012 (7-14-03)  
 12. Certificates and Fees: F.A.C. 64E-11.013 (7-14-03)  
 (c) Housing: F.A.C. 64E-12.005 (8-7-96)  
 (d) Insect and Rodent Control: F.A.C. 64E-12.006 (8-7-96)  
 (e) Laundry: F.A.C. 64E-12.008 (6-18-87)  
 (f) Poisonous or Toxic Substances: F.A.C. 64E-12.009 (6-18-87)  
 (g) Garbage and Rubbish: F.A.C. 64E-12.010 (8-7-96)  
 (h) Recreational Areas: F.A.C. 64E-12.011 (8-7-96)

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

(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-2.011 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.

(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) ~~A facility e~~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 departmental staff ~~a Licensed Practical Nurse (LPN) or a Registered Nurse (RN)~~.

(e) ~~As part of the entry screening,~~ information regarding the youth's health history will be collected by a licensed nurse (Licensed Practical Nurse or Registered Nurse). 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.

(h) Orders of a Physician, Advanced Registered Nurse Practitioner (ARNP), Physician Assistant (PA) or Dentist dental orders shall be followed when rendering medical care ~~and treatment carried out by qualified health care personnel~~. An ARN, Registered Nurse (RN) or Licensed Practical Nurse (LPN) shall transcribe all orders. Departmental staff that have received medication training by an RN shall provide the youth assistance with the self-administration of medications in the absence of a licensed nurse. All youth shall be furnished such food, medication and other items as prescribed by the responsible ~~Physician, ARNP, PA or Dentist~~.

(j) The direct care staff shall be trained by the facility's nurses to ~~deliver 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 self-administration of medication administration.

(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.

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.

(l) Security regulations applicable to facility support personnel shall also apply to health personnel.

(m) 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 department manuals and policies.~~ Written verification of current credentials and job descriptions shall be on file in the detention center.

(n) 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 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 process begins at intake and continues when the youth is admitted to detention. Screenings are performed using on-admission to the detention center are standardized instruments. The Positive Achievement Change Tool (PACT) consists of Pre-Screen and Full-Assessment components. The PACT Pre-Screen instrument is a general screening tool used to detect indicators of substance abuse and mental health issues, including suicide risk. This information is provided to the detention center in the Mental Health and Substance Abuse Screening Report and Referral. The Suicide Risk Screening Instrument (SRSI), also administered during intake, is a validated tool used to determine if a youth is at risk for suicide at the time of admission. If any indicators for suicide risk appear on either instrument, the youth must be immediately placed on precautionary observation and referred to a mental

health clinical staff person who will confer with the designated mental health authority to determine whether the further Assessment of Suicide Risk is conducted immediately or within 24 hours. 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 following forms are incorporated and are available from the Assistant Secretary for Detention, 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100:

1. Positive Achievement Change Tool (PACT) (3-9-06);

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

3. Suicide Risk Screening Instrument (DJJ/PP Form 12, 10-00); and

4. Assessment of Suicide Risk (5-06).

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

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

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

(3) 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 Abuse Hotline, pursuant to Chapter 39, F.S., 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 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.

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 PAR Rule 63H-1, F.A.C. 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 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 an employee of the department who holds a management or supervisory position and level staff person who is not employed ~~at~~ 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.

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 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 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 HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.009  
 RULE TITLE: Standard of Care for Office Surgery  
 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.

The change is response to comments received at a public hearing held on the rule on August 10, 2006, in St. Pete Beach, Florida. The Rules Committee, at its meeting held on August 10, 2006, voted to change the rule. The Board, at its meeting held on August 12, 2006, approved the recommendation of the Committee. When changed, subsection (2)(m) of the rule shall read as follows:

(m) All physicians performing office surgery must be qualified by education, training, and experience to perform any procedure the physician performs in the office surgery setting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NO.: 69L-5.102  
 RULE TITLE: General Requirements  
 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. 31, No. 49, December 9, 2005 issue of the Florida Administrative Weekly.



