

**CHAPTER 63K-1**  
**Operations**

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**63K-1.001 Purpose and Scope.**

The rule establishes basic operational and monitoring requirements for county or municipal juvenile detention centers and programs. Only detention centers and programs that are planned, developed, coordinated or contracted for by local government are within the scope of this rule chapter; centers and programs operated by local government under contract with the department are not within the scope of this rule chapter.

*Rulemaking Authority 985.688 FS. Law Implemented 985.688 FS. History-New 5-17-07, Amended 7-5-11.*

**63K-1.0015 Certification of a County or Municipal Juvenile Detention Center.**

- (1) The department is responsible for determining if a county or municipality may be deemed certified.
- (2) A county or municipality may be deemed certified by complying with the following:
  - (a) The county or municipal-operated facility designated to be the juvenile detention center shall comply with the federal mandates as set forth in 28 C.F.R. 31.303, effective as of December 10, 1996, which is hereby incorporated by reference.
  - (b) All county and municipal-operated detention employees shall comply with all certification and training requirements for contract residential staff as outlined in Direct Care Staff Training Rule 63-H-2.003, F.A.C., and the Protective Action Response (PAR) Rule 63 H-1.016, F.A.C.
  - (c) All county and municipal-operated detention centers shall have an operational system to track staff training. The county and municipal-operated detention center may choose to use the department's Learning Management System for the delivery of the PAR certification examination as well as the tracking of all employees' training. Use of the department's LMS requires an annual fee for each user.
  - (d) All staff assigned to work in the county or municipal-operated juvenile detention center must work only in the designated detention center and must not supervise adult inmates and juvenile detainees at the same time or within the same scheduled shift as mandated by 28 C.F.R. 31.303(e)(3)(C)(3) (2010).
  - (e) The county or municipality will agree to operate the county or municipal juvenile detention center in compliance with the rules of operation of a state-operated detention center.
  - (f) The county or municipality will submit Facility Operating Procedures (FOPs) that outline their ability to comply with the rules of operation of a state-operated juvenile detention center.
  - (g) The county or municipality will enter into an interagency agreement with the department to specify timelines, inspection procedures, transportation arrangements, and other non-rule procedures unique to the county or municipality's operating setup.
- (3) Requests to operate a county or municipal juvenile detention center must be received by the department no less than 90 days prior to the intended operating begin date. Every effort will be taken to begin operation of a county or municipal juvenile detention center on the first day of any state fiscal year quarter.
- (4) Once the county or municipality has complied with the requirement of certification, the department will send written notice of such compliance to the county or municipality. The department shall notify the county or municipality on the status of their request within 60 days of receipt of the request.

*Rulemaking Authority 985.688 FS. Law Implemented 985.688 FS. History-New 7-5-11.*

**63K-1.002 Operation of County or Municipal Juvenile Detention Centers.**

(1) A county or municipal-operated juvenile detention center shall comply with all rules of operation of a state-operated detention center.

(2) The department, through its assigned regional contract manager, shall inspect the county or municipal-operated juvenile detention center on a quarterly basis to determine its compliance with pertinent rules of operation for a detention center. Every effort will be made to schedule quarterly inspections and evaluations 90 days apart. The department will notify the county or municipality 7 calendar days in advance of the inspection and evaluation. Quarterly inspections and evaluations for county or municipal-operated centers are established as follows:

(a) First Quarter – Detention operations evaluation based on Quality Assurance standards as outlined in the interagency agreement referred to in paragraph 63K-1.0015(2)(g), F.A.C.

(b) Second Quarter – Detention operations evaluation based on Quality Assurance standards as outlined in the interagency agreement referred to in paragraph 63K-1.0015(2)(g), F.A.C., and an annual safety inspection conducted by the department's Safety Coordinator; semi-annual inspection of food services.

(c) Third Quarter – Detention operations evaluation based on Quality Assurance standards as outlined in the interagency agreement referred to in paragraph 63K-1.0015(2)(g), F.A.C.

(d) Fourth Quarter – Quality Assurance annual performance evaluation and a semi-annual inspection of food services.

(3) A center that materially fails to comply with rules of operation shall be subject to the enforcement mechanisms set out in Section 985.688(10), F.S.

(a) Material failure is defined as achieving an evaluation rating of less than 60 percent on a Quality Assurance performance evaluation or a detention operations evaluation.

