

## 63E-7: Operation of Residential Programs

### FLORIDA DEPARTMENT OF JUVENILE JUSTICE

#### Rule Development Workshop

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#### 63E-7.100 Definitions.

For the purpose of this rule chapter, governing the administration and operation of residential commitment programs for youth, the following words shall have the meanings indicated.

(1) Academic Progress Monitoring Plan – An individualized academic plan that is developed, pursuant to Chapter 6A-6, F.A.C., by local school district personnel or contracted education staff within ten (10) school days of a youth's entry into a residential commitment program that is based on the youth's entry assessments and past educational history.

(2) Accountability – A youth taking personal responsibility for his or her actions and harm caused to others, making amends or restoring loss to those harmed, and changing behavior to reduce future harm and victimization.

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

(4) Alert System – A method of alerting staff that a youth has physical health, mental health, or security issues that may require individual attention or closer supervision. An alert system is a tool for staff to use in making treatment, security and safety decisions as they relate to youth behavior, but does not provide detailed information about the conditions that resulted in the youth being identified for inclusion in the alert system.

(5) Apology letter – A youth's letter to the victim of his or her crime, or the next of kin in cases of homicide, or the parent or legal guardian in cases involving minor victims, in which the youth acknowledges personal accountability for the harm he or she caused the victim, as well as sincerely expresses remorse.

(6) Attorney of Record – A licensed attorney who represents the youth on a previous or pending case, or an attorney who has written authorization from the youth or the youth's parent or legal guardian to provide legal consultation or representation for the youth.

(7) Authority for Evaluation and Treatment (AET) – The document that, when signed by a parent or legal 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.

(8) Behavior Management System (BMS) – The use of techniques and strategies to change and motivate a youth's actions, such as getting them to follow the rules, increasing personal accountability and developing pro-social skills.

(9) Case Management Process – The process a residential commitment program uses to assess a youth, develop goals to address the youth's prioritized needs, review and report the youth's progress, and plan for the youth's transition to the community upon release.

(10) Central Communications Center (CCC) – The unit located in department headquarters that is charged with receiving reports regarding incidents and events involving youths in department custody or under supervision, and state and contracted employees from all department and provider facilities, programs funded in whole or in part, offices or sites operated by the department, a provider or grantee.

(11) Classification and Placement Administration – The department's unit responsible for providing statewide direction and oversight responsibilities to regional placement supervisors and their commitment staff.

(12) Commitment Manager – A department employee responsible for coordinating the placement of youth in residential commitment programs with the department's Classification and Placement Administration and the programs.

(13) Commitment/Transfer Packet – A compilation of legal, medical, mental health, substance abuse, and social history documents provided to a residential commitment program for each youth admitted to the program

(14) Commitment/Transfer Packet Checklist – A checklist to ensure that documents needed for an admission, including a transfer, to a residential commitment program are included in the Commitment/Transfer Packet.

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(15) Community Projects – A structured public service activity wherein youth contribute to the community and make amends, while developing community awareness and skill competencies.

(16) Competency Development – Opportunities for youth to obtain and practice social, vocational, employability, academic, and other life skills so he or she is more capable of living responsibly and productively in the community upon release from a residential commitment program.

(17) Comprehensive Physical Assessment (CPA) –A comprehensive physical assessment (exam) performed by a physician (MD), osteopathic physician (DO), physician’s assistant (PA), or advanced registered nurse practitioner (ARNP). The purpose of this assessment is the establishment of a data point, which is used to facilitate the following:

- (a) Identification and treatment of acute, chronic, and functional medical and dental problems;
- (b) Promotion of growth and development;
- (c) Prevention of communicable diseases; and,
- (d) Provision of health education.

(18) Conflict Resolution – A process wherein all parties involved in a conflict feel safe and have a chance to be heard while working out differences and reaching a reasonable and fair agreement.

(19) Continuity of Operations Plan (COOP) – For purposes of this rule, a plan that provides for the continuity of mission-essential functions of a residential commitment program in the event an emergency prevents occupancy of its primary physical plant or facility.

(20) Contraband –

(a) Any item or article inside or on the property of a residential commitment program, or in the possession of a youth or staff that was not:

1. Issued by the program;
2. Approved for purchase through an approved source;
3. Authorized and approved for delivery by mail; or
4. Authorized to be brought into the residential commitment program.

(b) Any item or article not originally contraband shall be deemed contraband if it is passed from one person to another without authorization.

(c) Any item or article which is altered from its original design or is being used for a purpose other than that for which it was designed or authorized.

(21) Contracted Provider – An entity contractually providing juvenile services to the department.

(22) Controlled Observation –An immediate, short-term crisis management strategy to be used only when all other de-escalation strategies have been unsuccessful.

(23) Criminogenic – The factors or characteristics found in empirical research studies to be predictors of delinquency and recidivism.

(24) Delinquency Interventions and Treatment Services – Those services implemented or delivered by program staff to address youths’ performance and treatment plan goals. Delinquency interventions and treatment services must demonstrate a level of effectiveness based on one of the following categories:

(a) Evidence-Based– Interventions and practices, which have been independently evaluated and found to reduce the likelihood of recidivism and address at least two criminogenic needs, within a juvenile offending population. The evaluation must have used sound methodology, including, but not limited to, random assignment, use of control groups or matched comparison groups, valid and reliable measures, low attrition, and appropriate analysis.

(b) Demonstrated Effectiveness – Interventions and practices based on general principles, strategies, and modalities reported in criminological, psychological, or other social science research as being effective with a juvenile offending population. These practices must be outlined in a format that ensures consistent delivery by the facilitator across multiple groups.

(c) Promising Practice– Manualized curricula that have been evaluated and found to reduce the likelihood of recidivism and address at least one criminogenic need with a juvenile offending population.

(d) Any other delinquency interventions and treatment services approved by the department.

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(25) Designated Mental Health Clinician Authority – A Licensed Mental Health Professional who, through employment or contract, is responsible for ensuring appropriate coordination and implementation of mental health and substance abuse services in a departmental facility or program.

(26) Direct-Care Staff – An employee whose primary job responsibility is to provide care, custody, and control of youth committed to a residential commitment program. This definition includes those who directly supervise staff responsible for the daily care, custody, and control of youth.

(27) Disaster Plan – A plan that addresses a residential commitment program’s response to potential disaster or emergency situations.

(28) Discharge – The release of a youth from a residential commitment program who is no longer under the jurisdiction of the court.

(29) DJJ ID Number – A number generated by the Juvenile Justice Information System (JJIS) that is used to identify each youth entered into JJIS.

(30) Escape Notification Form – A form used by a residential commitment program to notify law enforcement and the department when a youth escapes or absconds and is away from the facility premises without permission. It provides youth-specific information that might be helpful in locating the youth.

(31) Exit Conference – A conference that a residential commitment program conducts at least 14 days prior to a youth’s targeted release date, wherein the youth, residential program staff, the youth’s Juvenile Probation Officer and post-residential services counselor, the youth’s parent(s), guardian, or supportive person(s) for youth, and other pertinent parties, review the status of the youth’s transitional activities and finalize plans for the youth’s release and re-entry into the community.

(32) Face Sheet – Youth specific demographic information that is generated by JJIS.

(33) Facility Entry Screening – The gathering of preliminary information used in determining a youth’s need for emergency services, further evaluation, assessment, or referral.

(34) Frisk Search – A search conducted by residential program staff through the youth’s clothing.

(35) Full Body Visual Search – A search that requires youth to remove or arrange some or all of their clothing so as to permit a visual inspection of the youth.

(36) Grievance Procedure – A procedure for addressing youth grievances in residential commitment programs.

(37) Home Visit – A court-approved, temporary release of a youth from a residential commitment program wherein the youth is under the care, supervision and control of a parent, guardian, or a person approved by the court for a period not to exceed three days before returning to the program.

(38) Impact of Crime (IOC) Curriculum – A delinquency intervention developed by the department that includes competency development, community safety, and personal accountability for the harm caused.

(39) Individual Health Care Record – The permanent departmental file containing the unified cumulative hard-copy collection of clinical records, histories, assessments, treatments, diagnostic tests which relate to a youth’s medical, mental health, substance abuse, developmental disability, behavioral health and dental health which have been obtained to facilitate care or document care provided while the youth is in a detention center and residential commitment program.

(40) Individual Case Management Record – The organized collection of records and documents that relate to a youth’s care, custody and delinquency interventions and treatment services in a residential commitment program, with the exception of records relating to the youth’s medical, mental health, substance abuse, development disability, behavioral health and dental health that comprise the youth’s Individual Healthcare Record.

(41) Intersex – A person whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

(42) Intervention and Treatment Team – A multidisciplinary team responsible for implementing the case management process that focuses on planning for and ensuring delivery of coordinated delinquency interventions and treatment services to meet the youth’s prioritized needs. The team is comprised of the youth, parent(s), guardian, or supportive person(s) for youth, representatives from the program’s administration and residential living environment, assigned Juvenile Probation Officer (JPO), and others responsible for delinquency interventions and treatment services for the youth. Refer to the definition of case management process included in this rule section.

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(43) Jimmy Ryce Act Process for Violent Sexual Offenders –As defined in Chapter 394.910-.932, F.S., is a process that determines if individuals whose offense(s) has/have been of a sexual nature that meet the statutory criteria for involuntary civil commitment to the Department of Children and Family (DCF) services.

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

(45) Juvenile Probation Officer (JPO) – The primary case manager for the purpose of managing, coordinating and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision. In this rule chapter, whenever a reference is made to the tasks and duties of a JPO, it shall also apply to case management staff of a provider agency contracted to perform these duties and tasks.

(46) Juvenile Sex Offender – As defined in Section 985.475, F.S, a juvenile who has been found by the court to have committed a violation of Florida Statute(s) Chapter 794, Chapter 796, Chapter 800, Section 827.071 or Section 847.0133.

(47) Length of Stay –The length of time a youth resides in a residential commitment program.

(48) Licensed Mental Health Professional –A Psychiatrist licensed pursuant to Chapter 458 or 459, F.S., who is board certified in Child and Adolescent Psychiatry or Psychiatry by the American Board of Psychiatry and Neurology or has completed a training program in Psychiatry approved by the American Board of Psychiatry and Neurology for entrance into its certifying examination, a Psychologist licensed pursuant to Chapter 490, F.S., a Licensed Mental Health Counselor, Licensed Marriage and Family Therapist, or Licensed Clinical Social Worker licensed pursuant to Chapter 491, F.S., or a Psychiatric Nurse as defined in Section 394.455(23), F.S

(49) Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) – A 52-item true-false screening instrument designed to identify signs of mental disturbance or emotional distress authorized by DJJ for use at intake into the juvenile justice system and upon admission to a day treatment or residential commitment program. The MAYSI-2 is published by Professional Resource Press.

(50) Official Youth Case Record – A case record, comprised of the individual case management record and the Individual Healthcare Record, that a residential commitment program maintains on each youth.

(51) Off-Campus Activity – Any supervised activity that involves youth leaving the residential commitment program’s premises.

(52) Orientation – The process that begins the day of, or prior to, the youth’s admission whereby facility staff inform the youth of the rules, expectations, services, and goals of the residential commitment program.

(53) Performance Plan – A youth’s individualized plan that addresses needed delinquency interventions identified through the assessment process and includes measurable goals that the youth is expected to achieve prior to release from a residential commitment program.

(54) Performance Summary –Information used to inform the youth, committing court, the youth’s JPO, parent(s), guardian, or supportive person(s) for youth, 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.

(55) Positive Achievement Change Tool (PACT) – A JJIS web-based assessment tool that is scored automatically to determine the risk of a youth to reoffend. The PACT uses a series of risk factors such as antisocial attitudes, delinquent peers, impulsivity, substance abuse, or family history that have proven to be related to future offending. As progress is made in the problem areas specific to each child, the PACT is used to calculate and document how the risk level has increased or decreased over time.

(56) PREA Coordinator – Position within the department responsible for developing, implementing, and overseeing the department’s efforts to comply with the PREA standards in all of its juvenile residential facilities.

(57) PREA Facility Compliance Manager – Position at each juvenile residential facility operated by and for the department responsible for coordinating the facility’s efforts to comply with PREA standards.

(58) Prison Rape Elimination Act (PREA) – The federal statute intended to eradicate sexual assault in correctional facilities, and which is implemented by national standards at 28 C.F.R. Part 115.

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(59) Predisposition Report (PDR) – A multidisciplinary assessment that provides demographic and social history information and reports the youth’s priority needs, makes recommendations, and provides 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.

(60) Pre-Release Notification and Acknowledgement – A three-part form initiated by a residential commitment program to give prior notification to the JPO of a youth’s planned release, then allows for the JPO to add additional information pertinent to the release, and finally allows for the court’s approval or deemed approval by the court of the release.

(61) Program Director – The on-site administrator of a residential commitment program, who is accountable for the operation of the program. This term may be referred to as facility administrator.

(62) Residential Positive Achievement Change Tool (R-PACT) – A JJIS web-based assessment instrument that identifies a youth’s criminogenic needs, that if addressed, would most likely reduce their risk of re-offending. The instrument is specifically designed for residential settings to assist staff in determining the youth’s progress in reducing risk and increasing protective factors.

(63) Release – When a youth re-enters his or her home community after completing and exiting a residential commitment program.

(64) Request for Notification When Youth Is Ready for Release – A request made by a residential commitment program and provided to law enforcement when a youth is removed from the program for incarceration in a county jail.

(65) Residential Commitment Program – A non-secure or secure residential delinquency program.

(66) Residential Environment – The environment within a residential commitment program comprised of its youth, staff, and other service providers, such as contracted/subcontracted medical, mental health services, educational/vocational staff, and volunteers.

(67) Responsivity – A youth’s amenability to treatment and the capacity to respond to programming due to his or her characteristics, such as gender identity/sexual orientation, mental health status, physical health status, cognitive performance, age, and prior victimization.

(68) Restrictiveness Level – As defined in Chapter 985.03, F.S., the level of programming and security provided by programs that service the supervision, custody, care, and treatment needs of committed children.

(a) Non-Secure Restrictiveness Level – A statutorily defined restrictiveness level to which courts commit youth to the department.

(b) Secure Restrictiveness Level – One of the statutorily defined restrictiveness levels, including high- and maximum-risk, to which courts commit youth to the department.

(69) Safety Planning Process for Youth – A plan developed and updated in an ongoing collaboration with the youth to identify specific behaviors or triggers that may decrease the youth’s sense of safety and therefore increase the likelihood that the youth experiences a traumatic stress related response. The safety planning process shall be designed to identify areas that affect the youth and shall incorporate trauma responsive practices. The safety planning process for youth is separate and apart process from the youth’s performance and treatment plan process.

(70) Sexual Misconduct – Any act of sexual abuse or sexual harassment.

(71) Sexually Violent Predator (SVP) – As defined in Chapter 394.912, F.S., and for the purposes of this chapter, SVP eligible refers to a youth being subject to the requirements of Chapter 394.910-394.932, F.S.

(72) Supportive Persons for Youth – An individual identified by the youth or parent/guardian, who can contribute to the youth’s completion of the residential program. The person identified shall be approved by the youth’s JPO, in collaboration with the program’s multidisciplinary treatment team. The approved supportive person(s) shall be entered by the juvenile probation officer (JPO) into the Juvenile Justice Information System (JJIS).

(73) Temporary Release – A court-ordered release in which a child is allowed to temporarily leave the residential commitment program for a specific purpose approved by the court without being under the direct supervision of the residential commitment program staff.

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

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(75) Transgender – A person whose gender identity is different from the person’s assigned sex at birth.

(76) Transition Conference – A conference, conducted at least 60 days prior to a youth’s anticipated release from a residential commitment program, wherein the youth, residential program staff, the youth’s JPO and post-residential services counselor, and the youth’s parent(s), guardian, or supportive person(s) for youth, establish transition activities, with accompanying responsibilities and timelines, to facilitate the youth’s successful release and reintegration into the community.

(77) Transition Planning – The process of establishing transition activities to facilitate a youth’s successful release from a residential commitment program and reintegration into the community.

(78) Trauma Responsive Practices (TRP) – Policies, procedures and practices that recognize and respond to the experiences of trauma in the lives of youth and families.

(79) Treatment Plan – A written guide that structures the focus of a youth’s short-term or ongoing treatment services in the areas of mental health, substance abuse, developmental disability or physical health services.

(80) Treatment Services – Services delivered by clinicians in accordance with a mental health, substance abuse, physical health, or developmental disability treatment plan. This includes implementation of any curriculum specifically designed to be delivered by clinicians.