These changes are being made as a result of discussions and communications with the Joint Administrative Procedures Committee.

(1) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities that are electing to self-insure pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least 90 days prior to the preferred effective date of self insured status, the following information: Employers within the scope of Section 440.38(6), Florida Statutes, shall be exempt from qualifying for self insurance, but shall submit their intent to self insure in writing to the division. These self insurers shall not be required to submit an application, financial statement, security deposit, actuary report or proof of excess insurance. All other requirements established by these rules shall apply.

(a) Copy of document(s) through which the entity is organized or authorized to operate as a governmental entity, including articles of incorporation, grant of authority, or charter, if applicable;

(b) Notification By Governmental Entity To Self-Insure For Workers' Compensation, Form DFS-F2-SI-1G, incorporated by reference into rule (rev. 03/2006);

(c) Self-Insurance Estimated Payroll, Form DFS-F2-SI-EP, incorporated by reference into rule (rev. 03/2006);

(d) Certification of Servicing For Self-Insurers, Form SI-19, incorporated by reference into rule (rev. 09/1996); and

(e) Workers' Compensation Experience Rating For Self-Insurers worksheet, Form ERM-6, for the current and two preceding years, as set forth in the National Council on Compensation Insurance (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance, incorporated by reference into rule (rev. 01/2002).

The notification and supporting documentation shall be submitted to the following address:

Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(2) Upon receipt of the notification and supporting documentation from an entity defined within the scope of Section 440.38(6), F.S., the Division shall provide to the entity the "Insurer Code #" pursuant to Rule Chapter 69L-3.002, F.A.C., prior to the effective date of self-insured status for compliance with filing requirements of Rule Chapters 69L-3 and 69L-7, F.A.C.

(3)(2) Change in numbering only.

(4)(3) Change in numbering only.

(5) Forms adopted. The forms set forth in paragraphs (1)(b)-(e), as well as the accompanying instructions to the forms, are hereby adopted. Copies of the forms set forth in

paragraphs (1)(b)-(d) are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-insurance Section, 200 East Gaines Street, Tallahassee, FL 32399-4224. The form set forth in paragraph (1)(e) is found within the National Council on Compensation Insurance, Inc. (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance. A copy of the Manual and a one year subscription to any and all updates may be obtained from the National Council on Compensation Insurance, Inc., 750 Commerce Drive, Boca Raton, FL 33487, telephone (800)622-4123, at a cost of \$95. A copy of the Manual is also available for viewing at the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-Insurance Section, 2012 Capital Circle, S.E., Hartman Building, Suite 200, Tallahassee, FL 32399-4224.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History--New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69L-6.031	Stop Work Orders in Effect Against Successor Corporations or Business Entities

**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. 31, No. 49, December 9, 2005 issue of the Florida Administrative Weekly.

69L-6.031 Stop Work Orders in Effect Against Successor Corporations or Business Entities.

(1) Under Section 440.107(7)(b), F.S., stop work orders or orders of penalty assessment issued against a corporation, partnership, or sole proprietorship shall be in effect against any successor corporation or business entity that has one or more of the same principals or officers as the predecessor corporation or business entity against which the stop work order was issued and are engaged in the same or equivalent trade or activity.

(a) For employers engaged in the construction industry, a corporation, partnership, or sole proprietorship and the successor corporation or business entity that has been issued a stop work order or order of penalty assessment, are engaged in the same or equivalent trade or activity if they each perform or have performed business operations that include operations described in at least one classification code listed in Rule 69L-6.021, F.A.C.

(b) For employers engaged in the non-construction industry, a corporation, partnership, or sole proprietorship and the successor corporation or business entity that has been issued a stop work order or order of penalty assessment, are engaged in the same or equivalent trade or activity if they each perform or have performed business operations that include

operations described in at least one classification code that is in the manufacturing, goods and services, or the office and clerical industry group listed in subsection (6) of this rule.

