

(6) The agency shall implement a patch management process for information technology resources.

(7) The Agency for Enterprise Information Technology Office of Information Security will monitor the Internet and appropriate global information security resources for any abnormalities or threats present on the Internet and provide relevant Security Alerts to state agencies.

(8) Application developers shall incorporate validation checks into applications to detect data corruption that may occur through processing errors or deliberate actions.

Rulemaking Authority 14.204(7), 282.318(3), 282.318(6) FS. Law Implemented 282.318 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Russo, State Chief Information Officer, Office of Information Security, Agency for Enterprise Information Technology, 4030 Esplanade Way, Suite 135, Tallahassee, Florida 32399, telephone (850)922-7502

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2010

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009 and October 9, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.:	RULE TITLE:
5B-65.005	Movement of Regulated Articles

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly.

The Notice of Change published in the Vol. 36, No. 21, May 28, 2010, issue of the FAW contained the following error:

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. 35, No. 42, October 23, 2009, Vol. 36 No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters
62-302.530	Table: Surface Water Quality Criteria

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. 36, No. 16, April 23, 2010 issue of the Florida Administrative Weekly.

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

(1) through (3) No change.

(4) Water quality classifications are arranged in order of the degree of protection required, with Class I water having generally the most stringent water quality criteria and Class V the least. However, Class I, II, and III surface waters share water quality criteria established to protect fish consumption, recreation and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife. For manmade lakes, canals or ditches, or streams converted to canals before November 28, 1975, considered under subsections (5) and (11) below, the Department shall evaluate the limited aquatic life support and habitat limitations of such waters, recognizing the physical and hydrologic characteristics and water management uses for which they were constructed.

(5) Class III-Limited surface waters share the same water quality criteria as Class III except for any site specific alternative criteria that have been established for the waterbody under Rule 62-302.800, F.A.C. Class III-Limited waters are restricted to waters with human-induced physical or habitat conditions that prevent attainment of Class III uses and do not include waterbodies that were created for mitigation purposes. “Limited recreation” means opportunities for recreation in the water are reduced due to physical conditions. “Limited population of fish and wildlife” means the aquatic biological community does not fully resemble that of a natural system in the types, tolerance and diversity of species present. Class III-Limited waters are restricted to:

(a) Wholly artificial waterbodies that were constructed consistent with regulatory requirements under Part I or Part IV of Chapter 373, Part I or Part III of Chapter 378, or Part V of Chapter 403, F.S.; or

(b) No change.

(6) through (7) No change.

(8) A petition for reclassification shall reference and be accompanied by the information necessary to support the affirmative findings required in this section, as described in the DEP document titled, "Process for Reclassifying the Designated Uses of Florida Surface Waters" (DEP-SAS-001/10), dated June 2010, incorporated by reference herein. Copies of the Process document may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(9) All reclassifications of waters of the State shall be adopted, after public notice (including notification to affected local and regional governments and sovereign American Indian tribes) and public hearing, only upon affirmative findings by the Environmental Regulation Commission that:

(a) No change.

(b) Such a reclassification is clearly in the public interest after considering public input, including special consideration of input submitted by local and regional elected city or county governing bodies and sovereign American Indian tribes, who represent the public interest where the waters, and affected upstream and downstream waters, are located;

(c) The proposed reclassification will does not allow for the lowering of existing water quality nor result in the nonattainment of water quality standards in downstream waters;

(d) through (e) No change.

(10) No change.

(11) If rulemaking is initiated to reclassify a water to for a less stringent classification, the petitioner or the Department shall include in the reclassification documentation appropriate and scientifically defensible water quality, biological, hydrological, and habitat studies and analyses, as well as environmental, technological, social, and economic studies, including costs to small businesses and local governments, as necessary to establish the present and future most beneficial use by demonstrating that:

(a) through (b) No change.

(c) One or more of the following situations occur:

1. Naturally occurring concentrations Concentrations of naturally occurring substances prevent the attainment of the use;

2. through 6. No change.

(12) The petition for a Class III-Limited classification shall include appropriate Site Specific Alternative Criteria proposals that are protective of the most beneficial use as determined by the demonstration in subsection (9) above. Site Specific Alternative Criteria established to support the Class III-Limited designated use are restricted to numeric criteria for any or all of the following parameters: nutrients (including nutrient response variables), bacteria, dissolved oxygen, alkalinity, specific conductance, transparency, turbidity, biological integrity, or pH. Site Specific Alternative Criteria for these parameters shall not be set at levels less stringent than water quality conditions at the time of reclassification and shall not be subject to the limitations in paragraph 62-302.800(2)(d), F.A.C. Proposed Site Specific Alternative Criteria for other parameters must fully protect Class III uses.

(13) through (16) No change.

62-302.530 Table: Surface Water Quality Criteria.

The following table contains both numeric and narrative surface water quality criteria to be applied except within zones of mixing. The left-hand column of the Table is a list of constituents for which a surface water criterion exists. The headings for the water quality classifications are found at the top of the Table, and the classification descriptions for the headings are specified in subsection 62-302.400(1), F.A.C. Applicable criteria lie within the Table. The individual criteria should be read in conjunction with other provisions in water quality standards, including Rule 62-302.500, F.A.C. The criteria contained in Rule 62-302.500, F.A.C., also apply to all waters unless alternative or more stringent criteria are specified in Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the maximum not to be exceeded at any time. In some cases, there are separate or additional limits, which apply independently of the maximum not to be exceeded at any time. For example, annual average (denoted as "annual avg." in the Table) means the maximum concentration at average annual flow conditions (see subsection 62-302.200(2), F.A.C.). In applying the water quality standards, the Department shall take into account the variability occurring in nature and shall recognize the statistical variability inherent in sampling and testing procedures. The Department's assessment methodology, set forth in Chapter 62-303, F.A.C., accounts for such natural and statistical variability when used to assess ambient waters pursuant to sections 305(b) and 303(d) of the Federal Clean Water Act.

Criteria for Surface Water Quality Classifications

Parameter	Units	Class I	Class II	Class III and Class III-Limited (see Note 4)		Class IV	Class V
				Predominantly Fresh Waters	Predominantly Marine Waters		
(1) through (70) No change.							

Notes: (1) through (4) No change.

