

By Senator Ring

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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; defining  
23      terms; requiring licensure by the agency; requiring  
24      the department to adopt rules for the licensure,  
25      administration, and operation of programs; providing  
26      regulations and licensing requirements for programs;  
27      providing administrative requirements for programs;  
28      requiring programs to have an educational component  
29      approved by the Department of Education; providing

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30 requirements and qualifications for program staff;  
31 requiring the field director of the program to  
32 maintain a current list and enrollment records of all  
33 participants; requiring field directors to develop a  
34 written plan for each field group activity and  
35 expedition; requiring approval of each plan by program  
36 governing boards; requiring program staff to record an  
37 inventory of the personal items of a participant;  
38 requiring the return of personal items to a  
39 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;

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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;  
78 providing for the immediate suspension or revocation  
79 of licenses of programs under certain circumstances;  
80 providing for the denial of licensure to programs  
81 under certain circumstances; providing for the  
82 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

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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 the  
104 agency. The department, in consultation with the agency, shall  
105 establish by rule requirements for licensure, administration,  
106 and operation of residential treatment programs consistent with  
107 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,

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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

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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 on  
152 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 new  
171 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

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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

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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 must  
225 be of sufficient quantity, variety, and quality to meet program  
226 and resident needs and must be maintained in a clean and safe  
227 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

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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 the  
236 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.

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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-medication,  
274 including time and dosage, according to prescription.

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

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

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

282 (b) Ensure and document that a staff member who provides  
283 direct service to residents completes a first aid and  
284 cardiopulmonary resuscitation (CPR) training course and  
285 certification within 6 months after being hired. All such staff  
286 members must complete refresher training courses as required by  
287 the certifying agency.

288 (c) Require residents, as a condition of admission, to be  
289 tested for tuberculosis and require applicants for jobs at a  
290 program facility, as a condition of employment, to be tested for

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291 tuberculosis. Residents and staff of the program must be tested  
292 for tuberculosis annually or as directed by the Department of  
293 Health.

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

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

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

308 (c) Safely store the personal funds of a child or youth  
309 resident. The program must keep an accurate record of all funds  
310 deposited and withdrawn for use by a child or youth resident.  
311 The program must maintain a record of receipts signed by the  
312 child or youth resident and an appropriate program staff member  
313 for resident purchases that exceed \$20 in cost per item.

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

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

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320 form to residents and visitors at the facility.

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

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

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

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

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

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

337 394.89 Outdoor youth programs.—

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

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

347 (a) "Field office" means the office in which all  
348 coordination of field operations for the outdoor youth program

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349 takes place.

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

354 (3) (a) An outdoor youth program must be licensed by the  
355 agency. The department, in consultation with the agency, shall  
356 establish by rule requirements for licensure, administration,  
357 and operation of outdoor youth programs consistent with this  
358 section. All local, state, and federal regulations and  
359 professional licensing requirements must be met by an outdoor  
360 youth program as a condition of licensure by the agency. The  
361 agency must review and approve a program's training plan, which  
362 must include provisions governing a participant's conduct and  
363 the consequences for his or her conduct while enrolled in the  
364 program. The program executive director shall ensure that all  
365 information provided to parents, the community, and the media by  
366 or on behalf of the program is factually correct.

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

376 (4) (a) A program must have a governing board and an  
377 executive director. The governing board and executive director

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

384 1. Be at least 25 years of age.

385 2. Have a bachelor's degree in recreational therapy or  
386 comparable training and experience in a related discipline.

387 3. Have 2 years of outdoor youth program administrative  
388 experience.

389 4. Demonstrate to the satisfaction of the agency a thorough  
390 knowledge and understanding of the laws and rules related to the  
391 licensing and operation of an outdoor youth program.

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

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407 1. Be at least 25 years of age.

408 2. Have a bachelor's degree in recreational therapy or  
409 comparable training and experience in a related discipline.

410 3. Have 2 years of outdoor youth program field experience.

411 4. Be certified in first aid at the time of employment and,  
412 thereafter, be annually trained and certified in first aid and  
413 cardiopulmonary resuscitation (CPR).

414 5. Demonstrate to the satisfaction of the agency a thorough  
415 knowledge and understanding of the laws and rules related to the  
416 licensing and operation of an outdoor youth program.

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

422 1. Be at least 21 years of age.

423 2. Have a high school diploma or a General Educational  
424 Development certification.

425 3. Be certified in first aid at the time of employment and,  
426 thereafter, be annually trained and certified in first aid and  
427 cardiopulmonary resuscitation (CPR).

428 4. Have completed an initial staff training course, as  
429 provided in this section.

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

434 1. Be at least 21 years of age.

