

1 A bill to be entitled
2 An act relating to treatment programs; creating s.
3 394.88, F.S.; providing purposes of residential
4 treatment programs; defining a term; requiring
5 licensure by the Agency for Health Care
6 Administration; requiring the Department of Children
7 and Families to adopt rules for the licensure,
8 administration, and operation of programs; providing
9 staffing requirements; requiring a treatment plan for
10 each resident; requiring a review of treatment plans;
11 requiring written documentation of compliance with
12 certain local requirements; providing requirements for
13 facilities and furnishings; providing requirements for
14 the operation of program food service; providing
15 requirements for the storage and administration of
16 medications; providing requirements for programs that
17 provide services to residents with substance abuse
18 problems; providing requirements for programs that
19 provide services to children and youth; providing
20 requirements for programs that provide services to
21 residents with disabilities; creating s. 394.89, F.S.;
22 providing purposes of outdoor youth programs;
23 providing definitions; requiring licensure by the
24 agency; requiring the department to adopt rules for
25 the licensure, administration, and operation of
26 programs; providing regulations and licensing

27 requirements for programs; providing administrative
28 requirements for programs; requiring programs to have
29 an educational component approved by the Department of
30 Education; providing requirements and qualifications
31 for program staff; requiring the field director of the
32 program to maintain a current list and enrollment
33 records of all participants; requiring field directors
34 to develop a written plan for each field group
35 activity and expedition; requiring approval of each
36 plan by program governing boards; requiring program
37 staff to record an inventory of the personal items of
38 a participant; requiring the return of personal items
39 to a participant upon program completion; requiring
40 programs to provide clothing and equipment to
41 participants for field group activities and
42 expeditions; providing field group activity and
43 expedition requirements; providing requirements for
44 field offices; providing minimum staff-to-participant
45 ratios for program field group activities and
46 expeditions; requiring staff training; requiring staff
47 members, interns, and volunteers to receive annual
48 physical examinations; requiring staff members,
49 interns, and volunteers to agree to submit to drug and
50 alcohol screening; providing enrollment requirements
51 for program participants; providing fire, health, and
52 safety standards for stationary program camps;

53 requiring local offices of the Department of Health to
54 inspect such camps; providing water and nutritional
55 requirements for program field group activities and
56 expeditions; providing requirements for the medical
57 care of participants; providing requirements for the
58 administration of medications to participants;
59 providing requirements for a safety support system;
60 requiring compliance with environmental impact or land
61 use standards; providing requirements for the
62 management of emergency situations; providing
63 requirements for emergency preparedness and for the
64 prevention of infectious and communicable diseases;
65 providing that a parent or guardian has the choice of
66 not using an escort transportation service; defining
67 the term "escort transportation service"; providing
68 requirements for the transportation of participants;
69 providing requirements for a solo component to program
70 offerings; providing for the debriefing of program
71 participants; providing for written evaluations of
72 program activities by parents, guardians, and
73 participants; providing procedural requirements for
74 incidents of suspected child abuse or neglect;
75 providing for the investigation of suspected child
76 abuse or neglect; providing for the termination of
77 program personnel for convictions of child abuse or
78 neglect; providing for the immediate suspension or

79 revocation of licenses of programs under certain
 80 circumstances; providing for the denial of licensure
 81 to programs under certain circumstances; providing for
 82 the immediate revocation of licenses for violations of
 83 statutory requirements; providing an effective date.

84

85 Be It Enacted by the Legislature of the State of Florida:

86

87 Section 1. Section 394.88, Florida Statutes, is created to
 88 read:

89 394.88 Residential treatment programs.—

90 (1) The purpose of a residential treatment program is to
 91 offer room and board and to provide, or arrange for the
 92 provision of, specialized treatment and rehabilitation or
 93 habilitation services for individuals with emotional,
 94 psychological, developmental, or behavioral problems or
 95 disorders or chemical dependencies. In a residential treatment
 96 program, such individuals are assisted in acquiring the social
 97 and behavioral skills necessary for living independently in the
 98 community.

99 (2) As used in this section, the term "residential
 100 treatment program" or "program" means a 24-hour group living
 101 environment for four or more individuals unrelated to the owner
 102 or provider.

103 (3) A residential treatment program must be licensed by
 104 the agency. The department, in consultation with the agency,

105 shall establish by rule requirements for licensure,
106 administration, and operation of residential treatment programs
107 consistent with this section.

108 (4) (a) A program must employ a manager who is responsible
109 for the operation of the program, the program facility, and the
110 day-to-day supervision of program residents. A licensed
111 psychologist may hold the position of manager. The manager or a
112 member of program staff appointed by the manager as his or her
113 substitute must be present at the program facility at all times.
114 The manager shall maintain on site a current list of all program
115 residents.

116 (b) Program staff must include licensed physicians,
117 psychologists, mental health counselors, and advanced registered
118 nurse practitioners who have been trained in providing medical
119 services and treatment to individuals diagnosed with mental
120 health and substance abuse problems, to individuals with
121 disabilities, and to children and youth, if the program serves
122 these populations.

123 1. A program must have a minimum of two staff members on
124 duty at all times and must maintain a staff-to-resident ratio of
125 no less than 1 to 4. This ratio may be reduced only during
126 overnight sleeping hours. A program with mixed-gender residents
127 must have at least one male and one female staff member on duty
128 at all times.

129 2. A program that provides services to children and youth
130 must have on staff:

131 a. A licensed mental health counselor who provides a
132 minimum of 1 hour of service per week per child or youth
133 resident.

134 b. A licensed medical practitioner who, by written
135 agreement, provides, as needed, a minimum of 1 hour of service
136 per week for every two child or youth residents.

137 c. A licensed clinical professional who supervises all
138 staff members who are trained to work with children and youth
139 who have emotional or behavioral problems or disorders.

140 3. A program must ensure that licensed substance abuse
141 counselors on staff and all unlicensed staff are supervised by a
142 licensed clinical professional.

143 4. A program that provides services for residents with
144 disabilities must designate, for the supervision of the services
145 and the facility, a staff member who is adequately trained to
146 provide the services and treatment described in the treatment
147 plans for such residents.

