

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Deputy Director, Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Director, Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

- 59A-26.016 Requirements for Administration of Medication to Residents by Unlicensed Medication
- 59A-26.017 Training and Validation Required for Unlicensed Medication Assistants
- 59A-26.018 Plant Maintenance and Housekeeping
- 59A-26.019 Fire Protection, Life Safety, Systems Failure and External Emergency Communication
- 59A-26.020 Plans Submission and Fees Required
- 59A-26.021 Physical Plant Codes and Standards for ICF/DD
- 59A-26.022 Construction and Physical Environment Standards
- 59A-26.023 Disaster Preparedness

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

- | RULE NOS.: | RULE TITLES: |
|-------------|--|
| 59A-26.001 | Purpose and Intent |
| 59A-26.002 | Definitions |
| 59A-26.003 | License Required |
| 59A-26.004 | Classification of Deficiencies |
| 59A-26.005 | Licensure Procedure, Fees and Exemptions |
| 59A-26.006 | Responsibilities for Operation |
| 59A-26.007 | Fiscal Standards |
| 59A-26.0075 | Fiscal Prohibitions, Kickbacks and Referrals |
| 59A-26.008 | Admission Policies and Requirements |
| 59A-26.009 | Personnel Standards |
| 59A-26.010 | Training, Habilitation, Active Treatment Professional, and Special Programs and Services |
| 59A-26.011 | Dietary Services |
| 59A-26.012 | Dental Services |
| 59A-26.013 | Psychological Services |
| 59A-26.014 | Drugs and Pharmaceutical Services |
| 59A-26.015 | Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants |

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 BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

- | | |
|------------|-------------------|
| RULE NO.: | RULE TITLE: |
| 61B-79.001 | Developer, Filing |
- 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. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

(6)(a) Upon recording the cooperative documents as defined in Section 719.1035(1), Florida Statutes, or recording amendments adding phases as defined in Section 719.403(7), Florida Statutes, the developer or the association shall file the incorporation and recording information with the division within 30 working days on DBPR Form CP 6000-2, **NOTICE OF COOPERATIVE INCORPORATION/RECORDING INFORMATION**, incorporated in this rule and effective _____. Any person ~~You~~ may request a copy of the form, as well as all forms referenced in these rules, by sending a written request to the Division of Florida Land Sales, Condominiums, and Mobile Homes at the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.

(b)1. If ~~you~~, the developer or the association ~~has~~, has not already filed and the division has not reviewed and approved the recorded documents under ~~subsections~~ subsection (2) and (3) of this rule and Sections 719.502, 719.503, and 719.504, Florida Statutes, prior to recording, then the developer or association ~~you~~ shall submit a complete copy of the recorded

documents with DBPR Form CP 6000-2, NOTICE OF COOPERATIVE INCORPORATION / RECORDING INFORMATION; or

2. If the division has already reviewed and approved the recorded documents, then ~~you~~, the developer or the association, shall only file the form.

Specific Authority ~~719.1035(1)~~, 719.501(1)(f) FS.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: RULE TITLE:
61G17-9.004 Citations

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. 33, No. 13, March 30, 2007 issue of the Florida Administrative Weekly.

This change was made to address a concern expressed by the Board.

When changed, Subsection (2) shall read as follows:

(2) A licensee’s first time violation of the prohibition against practicing on a delinquent or inactive license ~~shall may~~ result in a citation ~~if the licensee fails to correct the violation in response to a notice of noncompliance~~. If a citation is issued, the licensee must pay a fine of \$1,000.00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-204.800 Federal Regulations Adopted by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 14, April 6, 2007 issue of the Florida Administrative Weekly. The date the Notice of Proposed Rule Development was published in the FAW was incorrectly stated as April 6, 2007. The correct date the Notice of Proposed Rule Development was published is February 2, 2007.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-4.002	Definitions
63E-4.005	Safety and Security
63E-4.008	Case Management
63E-4.009	Intake
63E-4.010	Orientation
63E-4.011	Youth Services
63E-4.013	Program Monitoring and Evaluation
63E-4.014	Research Projects

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. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

63E-4.002 Definitions.

For the purpose of this rule the following words shall have the meanings indicated.

(1) Admission – The admitting of a youth, committed by the court, into a specific residential commitment facility.

(2) Assessment – An evaluation of the youth to determine treatment needs. The assessment process is a gender-specific, comprehensive assessment of a youth that is based on the systematic review of all existing information and updated information secured through interviews and assessment tools. The assessment process identifies risk factors and protective factors, including the youth’s strengths, and culminates in prioritization of the youth’s criminogenic needs.

(3) Authority for Evaluation and Treatment – The document that, when signed by a parent or guardian, authorizes the department to assume responsibility for the provision of necessary and appropriate physical and mental health care to a youth in the department’s physical custody. The Authority for Evaluation and Treatment (October 2006) is incorporated by reference and is accessible electronically at http://www.djj.state.fl.us/forms/residenital_rule63E_forms.html.

~~(4)(3)~~ Balanced and Restorative Justice (BARJ) – A blueprint for putting the restorative justice philosophy into practice that involves active participation of victims, the community, and youthful offenders. The BARJ approach focuses on accountability to victims and the community, competency development, and community safety.

~~(5)(4)~~ Behavior Management System – An organized system designed to promote positive behavior through the giving or taking of rewards or privileges based on youth behavior.

~~(6)(5)~~ Case Management – The processes and procedures utilized in a residential commitment program to ensure a youth’s treatment, social, habilitative, and educational/vocational needs are implemented, evaluated, reported, and documented.

~~(7)(6)~~ Central Placement Authority – The headquarters unit responsible for coordinating, managing, and supervising the commitment placement process on a statewide basis.

~~(8)(7)~~ Commitment Manager – A department employee responsible for coordinating the placement of youth in residential commitment programs with the Central Placement Authority and the residential programs.

~~(9)(8)~~ Commitment/Transfer Packet – A compilation of legal, medical, and social history documents provided to a residential commitment program for each committed youth.

~~(10)(9)~~ Continuity of Operations Plan (COOP) – A plan that provides for the continuity of mission-essential functions of an organization in the event an emergency prevents occupancy of its primary physical plant or location.

~~(11)(10)~~ Contracted Provider – An entity contractually providing juvenile services to the department.

~~(12)(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 or residential program.

~~(13)(12)~~ Designated Mental Health Authority – A specified 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 or residential program.

~~(14)(13)~~ Direct-Care Staff – Employees whose primary job responsibility is to provide care, custody, and control of youth committed to the facility. This definition includes those who directly supervise staff responsible for the daily care, custody, and control of youth.

~~(15)(14)~~ Evidence-based Treatment and Practices – Treatment and practices which have been independently evaluated using sound methodology, including, but not limited to, random assignment, use of control groups, valid and reliable measures, low attrition and appropriate analysis. Such studies shall provide evidence of statistically significant positive effects of adequate effect size and duration. In addition, there must be evidence that replication by different implementation teams at different sites is possible with similar positive outcomes. Behavior management within the IRT facility shall be based on specific techniques that have been found to be effective with offenders younger than 13 years of age, and take into account their level of cognitive ability, emotional maturity, and other personal characteristics.

~~(16)~~ Facility Entry Physical Health Screening – A standardized initial health screening, conducted at the time of a youth's admission or re-admission to each residential commitment program. The purpose of this screening is to ensure the youth has no immediate health conditions or medical needs that require emergency services. This screening shall be conducted and documented using the Facility Entry Physical Health Screening form and the Facility Entry Physical

Health Screening Body Chart (male or female). The Facility Entry Physical Health Screening form and its accompanying Facility Entry Physical Health Screening Body Charts (February 2007) are incorporated by reference and are available electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

~~(17)(15)~~ Facility Entry Screening – The gathering of preliminary information used in determining a youth's need for further evaluation, assessment, or for referral for substance abuse, mental health, or other services through means such as psychosocial interviews, urine and breathalyzer screenings and reviews of available educational, delinquency, and dependency records of the youth.

~~(18)(16)~~ Grievance Procedure – A procedure for addressing youth grievances in residential programs.

~~(19)(17)~~ High-risk Restrictiveness Level – This is one of five statutorily authorized restrictiveness levels utilized by the courts for commitment of youth to the department. Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care and supervision. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models at this level are staff or physically secure residential commitment facilities.

~~(20)(18)(2018)~~ Institutional Review Board (IRB) – The department's management group responsible for overseeing, reviewing, and approving access to departmental records and youth in the department's care, custody, and supervision for the purpose of research.

~~(21)~~ Juvenile Justice Information System (JJIS) – The department's electronic information system used to gather and store information on youth having contact with the department. The JJIS facesheet is the youth-specific, demographic information that is generated by the department.

~~(22)(19)~~ Juvenile Probation Officer (JPO) – The officer responsible for the direct supervision of a youth in the community or on post-commitment probation or conditional release.

~~(23)(20)~~ Licensed Mental Health Professional – A psychiatrist licensed pursuant to Chapter 458 or 459, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, marriage and family therapist, or clinical social worker licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S.

