

## **CHAPTER 65H-1 DOMESTIC VIOLENCE**

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### **65H-1.001 Certification.**

*Rulemaking Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History—New 5-13-79, Amended 12-4-79, 12-13-85, Formerly 10A-8.03, Amended 6-22-87, Formerly 10A-8.003, 10M-48.002, Amended 3-12-00, Formerly 65C-6.002, Repealed 11-30-09.*

### **65H-1.002 Procedures for Funding.**

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### **65H-1.003 Standards for Certification.**

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### **65H-1.004 Confidentiality.**

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### **65H-1.005 Evaluation.**

*Rulemaking Authority 39.903 FS. Law Implemented 39.903 FS. History—New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.07, 10A-8.007, 10M-48.006, Amended 3-12-00, Formerly 65C-6.006, Repealed 11-30-09.*

### **65H-1.010 Purpose.**

*Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New 11-30-09, Repealed 4-16-12.*

### **65H-1.011 Definitions.**

For the purposes of this rule chapter, the following definitions apply:

(1) “Administrator” means the full-time employee who is responsible for the overall operation and day-to-day management of a certified domestic violence center.

(2) “Advisory Board” means a group of individuals whose purpose is to make recommendations to the board of directors regarding the operation of the domestic violence center, if the board of directors does not directly oversee that operation.

(3) “Board of Directors” means a legally constituted group of individuals whose function is to oversee operations of a certified domestic violence center either directly or through an advisory board.

(4) “Certification” means the Department’s formal recognition that a domestic violence center meets the minimum standards set forth in section 39.905, F.S., and these rules.

(5) “Competency-based Core” means specialized knowledge and skills for the effective performance of domestic violence advocacy activities.

(6) “Dating Violence” as defined in Section 784.046, F.S.

(7) “Department” means the Florida Department of Children and Families, an employee of the Department, or a designated agent of the Department.

(8) “Domestic Violence” as defined in Section 741.28, F.S.

(9) “Domestic violence advocate” means an employee or volunteer of a certified domestic violence center who: provides direct services to individuals victimized by domestic violence; has received 30 hours of domestic violence core competency training; and, has been identified by the domestic violence center as an individual who may assert a claim to privileged communications with domestic violence victims under Section 39.905, F.S.

(10) “Domestic violence center” means an agency that provides services to victims of domestic violence as its primary mission and is certified under these rules.

(11) “Evaluation” means a process of reviewing the administrative and programmatic components of a certified domestic violence center to ensure compliance with minimum standards as set forth in this rule chapter and Section 39.905, F.S., and, if applicable, as stipulated in contract.

(12) “Participant” means a person who receives services from a certified domestic violence center.

(13) “Privilege” means confidential communications, including any related records, made between a person seeking or receiving services from a certified domestic violence center and the domestic violence advocate.

(14) “Provider” means an agency that provides services to victims of domestic violence and is an applicant for certification or certified under Section 39.905, F.S., and these rules.

(15) “Shelter” means a facility that provides temporary emergency housing to victims of domestic violence and their dependents.

(16) “Victim” means the spouse, ex-spouse, co-habitant in an intimate relationship, or individual who shares a child in common with a batterer who has perpetrated an act, alleged act, or attempted act of violence against them for the purpose of exercising power and control. The victim may also be an individual who has or had a dating relationship with the batterer.

(17) “Volunteer” means unpaid staff members trained in the dynamics of domestic violence who provide direct and indirect services to those seeking and receiving services from a domestic violence center.

*Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New 11-30-09, Amended 5-4-20.*

### **65H-1.012 Application and Certification Process.**

#### **(1) Certification Eligibility.**

(a) To be eligible for certification an applicant shall be a not-for-profit corporation created for the purpose of operating a domestic violence center. The not-for-profit corporation may be affiliated with a local government entity or a larger private organization but must be a distinct entity with its own corporate structure and budget. Existing domestic violence centers initially certified prior to November 30, 2009, shall be exempt from the foregoing requirement. All funding and budget issues pertaining to the operation of the domestic violence program must be reported independently from other activities. The domestic violence center’s primary mission shall be the provision of services to victims of domestic violence, as defined in Section 741.28, F.S.