148 (c) A program must have a staff person trained and
149 certified in first aid and cardiopulmonary resuscitation (CPR)
150 on duty at all times.

151 (d) A program may accept and use students and volunteers
152 on its staff. The program must provide for the evaluation and
153 screening of students and volunteers and adequate training to
154 ensure that they are qualified to perform assigned tasks.
155 Students and volunteers must be informed verbally and in writing
156 of program objectives and the scope of the services to be

157 provided by the program.

158 (5) A program must ensure that a treatment plan exists for
159 each resident. The treatment plan must be reviewed and signed at
160 the time a resident enrolls and periodically after enrollment,
161 as provided in the treatment plan, by the licensed clinical
162 professional who supervises the program.

163 (6) A program must maintain written documentation of
164 compliance with the following local requirements, as applicable:

165 (a) Zoning ordinances.

166 (b) Business license requirements.

167 (c) Building codes.

168 (d) Firesafety codes and standards.

169 (e) Health codes.

170 (f) Approval from appropriate governmental agencies for
171 new program services or increased consumer capacity.

172
173 A program facility that provides services to residents with
174 disabilities must be located where schools, churches, recreation
175 facilities, and other community facilities are available.

176 (7) A program must ensure that the appearance and
177 cleanliness of its facility, including all buildings and
178 surrounding areas, are maintained. A program must take
179 reasonable measures to ensure a safe physical environment for
180 all residents and staff. The program must store hazardous
181 chemicals and materials in locked spaces that are adequately
182 ventilated and kept at a proper temperature pursuant to the

183 direction of the local fire department official.

184 (a) A program must ensure that its facility has adequate
185 space to maintain an administrative office for records,
186 secretarial work, and bookkeeping, and additional space to
187 conduct private and group counseling sessions. A program
188 facility must be of sufficient size and design to provide indoor
189 space for free and informal activities and to respect the
190 privacy needs of residents. A live-in staff member must have a
191 separate living space with a private bathroom.

192 (b) No more than four residents, and no more than two
193 residents with disabilities, may be housed in a single bedroom.
194 Multiple-occupant bedrooms must provide a minimum of 60 square
195 feet per resident. Single-occupant bedrooms must be a minimum of
196 80 square feet in size. Measurements of bedroom size may not
197 include storage space. Bedrooms and other sleeping areas must
198 have a source of natural light and must be ventilated by
199 mechanical means or equipped with a screened window that opens.
200 A program must provide a separate bed for each resident. Beds
201 must be of solid construction and may not be portable. A program
202 must provide clean linens to a resident upon arrival at the
203 program facility and at least weekly for the duration of the
204 enrollment of the resident in the program. Sleeping quarters for
205 male residents must be structurally separate from sleeping
206 quarters for female residents. A resident must be allowed to
207 decorate and personalize his or her bedroom consistent with
208 respect for other residents and property.

209 (c) A program facility must have separate bathrooms for
210 male and female residents. Bathrooms must be maintained in good
211 operating order and in a clean and safe condition and must
212 accommodate residents with physical disabilities as required. A
213 program facility bathroom must include mirrors secured to its
214 walls at convenient heights, be properly equipped with toilet
215 paper, towels, soap, and other items required for personal
216 hygiene, and be ventilated by mechanical means or equipped with
217 a screened window that opens. A program must provide a minimum
218 ratio of one toilet, one bathroom sink, and one tub or shower
219 for every six residents. All toilets, baths, and showers must be
220 designed and constructed to provide individual privacy for the
221 user. A program facility must be designed so that bathroom
222 location and access minimize disturbance of residents during
223 sleeping hours.

224 (d) Furniture and equipment used at a program facility
225 must be of sufficient quantity, variety, and quality to meet
226 program and resident needs and must be maintained in a clean and
227 safe condition.

228 (e) A program that allows residents to do laundry
229 individually must provide equipment and supplies for washing,
230 drying, and ironing. A program that provides a common laundry
231 service for linens and clothing must provide containers for
232 soiled laundry separate from storage for clean linens and
233 clothing. All laundry appliances must be maintained in a clean
234 and safe operating condition.

235 (8) (a) A program must employ a food service manager. If
236 the food service manager is not a licensed dietitian or
237 nutritionist, he or she must schedule consultations on a regular
238 basis with a licensed dietitian or nutritionist. All meals
239 served by the program must be from dietitian-approved or
240 nutritionist-approved menus.

241 (b) The food service manager shall maintain a current list
242 of residents with special nutritional needs, record in a
243 resident's service record information relating to special
244 nutritional needs, and provide nutrition counseling to residents
245 as appropriate.

246 (c) Meals served by the program may be prepared at the
247 facility or catered. The program must provide three regular
248 meals a day to residents and must provide nutritious food to a
249 resident within 4 hours after the resident arrives at or returns
250 to the program facility. Program kitchens must have clean, safe,
251 and operational equipment for the preparation, storage, serving,
252 and cleanup of all meals. Adequate dining space must be provided
253 for all residents. The dining space must be maintained in a
254 clean and safe condition. A program must establish and post
255 kitchen rules and privileges that take into account the needs of
256 its residents. If the program allows residents to prepare meals,
257 the program must establish a written policy that includes the
258 following:

259 1. Rules that residents must follow to acquire and retain
260 kitchen privileges.

- 261 2. Guidelines and procedures for menu planning.
- 262 3. Nutritional and sanitation requirements.
- 263 4. A schedule of the responsibilities of each resident
- 264 enjoying kitchen privileges for food preparation, cleanup, and
- 265 kitchen maintenance.

266 (9) A program must have locked storage for medications and
 267 ensure that residents receive prescription medication according
 268 to the prescriptions of qualified physicians, as required by
 269 law. A program must designate qualified staff to perform the
 270 following tasks:

- 271 (a) Administer medication.
- 272 (b) Supervise self-medication.
- 273 (c) Record all instances of medication and self-
- 274 medication, including time and dosage, according to
- 275 prescription.

276 (d) Record the effects of medication and self-medication
 277 on the residents receiving them.