~~(24)(21)~~ Orientation – The process that occurs within 24 hours of the youth's admission whereby facility staff inform the youth of the rules, expectations, services, goals of the residential program, and the means to access the Abuse Registry and Advocacy Center for Persons with Disabilities.

~~(25)~~~~(22)~~ Performance Plan – An individualized plan developed by the treatment team and youth that stipulate measurable goals the youth must achieve prior to release from the program. Performance plan goals are based on the prioritized needs identified during assessment of the youth and may be updated as appropriate. The plan identifies the youth's and staffs' responsibilities and the timelines associated with completion of each goal. The performance plan also serves as the basis for the youth's post-residential services plan since it includes the transition goals and activities identified at the transition conference conducted at least 60 days prior to the youth's anticipated release.

~~(26)~~~~(23)~~ Performance Summary – A written document used to inform the youth, committing court, youth's Juvenile Probation Officer, parent or guardian, and other pertinent parties of the youth's performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release, discharge or transfer, if applicable. The Performance Summary (September 2006) is incorporated by reference and is accessible electronically at http://www.djj.state.fl.us/forms/residentialrule63E_forms.htm.

~~(27)~~~~(24)~~ Physically Secure – The use of hardware security devices, such as fencing and locks, to ensure that all entrances and exits of the program are under the exclusive control of program staff, preventing youth from leaving the program without permission.

~~(28)~~ Predisposition Report – A multidisciplinary assessment reporting the youth's priority needs, recommendations as to a classification of risk for the youth in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the youth's needs with the minimum program security that reasonably ensures public safety.

~~(29)~~~~(25)~~ Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not exclusively limited to, non-secure detention, home detention, Intensive Delinquency Diversion Services (IDDS) programs, conditional release programs, screening and intake units, and day treatment programs.

~~(30)~~~~(26)~~ Program Director – The on-site administrator of a residential commitment program for juvenile offenders, whether state or privately operated; who is accountable for the on-site operation of the program.

~~(31)~~~~(27)~~ 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.

~~(32)~~~~(28)~~ Protective Action Response Certification – Certification awarded to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR certified are authorized to use PAR.

~~(33)~~ Pre-Release Notification and Acknowledgement – A form that allows for a residential commitment program to give prior notification to the JPO of a youth's planned release, the JPO's additional information pertinent to the release, and the court's approval of the youth's release from the program. The Pre-Release Notification and Acknowledgement (September 2006) is incorporated by reference and is accessible electronically at http://www.djj.state.fl.us/forms/residential_rule63E_forms.html.

~~(34)~~~~(29)~~ Qualified Researcher – Any person who has a Masters or Doctoral degree in a criminal justice or related field and a minimum of one year experience level proficiency in conducting research projects or designs and who has been approved through the department's Institutional Review Board (IRB) proposal process to conduct a research project with youth in the care, custody and supervision of the department.

~~(35)~~~~(30)~~ Safety and Security Coordinator – The person responsible for the oversight of the facility's safety and security program which includes, but is not limited to: facility security, fire safety and awareness, disaster preparedness, and the oversight of equipment and tool management within the facility.

~~(36)~~~~(31)~~ Sick Call Care – The health care delivery system component intended to provide care in response to episodic complaints of illness or injury of a non-emergency nature.

~~(37)~~~~(32)~~ Temporary Release – Any court-approved period of time during which an eligible youth is allowed to leave a residential program without the direct supervision of program staff or properly screened and trained interns or volunteers. The purpose of temporary release activities is to provide youth with opportunities to develop skill competencies and prepare for transition upon release or discharge from the program. Examples of temporary release include, but are not limited to, home visits and community employment.

~~(38)~~~~(33)~~ Transfer – The movement of a youth from one residential program to another, at the same restrictiveness level, a lower restrictiveness level, or a higher restrictiveness level.

~~(39)~~~~(34)~~ Transition Conference – A conference conducted at least 60 days prior to a youth's anticipated release at which the youth, residential staff, the youth's JPO and/or post-residential service provider, the youth's parent(s) or guardian(s), and other pertinent parties establish transition activities, responsibilities, and timelines necessary for the youth's successful release and reintegration into the community.

~~(40)~~~~(35)~~ Transition Planning – The process of establishing transition activities to facilitate a youth's successful release and reintegration into the community.

~~(41)(36)~~ Treatment Team – A multidisciplinary team consisting of representatives from the program’s administrative, educational, vocational, residential, medical, mental health, substance abuse, and counseling components which assesses each youth to identify needs and risk factors, develop rehabilitative treatment goals, ensure service delivery, and assess and report the youth’s progress. The youth is a member of the treatment team.

(42) Victim Notification of Release – Unless victim notification rights have been waived, a letter that a residential commitment program sends to the victim, or the next of kin in homicide cases, or the parent or legal guardian in cases involving minor victims, prior to any discharge or release, including temporary release, of a youth whose committing offense meets the criteria for victim notification pursuant to Chapter 960, F.S. The Victim Notification of Release form (September 2006) is incorporated by reference and is accessible electronically at http://www.djj.state.fl.us/forms/residential_rule63E_forms.html.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483 FS. History–New_____.

63E-4.005 Safety and Security.

(1) The Program Director of an IRT program shall designate a Safety and Security Coordinator to oversee the facility’s safety and security program and systems. The coordinator’s duties and responsibilities shall include, at a minimum, the following:

(a) Ensuring that the facility has operating procedures addressing safety and security;

(b) Ensuring that the physical plant, grounds and perimeter are maintained so that the environment is safe and secure for youth, staff, visitors and the community;

(c) Conducting the program’s internal security audit on a monthly basis per the facility operating procedure and ensuring overseeing follow-up corrective action occurs within 30 days as needed;

(d) Conducting internal safety inspections on a monthly basis per the facility operating procedure and overseeing follow-up corrective action as needed;

(e) Working with the Program Director and other program staff to develop corrective actions warranted as a result of safety and security deficiencies found during any reviews, audits, or inspections, and overseeing implementation of actions that ensure the deficiencies are corrected and appropriate systems are in place to maintain compliance;

(f) Serving as, or working cooperatively with, the program’s Disaster Coordinator and Continuity of Operations Plan (COOP) Coordinator in planning for, practicing and, if necessary, mobilizing the program’s Disaster Plan and/or COOP, and

(g) Ensuring that staff are sufficiently trained on any safety and security procedures and appropriate use of security features and equipment commensurate with their job duties.

(2) Physical security features for an IRT program shall meet the requirements the department has established for programs designated as high-risk. The required physical security features include a security fence of at least 12 feet in height with an inside overhang or razor wire; electronic door locks with manual override on entry, exit, and passage doors; a closed circuit video taped television surveillance system with inside and outside cameras; a sally port with intercom; an electric or manual secure pedestrian gate with intercom capability; secure windows that are break-resistant or screened glass; sleeping room doors that open outward; exterior security lighting; electronic search equipment; and radio or cell phone communication devices for staff.

(3) Direct-care staffing for an IRT program shall be based on the high-risk level of the resident population. At a minimum, the staff to youth ratio is 1 staff to 9 youth during the awake shifts, 1: 12 during the sleep shift and 1:5 for off campus activities.

(4) The program shall institute a tool management system to prevent youth from using equipment and tools as weapons or a means of escape. Tool management shall address, at a minimum:

(a) Inventorying tools and procedures addressing missing tools;

(b) Storing tools;

(c) Training youth to use tools appropriately and safely;

(d) Issuing tools to youth and staff;

(e) Training staff on procedures and on appropriate and safe tool usage;

(f) Replacing and disposing of dysfunctional tools (in disrepair or unsafe condition); and

(g) Assessing youth to determine whether they may participate in vocational training, work projects, public service, or disciplinary work activities that involve the use of tools.

(5) The program shall maintain strict control of flammable, poisonous, and toxic items. At a minimum, the program shall:

(a) Maintain a complete inventory of all such items used in the facility.

(b) Maintain a current list of personnel identified by position, title or function, who are authorized to handle these items.

(c) Not allow youth to handle these items and restrict their access to areas where these items are being used.

(d) Dispose of hazardous items and toxic substances or chemicals in accordance with OSHA standards.

(e) Maintain Material Safety Data Sheets (MSDS) on site as required by OSHA.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483 FS. History--New_____.

63E-4.008 Case Management.

(1) The treatment team shall assess each youth; develop appropriate performance plan and transition plan goals, and conduct treatment team meetings to review each youth's progress in the context of the Balanced and Restorative Justice (BARJ) approach. Residential case management shall address the three BARJ components:

- (a) Accountability;
- (b) Competency Development; and
- (c) Community Safety.

(2) Admission to the IRT program shall occur Monday through Friday between 8 A.M. and 5 P.M. unless otherwise specified in the contract. Youth admitted to the IRT shall have their commitment packets reviewed to ensure all required documents are intact prior to youth orientation. Missing documents shall be obtained from the youth's Juvenile Probation Officer. The core documents required are:

- (a) ~~JJIS DJJ~~ expanded facesheet;
- (b) Current commitment order;
- (c) Pre-disposition report;
- (d) Commitment conference summary; and

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

1. The current original Authority for Evaluation and Treatment;
2. Comprehensive physical assessment;
3. Immunization records; and
4. Tuberculosis skin test (Mantoux) results, unless contraindicated.