(b) When an applicant is seeking certification within the service area of an existing certified center, the applicant shall demonstrate the unmet need in that service area.

(c) Only applicants that have been in operation and providing domestic violence services for 18 consecutive months, including 12 months operation of an emergency shelter, as detailed in this rule chapter and Section 39.905, F.S., may apply to the Department for certification.

(d) Applicants for initial certification must demonstrate an ability to operate, garner community support, and maintain solvency by providing proof of the following:

1. Satisfactory environmental health inspection report completed within the last 365 days by the local health department.

2. Satisfactory fire safety inspection report completed within the last 365 days by the local fire authority.
3. Financial ability to provide services and shelter.
4. Maintenance of all records pertaining to the operation of the domestic violence program and provision of services in a manner such that the records are readily accessible.

(2) Application. Application for initial certification shall be made on Form CF 613, Domestic Violence Center Certification Application, <https://www.flrules.org/Gateway/reference.asp?No=Ref-11895>, April 2020, which is incorporated by reference. The full-time administrator, board president, or the designated representative of a corporation shall complete the application. The application shall include the following attachments:

(a) Business Plan. The business plan shall provide a comprehensive description of all administrative and programmatic activities for current and future operations. The plan must include the following:

1. Executive Summary. The executive summary shall include, at a minimum, the mission, goals, objectives, and history of organization.

2. Community Support. The applicant must demonstrate that the organization is publicly supported, both programmatically and financially. The financial documentation shall demonstrate a 25 percent local match in the form of cash, in-kind services, or a combination thereof. Written endorsement by local law enforcement agencies, and three letters of support from community partners shall also be included.

3. Financial Plan. The financial plan shall include the organization's income statement, which identifies revenues by source and expenditures by category; 25 percent local match in the form of cash, in-kind services, or a combination thereof; an independent financial audit covering the previous 18 months operation as a domestic violence program, conducted by a certified public accountant licensed under Chapter 473, F.S.; and a plan for sustainability with projected revenues and expenditures for the 24 months of operation following date of certification.

4. Management Plan. The management plan shall include a detailed description of the organization's legal and organizational structure, including names, contact information and resumes for the management team, board of directors, and, if applicable, any advisory boards. The plan must include documentation of the selection process, code of conduct, duties and responsibilities, training requirements, and minutes from the past six meetings of the board of directors, and, if applicable, any advisory boards. Copies of by-laws, IRS tax exemption determination letter, Federal Employment Identification (FEID) number, city business license, county business license, and certificate of status or acknowledgement letter of registration from the Florida Department of State shall also be included.

5. Market Analysis and Plan. The market analysis shall include a description of the local need for domestic violence services and how those needs are met or unmet. The applicant must demonstrate that services address a need identified in the most current statewide needs assessment approved by the Department. The current needs assessment may be obtained from the Domestic Violence Program Office or on the Department's website at <http://www.myflfamilies.com/service-programs/domestic-violence/reports-publications>. Descriptions of the service area and demographics, efforts to avoid duplication of services, and strategies for public awareness and fundraising shall also be included.

6. Personnel Plan. The personnel plan shall include an organizational chart identifying all center employees. The plan must clearly describe each employee's responsibilities, and include clear lines of authority, accountability, and lines of communication; processes for evaluations and disciplinary action; position descriptions; and the shift schedule for the emergency shelter. The personnel plan must also include the provider's staff training and development plan and meet the requirements provided in Rule 65H-1.013, F.A.C., and an explanation of measures utilized to maintain the safety of persons receiving services, including, at a minimum, any background screening, reference checks, verification of previous employment, and certifications of center employees.

7. Operations Plan. The operations plan shall include a description of the facilities with city of location, equipment, and assets. Approval of the shelter facilities signed by local authorized zoning, building, and other applicable permitting agencies, based upon inspections not more than 60 days prior to the date of filing the certification application is also required. Those buildings that have pre-established schedules with local regulatory agencies for annual re-inspection may submit written documentation of the results of such inspection held within the past calendar year. The operations plan must also include the provider's emergency management plan and meet the requirements provided in Rule 65H-1.013, F.A.C.