(81) Victim – A person who suffers physical, financial or emotional harm as a result of a crime and who is identified on a law enforcement victim notification card, a police report, or other official court record as a victim.

(82) Victim Notification of Release – A process in which a residential commitment program notifies the victim, or the next of kin in cases of homicide, or the parent or legal guardian in cases involving victims who are minors, prior to any discharge or release, including a temporary release, of a youth whose committing offense meets the criteria for victim notification in Chapter 960, F.S.

(83) Victim Notification of Release – A notification to the victim of a youth’s release or temporary release from a residential commitment program.

(84) Vulnerability to Victimization and Sexually Aggressive Behavior (VSAB) Screening – A screening process to assess a youth’s vulnerability to victimization and sexually aggressive behavior prior to room assignment

(85) Youth Needs Assessment Summary (YNAS) – A summary document in JJIS of all completed evaluations and assessments used to identify strengths and needs. This summary is completed by the case manager and is used to create the youth’s Performance Plan.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS.  
History–New\_\_\_\_\_.*

### 63E-7.101 Youth Admission, Intake, and Orientation

#### (1) Youth Admission.

(a) Based on coordination of admissions initiated by the regional commitment manager or commitment manager supervisor, a residential commitment program shall accept new admissions Monday through Friday between 8 A.M. and 5 P.M. unless otherwise specified in its contract with the department.

(b) Admissions must arrive via detention services’ Statewide Transportation and Relocation System (STARS) unless the youth resides in and will be placed in the same detention coverage area.

(c) A residential commitment program shall inspect the electronic commitment or transfer packet prior to a youth’s admission and, if any core documents are not included in the packet, shall contact the JPO or JPO supervisor to request the missing documents be faxed or electronically transmitted to the program. The core documents are as follows:

1. DJJ face sheet;
2. Current commitment order;
3. Predisposition Report;
4. Commitment conference summary; and
5. Individual Health Care Record, if it exists from a prior commitment or placement in detention.

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(d) The department shall provide all requested documents as outlined above. When the residential commitment packet is marked as complete in JJIS the youth shall be placed on an active to-be-placed list. If the department does not provide the requested information within two working days, the residential program shall notify the Regional Director for Residential and Correctional Facilities and the Regional Director for Probation and Community Corrections of this action. The youth continues his or her status of awaiting residential placement while the department immediately pursues acquisition or production of the missing core documents, thereby expediting the youth's subsequent admission to the residential commitment program.

(e) A residential commitment program shall communicate internally on admissions as follows:

1. Program staff responsible for admission are notified when a new admission is scheduled to arrive and the youth's name, date and time of anticipated arrival, mode of transportation, medical and mental health needs, and any safety or security risks are documented in the program's logbook.

2. The Designated Health Authority or designee must be notified of all youth admitted with a medical condition.

3. Information included in the commitment or transfer packet is distributed to program staff as their job functions dictate.

4. The Program Director or Designee and Designated Mental Health Clinician Authority, must be notified when a youth is admitted on Suicide Risk Alert in JJIS or was on Suicide Precautions immediately prior to admission to the program.

(f) When a youth is admitted to a residential commitment program, the program shall make notifications as follows:

1. Within 24 hours of any admission or on the first regular workday of the following week when the youth is admitted on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System.

2. The program shall notify the youth's parent(s) or guardian by telephone within 24 hours of the youth's admission, and send follow-up written notification within 48 hours of admission.

3. The program shall notify the committing court in writing within five working days of any admission.

4. Copies of the letter sent to the committing court shall also be provided to the youth's JPO and 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.

(g) Deoxyribonucleic Acid (DNA). Although it is the intent that deoxyribonucleic acid (DNA) samples be collected prior to a youth's admission to a residential commitment program, if a youth who meets the DNA testing criteria pursuant to Chapter 943, F.S., is admitted to the facility without DNA testing, the program shall contact Florida Department of Law Enforcement (FDLE) to verify whether or not a DNA sample is on file for the youth. If not, the program shall collect DNA samples, using the test kit and accompanying instructions provided by FDLE, submit them to FDLE no later than 45 days prior to a youth's release, and document these actions in the youth's individual management record.

(h) Sexually Violent Predator Screening. If the residential commitment program suspects that a youth has been admitted without documentation of being screened as a sexually violent predator pursuant to Chapter 394, F.S., the program shall notify the youth's JPO within three days of the youth's admission. If the JPO does not respond within five working days, the program shall notify the JPO's supervisor. If not resolved within 10 days of the program's original request, the program shall notify the department's residential monitor assigned to the program.

**(2) Youth Intake.** The intake process shall incorporate Trauma Responsive Practices.

(a) The residential commitment program shall develop a policy and procedure related to youth intake commencing upon the arrival to the program, which shall include, at a minimum, the following:

1. The use of strategies to ensure the youth's comfort level and to gauge their emotional state during the intake process.

2. An explanation of the intake process and all the steps and timetable that will occur as a part of this process. Ensure that rationale for any potentially invasive experiences are provided both at this introduction and prior to each step.

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(b) A full body visual search shall occur for each youth and is designed to check for weapons or concealed items that may pose a safety risk to the youth or to others. The search is also designed to document any distinguishing marks or signs of maltreatment or injury.

1. The program shall conduct the full body visual search in a comfortable, private room with two staff members present, both of the same gender as the youth being searched, with the exception of transgender and intersex youth who shall be given the opportunity to choose based upon their preference. When two staff of the same gender are not available, the search may be conducted by one staff of the same gender, while a staff of the opposite gender is positioned to observe the staff person conducting the search, but cannot view the youth.

2. Staff conducting the full body visual screening shall visually inspect the youth, without touching the unclothed youth.

3. Documentation of visible body markings, i.e. scars, bruises, tattoos, or other physical injuries.

(c) A residential commitment program shall complete the following entry screenings immediately upon a youth's admission. These screenings are used to identify any emergency medical, mental health, or substance abuse conditions of a nature that render admission unsafe or warrant immediate attention. These screenings are also used to identify any need for further evaluation.

1. Healthcare Admission Screening shall be conducted for every youth.

2. To screen for mental health and substance abuse, the program shall ensure administration of either the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) or a Clinical Mental Health Substance Abuse Screening. A direct care staff may assist the youth with the self-administration of the MAYSI-2 on JJIS if he or she is trained in the administration and scoring of the MAYSI-2 consistent with the department's Learning Management System requirements. However, a clinical mental health screening shall only be conducted by a licensed mental health professional, and a clinical substance abuse screening shall only be conducted by a Licensed Qualified professional. Clinical screenings require the use of valid and reliable screening instruments.

(d) All youth admitted to residential commitment programs shall be screened for vulnerability to victimization and sexually aggressive behavior prior to room assignment. Room assignments by staff shall ensure a youth's potential for victimization or predatory risk has been reviewed. The screening will be completed using a tool developed by the Department and considers the following:

1. Prior sexual victimization or abusiveness as well as other forms of interpersonal victimization;
2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the youth may therefore be vulnerable to sexual abuse;
3. Current Charges and offense history;
4. Age;
5. Level of emotional and cognitive development;
6. Physical size and stature;
7. Mental illness or mental disabilities;
8. Intellectual or developmental disabilities;
9. Physical disabilities;
10. Youth's perception of vulnerability;
11. Youth's gender identity; and
12. Any other specific information about individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth.

(e) Youth may not be disciplined for refusal to answer any particular question on the screening instrument or for not disclosing complete information.

1. Information gathered by the admissions staff shall be entered into the youth case file. Should information be obtained during the screening that could affect the youth's status (example: admission of sexual assault on others) this information shall also be transmitted to the appropriate staff making room assignment decisions. Youth responses to questions shall be on a need-to-know basis to ensure that sensitive information is not exploited to the youth's detriment by staff or other youth.

2. If the youth discloses prior sexual victimization or perpetrated sexual abuse based on the intake screening information, health/mental health screening information or health history information gathered, whether it occurred in a facility setting or in the community, then staff shall ensure the youth is referred for medical and mental health services



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3. Staff shall ensure that any report of sexual abuse obtained during screening be immediately reported to the proper authorities if the abuse has not previously been reported.

4. Medical and mental health practitioners shall obtain informed consent from youth 18 years of age and older before reporting information about prior sexual victimization that did not occur at the facility.

5. Information gathered from screenings related to sexual victimization or abusiveness shall be strictly limited to medical and mental health practitioners and other staff, to guide treatment plans and security and management decisions, including housing, bed, work, education, and program assignments.

6. The completed screening instrument will be placed in the youth's medical file.

(f) Unless a youth is being admitted into a residential commitment program directly from secure detention, a correctional facility, or another program, a shower, including shampooing hair, is required. Two staff of the same gender as the youth shall supervise the newly admitted youth during this shower, with the exception of transgender and intersex youth who shall be given the opportunity to identify whom they prefer to supervise this activity.

(g) The program shall issue clothing to each youth that is appropriate for size and climate and consistent with the program's dress code.

### **(3) Inventory of Youth's Property.**

(a) A residential commitment program shall inventory each youth's personal property upon admission and document the inventory by listing every item. Program staff shall immediately secure in a locked area all money, jewelry, electronic(s), cellular devices, and any other items deemed valuable. After all personal possessions have been inventoried and documented, the staff conducting the inventory, the youth, and a witness shall sign and date the documentation to attest to its accuracy. The program shall:

1. Maintain a copy of documentation of the personal property inventory.

2. Ask the youth if he or she wants a copy of the personal property inventory documentation and, if so, provide it.

3. Provide a copy of the inventory documentation to the youth's parent(s), guardian, or supportive person(s), if requested.

4. Send inventoried property to the youth's home, or store such property until the youth's release from the program.

(b) The program shall confiscate all contraband, such as weapons and narcotics, excluding narcotics that are verified as having been prescribed for a medical condition, for disposal or storage, and shall submit all illegal contraband to the law enforcement agency having local jurisdiction.

**(4) Classification of Youth.** A residential commitment program shall establish a classification system that promotes safety and security, as well as effective delivery of treatment services, based on determination of each youth's individual needs and risk factors that addresses, at a minimum, the following:

(a) Classification factors to include, at a minimum, the following:

1. Physical characteristics, including sex, height, weight, and general physical stature;

2. Age and maturity level;

3. Identified special needs, including mental, developmental or intellectual, and physical disabilities;

4. History of violence;

5. Gang affiliations;

6. Criminal behavior;

7. Sexual aggression or vulnerability to victimization;

8. Youth's perception of vulnerability;

9. Youth's gender identity;

10. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the youth may therefore be vulnerable to sexual abuse;

11. Identified or suspected risk factors, such as medical, suicide, and escape or security risks; and

12. Any other specific information about individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth.

(b) The results of the youth's VSAB screening shall be used in making room assignment to ensure vulnerable or sexually aggressive youth are not assigned a roommate believed to pose a risk.

(c) Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status. A transgender or intersex youth's own view with

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respect to his or her own safety shall be given serious consideration. Lesbian, gay, bisexual, transgender or intersex identification or status is not an indicator of likelihood of being sexually abusive. Placement shall be considered on a case-by case basis whether the placement will ensure the youth's health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex youth shall be reassessed at least twice each year to review any threats to safety experienced by the youth.

(d) Initial classification of each newly admitted youth for the purpose of assigning him or her to a living unit, sleeping room, and youth group or staff advisor;

(e) Reassessment of a youth's needs and risk factors and reclassification, if warranted, prior to considering:

1. An increase in the youth's privileges or freedom of movement;
2. The youth's participation in work projects or other activities that involve tools or instruments that may be used as potential weapons or means of escape; and
3. The youth's participation in any off-campus activity; and

(f) A continually updated, internal alert system that is easily accessible to program staff and keeps them alerted about youth who are security or safety risks, including escape risks, suicide or other mental health risks, medical risks, sexual predator risks, and other assaultive or violent behavior risks. The program shall design and implement this system to reduce risks by alerting program staff when there is a need for specific follow-up or precautionary measures or more vigilant or increased levels of observation or supervision, and by assisting staff when making treatment or safety and security decisions. Although a direct care, supervisory, or clinical staff may place a youth on alert status if he or she meets the criteria for inclusion in the program's alert system, only the following may recommend downgrading or discontinuing a youth's alert status:

1. A licensed mental health professional or mental health clinical staff person for suicide risk alerts or mental health alerts.
2. A medical staff person for medical alerts upon verification that the health condition or situation no longer exists; or
3. The program director, assistant program director, or on-site supervisor for security alerts.

(g) 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, a residential commitment program shall immediately enter this information into its internal alert system and the JJIS alert system.

(h) A residential commitment program shall establish and maintain critical identifying information and a current photograph that are easily accessible to verify a youth's identity as needed during his or her stay in the program.

1. The program shall maintain the photograph in the youth's individual management record and the Individual Healthcare Record. In the event of an escape, the program shall provide a photograph to law enforcement or other criminal justice agencies to assist in apprehending the youth.

2. The program shall maintain the following critical identifying information for each youth in an administrative hard-copy file that is easily accessible and mobile in the event of an emergency situation that results in the program relocating quickly or in the event needed information cannot be accessed electronically.

- a. Youth's full name 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;
- i. Committing offense and judicial circuit where offense occurred;
- j. Notation of whether or not the judge retains jurisdiction;
- k. Victim notification contact information, if notification is required;
- l. Physical description of youth to include height, weight, eyes and hair color, and any identifying marks;

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- m. Overall health status, including chronic illnesses, current medications and allergies; and
- n. Personal physician (if known).

**(5) Safety Planning Process for Youth.** A residential program shall conduct an on-going safety planning process for each youth. The safety plan shall be designed to identify stimuli that have both positive and negative effects on the youth. The plan shall include, but is not limited to, the following topic areas:

- (a) Warning Signs;
- (b) Youth's Baseline Behavior(s);
- (c) Crisis Recognition. The youth and program staff's perception of verbal and non-verbal stimuli that have both positive and negative effects on the youth (Escalation, De-escalation, Intervention and Recovery);
- (d) Jointly developed coping strategies, to include people and healthy environments as defined by the youth;
- (e) Intervention strategies preferred by the youth;
- (f) Debriefing preferences.
- (g) The safety plan will be developed and updated as provided below:
  1. The initial planning process must begin by the multidisciplinary treatment team during their initial contact with the youth and shall be completed within 14 days.
  2. The plan shall be jointly prepared by the youth, parent(s)/guardian(s), or family member, program's clinical staff, and behavioral specialist, if applicable.
  3. The safety plan shall be reviewed by staff who have contact with youth and shall be maintained in a location that is easily accessible to staff.
  4. The safety plan shall incorporate any recommendations from clinical assessments or screening instruments and shall incorporate trauma responsive practices.
  5. The program staff shall review the youth's record to ensure any pertinent information is included in the safety plan.
  6. The plan must be updated every 30 days or following any significant behavioral or mental health event identified by the youth's intervention and treatment team.

**(6) Orientation of Youth.** A residential commitment program shall begin the orientation process for each youth admitted to the program prior to, or within two hours of, admission to the program. The program shall ensure that the physical and emotional needs of the youth are addressed while providing essential information in an efficient, clear, and linguistically appropriate manner that ensures that a youth can comprehend and respond to information presented. The orientation of youth to a residential commitment program after leaving home, family, and community is a stressful process that can compromise a youth's sense of safety, evoke fear, and contribute to a youth engaging in survival coping. A residential commitment program shall provide orientation to each youth by explaining and discussing the following:

- (a) Services available;
- (b) Daily schedule that is also conspicuously posted to allow easy access for youth;
- (c) Expectations and responsibilities of youth;
- (d) Written behavioral management system that is also conspicuously posted or provided in a resident handbook to allow easy access for youth, including rules governing conduct and positive and negative consequences for behavior;
- (e) Availability of and access to medical and mental health and substance abuse services;
- (f) Access to the Department of Children and Families' central abuse hotline addressed in Chapter 39, F.S., or if the youth is 18 years or older, the Central Communications Center that serves as the department's incident reporting hotline;
- (g) The program's zero-tolerance policy regarding sexual misconduct, including how to report incidents or suspicions of sexual misconduct.
- (h) Special accommodations that are available to ensure all written information about sexual misconduct policies, including how to report sexual misconduct, is conveyed verbally to youth with limited reading skills or who are visually impaired, deaf, or otherwise disabled.

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(i) Right to be free from sexual misconduct, rights to be free from retaliation for reporting such misconduct, and the agency's sexual misconduct response policies and procedures.