Additionally, pages within the DEP document entitled, "Process for Reclassifying the Designated Uses of Florida Surface Waters" (DEP-SAS-001/10), dated June 2010, incorporated by reference in subsection 62-302.400(8), F.A.C., were modified to be consistent with the changes made in the Rule above. Page 2 was modified to add the phrase "Part I or III of Chapter 378, F.S." to be consistent with changes to paragraph 62-302.400(5)(a), F.A.C. Page 3 was modified to delete the words "or Tribe's" in response to a concern raised by the Joint Administrative Procedures Committee. Pages 9 and 15 were modified to delete the term "special" before consideration of input from local and regional governing bodies and sovereign American Indian tribes to be consistent with changes to paragraph 62-302.400(9)(b), F.A.C. Pages 5, 34, and 37 were modified to delete the phrase "the lowering of existing water quality" to be consistent with changes to paragraph 62-302.400(9)(c), F.A.C. Pages 5 and 13 were modified to be consistent with changes to subparagraph

62-302.400(11)(c)1., F.A.C. The change prevents using the language for situations where the discharge of "naturally occurring substances" could be man-induced.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.800
 RULE TITLE: Site Specific Alternative Criteria
 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. 36, No. 16, April 23, 2010 issue of the Florida Administrative Weekly.

62-302.800 Site Specific Alternative Criteria.

(1) through (4) No change.

(5) Site specific alternative criteria apply to the water bodies, or portions of the water bodies, listed below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the levels listed in the table below shall be maintained.

(a) through (c) No change.

<p>(d) Fenholloway River coastal waters (Apalachee Bay) as spatially defined by the coordinates (83° 49' 29.95" W, 29° 59' 38.70" N), (83° 45' 3.61" W, 29° 57' 22.10" N), (83° 47' 23.50" W, 29° 54' 5.01" N), and (83° 51' 45.47" W, 29° 56' 25.71" N). Class III.</p>	<p>The annual average down-welling light at 1 m depth at stations F10 (83° 47' 6.60" W, 29° 57' 4.20" N) and F11 (83° 48' 27.00" W, 29° 57' 38.40" N) shall be 27 percent or more of surface values based on a minimum of 12 measurements using a 2 pi sensor during times when the average flow at <u>Hampton Springs Bridge (USGS gage 02325000 near Perry) is less than or equal to 60 cubic feet per second (after subtracting flows from permitted point sources).</u> Cooey Island Bridge at river mile 7.15 measures less than 200 cubic feet per second.</p>	<p>Taylor</p>
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DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NO.: 63D-8.001
 RULE TITLE: Definitions
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

63D-8.001 Definitions.

For the purpose of Chapters 63D-9 through 63D-12 F.A.C., the following terms are defined as follows:

(1) through (13) No change.

(14) Multidisciplinary Assessment – An information gathering exercise designed to ensure that youth being considered for commitment are placed in a delinquency program that provides an appropriate level of supervision and treatment services.

~~(15)(14) Positive Achievement Change Tool (PACT) – The primary assessment instrument used by the JPO to determine the youth's risk to re-offend and identify criminogenic needs that require intervention. The Pre-Screen is~~

completed and maintained for all youth who are referred to the department. The Full Assessment is completed and maintained for all youth who have been placed under the jurisdiction of the department by the court and have been identified as moderate-high or high risk to re-offend by the Pre-Screen.

~~(16)(15) PACT Mental Health and Substance Abuse Screening Report and Referral Form – The form used by the JPO to refer the youth for a Comprehensive Assessment whenever the results of the PACT Pre-Screen indicate further assessment is required.~~

~~(17)(16) Post-commitment probation (PCP) – Assessment and intervention services provided to youth who are released from residential commitment programs. Under the legal status of post-commitment probation, the youth is legally transferred from commitment status to probation status, and is subject to court-ordered sanctions.~~

~~(18)(17) Preliminary Screening – The gathering of preliminary information to be used to determine a youth's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial~~

interviews, urine and breathalyzer screenings, and reviews of available educational, delinquency and dependency records of the youth.

(19)(18) Probation – Assessment and intervention services provided to youth who are court-ordered to community supervision after the court has determined that the youth committed a delinquent act.

(20)(19) Probation Medical and Mental Health Clearance Form – The form used to screen for mental health, substance abuse and medical problems when law enforcement delivers a youth to the department upon apprehension. The purpose of the form is to comply with statutory requirements for diverting youth to the proper community resource if they require urgent treatment or intervention upon arrest. The form (HS 051, May 2010 January 2008) is incorporated, and is accessible electronically at: http://www.djj.state.fl.us/forms/health_services.

(21) Progressive Response System – A written plan developed in each circuit, in consultation with judges, state attorneys and public defenders, that describes in detail a methodology for responding when youth under supervision violate a condition of their probation. These plans are based upon the principle that sanctions should be based upon the need to ensure public safety, the assessed criminogenic needs and risks of the youth, and how effective the sanction will be in moving the youth to compliant behavior.

(22)(20) Suicide Risk Screening Instrument (SRSI) – A form that documents the standardized questions asked by trained, designated staff upon a youth’s intake into the juvenile justice system, and upon admission to a detention center, to identify suicide risk factors and the need for referral for assessment of suicide risk.

(23)(21) Violation of supervision – A noncompliant act committed by a youth that violates the conditions of the probation or post-commitment probation court order.

(24)(22) Youth-Empowered Success (YES) Plan – The document developed by the youth, parent(s)/guardians(s), and JPO to plan for the completion of court-ordered sanctions and address criminogenic needs.

Rulemaking Authority 985.64 FS. Law Implemented 985.03, 985.135, 985.14, 985.145, 985.24, 985.245, 985.433, 985.435, 985.46, 985.601 FS. History–New _____.

DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NOS.:	RULE TITLES:
63D-9.001	Purpose and Scope
63D-9.002	Detention Screening
63D-9.003	Intake Services
63D-9.004	Risk and Needs Assessment
63D-9.005	Comprehensive Assessment
63D-9.006	Comprehensive Evaluation

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. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

63D-9.001 Purpose and Scope.

This rule establishes uniform procedures for conducting and documenting detention screening, intake, risk and needs assessments, comprehensive assessments, and comprehensive evaluations of youth to allow the department to provide the most appropriate services in the least intrusive manner.