278 (10) A program that provides services to residents with
 279 substance abuse problems must:

280 (a) Not admit an individual as a resident who is
 281 experiencing convulsions or delirium tremens or who is in shock,
 282 in a coma, or unconscious.

283 (b) Ensure and document that a staff member who provides
 284 direct service to residents completes a first aid and
 285 cardiopulmonary resuscitation (CPR) training course and
 286 certification within 6 months after being hired. All such staff

287 members must complete refresher training courses as required by
 288 the certifying agency.

289 (c) Require residents, as a condition of admission, to be
 290 tested for tuberculosis and require applicants for jobs at a
 291 program facility, as a condition of employment, to be tested for
 292 tuberculosis. Residents and staff of the program must be tested
 293 for tuberculosis annually or as directed by the Department of
 294 Health.

295 (11) A program that provides services to children and
 296 youth must:

297 (a) Provide a curriculum approved by the Department of
 298 Education to child and youth residents. A program that provides
 299 its own school must be recognized and approved by the State
 300 Board of Education, the Southern Association of Colleges and
 301 Schools, or another educational accreditation organization.

302 (b) Conduct individual, group, couple, and family
 303 counseling sessions or other appropriate treatment, including
 304 skills development therapy, at least weekly, or more often if
 305 required by a child or youth resident's treatment plan. The
 306 program must document the time, date, and nature of such
 307 services, including the signature of the counselor providing
 308 them, in the individual record for each resident.

309 (c) Safely store the personal funds of a child or youth
 310 resident. The program must keep an accurate record of all funds
 311 deposited and withdrawn for use by a child or youth resident.
 312 The program must maintain a record of receipts signed by the

313 child or youth resident and an appropriate program staff member
314 for resident purchases that exceed \$20 in cost per item.

315 (12) A program that provides services to residents with
316 disabilities must:

317 (a) Establish rules governing the daily operation and
318 activities of the program facility which are applicable to all
319 residents, staff, and family members on the premises of the
320 facility. The program must make such rules available in written
321 form to residents and visitors at the facility.

322 (b) Establish a program policy for the amount of time a
323 resident's family members or friends may stay at the program
324 facility as overnight guests.

325 (c) Ensure that a resident with a disability has an
326 individual plan that addresses appropriate day treatment.

327 (d) Maintain on file a monthly schedule of activities
328 which must be shared with residents and is available for review
329 at the request of residents or visitors.

330 (e) Maintain a record of all earned and unearned income
331 and consumer service fees of residents.

332 (f) In conjunction with the parent or legal guardian of a
333 resident with a disability and the Agency for Persons with
334 Disabilities support coordinator, apply for unearned income
335 benefits to which a resident with a disability is entitled.

336 Section 2. Section 394.89, Florida Statutes, is created to
337 read:

338 394.89 Outdoor youth programs.—

339 (1) The purpose of an outdoor youth program is to offer
340 wilderness hiking and camping experiences through program field
341 group activities and expeditions as a form of rehabilitation
342 treatment and services for youth with emotional, psychological,
343 developmental, or behavioral problems or disorders or chemical
344 dependencies. In an outdoor youth program, individuals are
345 assisted in acquiring the social and behavioral skills necessary
346 for living independently in the community.

347 (2) As used in this section, the term:

348 (a) "Field office" means the office in which all
349 coordination of field operations for the outdoor youth program
350 takes place.

351 (b) "Participant" means the youth who is provided the
352 service by the outdoor youth program. The term does not include
353 the parent or contracting agent that enrolls the youth in the
354 program.

355 (3) (a) An outdoor youth program must be licensed by the
356 agency. The department, in consultation with the agency, shall
357 establish by rule requirements for licensure, administration,
358 and operation of outdoor youth programs consistent with this
359 section. All local, state, and federal regulations and
360 professional licensing requirements must be met by an outdoor
361 youth program as a condition of licensure by the agency. The
362 agency must review and approve a program's training plan, which
363 must include provisions governing a participant's conduct and
364 the consequences for his or her conduct while enrolled in the

365 program. The program executive director shall ensure that all
366 information provided to parents, the community, and the media by
367 or on behalf of the program is factually correct.

368 (b) A program must provide an educational component
369 approved by the Department of Education to a participant who is
370 absent from his or her school or educational setting for more
371 than 1 month. Before enrolling a participant, the program's
372 administrators must coordinate with the local school board to
373 provide an educational component as part of the participant's
374 program experience. To offer educational credit to participants,
375 the program must be recognized and approved by the State Board
376 of Education.

377 (4) (a) A program must have a governing board and an
378 executive director. The governing board and executive director
379 are responsible for and have authority over the policies and
380 activities of the program. The executive director shall
381 coordinate office and support services, supervise the operations
382 of the program, and ensure that all program staff are adequately
383 trained. The executive director may be a licensed psychologist.
384 He or she must meet, at a minimum, the following qualifications:

- 385 1. Be at least 25 years of age.
- 386 2. Have a bachelor's degree in recreational therapy or
387 comparable training and experience in a related discipline.
- 388 3. Have 2 years of outdoor youth program administrative
389 experience.
- 390 4. Demonstrate to the satisfaction of the agency a

391 thorough knowledge and understanding of the laws and rules
392 related to the licensing and operation of an outdoor youth
393 program.

394 (b) A program must have a field director who has primary
395 responsibility for field activities and participants,
396 coordinates field operations, manages the field staff, and
397 operates the field office. The field director must go into the
398 field and visit a program field group activity or expedition at
399 least 2 days each week that the program has participants in the
400 field, with no more than 5 days between visits. He or she must
401 prepare a report following each visit which documents the
402 condition of the participants and the interactions between
403 participants and staff. The field director must also use the
404 field visits to ensure that the program is in compliance with
405 this section and program policies and rules. The field director
406 shall maintain at the field office a current list of all
407 participants and a record of all field visit reports. The field
408 director must meet, at a minimum, the following qualifications:

- 409 1. Be at least 25 years of age.
410 2. Have a bachelor's degree in recreational therapy or
411 comparable training and experience in a related discipline.
412 3. Have 2 years of outdoor youth program field experience.
413 4. Be certified in first aid at the time of employment
414 and, thereafter, be annually trained and certified in first aid
415 and cardiopulmonary resuscitation (CPR).
416 5. Demonstrate to the satisfaction of the agency a

417 thorough knowledge and understanding of the laws and rules
418 related to the licensing and operation of an outdoor youth
419 program.