(j) Items considered contraband, including illegal items, the possession of which may result in the youth being prosecuted;

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

(l) Dress code and hygiene practices;

(m) Procedures on visitation, mail, and use of the telephone;

(n) Expectations for release from the program, including the youth's successful completion of individual performance plan goals, recommendation to the court for release based on the youth's performance in the program, and the court's decision to release;

(o) Community access;

(p) Grievance procedures;

(q) Emergency procedures, including procedures for fire drills and building evacuation;

(r) Facility tour, if applicable, and general layout of the facility, focusing upon those areas that are and are not accessible to youth;

(s) Assignment to a living unit and room, treatment team and, if applicable, a staff advisor/mentor or youth group; and

(t) Medical topics

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS. History-New \_\_\_\_\_.*

### 63E-7.102 Basic Youth Rights.

#### (1) Access to DCF's Central Abuse Hotline, Mail, Phone Calls, and an Attorney.

(a) The residential commitment program staff shall treat youth with dignity and respect, and the program shall provide, at a minimum, the following for its youth:

1. Shelter;

2. A physically and emotionally safe environment;

3. Clothing;

4. Food;

5. Healthcare;

6. Mental health and substance abuse services;

7. Educational and prevocational or vocational services

8. Opportunities for recreation and large muscle exercise;

9. Opportunities for expression of religious beliefs;

10. Visitation;

11. Access to incoming mail and opportunities to send outgoing mail;

12. Telephone access;

13. Opportunity to access the courts;

14. Trauma responsive residential environment; and

15. Access to the Department of Children and Families' central abuse hotline pursuant to Chapter 39, F.S., or if the youth is 18 years or older, the department's Central Communications Center that serves as the department's incident reporting hotline.

(b) A residential commitment program shall address the needs of the program's targeted gender group. Health and hygiene, the physical environment, life and social skills training, and leisure and recreational activities are key components in providing a gender specific program.

(c) A residential commitment program shall provide opportunities for youth to send and receive mail and shall facilitate correspondence that fosters the youth's reunification with his or her family, unless specifically prohibited

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by court order, or where a family member is the youth's victim, or it is determined not to be in the best interest of the youth. The program shall not allow the youth to directly correspond with his or her victim except through an apology letter whose content is approved by the program director or designee and sent to the youth's JPO to forward to the victim only if he or she expresses a willingness to receive it.

(d) A residential commitment program shall provide opportunities for youth to receive incoming emergency telephone calls from his or her parent(s), guardian, or supportive person(s), and calls from the youth's JPO, attorney of record and, if applicable, the dependency case manager. The program shall allow each youth to make outgoing calls to the JPO, attorney of record and, if applicable, the dependency case manager. A written procedure that fosters family reunification and community reintegration shall specify youths' access to incoming calls from and outgoing calls to family and other persons.

(e) If a youth requests to contact an attorney of his or her choice, the facility must accommodate that request. This supervised process may be done via telephone or the internet. Communication between the youth and the contacted attorney shall be confidential, but visually supervised. Once the youth identifies an attorney willing to represent the youth, that attorney is to be given attorney of record status. The facility is not required to provide an attorney for the youth.

### **(2) Youth Hygiene.**

(a) A residential commitment program shall establish expectations for youth to engage in personal hygiene activities to maintain a neat and clean personal appearance. At a minimum, the program shall allow time on the schedule for youth to:

1. Practice dental hygiene twice daily;
2. Bathe or shower and wash hair daily unless medically contraindicated;
3. Style or comb their hair daily;
4. Option to shave; and
5. Clean and trim their fingernails.

(b) Residential commitment program staff shall provide hygiene instruction and assistance to youth when necessary and shall accommodate the need for:

1. Females to use the restroom or bathe more frequently during their menstrual cycles; and
2. Youth to bathe more frequently when engaging in strenuous outdoor exercise or work projects during hot weather, if the program's schedule permits.

(c) A residential commitment program shall provide each youth with hygiene supplies, as well as storage space for such supplies. Individual hygiene supplies shall include such items as the following:

1. Toothbrush and toothpaste;
2. Soap;
3. Shampoo;
4. Combs or brushes, along with necessary grooming products that are necessary to maintain hair and prevent damage;
5. Shaving supplies;
6. Body lotion; and
7. Hygiene supplies that are gender and culturally appropriate.

(d) Transgender and intersex youth shall be allowed to shower separately from other youth.

(e) A residential commitment program shall provide clean clothing, bedding and towels that are in good condition or repair.

### **(3) Dress Code.**

(a) A residential commitment program shall establish and enforce a dress code for youth. The dress code shall be written to:

1. Promote a neat and well-groomed appearance;
2. Foster pride in appearance;
3. Deter the transfer of attire or symbols associated with negative subcultures, such as gangs, into the program;
4. Promote safety and hygiene; and
5. Assist in differentiating youth from staff.

(b) The dress code shall require the program to provide youth with:

1. Clean, comfortable and modest attire that is in good repair, fits properly, is suitable for the climate, and does not compromise safety; and
2. At a minimum, clean underwear daily, four changes of clothes weekly, shoes, and sleeping attire.

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(c) The dress code for youth shall:

1. Require youth to wear clothing as designed, such as pants or shorts pulled up and properly fastened so underwear is not revealed;
2. Prohibit attire with any messages, markings or designs that are gang-related, drug or alcohol-related, profane or vulgar;
3. Prohibit youth from going barefoot except when bathing, in their rooms resting or sleeping, during medical examination, or under other circumstances deemed warranted by program staff, such as during water related activities; and
4. Prohibit jewelry except for a medical alert bracelet, or if authorized by the program, a watch;

(d) The program shall establish an internal process to review and provide a timely response to a youth's request for exemption from the dress code based on a religious belief or gender identity. The program shall accommodate a youth's validated religious belief or gender identity, unless it is determined that doing so would compromise the safe and secure operation of the program.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS. History-New \_\_\_\_\_.*

### 63E-7.103 Program Environment

**(1) Trauma Responsive Residential Environment.** A residential commitment program shall establish an environment that is conducive to the effective delivery of delinquency interventions and treatment services. This environment shall promote and reinforce community values by giving youth opportunities to assume the responsibilities and experience the benefits of being part of a community. The program shall establish a residential environment that is physically and emotionally safe, and incorporates trauma responsive practices. The program shall have sufficient space and environmental features to allow for effective educational services, medical, mental health and substance abuse services, and general programming separate from the living unit. Every effort shall be made to decrease noise and increase design elements that best utilize the space appropriately, improve stress management and self-regulation.

(a) The program shall promote a trauma responsive residential environment by program leadership and staff demonstrating practices that embrace the core principles of a trauma responsive program including physical and emotional safety, trust, choice, collaboration, empowerment and cultural and linguistic responsiveness. The practice of these core principles shall be evident in development of new policies, in review and modification of existing policies and at all primary points of contact with youth.

(b) The program shall include universal screening for traumatic stress in all youth. The assessments must be designed to help youth manage traumatic stress symptoms and build self-regulation skills.

**(2) Behavior Management System (BMS).** Consistent with its approach to delinquency interventions and treatment services, a residential commitment program shall establish a behavior management system that is responsive to the unique characteristics of the program's population. A program's behavior management system shall be designed to motivate a youth to choose behaviors which are personally fulfilling, productive, and socially acceptable while minimizing destructive or unsafe behaviors. In addition, the system shall assist the youth in the development of skills necessary to manage difficult emotions such as anger, depression, and anxiety, while also teaching the youth skills to help them function effectively within the program. When the program's BMS includes Behavioral Analysis Services as defined in Chapter 63N-1, F.A.C., such services must be provided as set forth in that rule.

(a) A residential commitment program's behavior management system shall be described in writing and designed to:

1. Promote safety, respect, fairness, and protection of rights within the residential environment;
2. Provide constructive discipline and a system of positive and negative logical consequences to encourage youth to meet expectations for behavior;
3. Provide opportunities for positive reinforcement and recognition for accomplishments and positive behaviors at a minimum ratio of 4:1 positive to negative consequences;
4. Promote socially acceptable means for youth to meet their needs;

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5. Include a process that accommodates the emotional and developmental capacity of individual youth by addressing the following:
    - a. Staff shall explain to the youth the reason that they did not achieve their treatment or behavioral goals;
    - b. The youth is given an opportunity to explain his or her behavior;
    - c. Staff and the youth discuss the behavior's impact on others, reasonable reparations for harm caused to others, and alternative acceptable behaviors and coping strategies;
  6. Promote dialogue and peaceful conflict resolution;
  7. Minimize separation of youth from the general population;
  8. Provide ongoing oversight and training of direct-care staff; and
  9. Ensure common behavior management classroom expectations are agreed to by the program director and the director of the educational program and contains, at a minimum, the following:
    - a. Assessment of youth needs
    - b. Direct care staff's role/participation in the classroom.
    - c. Protocols for addressing disruptive classroom behavior.
    - d. Training/orientation at least annually and within 30 days of hire for all educational and facility staff working in the classrooms. The training must include the behavior management classroom expectations, de-escalation techniques, crisis intervention procedures, and mandatory reporting requirements of child abuse, abandonment, and neglect as outlined in Section 39.201, F.S.
- (b) A residential commitment program's behavior management system shall not:
1. Be used solely to increase a youth's length of stay;
  2. Be used to deny a youth basic rights or services to include regular meals, clothing, sleep, physical or mental health services, educational services physical exercise, correspondence, and visitation from his or her parent(s), guardian, or supportive person(s), and contact with an attorney of record, JPO, clergy and, if applicable, the dependency case manager;
  3. Promote the use of group discipline;
  4. Allow youth to sanction other youth; or
  5. Include disciplinary confinement wherein a youth is isolated in a locked room as discipline for misbehavior.
- (3) Grievance Process.** A residential commitment program shall establish written procedures specifying the process for youth to grieve actions of program staff and conditions or circumstances involving the violation or denial of basic rights. These procedures shall establish each youth's right to grieve and ensure that all youth are treated fairly, respectfully, without discrimination, and that their rights are protected.
- (a) The procedures shall address each of the following phases of the youth grievance process, specifying timeframes that promote timely feedback to youth and rectification of situations or conditions when grievances are determined to be valid or justified.
1. Informal phase wherein the youth attempts to resolve the complaint or condition with staff on duty at the time of the grieved situation;
  2. Formal phase wherein the youth submits a written grievance that requires a written response from a supervisory staff person; and
  3. Appeal phase wherein the youth may appeal the outcome of the formal phase to the program director or designee.
- (b) Program staff shall be trained on the program's youth grievance process and procedures.
- (c) Program staff shall explain the grievance process to youth during their program orientation and shall post the written procedures throughout the facility for easy access by youth.
- (d) The program shall provide grievance forms and accompanying instructions at locations throughout the facility so they are readily accessible to youth. When a youth requests assistance in filing a grievance, program staff shall assist the youth as needed.
- (e) The program shall maintain documentation on each youth grievance and its outcome in a centralized location for at least one year.

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**(4) Visitation.** A residential commitment program shall develop a policy and procedure to provide visitation for youth and, at a minimum, shall address the following:

(a) Program security and the safety of youth, staff and visitors;

(b) Designated visitation schedule that is provided to each youth's parent(s), guardian, or supportive person(s) and is readily available to other authorized visitors, as well as reasonable accommodations in response to parent(s)', guardian's, or supportive person(s) request for alternate visitation arrangements;

(c) Designated visitation areas and staff supervision during visitation;

(d) Identification of authorized visitors to include the youth's parent(s), guardian, supportive person(s), spouse, attorney of record, JPO, clergy, and others concerned with the youth's rehabilitation and treatment. To facilitate family reunification, the program shall consider requests for alternate visitation arrangements from a youth's parent(s), guardian, or supportive person(s), unless such contact is specifically prohibited by a court order, against the youth's wishes, or poses a safety or security threat. The program shall not allow visitation by any co-defendant in the youth's current offense, anyone prohibited by court order to have contact with the youth, anyone the youth is unwilling to receive as a visitor, or anyone whose presence or behavior during a prior visitation posed a safety or security threat;

(e) Verification of the identity of visitors by requiring a form of photo identification except in the case of children or siblings of the youth who are accompanied by a parent or legal guardian;

(f) Documentation of all visitation to include:

1. The visitor's signature, the date, and the times of entry and exit;

2. The name of any visitor denied entry and the date, time, and reason for denial;

(g) Measures to prevent the introduction of contraband into the program to include:

1. Written notification to visitors before their entry into the facility that their person and any packages may be subject to search and that possession of illegal contraband could be subject to legal action;

2. Mandatory electronic search of visitors entering high-risk and maximum-risk programs and optional electronic search of visitors entering non-secure programs;

3. Frisk search of a visitor by a staff person of the same sex when reasonable belief exists that the visitor is attempting to introduce contraband or otherwise compromise the security of the facility;

4. Search of packages or other items for youth conducted in the presence of the visitor;

5. Prohibition of visitors bringing their personal possessions into the facility unless the program director or his or her designee makes an exception for a visitor needing a documented prescription medication or an adaptive device due to a disability;

6. Frisk search of a youth in a high-risk or maximum-risk program prior to the youth's exit from the visitation area; and

7. Search of the visitation area by staff after all visits are concluded; and

(h) Termination of the visit if the youth or visitor violates the program rules, is loud or disorderly or visibly angry or upset, engages or attempts to engage in sexual contact or activity, is physically aggressive, or otherwise poses an unsafe situation.

**(5) Stakeholder Access:** The following persons are authorized to visit juvenile residential commitment programs operated or overseen by the department. All stakeholders must sign and abide by the department's Visitor Confidentiality Agreement (RS 100, April 2018), which is incorporated by reference and available electronically at



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XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

(a) All persons listed below are authorized to visit between the hours of 6:00am and 11:00pm:

1. Governor;
2. Cabinet Member;
3. Member of the Legislature;
4. State Attorney;
5. Public Defender

(b) No visitors are authorized between the hours of 11:00pm and 6:00am.

**(6) News Media Tours.** Permission for visits by bona fide news media representatives shall not be unreasonably withheld. It shall be the responsibility of the news media representatives requesting the visitation to present to the Office of Communications evidence sufficient to establish that such person is a bona fide news media representative and to provide the information sufficiently in advance that it may be verified.

(a) News media representatives consist of persons whose principal employment is gathering and reporting news for a:

1. Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;
2. Newspaper reporting general interest information news and circulated to the public in the community where it is published;
3. News magazine that has a national circulation, is sold by mail subscriptions, or on newsstands to the general public; or
4. National or international news service.

(b) News media tours of a juvenile residential commitment facilities shall be pre-arranged with the Office of Communications. The following conditions apply:

1. News media representatives shall be required to provide news station ID and two verifiable contacts for the media group they represent. Phone numbers for these contacts must also be provided. If the contacts provided do not confirm the representative's association with the respective media group, the representative shall be required to provide two additional contacts. If such contacts do not confirm the representative's association with the respective media group, the tour shall be cancelled and the media representative shall not be permitted future tours.

2. Representatives of news media visiting a facility are subject to search pursuant to 63E-7.103(4), F.A.C.

3. News media representatives must be escorted by staff. Random access not specific to the purpose of the tour is prohibited.

4. During an emergency, news media representatives will be restricted to a designated area identified by the facility administrator or designee.

5. Media members are limited to two (2) members.

6. Attorneys, doctors, youth's family members, and victims or victim family members may not accompany media representatives on their visits.

7. Media representatives must provide identification upon entry into the juvenile residential facility.

8. Interviews and photographs of youth or staff shall not be permitted.

9. Photography and video making equipment is prohibited.

10. Privacy rights of youth shall be observed by the media. No movie films, television tapes, or recordings may be made of the juvenile involved.

11. Media representatives shall not be given access to juveniles on any type of observation defined in Rule 63N-1.00951-00952, F.A.C and 63E-7.103(14).

12. The Florida Department of Juvenile Justice or contracted provider employees are not authorized to sign film crew or media location releases.

13. Tours are authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the facility administrator or designee determines that such tours would not impair or disrupt the normal operations or security of the facility and would not endanger the safety of the visitor.

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14. No part of the residential commitment program may be filmed.

15. Foreign Press. In addition to all of the above, foreign press members must provide criminal history clearance from the official criminal history registry of their native country. Contact information for a representative from the agency that maintains that registry must also be provided. A legible copy of the foreign media representative's passport must be submitted to the Office of Communications prior to the tour for approval.