(1) While the needs, strengths and history of the individual youth will determine the how, what, when and where of assessment, the process typically tracks the following sequence:

(a) Detention Screening is completed following the arrest and delivery of the youth to the department. The critical component of detention screening is the Detention Risk Assessment Instrument (DRAI), ~~an automated tool containing the key data elements prescribed by statute for decision-making about detention placement.~~ The DRAI is used to determine if a youth meets detention criteria and to determine whether a youth should be placed in secure, non-secure, or home detention care prior to a detention hearing. The DRAI (DJJ 2049, March 2008) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100. When a youth is delivered to the department for detention screening, the screener shall also look into the risk of suicidal behaviors. This screening is initiated through a process which includes administration of the Positive Achievement Change Tool (PACT) the primary assessment instrument used by the JPO to determine the youth’s risk to re-offend and identify criminogenic needs that require intervention and administration of the Suicide Risk Screening Instrument (SRSI) a form that documents the standardized questions asked by trained, designated staff upon a youth’s intake into the juvenile justice system, and upon admission to a detention center, to identify suicide risk factors and the need for referral for assessment of suicide risk as well as a review of any other documentation of suicide risk factors that are available at the time of screening. The PACT (September 10, 2007) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100. The SRSI (MHSA 002, August 2007) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, Florida 32399-3100.

(b) through (d) No change.

(2) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.03, 985.135, 985.14, 985.145, 985.24, 985.245, 985.433, 985.435, 985.46, 985.601 FS. History—New _____.

63D-9.002 Detention Screening.

(1) The Detention Risk Assessment Instrument (DRAI) directs the decision-making process as to whether detention care is warranted and whether the youth should be placed into secure detention, home detention, or some other form of non-secure detention status.

~~(a) The DRAI (DJJ 2049, March 2008) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100.~~

~~(a)(b)~~ The DRAI shall consist of the following six (6) sections:

1. Section I: Identifying Data,
2. Section II: Admission Criteria,
3. Section III: Risk Assessment,
4. Section IV: State Attorney Review/Decision,
5. Section V: Screening Decision, and
6. Section VI: Narrative.

(2) through (4) No change.

(5) Section III-E of the DRAI, which scores aggravating or mitigating factors, allows the JPO to take into account relevant issues that are not scored in other parts of the DRAI, ensuring the appropriateness of detention and release decisions.

(a) The JPO shall consider any aggravating or mitigating circumstances that may exist. Aggravating factors shall include: youth having a history of absconding, unusual number of prior offenses, offender's attitude presenting a clear and present danger to the victim, victim suffers substantial physical or emotional injury, extreme cruelty was involved in the offense, offense was committed by a youth engaged in organized gang activity. Mitigating circumstances shall include: youth's age and maturity, a significant change in the youth's living circumstances subsequent to the offense providing increased stability and supervision, youth was accompanied by an adult who influenced youth's involvement in the offense, victim suffered little or no injury or property loss, youth suffers from an intellectual impairment which affects decision-making.

(b) Because the DRAI is intended to be an independent and impartial measure of the risk posed by each youth, the decision to either aggravate or mitigate shall not be determined by pressures from outside influences that may lack objectivity.

~~(c) The JPO shall not consider factors that are accounted for elsewhere in the DRAI.~~

~~(c)(d)~~ The JPO shall fully explain what aggravating or mitigating factors were considered in the narrative portion of Section VI.

(6) No change.

Rulemaking Authority 985.245, 985.64 FS. Law Implemented 985.145, 985.24, 985.245, 985.25, 985.255 FS. History—New _____.

63D-9.003 Intake Services.

(1) through (3) No change.

(4) An initial conference with the youth and parent(s)/guardian(s) shall be held for all cases unless the youth and parent(s)/guardian(s) refuse or are unable to participate. The initial conference is voluntary until the youth enters a plea (guilty or no contest) or the youth is found guilty.

(a) The conference may be completed at a juvenile assessment center (JAC), at a detention center, or in the office of the JPO, ~~or other suitable location.~~

(b) During the conference, the JPO interviews the youth and parent(s)/guardian(s) to gather information, explain the youth's status in the juvenile justice system, and conduct a risk and needs assessment.

(c) The JPO shall obtain written consent for substance abuse treatment from the youth and parent at the intake conference for all youth with substance abuse needs.

(5) No change.

(6) The PDR is a multidisciplinary assessment that reports 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 is a report detailing the department's recommendation for disposition and interventions to address the youth's criminogenic needs in the most appropriate and least restrictive environment that reasonably ensures public safety. The PDR (DJJ/IS Form 8, April 2008) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100.

(a) The PDR shall include an intervention plan that recommends the most appropriate placement to meet the youth's needs at the minimum restrictiveness level that reasonably ensures public safety and the youth's accountability.

(b) While the JPO has the final responsibility for making recommendations, the youth and parent(s)/guardian(s) shall be given an opportunity to be involved in the development of sanctions and intervention plans.

(c) If the PDR includes a recommendation for residential commitment, the recommendation must be the result of a pre-staffing between the JPO and JPOS, and a commitment conference with the Commitment Manager.

(d) The JPO shall submit the PDR within statutorily mandated timeframes.

(e) The JPO shall complete a Post-Disposition Report, which, like the predisposition report, indicates what the child's risks and priority needs are, but is only completed if residential

commitment has been ordered by the court without a predisposition report ever having been ordered when residential commitment has been ordered by the court without the benefit of a PDR. In order to ensure appropriate placement and services, the Post-Disposition Report shall be completed within 14 working days following the disposition. The Post-Disposition Report (DJJ/IS Form 8, April 2008) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100.

(7) The department is required to complete an Adult Sentencing Summary for youth being tried as an adult. This is a written summary regarding a youth's history with the Department of Juvenile Justice, which is used when the court is deciding whether a youth should be sentenced to the adult or juvenile justice system. This document provides detailed information relevant to the youth's current status and history with the department, programs and services provided or arranged by the department, family situation, any known special mental health or substance needs, and a recommendation as to whether the youth should be sentenced to the adult or juvenile justice system. ~~This information is included in the Pre Sentence Investigation submitted to the court by the Department of Corrections.~~ The Adult Sentencing Summary (DJJ/IS Form 29, February 2009) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100.