8. Service Plan. The service plan shall include an identification and comprehensive description of each service required by Section 39.905, F.S., and any additional services and programs provided by the provider. The description must illustrate the manner in which services will be integrated with existing resources for domestic violence victims, for example, inter-agency agreements.

For each of the services required in Section 39.905, F.S., the applicant must address the needs of underserved populations, including populations that are underserved because of disabilities, ethnicity, race, language, or geographic isolation, and specific efforts to reach each of these populations within the organization's service area. Documentation of services shall include services provided during the previous 18 months of operation as a domestic violence program and include the number of persons served for each required service, and the gender, age, and ethnicity of the people served.

(b) Operating Policies and Procedures Manual. The applicant's operating policies and procedures manual must meet the requirements provided in Rule 65H-1.013, F.A.C.

(3) Certification.

(a) Certification is for one year and automatically expires on June 30 of each year unless extended to allow implementation of a corrective action plan as set forth in Rule 65H-1.017, F.A.C.

(b) The Department will annually renew a center's certification upon the June 30 expiration date provided the center has received a favorable monitoring report from the Department or contracted entity.

(c) Failure to comply with any of the requirements in Section 39.905, F.S. or this rule chapter constitutes grounds to deny, suspend, revoke the certification as provided in Rule 65H-1.017, F.A.C. However, if the corrective action period extends beyond the June 30 expiration date, the Department will extend the certification for a period not to exceed 90 days to allow the center to complete a corrective action plan as provided in Rule 65H-1.017, F.A.C.

(d) Certification is non-transferable and valid only for the center and designated service area listed on the certificate issued by the Department.

(e) The provider may operate satellite service centers at different locations. If the provider wishes to change the location of service, close a service center, or open additional service centers during an existing certification period, the provider must notify the Department, in writing, at least 30 days prior to the change or addition, and request approval from the Department. The Department will grant approval for additional service centers if the provider is financially and programmatically capable of supporting additional service locations, the new or additional location is within the center's designated service area, and there is no pending corrective action pertaining to the provider. If the Department does not grant approval for additional sites, the provider may not utilize funds distributed through the formula as set forth in Rule 65H-1.018, F.A.C. to operate those locations.

*Rulemaking Authority 39.903 FS. Law Implemented 39.903 FS. History—New 11-30-09, Formerly 65H-1.001, 65H-1.002, Amended 2-5-15, 5-4-20.*

#### **65H-1.013 Administration and Operations.**

The provider shall develop and implement written policies and procedures that ensure compliance with all provisions of this rule chapter and Sections 39.905 and 39.908, F.S. The provider shall make the written policies and procedures available to all employees and volunteers upon their beginning date of employment or service and, thereafter, as revised. Employees and volunteers must indicate in writing that they have read and understand the policies and procedures, relevant to their position or volunteer duties, which must be documented in their personnel file. At a minimum, the operating policies or procedures shall address the following:

(1) Admission. The provider shall establish and implement written policies and procedures that identify who is eligible for services and how those services are accessed. Services shall not be denied to any person because of age, race, religion, color, disability, national origin, marital status, or gender. Prospective participants must be informed of the admission criteria and, if ineligible, the provider must provide referrals to other organizations that can provide assistance.

(2) Board of Directors. The provider shall establish and maintain a board of directors, which shall be composed of at least three citizens who reside within the center's service area, one of whom must be an employee of a local, municipal, or county law enforcement agency whose jurisdiction includes some or all of the center's service area. The board of directors should racially and ethnically reflect, to the extent possible, the participants served by the domestic violence center. The board of directors shall serve as the governing body responsible for fiscal oversight and strategic leadership specific to the operation of the center. The provider shall create an advisory board to make recommendations to the board of directors regarding operational functions specific to the domestic violence center if the board of directors does not directly provide fiscal oversight and strategic leadership to the domestic violence center. The provider shall develop by-laws, which must include membership selection process, term limits, code of conduct, conflict of interest, duties and responsibilities, and orientation and training requirements for the board of directors and any advisory boards.

(3) Confidentiality. The provider shall establish and implement written policies and procedures for maintaining safety, confidentiality, and privacy of persons receiving services. The provider shall also ensure that employees and volunteers receive written information on the restrictions relating to the disclosure of information about center participants and the location of shelter as

provided in Section 39.908, F.S.