*Rulemaking Authority 985.64, 985.601(3)(a), 985.6885(4) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441, 985.6885 FS. History-New \_\_\_\_\_.*

### 63E-7.104 Residential Case Management Services.

(1) A residential commitment program shall provide case management services for each youth that ensures his or her priority needs are identified and addressed through the coordinated delivery of delinquency interventions and treatment services. The program's case management processes shall include the following:

- (a) Assessment of the youth, including reassessments or updates;
- (b) Development and implementation of the youth's performance plan;
- (c) Review and reporting of the youth's performance and progress; and
- (d) Transition planning.

(2) **Accommodating Disabilities.** When providing case management services to any youth identified as having a disability, a residential commitment program shall make accommodations as needed to facilitate the youth's understanding of and active participation in the case management processes.

(3) **Supportive Persons for Youth and their Treatment.** A residential commitment program shall encourage and facilitate involvement of the youth's parent(s) or guardian and other supportive person(s) in the youth's assessment, performance plan development, progress reviews, and transition planning. To facilitate this involvement, the program shall invite the youth's parent(s), guardian, and other supportive person(s) to intervention and treatment team meetings. If unable to attend, the parent(s), guardian, or other supportive person(s) shall be given the opportunity to participate via telephone or video conferencing or to provide verbal or written input prior to the meeting. The program shall obtain the written consent of any youth 18 years of age or older, unless the youth is incapacitated and has a court-appointed guardian, before providing or discussing with the parent(s), guardian, or other supportive person(s) any information related to the youth's physical or mental health screening, assessment, or treatment. Additionally, the program shall obtain the written consent of any youth, regardless of age, unless he or she is incapacitated and has a court-appointed guardian, before sharing with the parent(s), guardian, or other supportive person(s) any substance abuse information pertaining to the youth.

(4) **Multidisciplinary Intervention and Treatment Team.** A residential commitment program shall implement a multidisciplinary case management and treatment planning process, assigning each newly admitted youth's case to a multidisciplinary intervention and treatment team. The team shall plan for and ensure delivery of coordinated delinquency interventions and treatment services to meet the prioritized needs of each youth assigned.

(a) The program director or his or her designee shall identify a leader for each intervention and treatment team to coordinate and oversee the team's efforts and facilitate effective management of each case assigned to the team.

(b) At a minimum, a multidisciplinary intervention and treatment team shall be comprised of the youth, representatives from the program's administration and residential living unit, and others directly responsible for providing, or overseeing provision of, intervention and treatment services to the youth. Each intervention and treatment team member shall participate in the case management processes to ensure provision of coordinated services to each youth. The program shall request and encourage the waiver support coordinator if the youth is an identified APD client, the DCF counselor, if applicable, and a representative of the educational staff to participate as an intervention and treatment team member. However, at a minimum, the intervention and treatment team shall obtain input from the educational staff for use when developing and modifying the youth's performance plan, preparing progress reports to the court, and engaging in transition planning.

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(c) At a minimum, a multidisciplinary intervention and treatment team shall obtain information regarding any barrier(s) to discharge from the youth's JPO or applicable collateral contacts during the initial and every formal monthly intervention and treatment team meeting. Information shall include but is not limited to academic status upon release, guardianship/DCF involvement, living placement upon discharge, and any other barriers that need to be addressed to assist the youth's transition. Any identified barriers must appear on the youth's performance plan, to include responsible parties, and continued to the youth's transition plan, if necessary.

(d) The multidisciplinary treatment team is responsible for developing, updating and reviewing mental health and substance abuse treatment plans as set forth in Chapter 63N-1, F.A.C.

**(5) Assessment:** A residential commitment program shall provide assessment services as follows:

(a) Initial Assessment. The program shall ensure that an initial assessment of each youth is conducted within 30 days of admission. The program shall maintain all documentation of the initial assessment process in JJIS on the Youth Needs Assessment Summary (YNAS). The YNAS (RS 13, May 2010), which is incorporated into this rule and is available electronically at [XXXX](#) or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

1. Criminogenic Risks and Needs: The program shall assess each youth using the R-PACT to identify criminogenic risk and protective factors, prioritizing the youth's criminogenic needs.

2. Academic and Career Education Needs (Vocational). The academic and career education assessment shall be conducted by local school district personnel or contracted education staff pursuant to Section 1003.52, F.S. The program shall ensure that the initial assessment process addresses the youth's academic and career educational needs, and that any resulting information is applicable to the criminogenic risk and needs assessment and is incorporated into the youth's performance plan.

3. Physical Health. The Health Related History (HRH) must be conducted by a licensed nurse pursuant to Chapter 63M-2, F.A.C. The Comprehensive Physical Assessment (CPA) must be conducted by a physician, physician assistant, or advanced registered nurse practitioner (ARNP).

4. Mental Health and Substance Abuse Services. Chapter 63N-1, F.A.C., establishes the department's requirements for mental health and substance abuse services.

(b) Reassessment. The program shall determine and document changes in each youth's risks and needs using the R-PACT so that updated information is available when the intervention and treatment team prepares a 90-day Performance Summary. Additionally, the program shall ensure that any other updates or reassessments are completed when deemed necessary by the intervention and treatment team to effectively manage the youth's case. The program shall maintain all re-assessment case management documentation in the youth's official case record. Any mental health evaluation or substance abuse evaluation must be documented and permanently filed in the youth's Individual Healthcare Record.

**(6) Performance Plan.** A residential commitment program shall ensure that each youth has a performance plan with individualized delinquency intervention goals to achieve before release from the program. Based on the findings of the initial assessment of the youth, the intervention and treatment team, including the youth, shall meet and develop the performance plan within 30 days of the youth's admission.

(a) The performance plan, developed to facilitate the youth's successful reintegration into the community upon release from the program, shall include goals that:

1. Specify delinquency interventions with measurable outcomes for the youth that will decrease criminogenic risk factors and promote strengths, skills, and supports that reduce the likelihood of the youth reoffending;

2. Target court-ordered sanctions that can be initiated or completed while the youth is in the program; and

3. Identify transition activities that are consistent with Chapter 63B-1, F.A.C., and begin early in the youth's placement to address barriers to successful release.

4. Performance goals and time to complete them should be determined by the needs of each youth, not length of stay estimates. The goals should be relative to the youth's identified treatment need(s) and risk-to-reoffend.

(b) For each goal, the performance plan shall specify its target date for completion, the youth's responsibilities to accomplish the goal, and the program's responsibilities to enable the youth to complete the goal.

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(c) To facilitate the youth's rehabilitation or promote public safety, the intervention and treatment team may revise the youth's performance plan based on the RPACT reassessment results, the youth's demonstrated progress or lack of progress toward completing a goal, or newly acquired or revealed information. Additionally, based on the transition conference, the intervention and treatment team shall revise the youth's performance plan as needed to facilitate transition activities targeted for completion during the last 60 days of the youth's stay in the program.

(d) The youth, the intervention and treatment team leader, and all other parties who have significant responsibilities in goal completion shall sign the performance plan, indicating their acknowledgement of its contents and associated responsibilities. The program shall file the original signed performance plan in the youth's official case record and shall provide a copy to the youth.

(e) Within 10 working days of completion of the performance plan, the program shall send a transmittal letter and a copy of the plan to the committing court, the youth's JPO, parent, guardian, or supportive person(s), and the DCF counselor, if applicable.

1. Electronic transmittal of the performance plan to the youth's JPO and DCF counselor is acceptable.

2. If the parent, guardian, or supportive person(s) did not participate in the development of the performance plan and if the youth is a minor and not emancipated pursuant to Section 743.01 or 743.015, F.S., or is over 18 years of age and incapacitated pursuant to Section 744.102(12), F.S., the program shall enclose an additional copy of the plan's signature sheet and shall request in the transmittal letter that the parent(s), guardian, or supportive person(s) acknowledge receipt and review of the plan by signing the signature sheet and returning it to the program. Any signature sheet signed by the parent(s), guardian, or supportive person(s) and returned to the program shall be attached to the youth's original performance plan.

**(7) Treatment Plan.** When a youth has a developmental disability or a mental health, substance abuse, or physical health need that is addressed in a separate treatment or care plan, that treatment or care plan shall be coordinated with the youth's performance plan through the multi-disciplinary intervention and treatment team process to ensure compatibility of goals, services and service delivery. The youth's performance plan shall reference the youth's treatment or care plan only as allowed under Federal and State confidentiality laws pertaining to protected healthcare information and substance abuse clinical records. When a youth in a residential commitment program has a current behavior support plan or case plan through the APD, the program shall coordinate the youth's performance plan with the youth's APD plan for related issues.

**(8) Academic Progress Monitoring Plan.** A youth's performance plan and his or her academic progress monitoring plan, if applicable, shall be coordinated through the program's multi-disciplinary intervention and treatment team process, and the performance plan shall reference or incorporate the academic progress monitoring plan, which is required to be completed by the local school district personnel or contracted education staff, within 10 school days of a youth's admission into the residential commitment program or no later than three (3) school days after the administration of the educational entry assessment.

### **(9) Performance Review and Reporting.**

(a) Performance Reviews. A residential commitment program shall ensure that the intervention and treatment team reviews each youth's performance, RPACT reassessment results, progress on individualized performance plan goals, positive and negative behavior, to include behavior that resulted in physical interventions.

(b) Performance reviews shall result in revisions to the youth's performance plan when determined necessary by the intervention and treatment team and reassessments when deemed necessary by the intervention and treatment team.

1. Non-secure and high-risk programs shall conduct biweekly reviews of each youth's performance. A formal performance review, requiring a meeting of the intervention and treatment team, shall be conducted at least every 30 days. However, one biweekly performance review per month may be informal, wherein the intervention and treatment team leader, including other team members when needed, meets with the youth.

2. In maximum-risk programs, the intervention and treatment team shall meet at least every 30 days to conduct a formal performance review of each youth.

3. The intervention and treatment team shall provide an opportunity for youth to demonstrate skills acquired in the program, and shall document each formal and informal performance review in the official youth case record,

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including the youth's name, date of the review, meeting attendees, any input or comments from team members or others, and a brief synopsis of the youth's progress in the program.

(c) Performance Reporting. The intervention and treatment team shall prepare a Performance Summary at 90-day intervals, beginning 90 days from the signing of the youth's performance plan, or monthly when requested by the committing court. Additionally, the intervention and treatment team shall prepare a Performance Summary prior to the youth's release, discharge or transfer from the program. The Performance Summary (RS 007, July 2017), is incorporated by reference and available electronically at [XXXX](#) or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

1. Each Performance Summary shall address, at a minimum, the following areas:

- a. The youth's status on each performance plan goal;
- b. The youth's overall treatment progress if the youth has a treatment plan as allowed under Federal and State confidentiality laws pertaining to protected healthcare information and substance abuse clinical records;
- c. The youth's academic status, including performance and behavior in school;
- d. The youth's behavior, including level of motivation and readiness for change, interactions with peers and staff, overall behavior adjustment, and, for any initial Performance Summary, the youth's initial adjustment to the program;
- e. Significant positive and negative incidents or events; and
- f. A justification for a request for release, discharge or transfer, if applicable.

2. The staff member who prepared the Performance Summary, the intervention and treatment team leader, the program director or designee, and the youth shall review, sign and date the document. Prior to the youth signing the document, program staff shall give the youth an opportunity to add comments, assisting the youth, if requested. The program shall distribute the performance summary as specified below within 10 working days of its signing.

a. With the exception of a Performance Summary prepared in anticipation of a youth's release or discharge, the program shall send copies of the signed document to the committing court, the youth's JPO, and the parent(s), guardian, or supportive person(s) and shall provide a copy to the youth.

b. The program shall file the original, signed Performance Summary in the official youth case record except when it is prepared in anticipation of a youth's release or discharge, in which case, the program shall file a signed copy in the official youth case record.

**(10) Transition Planning.** Transition activities shall begin upon the youth's admission into the residential commitment program and be completed in accordance with Chapter 63T-1, F.A.C.

**(11) Coordination of Services for DJJ Youth Also Served by the Department of Children and Families (DCF) and Agency for Persons with Disabilities (APD).** In an effort to coordinate services for youth jointly served by the department and one or both of the agencies identified above, a residential commitment program shall provide information requested by the DCF counselor or APD representative, or the youth's JPO on behalf of these agency representatives, and shall, upon request, make reasonable accommodations for them to visit the youth. The program shall invite these representatives from other agencies to the youth's transition and exit conferences pursuant to Chapter 63T-1, F.A.C., and, if necessary, make reasonable accommodations for telephone or video access to participate in the conference. Additionally, the program shall notify these representatives 30 days prior to a youth's release or, in the event the program does not have 30 days' notice of the youth's release, the program shall notify them immediately upon becoming aware of the release date.

**(12) Management of Sexually Violent Predator (SVP) Eligible Cases.** A residential commitment program shall establish and implement a tracking system to ensure that any case of a youth who is screened by the department as potentially eligible for involuntary commitment as an SVP is managed as follows:

(a) The program shall identify the youth's potential SVP eligibility as part of the initial assessment documentation and the youth's performance plan. The program shall include transition activities on the youth's performance plan that facilitate determination of the youth's SVP eligibility status.

(b) When planning the youth's release, the program shall assist the DCF multidisciplinary team and the State Attorney by providing additional information requested or by accommodating their request to interview the youth.

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*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS. History-New \_\_\_\_\_.*

### 63E-7.105 Residential Programming

A residential commitment program shall provide delinquency interventions and treatment services that are gender-specific and that focus on preparing youth to live responsibly in the community upon release from the program. The program shall design its delinquency interventions and treatment services and service delivery system based on the common characteristics of its primary target population, including age, gender, and special needs, and their impact on youths' responsivity to intervention or treatment. However, the program shall individualize and coordinate the provision of delinquency interventions and treatment services based on each youth's prioritized risk and needs as identified through the RPACT, and document services delivered in the youth's individual management record. The program shall individualize treatment services based upon each youth's diagnoses, symptoms, and needs, and document treatment services in the youth's Individual Healthcare Record.

#### (1) Delinquency Intervention Services.

(a) For each youth in its care, a residential commitment program shall implement a delinquency intervention model or strategy that is an evidence-based practice, promising practice, a practice with demonstrated effectiveness, or any other intervention approved by the department that addresses a priority need identified for that youth.

(b) Education and work experience shall be considered by the program when determining staff delivery of delinquency intervention services.

(c) A staff person responsible for the implementation of a specific delinquency intervention model, strategy or curriculum shall receive training in its effective implementation.

(d) Residential commitment programs shall assure structured, planned programming or activities at least 60% of a youth's awake hours. The program shall provide activities or services that include, at a minimum, the following:

1. Educational Services and Career and Vocational Programming. Educational services shall be provided pursuant to Section 1003.52, F.S., the cooperative agreement between the applicable school district and the department, and any applicable provisions of the residential provider's contract with the department. Career and vocational programming services shall be provided pursuant to Chapter 63B-1, F.A.C., and any applicable provisions of the residential provider's contract with the department. The program shall make relevant facility training available to the educational and vocational staff, including program orientation, facility safety and security procedures, the program's behavior management system, and other topics that the program deems necessary to promote coordination of services, as well as safety and security.

2. Life and Social Skill Competency Development. The program shall provide delinquency interventions or instruction that focus on developing life and social skill competencies in youth. For purposes of this rule chapter, life skills are those skills that help youth to function more responsibly and successfully in everyday life situations, including social skills that specifically address interpersonal relationships. Non-clinical staff may implement only non-clinical life and social skills interventions or instruction. When skill training or instructional materials are specifically designed for use by clinical staff or the skill training is delivered in response to a youth's treatment plan, the skill training must be provided by clinicians.

a. The program shall provide life and social skills intervention services that address, at a minimum, identification and avoidance of high-risk situations that could endanger self or others, communication, interpersonal relationships and interactions, non-violent conflict resolution, anger management, and critical thinking, including problem-solving and decision-making.

b. Direct care staff shall model prosocial behaviors for youth throughout the course of each day in the program, reinforce delinquency interventions, and guide and re-direct youth toward prosocial behaviors and positive choices. Additionally, staff shall engage youth in constructive dialogue to peacefully resolve conflict when it occurs or, if imminent safety and security issues delay intervention to resolve the conflict, as a follow-up process after safety and security are restored.

3. Restorative Justice. The program shall provide activities or instruction intended to increase youths' awareness of and empathy for crime victims and survivors and increase youths' personal accountability for their criminal

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actions and harm to others. The department's Impact of Crime (IOC) curriculum can be used to satisfy the restorative justice requirement. These activities or instruction shall be planned or designed to:

a. Assist youth to accept responsibility for harm they have caused by their past criminal actions, challenging them to recognize and modify their irresponsible thinking, such as denying, minimizing, rationalizing, and blaming victims;

b. Teach youth about the impact of crime on victims, their families and their communities;

c. Expose youth to victims' perspectives through victim speakers, in person or on videotape or audiotape, or through victim impact statements, and engage youth in follow-up activities to process their reactions to each victim's accounting of how crime affected his or her life; and

d. Provide opportunities for youth to plan and participate in reparation activities intended to restore victims and communities, such as restitution activities and community service projects.