Rulemaking Authority 985.14, 985.145, 985.64 FS. Law Implemented 985.14, 985.145, 985.43, 985.565, 985.43, 985.435, 985.46 FS. History--New _____.

63D-9.004 Risk and Needs Assessment.

(1) The JPO shall conduct a risk and needs assessment on all youth charged with a criminal or delinquent offense using the Positive Achievement Change Tool (PACT). The PACT ~~Pre-Screen~~ is completed while screening a youth for detention eligibility or during the initial intake conference.

(2) The JPO administering the PACT shall use the results to determine whether a referral for further assessment or immediate intervention shall be made. The JPO shall refer youth directly to the designated assessment provider(s) for the comprehensive assessment using the PACT Mental Health and Substance Abuse Screening Report and Referral Form. The PACT Mental Health and Substance Abuse Screening Report and Referral Form (DJJ/PACTFRM 1 10/2006) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Dr., Suite 1300, Tallahassee, FL 32399-3100.

(a) If the youth is to be released to the parent(s)/guardian(s), the parent(s)/guardian(s) shall be informed of the results of the PACT and shall be given information as to the location of the comprehensive assessment provider, the appointment time (if arranged by the JPO), and the importance of delivering the youth for

the follow-up appointment. The parent(s)/guardian(s) shall be provided a copy of the completed PACT Mental Health and Substance Abuse Screening Report and Referral Form.

(b) For detained youth, the PACT results shall be forwarded to the detention center where the youth is detained. The JPO shall provide written notification to the detention center using the PACT Mental Health and Substance Abuse Screening Report and Referral Form of any need for crisis intervention for youth who are indicated as at-risk for suicide, and shall notify the detention center of any need for referral to the center's mental health professional for youth who are in need of further mental health or substance abuse evaluation.

(3) through (4) No change.

Rulemaking Authority 985.14, 985.145, 985.64 FS. Law Implemented 985.14, 985.145 FS. History--New _____.

63D-9.005 Comprehensive Assessment.

(1) A comprehensive assessment is a report on the youth's physical, psychological, educational, vocational, social condition and family environment as they relate to the youth's need for rehabilitative and treatment services, including substance abuse treatment services, literacy services, medical services, family services, and other specialized services, as appropriate. The comprehensive assessment is designed to guide the department to the right level of intervention based on the unique needs of the individual youth. ~~A comprehensive assessment may be completed using either the Substance Abuse and Mental Health (SAMH-2 and SAMH-3) process or an equivalent department approved instrument. The SAMH-2 (DJJ/PP Form 36, February 2005) and SAMH-3 (DJJ/PP Form 37, February 2005) are incorporated, and are available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100.~~

(2) The comprehensive assessment shall be administered in a timely fashion.

(a) The designated provider shall complete the comprehensive assessment within 10 calendar days for youth in secure detention. The provider shall complete the comprehensive assessment within 14 calendar days for youth not in secure detention. The timeframe for completion may be modified by order of the court.

(b) If a provider takes longer than 14 calendar days to complete a comprehensive assessment, the JPO shall notify the Chief Probation Officer (CPO) or designee, who shall notify the local Department of Children and Families (DCF) program administrator. The CPO shall request the program administrator to develop a plan to improve performance or change providers.

(3) through (7) No change.

(8) All individuals involved in the comprehensive assessment process shall comply with the confidentiality requirements of Section 985.04, F.S., and other applicable provisions of Florida Statutes.

Rulemaking Authority 985.14, 985.145, 985.64 FS. Law Implemented 985.14, 985.145 FS. History—New _____.

63D-9.006 Comprehensive Evaluation.

(1) The comprehensive evaluation builds on the information gathered in previous assessments, screenings, and interviews with the youth and parent(s)/guardian(s) to provide a summary of the youth’s life that focuses on the following areas: vocational, academic, medical, mental health and substance abuse. The comprehensive evaluation is designed to guide the department to the right level of intervention, usually delivered in a residential setting, based on the unique needs of the individual youth.

(2) The JPO shall forward the signed authorization and referral packet to the provider that is responsible for completing the comprehensive evaluation. The referral packet shall include the following items:

- (a) School information such as grades, behavior records, attendance, and IQ scores,
- (b) Arrest affidavit, violation of supervision, or transfer request,
- (c) Victim statement(s) (if available),
- (d) PACT Mental Health and Substance Abuse Screening Report and Referral Form,
- (e) PACT results,
- (f) Any prior assessments available (i.e. SAMH 2, psychological, or bio-psychosocial),
- (g) Any prior medical information available,
- (h) Available job history and vocational training history,
- (i) Latest PDR (if available), and
- (j) A signed Authority for Evaluation and Treatment (AET), which is the document that, when signed by a parent or guardian, gives the department the authority 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 AET (HS 002, May 2007) is incorporated into this rule and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html from (HS 002, May 2007).

(3) The JPO shall ~~conduct a pre-conference~~ review the youth’s case with the JPO supervisor to determine whether or not to pursue a commitment recommendation for the youth. If the result of this review ~~the pre-conference~~ is a recommendation for commitment, then the JPO shall work with a DJJ commitment manager in order to conduct a multidisciplinary assessment as defined in subsection 63D-8.001(14), F.A.C. This information gathering exercise shall assist the department in determining the youth’s priority risks and needs, and a plan for treatment that recommends the

~~most appropriate placement setting to meet the child’s needs with the minimum program security needed that reasonably ensures public safety schedule a comprehensive evaluation and a commitment conference. A DJJ commitment manager presides over the commitment staffing and, with the input of conference participants, and informed by the completion of a comprehensive evaluation, the commitment manager determines what the department’s recommendation to the court will be.~~

(4) If a residential commitment is being considered or has been ordered by the court, a comprehensive evaluation shall be scheduled with the provider on contract with the circuit to complete the evaluations. The evaluation shall be provided to the commitment manager prior to the commitment conference. If the evaluation is not completed by the date of the commitment conference, the JPO shall make every effort to obtain a draft for the conference.

(5) A comprehensive evaluation is also required when youth on conditional release are pending transfer back to residential commitment, ~~a comprehensive evaluation is required for the transfer staffing.~~ If the comprehensive evaluation completed prior to commitment is over 12 months old, a new evaluation shall be completed to facilitate the transfer process.