(4) Endorsement. The provider must obtain annual written cooperative agreements with the primary law enforcement agency within each county of the center's service area.

(5) Emergency Management. The provider shall develop an emergency management plan that is coordinated with the applicable local emergency management agency.

(a) The plan must outline a comprehensive and effective program to ensure the safety and well-being of employees, volunteers, and center participants in the event of an emergency. The plan should address emergencies that the provider may reasonably expect in the center facilities. Examples are: natural or manmade disasters such as hurricanes or tornados; contamination of the air, ground, water, or food; fire; public health hazards such as outbreak of communicable, reportable diseases such as avian influenza, arboviral encephalitis, salmonella, severe acute respiratory syndrome (SARS), West Nile virus, etc.; significant incidents such as participant death or injury; security incidents such as intruders, hostage situations, kidnapping, and workplace violence; or human acts that may jeopardize the health, safety, or welfare of center employees, volunteers, or participants.

(b) The emergency management plan must include, at a minimum, the following elements: procedures for reporting emergencies or incidents as identified in paragraph (5)(a), above; identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification; delegations of authority and lines of succession; identification of alternative facilities; procedures for evacuation, including type of evacuation and exit route assignments; procedures to account for all staff members and participants; and identification and protection of records and databases.

(c) The provider must annually review and update the plan. A current plan shall be maintained in the center records and made available for inspection upon request.

(6) Financial Management. The provider is responsible for the sound financial management of the domestic violence center by ensuring proper financial controls are in place and by maintaining current financial documents described in Rule 65H-1.012, F.A.C.

(7) Incident Reporting. The provider shall notify the Department or contracted entity as soon as practical, and in no event more than 24 hours, after any incident that involves death or serious injury of a participant or their dependent, as well as any action by the participant or provider staff that results in an inquiry by public media.

(8) Personnel. The provider may not discriminate against employees, applicants for employment, or participants because of their age, race, religion, color, disability, national origin, marital status, or gender. Personnel should racially and ethnically reflect, to the extent possible, the participants they serve. The provider shall ensure that there is adequate staff coverage at all center facilities for the provision of required core services, as well as any additional services the center provides.

(a) A certified domestic violence center must have, at a minimum, the following paid staff positions:

1. One full-time administrator responsible for the management of the domestic violence center who reports to the board of directors. Qualifications include a bachelor's degree from an accredited college or university and two years' experience working in the domestic violence field, or four years minimum experience in an administrative/management capacity and two years' experience working in the domestic violence field. The administrator must successfully complete 30 hours of domestic violence competency-based core training within 90 days of their date of employment. Upon successful completion, the administrator must register, according to Section 39.905, F.S., as someone who may claim privilege under Section 90.5036, F.S. In the event the administrator position becomes vacant, an interim administrator must be appointed until the position can be filled permanently. A board member may not serve in the position at any time.

2. One full-time advocate services manager responsible for managing all advocacy, counseling, and volunteer services. Qualifications include a bachelor's degree from an accredited college or university, or four years of direct service experience in the field of domestic violence. The advocate services manager must successfully complete 30 hours of domestic violence competency-based core training within 90 days of their date of employment. Upon successful completion, the advocate services manager must register according to Section 39.905, F.S., as someone who may claim privilege under Section 90.5036, F.S.

3. One full-time or part-time accounting manager responsible for ensuring the integrity of the center's financial records and preparation of financial statements. Qualifications include a minimum of two years accounting experience.

4. The provider must select one full-time employee within the center to be designated as the emergency coordinator and another to be the alternate emergency coordinator. The emergency coordinator is responsible for implementing the center's emergency management plan and providing training to all employees and volunteers on their duties and responsibilities for implementing the plan.

(b) If the administrator or accounting manager positions listed above become vacant, or if the employee assigned to the position

is unable to fulfill their duties and responsibilities due to an extended absence, the provider shall notify the Department or contracted entity within five business days of the vacancy or absence.

(c) The provider may determine other positions and their qualifications as needed within the center.

(d) The provider shall ensure that employees and volunteers comply with policies and procedures for maintaining the safety, confidentiality, and privacy of persons receiving services and with the prohibition against disclosure of any information about center participants and shelter location as provided in Section 39.908, F.S.