4. Community Projects. The program shall engage youth in community projects as learning experiences that promote competency development in youth and provide opportunities for them to give back to the community, such as projects that benefit less fortunate or victimized persons. If youth are restricted to the confines of the residential facility grounds, the program shall engage them in structured activities that can be accomplished on-site at the program while benefiting the community. Through collaborative community partnerships, the program shall identify projects that are needed and valued by the community. Although program staff shall be responsible for the direct supervision of youth while engaged in a community project, the program shall ensure that any community member identified to sponsor or oversee a project serves as a positive role model while providing guidance needed for youth to successfully complete the project. For youth to understand the value of community involvement, staff shall allow youth to give input into the selection of a community project, involve youth in planning the project, and debrief with youth after completion of the project to process what they learned and how the community was benefited.

5. Recreation and Leisure Activities. The program shall provide a range of supervised, structured indoor and outdoor recreation and leisure activities for youth. These activities shall be based on the developmental levels and needs of youth in the program, as well as youths' input about their preferences and interests in various activities. The program shall offer recreation and leisure activities requiring varying degrees of mental and physical exertion, such as board games, creative arts, sports, and physical fitness activities. Activities shall be planned for youths' exposure to a variety of leisure and recreation choices, exploration of interests, constructive use of leisure time, and social and cognitive skill development, as well as to promote creativity, teamwork, healthy competition, mental stimulation, and physical fitness.

a. When engaging youth in active recreation and physical fitness activities, the program shall take the precautionary measures necessary to prevent over-exertion, heat stress, dehydration, frostbite, hypothermia, and exacerbation of existing illness or physical injury.

b. When planning for and engaging youth in active recreation and physical fitness activities, the program shall accommodate youths' limitations due to physical disabilities.

c. The program shall provide each youth with the opportunity to engage in large muscle exercise at least one hour daily. However, a youth shall not engage in such exercise when prohibited by medical contraindications or restrictions documented by a licensed healthcare professional or when a youth is exhibiting signs and symptoms of illness or physical injury pending a licensed healthcare professional's determination as to the necessity for medical restrictions. Additionally, a youth shall be prohibited from large muscle exercise when he or she is temporarily separated from the general population, including when placed on controlled observation or room restriction status. However, if a youth is restricted to a room, the program shall give the youth an opportunity for large muscle exercise as soon as is reasonably possible after the youth is reintegrated into the general population.

d. The program director shall ensure development and implementation of written procedures that establish the conditions, content, and supervision necessary for the use of books and other leisure reading materials, television programming, videos, movies, and video games in the program. Except for academic classroom materials approved by educational personnel, program staff shall screen or preview the content of books and other reading materials, television programming, videos, movies, and video games to prevent youth's access to content that promotes violence, criminal activity, sexual activity, or abuse. Program staff shall not allow youth to view any television

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program, video, or movie that is rated above PG-13 unless it is previewed and pre-approved by the program director or his or her designee.

**(2) Gang Prevention and Intervention Strategies.** A residential commitment program shall implement gang prevention and intervention strategies when youth are identified as being a criminal street gang member, are affiliated with any criminal street gang, or are at high risk of gang involvement. Identification of youth to participate in gang prevention or intervention activities shall be based on information obtained through the program's screening, assessment and classification processes, as well as gang-associated behaviors exhibited or the youth's expressed interest or intent while in the program.

**(3) Rehabilitative Planning and Follow-up Requirements for Off-Campus Activities.** A residential commitment program shall ensure that off-campus activities addressed in this subsection are purposeful, deliberately planned, and related to the rehabilitation of the participating youth. Programs shall comply with eligibility, risk classification, notification and approval, supervision, and other security requirements related to off-campus activities. Additionally, the program shall comply with the following rehabilitative planning and follow-up requirements for youth participating in supervised off-campus activities, such as community service projects, field excursions and other transition-related activities, and unsupervised temporary release activities, such as community employment, or day activities and home visits with youths' parent(s), guardian, or supportive person(s). However, the following requirements are not mandatory for supervised recreational off-campus activities earned by youth as incentives in accordance with the program's behavior management system.

(a) A participating youth shall have specific, written goals or objectives, consistent with his or her performance plan and transition goals, to accomplish during the above-listed off-campus activities. The youth's parent(s), guardian, or supportive person(s) shall be responsible for providing supervision and support during their child's home visit. For a home visit, the youth's home visit goals shall be included on the Home Visit Plan/Notification Form (RS 003, July 2017) which is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, Florida 32399.

(b) The program shall send the Home Visit Plan/Notification Form to the committing court, and shall copy the youth's parent(s), guardian, or supportive person(s), the youth's JPO, and the youth's post-residential services counselor, if assigned. The program shall also send to the committing court the Home Visit Plan Approval Form (RS 004, September 2006) which is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

(c) After completion of an off-campus activity, program staff shall de-brief with participating youth to process what they learned from the experience, as well as how they performed during the activity, including successes, challenges, and if applicable, alternative behaviors or actions that could have resulted in more positive outcomes. The youth's treatment team shall use information about the youth's performance during off-campus activities when reviewing the youth's overall progress and when planning future off-site and transition activities for the youth. The program shall solicit feedback on a youth's performance from the employer of a youth participating in community employment, the community member overseeing a community services project, and the parent(s), guardian, or supportive person(s) after supervising their child during a day activity or home visit.

**(4) Treatment Services.** Treatment services shall be provided so as to include the following components:

- (a) Routine Consent.
- (b) Youth Consent for Substance Abuse Evaluation and Treatment.
- (c) Special Consent.
- (d) Physical Health Services.
- (e) Mental Health Services and Substance Abuse Services.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441, 985.64(2), FS. History-New \_\_\_\_\_.*



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### 63E-7.106 Transfer, Release and Discharge.

#### (1) Transfer.

(a) A residential commitment program may request to transfer a youth to a higher, lower, or same restrictiveness level program by submitting a Transfer Request Form, Commitment/Transfer Packet Checklist and a transfer Performance Summary to a regional transfer administrator designated by the department. The transfer Performance Summary shall describe efforts by the program to meet the youth's treatment needs and to modify or manage non-compliant behavior. A requesting program shall complete a Transfer Request Form (RS 010, July 2017), which is incorporated and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399. The request shall be based on at least one of the following:

1. A youth's new law violations;
2. The youth's continued non-compliant behavior after the program has attempted to modify or manage it;
3. The program's incapacity to meet the youth's changing treatment needs;
4. The youth's gang affiliation;
5. Protection of the public; or
6. Impending program closure or reduction in the program's bed capacity.

(b) The transfer administrator shall conduct a transfer staffing if a youth is being considered for transfer to a higher restrictiveness program, and may conduct a transfer staffing in other cases when he or she deems necessary. If the transfer administrator schedules a transfer staffing, the program requesting the transfer shall:

1. Send the Transfer Staffing Notification Form, and the transfer Performance Summary to the youth's parent(s), guardian, or supportive person(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 state attorney. The Transfer Staffing Notification Form, (RS 006, July 2017) is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399;
2. Complete the Commitment/Transfer Packet Checklist (JJ/IS 20, April 2018), which is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.
3. Designate at least one member of the youth's treatment team to participate in the staffing;
4. Contact the youth's parent(s) guardian, or supportive person(s) regarding their ability to participate in the staffing or obtain their input to be shared with the transfer administrator; and
5. Provide any additional information and documentation requested by the transfer administrator.

(c) The transfer administrator shall approve or deny the transfer request based on review of information provided by the program, consideration of any transfer staffing recommendations, verification of the youth's eligibility for admission into a program at the recommended restrictiveness level, and availability of a program that can better meet the youth's needs while protecting the public. However, if the transfer administrator approves a request that recommends a transfer to a restrictiveness level other than that to which the court committed the youth, the transfer administrator shall submit the transfer request to the court.

(d) The residential commitment program shall include any transfer request and notification documentation in the youth's individual management record.

(e) When a transfer is granted, the initiating residential commitment program shall prepare a transfer packet. The receiving program shall inspect the packet prior to the transferred youth's admission and, if any core documents are not included in the packet, shall contact the initiating program to request the missing documents be faxed or electronically transmitted. The core documents are as follows:

1. DJJ face sheet;
2. Current commitment order;
3. Predisposition report ;
4. Commitment conference summary; and
5. Individual Healthcare Record that includes:

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- a. The current original Authority for Evaluation and Treatment or a current legible copy;
- b. Comprehensive physical assessment;
- c. Immunization records; and
- d. Tuberculosis skin test (Mantoux) results, unless contraindicated.

(f) Within 24 hours of any transfer or on the first regular workday of the following week when the youth is transferred on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager. The only exception to this notification requirement is when the regional commitment manager served as the transfer administrator who granted the transfer request.

### **(2) Release.**

(a) When planning for the release of any youth who is clearly not subject to involuntary commitment as a SVP, a residential commitment program shall comply with the following provisions.

1. A program shall forward the Pre-Release Notification and Acknowledgment form, with the pre-release notification section completed, and the release Performance Summary to the youth's JPO at least 45 days, or in the case of a sex offender who is not SVP eligible at least 90 days, prior to the youth's planned release date. The Pre-Release Notification and Acknowledgment Form, (RS 008, July 2017) is incorporated into this rule and is accessible electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

a. If the program does not receive the completed Pre-Release Notification and Acknowledgment form within 20 working days of the program sending it to the youth's JPO, the program shall contact the JPO or the JPO's supervisor to expedite return of the form.

b. If the court directly contacts a residential commitment program to summon, subpoena, or request the youth appear at a hearing to address the release request, the program shall immediately notify the youth's JPO or, if unavailable, the JPO's supervisor.

c. If the court objects to the youth's release, the program shall resubmit the Pre-Release Notification and Acknowledgment form and Performance Summary to the JPO after the youth has made progress towards meeting the court's expectations.

d. The program shall not release any youth without written notification from the JPO or the JPO's supervisor that documents the court's approval or confirms that the release is considered approved because the court did not respond within 10 days of the department's request. Upon notification that a release request has been approved or is considered approved, the program shall provide written notification of the planned release to the youth's parent(s), guardian, or supportive person(s), and then complete an R-PACT exit assessment.

2. If a youth's offense is homicide pursuant to Chapter 782, F.S., a sexual offense pursuant to Chapter 794, F.S., attempted murder or a sexual offense pursuant to Chapter 777, F.S., stalking pursuant to Section 784.048, F.S., or domestic violence pursuant to Section 741.28, F.S., the program shall notify the youth's victims or their designees prior to releasing the youth unless the youth's JPO has provided the program with a waiver of notification rights signed by the victims or their designees.

a. The program shall track youth whose victims or designees require notification while maintaining confidentiality that protects the identity of victims.

b. The program shall mail the Victim Notification of Release Form letter to the victims or their designees at least 10 working days prior to the youth's release or, if circumstances beyond the program's control prevent this, as soon thereafter as possible before the youth's release. The program shall document all notifications and attempted notifications and shall copy the youth's JPO and the youth's individual management record on the notification letter. The Victim Notification of Release Form (RS 011, July 2017) is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

c. Under no circumstances shall the program notify a victim or designee if he or she waived notification rights in writing, nor shall the program notify the victim or designee until the youth's JPO notifies the program of approval to release the youth.

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3. The program shall also ensure the following notifications prior to a youth's release:

a. Educational and vocational staff, so required post-testing may be conducted, transcripts prepared, records transferred, and the receiving community school notified.

b. Parties or entities requiring notification if the youth is a juvenile sex offender pursuant Section 985.48, F.S.; and

c. JJIS or the department's regional commitment manager. Within 24 hours of any release or on the first regular workday of the following week when the youth is released on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager.

4. Prior to a youth's release, the program shall comply with the following departure procedures:

a. If the youth's residence is within 75 miles of the residential commitment program, the program will transport the youth home, only when notified by the JPO that all family transportation options have been exhausted.

b. If the youth's residence is between 75 and 300 miles of the residential commitment program, the program will transport the youth no less than 75 miles to a location pre-arranged with the JPO. The meeting point for the transfer must be flexible so that the round trip can take place within eight (8) hours.

c. If the youth's residence is over 300 miles from the residential commitment program, the program will register the youth with the local regional detention center for transport on the Intrastate Transportation Network (ITN).

d. Conduct a property inventory of the youth's personal possessions in the presence of the youth, documenting the inventory and verifying its accuracy with signatures of the staff conducting the inventory, the youth, and a witness. The program shall reconcile any differences between the intake and release inventories. However, no release inventory is required if there is documentation that the program sent the youth's personal possessions home at the time of admission or intake.

(b) When planning the release of any youth who, based on the department's screening, may be eligible for involuntary commitment as an SVP, a residential commitment program shall comply with the following provisions:

1. Not less than 240 days prior to the anticipated release of a youth who is potentially SVP eligible, a program with a designed or estimated length of stay of 240 days or more shall notify the JPO of the anticipated release. A program with a designed or estimated length of stay of less than 240 days shall commence notification to the JPO within 30 days of the youth's admission to the program.

2. The program shall not release any youth who is potentially SVP eligible and subject to the provisions of Chapter 394, F.S., until the Sexual Predator Unit at the Department of Children and Families (DCF) has determined eligibility, and the youth's JPO has advised the program how to proceed and has provided the program with written documentation to support such action. To facilitate this eligibility determination process, the residential commitment program shall provide to the youth's JPO the documentation required by DCF.

a. A program with an estimated length of stay of 240 days or more shall provide the JPO with the youth's performance plan, the Performance Summary, a physical health summary, a summary of the youth's institutional adjustment if not included in the Performance Summary, and any psychological or psychiatric report. The packet must also include the Jimmy Ryce Act For Violent Sexual Offenders/Residential Program Notification Checklist (BCS 23, April 2018), which is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

b. In the case of a program whose estimated length of stay is less than 240 days, wherein release notification commences 30 days or less after the admission of a potentially SVP eligible youth, the program shall initially provide the JPO with the Jimmy Ryce Act For Violent Sexual Offenders/Residential Program Notification Checklist, the performance plan, a physical health summary, a summary of the youth's institutional adjustment, and any psychological or psychiatric reports. Additionally, the program shall provide the JPO with the Performance Summary and the transition plan upon their completion. Although the program provides existing psychological or psychiatric reports at the time it commences release notification, the program shall provide the JPO with any subsequent psychological or psychiatric reports that may be generated while the youth is still in the program.

c. If DCF determines that a youth is not subject to civil commitment as a SVP pursuant to Chapter 394, F.S., the program shall comply with the provisions of paragraph (2)(a), above.

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(c) When planning for the release of any sex offender who is identified on his or her commitment packet as being subject to the registration requirements of Section 943.0435, F.S., the residential commitment program, in addition to complying with paragraph (2)(a), shall take a digitized photograph of the youth within 60 days prior to release. Prior to the youth's release, the program shall provide the photograph to the youth's JPO or, if there is a web camera, the program shall download the photo into JJIS for inclusion in the youth's file.

**(3) Discharge.** When a youth is being directly discharged rather than released to post-commitment probation or conditional release supervision, a residential commitment program shall comply with the notification requirements for release, with the following exceptions:

(a) The program shall send a discharge rather than release summary with the Pre-Release Notification and Acknowledgment form, to the youth's JPO; and

(b) The program shall notify the youth's parent(s), guardian, or supportive person(s) at least 30 days prior to the youth's discharge unless the youth is being discharged because he or she has reached the maximum age of jurisdiction.

(c) If a youth in a residential commitment program is taken into custody by law enforcement as an adult for crimes that occurred prior to or during residential placement, the program shall:

1. Obtain a signature of the law enforcement officer taking custody of the youth, provide them a copy of the youth's commitment order, and provide them a copy of the completed Request for Notification When Youth Is Ready for Release form. The Request for Notification When Youth Is Ready for Release Form, (RS 009, September 2006) is incorporated within this rule and is available electronically XXXX, or may be obtained by contacting, DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, Florida 32399;

2. Contact the youth's JPO by telephone and in writing, immediately notifying him or her of the youth's status; and

3. Document the event, notifications and attempted notifications.

(d) When a youth in a residential commitment program is arrested on a new charge or a pre-placement charge pending in juvenile court that results in the youth going to detention, the residential program shall facilitate a timely return of the youth unless the youth's continued placement in the program substantially jeopardizes safety or security.