(3) Staff shall be notified through verbal communication and written documentation in the logbook when a new admission is scheduled to arrive. Internal notification shall include the youth's name, date and time of arrival, mode of transportation, medical and mental health needs and any safety/security risks. The designated health authority shall be notified of the admission of any youth with medical problems, regardless of the youth's condition upon admission. Confidentiality of all medical information shall be ensured and, if applicable, confidentiality of a youth's positive test results for the Human Immunodeficiency Virus (HIV) shall be maintained in accordance with Section 381.004, F.S., Section 384.30, F.S., and Rule 64D-2.003, F.A.C. (8-24-99) state law.

(4) When a youth is admitted to the IRT program, the program shall take the following steps:

(a) Within 24 hours of any admission, the residential commitment program shall update the JJIS Bed Management System or notify the designated regional Commitment

Manager. The only exception to this 24-hour requirement is when the youth is admitted on a holiday, a weekend or a Friday afternoon wherein contact with the commitment Manager shall be made the first regular workday of the following week.

(b) Parents or guardians of the youth shall be notified by telephone within 24 hours of the youth's admission with written notification from the Program Director being sent within 48 hours of admission.

(c) The committing court shall be provided written notification of the youth's admission within 5 working days of the admission.

(d) Copies of the letter sent to the committing court will suffice as official notification to the youth's JPO and, if known at the time of admission, the youth's Post-residential Services Counselor (the person supervising the youth's post-commitment probation or conditional release after residential placement).

(5) The IRT program shall establish multidisciplinary treatment teams to plan and manage each youth's case and ensure services that meet individualized needs. Treatment teams shall be multidisciplinary in membership to include, at a minimum, representatives from program administration, direct care staff, and treatment staff to represent areas such as education, vocational, medical, mental health, and recreation, as needed. The youth shall also be a member of the treatment team. The role of the treatment team is to participate in the following processes:

- (a) Assessment of the youth;
- (b) Development and implementation of the youth's performance plan;
- (c) Active participation in progress reviews and treatment team meetings;
- (d) Development of performance summaries; and
- (e) Development of the youth's transition plan.

(6) Assessment of the youth shall be completed within the first 30 days of admission to the program. The treatment team, with the youth, shall identify:

(a) Risk factors that pre-dispose a youth to antisocial behavior and, if effectively addressed, would decrease the youth's likelihood that he or she will engage in antisocial behaviors; and

(b) Strengths and protective factors that, if effectively promoted, would build the youth's resiliency and decrease the likelihood that he or she will engage in antisocial behaviors.

(7) Areas of assessment shall include, at a minimum, the following:

(a) Relationships to include family relationships (parents, legal guardians, siblings, grandparents, delinquent youth's children), peer relationships (pro-social peers, isolation from pro-social peers, and antisocial peers), dating relationships, relationships with significant adults other than family or legal guardians, and relationship boundaries;

- (b) Academic skills;
- (c) Employability and/or vocational skills;
- (d) Substance abuse;
- (e) Mental health;
- (f) Life skills;
- (g) Social skills;
- (h) Leisure and recreational interests;
- (j) Physical health;
- (k) Sexual development;
- (l) History of sexual abuse, physical abuse, domestic violence, emotional abuse, neglect, and/or abandonment;
- (m) Specialized needs and abilities;
- (n) Delinquency history and status;
- (o) Responsibility for criminal actions and harm to others;
- (p) Community involvement and connections; and
- (q) Court ordered sanctions and treatment recommendations.

(8) The program shall file and maintain any completed assessment and all reassessment results in the youth's individual management record.

(9) All youth admitted shall have a performance plan developed within 30 calendar days of admission to the program. The performance plan goals shall be measurable, individualized, and based upon prioritized needs that reflect the risk and protective factors identified during the initial classification process. The plan shall identify the youth's responsibilities to accomplish the goals, and the responsibilities of staff to enable the youth to accomplish their goals. It shall also set timelines for the completion of each goal. The treatment team shall revise a youth's performance plan based on reassessment results, a youth's demonstrated progress or lack of progress on a goal or goals, newly acquired or revealed information, or demonstration of antisocial behavior not yet addressed or insufficiently addressed.

(10) At a minimum, the youth, the treatment team leader, and all other parties who have significant responsibilities in goal completion shall sign the performance plan. Within 10 working days a copy will be provided to the following, and the youth's individual management record must document the date the performance plan was sent:

- (a) Youth case file- original;
- (b) Committing court;
- (c) Juvenile Probation Officer;
- (d) Parent or guardian;
- (e) DCF, if applicable.

(11) Progress reviews. The treatment team is responsible for bi-weekly reviews for youth. Of these two reviews each month, one shall be formal and the other can be informal. A formal review involves a meeting of the treatment team to discuss the youth's progress. Informal reviews can consist of

the treatment team leader meeting only with the youth. At a minimum, progress review documentation shall include the following elements:

- (a) Youth's name;
- (b) Date of the review;
- (c) Youth's progress in the program; and
- (d) Any comments from the treatment team members, including direct care staff and the youth.

(12) Performance summaries shall be completed every 90 days beginning 90 days from the signing of the youth's performance plan, unless the committing court requests monthly performance summaries, in which case the performance summary shall be completed every 30 days beginning 30 days following completion of the performance plan. Areas that shall be addressed in the performance summary include, but are not limited to:

- (a) The youth's status on each performance plan goal;
- (b) The youth's academic status;
- (c) The youth's behavior, including:
 1. Initial adjustment to program;
 2. Level of motivation and readiness for change;
 3. Interactions with peers;
 4. Interactions with staff;
- (d) The youth's overall behavior adjustment; for youth receiving mental health or substance abuse services, their progress shall be addressed ~~in a manner that complies with the confidentiality requirements set forth in both state and federal statutes;~~
- (e) Significant incidents (positive or negative); and
- (f) The justification for a request for release, discharge or transfer, if applicable.

(13) The staff member who prepared the summary, the treatment team leader, the Program Director or designee, and the youth shall review, sign and date the performance summary. Program staff shall give the youth the opportunity to add comments to the performance summary prior to signing it. Within 10 working days the program shall distribute the performance summary to the:

- (a) Committing court,
- (b) Youth's JPO,
- (c) Parents or guardians; and
- (d) Other pertinent parties.

(14) If the performance summary is notification of the program's intent to release or discharge a youth, the residential program shall send the original of the release or discharge summary, together with the Pre-Release Notification form, to the youth's JPO (rather than directly to the court). The program shall place the original performance summaries and copies of the youth's release or discharge summary and the Pre-release Notification form in the youth's individual management record.

(15) Transition Planning. The program shall begin planning for the youth's transition back to the community upon admission to the program. It is critical that all parties involved with the youth communicate with each other on a regular basis to ensure information is transferred in a timely manner, and job tasks related to the youth's transition are assigned and completed within the designated timeframes.

(a) The residential commitment program is responsible for the timely notification of a youth's release from the program to the youth's JPO and other pertinent parties. Notification of Release form shall be sent to the youth's JPO at least 45 days prior to the youth's targeted transition date (90 days prior for sex offenders). No section of this form can be left blank and all arrangements made for the youth must be clearly stated on this form.

(b) Prior to a youth's release, the program shall conduct a transition conference to plan and assign responsibilities for transition activities necessary to facilitate the youth's successful reintegration into the community. Transition activities established during the transition conference, together with the associated responsibilities and timelines for completion, shall be documented on the youth's performance plan. The youth's treatment team leader or designee shall coordinate with the youth's JPO and Post-residential Services Counselor (if different than the JPO) to schedule the transition conference. The transition conference shall be conducted not less than 60 days prior to the youth's targeted release date.

(c) At a minimum, the Program Director or designee and the youth's treatment team leader shall represent the program at the exit conference. In the event other members of the youth's treatment team are unable to attend, they shall provide input to the treatment team leader prior to the conference. The program shall invite the JPO, Post-residential Services Counselor (if different than the JPO), and parent or guardian to the exit conference. The youth shall also be in attendance at the conference. The residential program shall send a youth's complete official case record, including the cumulative individual healthcare record, to the JPO within five (5) working days of the youth's release.

(16) Transfers to other residential programs shall be accomplished as follows:

(a) Transfers may be requested for the following reasons:

1. The youth has committed new law violations. If the request for transfer is based solely on a new law violation, the program shall notify the Transfer Administrator immediately if the charges are not petitioned, not prosecuted, dismissed, or the youth is found not guilty, and the transfer shall be immediately revoked;

2. The youth has demonstrated continued non-compliance with program rules even though the program has made reasonable efforts to intervene and manage the behavior;

3. The treatment needs of the youth have changed, and the program does not have the capacity to meet those needs;

4. The youth is a member of a criminal street gang and needs to be separated from other gang member(s) in the program;

5. The youth has reached 14 years of age;

6. The program has determined that a transfer is necessary to protect the public; or

7. The program is closing or reducing capacity.

(b) The program requesting the transfer shall submit a request for transfer to the Regional Transfer Administrator. This request shall list the specific violations or reasons for the request.