~~(6) Providers shall ensure all staff conducting comprehensive evaluations are either licensed or certified under applicable law for the position they hold or, if not licensed or certified, they work under the direct supervision of a licensed mental health professional and have received a Master’s degree in one of the academic disciplines required for licensure by statute.~~

Rulemaking Authority 985.14, 985.145, 985.64 FS. Law Implemented 985.14, 985.145, 985.18, 985.185 FS. History—New _____.

DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NOS.:	RULE TITLES:
63D-10.002	Diversion Services
63D-10.003	Community Supervision Services
63D-10.004	Violations of Supervision
63D-10.005	Residential Case Management and Transitional Planning
63D-10.006	Termination of Supervision

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. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

63D-10.002 Diversion Services.

(1) Diversion services are non-judicial alternatives used to keep youth who have committed a delinquent act from being handled through the traditional juvenile justice system. These services are intended to intervene at an early stage of

delinquency, prevent subsequent offenses during and after participation in the programs, and provide an array of services to juvenile offenders. Referrals are determined based upon the youth's current offense, delinquency history, and Positive Achievement Change Tool (PACT) results. The PACT is the primary assessment instrument used to determine the youth's risk to re-offend, and to identify criminogenic needs, which are those critical factors identified during the assessment process that have been statistically proven to predict future criminal behaviors that require intervention. The PACT (September 10, 2007) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100.

(2) through (3) No change.

(4) Civil citation programs provide law enforcement with an alternative to taking youth into custody, while ensuring swift and appropriate consequences for youth who commit non-serious delinquent acts.

(a) A record check of the Juvenile Justice Information System (JJIS), which is the department's electronic information system used to gather and store information on youth having contact with the department ~~is made by the department~~ to determine program eligibility.

(b) Upon receipt of the citation, the department shall enter the appropriate information into JJIS.

(5) through (9) No change.

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History—New _____.

63D-10.003 Community Supervision Services.

(1) These rules address the supervision of youth in the community, to include youth on probation, conditional release (CR), and post-commitment probation (PCP). The Youth-Empowered Success (YES) Plan is the document developed by the youth, parent(s)/guardian(s), and JPO to plan for the completion of court-ordered sanctions and address criminogenic needs. The Youth-Empowered Success (YES) Plan (DJJ/PACT Form 4, October 2006) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL ~~primary planning tool for administration and organization of case management services for the youth.~~

(2) No change.

(3) The JPO shall complete a risk and needs assessment using the PACT for all youth being supervised by the department on probation, CR, and PCP. The JPO shall update the previous assessment if one was done during the intake process. Otherwise, the JPO shall complete a new risk and needs assessment.

(a) All youth shall have a PACT ~~Pre-Screen~~ completed prior to the development of the initial YES Plan.

(b) If a youth is identified as a moderate-high or high risk to re-offend by the PACT, the JPO shall complete a PACT Full Assessment prior to the development of the initial YES Plan.

(4) The initial YES Plan shall be developed within 30 calendar days of disposition, in the case of probation, or release, in the case of CR or PCP, and must be signed by all parties, including the youth, parent(s)/guardian(s), JPO, and Juvenile Probation Officer Supervisor (JPOS).

(a) through (c) No change.

(d) For youth who are identified by the PACT as high risk to re-offend, the YES Plan shall include an evidence-based intervention as defined in Rule 63E-7.002, F.A.C., that targets one of the top three criminogenic needs, unless the JPO documents in writing barriers to participation, such as the lack of available services, lack of youth readiness to voluntarily participate, transportation difficulties, or lack of parental approval for participation.

(e) through (g) No change.

(5) No change.

(6) While the youth is under the supervision of the department on probation, CR, or PCP, the JPO shall make contacts in accordance with his or her professional discretion to ensure the youth's compliance with the court order and the completion of YES Plan sanctions and goals. The JPO shall document all case activities, including:

(a) through (c) No change.

(7) through (8) No change.

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46, FS. History—New _____.

63D-10.004 Violations of Supervision.

(1) No change.

(2) The JPO shall investigate all known or reported possible violations of supervision. Such investigations shall include interviewing the supervised youth, parents/guardians, school officials, and other important collateral sources as deemed necessary.

(3) No change.

(4) Technical violations involve noncompliance with court-ordered sanctions, such as not reporting to the JPO as directed, failing to complete community service, failing to follow through with a referral, missing school, or failing to make restitution payments. Technical violations shall be addressed through the progressive response system, as defined in subsection 63D-8.001(21), F.A.C., which shall describe in detail how the JPO should respond when youth under supervision are noncompliant with court-ordered sanctions, considering that responses should be based on public safety, the assessed criminogenic needs and risks of the youth, and how effective the sanction will be in promoting compliant behavior. However, the JPO shall comply with orders of the court that require the reporting of any technical violations.

(a) through (b) No change.

(5) No change.

Rulemaking Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.439, 985.601 FS. History—New _____.

63D-10.005 Residential Case Management and Transitional Planning.

(1) through (4) No change.

(5) If the department concurs with the proposed release date, the JPO shall notify the committing judge of the program’s intent to release and a plan for aftercare supervision using the Request for Release Letter. The Request for Release Letter (DJJ/IS Form 13, May 2009) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100. The letter, along with a copy of the program’s release Performance Summary, shall be delivered to the judge within three working days of receipt of the PRN. The Performance Summary is a written document used by staff of residential facilities to inform the youth, committing court, JPO, 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. A Performance Summary can be in the form of a Release Summary, Discharge Summary, or Transfer Summary. The Performance Summary form (RS 007, September 2006) is incorporated and is accessible electronically at http://www.djj.state.fl.us/forms/residential_rule63E_forms.html. Copies of the letter shall be provided to the parent(s)/guardian(s), commitment program, and JPO. The JPO shall return the completed PRN to the commitment program within five working days of receipt of the form.

(6) through (7) No change.

(8) The residential commitment program shall not release any youth subject to the provisions of Chapter 394 F.S. until the DCF multidisciplinary team has determined eligibility and the state attorney’s office has decided whether or not to file a petition. If it is determined that the youth will not be involuntarily committed to DCF, then the JPO shall notify the program using the Notification of the Decision to Not Involuntarily Commit to DCF form, which is the documentation required in order to release a Sexually Violent Predator (SVP) eligible youth from residential commitment. The form (JJIS Form 25, February 2005) is incorporated and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

(9) No change.