(c) For employers that perform business operations described by one of the classification codes in the miscellaneous industry groups listed in subsection (6) of this rule, a corporation, partnership, or sole proprietorship and the successor corporation or business entity that has been issued a stop work order or order of penalty assessment, are engaged in the same or equivalent trade or activity if they each perform or have performed the same business operation described in one of the classification codes contained in the miscellaneous industry groups.

(2) A stop work order or order of penalty assessment issued against a corporation, partnership, or sole proprietorship becomes effective against a successor corporation or business entity that has one or more of the same principals, directors, officers, partners, or shareholders with a 10% or greater interest, including any "affiliated person" as defined in Section 440.05(15), F.S., in common with the predecessor corporation or business entity against which the original stop work order or order of penalty assessment was issued and is engaged in the same or equivalent trade or activity, through service on the successor corporation or business entity of an order applying a stop work order or order of penalty assessment to successor corporation or business entity. The order applying a stop work order or order of penalty assessment to successor corporation or business entity remains in effect until withdrawn by the department.

(3) In the event one of the following three criteria are satisfied, the department will withdraw an order applying a stop work order or order of penalty assessment:

(a) The department must have released the stop work order or order of penalty assessment in effect against the predecessor corporation, partnership, or sole proprietorship that has one or more of the same principals, officers, directors, partners, or shareholders with a 10% or greater interest, in common with the successor corporation or business entity.

(b) The principal, officer, director, partner, or a shareholder with a 10% or greater interest in the successor corporation or business entity against which the stop work order or order of penalty assessment has been served, must formally disassociate himself or herself from the predecessor corporation, partnership, or sole proprietorship by providing the department with the following:

1. Records obtained from the Florida Department of State, Division of Corporations, indicating that no person or entity affiliated with the successor corporation or business entity holds any position as an officer, director, or shareholder with a 10% or greater interest in the predecessor corporation or business entity.

2. A written statement from the current management of the predecessor corporation or business entity affirmatively acknowledging that no person affiliated with the successor corporation or business entity is engaged in any policy or decision-making capacity with the predecessor corporation or business entity.

3. Copies of the successor corporation or business entity's business records for review by the department.

(c) The successor corporation or business entity and the predecessor corporation, partnership, or sole proprietorship that has been issued a stop work order or order of penalty assessment, must no longer be engaged in the same or equivalent trade or activity, as determined by the department, pursuant to the codes from subsection (6) of this rule.

(4) An order applying a stop work order or order of penalty assessment shall take effect when served upon the employer or, for a particular worksite, when served at that worksite.

(5) Under Section 440.107(7)(c), F.S., the department shall assess a penalty of \$1,000 per day against an employer for each day that the employer conducts business operations in violation of an order applying stop work order or order of penalty assessment.

(6) List of class codes, deions, and industry groups. A complete deion of class codes is contained in the SCOPES® Manual Classifications (October 2005) published by the National Council on Compensation Insurance, Inc. (NCCI) and is available for viewing through the Division of Workers' Compensation, Bureau of Compliance, 2012 Capital Circle, S.E., Hartman Building, Tallahassee, Florida 32399-4228 or a copy is available, for a fee, by calling NCCI at 1(800)622-4123. The SCOPES® list of codes, deions and industry groups is as follows:

(a) Industry Group: Manufacturing

Class	Deion
1. through 3.	No change.
4.	1463 ASPHALT WORKS OPERATED BY PAVING CONTRACTORS-PERMANENT LOCATION & DRIVERS
5. through 9.	No change.
10.	1741 FLINT OR SPAR GRINDING & DRIVERS
11. through 21.	No change.
22.	2014 GRAIN OR FEED MILLING
23.	2016 CEREAL OR BAR MFG
24. through 25.	No change.
26.	2041 CANDY, CHOCOLATE, AND CONFECTION MFG
27.	No change.
28.	2070 CREAMERY OR DAIRY & ROUTE SUPERVISORS, DRIVERS
29. through 40.	No change.
41.	2150 ICE MFG OR ICE DEALERS