(e) For youths on Suicide Risk Alert or Suicide Precautions immediately prior to release, transfer or discharge from a residential program, the program shall provide verbal and written notification, pursuant to Chapter 63N-1, F.A.C., as follows:

1. If the youth is to be released to the parent(s), guardian, or supportive person(s), the parent(s), guardian, or supportive person(s) must be verbally informed and provided written notification of the youth's suicide risk status prior to discharge from the program. The notification of suicide risk must be documented and permanently filed in the youth's Individual Healthcare Record.

2. If the youth is to be transferred to another DJJ facility, a jail or hospital, the facility superintendent or program director where the youth is to be transferred must be notified verbally and by e-mail of the youth's suicide risk status prior to discharge from the program. The notification of suicide risk must be documented and permanently filed in the youth's Individual Healthcare Record.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS. History-New \_\_\_\_\_.*

## 63E-7: Operation of Residential Programs

### 63E-7.107 Safety and Security.

**(1) Physical Security Features.** A residential commitment program shall provide physical security features as required by Chapter 985, F.S., the provider's contract with the department, if applicable, and the provisions listed below based on the restrictiveness level of the program.

(a) A non-secure program shall be environmentally secure, staff secure, or hardware-secure with walls, fencing, and locking doors.

1. Additionally, the following security features are required, for a non-secure program:

- a. Electronic search equipment
- b. Door locks on entry, exit, and passage doors, with a manual override capability if locks are electronic;
- c. Secure windows of break-resistant or screened glass;
- d. Smoke detectors and fire alarms;
- e. Camera surveillance system. Exterior security lighting; and
- g. Radio or cellular phone communication devices for staff.

2. A non-secure program is authorized, but not required, to have the following security features:

- a. Security fencing with an outside overhang or razor wire;
- b. Delay open door and window alarms;
- c. Secure sally port; and
- d. Secure pedestrian gate.

(b) A high-risk program shall be environmentally and staff secure.

1. Additionally, the following security features are required:

- a. Minimum of 12-foot high perimeter fencing, with an inside overhang or razor wire;
- b. Door locks on entry, exit and passage doors, with a manual override capability if locks are electric;
- c. Secure windows of break-resistant or screened glass;
- d. Camera surveillance system;
- e. Exterior security lighting; and
- f. Radio or cellular phone communication devices for staff.

2. A high-risk program is authorized, but not required, to have the following security features:

- a. Secure sally port;
- b. Secure pedestrian gate; and
- c. Electronic search equipment.

(c) A maximum-risk program shall provide the following security features:

1. Perimeter security fencing of at least 12 feet in height, with an inside overhang or razor wire;
2. Door locks on entry, exit, and passage doors, with a manual override capability if locks are electronic;
3. Camera surveillance system, with inside and outside cameras and taping capability;
4. Sally port with intercom capability;
5. Secure pedestrian gate with intercom capability;
6. Secure windows that are break-resistant or screened glass;
7. Sleeping room doors that open out;
8. Exterior security lighting;
9. Electronic search equipment; and
10. Radio or cellular phone communication devices for staff.

**(2) Youth Searches.** Before program staff conduct any full body visual screening of a youth and, at a minimum, before staff conduct a youth's initial frisk search, staff shall prepare the youth by explaining the purpose of the search and what it entails, while assuring the youth of his or her safety. Throughout the search, staff shall avoid using unnecessary force and shall treat the youth with dignity and respect to minimize the youth's stress and embarrassment.

(a) Staff shall not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during

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conversation with the youth, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted by a medical practitioner.

(b) Frisk and Full Body Visual Searches. Staff conducting a frisk search, which is conducted through the youth's clothing, shall be of the same sex as the youth being searched, except that transgender and intersex youth shall be given the opportunity to choose based upon their preference. All cross-gender full body visual searches and cross-gender frisk searches shall be documented in the logbook and the youth's case management record.

(c) Use of electronic search equipment is authorized to supplement any frisk search authorized in this rule section. The provisions below stipulate the minimum requirements for use of frisk searches and full body visual searches based on a program's restrictiveness level. However, a program at any level is permitted to conduct frisk or full body visual searches when authorized by the program director, or in the director's absence, his or her designee, for purposes of controlling contraband or ensuring safety and security. When a frisk search is required based on the following provisions, yet the program director or designee authorizes a full body visual search for contraband control or safety and security purposes, the full body visual search shall be in lieu of the frisk search.

1. Non-secure Programs - A non-secure program shall conduct a frisk search after a youth's participation in a vocational or work program or activity involving the use of tools or other implements that could be used as weapons or as a means of escape. A frisk search shall also be conducted when a youth returns from a home visit. A non-secure program shall conduct a full body visual search of every youth upon admission, except when a youth is admitted from secure detention, in which case a full body visual search is authorized, but not required.

2. Secure Programs - A secure program shall conduct a frisk search after a youth's participation in a vocational or work program or activity involving the use of tools or other implements that could be used as weapons or as a means of escape. A secure program shall conduct a frisk search following a youth's involvement in a visitation activity. In the case of non-contact visitation, such as when the visitor and the youth are separated by an impenetrable barrier, the program director shall not authorize a full body visual search in lieu of a frisk search. A frisk search shall also be conducted when a youth returns from a supervised off-campus activity conducted away from the facility or its grounds. Although unsupervised off-campus activities, including home visits, are not permitted for maximum-risk youth, a program shall conduct a full body visual search of a high-risk youth returning from a home visit and shall frisk search a youth returning from any other unsupervised off-campus activity. A secure program shall conduct a full body visual search of every youth upon admission, except when a youth is admitted from secure detention, in which case a full body visual search is authorized, but not required.

(d) A cavity search that involves the examination of the youth's body cavities, beyond a visual inspection of ears, nose and mouth, may only be conducted by trained medical personnel in an emergency room setting when authorized by the program director upon the strong suspicion that a youth has concealed contraband in a body cavity.

(e) With the exception of privileged mail to or from a youth's attorney of record, JPO, clergy, or a state or federally authorized advocate or advocacy group representative, the program shall search youths' incoming and outgoing mail, including correspondence and packages, for contraband and for any information that may threaten the security or safety of the program, including escape plans or gang-related information. During the search of incoming or outgoing mail, the youth receiving or sending the mail shall be present or, if the program conducts mail searches at a central location, a youth representative shall be present to witness the process.

**(3) Staffing Ratios.** Any non-secure residential commitment program of more than five (5) beds and any high-risk and maximum-risk restrictiveness level program shall provide awake staff supervision 24 hours per day.

(a) Establishment of staff-to-youth ratios for each contracted program shall be based on the following factors:

1. Restrictiveness level of the program;
2. Special needs of the targeted population; and
3. Facility layout or physical plant design.

(b) Staff-to-youth ratios in a privately operated residential commitment program shall be provided as specified in the provider's contract with the department and shall be monitored for compliance by the department.

(c) Staff-to-youth ratios in all residential programs shall be specified in the department's monitoring plan for the program and shall be monitored for compliance by the monitor(s) designated by the department.

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**(4) Supervision of Youth.** All residential commitment program staff shall promote safety and security by maintaining active supervision of youth to include interacting positively with youth, engaging youth in a full schedule of constructive activities, closely observing behavior of youth and changes in behavior, and consistently applying the program's behavior management system.

(a) Program staff shall account for the whereabouts of youth under their supervision at all times.

(b) Each program shall ensure that staff conduct and document resident counts minimally at the beginning of each shift, after each outdoor activity, and during any emergency situation, escape incident, or riot.

(c) Each program shall track daily census information to include at a minimum the total daily census count, new admissions, releases or direct discharges, transfers, and youth temporarily away from the program.

(d) If at any time program staff cannot account for any youth's whereabouts or they find discrepancies between resident counts and the tracking of daily census information, the program shall reconcile immediately and take follow-up action as needed.

(e) A residential commitment program shall ensure that staff observe youth at least every ten (10) minutes while they are in their sleeping quarters, either during sleep time or at other times, such as during an illness or room restriction. Staff shall conduct the observations in a manner to ensure the safety and security of each youth and shall document real-time observations manually or electronically.

**(5) Safe and Secure Facility.** A residential commitment program shall maintain a safe and secure physical plant, grounds, and perimeter and shall:

(a) Conduct weekly security audits and safety inspections;

(b) Develop and implement corrective actions warranted as a result of safety and security deficiencies found during any internal or external review, audit, or inspection; and

(c) Verify that deficiencies are corrected and existing systems are improved or new systems are instituted as needed to maintain compliance. In cases where no corrective action can be reasonably implemented without the department's response to a request for use of facility maintenance funds, the provider's request shall constitute initiation of corrective action.

**(6) Audio or Video Recordings.** A residential commitment program that has any on-site video or audio system with recording capability shall maintain at least a 90-day history of recordings unless the equipment does not have the capacity to maintain a 90-day history, in which case the program shall maintain the recordings to the extent of the equipment's capacity, but no less than 30 days.

**(7) Gang Prevention and Intervention.** A residential commitment program shall implement gang prevention and intervention strategies within the facility. Any indication of criminal gang activity, either observed or reported, shall be documented and the names of the youth identified as participating in criminal gang activity shall be entered in the alert system in JJIS and forwarded to local law enforcement for review. This information shall be shared with the education provider or local school district providing educational services at the facility, as well as with the youth's JPO and, if identified, his or her post residential services counselor. If local law enforcement certifies the youth as an associate or criminal gang member, the program shall document the information in the alert system in JJIS. For the purpose of this rule chapter, the definitions of criminal gang and criminal gang member are consistent with definitions in Chapter 874, F.S.

(a) The program shall identify a staff member who will serve as a Gang Coordinator to address any gang related issues within the residential commitment program.

(b) The program must develop a plan for any youth who are identified gang members to address their desire or intent to dis-affiliate with a criminal street gang.

**(8) Key Control.** A residential commitment program shall establish a key control system that, at a minimum, addresses the following:

(a) Key assignment and usage, including restrictions on usage;

(b) Inventory and tracking of keys;

(c) Secure storage of keys not in use;

(d) Procedures addressing missing or lost keys; and

(e) Reporting and replacement of damaged keys.

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**(9) Contraband.** A residential commitment program shall develop a policy and procedure for contraband. The policy and procedure must address, but is not limited to, the following areas:

(a) **Illegal Contraband.** At no time shall illegal contraband, as defined in Section 985.711, F.S., be allowed in the facility or on the facility grounds. Such items include: any unauthorized article of food or clothing, any intoxicating beverage or any beverage that causes or may cause an intoxicating effect, any controlled substance, as defined in Section 893.02, F.S., or any prescription or nonprescription drug that has a hypnotic, stimulating, or depressing effect, and any firearm or weapon of any kind or any explosive substance. Items that may be used as evidence shall be secured by the discovering staff and hand-delivered to the Facility Administrator or designee. The facility staff shall document the chain of custody for the items and give the information to the responding law enforcement officer.

(b) **Prohibited Items:** At no time shall contraband be allowed in the facility as more broadly defined in Chapter 63E-7.100(20), F.A.C., which items include: sharps, escape paraphernalia, tobacco products, electronic or vaporless cigarettes, non-facility issued electronic equipment or devices, metals, personal non-facility issued cellular devices, unauthorized currency or coin, and non-facility issued keys. At the discretion of the Facility Administrator, contraband that is not illegal shall be discarded, returned to its original owner, mailed to the youth's home or stored and returned to the youth upon release. In all instances involving the confiscation of illegal contraband the confiscated item(s) shall be turned over to law enforcement authorities and a criminal report filed.

(c) **Program staff:** Including school district employees, subcontracted staff, visitors, and volunteers are prohibited from introducing any item deemed contraband inside the residential facility. All DJJ and Department of Children and Family personnel conducting official State business shall be allowed to maintain their State issued cellular devices. All program staff, visitors, vendors, and contracted providers shall be searched prior to entering the facility.

(d) **Electronic Equipment:** The use of electronic equipment being used to search youth, staff, and visitors prior to entering the facility. The procedure should include visual inspection, emptying of all pockets, and the verbal verification that the individual is not in possession of any illegal or prohibited contraband. The facility's policy and procedure will address the requirements and limitations for staff use of cellular phones, audio recording devices and video and photography devices.

(e) **Searches:** The Facility Administrator shall ensure that the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(f) **Posting of Notices:** Notices shall be prominently posted advising youth, staff, and visitors that the introduction of illegal contraband into a residential commitment program is punishable as a felony by a term of up to fifteen (15) years per Section 985.711, F.S.

(g) **Documentation:** Process for documenting contraband incidents, searches, and the result of each search. Any item or situation which may compromise safety or security shall be reported immediately to the Facility Administrator or designee. Programs must ensure that a staff member is designated for this purpose 24 hours per day, seven days a week. An incident report identifying findings and the disposition of the contraband shall be completed;

(h) **Incident Reporting:** Incidents must be reported to the Central Communications Center (CCC) in accordance with Chapter 63F-11, F.A.C. In the event that a contraband related incident involves contacting law enforcement, the program must contact the residential regional director, in addition to the CCC.

**(10) Tool Management.** Unless otherwise specified in a provider's contract, a residential commitment program shall provide a minimum ratio of one (1) staff for every five (5) youths (a 1:5 ratio) during activities involving the use of tools, except in the case of a disciplinary work project involving tools that requires a ratio of one (1) staff for every three (3) youths (a 1:3 ratio). Each residential commitment program shall institute a tool management system to prevent youth from using equipment and tools as weapons or means of escape. At a minimum, tool management shall address:

(a) Procedures for issuing tools to youth and staff, including an assessment to determine a youth's risk to the public, staff, other youth and self if allowed to participate in a project or activity involving the use of tools;



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(b) A frisk search and, at the program's discretion, an electronic search of any youth at the completion of each work project or activity that involves the use of tools;

(c) Tool markings or identifiers that facilitate issuance of tools and timely identification of missing tools;

(d) Tool inventories as follows:

1. Tools shall be inventoried prior to being issued for work and at the conclusion of the work activity. Staff shall report any discrepancy to the program director or his or her designee for immediate follow-up action.

2. Any tool that, in its manufactured form or due to subsequent modifications, has sharp edges or points and has a high potential to be used as a weapon to inflict serious bodily harm, shall be inventoried daily, except on days when they are not used.

3. Any tool that, in its manufactured form or due to subsequent modifications, does not have sharp edges or points shall be inventoried at least monthly.

4. If the program consistently implements a system whereby tools are securely stored in a sealed container or closet, and if the seal has not been broken at the time an inventory is being conducted, the sealed tools may be exempt from inventory.

(e) Prohibited tools to include machetes, bowie knives, or other long blade knives;

(f) Procedures that address missing tools;

(g) Internal reporting of incidents involving tools and reporting to the department's Central Communications Center as required;

(h) Secure storage of tools when not in use;

(i) Training for staff and youth on the intended and safe use of tools;

(j) Disposal and replacement of dysfunctional tools that are in an unsafe condition or disrepair; and

(k) Tool control and restrictions when a repairman or worker external to the program enters the facility or facility grounds to perform a work project that requires the use of tools. These restrictions shall limit tools to only those that are necessary, checking tools upon the worker's arrival to and exit from the program, restricting youths' access to the work area, immediate reporting of any tool the worker finds missing while on-site at the program, and follow-up action if any tool is found missing.

**(11) Kitchen Utensils.** A residential commitment program shall institute a system to control and inventory kitchen utensils used to prepare and serve food, and eating utensils used by youth.

**(12) Flammable, Poisonous and Toxic Items.** A residential commitment program shall maintain strict control of flammable, poisonous, and toxic items and materials. At a minimum, the program shall:

(a) Maintain a complete inventory of all such items the program uses;

(b) Maintain a current list of facility positions, titles or functions that are authorized to handle these items;

(c) Prohibit youths' handling of these items and restrict their access to areas where the items are being used;

(d) Dispose of hazardous items and toxic substances or chemicals in accordance with Occupational Safety and Health Administration (OSHA) Standard 29 CFR 1910.1030; and

(e) Maintain Material Safety Data Sheets (MSDS) on site in each location chemicals are used and on every shift in accordance with revised OSHA Hazard Communication Standard 29 CFR 1910.1200. This "Globally Harmonized" Standard also requires proper labeling of chemicals and employee training.

**(13) Mechanical Restraints.** When necessary, and only as a last resort to maintain safety and security, the department authorizes the use of physical intervention techniques and mechanical restraints in residential commitment programs pursuant to Chapter 63H-1, F.A.C.