420 (c) A program must have field support staff members who
421 are responsible for the delivery of supplies to the field, mail
422 delivery, communications, and first aid support. A field support
423 staff member must meet, at a minimum, the following
424 qualifications:

- 425 1. Be at least 21 years of age.
- 426 2. Have a high school diploma or its equivalent.
- 427 3. Be certified in first aid at the time of employment
428 and, thereafter, be annually trained and certified in first aid
429 and cardiopulmonary resuscitation (CPR).
- 430 4. Have completed an initial staff training course, as
431 provided in this section.

432 (d) Each program field group activity or expedition must
433 have a senior field staff member working directly with the
434 participants who meets, at a minimum, the following
435 qualifications:

- 436 1. Be at least 21 years of age.
- 437 2. Have a high school diploma or its equivalent and have
438 completed 30 semester or 45 quarter hours of college-level
439 coursework in recreational therapy or comparable experience and
440 training in a related field.
- 441 3. Have 6 months' outdoor youth program field experience
442 or comparable experience. This experience must be documented in

443 the individual's personnel file.

444 4. Be certified in first aid at the time of employment
445 and, thereafter, be annually trained and certified in first aid
446 and cardiopulmonary resuscitation (CPR).

447 5. Have completed an initial staff training course, as
448 provided in this section.

449 (e) Each program field group activity or expedition must
450 have field staff working directly with the participants who
451 meet, at a minimum, the following qualifications:

452 1. Be at least 20 years of age.

453 2. Have a high school diploma or its equivalent.

454 3. Have 48 days of outdoor youth program field experience
455 or comparable experience. This experience must be documented in
456 the individual's personnel file.

457 4. Exhibit leadership skills.

458 5. Be certified in first aid at the time of employment
459 and, thereafter, be annually trained and certified in first aid
460 and cardiopulmonary resuscitation (CPR).

461 6. Have completed an initial staff training course, as
462 provided in this section.

463 (f) A program may have assistant field staff, if
464 necessary, to meet the required staff-to-participant ratio. An
465 assistant field staff member must meet, at a minimum, the
466 following qualifications:

467 1. Be at least 19 years of age.

468 2. Have a high school diploma or its equivalent.

469 3. Have 24 days of outdoor youth program field experience.

470 4. Exhibit leadership skills.

471 5. Be certified in first aid at the time of employment
 472 and, thereafter, be annually trained and certified in first aid
 473 and cardiopulmonary resuscitation (CPR).

474 6. Have completed an initial staff training course, as
 475 provided in this section.

476 (g) Each program must have accessible to participants a
 477 multidisciplinary team of licensed clinical professionals which
 478 includes, at a minimum, the following:

479 1. A licensed physician.

480 2. At least one of the following:

481 a. A licensed psychologist.

482 b. A licensed clinical social worker.

483 c. A licensed mental health counselor.

484 d. A licensed marriage and family therapist.

485 e. A certified school counselor.

486 (h) A program may have as members of its staff academic
 487 and clinical interns who are placed to learn program practices
 488 as part of their degree requirements. Interns must be at least
 489 19 years of age and complete the initial training course
 490 required under this section regardless of background experience.
 491 Clinical interns who are fulfilling requirements for licensure
 492 must be under the supervision of a licensed clinical
 493 professional in the program. Academic interns must be supervised
 494 by appropriate program staff, as designated by the program

495 executive director. Interns may not supervise participants at
496 any time.

497 (i) A program may use program volunteers. Volunteers must
498 be under the direct, constant supervision of program staff at
499 all times. Volunteers must be at least 18 years of age and
500 complete the initial training course required under this section
501 regardless of background experience. Volunteers may not
502 supervise participants at any time.

503 (5) (a) The field director shall maintain on file at the
504 field office at all times a current list and enrollment records
505 of all participants. The program must ensure that there is a
506 written plan developed by the field director for each field
507 group activity and expedition. The plan must not expose
508 participants in the program to unreasonable risks and must be
509 approved and signed by the field director and the program
510 executive director, who must submit the plan to the program
511 governing board for final approval.

512 (b) Program staff must record an inventory of the personal
513 items that a participant brings with him or her upon enrollment
514 in the program and must return all inventoried items, except
515 contraband, to the participant following program completion. The
516 participant or the participant's parent or legal guardian must
517 sign, upon verification, the inventory list acknowledging its
518 accuracy at the time the inventory is recorded and again when
519 inventoried items are returned to the participant.

520 (c) A program must provide each participant with clothing

521 and equipment to protect the participant from the environment
522 during his or her program field group activity or expedition
523 experience. This equipment may not be denied, removed from, or
524 made unavailable to a participant as a consequence of the
525 participant's behavior or for any other reason. If a participant
526 refuses or cannot carry all of his or her equipment, the field
527 or expedition group of which he or she is a member shall cease
528 hiking, and the reasons for his or her refusal or inability to
529 continue must be established and resolved before hiking resumes.
530 A program executive director must ensure that program staff are
531 trained as to the requirements of this paragraph and must ensure
532 that compliance with such requirements is monitored regularly.
533 Field group activity and expedition equipment must include the
534 following:

- 535 1. Sunscreen, which program staff shall ensure is used
536 appropriately by the participant.
- 537 2. Insect repellent.
- 538 3. A frame or frameless backpack, the packed weight of
539 which may not exceed 20 percent of the participant's body
540 weight. If the participant is required to carry other items in
541 addition to the backpack, the total weight carried may not
542 exceed 30 percent of the participant's body weight.
- 543 4. Personal hygiene items.
- 544 5. Feminine hygiene supplies.
- 545 6. Sleeping bags rated for the seasonal conditions of the
546 field group activity or expedition.

547 7. Shelters and ground pads for colder months when the
548 average nighttime temperature is 39° F. or lower.