(c) The program shall send written notification of the date, time and location of the transfer staffing to the youth's parent(s) or legal guardian(s), copying the youth, the youth's JPO, the DCF Foster Care Worker, if applicable, and any attorneys of record including the defense attorney and the appropriate state attorney. A copy of the transfer Performance Summary that includes the specific violations or reasons for transfer shall be attached to the notification letter.

(d) If the youth's transfer is denied, the youth shall stay in the program or return to the program (if in detention).

(e) If the youth is approved for transfer the program shall ensure the youth's records and property are taken to the detention center if the youth is securely detained. If the youth is not detained, the program shall arrange transportation of the youth and their records and property to the receiving program.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483(11) FS. History--New_____.

63E-4.009 Intake.

(1) Youth intake will commence upon the arrival of the youth to the facility. The following activities shall occur during intake:

(a) A strip search of youth being admitted to the IRT is required. The strip search of the youth shall be conducted upon arrival to the facility as follows:

1. The strip search shall be conducted in a private room with two staff members present, both of the same sex as the youth being searched. As an alternative when two staff of the same sex are not available, the search can be conducted by one staff of the same sex, while staff of the opposite sex is positioned to observe the staff person conducting the search, but cannot view the youth.

2. Strip searches shall be conducted visually, without touching the unclothed youth.

(b) The intake process shall document visible body markings, i.e. scars, bruises, tattoos, or other physical injuries. This may be accomplished when staff conduct a strip search, during the physical screening, or when the youth showers.

(2) The following entry screenings shall be completed immediately upon a youth's admission to a program. These screenings are used to ensure that the youth has no emergency medical, mental health, or substance abuse conditions of a nature that render admission unsafe.

(a) The Facility Entry Physical Health Screening may be conducted by non-medical program staff responsible for youth intake. This screening is conducted to identify physical health needs requiring attention.

(b) The Mental Health Screening may be conducted by non-clinical program staff responsible for youth intake. This screening is conducted to identify mental health needs requiring attention. Either the MAYSI-2 or clinical mental health and clinical substance abuse screening must be administered upon each youth's admission to a residential commitment. Direct care staff trained in its administration may conduct MAYSI-2 screening. A Clinical mental health screening must be conducted by a licensed mental health professional and clinical substance abuse screening must be conducted by a qualified substance abuse professional as defined in Section 397.311(25)(24), F.S., and in accordance with subsection 65D-30.003(15), F.A.C. (12-12-05), using valid and reliable screening instruments.

(c) The Substance Abuse Screening may be conducted by non-clinical program staff responsible for youth intake.

(3) Unless a youth is being admitted into a program directly from secure detention, a correctional facility, or another program, a shower, including shampooing hair, is required.

(a) An ectoparasiticide or an ovicide may be used routinely for all new admissions if the program's designated health authority deems it appropriate, if it is used in accordance with current standards of clinical practice guidelines, and if it is not contraindicated. In the absence of such a routine protocol approved by the designated health authority, an ectoparasiticide and an ovicide shall not be routinely used, and shall be used only if an infestation with lice or scabies is present and use is ordered by the designated health authority, is in accordance with current guidelines, and is not contraindicated.

(b) Two staff of the same gender as the youth shall supervise the newly admitted youth during this shower.

(4) Clothing that is appropriate for size and climate shall be issued to each youth consistent with the program's dress code.

(5) Upon admission to a program, staff shall conduct an inventory of the youth's personal property. The property shall be listed on a personal property inventory form and the youth shall sign the form, attesting to its accuracy.

(a) A filed copy of the youth's personal property inventory shall be maintained.

(b) A copy of the inventory shall be available to the youth's parents or guardians if requested.

(c) Clothing not meeting dress code requirements shall be sent to the youth's home or stored until the youth's release from the program.

(d) All money, jewelry ~~valued at \$50 or more~~, and other items of ~~apparent~~ value shall be secured in a locked area immediately upon the youth's arrival at the program and shall be documented on a personal property inventory form.

(6) All contraband such as weapons and narcotics, excluding narcotics that are verified as having been prescribed for a medical condition, shall be confiscated by the Program Director or designee for disposal or storage, with all illegal contraband submitted to the law enforcement agency having local jurisdiction.

(7) Any medications brought into the residential commitment program when the youth is admitted shall be in the original container issued by the pharmacist with a current and complete label. The program shall verify by telephone the legitimacy of the prescription and the contents of the container with the issuing pharmacist or the prescribing physician. If the prescribing physician or dispensing pharmacist is not available, the program shall contact its designated health authority to provide verification. This verification contact shall be recorded in the youth's individual management record. If the youth is arriving from a juvenile or adult detention center or another residential program where the prescription has already been verified, further verification is not required.

(8) Based on a review of all documentation and interactions with the youth, the Program Director or designee shall make an initial classification of the youth for purposes of room or living area assignment within the program. To determine the offender's risk of escape, the program shall use, at a minimum, the Predisposition Report and face sheet (in JJIS) to secure information about the youth's past history of escapes and escape attempts. Assignment to a group or staff advisor shall also be based on this initial classification. If the program has an orientation unit that houses newly admitted youth, a copy of the classification form shall be sent to the orientation unit. Factors to consider when classifying the youth shall include, but are not limited to:

- (a) Sex;
- (b) Age;
- (c) Size;
- (d) Emotional maturity;
- (e) Gang affiliation;
- (f) Medical or mental health problems;
- (g) History of violence;
- (h) Sexual aggression;
- (j) Predatory behavior;
- (k) Risk of escape and risk to the public; and
- (l) Skill levels; ~~and~~

~~(m) Current assessment under the Prison Rape Elimination Act for youth vulnerability and/or sexually aggressive behavior.~~

(9) When mental health, substance abuse, physical health, security risk factors, or special needs related to a newly admitted youth are identified during or subsequent to the classification process, this information shall be immediately entered into the program's in-house alert system and the Juvenile Justice Information System (JJIS) alert system.

(10) The program shall ensure that a current photograph and critical information are obtained and easily accessible for use in verifying the youth's identity as needed during his or her stay in the program. The program shall ensure that a current photograph of each youth is maintained in the individual management record and the individual healthcare record. A photograph shall be made available to law enforcement or other criminal justice agencies to assist in apprehending a delinquent youth in the event of escape. The program may store this critical information electronically, however, a hard copy of the information on each youth shall be maintained in an administrative file that is easily accessible and mobile in the event of an emergency situation that results in the program having to relocate quickly or in the event the information is needed when the computer is inoperative. The critical information shall include, but not be limited to, the following:

- (a) Youth's full name, ~~Social Security number~~, and DJJ ID number;
- (b) Admission date;
- (c) Date of birth, gender, and race;
- (d) Name, address, and phone number of parent(s) or legal guardian;
- (e) Name, address, and phone number of the person with whom the youth resides and his or her relationship to the youth;
- (f) Person(s) to notify in case of an emergency (and contact information);
- (g) JPO's name, circuit/unit, and contact information;
- (h) Names of committing judge, state attorney, and public defender (or attorney of record) with contact information on each;
- (j) Committing offense and judicial circuit where offense occurred;
- (k) Notation of whether or not the judge retains jurisdiction;
- (l) Victim notification contact information, if notification is required;
- (m) Physical description of youth to include height, weight, eyes and hair color, and any identifying marks;
- (n) Overall health status, including chronic illnesses or allergies; and
- (o) Personal physician (if known).

~~(11) Consistent with departmental procedures addressing participation in the National School Lunch and Breakfast Program, residential commitment program staff of state-operated programs and contracted programs that are classified as not-for-profit programs shall complete an Individual Determination Report form for each youth admitted to the program to ensure the youth is eligible to participation in the National School Lunch and Breakfast Program.~~

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483(8), (10) FS. History--New_____.

63E-4.010 Orientation.

(1) Youth admitted to the IRT program shall receive orientation to the program within 24 hours of admission.

(2) Orientation to the program shall include the following:

(a) Review of expectations, program rules and the behavior management system. This information shall be conspicuously posted including all program rules, schedules and youth responsibilities to allow easy access for staff and youth. Program staff shall discuss with each youth:

- 1. Services available;
- 2. Daily schedule;
- 3. Expectations and responsibilities of youth;
- 4. Written rules governing conduct;
- 5. Written behavioral management system and possible disciplinary actions;
- 6. Availability of and access to medical and mental health services;

(b) Items considered contraband. Youth shall be advised that bringing illegal contraband into the program or possessing illegal contraband while in the program is a violation of law for which the youth may be prosecuted;

(c) Performance planning process that involves the development of goals for each youth to achieve;

(d) Program's dress code for youth and hygiene practices;

(e) Program's procedures on visitation, mail, and use of the telephone;

(f) Anticipated length of stay in the program and what the youth must do in order to successfully complete the program and be eligible for release. Staff should also explain that the youth must complete each performance plan goal in order to be recommended for release from the program and that the release decision is ultimately up to the committing court;

(g) High-risk commitments are restricted to necessary, supervised off-campus activities, i.e. health and court-related activities. However, during the final 60 days of their residential stay and with court approval, youth in high-risk programs may be granted permission to leave the facility.