435 2. Have a high school diploma, or a General Educational

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436 Development certification, and have completed 30 semester or 45  
437 quarter hours of college-level coursework in recreational  
438 therapy or comparable experience and training in a related  
439 field.

440 3. Have 6 months' outdoor youth program field experience or  
441 comparable experience. This experience must be documented in the  
442 individual's personnel file.

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

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

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

451 1. Be at least 20 years of age.

452 2. Have a high school diploma or a General Educational  
453 Development certification.

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 and,  
459 thereafter, be annually trained and certified in first aid and  
460 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 necessary,  
464 to meet the required staff-to-participant ratio. An assistant

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465 field staff member must meet, at a minimum, the following  
466 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 and,  
472 thereafter, be annually trained and certified in first aid and  
473 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 and  
487 clinical interns who are placed to learn program practices as  
488 part of their degree requirements. Interns must be at least 19  
489 years of age and complete the initial training course required  
490 under this section regardless of background experience. Clinical  
491 interns who are fulfilling requirements for licensure must be  
492 under the supervision of a licensed clinical professional in the  
493 program. Academic interns must be supervised by appropriate

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494 program staff, as designated by the program executive director.  
495 Interns may not supervise participants at any time.

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

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

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

519 (c) A program must provide each participant with clothing  
520 and equipment to protect the participant from the environment  
521 during his or her program field group activity or expedition  
522 experience. This equipment may not be denied, removed from, or

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

- 534 1. Sunscreen, which program staff shall ensure is used  
535 appropriately by the participant.
- 536 2. Insect repellent.
- 537 3. A frame or frameless backpack, the packed weight of  
538 which may not exceed 20 percent of the participant's body  
539 weight. If the participant is required to carry other items in  
540 addition to the backpack, the total weight carried may not  
541 exceed 30 percent of the participant's body weight.
- 542 4. Personal hygiene items.
- 543 5. Feminine hygiene supplies.
- 544 6. Sleeping bags rated for the seasonal conditions of the  
545 field group activity or expedition.
- 546 7. Shelters and ground pads for colder months when the  
547 average nighttime temperature is 39° F. or lower.
- 548 8. A set of basic clothing items for each participant  
549 sufficient for ordinary activities and additional items for each  
550 participant sufficient for protection against seasonal changes  
551 in the environment during the field group activity or

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552 expedition.

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

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

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

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

- 578 1. Accidents.  
579 2. Injuries.  
580 3. Medications administered.

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581       4. Physical health concerns of a participant.  
582       5. Behavioral problems exhibited by a participant.  
583       6. All unusual occurrences.

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

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

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

603       (6) (a) An outdoor youth program must maintain a field  
604 office from which program field group activities, expeditions,  
605 and all other program activities are coordinated and monitored.  
606 A program must maintain and monitor communications by telephone  
607 and Internet connection to and from the field office at all  
608 times when a participant is engaged in a program field group  
609 activity or expedition or is in the field. A program field

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610 director must ensure that members of field office staff are  
611 within 1 hour travel time from the location of all program field  
612 group activity and expedition participants or other participants  
613 at any time. Field office staff must respond immediately to any  
614 emergency situation. A program field director must ensure that a  
615 contact telephone number is posted on the field office door at  
616 any time field office staff are not present. At such times, he  
617 or she must ensure that on-call staff continually monitor  
618 communications and are within 15 minutes travel time from the  
619 field office.

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

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

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

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

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

638 5. Maintain a log of all communications to and from the

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639 field office and field staff.

640 6. Provide training and orientation to field staff.

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

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

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

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

649 (7) (a) A program field group activity or expedition must be  
650 supervised by at least two staff members at all times, one of  
651 whom must be a senior field staff member.

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

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

666 (8) (a) A program must provide a minimum of 80 hours of  
667 initial training to individuals who become members of program

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668 staff. Initial staff training may not be considered complete  
669 until a staff member has demonstrated to the field director  
670 proficiency in each of the following:

- 671 1. Counseling, teaching, and supervising youth.
- 672 2. Water, food, and shelter procurement, preparation, and  
673 conservation.
- 674 3. Low-impact wilderness expedition and environmental  
675 conservation principles, methods, and procedures.
- 676 4. Group management, including containment, control,  
677 safety, conflict resolution, and behavior management.
- 678 5. Safety procedures for the protection of human life, the  
679 prevention of fire, and the handling of fuel.
- 680 6. Safe equipment and tool use.
- 681 7. Emergency methods and procedures for medical treatment,  
682 evacuation, sheltering or escaping from weather conditions,  
683 communication signaling, fire control and extinguishment, and  
684 searching for runaway or lost participants.
- 685 8. Sanitation procedures for the storage, handling, and use  
686 of water and food and for the confinement and disposal of waste.
- 687 9. Wilderness medicine, including health issues related to  
688 acclimation and exposure to the environment and the elements.
- 689 10. Cardiopulmonary resuscitation (CPR), first aid, and the  
690 contents and use of first aid kits.
- 691 11. Navigation, including map and compass use and contour  
692 and celestial navigation.
- 693 12. Adaptation to local environmental conditions, including  
694 terrain, weather, insects, poisonous plants, adverse situations,  
695 and conditions necessitating emergency evacuation.
- 696 13. Leadership and judgment.