549 8. A set of basic clothing items for each participant
550 sufficient for ordinary activities and additional items for each
551 participant sufficient for protection against seasonal changes
552 in the environment during the field group activity or
553 expedition.

554 (d) A program must provide participants with clean
555 clothing at least weekly and must provide a means for
556 participants to bathe or clean their bodies at least twice
557 weekly. Female participants must be issued products for feminine
558 hygiene purposes.

559 (e) Hiking may not exceed the physical capability of the
560 weakest member of the field or expedition group. Hiking is
561 prohibited at temperatures above 90° F. or below 10° F. Field
562 staff must carry thermometers that accurately display current
563 temperature. If a participant cannot or will not hike, the field
564 or expedition group may not continue unless imminent danger
565 exists.

566 (f) A program field group activity or expedition must have
567 a field group activity or expedition plan, including map routes
568 and anticipated schedules. A field group activity or expedition
569 plan must be recorded in the field office and at least one copy
570 carried by field staff during the field group activity or
571 expedition.

572 (g) Field staff must maintain a signed daily log or

573 dictate a recorded log to be transcribed and signed immediately
574 upon completion of the field group activity or expedition. All
575 log entries must be recorded in permanent ink and made available
576 to agency staff upon request. The log must contain detailed
577 descriptions of any of the following that occur during the field
578 group activity or expedition:

- 579 1. Accidents.
- 580 2. Injuries.
- 581 3. Medications administered.
- 582 4. Physical health concerns of a participant.
- 583 5. Behavioral problems exhibited by a participant.
- 584 6. All unusual occurrences.

585 (h) Outgoing and incoming mail to or from parents,
586 guardians, or attorneys may not be restricted and must be
587 delivered in as prompt a manner as the location of the
588 participant and the circumstances dictate. Incoming mail may not
589 be read or censored without written permission from a parent or
590 legal guardian. A program may establish a policy defining the
591 circumstances under which incoming mail must be opened in the
592 presence of staff. Contraband in the possession of a participant
593 or received by a participant in the mail must be confiscated by
594 program staff.

595 (i) Each program staff member must carry with him or her a
596 reliable timepiece, which may include a wristwatch or pocket
597 watch, for the purposes of accurately determining the time of
598 day and recording the time of day in log notes and incident

599 reports and for other documentation purposes.

600 (j) A program must establish policies and procedures for
601 the recognition of, and responses to, suicidal ideation, which
602 include review by a program clinical professional of the
603 placement of a suicide watch on a participant.

604 (6) (a) An outdoor youth program must maintain a field
605 office from which program field group activities, expeditions,
606 and all other program activities are coordinated and monitored.
607 A program must maintain and monitor communications by telephone
608 and Internet connection to and from the field office at all
609 times when a participant is engaged in a program field group
610 activity or expedition or is in the field. A program field
611 director must ensure that members of field office staff are
612 within 1 hour travel time from the location of all program field
613 group activity and expedition participants or other participants
614 at any time. Field office staff must respond immediately to any
615 emergency situation. A program field director must ensure that a
616 contact telephone number is posted on the field office door at
617 any time field office staff are not present. At such times, he
618 or she must ensure that on-call staff continually monitor
619 communications and are within 15 minutes travel time from the
620 field office.

621 (b) A program field director shall ensure that field
622 office staff and field staff are properly trained and supervised
623 and that personnel files and records for field office staff and
624 field staff are maintained. Field office staff must perform the

625 following duties:

626 1. Maintain written records regarding current staff and
627 participants, including, but not limited to, demographic
628 information, eligibility qualifications, and medical information
629 and forms.

630 2. Maintain a current list of the names of field staff and
631 participants in each program field group activity and on each
632 program expedition.

633 3. Maintain a master map of all program field activity
634 areas and expeditions.

635 4. Maintain copies of each field group activity and
636 expedition map and each expedition route with its schedule and
637 itinerary. Such copies must be provided to the agency and local
638 law enforcement authorities upon request.

639 5. Maintain a log of all communications to and from the
640 field office and field staff.

641 6. Provide training and orientation to field staff.

642 7. Maintain and monitor all communications with the field
643 office and field staff.

644 8. Maintain, store, and inspect program equipment.

645 9. Respond immediately to all medical incidents by
646 providing first aid treatment and obtaining the services of
647 emergency personnel and other providers as indicated.

648 10. Provide information regarding the program to the
649 agency upon request.

650 (7) (a) A program field group activity or expedition must

651 be supervised by at least two staff members at all times, one of
652 whom must be a senior field staff member.

653 (b) A mixed-gender field group activity or expedition must
654 be supervised by at least one female staff member and one male
655 staff member.

656 (c) The size of a program field group activity or
657 expedition may not exceed 16 individuals, including staff
658 members, and the field group activity or expedition must have a
659 staff-to-participant ratio of no less than 1 to 4. For purposes
660 of determining the minimum number of staff members that must be
661 included in a field group activity or expedition, interns and
662 volunteers accompanying the field group activity or expedition
663 are designated as participants. Notwithstanding this paragraph,
664 field group activity or expedition size may not exceed the
665 lowest limit provided by federal regulation or local ordinance
666 in the jurisdiction in which the program is operated.

667 (8) (a) A program must provide a minimum of 80 hours of
668 initial training to individuals who become members of program
669 staff. Initial staff training may not be considered complete
670 until a staff member has demonstrated to the field director
671 proficiency in each of the following:

672 1. Counseling, teaching, and supervising youth.

673 2. Water, food, and shelter procurement, preparation, and
674 conservation.

675 3. Low-impact wilderness expedition and environmental
676 conservation principles, methods, and procedures.