**(14) Controlled Observation.** A program may use controlled observation only when necessary and as a last resort. It is intended as an immediate, short-term, crisis management strategy for use during volatile situations in which one or more youths' sudden or unforeseen onset of behavior imminently and substantially threatens the physical safety of others and compromises security. Controlled observation is not authorized for use as punishment or discipline.

(a) The program is authorized to temporarily place a youth in a controlled observation room only in the following situations when non-physical interventions would not be effective:

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1. Emergency situations where there is imminent risk of the youth physically harming himself or herself, staff, or others; or

2. When the youth is engaged in major property destruction that is likely to compromise the security of the program or jeopardize the youth's safety or the safety of others.

(b) A supervisor with delegated authority shall give prior authorization for each use of controlled observation unless the delay caused by seeking prior approval would further jeopardize the safety of others and the program's security. In this case, as soon as the youth is placed in the controlled observation room and order is re-established within the program, staff shall obtain authorization for continued placement from a supervisor with delegated authority or the youth shall be removed from the controlled observation room.

(c) Staff shall not leave a youth alone in a controlled observation room until an inspection of the room is conducted and it is deemed safe, secure, and in compliance with the following room specifications:

1. Minimum of 35 unencumbered square feet;
2. Solid core hardwood or metal door with a shatter-resistant observation window that allows for sight and sound observation;
3. Vents that are out of the reach of youth and covered with small mesh or a metal plate, with holes no more than 3/16 inch and no exposed edges;
4. Recessed light fixtures that are covered with shatter-resistant material;
5. Windows that are shatter-resistant or, if not, covered with security-rated screens or another material that prevents access to the glass;
6. No electrical outlets;
7. No electrical switches unless covered and secured; and
8. A security-rated, fire retardant plastic mattress suitable for use on the floor or on a suicide-resistant bed.

(d) To determine if there are any observable injuries that would contraindicate a youth's placement in a controlled observation room, the program shall use the Health Status Checklist to conduct and document a visual check of the youth upon his or her placement.

1. A healthcare professional or a staff person of the same gender as the youth shall conduct the visual check unless a same-gender staff person is unavailable in the vicinity, in which case a staff person of the opposite gender may conduct the visual check. Transgender and intersex youth shall be given the opportunity to choose the gender of the staff for the above-mentioned checks.

2. The visual check shall be conducted without the youth disrobing unless there is reason to suspect an injury that is hidden by clothing, in which case, a healthcare professional or a staff person of the same gender shall conduct the visual check.

3. If a physical injury is observed, the youth complains of injury or illness, or the youth experienced a fall, impact, or blow such that injury could reasonably be expected, a health care professional shall be immediately notified for timely assessment and treatment.

(e) Staff shall not place a youth in controlled observation if the youth is identified as a suicide risk in the program's alert system or when the youth is demonstrating acute psychological distress behaviors, such as panic, paranoia, hallucinations, and self-harming behaviors, or if the youth exhibits suicide risk behaviors as defined in Rule 63N-1.002, F.A.C. Additionally, if a youth in a controlled observation room begins demonstrating acute psychological distress or suicide risk behaviors, the youth shall immediately be removed from the room and follow-up mental health services shall be provided.

(f) A staff person of the same gender shall frisk search the youth and remove any potentially dangerous or injurious items before the youth is left alone in a controlled observation room. Staff shall remove all jewelry, pocket items, hair ties, hairpins, belts, or other clothing or items that the youth could use for self-injury or injury to others; however, the youth shall not be stripped. Transgender and intersex youth shall be given the opportunity to indicate their preference of the gender of staff involved in a frisk search.

(g) Staff shall discuss with the youth the reasons for his or her placement in controlled observation and the expected behavior for removal from placement. Later, when the youth's behavior has de-escalated and is conducive

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to constructive interaction, staff shall attempt to process with the youth what happened and explore alternative behaviors.

(h) To ensure the youth's safety while in the controlled observation room, staff shall conduct safety checks at least every fifteen minutes and shall observe the youth's behavior. However, continuous sight and sound supervision, defined as staff's provision of continuous, uninterrupted visual and sound monitoring of the youth, shall be provided when the youth is demonstrating physical behaviors that pose a high risk of self-injury. Staff shall document all safety checks and observations of youth and their behavior while placed in controlled observation on the Controlled Observation Safety Checks Form (RS 002, June 2008), which is incorporated into this rule and is available electronically at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399.

(i) The program director or a supervisor with delegated authority shall approve a youth's release from controlled observation when it is determined that, based on the youth's verbal and physical behaviors, he or she is no longer an imminent threat of harm to self or others.

1. The time limit for placement of a youth in the controlled observation room is two hours unless the program director or his or her designee grants an extension because release of the youth would imminently threaten his or her safety or the safety of others. No extension shall exceed two hours except when a youth is sleeping between the hours of 10:00 p.m. and 6:00 a.m. when the approving authority could not reasonably determine the youth's readiness for release. The total placement time for a youth in controlled observation, including all extensions, shall not exceed 24 hours.

2. When a youth is released from controlled observation, staff shall determine whether an in-house alert is warranted.

(j) The program director or assistant program director shall review the approval, use and administrative review of each use of controlled observation within 14 days of the youth's release from controlled observation to determine if the placement was warranted and handled according to the provisions of this rule section. Any corrective actions deemed necessary to prevent potential misuse of controlled observation shall be immediately implemented. The Controlled Observation Report (RS 001, June 2008), is incorporated into this rule and is available electronically at [XXXX](#), or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399

(k) The program shall ensure completion of the Controlled Observation Report for each use of controlled observation. Additionally, for each use of controlled observation, the program shall ensure completion of the Health Status Checklist and the Controlled Observation Safety Checks form. The program shall maintain these forms in an administrative file, as well as in the youth's individual management record.

**(15) Room Restriction.** Consistent with the following provisions, a residential commitment program may use room restriction for major infractions that put the safety and security of the youth, other youth, or staff at risk, temporarily restricting the youth's participation in routine activities by requiring the youth to remain in his or her sleeping quarters:

(a) Room restriction shall not be used for a youth who is out of control or a suicide risk.

(b) A supervisor shall give prior approval for each use of room restriction.

(c) Room restriction shall not exceed four hours and the door to the room shall remain open to facilitate staff supervision.

(d) Staff shall engage, or attempt to engage, the youth in productive interactions at least every thirty minutes while on room restriction status.

(e) Youth shall not be denied basic services, such as regular meals and physical or mental health services.

(f) Program staff shall use strategies, such as conflict resolution, behavior management, and constructive dialogue, to facilitate the youth's reintegration into the general population when released from room restriction.

(g) For each use of room restriction, the program shall document the following:

1. A description of the behavior that resulted in room restriction;

2. The date and time room restriction was implemented;

3. The name of the staff person who recommended the use of room restriction and the name of the approving supervisor;

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4. The name of the staff person removing the youth from room restriction;
5. The date and time of removal and a description of the youth's behavior and attitude upon removal; and
6. Follow-up actions taken or attempted to help re-integrate the youth back into the general population when released from room restriction.

**(16) Escapes.** For purposes of this rule, the definition of escape is consistent with Section 985.721, F.S.

(a) When a youth escapes from the facility or escapes from supervised activities away from the facility or while in transit to and from such activities, the program shall immediately report the incident by telephone to law enforcement and the department's Central Communications Center. The program shall notify the youth's parent or guardian as soon as is practicable. As soon as practicable, but within four hours, the program shall provide the following persons the completed Escape Notification Form (RS 005, July 2017), which is incorporated into this rule and is available electronically at [XXXX](#) or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, FL 32399:

1. Local law enforcement agency with jurisdiction where the program is sited;
2. The state attorney in the jurisdiction where the delinquency petition was filed;
3. The sentencing judge;
4. The department's residential regional director or designee; and
5. The youth's JPO or his or her supervisor.

(b) The program shall maintain a separate log that documents each notification, including each person contacted, the date and time of contact, and the program staff making the contact. In addition, all pertinent information relating to the escape shall be documented in the program's daily logbook and the youth's individual management record.

(c) If law enforcement declines to accept a report alleging that a youth has committed the felony offense of escape, the program shall notify the youth's JPO or his or her supervisor who will request the court of jurisdiction to issue an order to take the youth into custody.

(d) If the youth is not apprehended within 48 hours of the escape, the program shall release the youth from the program in the department's JJIS Bed Management System or, if the program does not have direct access to JJIS, shall notify the department's regional commitment manager via telephone.

(e) As soon as possible after the program becomes aware of the youth's apprehension, the program shall advise all parties whom they previously notified of the escape.

(f) The program shall review circumstances pertinent to an escape within 48 hours, cooperate with the department in any review or investigatory activities following an escape, and implement corrective actions as needed to prevent future escapes.

(g) If a youth absconds while on temporary release status and does not return to the program as expected, the program shall contact:

1. The youth's family within four hours of becoming aware of the event to request their assistance in facilitating the youth's return to the program; and
2. The youth's JPO or his or her supervisor to request their assistance in facilitating the youth's return or to expedite issuance of a pick-up order. The program shall make this contact as soon as is practicable, but no later than the end of the same workday in which the program becomes aware of the event if it falls within the traditional workweek or, if not, before the end of the next traditional workday.

**(17) Transportation.** When transporting a youth, a residential commitment program shall maintain custody and control while ensuring the safety of youth, staff and the community.

(a) The program shall comply with the following minimum provisions whether or not secure transportation is required:

1. The program shall ensure a current driver's license for any staff member operating a program vehicle.
2. Program staff shall not transport youth in any personal vehicle unless the program director approves such action based on extenuating circumstances wherein the life or safety of a youth is in imminent jeopardy without taking such action.

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3. The program shall provide the minimum ratio of one (1) staff for every five (5) youths (a 1:5 ratio) required for off-campus activities.

4. Youth and staff shall wear seat belts during transportation, and youth shall not be attached to any part of the vehicle by any means other than the proper use of a seat belt.

5. The program shall issue transporters a cellular phone or radio for use in the event of vehicle problems or other emergencies.

6. Staff shall not leave youth unsupervised in a vehicle.

7. Youth shall not be permitted to drive program or staff vehicles.

8. Staff shall lock personal and program vehicles when not in use.

(b) When transporting youth, a high-risk or maximum-risk program shall provide secure transportation. A non-secure program shall provide secure transportation for any youth who has been assessed and determined to be a security risk or risk to self and others and has demonstrated that he or she cannot be transported by less restrictive methods. The program shall comply with the following when securely transporting youth:

1. The use of mechanical restraints is required and shall be provided pursuant to Chapter 63H-1, F.A.C.

2. In addition to the requirements of paragraph 63E-7.107(18)(a), F.A.C., the program shall comply with the following provisions when providing secure transportation:

a. The vehicle shall have rear doors that cannot be opened from the inside.

b. The vehicle shall be equipped with a safety screen separating the front seat or driver's compartment from the back seat or rear passengers' compartment, or a staff person shall occupy the back seat or rear passengers' compartment with the youth.

c. The program shall provide the minimum ratio of one (1) staff for every five (5) youths (a 1:5 ratio) required for off-campus activities. However, if five or fewer youth are being transported, the program shall provide a minimum of two staff, with one being the same sex as the youth being transported.

(c) The program shall ensure that any vehicle used by the program to transport youth is properly maintained for safe operation.

1. Each vehicle being used to transport youth shall pass an annual safety inspection.

2. The program shall maintain documentation on use of each vehicle and its maintenance.

3. Each vehicle used to transport youth shall be equipped with the appropriate number of seat belts, a seat belt cutter, a window punch, a properly anchored fire extinguisher, and an approved first aid kit.

**(18) Off-Campus Activities.** A residential commitment program shall comply with the following provisions on youth's eligibility and participation in off-campus activities.

(a) A residential commitment program shall provide supervision for youth who leave the facility grounds for necessary activities such as health and court-related events. The program shall determine a youth's eligibility for participation in other off-campus activities based on the program's restrictiveness level, the youth's performance and behavior in the program, and the assessed risk for the youth to re-offend during the off-site activity.

1. A non-secure program shall allow a youth to participate in necessary, supervised off-campus activities such as health and court related activities. The program may also allow a youth to participate in other constructive supervised off-campus activities and, with court approval, may permit the youth to participate in specific temporary release activities, such as community employment and home visits. If an extraordinary family emergency arises, the program director or designee may, with court approval, grant an emergency temporary release. In such a case, the program shall, with input from the youth's family, develop a specific itinerary and coordinate with the youth's JPO.

2. For most of a youth's placement in a high-risk program, the program shall restrict a youth's participation in off-campus activities to necessary, supervised activities such as health and court-related activities. However, during the final 60 days of a youth's residential stay and with court approval, the program may grant permission for the youth to leave facility grounds to engage in transitional activities such as enrollment in school or a vocational program, completion of a job interview, performance of community service, and home visits of no more than 72 hours. Additionally, if an extraordinary family emergency arises, such as the death or impending death of a youth's immediate family member, prior to the final 60 days of a youth's stay, the program director or designee may, with court approval and concurrence of the department's residential regional director, grant an emergency temporary

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release. In such a case, the program shall, with input from the youth's family, develop a specific itinerary and coordinate with the youth's JPO.

3. A maximum-risk program shall not allow a youth to participate in off-campus activities except for necessary, supervised activities such as health and court-related events and, under exceptional circumstances, a staff-supervised day trip to attend a family emergency event when approved by the court and the department's residential regional director.

(b) Prior to allowing a youth to participate in any off-campus activity that is not a supervised, necessary event, the program shall assess the youth's risk and determine that he or she is unlikely to re-offend while in the community. Additionally, the program shall require the youth to demonstrate progress and positive behavior in the program.

(c) Except for supervised, necessary off-campus activities, the program shall plan and structure each off-campus activity, including any home visit, for youth to accomplish specific goals and objectives. The program shall involve the youth in the planning process.

(d) The program shall ensure a minimum ratio of one (1) staff to every five (5) youths (a 1:5 ratio) during any supervised off-campus activity. The program shall provide a more intensive staffing if the activity or circumstances surrounding the activity dictate that closer supervision is necessary to ensure the safety of the community, staff and youth.

(e) When a youth committed for specified offenses is allowed a temporary release, the program shall follow any applicable notification provisions in subsection 63E-7.106(2), F.A.C., unless notification rights have been waived.

(f) Trips or functions requiring travel out of the state of Florida are prohibited, unless approved in writing by the department's residential regional director and Assistant Secretary for Residential and Correctional Facilities. Approval shall be based on the youth's eligibility to engage in off-campus activities, and the purpose, objectives, travel plans and supervision arrangements.

**(19) Disaster and Continuity of Operations Planning.** A residential commitment program shall develop a coordinated disaster plan and a continuity of operations plan (COOP), or it may choose to develop one comprehensive plan that incorporates both. The plan(s) shall provide for the continuation of basic care and custody of youth in the event of an emergency or disaster, while ensuring safety of staff, youth and the public. The program shall conduct practice events or drills on a monthly basis with each staffing shift as outlined below,

(a) The program's disaster plan shall:

1. Address, at a minimum, fire and fire prevention and evacuation drills, severe weather, disturbances or riots, bomb threats, hostage situations, chemical spills, flooding, and terrorist threats or acts;
2. Identify and define essential or key staffs' roles and specific responsibilities during emergency or disaster situations;
3. Specify and plan for the provision of any equipment and supplies required to maintain the continuous operation of services during an emergency or disaster. Equipment and supplies may include, but are not limited to, food, medications, pharmaceutical and first aid supplies, clothing and linens, vehicles, generators, cell phones, flashlights, batteries, fire safety equipment, and laptop computers;
4. Youth information to include, at a minimum, the parent(s) or guardian contact information and the youth's related health care requirements (including medications, the IHCR and necessary medical supplies);
5. Identify critical information about youth that may be needed in an emergency and plan for its access;
6. Address alternative housing plans;
7. Be compatible with the disaster plan and COOP for the department's residential region;
8. Be stored on site and disseminated to appropriate local and state authorities as necessary.

(b) The program's COOP shall:

1. Provide for the continuity of care and custody of its youth and the protection of the public in the event of an emergency that prevents occupancy of the program's primary facility or structure;
2. Be compatible with the COOP for the department's residential region;
3. Be readily available to staff;

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4. Be reviewed and updated annually;
5. Be submitted to the department's residential regional director for review, approval, and signature; and
6. Be approved by the Division of Emergency Management as submitted by the department's COOP coordinator.