(10) While a youth is on post-residential supervision, he or she will typically reside with parent(s)/guardian(s). However, some youth may be referred to an independent living program.

(a) Independent living is a category that focuses on providing an array of specialized services, and for some youth, is an opportunity for a placement outside the family home. The program is intended for youth whose home environment is a barrier to a crime-free return to the community, youth who are homeless, and youth who cannot return to the family home.

(b) Youth with sexual offenses, developmental disabilities, and youth with histories of arson, cruelty to animals, or first-degree felonies shall be permitted to participate in an independent living program on a case-by-case basis, and documentation of the youth’s appropriateness shall be maintained in the case file. The critical measure of appropriateness must be calculated based upon an assessment of the youth’s suitability to live on his or her own with minimal adult supervision and with a greatly reduced risk to public safety.

(c) When a youth is prescribed psychotropic medications, a medication evaluation shall be completed prior to consideration of residential independent living placement.

(d) Youths whose adjudication of dependency precedes the adjudication of delinquency should be referred back to DCF for an assessment of eligibility for the independent living program operated for dependent children aging out of foster care.

Rulemaking Authority 985.435, 985.46, 985.64 FS. Law Implemented 985.14, 985.435, 985.46, FS. History—New _____.

63D-10.006 Termination of Supervision.

(1) through (2) No change.

(3) If the youth is on probation or PCP, the Progress Report form will be used to request termination, and shall include the status of all court-ordered sanctions completed by the youth. The Progress Report Form (DJJ/IS Form 12, December 2008) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, FL 32399-3100. If the youth is on CR, the JPO will follow the procedure described in subsections 63D-10.005(4)-(5), ~~(4-5)~~ F.A.C., wherein the JPO will complete all documents required of residential commitment facilities.

(4) through (7) No change.

Rulemaking Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601 FS. History—New _____.

DEPARTMENT OF JUVENILE JUSTICE

Probation

<p>RULE NOS.:</p> <p>63D-11.003</p> <p>63D-11.004</p> <p>63D-11.005</p> <p>63D-11.006</p>	<p>RULE TITLES:</p> <p>Safety and Security</p> <p>Admission of Youth</p> <p>Screening for Medical Conditions and Handling Medication</p> <p>Responding to Gangs</p>
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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. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

63D-11.003 Safety and Security.

~~(1) All JACs shall comply with sanitation and health codes. Written reports of inspections by state or local authorities shall be kept on file as assurance of continuing compliance with these codes.~~

~~(2) All JACs that use holding cells for youth shall include in their process for utilization of these holding cells the following conditions:~~

~~(1)(a) Males and females shall never be placed together in the same holding cell,~~

~~(2)(b) Staff shall visually observe youth in holding cells every 10 minutes,~~

~~(3)(c) A behavioral review of the youth's behavior shall be held every 30 minutes for the purpose of assessing and documenting any signs or indications that the youth poses a risk to self or others.~~

~~(4)(d) The observations and reviews shall be documented in writing, and~~

~~(5)(e) If a holding cell is used by more than one youth at a time, a safety decision shall be made as to the potential risk of one youth to the other. Risk factors to consider are contagious disease, a marked difference in size, strength or age, predatory history, and emotional stability.~~

Rulemaking Authority 985.64 FS. Law Implemented 985.135(3), (4) FS. History--New _____.

63D-11.004 Admission of Youth.

(1) Each youth shall receive an initial medical and mental health clearance using the Probation Medical and Mental Health Clearance Form. The Juvenile Probation Officer (JPO) shall evaluate the condition of each youth prior to being accepted into the JAC for detention screening. The clearance process shall help ensure an appropriate response when law enforcement delivers a youth for screening who appears to be physically impaired due to drugs, alcohol, injury, or illness. The Probation Medical and Mental Health Clearance Form (HS 051, January 2008) is incorporated, and is available from the Office of Health Services at 2737 Centerview Drive, Suite 2426, Tallahassee, FL 32399-3100. Requirements governing the use of the form are detailed in Rule 63D-8.001, F.A.C.

(a) through (d) No change.

(e) During the initial JAC intake each youth shall be screened for suicide risk. The JPO shall complete the Assessment of Suicide Risk Form (MHSA 004, August 2006). The form shall be sent with the youth if he or she is admitted to secure detention. If the youth is released to the custody of the parent or legal guardian, then the parent or legal guardian must be provided the form entitled Suicide Risk Screening

Parent/Guardian Notification (MHSA 003, August 2006). Requirements governing the use of these forms are detailed in Rule 63D-9.004, F.A.C.

(2) There are circumstances where a youth who has already been admitted to the JAC becomes severely ill or injured while awaiting detention screening, transfer to detention, or release to the parent(s)/guardian(s). If it is obvious that the condition of the youth is severe or appears to be life threatening, the first person who becomes aware of the emergency shall call 911 immediately to request emergency medical services (EMS).

(a) through (b) No change.

(c) If the youth requires hospitalization and has not been screened for detention, the JPO shall collect sufficient information telephonically and by other sources to complete the Detention Risk Assessment Instrument (DRAI) to make a preliminary determination as to the youth's qualification for secure detention, non-secure detention, or release with no detention status. Requirements governing the use of the DRAI are detailed in Rule 63D-9.002, F.A.C., and the DRAI is incorporated by reference in Rule 63D-9.001, F.A.C.

(d) through (e) No change.

(3) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.135 FS. History--New _____.

63D-11.005 Screening for Medical Conditions and Handling Medication Management.

(1) through (2) No change.

(3) If any youth taking the medication identified in Subsection (1) or (2) above is screened as eligible for secure detention, detention staff shall be notified immediately that a youth awaiting placement is using one of the critical medications. The JPO shall advise the parent(s)/guardian(s) to deliver the youth's medication as soon as possible. ~~Once the medication is available at the JAC, detention staff shall be required to retrieve and transport the youth as soon as possible, but no later than three hours following notification.~~

(4) through (5) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.135 FS. History--New _____.

63D-11.006 Responding to ~~Street~~ Gangs.