42. through 49. No changes.
50. 2300 PLUSH OR VELVET MFG
51. through 61. No change.
62. 2501 CLOTH, CANVAS AND RELATED PRODUCTS MFG NOC
63. through 65. No change.
66. 2576 CANVAS GOODS, MTG.-NOC-SHOP
67. through 71. No change.
72. 2623 LEATHER MFG-INCLUDING TANNING, LEATHER EMBOSsing, AND WOOL PULLING
73. through 77. No change.
78. 2710 SAWMILL
79. through 81. No change.
82. 2759 PALLET, BOX OR BOX SHOOK MFG WOODEN
83. through 90. No change.
91. 2883 FURNITURE MTG.-WOOD-NOC
83. through 104. No change.
105. 3041 IRON OR STEEL: FABRICATION: IRON WORKS-SHOP-DECORATIVE OR ARTISTIC- & FOUNDRIES & DRIVERS
106. No change.
107. 3064 SIGN MANUFACTURING-METAL
108. through 114. No change.
115. 3113 TOOL MFG-NOT DROP OR MACHINE FORGED-NOC
116. 3114 TOOL MFG-DROP OR MACHINE FORGED-NOC: MACHINING OR FINISHING OF TOOLS OR DIE MAKING OPERATIONS
117. through 131. No change.
132. 3224 ENAMEL WARE MFG
133. through 179. No change.
180. 4021 BRICK OR CLAY PRODUCTS MFG NOC & DRIVERS
181. through 182. No change.
183. 4036 PLASTERBOARD OR PLASTER BLOCK MFG & DRIVERS
184. through 205. No change.
206. 4273 BAG MFG-PLASTIC OR PAPER
207. through 215. No change.
216. 4360 MOTION PICTURE: DEVELOPMENT OF NEGATIVES, PRINTING AND ALL SUBSEQUENT OPERATIONS
217. through 218. No change.
219. 4431 PHONOGRAPH RECORD MFG MAGNETRIC AND OPTICAL RECORDING & MEDIA MFG
220. through 233. No change.
234. 4611 DRUG, MEDICINE OR PHARMACEUTICAL PREPARATION, COMPOUNDING, OR BLENDING-NO MTG. OF INGREDIENTS
235. through 251. No change.
252. 4825 DRUG, MEDICINE OR PHARMACEUTICAL PREPARATION MFG & INCLUDES MFG OF INGREDIENTS
253. through 264. No change.
- (b) Industry Group: Contracting
1. through 2. No change.
3. 1322 OIL OR GAS WELL: CLEANING OR SWABBING OF OLD WELLS HAVING PREVIOUSLY PRODUCED GAS OR OIL - BY CONTRACTOR - NO DRILLING - & DRIVERS
4. through 13. No change.
14. 5069 IRON OR STEEL: ERECTION-CONSTRUCTION OF DWELLINGS NOT OVER TWO STORIES IN HEIGHT
15. through 24. No change.
25. 5223 SWIMMING POOL CONSTRUCTION, - NOT IRON OR STEEL - & DRIVERS
26. 5348 TILE, STONE, MOSAIC OR TERRAZZO WORK-INSIDE CERAMIC TILE, INDOOR STONE, MARBLE, OR MOSAIC WORK
27. No change.
28. 5403 CARPENTRY- NOC
29. through 32. No change.
33. 5472 ASBESTOS REMOVAL OPERATIONS: CONTRACTOR-PIPE AND BOILER WORK EXCLUSIVELY & DRIVERS
34. 5473 ASBESTOS REMOVAL OPERATIONS: CONTRACTOR-NOC & DRIVERS
35. No change.
36. 5478 FLOOR COVERING INSTALLATION - RESILIENT FLOORING - CARPET AND LAMINATE FLOORING
37. through 42. No change.
43. 5509 STREET OR ROAD MAINTENANCE CONSTRUCTION, OR RECONSTRUCTION BY STATE, COUNTY OR MUNICIPALITY- ALL EMPLOYEES & DRIVERS
44. 5536 HEATING AND AIR CONDITIONING DUCT WORK - SHOP & OUTSIDE
45. through 47. No change.