**(20) Internet Access.** A residential commitment program shall ensure that youth only have access to the Internet for the purposes of obtaining educational material. While youth are on-line, program staff shall continually monitor the computer screens to ensure that youth are accessing only the approved material. The program shall implement effective technology protection measures to limit youths' Internet access to only the approved educational material. The program shall conduct and document monthly checks on the protection system and, if problems are identified with the system, shall prohibit youths' access until repairs are completed and tested. The program shall not allow youth access to prohibited sites that may elude the technology protection measures.

**(21) Water Safety.**

(a) A residential commitment program that allows youth to participate in water-related activities shall establish a water safety plan that addresses, at a minimum, safety issues, emergency procedures, and the rules to be followed during a water-related activity, as follows:

1. Assessing the risk level for each youth to participate in water-related activities by identifying his or her swimming ability, and considering other factors to include, at a minimum, age and maturity, special needs such as physical and mental health issues, and physical stature and conditioning;
2. Type of water in which the activity is taking place, such as pool or open water;
3. Water conditions, such as clarity and turbulence, and bottom conditions;
4. Type of water activities such as swimming, boating, canoeing, rafting, snorkeling, scuba diving, and shoreline and offshore activities to include fishing from a bank or pier, fishing while wading.
5. Lifeguard-to-youth ratio and positioning of lifeguards;
6. Other staff supervision; and
7. Safety equipment needed for the activity, such as personal flotation devices when youth are in a boat, canoe or raft, and availability of a lifeline during shoreline and offshore activities.

(b) The program shall provide sufficient supervision to continuously account for youth and ensure their safety.

1. As required herein, the program shall provide lifeguards who are certified by American Red Cross or other nationally accepted standards for the type of water activity taking place.
  - a. If the water-related activity takes place in a pool, at least one staff person certified as a lifeguard shall be present.
  - b. If the water-related activity takes place in open water, at least one staff person certified in waterfront lifeguarding shall be present.
  - c. Shoreline activities do not require lifeguards present; however, the program shall provide supervision by staff trained in emergency procedures. Staffing shall be sufficient to continually account for youths' whereabouts and maintain safety.
  - d. Scuba diving activities shall be conducted by a scuba diving instructor certified by the National Association of Underwater Instructors (NAUI) or the Professional Association of Diving Instructors (PADI). Snorkeling or skin diving activities shall be conducted by a scuba diving instructor or a snorkeling or skin diving instructor certified by NAUI or PADI.
2. The program shall provide additional staff supervision to ensure youths' safety. If the activity is conducted away from the program or its grounds, a minimum ratio of one (1) staff for every five (5) youths (a 1:5 ratio) is required.
3. The program shall maintain an accounting of youth, including conducting and documenting head-counts at regular intervals.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS. History-New.*

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### 63E-7.108 Program Administration.

(1) A residential commitment program director shall be accountable for the daily operation of the program, as well as ongoing program planning and evaluation to ensure safety, security, and effectiveness of services provided to youth. The residential program director shall ensure the program maintains a trauma responsive residential environment for youth, family, and staff.

(2) A residential commitment program's mission statement shall be consistent with the department's mission and principles of the restorative justice philosophy.

(3) A residential commitment program's written description shall include, at a minimum, the delinquency intervention strategy, treatment model and services provided.

(4) A residential commitment program director shall ensure provisions for staffing that, at a minimum, address the following:

(a) Level 2 pre-employment screening requirements pursuant to Chapter 435 and Section 985.644, F.S.;

(b) Staff retention planning that includes steps to minimize turnover and improve employee morale;

(c) Maintenance of an organizational chart that reflects spans of control and lines of authority and specifies the job title, and the primary function if not inherent in the job title, of each program staff and overlay service provider;

(d) Staffing schedules that ensure coverage across shifts and a system for accessing additional staff coverage as needed;

(e) Position descriptions for each staff member that specify required qualifications, job functions or duties, and performance standards. Staff's implementation of the program's behavior management system, and delivery of delinquency intervention services are to be identified as job functions for applicable staff;

(f) A system for evaluating staff at least annually based on established performance standards;

(g) Systems of communication to keep staff informed and give them opportunities for providing input and feedback pertaining to operation of the program;

(h) A dress code for staff that promotes professionalism, safety, and positive role modeling for youth; and

(i) A code of conduct for staff that clearly communicates expectations for ethical and professional behavior, including the expectation for staff to interact with youth in a manner that promotes their emotional and physical safety.

(5) A residential commitment program shall appoint a staff member to serve as the PREA Facility Compliance Manager, whose duties shall include:

(a) Oversight of their designated facility's implementation and compliance efforts as they relate to PREA standards.

(b) Coordination and communication on a regular basis with the department PREA Coordinator as to the facility's compliance with PREA standards.

(c) Responsibility for hands-on involvement with auditors conducting reviews at their facility and for developing corrective action plans deemed necessary by the audit report.

(d) Ensuring all PREA training is conducted as required at their facility and that all staff have been properly trained on PREA prior to their interaction with youth at the facility.

(e) Ensuring that youth have access to information regarding PREA, the department's zero-tolerance policy on sexual misconduct, and that information is readily available to youth if they need to report any incident.

(f) Ensuring confidentiality of reported information and monitoring any retaliation that may happen as a result of a reported incident.

(6) A residential commitment program shall establish a system for fiscal management and control.

(7) A residential commitment program shall ensure that a system is in place to request payment by parents/legal guardians or private insurance, if available, for youth's necessary medical treatment prior to forwarding medical bills to the department for payment.

(8) A residential commitment program shall report as follows:

(a) Incident reporting to the department's Central Communications Center;



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(b) Reporting of Protective Action Response (PAR) incidents or use of mechanical restraints pursuant to Chapter 63H-1, F.A.C.;

(c) Reporting required for state-operated programs and programs operated by not-for-profit contracted providers to participate in the USDA National School Lunch and Breakfast Program; and

(d) Reporting of abuse throughout the facility and unhindered access for staff and youth to report abuse to the Department of Children and Family Services central abuse hotline addressed in Chapter 39, F.S., or if the allegedly abused youth is 18 years or older, the department's Central Communication Center. For purposes of this rule, unhindered access means the program shall allow youth and staff to make the decision to report allegations of abuse without obtaining permission. The program shall provide youth with timely telephone access to report allegations of abuse without intimidation or reprisal. However, if the youth requests telephone access during a scheduled structured activity, the program shall provide access as soon as that activity concludes.

(e) A residential commitment program director shall immediately contact the department's regional residential director or designee to report the death of any youth residing in the program. The program director shall provide information as needed to enable the department to notify the youth's parent(s), guardian, or supportive person(s).

(9) A residential program director shall establish a system to monitor the program's bed capacity and the length of stay of youth in placement to ensure all youth are progressing through the program and to target potential problems with any youth's planned release.

(10) A residential commitment program shall update the Bed Management System in the department's Juvenile Justice Information System (JJIS) as follows:

(a) Any youth admission, transfer, release or discharge within 24 hours of the event; and

(b) Placement of any youth on inactive status within 48 hours of an escape or admission to a juvenile detention center or jail.

(11) A residential program shall notify the department's designated regional commitment manager if a youth is placed in a medical or mental health facility for longer than five days.

(12) A residential program shall be reviewed, audited, or investigated as follows:

(a) The department shall conduct performance reviews of each residential commitment program at least annually. These reviews shall determine the program's compliance with rules adopted by the department and, if applicable, the terms and conditions of the provider's contract with the department.

(b) The department shall conduct quality assurance reviews of residential commitment programs. Standards and indicators used for this purpose shall be based on provisions of rules adopted by the department and any special provisions outlined in the provider's contract.

(c) The program shall cooperate with any review or investigation coordinated or conducted by the department's Office of the Inspector General pursuant to Section 20.055, F.S.

(d) In cases where federal funds are involved, audits may be conducted according to federal requirements.

(e) The program shall conduct an annual self-assessment of trauma responsive practices within the facility. The assessment used shall either be developed by the department or reviewed and approved by the Office of Residential Services.

(13) A residential commitment program director shall build partnerships and collaborate with juvenile justice stakeholders in the community.

(a) The program shall establish a community support group or advisory board that meets at least every 90-120 days. The program director shall solicit active involvement of interested community partners including, but not limited to representatives from law enforcement, the judiciary, the school board or district, the business community, the faith community, and if possible a representative from the LGBTQI community. In addition, the program director shall recruit a victim, victim advocate, or other victim services community representative and a parent whose child was previously, rather than currently, involved in the juvenile justice system.

(b) The program shall collaborate with the school district to ensure the delivery of quality educational services consistent with the cooperative agreement between the school district and the department pursuant to Section 1003.52, F.S.

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(c) The program shall develop a facility operating procedure that identifies criteria for law enforcement involvement at the facility.

(d) A residential commitment program may involve community volunteers, including mentors for youth, consistent with background screening requirements pursuant to Section 985.644, F.S. The program shall provide supervision to ensure the volunteer is providing services in a manner that meets the expectations of the program and ensures the emotional and physical safety of its youth.

(14) A residential commitment program shall include information obtained from youth and parent surveys as well as reports published annually by the department in their program planning and assessment process.

(15) A residential commitment program shall maintain a chronological record of events as they occur or, if an event disrupts the safety and security of the program, as soon as is practicable after order has been restored.

(a) The program shall document the following events, incidents and activities in a central logbook maintained at master control, or in living unit logbooks, or both.

1. Emergency situations;
2. Incidents, including the use of mechanical restraints;
3. Special instructions for supervision and monitoring of youth;
4. Population counts at the beginning and end of each shift and any other population counts conducted during a shift;
5. Perimeter security checks and other security checks conducted by direct care staff;
6. Transports away from the facility, including the names of staff and youth involved and the destination;
7. Requests by law enforcement to access any youth;
8. Removal of any youth from the mainstream population, such as when a youth is placed on room restriction or controlled observation.
9. Admissions and releases, including the name, date and time of anticipated arrival or departure, and mode of transportation; and
10. Information relating to escape or attempted escape incidents.

(b) Each logbook shall be a bound book with numbered pages. Every entry in a logbook shall be considered a permanent record; therefore, under no circumstances shall any logbook entry be obliterated or removed. An error in an entry shall be struck through with a single line and initialed by the person correcting the error.

(c) At a minimum, each logbook entry shall be legible, include the date and time of the event, the names of staff and youth involved, a brief description of the event, the name and signature of the person making the entry, and the date and time of the entry.

(d) The program shall use one of the following methods to ensure that each direct care staff person, including each supervisor, is briefed when coming on duty:

1. **Living Unit Logbook Review.** If the program maintains a logbook at each living unit, each incoming staff shall review entries made during the previous two shifts in the logbook maintained in the living unit to which he or she is assigned. The staff shall document his or her review in the logbook, including the date, time and signature.

2. **Shift Report Review.** If the program does not maintain a logbook at each living unit, the program shall summarize in a shift report the events, incidents, and activities documented in the program's central logbook. A program supervisor shall verbally brief incoming staff about the contents of the shift report, or incoming staff shall themselves review the shift report. Each incoming staff shall sign and date the shift report for the previous shift to document that he or she has reviewed or been verbally briefed about its contents. A copy of the shift report shall be maintained at each living unit for at least 48 hours.

(16) A residential commitment program shall establish a records management system that addresses all records maintained by the program including, but not limited to, administrative files, personnel records, fiscal and accounting records, property inventories, and records pertaining to youth.

(a) The program shall maintain an official youth case record for each youth that is comprised of two separate files as follows: An Individual Healthcare Record that contains the youth's medical, mental health, and substance abuse related information; and an individual management record that contains other pertinent information about the youth. The record's file tab shall provide the youth's legal name, DJJ identification number, date of birth, county of

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residence, and committing offense. The youth's JJIS face sheet and any JJIS special alerts shall be attached or filed in close proximity to the file tab. An individual management record shall be organized in the following separate sections:

1. Legal Information;
2. Demographic and Chronological Information;
3. Correspondence;
4. Case Management and Treatment Team Activities; and
5. Miscellaneous.

(b) The program shall clearly label each official youth case record, individual management record, and Individual Healthcare Record as confidential. All official youth case records shall be secured in a locked file cabinet or a locked room. The program shall clearly identify any file cabinet used to store official youth case records as confidential.

(c) Each residential commitment program shall comply with the records and confidential information provisions pursuant to Section 985.04, F.S.

(d) The program shall transfer youth records when a youth is released, discharged, transferred to another residential commitment program, or placed in a juvenile detention center. Transfer of youth records shall be handled as follows:

1. Within five working days of a youth's release or discharge, the program shall transfer the complete official youth case record to the departmental staff or contracted provider assigned to provide the youth's post-residential services. The program shall transfer the original record unless, due to federal auditing requirements, the program is required to retain any original documents. In this case, the program shall replace the originals required on site with complete copies.

2. The program shall ensure that the complete official youth case record accompanies a youth transferred to another residential commitment program. The transferring program shall send the original record unless, due to federal auditing requirements, the program is required to retain any original documents. In this case, the program shall replace the originals required on site with complete copies.

3. If a youth residing in a residential commitment program is placed in a juvenile detention center, the program shall ensure that the youth's complete Individual Healthcare Record, either the original record or a copy, accompanies the youth when transported. If the youth is subsequently returned to the residential program, the detention center shall return the complete record at the time the youth is transported back to the program.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS. History-New \_\_\_\_\_.*

### 63E-7.109 Facility and Food Services

(1) A residential commitment program is subject to the provisions of Chapter 64E-26, F.A.C.

(2) A residential commitment program must conduct surveillance, screening and management of specific illnesses or potential infectious conditions, including a comprehensive program of education and prevention regarding blood borne pathogens.

(3) A residential commitment program shall establish and implement cleaning schedules, a pest control system, a garbage removal system, and a facility maintenance system, at a minimum, the facility maintenance system shall include maintenance schedules and timely repairs based on visual and manual inspections of the facility structure, grounds, and equipment, which shall be conducted bi-weekly, monthly, quarterly, semi-annually, yearly, and every three (3) years as prescribed in the Preventive Maintenance Checklist (RS 123, August 2016), which is incorporated by reference and is available at XXXX or may be obtained by contacting: DJJ, Office of Residential Services, 2737 Centerview Drive, Tallahassee, Florida 32399.

(4) The siting of any new facility or structure for a residential commitment program shall be in accordance with applicable statutes and local codes governing new construction, but must include at a minimum:

- (a) Sleeping quarters.

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1. 35 square feet of unencumbered space per youth in the sleeping quarters, with at least one dimension of the unencumbered space no less than seven feet. Unencumbered space is defined as usable space that is not encumbered by furnishings or fixtures;

2. One partition for every four youth in shared sleeping areas; and

3. A bed, a mattress that meets the national fire safety performance requirements, a pillow, a desk, a chair or stool, and personal storage space for every youth.

(b) 35 square feet per youth for dayroom and multi-purpose room activities;

(c) 50 square feet outdoor recreational space per youth;

(d) 56.25 square feet per youth for rooms used for educational purposes, with a classroom size based on a maximum of 16 youth;

(e) Natural and artificial light to accommodate daily activities of the program;

(f) Heating and air conditioning equipment with the capacity to maintain indoor temperatures between 68 and 75 degrees Fahrenheit;

(g) Space to accommodate dining, individual counseling, group meetings and other activities involving youth and staff that are integral to the program design; and

(h) A closed-circuit television system that includes but is not limited to, a color digital recording device. The digital video recorder (DVR) must be capable of a minimum of 30 days recorded event storage within the hard drive, have a minimum setting of eight frames per second, and be capable of remote viewing. Programs with 15 beds or more must have a minimum of 16 camera inputs. All equipment must be surge protected and have a universal surge protector backup and be connected to an emergency power supply.

(5) Newly leased facilities shall be in accordance with the Office of State Fire Marshall requirements for leased space pursuant to Section 633.01, F.S.

(6) A residential commitment program shall not make any renovations or modifications to a facility owned by the department, including exterior features such as lighting, fencing and the sally port, without written permission from the department.

(7) A state-operated residential commitment program or a contracted residential commitment program that is classified as not-for-profit shall initiate each newly admitted youth's eligibility for participation in the National School Lunch and Breakfast Program.

(8) A residential commitment program shall use a cycle menu that, is reviewed and approved by a dietitian licensed pursuant to Chapter 468, F.S. The program shall provide each youth with at least three nutritionally balanced meals and one nutritional snack per day and shall:

(a) Serve at least two of the meals hot;

(b) Provide youth special diets when prescribed for health reasons or when dictated by religious beliefs; and

(c) Not withhold food as a disciplinary measure.

*Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441 FS.  
History-New \_\_\_\_\_.*