(1) During the screening, intake, and supervision process, the JPO shall collect information to be used in determining a youth's gang involvement or affiliation, if any. A referral for suspected gang involvement for known gang activity will be reviewed by the identified circuit gang liaison prior to submission to local law enforcement. A gang member alert shall be entered into the Juvenile Justice Information System (JJIS) for any youth identified as a member of a criminal ~~street~~ gang as defined by Section 874.03, F.S., as follows:

(a) Other Suspected Gang Affiliation – A referral has been submitted to local law enforcement with information that indicates ~~youth's youths~~ potential gang involvement or activities based on staff observations, youth statements, statements by other youth or sources, and or supplemental information such as pictures, drawings, or other documents.

(b) Documented Gang Associate – Written documentation has been received from law enforcement certifying youth as a gang associate per Sections 874.03(2)(a)-(b), F.S.

(c) Documented Gang Member – Written documentation has been received from law enforcement certifying youth as a gang member per Sections 874.03(3)(a)-(k), F.S.

(2) The methods and procedures in the interagency agreement shall ensure a coordinated effort between the department and local law enforcement agencies for the purpose of sharing information related to gang-involved youth. All gang-related information shall be shared with local law enforcement agencies, the assigned JPO and the educational provider or local school district providing educational services at a community based non-residential day treatment program. ~~While in the JAC, reasonable efforts shall be made to keep members of the same or rival gangs separated.~~

Rulemaking Authority 985.64 FS. Law Implemented 985.135 FS. History--New _____.

DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NOS.:	RULE TITLES:
63D-12.002	Safety and Administration
63D-12.003	Service Delivery
63D-12.004	Minimum-Risk Commitment

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. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

63D-12.002 Safety and Administration.

(1) Safety and welfare standards of facilities shall incorporate the following:

(a) The physical plant of facilities shall meet the following standards:

1. All indoor areas and attached buildings shall be clean, neat, and well maintained. No graffiti shall be allowed to remain on walls, doors, or windows.

2. Weekly sanitation and safety inspections of all internal and external areas and equipment shall be conducted to ensure that the facility is clean and in good repair. Inspections shall be documented in writing.

3. To help ensure that the facility is clean and in good repair a maintenance and housekeeping plan shall be developed and employed.

4. For facilities that operate during evening hours, the facility perimeter and grounds shall be lit.

5. Separate bathroom facilities shall be provided for males and females. For every 30 ~~males, and for every 30 females youth~~, there shall be at least one operable toilet and washbasin with hot and cold running water and antibacterial soap.

6. Space shall be available for private counseling, group meetings, and classrooms.

(b) Facilities shall have a comprehensive safety regimen that includes:

1. Fire prevention.

2. Smoking shall not be permitted in the facility. Any designated smoking areas shall be outside of the facility and clearly marked.

3. A fire alarm and automatic detection system is required. All facility staff and youth shall be trained in the operation of the alarm system.

4. Fire protection equipment shall be available at strategic locations throughout the facility, and shall be checked quarterly. All facility staff and youth shall be trained in the proper operation and use of available equipment.

5. Fire drill procedures ~~shall be approved by the State Fire Marshal or local fire officials~~, and shall include the following:

a. Unannounced fire drills conducted at least monthly.

b. Drills shall be conducted under varied conditions and across all shifts.

c. All fire drills shall be documented in the Fire Safety Log.

6. A Fire Safety Log shall be kept in the facility, and shall contain a record of annual fire safety inspections, a summary of all deficiencies found by fire officials, a record of corrections, and the results of periodic fire safety inspections and equipment checks.

(c) An evacuation plan shall specify routes of evacuation and provisions for medical care or hospital transportation for youth and facility staff.

1. The evacuation plan shall provide that the facility director or designee in charge shall make the decision to evacuate the facility, and the notice to evacuate shall be clearly communicated.

2. Facility staff in each area shall help control the exit of youth and visitors in an orderly manner.

3. Facility staff shall be alerted to the location of available alarm boxes and outside telephones.

4. A written emergency disaster plan shall be reviewed annually, updated as needed, and detail the procedures for fire, severe weather, hurricane and tornado warnings, flooding, youth riots, hostage taking, chemical spills and bomb threats.

5. A current listing of telephone numbers for local emergency departments shall be posted next to every facility telephone.

6. Facilities that allow youth to participate in water related recreational activities shall have a water safety plan. The facility shall provide one certified lifeguard for every eight participating youth. Youth shall take a swim test prior to any swimming activities.

(d) The facility shall provide for the prompt notification of a youth's parent or guardian in cases of serious illness, injury, or death.

(e) Facilities providing meals shall comply with the following requirements:

1. The food service and dining area shall be clean and well maintained.

2. ~~The facility must provide youth special diets when prescribed for health reasons or to accommodate religious beliefs. A licensed dietitian shall annually approve the nutritional value of the food served.~~

3. There shall be a single menu for facility staff and youth.

4. The facility must not withhold food as a disciplinary measure.

(f) Facilities shall provide daily transportation to and from the facility, or shall arrange for such transportation.

1. All facility vehicles that transport youth shall be kept in safe and sound condition ~~receive an annual inspection by a certified mechanic.~~

2. Facility staff transporting youth shall have current, valid driver's licenses.

3. Facility vehicles shall have current insurance and automobile registration.

4. A youth cannot be denied services or penalized because of the lack of transportation.

5. All vehicles shall be locked when not in use.

6. Youth and staff shall wear seat belts while the vehicle is in operation.

(2) Facilities shall meet the following standards of administration and operation:

(a) The facility director is responsible for maintaining information on the facility and reporting to the department.

(b) Monthly reports shall be submitted to the department detailing ~~major developments~~, incidents, and population data.

(c) through (g) No change.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS. History—New

63D-12.003 Service Delivery.

(1) through (3) No change.

(4) In addition to the requirements of Chapters 63D-9 and 63D-10, F.A.C., facilities shall also comply with the following:

(a) Facilities shall have a ~~written~~ document containing a mission statement that includes the department's mission to reduce juvenile crime, description of program design, educational goals, and objectives. ~~A mission statement~~

~~encompassing the mission of the department shall be understood by facility staff, reviewed annually, and updated as necessary.~~

(b) through (d) No change.

(5) Mental Health and Substance Abuse Treatment Services. Mental health and substance abuse treatment services shall be provided in accordance with the following provisions:

(a) through (c) No change.