(e) The provider shall develop and implement standards of conduct and disciplinary action for violation of standards.

(f) The provider shall maintain current, accurate, and complete personnel records for all employees and direct-service volunteers, which shall include position descriptions and training records.

(9) Privilege. The provider shall ensure that all employees and volunteers who provide direct services register for advocate-victim privilege according to Section 90.5036, F.S. The provider shall ensure that a current and accurate list of said employees and volunteers with their position title is filed with the Department or contracted entity. The provider, as necessary, shall file amendments to the list.

(10) Record Keeping. The provider shall provide for the maintenance of records, including electronic storage media, regarding the administrative, fiscal, and programmatic operation of the domestic violence center. Records shall be current, complete, accurate, and maintained in such form as to permit Department or contracted entity evaluation during the hours of operation. Information about domestic violence center clients or the location of the domestic violence center may not be disclosed except as provided in Section 39.908, F.S. All records and files, including electronic storage media, shall be kept for a minimum period of six years after termination of certification, or if an audit has been initiated and audit findings have not been resolved at the end of six years, the records and files shall be retained until resolution of the audit findings. Records include, but are not limited, to the following:

(a) Case Management Records. The provider shall maintain case management records in compliance with rule 65H-1.014, F.A.C.

(b) Fiscal Records. The provider shall maintain an accounting system capable of distinguishing between all revenue sources and expenditures and in accordance with generally accepted accounting principles (GAAP) as established by the Federal Accounting Standards Advisory Board. The provider's fiscal records shall provide an accounting of the revenue and expenditures of the certified center that is separate and distinct from other programs and services that may be operated by a parent entity such as a local government or an umbrella agency. The provider's fiscal records must be available for inspection by the Department or contracted entity upon request.

(c) Service Reports. The provider shall collect and compile a monthly record of all services provided. The record shall include the gender, age, ethnicity, and, if applicable, other information as required by contract, of the people served. The provider shall forward a monthly summary report to the Department or contracted entity each month for evaluation of domestic violence service trends.

(11) Staff Training and Development. The provider shall develop, implement, and review annually and revise as necessary a staff training and development plan to ensure that all new employees, current employees, and volunteers meet training requirements as required by this rule. The plan shall include policies and procedures for implementing training activities, course titles, descriptions, objectives, number of hours, names of instructors with title or position or source, dates or timeframes, and training requirements for each staff position. The training of each employee and volunteer shall be documented in the staff member's personnel file or training record and shall include activities or course titles, number of hours, names of instructors and title or position, and dates of completion. The minimum training must include:

(a) Competency-Based Core Training. Advanced-level training on domestic violence that includes the knowledge and skills needed to work in domestic violence program areas such as crisis intervention, safety planning, and advocacy. All staff members who supervise, coordinate, and/or provide direct advocate or counseling services to center participants shall successfully complete 30 hours of domestic violence competency-based core training. The successful completion of this training is required in order for an employee and participant to assert the evidentiary privilege afforded by Section 90.5036, F.S.

(b) In-Service Training. Training designed to help employees and volunteers develop their knowledge and skills related to domestic violence and the successful performance of their job. All staff members who supervise, coordinate, and/or provide direct advocate or counseling services are required to successfully complete 16 hours of in-service training each state fiscal year. The training requirement is effective upon the first anniversary of their employment or service.

(c) Emergency Training. In addition to in-service training, all staff members shall receive, at a minimum, annual training on

implementing the center's emergency management plan as identified in subsection (5), above.

*Rulemaking Authority 39.903 F.S. Law Implemented 39.905 F.S. History—New 11-30-09, Formerly 65H-1.001, 65H-1.003, Amended 2-5-15, 5-4-20.*

#### **65H-1.014 Services.**

To be eligible for certification, a domestic violence center shall provide the minimum services as set forth below and in Section 39.905, F.S. Providers may provide additional services beyond the minimum requirements. For services provided, the center must make specific efforts to address the needs of underserved populations within the center's service area, including populations that are underserved because of disabilities, ethnicity, gender, race, language, or geographic isolation.