- 677 4. Group management, including containment, control,
678 safety, conflict resolution, and behavior management.
- 679 5. Safety procedures for the protection of human life, the
680 prevention of fire, and the handling of fuel.
- 681 6. Safe equipment and tool use.
- 682 7. Emergency methods and procedures for medical treatment,
683 evacuation, sheltering or escaping from weather conditions,
684 communication signaling, fire control and extinguishment, and
685 searching for runaway or lost participants.
- 686 8. Sanitation procedures for the storage, handling, and
687 use of water and food and for the confinement and disposal of
688 waste.
- 689 9. Wilderness medicine, including health issues related to
690 acclimation and exposure to the environment and the elements.
- 691 10. Cardiopulmonary resuscitation (CPR), first aid, and
692 the contents and use of first aid kits.
- 693 11. Navigation, including map and compass use and contour
694 and celestial navigation.
- 695 12. Adaptation to local environmental conditions,
696 including terrain, weather, insects, poisonous plants, adverse
697 situations, and conditions necessitating emergency evacuation.
- 698 13. Leadership and judgment.
- 699 14. Report writing, including the development and
700 maintenance of logs and journals.
- 701 15. Knowledge of federal, state, and local regulations and
702 requirements, including statutes and rules of the agency, the

703 department, the Department of Environmental Protection, the
704 Department of Agriculture, the Florida Fish and Wildlife
705 Commission, the United States Forest Service, and the National
706 Park Service.

707 (b) The field director must document in each staff
708 member's personnel file the completion of the minimum 80 hours
709 of initial training and whether the staff member has
710 demonstrated proficiency levels under the requirements of
711 paragraph (a). Initial training must continue for a staff member
712 until he or she meets the requirements of paragraph (a). A staff
713 member may not be included in assessing compliance with the
714 staff-to-participant ratio required under paragraph (7)(c) until
715 he or she has met the requirements of paragraph (a).

716 (c) A program must also provide ongoing training to staff
717 members in order to improve proficiency in knowledge and skills
718 and to maintain certifications. This training must be documented
719 in the personnel file of a staff member.

720 (9) Before engaging in any field activity and on an
721 ongoing annual basis, a staff member, an intern, or a volunteer
722 must have a physical examination and a review of his or her
723 health history conducted and signed by a licensed medical
724 professional. A recognized physical stress assessment must be
725 completed as part of the physical examination. A physical
726 examination of a staff member must be documented in his or her
727 personnel file. All staff members, interns, and volunteers must
728 agree to submit to drug and alcohol screening as required by

729 federal and state law.

730 (10) (a) Participants must be at least 13 years of age and
731 less than 18 years of age to enroll in a program.

732 (b) Not more than 30 days before enrollment in a program,
733 a participant must complete and submit to the field office his
734 or her health history on forms provided by the program. The
735 history must be verified and signed by a parent or legal
736 guardian and must include a description of physical or medical
737 limitations and medications prescribed for the participant.

738 (c) Not more than 15 days before enrollment in a program,
739 a participant must have a physical examination. The examination
740 must be documented on a form provided by the program. The form
741 must be signed by a licensed medical professional and submitted
742 to the program before the participant is enrolled.

743 (d) The physical examination form provided by the program
744 must prominently display a notice that clearly describes the
745 location, terrain, environmental features, and physical demands
746 of the program field group activity or expedition in which the
747 participant seeks to enroll. The examination form must document
748 the following tests and results from the physical examination of
749 the participant:

750 1. A complete urinalysis that includes a drug screening
751 and a screening for possible infections.

752 2. A complete blood count.

753 3. A comprehensive metabolic panel.

754 4. A physical stress assessment.

755 5. A determination by the licensed medical professional if
756 detoxification is indicated for the participant before
757 enrollment in the program.

758 6. A pregnancy test for a female participant.

759 7. Other tests deemed necessary by the examining licensed
760 medical professional.

761 (e) Before enrollment, a program must conduct an
762 admissions screening of the participant. The screening must be
763 supervised by a licensed clinical professional and include the
764 following:

765 1. A review of the participant's social and psychological
766 history with his or her parent or legal guardian.

767 2. An interview with the participant.

768 3. A review of the participant's health history and
769 physical examination by a licensed medical professional.

770 (f) Before enrollment, a participant who has a history of
771 a chronic psychological disorder must receive a psychological
772 evaluation. The evaluation must be reviewed by a licensed
773 psychologist on the staff of the program before the participant
774 is enrolled.

775 (g) A participant's medical record must be documented and
776 maintained at the field office, and a copy of the record must be
777 carried in a waterproof container by a staff member assigned to
778 the participant's program field group activity or expedition
779 until the completion of the field group activity or expedition.

780 (h) After the start of a program field group activity or

781 expedition, staff members shall closely monitor all participants
782 for at least 3 days to detect any health problem resulting from
783 difficulty in adjusting to the field group activity or
784 expedition environment.

785 (11) (a) An outdoor youth program that maintains a
786 designated location for the housing of participants is
787 considered stationary and is subject to additional fire, health,
788 and safety standards. A stationary program camp must be
789 inspected by a certified firesafety inspector before being
790 occupied and on an annual basis for license renewal. A copy of
791 the inspection report must be maintained at the program camp.
792 The inspection must include the evaluation and approval of the
793 following safety equipment and building requirements and
794 features:

795 1. Fire extinguishers. Each fire extinguisher must be
796 inspected annually by a fire extinguisher service agency. At
797 least one type 2A10BC fire extinguisher must be in each of the
798 following locations as required by the firesafety inspector:

799 a. On each floor in any building that houses participants;

800 b. In any room where cooking or heating of food or other
801 items takes place; and

802 c. In a group of tents not more than 75 feet from the
803 nearest tent.

804 2. Smoke detectors. At least one smoke detector must be in
805 each kitchen area and in each room or space where a participant
806 sleeps.

807 3. Escape routes. A minimum of two escape routes to the
808 outside from each room or space where participants sleep must be
809 mapped out and maintained.

810 4. Flammable liquids. Flammable liquids may not be used to
811 start fires, be stored in structures that house participants, or
812 be stored near ignition sources. If a generator is used at the
813 program camp, it must be refueled only by staff members and only
814 when it is not running and is cool to the touch.

815 5. Electrical wiring. All wiring must be properly
816 attached, and the electrical system must have appropriate fuses
817 and breakers to prevent system overloads.

818 (b) A stationary program camp shall be inspected by the
819 local county health department before being occupied and on an
820 annual basis for license renewal. A copy of the inspection
821 report must be maintained at the program camp. The inspection
822 must include the evaluation and approval of the following
823 supplies and operational systems:

824 1. Food. Food must be stored, prepared, and served in a
825 manner that protects it from contamination.