(b) Facilities that fail a quarterly inspection will be re-inspected for those failed areas of operation at the next scheduled quarterly inspection and evaluation.

(c) When a material failure is not corrected by the subsequent inspection, the center must cease operating.

*Rulemaking Authority 985.688 FS. Law Implemented 985.688 FS. History–New 5-17-07, Amended 7-5-11.*

### **63K-1.003 Operation of County or Municipal Juvenile Delinquency Programs.**

(1) A county or municipal juvenile delinquency program shall comply with all rules of operation of a state-run delinquency program.

(2) The department, shall inspect the county or municipal juvenile delinquency program on a quarterly basis to determine its compliance with pertinent rules of operation for a delinquency program. Every effort will be made to schedule quarterly inspections and evaluation 90 days apart. The department will notify the county or municipality 7 calendar days in advance of the inspection and evaluation. Quarterly inspections and evaluation for county or municipal-operated centers are established as follows:

(a) First Quarter – Delinquency operations evaluation based on Quality Assurance standards as outlined in the interagency agreement referred to in paragraph 63K-1.0015(2)(g), F.A.C.

(b) Second Quarter – Delinquency operations evaluation based on Quality Assurance standards as outlined in the interagency agreement referred to in paragraph 63K-1.0015(2)(g), F.A.C., and an annual safety inspection conducted by the department's Safety Coordinator.

(c) Third Quarter – Delinquency operations evaluation based on Quality Assurance standards as outlined in the interagency agreement referred to in paragraph 63K-1.0015(2)(g), F.A.C.

(d) Fourth Quarter – Quality Assurance annual performance evaluation.

(3) A program that materially fails to comply with rules of operation shall be subject to the enforcement mechanisms set out in Section 985.688(10), F.S.

(a) Material failure is defined as achieving a quality assurance rating of less than 60 percent for quality assurance reviews, or non-compliance with delinquency rule requirements that threaten the safety and security of youth in custody.

(b) When a material failure is not corrected by the subsequent quarterly inspection, the program must cease operating.

*Rulemaking Authority 985.688 FS. Law Implemented 985.688 FS. History–New 5-17-07, Amended 7-5-11.*

**63K-1.004 Transfers.**

(1) Between Delinquency Programs:

(a) A county or municipal juvenile delinquency program may transfer a juvenile from one county or municipal program to another or to a state-operated facility for the following reasons:

1. It is necessary to appropriately administer the juvenile's commitment;
2. The juvenile needs different treatment or services; or
3. Placement at the receiving county or municipal juvenile program is immediately available.

(b) The county or municipal juvenile program shall notify the department, in writing, of its desire to transfer the juvenile.

(c) The department shall schedule a transfer staffing within 48 hours of receipt of the request for transfer. The staffing shall be conducted within 5 working days of the scheduling decision.

1. If the transfer is denied, the child shall remain in the program that requested the transfer.

2. If the transfer is approved, and the new placement is at the same restrictiveness level, the department shall notify the program that the transfer may take place.

3. If the transfer is approved, and the new placement is at a higher or lower restrictiveness level, then the department shall notify the committing court in writing of the intent to transfer the child. If, after 10 calendar days, the county or municipal juvenile program's request to transfer has not been denied, it shall be deemed granted.

(2) Between Detention Centers: A county or municipal juvenile detention center program may transfer a juvenile to a state-operated facility when the youth has been committed to the department by the court, or when the county or municipal juvenile detention facility is overcrowded as defined by department Rule 63G-2.008, F.A.C.

*Rulemaking Authority 985.688 FS. Law Implemented 985.688 FS. History—New 5-17-07, Amended 7-5-11.*

**63K-1.005 Monitoring Fees.**

(1) The department shall charge, and the county or municipality shall pay, a monitoring fee equal to .5 of one percent of the annual direct operating cost of the program.

(2) The county or municipality will provide to the department at the beginning of each county or municipality fiscal year, a copy of the annual operating budget for the program to be used to determine the monitoring fee.

(3) The department will bill, and the county or municipality shall pay to the department, one fourth of the monitoring fee within 30 days of the beginning of each county or municipality fiscal year quarter.

*Rulemaking Authority 985.688 FS. Law Implemented 985.688 FS. History—New 7-5-11.*