(1) Information and Referral. Education and recommendations on services to those persons seeking assistance. The provider shall maintain a comprehensive and current database of information and referral resources, which shall be made available for use by all direct service staff.

(2) Counseling. Supportive activities with victims of domestic violence.

(a) Counseling services shall incorporate supportive advocacy services such as crisis intervention, safety planning, assessment of risk, and intervening with the various social and legal agencies on behalf of the center participant, including legal advocacy, medical advocacy, housing advocacy, interpretation services, and additional services as needed.

(b) Counseling services may be based on the peer-counseling model. Individuals who need mental health counseling services may be served through referral to an outside provider.

(3) Case Management. A collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet a center participant's needs.

(a) The provider shall provide one-on-one case management to participants who reside in shelter for 72 hours or more, and to non-resident participants upon two sessions with an advocate. This provision does not preclude providers from providing case management to residents housed less than 72 hours or to non-resident participants who have received less than two sessions with an advocate.

(b) Individual case records shall be maintained, shall be current, and shall include at a minimum:

1. Identification data including name, age, ethnicity, and other relevant information for the participant and any dependents; and
2. A case management plan that includes safety planning and service referrals.

(c) The provider shall develop procedures and maintain documentation for case management staffings. Case management staffings shall be held bi-weekly for the purposes of ensuring effective communication among staff about the progress of participants toward meeting their goals and objectives, as well as addressing individual participant issues.

(d) In order to ensure the safety of participants and their dependents the provider shall protect the confidentiality and privacy of persons receiving services. Center staff shall not disclose any personally identifiable information collected in connection with services or reveal individual participant information without the informed, written, time-limited consent of the participant, except in limited circumstances described in the Section 39.908, F.S.

(4) Emergency Shelter. Safe housing provided for adult victims of domestic violence and their dependents. The provider shall provide temporary emergency shelter to victims and their dependants for more than 24 hours. Shelters shall be staffed by domestic violence advocates 24 hours a day, seven days a week, including holidays.

(5) Hotline Services. A telephone operated 24 hours a day, seven days a week to provide crisis intervention, safety planning, information, and referral to victims of domestic violence or on behalf of a victim.

(a) The provider shall provide hotline services, available 24 hours a day, seven days a week staffed by domestic violence advocates who have successfully completed the 30 hours of domestic violence competency-based core training and are registered for privileged communications. The hotline telephone shall have a TTY/telephone relay service.

(b) The use of commercial telephone answering services or automated voice mail to cover the hotline are not permitted, except for the purpose of directing calls to a domestic violence advocate.

(6) Child Assessment: Evaluation of the basic needs of children served by the center and the referral of children to services if needed.

(a) Each child in emergency shelter for 72 hours or more shall be assessed for basic needs and given service recommendations by a domestic violence advocate with experience working with children. This provision does not preclude providers from providing an assessment of children housed less than 72 hours.

(b) Any person who knows, or has reasonable cause to suspect, that a child is abused or neglected shall report such knowledge

or suspicion to the Department's central abuse hotline as provided for in Section 39.201, F.S.

(7) Professional Training. Education on the dynamics of domestic violence provided to law enforcement personnel, other professionals, and paraprofessionals who have contact, as part of their work, with victims of domestic violence.

(8) Community Education. The efforts, activities, and presentations performed to increase public awareness about domestic violence and the availability of services for victims of domestic violence.

(a) The provider shall provide community education to promote awareness of the incidence, causes, and prevention strategies of domestic violence. Community education shall be presented both face-to-face and through the utilization of various media.

(b) Center employees shall participate in community task forces, interagency councils, and other organizational groups whose efforts are intended to improve services for victims of domestic violence.

(9) Exempted Services. The Department may exempt the 24-hour hotline, professional training, and community education requirement for centers where this requirement is already being met by another certified center in the same service area, pursuant to Section 39.905(1)(c), F.S.