(h) Program's youth grievance procedures.

(j) How to access the Abuse Registry and Advocacy Center for Persons with Disabilities.

~~(k)(+)~~ What to do in the case of an emergency, including procedures for fire drills and building evacuation.

~~(l)(+)~~ Ensure that each newly admitted youth is familiar with the physical design of the facility, advising the youth which areas are accessible and which are not accessible to youth.

~~(m)(+)~~ Room Assignment. Shall introduce each newly admitted youth to other program staff and youth. The youth shall be informed of any assignments to a staff advisor and youth group, if applicable. In addition, each youth shall be assigned to a treatment team.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483 FS. History--New_____.

63E-4.011 Youth Services.

(1) Each program is expected to promote youth competency development in life skills such as:

(a) Recognizing and avoiding high-risk situations that could endanger self or others;

(b) Controlling impulsive behaviors;

(c) Coping;

(d) Decision-making;

(e) Problem-solving;

(f) Organizing;

(g) Planning;

(h) Managing time; and

(j) Searching and applying for jobs, job interviewing, and engaging in behaviors appropriate for work situations.

(2) Each program shall promote youth competency development in social skills to help them interact positively and constructively with others. Social skills include, but are not limited to:

(a) Communicating effectively and constructively;

(b) Recognizing emotional cues from others;

(c) Improving relationship skills, such as differentiating positive and negative relationships; establishing positive relationships and avoiding negative ones; understanding relationship dynamics to include gender differences, relationship boundaries, dating relationships and behaviors, peer relationships, family relationships, relationships with employers and other authority figures, and relationships with other significant adults;

(d) Differentiating and appropriately responding to social contexts; and

(e) Engaging in constructive dialogue and peaceful conflict resolution.

(3) The residential program shall offer Impact of Crime classes or group sessions to youth committed to the intensive residential treatment program. The curriculum shall be conducted by a facility employee who has successfully completed the Impact of Crime and restorative justice training conducted by the department. ~~Staff shall be trained in the~~

~~principles of restorative justice and how to apply those principles to the IRT.~~ The classes are intended to assist the youth to:

(a) Develop remorse and empathy through understanding of how various crimes harm victims and communities;

(b) Accept responsibility for past criminal actions;

(c) Develop realistic strategies to address the harm they caused;

(d) Peacefully resolve conflict;

(e) Learn to bond with positive people in healthy relationships; and

(f) Contribute to the community.

(4) Participation in the educational program is mandatory for students of compulsory school-attendance age, as defined in Section 1003.21, F.S. For programs operated by private providers, the school district may provide educational services directly or may contract with a private provider to deliver its own educational program.

(5) The educational program at the IRT shall establish an educational and prevocational training component consistent with juvenile justice education standards that includes:

(a) Basic Achievement Skills Inventory (BASI) or other common assessment tools identified by the Florida Department of Education;

(b) Performance plan goals (student outcomes) focused on post-placement needs. Based on the student assessment and identification of youth's needs, performance goals (educational, prevocational training outcomes) must be developed in conjunction with the youth. Performance goals must target educational and prevocational services that will assist the youth in acquiring the skills most needed to increase success upon release from the residential program to the community;

(c) Educational and prevocational or vocational curricula that are approved by the local school district, reviewed and revised at least annually and as needed based on skill acquisition demonstrated by youth in pre-testing and post-testing.

~~(d)~~ Educational staff shall be qualified, competent and trained in the residential program's philosophy, treatment approach(es), behavior management system, and other treatment components of the program, as well as program safety and security procedures. They shall be trained specifically on how to work effectively with the program's young population.

~~(e)~~ They shall also be trained in how to integrate support services with instruction and in the local school districts' funding procedures for accessing resources. Educational staff shall receive in-service training in areas including but not limited to instructional delivery, understanding youth behavior and learning styles, and processes and procedures commonly used in juvenile justice educational programs.

(f) The educational program shall provide for the testing and provision of special education services to youth requiring these services.

(6) IRT program shall provide opportunities for youth to participate in recreation, leisure and physical fitness activities that are appropriate for pre-adolescents. Such activities shall be scheduled and reflected on the program's daily activity schedule. Youth shall be provided the opportunity for daily recreational activities, one hour of which allows the youth to engage in large muscle activity. In addition to structured outdoor recreational activities or activities in a gymnasium, the program shall provide activities that are non-physical in nature, such as board games, reading, art projects, and other such activities.

(7) Content of television programming, videos, movies, and video games shall be age appropriate and shall not promote violence, criminal activity, sexual situations, abusive situations, or inappropriate language. Program staff shall not allow youth to view television, videos, or movies that are rated above PG.

(8) Programs allowing youth to participate in water related activities shall have a water safety plan, which at a minimum, shall address the following:

- (a) Age and maturity of the youth who will participate;
- (b) Identification of swimmers and non-swimmers;
- (c) Special needs youth;
- (d) Type of water in which the activity is taking place (pool or open water);
- (e) Water conditions (clarity, turbulence, etc.) ;
- (f) Bottom conditions;
- (g) Lifeguard-to-youth ratio and positioning of lifeguards; and
- (h) Equipment needed for the activity.

(9) Off-Campus Activities. Youth committed to high-risk level commitment are restricted to necessary, supervised off-campus activities, i.e. health and court-related activities. During the final 60 days of their residential stay and with court approval, youth in high-risk programs may be granted permission to leave facility grounds (supervised and, under limited circumstances, unsupervised) to engage in transitional activities (enrollment in school, performance of community service, and home visits of no more than 72 hours). A risk assessment shall be conducted on all youth prior to any off campus activity.

(10) The Program Director shall ensure access to and provision of physical health services to all youth committed to the program. The health care delivery system shall include the following components:

- (a) Intake Screenings and Assessments (also known as "routine medical and dental screening and evaluation") upon entry and at other specified times;

~~(b) Follow-up assessments when requested by the youth or facility medical personnel, with at specified intervals (also known as "periodic evaluations") and ongoing treatment by licensed health care professionals as required by the presence of a chronic condition, a change in a youth's physical or mental health status, or the initiation of a new medication or medical regimen;~~

- ~~(c) Episodic care including first aid and/or emergency care~~
- ~~(d) Sick call care;~~

~~(e) Medication management systems that facilitate the safe, effective, and documented storage and administration of medications, both prescription and over-the-counter, for acute or ~~and~~ chronic physical, mental, and dental health conditions;~~

~~(f) Infection control measures to prevent the spread of disease;~~

- ~~(g) Age appropriate health education;~~
- ~~(h) Transitional healthcare planning; and~~
- ~~(j) Health care documentation system.~~

(11) The IRT shall have a designated health authority defined as the physician (MD or DO licensed pursuant to Chapter 458 or 459, F.S.) who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of health care within the facility.

(12) The Program Director shall ensure access to and provision of mental health services to all youth committed to the program. The mental health care delivery system shall include the following components:

(a) Mental health and substance abuse screening upon admission to determine if there are any immediate mental health or substance abuse needs;

(b) Comprehensive mental health and substance abuse evaluation or updated comprehensive evaluations for those youth identified by screening as in need of further evaluation;

(c) Access to and provision of mental health and substance abuse services, including psychotherapeutic intervention (primarily individual, group, and family counseling and psychosocial or psychoeducational skills training) and medical/somatic intervention (primarily administration and management of psychotropic medication), for youth in need of mental health and/or substance abuse treatment;

- (d) Crisis intervention and suicide prevention services;

(e) Specialized services for non-routine situations where additional mental health expertise is needed, such as sex offender treatment or pharmacological treatment; and

- (f) Emergency mental health and substance abuse care.

(g) A designated mental health authority will be accountable to the Program Director for ensuring that mental health services are appropriately provided in the IRT. This person shall be a licensed mental health professional (psychiatrist licensed pursuant to Chapter 458 or 459, F.S., psychologist licensed under Chapter 490, F.S., mental health counselor, clinical social worker or marriage and family

therapist licensed under Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S.). A licensed mental health staff shall directly supervise unlicensed mental health staff.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483(9) FS. History–New_____.

63E-4.013 Program Monitoring and Evaluation.

(1) Periodic reviews by the DJJ regional residential monitor shall be conducted to ensure that quality services are provided, departmental standards are maintained, and departmental policies, related statutes, and rules are followed in contracted and state-operated programs. Monitoring is conducted monthly, quarterly, or semi-annually, based on risk factors determined in an annual assessment by the residential monitor. If there are major deficiencies noted in the residential monitor’s site visit summary, the program shall submit an outcome-based corrective action plan (OBCAP) to the designated DJJ regional residential monitor.