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697 14. Report writing, including the development and  
698 maintenance of logs and journals.

699 15. Knowledge of federal, state, and local regulations and  
700 requirements, including statutes and rules of the agency, the  
701 department, the Department of Environmental Protection, the  
702 Department of Agriculture, the Florida Fish and Wildlife  
703 Commission, the United States Forest Service, and the National  
704 Park Service.

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

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

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

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726 to drug and alcohol screening as required by federal and state  
727 law.

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

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

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

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

748 1. A complete urinalysis that includes a drug screening and  
749 a screening for possible infections.

750 2. A complete blood count.

751 3. A comprehensive metabolic panel.

752 4. A physical stress assessment.

753 5. A determination by the licensed medical professional if  
754 detoxification is indicated for the participant before

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755 enrollment in the program.

756 6. A pregnancy test for a female participant.

757 7. Other tests deemed necessary by the examining licensed  
758 medical professional.

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

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

764 2. An interview with the participant.

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

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

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

777 (h) After the start of a program field group activity or  
778 expedition, staff members shall closely monitor all participants  
779 for at least 3 days to detect any health problem resulting from  
780 difficulty in adjusting to the field group activity or  
781 expedition environment.

782 (11) (a) An outdoor youth program that maintains a  
783 designated location for the housing of participants is

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784 considered stationary and is subject to additional fire, health,  
785 and safety standards. A stationary program camp must be  
786 inspected by a certified firesafety inspector before being  
787 occupied and on an annual basis for license renewal. A copy of  
788 the inspection report must be maintained at the program camp.  
789 The inspection must include the evaluation and approval of the  
790 following safety equipment and building requirements and  
791 features:

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

796 a. On each floor in any building that houses participants;  
797 b. In any room where cooking or heating of food or other  
798 items takes place; and

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

801 2. Smoke detectors. At least one smoke detector must be in  
802 each kitchen area and in each room or space where a participant  
803 sleeps.

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

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

812 5. Electrical wiring. All wiring must be properly attached,

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813 and the electrical system must have appropriate fuses and  
814 breakers to prevent system overloads.

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

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

823 2. Water supply. The water supply must be tested for the  
824 array of contaminants for which water systems at restaurant and  
825 lodging establishments are tested.

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

829 (12) (a) An outdoor youth program must make available at  
830 least 6 quarts of potable water per individual per day plus 1  
831 additional quart per individual for each 5 miles hiked. Access  
832 to water must be available at all times during hiking.

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

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

841 (d) Water must be available at each campsite. Water cache

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842 location information must be verified daily with field support  
843 staff before the field group or expedition leaves camp.

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

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

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

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

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

868 (14) (a) A program must provide at least one first aid kit  
869 to a field group activity or expedition. First aid kits must  
870 contain sufficient supplies appropriate for the activity,

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

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

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

899 1. Supervise the use of all medications.

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900       2. Record each instance of medication use, including the  
901 participant's name and the date, time, and medication dosage.

902       3. Record the effects of medication use, if any.

903       4. Document any instance of a missed administration of  
904 prescription medication.

905       5. Document any lost or missing prescription medication.

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

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

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

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

920       (d) A policy of uninterrupted communication access between  
921 program groups in the field and field support staff. Field  
922 support staff must continuously monitor the location of program  
923 field group activities and the location and progress of program  
924 expeditions and maintain the capability for radio or telephone  
925 contact with such field groups and expeditions at all times.  
926 Daily morning and afternoon contact information for field staff  
927 and field support staff must be provided to the field office no  
928 later than the day before. Any change in such contact

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929 information must be immediately relayed to the field office.  
930 Field staff must have the ability to contact field support staff  
931 and the field office on a continuous basis.

932 (16) All program field group activities and expeditions  
933 must adhere to federal, state, and local environmental or land  
934 use requirements regarding sanitation and low-impact camping.  
935 Program staff shall daily instruct participants in the  
936 observance of low-impact camping principles and practices.  
937 Personal hygiene supplies must be biodegradable.

938 (17) (a) In preparation for emergencies, a program must  
939 designate a hierarchy of staff authority and make individual  
940 staff assignments within that hierarchy.