*Rulemaking Authority 39.903 FS. Law Implemented 39.905, 39.908 FS. History--New 11-30-09, Formerly 65H-1.001, 65H-1.003, Amended 2-5-15, 5-4-20.*

### **65H-1.015 Emergency Shelter Facilities.**

(1) Design, Construction, and Accessibility. The provider shall ensure that the design and construction of new shelter facilities or alterations to an existing facility meet the minimum requirements of the applicable state and local governing agencies. All shelter facilities maintained by the provider shall meet the requirements of Sections 553.501-.5141, F.S., and the Americans with Disabilities Act Standards for Accessible Design in the Code of Federal Regulations, Title 28, Part 36, Appendix A. Facilities certified prior to the effective date of this rule must meet these minimum standards except where the cost of compliance with a particular standard would impose an undue burden on the provider, as described in the Code of Federal Regulations, Title 28, Section 35.150. Any alteration to a shelter facility certified prior to the effective date of this rule must meet the accessibility guidelines described above, as provided in the Code of Federal Regulations, Title 28, Section 36.402.

(2) Physical Safety and Well-being. The provider shall take precautionary measures to provide for the safety, confidentiality, privacy, and well-being of shelter residents.

(a) All shelter facilities maintained by the provider shall meet all applicable county and municipal building code enforcement requirements as provided in subsection (1) of this rule chapter.

(b) All shelter facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation.

(c) To protect the privacy of shelter participants, electronic surveillance systems may not be installed in the participants' living quarters of the shelter facilities. Electronic surveillance systems may be installed at entrance and exit doors and parking areas.

(d) All outside doors shall remain locked from the outside at all times; all windows shall be secured against entry; and outside and entrance way lighting shall be in place and functioning.

(e) If an outside play area is made available for children, the area shall be free of debris and broken or dangerous materials and shall be routinely checked for safety. Play areas shall be fenced in accordance with local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals. If the play area is in view of the public, privacy fencing is required.

(f) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or upon any person located on the premises, excluding federal, state, or local law enforcement officers.

(g) No narcotics, alcohol, or other impairing drugs shall be present on the premises. This does not include prescription medications.

(h) Smoking is prohibited within the shelter facilities, all outdoor play areas, and in vehicles when being used to transport center participants. The provider may designate specific areas for smoking.

(i) Fire Safety. The provider shall ensure that each shelter facility has sprinklers or smoke alarms in each bedroom, and in all hallways and common areas. The provider shall ensure that an annual fire safety inspection, which conforms to fire safety standards as determined by each municipality, county, and special district with fire safety responsibilities as defined in section 633.028, F.S.,



is conducted for each shelter facility. A current inspection report shall be maintained in the center records and made available for inspection upon request.

(j) Health Inspections. The provider shall ensure that each shelter facility has an annual sanitation inspection through their county health department. A current inspection report shall be maintained in the center records and made available for inspection upon request.

(3) Telephone. The shelter facility shall have telephones that are centrally located and readily available for staff member and participant use. Emergency numbers such as emergency medical services, fire department, law enforcement, hospital, and poison control center shall be posted by each telephone. There shall be at least one cellular telephone available for use at all times in the event of power and telephone line outages. TTY/telephone relay service for the hearing impaired is required.

*Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New 11-30-09, Formerly 65H-1.001, 65H-1.003, Amended 2-5-15, 5-4-20.*

#### **65H-1.016 Confidentiality.**

(1) To ensure the safety, confidentiality, and privacy of persons receiving services, the provider shall safeguard information identifying domestic violence emergency shelters and center participants as provided in Section 39.908, F.S. Confidential information may be in hardcopy or electronic format and may include name, address, phone number, case management plan and notes, safety plan, service plan, services provided, referrals, and other related information. Access to any participant identifying information shall be limited to staff members who have a legitimate interest in the case and have a need to know to carry out their job duties.

(2) The Department and the contracted entity shall have access to shelters and center records to the extent necessary to perform the oversight function. Providers may not provide individual participant records to stakeholders, partner agencies, and other entities that have an interest in provider operations, except as expressly authorized in section 39.908, F.S. Client communications that satisfy the criteria for a privileged communication under Section 90.5036, F.S., may be disclosed only as provided in that statute.

(3) The provider shall ensure all center employees and volunteers are aware of and understand their obligation to comply with Section 39.908, F.S., which prohibits the disclosure of shelter location and any information regarding center participants without their express written, time-limited consent, except in limited circumstances described in the statute.