48. 5606 CONTRACTOR- PROJECT MANAGER, CONSTRUCTION EXECUTIVE, CONSTRUCTION MANAGER OR CONSTRUCTION SUPERINTENDENT
49. 5610 CLEANER - DEBRIS REMOVAL  
50. through 52. No change.
53. 5703 BUILDING RAISING OR MOVING
54. No change.
55. 6003 PILE DRIVING
56. through 57. No change.
58. 6018 DAM OR LOCK CONSTRUCTION: EARTHMOVING OR PLACING-ALL OPERATIONS & DRIVERS
59. through 61. No change.
62. 6213 OIL OR GAS WELL: SPECIALTY TOOL OPERATION NOC-BY CONTRACTOR-ALL EMPLOYEES & DRIVERS
63. through 64. No change.
65. 6217 EXCAVATION & DRIVERS NOC
66. through 82. No change.
83. 7613 TELEPHONE OR CABLE TV LINE INSTALLATION-CONTRACTORS, SERVICE LINES AND CONNECTIONS & DRIVERS
84. 7855 RAILROAD CONSTRUCTION: LAYING OR RELAYING OF TRACKS OR MAINTENANCE OF WAY BY CONTRACTORS – NO WORK ON ELEVATED RAILROADS & DRIVERS
85. No change.
86. 9534 MOBILE CRANE AND HOISTING SERVICE CONTRACTORS-NOC-ALL OPERATIONS-INCLUDING YARD EMPLOYEES AND DRIVERS
87. 9554 SIGN INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT- NOC & DRIVERS
- (c) Industry Group: Office & Clerical
1. through 3. No change.
4. 8721 REAL ESTATE APPRAISAL COMPANY – OUTSIDE EMPLOYEES
5. 8742 SALESPERSONS OR COLLECTORS – OUTSIDE
6. through 18. No change.
19. 9012 BUILDINGS – OPERATION BY OWNER, LESSEE, OR REAL ESTATE MANAGEMENT FIRM: PROFESSIONAL EMPLOYEES, PROPERTY MANAGERS AND LEASING AGENTS & CLERICAL SALESPERSONS
20. No change.
- (d) Industry Group: Goods & Services.
1. through 32. No change.
33. 8006 GASOLINE STATION: SELF-SERVICE AND CONVENIENCE/ GROCERY-RETAIL
34. through 36. No change.
37. 8015 QUICK PRINTING-COPYING OR DUPLICATING SERVICE – ALL EMPLOYEES & CLERICAL, SALESPERSONS
38. through 45. No change
46. 8045 STORE: DRUG – RETAIL
47. 8046 STORE: AUTOMOBILE PARTS AND ACCESSORIES – NOC & DRIVERS
48. through 51. No change.
52. 8072 STORE: BOOK, RECORD, COMPACT DISC, SOFTWARE, VIDEO OR AUDIO CASSETTE - RETAIL
53. through 54. No change.
55. 8105 STORE: HIDE OR LEATHER DEALER
56. through 59. No change.
60. 8203 ICE MFG. OR DISTRIBUTION DRIVERS
61. through 62. No change.
63. 8215 FEED, FERTILIZER, HAY, OR GRAIN DEALER & LOCAL MANAGERS, DRIVERS – NO MFG
64. 8232 LUMBERYARD NEW MATERIALS ONLY: ALL OTHER EMPLOYEES & YARD, WAREHOUSE, DRIVERS
65. through 69. No change.
70. 8273 HORSE BREEDING INVOLVING STALLIONS & DRIVERS
71. 8274 HORSE BREEDING NOT INVOLVING STALLIONS & DRIVERS
72. through 82. No change.
83. 8392 AUTOMOBILE STORAGE GARAGE, PARKING LOT OR PARKING STATION, VALET SERVICE, CASHIERS OR COUNTER PERSONNEL & DRIVERS
84. 8393 AUTOMOBILE BODY REPAIR
85. through 86. No change.
87. 8719 STEVEDORING: TALLIERS AND CHECKING CLERKS ENGAGED IN CONNECTION WITH STEVEDORE WORK
88. No change.
89. 8745 NEWS AGENT OR DISTRIBUTOR OF MAGAZINES OR OTHER PERIODICALS-NOT RETAIL DEALER- & SALESPERSONS, DRIVERS