(2) Security Audit. The DJJ region’s security monitor shall conduct an audit of safety and security measures at least annually. The program shall develop a corrective action plan as instructed by the regional security monitor to address any non-compliance issues included in the security audit report. If the security monitor performs a Pre-Operational and Post-Operational Review or Quality Assurance program audit, that may be substituted as the annual security audit.

(3) For new programs or programs undergoing a change in provider, an on-site review will be conducted 30 to 45 days prior to the anticipated date of youth into the program. The review shall determine whether the program has the trained staff, policies, procedures, equipment, and supplies in place sufficient to begin accepting youth into the program. A favorable review will result in a Letter of Operation being issued by the department, authorizing the facility to begin admitting youth.

(4) A second on-site review is conducted 60 to 90 days after the facility commences operations to confirm full compliance in areas found in partial or non-compliance during the Pre-Operational Review to ascertain readiness to continue operations, and to determine additional programming needs.

(5) In some cases where federal funds are involved, audits may be conducted according to federal requirements. Other reviews or audits may be required per contract ~~or departmental policy or as determined necessary by the department. For example, a Program Administrative Review may be conducted in a program by designated regional staff when the Assistant Secretary for Residential and Correctional Facilities determines a more detailed review of an incident is required. Also, an investigation may be conducted by the DJJ Inspector General’s staff when determined necessary.~~ In addition, there may be inspections or reviews required locally, for example, by the county.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483(8)-(9) FS. History–New_____.

63E-4.014 Research Projects.

(1) All research project requests must follow the department’s Institutional Review Board Research Proposal Review Process, prior to any contact with youth. The Institutional Review Board Research Proposal Review Process is the procedure the department utilizes to accept or deny research projects submitted to the department for consideration. The membership of the Board consists of employees from all branches and units of the department who review proposed research designs to be conducted at department sites. The Board is chaired by staff from the department’s Bureau of Research and Data.

(2) No research project involving contact with youth or access to confidential information is authorized without the department’s Institutional Review Board (IRB) and the Secretary’s permission. Prior to any research project involving youth in the department’s custody, the research project’s lead researcher shall obtain permission from the youth and the youth’s parents or legal guardian.

(3) The principal investigator of any research project shall meet the department’s definition of a qualified researcher as defined by this rule.

Specific Authority 985.483, 985.64 FS. Law Implemented 985.483(11) FS. History–New_____.

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:	RULE TITLES:
63H-2.002	Definitions
63H-2.003	Contracted Residential Staff
63H-2.004	Contracted Non-Residential Staff
63H-2.005	State Residential Staff
63H-2.006	State Non-Residential Staff
63H-2.007	Detention Staff

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. 33, No. 4, January 26, 2007 issue of the Florida Administrative Weekly.

63H-2.002 Definitions.

(1) Academy – A department approved training site where Phase II certification training occurs.

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

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

~~(4)(3)~~ Certified Staff – Direct care staff in facilities/units who have completed the certification requirements set forth in Section Rules 63H-2.005, 2.006 and 2.007, F.A.C.

~~(5)(4)~~ Daily Observation Report (DOR) – The document used to formally evaluate and provide feedback on the newly hired staff’s performance and knowledge to ensure the staff has achieved or exceeded satisfactory performance.

~~(6)(5)~~ Department – Florida Department of Juvenile Justice.

~~(7)(6)~~ Detention Staff – State or contracted direct care staff assigned to work at a detention facility.

~~(8)(7)~~ Direct Care Staff – Having direct contact with youth for the purpose of providing care, supervision, custody, or control in a detention facility, probation unit, day treatment program or commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

~~(9)(8)~~ Field Training Officer (FTO) – Refers to an employee who has successfully completed the Field Training Officer course.

~~(10)(9)~~ In-Service Training – The on-going training that employees are required to receive in all but the first year of their employment. Such training must be documented and relevant to the employee’s job responsibilities as set out in this rule.

~~(11)(10)~~ ITW – The 80-hour Instructor Techniques Workshop.

~~(12)(11)~~ Non-Residential Staff – State or contracted direct care staff assigned to work in a non-residential environment, including probation and day treatment programs.

~~(13)(12)~~ On the job training – Training on specific skills based on pre-service/Phase I topics that is conducted by an FTO and/or administrative staff.

~~(14)(13)~~ Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with the PAR Rule (Chapter 63H-1, F.A.C.), the PAR Escalation Matrix, and PAR training curricula.

~~(16)(14)~~ PAR Certification – The status attained upon successful completion of PAR training pursuant to Chapter 63H-1, F.A.C.

~~(16)(15)~~ Phase I Training – The initial portion of the certification training process, applicable to state direct care staff, that is conducted at the workplace.

~~(17)(16)~~ Phase II Training – A part of the certification training process, applicable to state direct care staff, that is conducted at an academy.

~~(18)(17)~~ Pre-Service Training – The initial training for newly hired contracted direct care staff that is conducted after hire but before they become direct care staff.

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

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

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

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

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

63H-2.003 Contracted Residential Staff.

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

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

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

1. PAR training as required by Rule Chapter 63H-1, F.A.C.
2. CPR/First Aid
3. Professionalism and ethics
4. Suicide prevention
5. Emergency procedures
6. Mission/Program philosophy/ Program culture
7. Adolescent behavior
8. Confidentiality/ HIPPA
9. Infection control/Blood borne pathogens
10. Gangs
11. Safety, security, and supervision
12. Cultural competency
13. Behavior management
14. DJJ: The organization
15. Mental health and substance abuse services
16. Sexual harassment
17. Communication skills

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

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

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

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

- (c) Professionalism and ethics training
- (d) Suicide prevention training
- (e) Emergency procedure training

(3) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training ~~will~~ ~~may~~ grant ~~an~~ 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

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

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

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

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

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

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

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

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

(d) Professionalism and ethics

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

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

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

- (a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.)
- (b) CPR/First Aid certification (if not current).
- (c) Overview of facility/program operating procedures.

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

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

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

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

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

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

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

63H-2.004 Contracted Non-Residential Staff.

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

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

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

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

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

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

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

- (a) PAR trained;
- (b) CPR/First aid certified;
- (c) Professionalism and ethics training;
- (d) Suicide prevention training;
- (e) Emergency procedures training.

(3) Upon request by a Regional Director, the Director Assistant Secretary for Staff Development and Training will ~~may~~ grant an 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

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

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

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

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

(5) ~~During each year, beginning on the first anniversary of hire,~~ Contracted non-residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed pre-service training.

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

- (a) PAR update (Chapter 63H-1, F.A.C.).
- (b) CPR.
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification.
- (d) Professionalism and ethics.

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

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

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

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

- (b) CPR/First Aid/AED certification (if not current).
- (c) Overview of facility/program operating procedures.

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

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

(12) Documentation procedures are as follows:

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

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

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

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

63H-2.005 State Residential Staff.

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

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

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

- 1. Orientation training;
- 2. Information security awareness;
- 3. DJJ residential facility operations (to include training on the unit log, admissions, releases, and transfers);
- 4. PAR;
- 5. CPR/First Aid;
- 6. Mental health and substance abuse services;
- 7. Safety, security, and supervision;
- 8. Legal;
- 9. DJJ: The organization;
- 10. Gang awareness;
- 11. Interpersonal/Communication skills;
- 12. Case management in residential facilities.

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

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

- 1. Restorative justice;
- 2. Professionalism and ethics;
- 3. Adolescent behavior;
- 4. Health care;
- 5. Effective written communication;

6. Mental health;
7. Suicide recognition, prevention, and intervention;
8. Human diversity;
9. Interpersonal/communication skills.

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

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

- (a) PAR trained.
- (b) CPR/First aid/AED training.
- (c) Mental health and substance abuse.
- (d) Suicide recognition, prevention, and intervention.
- (e) Safety, security, and supervision.
- (f) DJJ residential facility operations.

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

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

- (a) A passing score of at least 70 percent on all applicable computer-based courses.
- (b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.
- (c) Successful completion of all written and practical requirements for CPR/First Aid/AED training.

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

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

(6) Upon request by a Regional Director, the ~~Director Assistant Secretary~~ for Staff Development and Training ~~will~~ ~~may~~ grant an 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

(7) ~~During each year, beginning on the first anniversary of hire, State residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed certification training.~~

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

- (a) PAR update (Chapter 63H-1, F.A.C.).
- (b) CPR/AED.
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification.
- (d) Suicide prevention.
- (e) Professionalism and ethics.

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

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

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

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

- (a) All PAR training pursuant to Chapter 63H-1, F.A.C.
- (b) CPR/First aid/AED certification
- (c) Overview of facility operating procedures
- (d) In-service training to include:
 1. Professionalism and ethics;
 2. Suicide prevention;
 3. Adolescent behavior;
 4. DJJ residential facility operations;
 5. Safety, security, and supervision.