*Rulemaking Authority 39.903 FS. Law Implemented 39.908 FS. History—New 11-30-09, Formerly 65H-1.004, Amended 5-4-20.*

#### **65H-1.017 Monitoring and Evaluation.**

The Department or contracted entity will monitor each certified center to evaluate compliance with the minimum standards provided in this rule chapter and in Section 39.905, F.S.

(1) To conduct evaluations, the Department or contracted entity shall have access to a center or subcontractor, its location, records relevant to the operation of said center or subcontractor, records of participants served, and any other information necessary for evaluation of compliance with this rule chapter and Section 39.905, F.S.

(2) The evaluation shall occur annually, through an on-site visit or desktop review, as determined by the Department or contracted entity. However, an evaluation may occur at any time there is a complaint to the Department or contracted entity. The contracted entity and the Department must be granted access to enter and inspect a center as provided in Sections 39.903 and 39.9035, F.S.

(3) Within 60 days after the evaluation, the provider will receive a written report from the Department or contracted entity detailing whether or not standards have been met. If any deficiencies were cited, the provider will be given ten business days from the date of the written report to submit a corrective action plan. The corrective action plan is subject to approval by the Department or contracted entity. The severity of the noncompliance may affect the period of time allowed for correction, but in no event shall the corrective action period exceed 90 days. Follow up visits or a desk review will be made by the Department or contracted entity to determine if the plan of correction is acceptable, has been implemented, or completed.

(4) The Department will renew a center's annual certification based upon receipt of a favorable monitoring report issued by the Department or contracted entity as provided in Section 39.903(2), F.S.

(a) A favorable monitoring report means the Department or contracted entity has determined a center is in compliance with the requirements of this rule chapter, Sections 39.905 and 39.908, F.S., and the contracted entity's contract for purposes of subsection 65H-1.012(3), F.A.C. The Department or contracted entity's determination that a center was initially not in compliance with these requirements but has successfully completed a corrective action plan will also constitute a favorable monitoring report.

(b) An unfavorable monitoring report means the center is not in compliance with the requirements of this rule chapter, Section

39.905, F.S., the contracted entity's contract, and has not successfully completed a corrective action plan as determined by the Department or contracted entity. An unfavorable monitoring report will result in suspension of a center's certification, unless the circumstances are beyond the provider's reasonable control, such as manmade or natural disasters, local zoning ordinances, or permitting processes.

(5) The Department will suspend a center's certification without allowing an opportunity for corrective action in the event a violation poses an imminent risk of serious harm to the health or safety of participants or staff members. A suspension will continue until the provider completes a corrective action plan but will not exceed six months. If the provider does not successfully complete the corrective action plan within six months, the center's certification will be revoked and certification renewal will be denied.

*Rulemaking Authority 39.903 FS. Law Implemented 39.903, 39.905 FS. History—New 11-30-09, Formerly 65H-1.005, Amended 2-5-15, 5-4-20.*

#### **65H-1.018 Funding Procedures.**

(1) For each funding cycle, the Department or contracted entity will provide all eligible certified domestic violence centers with an application for funding with instructions for completion.

(2) Newly certified centers without previous funding from the Department or contracted entity must request an application for funding by July 1 for the following state fiscal year. Certification does not guarantee funding.

(3) In accordance with Section 39.905(7)(a), F.S., all funds collected and appropriated for certified domestic violence centers will annually be distributed by the Department or contracted entity through an allocation formula developed by the Department or contracted entity. The Department will review the allocation formula and any revisions made by the contracted entity to ensure that it includes the factors required by Sections 39.903 and 39.905, F.S.

(4) The Department or contracted entity shall provide final approval of applications for and shall award funds appropriated for certified domestic violence centers as provided in Section 39.903(7), F.S. The Department or contracted entity shall contract with successful applicants for the operation of certified domestic violence centers.

(5) The Department or contracted entity will conduct evaluations of certified domestic violence centers to ensure quality services are being provided to center participants.

(6) Funding is contingent upon completion of any corrective action required by the Department or contracted entity, unless the failure to complete the corrective action is attributable to circumstances that are beyond the provider's reasonable control.

*Rulemaking Authority 39.903 FS. Law Implemented 39.903, 39.905 FS. History—New 11-30-09, Formerly 65H-1.002, Amended 5-4-20.*