



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Secretary

MEMORANDUM

DATE: August 12, 2015

TO: Regional SAMH Directors / SAMH Managing Entities

FROM: Ute Gazioch, Director *UG*
Substance Abuse and Mental Health

THROUGH: John N. Bryant, Assistant Secretary *JNB*
Substance Abuse and Mental Health

SUBJECT: Designated Smoking Areas in Crisis Stabilization Units and Short-term Residential Treatment Programs

PURPOSE:

To provide guidance to regional SAMH staff and Managing Entities on monitoring Crisis Stabilization Units (CSU) and Short-term Residential Treatment Programs (SRT) in regards to the requirement to provide designated smoking areas.

DISCUSSION:

Rule 65E-12.106, F.A.C., provides Common Minimum Program Standards for CSUs and SRTs. Subsection 65E-12.106(25), F.A.C. requires each CSU and SRT to designate smoking areas or declare the facility non-smoking. One sentence in this subsection specifies:

"If the facility is non-smoking, a sheltered outside area must be designated as a smoking area."

On August 7, 2015 the Department of Children and Families (Department) published a Notice of Development of Rulemaking to promulgate changes to Rule 65E-12.106, F.A.C. One of the proposed changes removes the requirement for a sheltered outside smoking area.

ACTION REQUIRED:

Until the proposed revision to Rule 65E-12.106, F.A.C. is formally adopted, Department SAMH and Managing Entity staff are instructed not to require corrective action from any facility found in non-compliance for failure to designate an outdoor smoking area. To document adherence to existing standards, staff are instructed to cite any such failure in

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

the monitoring report with a notation specifying no corrective action is required on the basis of this guidance.

Department staff and Managing Entity staff are also instructed to administratively close any active corrective action plans based solely on noncompliance with the existing standard.

LIMITATIONS:

This guidance in no way affects any other requirements in Rule 65E-12.106, F.A.C., as currently adopted.

KEY PROVISIONS:

Rule 65E-12.106, F.A.C.

Notice of Development of Rulemaking, which can be accessed at:

http://www.FLRules.org/gateway/View_Notice.asp?id=16319103

cc: Jane Johnson, Chief of Staff
Vicki Abrams, Assistant Secretary of Operations
David Fairbanks, Deputy Secretary
Regional Managing Directors