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

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

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

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

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

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

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

63H-2.006 State Non-Residential Staff

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

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

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

1. Orientation training;
2. Juvenile Justice Information System;
3. Information security awareness;
4. Mental health and substance services;
5. Professionalism and ethics;
6. Restorative justice;
7. Human diversity;
8. Personal safety;
9. Adolescent behavior;
10. Legal;
11. Interpersonal/Communication skills;
12. Screening and intake;
13. Supervision;
14. Transfer, commitment and termination of supervision.

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

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

1. PAR;
2. CPR/First aid;
3. DJJ overview;
4. Legal;
5. Adolescent behavior;
6. Restorative justice;
7. Interpersonal/Communication skills;
8. Human diversity;
9. Screening and intake;
10. Legal;
11. Supervision;
12. Transfer, commitment and termination of supervision;
13. Personal safety;
14. Professionalism and ethics.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines incorporated by reference in paragraph 63H-2.005(2)(d), F.A.C.

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

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

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

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

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

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

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

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

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

(5) Upon request by a Regional Director, the Director Assistant Secretary for Staff Development and Training will ~~may~~ grant an 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

(6) ~~During each year, beginning on the first anniversary of hire,~~ State non-residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed certification training.

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

- (a) PAR update (Chapter 63H-1, F.A.C.).
- (b) CPR.
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification.
- (d) Suicide prevention.
- (e) Professionalism and ethics.

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

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

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

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

- (a) All PAR training pursuant to Chapter 63H-1, F.A.C.
- (b) CPR/First aid certification.
- (c) Overview of program operating procedures.
- (d) In-service training to include:
 - 1. Professionalism and ethics;
 - 2. Suicide prevention;
 - 3. Adolescent behavior;
 - 4. Risk and needs assessment;
 - 5. Supervision.

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

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

- (a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements
- (b) Completion of all training requirements shall be documented on the department's computer based tracking system.
- (c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

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

63H-2.007 Detention Staff.

- (1) All staff shall be certified within 180 days of being hired.
- (2) The training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

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

- 1. Orientation training;
- 2. Information security awareness;
- 3. DJJ detention facility operations (to include training on the unit log, transportation, admissions, and releases);
- 4. PAR;
- 5. CPR/First aid;
- 6. Mental health and substance abuse services;
- 7. Safety, security, and supervision;
- 8. Legal;
- 9. DJJ: The organization;
- 10. Gang awareness;
- 11. Interpersonal/Communication skills;
- 12. Detainee behavior and consequences.

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

(c) Phase Two is academy training, which shall consist of 120 hours of certification training to include:

- 1. Restorative justice;
- 2. Professionalism and ethics;
- 3. Adolescent behavior;
- 4. Health care;
- 5. Effective written communication;
- 6. Mental health;
- 7. Suicide recognition, prevention, and intervention;
- 8. Human diversity;
- 9. Interpersonal/communication skills.

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

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

- (a) PAR trained.
- (b) CPR/First aid/ AED certified.
- (c) Mental health and substance abuse.
- (d) Suicide recognition, prevention, and intervention.
- (e) Safety, security, and supervision.
- (f) DJJ detention facility operations.

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

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

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

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

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

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

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

(6) Upon request by a Regional Director, the ~~Director Assistant Secretary~~ for Staff Development and Training will ~~may~~ grant an 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

(7) ~~During each year, beginning on the first anniversary of hire,~~ Detention staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed certification training.

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

- (a) PAR update (Chapter 63H-1, F.A.C.).
- (b) CPR/AED.
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification.
- (d) Suicide prevention.
- (e) Professionalism and ethics.

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

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

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

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

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

(b) CPR/First Aid/AED certification.

(c) Overview of facility operating procedures.

(d) In-service training to include:

- 1. Professionalism and ethics;
- 2. Suicide prevention;
- 3. Adolescent behavior;
- 4. DJJ detention facility operations;
- 5. Safety, security, and supervision.

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

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

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

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

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

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

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.002 Supervisor

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

The Board held a public hearing on this rule on March 2, 2007, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, ~~and have one hour of Board approved HIV/AIDS continuing education,~~

a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003
 RULE TITLE: Technologist

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

The Board held a public hearing on this rule on March 2, 2007, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histocompatibility, blood banking, cytology, cytogenetics, histology, molecular pathology, andrology and embryology shall have ~~one hour of Board approved HIV/AIDS continuing education~~, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003
 RULE TITLE: Technologist

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

(2) through (3) No change.

(a)1. through (h)3.
 No change.

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Five year of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.008
 RULE TITLE: Board Approval of Specialty Certifying Bodies

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. 33, No. 13, March 30, 2007 issue of the Florida Administrative Weekly.

The change is in response to public comments received on the rule. The Board discussed this rule at a public hearing on March 13, 2007. The Board voted to change subsection (4) to read as follows:

(4) Has implemented and documented a comprehensive assessment procedure, designed to measure the competencies required to provide services characteristic of the specialty area, that describes security and grading standards, and consists of an oral examination and peer-review of practice samples and may include a written examination.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.: 65A-1.301, 65A-1.704, 65A-1.705
 RULE TITLES: Citizenship, Family-Related Medicaid Eligibility Determination Process, Family-Related Medicaid General Eligibility Criteria

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 44, November 3, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

RULE NOS.:	RULE TITLES:
68-5.001	Introduction of Non-Native Species Into the State
68-5.002	Conditional Non-Native Species
68-5.003	Prohibited Non-Native Species

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

Based upon the record of the public hearing, the Commission decided to delete the proposed July 1, 2007 effective date for these rules, and to amend paragraph (1)(h) of Rule 68-5.002, F.A.C., to impose additional requirements for those possessing Nile perch.

RULES RELATING TO NON-NATIVE SPECIES

68-5.001 Introduction of Non-native Species into the State.

(1) No person shall transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, without having secured a permit from the Commission, except:

- (a) Fathead minnow (*Pimephales promelas*).
- (b) Variable platy (*Xiphophorus variatus*).
- (c) Coturnix quail (*Coturnix coturnix*).
- (d) Ring-necked pheasant (*Phasianus colchicus*).

(2) Conditional Non-native Species – The species or hybrids or eggs thereof listed in Rule 68-5.002, F.A.C., may be possessed only pursuant to permit issued by the Executive Director, with the following restrictions:

(a) Such permits will be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession.

(b) Prior to the issuance of a permit to possess conditional non-native species, facilities where conditional species are to be kept and waters where their use is intended may be inspected by Commission personnel to assure that adequate safeguards exist to prevent escape or accidental release into the waters of the state.

(c) Permits for conditional freshwater fish and aquatic invertebrate species may be issued by the Commission subject to the following:

1. Conditional freshwater fish and aquatic invertebrate species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or

tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Housing and Urban Development. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

2. Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

3. Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, Florida Statutes, and who is authorized to possess such species in accordance with Chapter 597, F.S., is not required to obtain the permit.

4. Conditional aquatic turtle species:

a. Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging or erosion. Such barriers may be constructed of solid board, or metal or plank fencing, and may not use mesh material.

b. All eggs must be removed daily from outdoor facilities.

(3) Prohibited Non-native Species – No person shall import into the state, sell, possess, or transport any live specimens of the species or hybrids or eggs thereof listed in Rule 68-5.003, F.A.C., except as provided in paragraphs (a) and (b) below:

(a) Public aquaria, zoological parks, or public exhibitors with current accreditation by the American Zoo and Aquarium Association or the American Association of Museums will be granted a permit.

(b) Individuals or institutions engaged in research will be granted such a permit, provided the following requirements are met:

1. A detailed research proposal shall accompany the application for the research permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species.

2. All research on prohibited aquatic species shall be conducted in indoor facilities in containers having no water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater pond.

3. All research on prohibited terrestrial wildlife species shall be conducted in indoor facilities in cages or other confinement facilities to prevent escape.

4. The research permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, Florida Statutes.

(4) No permits shall be granted for possession of any species of piranha or pirambeba (subfamily Serrasalminae).

(5) Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors with current accreditation by the American Zoo and Aquarium Association or the American Association of Museums, providing educational exhibits, for public exhibition purposes only, under the following conditions:

(a) Only male sea snakes may be possessed.

(b) A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

(c) Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

(d) Sea snakes shall not be released into the waters of the state.

(e) Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium possesses sea snakes.

(f) No person or public aquarium, public zoological park, or public exhibitor shall barter, sell, or trade sea snakes within this state.

(g) A public aquarium, public zoological park, or public exhibitor that imports sea snakes pursuant to this subsection may bring the sea snakes into this state only by airplane that may land only at an airport located in a non-coastal county within this state.

(h) A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(6) No leopard tortoise (*Geochelone pardalis*), African spurred tortoise (*Geochelone sulcata*), or Bell's hingeback tortoise (*Kinixys belliana*) shall be imported or transported into this state, without a special permit issued by the Commission. The basis for the issuance of such permit shall include:

(a) That each shipment is accompanied by a veterinary certificate stating that all specimens are free from external parasites;

(b) That all shipping containers used to transport such tortoises are incinerated within 24 hours;

(c) Such other conditions as may be necessary to insure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

(7) No person shall allow or permit any freshwater aquatic organism not native to the state to remain in the waters of any propagating pool or pond that is no longer maintained or operated for the production of such non-native species. The presence of any species designated in Rule 68-5.002 or Rule 68-5.003, F.A.C., in any propagating pool or pond shall constitute possession by the owner or operator of the pool or pond.