826 2. Water supply. The water supply must be tested for the
827 array of contaminants for which water systems at restaurant and
828 lodging establishments are tested.

829 3. Sewage disposal. Sewage must be disposed through a
830 public system or, in absence of a public system, in a manner
831 approved by the local county health department.

832 (12) (a) An outdoor youth program must make available at

833 least 6 quarts of potable water per individual per day plus 1
834 additional quart per individual for each 5 miles hiked. Access
835 to water must be available at all times during hiking.

836 (b) In temperatures above 90° F., staff members must
837 ensure that participant water intake is a minimum of 3 quarts
838 per day. Electrolyte replacement must be available for members
839 of a program field group activity or expedition at all times.

840 (c) In temperatures above 80° F., water must be available
841 for dousing a participant's body, and other cooldown techniques
842 must be available as needed for the purpose of cooling
843 participants.

844 (d) Water must be available at each campsite. Water cache
845 location information must be verified daily with field support
846 staff before the field group or expedition leaves camp.

847 (e) A field group activity or expedition may not depend on
848 aerial drops to replenish the group with water. Aerial water
849 drops may be used only for emergency situations.

850 (f) All water from natural sources must be treated and
851 sanitized to eliminate health hazards.

852 (13) (a) An outdoor youth program must have a written menu
853 listing and describing all food supplied to a participant during
854 the period of enrollment. Food items must provide a minimum of
855 3,000 calories per day and must include fresh fruit and
856 vegetables at least twice a week. A program's daily menu must be
857 from a balance of the food groups. Forage items may not be
858 included in determinations of daily caloric intake. If fire or a

859 heating source is not available, other food of equal caloric
860 value which does not require cooking must be provided to
861 participants.

862 (b) Food may not be withheld from a participant as a
863 punishment or for any other reason. Program fasting for more
864 than 24 hours during a program field group activity or
865 expedition is prohibited.

866 (c) A program must adjust the menu to provide a 30 to 100
867 percent increase in minimum dietary needs as energy expenditure
868 from exercise or due to cold weather or other climate conditions
869 increases. A program must offer daily multiple vitamin
870 supplements to participants.

871 (14) (a) A program must provide at least one first aid kit
872 to a field group activity or expedition. First aid kits must
873 contain sufficient supplies appropriate for the activity,
874 location, and environmental conditions of the particular field
875 group activity or expedition. A program must ensure that first
876 aid treatment is provided in a prompt manner to an injured or a
877 sick participant. If a participant incurs an illness or has a
878 physical complaint that cannot be treated by first aid, the
879 program must immediately arrange for the participant to be seen
880 and treated as indicated by a licensed medical professional.
881 Program staff must conduct and document a foot check of all
882 participants at least twice daily.

883 (b) A program must provide a participant an assessment of
884 his or her physical condition by a licensed health care

885 professional at least once every 14 days of enrollment in the
886 program. A certified emergency medical technician may perform
887 such an assessment. The assessment must include, but is not
888 limited to, the measurement and recording of a participant's
889 blood pressure, heart rate, allergic reactions, and general
890 physical condition. Any assessment concern must be documented
891 and the participant taken to the appropriate medical
892 professional for treatment and provided appropriate medication
893 as needed. A participant may not suffer any consequence as a
894 result of requesting to see a health care professional or for
895 anything reported to a health care professional.

896 (c) All prescription and over-the-counter medications must
897 be kept in the secure possession of designated staff members.
898 Such staff members shall provide medications to participants
899 only to be used or administered as prescribed by a qualified
900 licensed medical practitioner. Such staff members are required
901 to do the following:

- 902 1. Supervise the use of all medications.
- 903 2. Record each instance of medication use, including the
904 participant's name and the date, time, and medication dosage.
- 905 3. Record the effects of medication use, if any.
- 906 4. Document any instance of a missed administration of
907 prescription medication.
- 908 5. Document any lost or missing prescription medication.

909 (15) An outdoor youth program must have a safety support
910 system with the following components:

911 (a) A radio communications system that provides reliable
912 two-way radio communications on a daily basis. The system must
913 include additional charged battery packs. A program must have a
914 reliable backup system of contact in the event the radio system
915 fails.

916 (b) Support vehicles and a field office, all equipped with
917 first aid kits and other first aid equipment.

918 (c) Procedures to conduct an emergency evacuation from or
919 make a rapid response to all field locations. Field support
920 staff must have access at all times to contact names and
921 locations and telephone numbers of local law enforcement
922 personnel and other first responders.

923 (d) A policy of uninterrupted communication access between
924 program groups in the field and field support staff. Field
925 support staff must continuously monitor the location of program
926 field group activities and the location and progress of program
927 expeditions and maintain the capability for radio or telephone
928 contact with such field groups and expeditions at all times.
929 Daily morning and afternoon contact information for field staff
930 and field support staff must be provided to the field office no
931 later than the day before. Any change in such contact
932 information must be immediately relayed to the field office.
933 Field staff must have the ability to contact field support staff
934 and the field office on a continuous basis.

935 (16) All program field group activities and expeditions
936 must adhere to federal, state, and local environmental or land

937 use requirements regarding sanitation and low-impact camping.
938 Program staff shall daily instruct participants in the
939 observance of low-impact camping principles and practices.
940 Personal hygiene supplies must be biodegradable.

941 (17) (a) In preparation for emergencies, a program must
942 designate a hierarchy of staff authority and make individual
943 staff assignments within that hierarchy.

944 (b) A program must have a written plan of action for
945 disaster and casualty management to include a universal plan
946 component for the evacuation of participants and staff or for a
947 rapid field response. The plan of action must also contain
948 components for the transport and relocation of participants,
949 when necessary, and the supervision of participants after
950 evacuation or relocation. Emergency evacuation equipment must be
951 on standby availability at the field office or stationary
952 program camp. A program must have standby protocols with local
953 rescue services in preparation for possible emergency evacuation
954 needs. A program must review such protocols with the local
955 rescue services at 6-month intervals.