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

953 (c) A program must have a written plan for medical  
954 emergencies and for making arrangements for a participant's  
955 medical care, including notification of the participant's  
956 physician and nearest relative or guardian. A program must have  
957 a written agreement with a provider for medical emergency

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958 evacuation, as needed.

959 (18) A program must establish policies and procedures  
960 designed to prevent or eliminate the spread of infectious and  
961 communicable diseases among participants and staff members.

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

981 (20) There must be a written policy and procedures for  
982 transporting participants while they are enrolled in the  
983 program. A program must ensure that there are means of  
984 transportation readily available at all times sufficient to  
985 evacuate all participants and staff members in case of  
986 emergency. A staff member assigned to drive vehicles must follow

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

1000 (21) An outdoor youth program that has a solo experience  
1001 for a participant as a component of a program offering must  
1002 establish and follow a written policy and procedures for  
1003 conducting the solo experience, which must include the  
1004 following:

1005 (a) A written description of the solo component, which must  
1006 be designed to ensure that a participant is not exposed to  
1007 unreasonable risks.

1008 (b) A requirement that staff members must be familiar with  
1009 the site chosen to conduct solo experiences.

1010 (c) A requirement that staff members develop a written plan  
1011 for each solo experience which includes provisions for the  
1012 supervision of the participant during the solo experience and  
1013 which addresses potential emergency situations during the solo  
1014 experience.

1015 (22) Following the completion of a program activity,

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1016 program staff must provide each participant with a debriefing,  
1017 including a written summary of the participant's experience and  
1018 role in the activity and the progress he or she made in  
1019 acquiring outdoor or wilderness hiking and camping skills. An  
1020 outdoor youth program must encourage parents, guardians,  
1021 participants, and other involved individuals to submit written  
1022 evaluations of the participants' program experiences. A program  
1023 must provide questionnaires and mailing instructions for that  
1024 purpose and retain submitted evaluations for 2 years.

1025 (23) (a) An outdoor youth program must establish written  
1026 procedures for handling any suspected incident of child abuse or  
1027 neglect, including the following:

1028 1. A procedure for immediately notifying law enforcement  
1029 officials and the parent or legal guardian of a suspected victim  
1030 following the report of a suspected incident.

1031 2. A procedure for ensuring that the suspected staff  
1032 member, director, or member of the governing body does not work  
1033 directly with the suspected victim or any other participant  
1034 until the investigation has been completed and, if charges are  
1035 filed, the case has been finally adjudicated.

1036 3. A procedure for ensuring that a director or member of  
1037 the governing body suspected of abuse or neglect is relieved of  
1038 his or her responsibility and authority over the policies and  
1039 activities of the program and any other youth program until the  
1040 investigation has been completed and, if charges are filed, the  
1041 case has been finally adjudicated.

1042 4. A procedure for disciplining any staff member, director,  
1043 or member of the governing body involved in an incident of child  
1044 abuse or neglect, including by termination of employment if

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1045 found guilty of a felony offense of child abuse or neglect, or  
1046 loss of position, including a directorship position, if found  
1047 guilty of a misdemeanor offense of child neglect.

1048 (b) If a person in a management position, a director, or a  
1049 member of the governing body is suspected of child abuse or  
1050 neglect, the outdoor youth program must submit to an extensive  
1051 review by the agency and law enforcement officials to determine  
1052 whether the program can be operated safely if allowed to  
1053 continue or if it should be terminated and its license revoked.  
1054 The licensing and law enforcement review must be completed no  
1055 later than 72 hours after the suspected incident of child abuse  
1056 or neglect occurs.

1057 (c) The agency must immediately suspend and may revoke an  
1058 outdoor youth program license if a program fails to comply with  
1059 paragraph (a) or paragraph (b).

1060 (d) A license may not be issued to a youth outdoor program  
1061 with an owner, a silent owner, or a member of management staff  
1062 who was or is an owner, a silent owner, or a member of  
1063 management staff in a program in which a suspected incident of  
1064 child abuse or neglect occurred, until the investigation of the  
1065 suspected incident and any charge and associated licensing  
1066 violations are resolved.

1067 (e) A license may not be issued to a youth outdoor program  
1068 with an owner, a silent owner, or a member of management staff  
1069 who was or is an owner, a silent owner, or a member of  
1070 management staff in a program in which charges of child abuse or  
1071 neglect resulted in a criminal conviction or civil or  
1072 administrative findings that the allegations were true.

1073 (24) Due to the difficulty of monitoring outdoor programs

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1074 and the inherent dangers of the wilderness, a single violation  
1075 of the requirements of this section may result in immediate  
1076 revocation of the outdoor youth program license, the immediate  
1077 cessation of program activities, and the removal of participants  
1078 from program locations.

1079 Section 3. This act shall take effect July 1, 2016.