(8) Unless otherwise specifically provided in Titles 68A through 68E, F.A.C., all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68-5.002 Conditional Non-native Species.

The following species or hybrids thereof may be possessed only pursuant to permit issued by the Executive Director with restrictions as provided in subsection 68-5.001(2), F.A.C.

(1) Non-native freshwater aquatic species.

(a) Bighead carp (*Aristichthys nobilis*).

(b) Bony-tongue fishes (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).

(c) Dorados (Genus *Salminus*, all species).

(d) Freshwater stingrays (Family Potamotrygonidae, all species).

(e) Grass carp (*Ctenopharyngodon idella*), with restrictions as provided in Rule 68A-23.088, F.A.C.

(f) Silver carp (*Hypophthalmichthys molitrix*).

(g) Snail or black carp (*Mylopharyngodon piceus*).

(h) Nile perches (Genus *Lates*, all species).

For facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for facilities which are issued permits or certificates of registration after April 11, 2007, Nile perches:

1. Shall be held only in indoor facilities.
2. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.

(i) Blue tilapia (*Oreochromis aureus*), except that *Oreochromis aureus* may be possessed, cultured, and transported without permit in Citrus County in the North Central Region; and all counties of the Northeast, South and Southwest Regions.

- (j) Wami tilapia (*Oreochromis hornorum*).
- (k) Mozambique tilapia (*Oreochromis mossambicus*)
- (l) Nile tilapia (*Oreochromis niloticus*)
- (m) Walking catfish (*Clarias batrachus*)

(n) Blue catfish (*Ictalurus furcatus*), except that blue catfish may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.

(o) Australian red claw crayfish (*Cherax quadricarinatus*) only in closed tank culture systems.

(p) Red swamp crayfish (*Procambarus clarkii*) and white river crayfish (*Procambarus zonangulus*)

1. Pond aquaculture of either species is prohibited.
2. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River and its tributaries or imported for direct sale to food wholesalers and food retailers for resale to consumers without permit.

(q) Red-eared slider (*Trachemys scripta elegans*):

1. Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner.

2. Red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.

3. Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.

(2) Non-native mammals – Nutria (*Myocaster coypu*).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68-5.003 Prohibited Non-native Species.

No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, of the species listed below, except as provided in subsection 68-5.001(3), F.A.C.

- (1) Non-native freshwater aquatic species:
 - (a) African electric catfishes (Family Malapteruridae, all species).
 - (b) African tigerfishes (Subfamily Hydrocyninae, all species).
 - (c) Airbreathing catfishes (Family Clariidae, all species except *Clarias batrachus*).

(d) Candiru catfishes (Family Trichomycteridae, all species).

(e) Freshwater electric eels (Family Electrophoridae, all species).

(f) Lampreys (Family Petromyzonidae, all species).

(g) All species of piranha and pirambeba (subfamily Serrasalminae).

(h) Snakeheads (Family Channidae, all species).

(i) Tilapias (Genera *Tilapia*, *Sarotherodon* and *Oreochromis*, all species except *Oreochromis aureus*, *Oreochromis hornorum*, *Oreochromis mossambicus*, and *Oreochromis niloticus*).

(j) Trahiras or Tigerfishes (Family Erythrinidae, all species).

(k) Airsac catfishes (Family Heteropneustidae, all species).

(l) Green sunfish (*Lepomis cyanellus*).

(m) Australian crayfish (Genus *Cherax*, all species except *Cherax quadricarinatus* cultured in a closed tank system.

(n) Zebra mussel (*Dreissena polymorpha*).

(2) Non-native mammals – African giant pouched rats (Genus *Cricetomys*, all species).

(3) Non-native marine species:

(a) Mitten crab (Genus *Eriocheir*, all species).

(b) Sea snakes (Family Hydrophiidae, all species), except that sea snakes may be possessed as described in subsection 68-5.001(5), F.A.C.

(c) Weeverfishes (Family Trachinidae, all species).

(d) Stone fishes (Genus *Synanceia*, all species).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-4.005	Introduction of Foreign Wildlife or Freshwater Fish or Carriers of Disease

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly. Based upon the record of the public hearing, the Commission decided to delete the proposed July 1, 2007 effective date for this rule.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-23.008
 RULE TITLE: Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly. Based upon the record of the public hearing, the Commission decided to delete the proposed July 1, 2007 effective date for this rule.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: 68A-25.002
 RULE TITLES: General Provisions for Taking, Possession and Sale of Reptiles

68A-25.006
 Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

Based upon the record of the public hearing, the Commission decided to delete the proposed July 1, 2007 effective date for this rule.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: 68B-14.001
 RULE TITLES: Purpose and Intent, Designation as Restricted Species

68B-14.0035
 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

68B-14.00355
 Size Limits for Importation and Sale

68B-14.0036
 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption

68B-14.0045
 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

68B-14.005
 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

Based upon the record of the public hearing, the Commission decided to include in each rule a proposed effective date of July 1, 2007.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: 68B-28.003
 RULE TITLES: Diving: Open and Closed Areas

68B-28.0035
 Commercial Sponge Size Limit

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

Based upon the record of the public hearing, the Commission decided to include in each rule a proposed effective date of July 1, 2007.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-6.0016
 RULE TITLE: Definition of Developed Area

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. 42, October 20, 2006 issue of the Florida Administrative Weekly.

Notice is hereby given that the Board of Funeral, Cemetery, and Consumer Services has made the following changes to the above referenced rule based on comments made at the public hearing and based on written comments from the Joint Administrative Procedures Committee.

Subsection (2) has been changed to provide as follows:

(2) For the purposes of this rule, the following will ~~not~~ be considered an “undeveloped area”:

- (a) No change.
- (b) No change.

Subsection (3) has been deleted.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-142.015
 RULE TITLE: Standardized Requirements
 Applicable to Insurers After
 Hurricanes or Natural Disasters

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. 39, September 29, 2006 issue of the Florida Administrative Weekly.

1. 69O-142.015(1)(a) is revised to read:

(1) CLAIMS REPORTING REQUIREMENTS.

(a) All entities having direct premiums written in Florida and authorized, approved or otherwise eligible to provide the coverages indicated below in items 1. and 2. shall report the information required by Form OIR-DO-1681, “Catastrophic Event Data Reporting and Analysis”, providing loss and associated exposure data within this state. The reporting shall be submitted with such frequency and for such areas as set forth in the Order activating this subsection and may be revised to reflect the phases of reporting necessary as set forth in form OIR-DO-1681. The applicable coverages are:

- 1. Those coverages as defined in Sections 627.4025(1) and 215.555(2)(c), F.S.
- 2. Other property coverages where loss is not specifically excluded in the policy’s outline of coverage such as:
 - a. Private Passenger Auto Physical Damage;
 - b. Commercial Auto Physical Damage;
 - c. Commercial Property, including Fire and Allied Lines;
 - d. Commercial Multiple Peril;
 - e. Farmowners Multiple Peril;
 - f. Ocean Marine;
 - g. Inland Marine;
 - h. Aircraft;
 - i. Boiler and Machinery.

(b) The following form is hereby adopted and incorporated by reference:

- 1. OIR-DO-1681 (revised 05/2007), “Catastrophic Event Data Reporting and Analysis”.
- 2. Copies of the form are available and may be printed from the Office’s website: <http://www.floir.com/>.
- 3. All information shall be submitted electronically through <https://iportal.fldfs.com>.

2. 69O-142.015(2)(d) is revised by editing the third sentence to read:

The extension of time shall also not apply to new policies effective on or after the date of the Order.

3. 69O-142.015(2)(f) is revised by removing “the week” and inserting “ten (10) calendar days”.

4. 69O-142.015(2)(g) is revised by deleting “date” and inserting “expiration date”.

5. 69O-142.015(2)(i) is revised by deleting “policy or not” and inserting “policy and not”.

6. 69O-142.015(2)(n) is revised to read:

This rule shall not apply to new policies effective on or after the initial activation date specified in the order.

7. 69O-142.015(2)(q) is revised by editing the second sentence to read:

Notwithstanding any other provisions contained herein, an insurer may file a petition pursuant to Section 120.542, F.S. if compliance with this rule may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the Office.

8. Form OIR-DO-1681 has been revised to reflect additional reporting requirements authorized by law. A copy is available from the contact person.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-301.002
 RULE TITLE: Processing of Applications
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. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly. In response to comments received from the Joint Administrative Procedures Committee, OFR Form CAN, Canadian Dealer Notification, has been amended to remove the notarial acknowledgement. This form is incorporated by reference in subparagraph 69W-301.002(7)(a)15.

**Section IV
 Emergency Rules**

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

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-25
 RULE TITLE: Instant Game Number 691, IN THE MONEY

SUMMARY: This emergency rule describes Instant Game Number 691, “IN THE MONEY,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.