(d) Suicide Prevention Services. Youth who demonstrate suicide risk factors shall be referred for assessment of suicide risk or emergency mental health services if the youth is in crisis. Assessment of Suicide Risk Form (MHSA 004, August 2006) must be utilized when the assessment of suicide risk is conducted in a DJJ facility or program. If the youth is released to the custody of the parent or legal guardian, the parent/legal guardian must be provided the form entitled Suicide Risk Screening Parent/Guardian Notification (MHSA 003, August 2006). These forms are incorporated, and are available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, Florida 32399-3100.

(e) When a youth exhibits behaviors that constitute an imminent danger to self or others because of mental illness, the youth shall be referred for emergency mental health services in accordance with the provisions of Section 394.463, F.S.

(f) Treatment Plan Development and Implementation. When a comprehensive mental health or substance abuse evaluation indicates the youth is in need of mental health and/or substance abuse treatment, an individualized mental health and/or substance abuse treatment plan shall be developed, and timely treatment shall be provided based upon the youth's treatment plan. Pending development of an individualized mental health or substance abuse treatment plan, an initial plan is acceptable.

1. The individualized mental health treatment plan shall include the signatures of the youth, the mental health clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. A licensed mental health professional shall review, sign and date the treatment plan within 10 days of completion.

2. The individualized substance abuse treatment plan shall include the signatures of the youth, the substance abuse clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. The plan shall be completed by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., or a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility so licensed. If a non-licensed substance abuse clinical staff person completes the treatment plan, it shall be reviewed as provided in Chapter Rule 65D-30.004, F.A.C.

(g) No change.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS. History—New _____.

63D-12.004 Minimum-Risk Commitment.

In addition to the requirements of Rule 63D-12.003, F.A.C., the following applies to youth who are court-ordered to the facility under minimum-risk commitment:

- (1) No change.
- (2) Within 24 hours of a youth’s admission to a facility, facility staff shall provide written notification to the youth’s parent(s)/guardian(s).

(a) The notification shall include a brief overview of the program.

(b) ~~The facility must allow a parent or guardian the opportunity to object to a youth’s If the program includes scheduled recreational activities, the parent(s)/guardian(s) shall advise the facility if there is an objection to the youth’s participation in recreational activities~~ due to a physical or medical problem. ~~Any such objection shall be accompanied by written documentation from a physician.~~

- (3) No change.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.441, 985.601 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking summarized a Statement of Estimated Regulatory Costs (SERC). The language concerning the SERC should have read: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below. The following is a Summary of the Statement of Estimated Regulatory Costs:

- Over a five year period, an estimate of approximately 6,510 applications could be received.
- Applicants who reapply for licensure that passed the examination more than five (5) years prior to reapplying will be required to pay \$100 for the exam.
- Small businesses, small counties or small cities will not be affected by the proposed change.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

The Summary of the rule shall read as follows:

SUMMARY: The rule amendment changes the name of the Florida Jurisprudence Examination and places a time limit on valid scores.

The Notice of Proposed Rulemaking summarized a Statement of Estimated Regulatory Costs (SERC). The language concerning the SERC should have read: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below. The following is a Summary of the Statement of Estimated Regulatory Costs:

- Over a five year period, an estimate of approximately 6,510 applications could be received.
- Applicants who reapply for licensure that passed the examination more than five (5) years prior to reapplying will be required to pay \$100 for the exam.
- Small businesses, small counties or small cities will not be affected by the proposed change.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-231.110
 RULE TITLE: Penalties for Violation of Other Specific Provisions of the Florida Insurance Code

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. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

69B-231.110 Penalties for Violation of Other Specific Provisions of the Florida Insurance Code.

If the licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

- (1) through (4) No change.
- (5) Section 626.536, F.S. – administrative fine of not less than \$500 for the first violation and suspension of 2 months for the second and subsequent violations.
- (6) Section 626.541, F.S. – not less than \$500 for the first violation and suspension of 2 months for the second and subsequent violations.
- (7) through (34) No change.
- (35) Section 626.901(1), F.S. – suspension 12 6 months.
- (36) through (38) No change.
- (39) Section 631.155, F.S. – revocation.

The remainder of the reads as previously published.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-137.002
 RULE TITLE: Annual Audited Financial Reports

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 Florida Administrative Weekly has been continued from June 8, 2010 to July 27, 2010.

**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.: 53ER10-21
 RULE TITLE: Firecracker MILLIONAIRE RAFFLE™

SUMMARY: This emergency rule describes the on-line game “Firecracker MILLIONAIRE RAFFLE,” for which the Department of the Lottery will sell tickets beginning May 21, 2010.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-21 Firecracker MILLIONAIRE RAFFLE™.

(1) How to Play Firecracker MILLIONAIRE RAFFLE.

(a) Firecracker MILLIONAIRE RAFFLE is an on-line number match game.

(b) Each Firecracker MILLIONAIRE RAFFLE ticket costs \$20.

(c) Firecracker MILLIONAIRE RAFFLE tickets will go on sale Friday, May 21, 2010. Sales of Firecracker MILLIONAIRE RAFFLE tickets will cease immediately after the 750,000th ticket is sold or at midnight on July 5, 2010, whichever occurs first.

(d) Each Firecracker MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the Firecracker MILLIONAIRE RAFFLE drawing. Firecracker MILLIONAIRE RAFFLE tickets will automatically print from the terminal with ticket numbers issued in sequential order from 1 to 750000 as they are sold around the state. Each Firecracker MILLIONAIRE RAFFLE ticket will contain only one ticket number. Players cannot select their own ticket numbers.

(e) The overall odds of winning a prize in the Firecracker MILLIONAIRE RAFFLE drawing depend upon the number of tickets sold and are 1 in 295 if all 750,000 tickets are sold.

(f) Firecracker MILLIONAIRE RAFFLE tickets cannot be cancelled.

(2) Firecracker MILLIONAIRE RAFFLE Drawing and Prizes.

(a) A random computerized drawing from among all Firecracker MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on July 6, 2010. A total of 2,540 prizes will be awarded. Prizes will be awarded in the order drawn. The 1st through 5th numbers drawn will win \$1 million cash, less applicable tax withholding. The 6th through 15th numbers drawn will win \$100,000, less applicable tax withholding, and will be alternates, in the order drawn, for a \$1 million prize in the event a top prize is not claimed within the