90. through 94. No change.
95. 8835 NURSING-HOME HEALTH, PUBLIC AND TRAVELING HEALTHCARE – ALL EMPLOYEES
96. through 99. No change.
100. 9015 BUILDINGS-OPERATION-BY OWNER, LESSEE, OR REAL ESTATE MANAGEMENT FIRM: ALL OTHER EMPLOYEES
101. 9016 AMUSEMENT PARK OR EXHIBITIONS OPERATIONS & DRIVERS
102. through 114. No change.
115. 9093 BOWLING LANE
116. through 119. No change.
120. 9516 RADIO, TELEVISION, VIDEO, AND AUDIO EQUIPMENT INSTALLATION SERVICE OR REPAIR & DRIVERS
121. 9519 HOUSEHOLD AND COMMERCIAL APPLIANCES-ELECTRICAL-INSTALLATION, SERVICE OR REPAIR & DRIVERS
122. 9586 BARBERSHOP, BEAUTY PARLOR OR HAIRSTYLING SALON
123. No change.
- (e) Industry Group: Miscellaneous
1. 0106 TREE PRUNING, SPRAYING, REPAIRING, – ALL OPERATIONS & DRIVERS
2. through 12. No change.
13. 4000 SAND OR GRAVEL DIGGING & DRIVERS
14. 6811 BOATBUILDING-WOOD-NOC & DRIVERS
15. 6834 BOATBUILDING OR REPAIR & DRIVERS
16. No change.
17. 6838 BOATBUILDING OR REPAIR – FIBERGLASS ONLY – & DRIVERS
18. 6854 SHIPBUILDING-IRON OR STEEL – NOC & DRIVERS
19. No change.
20. 6884 PAINTING: SHIP HULLS
21. through 22. No change.
23. 7205 HORSE TRAINING
24. through 26. No change.
27. 7231 TRUCKING: MAIL, PARCEL OR PACKAGE DELIVERY AND COURIER OR MESSENGER SERVICE COMPANIES – ALL EMPLOYEES & DRIVERS
28. 7232 TRUCKING: MAIL PARCEL OR PACKAGE DELIVERY – UNDER CONTRACT WITH THE U.S. POSTAL SERVICE – ALL EMPLOYEES & DRIVERS
29. through 30. No change.
31. 7380 DRIVERS, CHAUFFEURS, MESSENGERS, AND & THEIR HELPERS NOC-COMMERCIAL
32. through 33. No change.
34. 7403 AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER-SCHEDULED OR SUPPLEMENTAL: ALL OTHER EMPLOYEES & DRIVERS
35. 7405 AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER-SCHEDULED OR SUPPLEMENTAL: FLYING CREW
36. 7409 AIRCRAFT OR HELICOPTER OPERATION: AERIAL APPLICATION, SEEDING, HERDING OR SCINTILLOMETER SURVEYING: FLYING CREW
37. 7420 AIRCRAFT OR HELICOPTER OPERATION: PUBLIC EXHIBITION INVOLVING STUNT FLYING, RACING OR PARACHUTE JUMPING: FLYING CREW
38. 7421 AIRCRAFT OR HELICOPTER OPERATION: TRANSPORTATION OF PERSONNEL IN CONDUCT OF EMPLOYER’S BUSINESS: FLYING CREW
39. 7422 AIRCRAFT OR HELICOPTER OPERATION: NOC- OTHER THAN HELICOPTERS: FLYING CREW
40. 7423 AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER-COMMUTER: ALL OTHER EMPLOYEES & DRIVERS
41. through 59. No change.
60. 9186 CARNIVAL, CIRCUS OR AMUSEMENT DEVICE OPERATOR-TRAVELING-ALL EMPLOYEES & DRIVERS
61. through 62. No change.