956 (c) A program must have a written plan for medical
957 emergencies and for making arrangements for a participant's
958 medical care, including notification of the participant's
959 physician and nearest relative or guardian. A program must have
960 a written agreement with a provider for medical emergency
961 evacuation, as needed.

962 (18) A program must establish policies and procedures

963 designed to prevent or eliminate the spread of infectious and
964 communicable diseases among participants and staff members.

965 (19) A program must establish policies and procedures that
966 ensure the safe and comfortable transport of a participant
967 between his or her home and the program location. A program may
968 not require a participant's parent or guardian to use an escort
969 transportation service, whether provided by the program or by an
970 independent transportation service, as a condition for
971 enrollment of the participant in the program. The decision to
972 use an escort transportation service must be the independent
973 choice of the participant's parent or guardian. A program that
974 provides an escort transportation service must provide the
975 parent or guardian of a participant with the contact information
976 for at least two other escort transportation services to provide
977 an independent option for procuring these services. As used in
978 this subsection, the term "escort transportation service" means
979 providing a responsible escort by an adult, for a fee, to
980 accompany a participant during transport between the
981 participant's home and the program location at enrollment or
982 between the program location and the participant's home after
983 completion of the program activities.

984 (20) There must be a written policy and procedures for
985 transporting participants while they are enrolled in the
986 program. A program must ensure that there are means of
987 transportation readily available at all times sufficient to
988 evacuate all participants and staff members in case of

989 emergency. A staff member assigned to drive vehicles must follow
990 all safety requirements under the program's policy and
991 procedures and the laws of this state. Each vehicle used by the
992 program must be equipped with an adequately supplied first aid
993 kit. When transporting one or more participants for any reason
994 except in an emergency situation, there must be at least one
995 male and one female staff member present at all times, unless
996 the participant or participants being transported are all of the
997 same gender, in which case all of the staff may be of that same
998 gender. A staff member assigned to drive vehicles must have a
999 valid driver license and must adhere to all local, state, and
1000 federal laws relating to the operation of motor vehicles.
1001 Participants and staff must wear seat belts at all times while
1002 in a moving vehicle.

1003 (21) An outdoor youth program that has a solo experience
1004 for a participant as a component of a program offering must
1005 establish and follow a written policy and procedures for
1006 conducting the solo experience, which must include the
1007 following:

1008 (a) A written description of the solo component, which
1009 must be designed to ensure that a participant is not exposed to
1010 unreasonable risks.

1011 (b) A requirement that staff members must be familiar with
1012 the site chosen to conduct solo experiences.

1013 (c) A requirement that staff members develop a written
1014 plan for each solo experience which includes provisions for the

1015 supervision of the participant during the solo experience and
1016 which addresses potential emergency situations during the solo
1017 experience.

1018 (22) Following the completion of a program activity,
1019 program staff must provide each participant with a debriefing,
1020 including a written summary of the participant's experience and
1021 role in the activity and the progress he or she made in
1022 acquiring outdoor or wilderness hiking and camping skills. An
1023 outdoor youth program must encourage parents, guardians,
1024 participants, and other involved individuals to submit written
1025 evaluations of the participants' program experiences. A program
1026 must provide questionnaires and mailing instructions for that
1027 purpose and retain submitted evaluations for 2 years.

1028 (23) (a) An outdoor youth program must establish written
1029 procedures for handling any suspected incident of child abuse or
1030 neglect, including the following:

1031 1. A procedure for immediately notifying law enforcement
1032 officials and the parent or legal guardian of a suspected victim
1033 following the report of a suspected incident.

1034 2. A procedure for ensuring that the suspected staff
1035 member, director, or member of the governing body does not work
1036 directly with the suspected victim or any other participant
1037 until the investigation has been completed and, if charges are
1038 filed, the case has been finally adjudicated.

1039 3. A procedure for ensuring that a director or member of
1040 the governing body suspected of abuse or neglect is relieved of

1041 his or her responsibility and authority over the policies and
 1042 activities of the program and any other youth program until the
 1043 investigation has been completed and, if charges are filed, the
 1044 case has been finally adjudicated.

1045 4. A procedure for disciplining any staff member,
 1046 director, or member of the governing body involved in an
 1047 incident of child abuse or neglect, including by termination of
 1048 employment if found guilty of a felony offense of child abuse or
 1049 neglect, or loss of position, including a directorship position,
 1050 if found guilty of a misdemeanor offense of child neglect.

1051 (b) If a person in a management position, a director, or a
 1052 member of the governing body is suspected of child abuse or
 1053 neglect, the outdoor youth program must submit to an extensive
 1054 review by the agency and law enforcement officials to determine
 1055 whether the program can be operated safely if allowed to
 1056 continue or if it should be terminated and its license revoked.
 1057 The licensing and law enforcement review must be completed no
 1058 later than 72 hours after the suspected incident of child abuse
 1059 or neglect occurs.

1060 (c) The agency must immediately suspend and may revoke an
 1061 outdoor youth program license if a program fails to comply with
 1062 paragraph (a) or paragraph (b).

1063 (d) A license may not be issued to a youth outdoor program
 1064 with an owner, a silent owner, or a member of management staff
 1065 who was or is an owner, a silent owner, or a member of
 1066 management staff in a program in which a suspected incident of

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1067 child abuse or neglect occurred, until the investigation of the
1068 suspected incident and any charge and associated licensing
1069 violations are resolved.

1070 (e) A license may not be issued to a youth outdoor program
1071 with an owner, a silent owner, or a member of management staff
1072 who was or is an owner, a silent owner, or a member of
1073 management staff in a program in which charges of child abuse or
1074 neglect resulted in a criminal conviction or civil or
1075 administrative findings that the allegations were true.

1076 (24) Due to the difficulty of monitoring outdoor programs
1077 and the inherent dangers of the wilderness, a single violation
1078 of the requirements of this section may result in immediate
1079 revocation of the outdoor youth program license, the immediate
1080 cessation of program activities, and the removal of participants
1081 from program locations.

1082 Section 3. This act shall take effect July 1, 2016.