



responsibility. The Board also proposes updating several of the applications to delete the military information (form DH-MQA 1009) and to include additional questions with regard to the 5th pathway program and delete the requirement for undergraduate school transcripts (form DH-MQA 1000).

**SUBJECT AREA TO BE ADDRESSED:** The incorporation of the revised financial responsibility form and updates to various application forms.

**RULEMAKING AUTHORITY:** 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3137, 458.3145, 458.315(2), 458.3151, 458.317, 457.319, 358.317, 358.319, 458.320(8), 458.321(2), 458.345(3), 358.345(3), (8), 458.347(13), 458.3475, 458.351(6) FS.

**LAW IMPLEMENTED:** 456.013, 456.035, 456.036, 456.048, 456.50, 456.0635, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

**RULE NO.:** 64B8-4.009  
**RULE TITLE:** Applications

**PURPOSE AND EFFECT:** The Board proposes the development of rule amendments to address revisions to the financial responsibility form to make the form consistent with the statute. Since the form is contained in many of the applications, the rule is being amended to update these forms. The Board also proposes updating several of the applications to delete the military information (form DH-MQA 1009) and to include additional questions with regard to the 5th pathway program and delete the requirement for undergraduate school transcripts (form DH-MQA 1000).

**SUBJECT AREA TO BE ADDRESSED:** The incorporation of the revised financial responsibility form contained in the applications and other updates to various application forms.

**RULEMAKING AUTHORITY:** 456.031, 456.033, 458.309, 458.311, 458.313, 458.3151 FS.

**LAW IMPLEMENTED:** 456.013(1), (7),(13), 456.031, 456.033, 456.0635, 456.50, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

**RULE NO.:** 64B8-12.005  
**RULE TITLE:** Procedures

**PURPOSE AND EFFECT:** The proposed rule amendment is necessary to clarify the requirements regarding financial responsibility and to incorporate the revised financial responsibility form into the appropriate rule.

**SUBJECT AREA TO BE ADDRESSED:** Clarification of the financial responsibility rule and incorporation of the revised financial responsibility form.

**RULEMAKING AUTHORITY:** 458.309, 458.320 FS.

**LAW IMPLEMENTED:** 458.320 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### WATER MANAGEMENT DISTRICTS

#### St. Johns River Water Management District

RULE NO.:        RULE TITLE:

40C-12.200        Lobbyist Registration Procedures

**PURPOSE AND EFFECT:** The St. Johns River Water Management District (District) proposes a rule establishing the procedures for registering to lobby the St. Johns River Water Management District and adopt two forms for use in registration, changing information, renewing registration, and cancelling registration; along with the incorporation of a business classification system.

**SUMMARY:** Chapter 2014-183, Laws of Florida, requires lobbyists to register with a water management district, if they seek to influence that district with respect to a decision of the district in an area of policy or procurement or seek to obtain the goodwill of a district official or employee. The proposed registration form requests general information about the lobbyist, including the existence of any direct or indirect business or financial relationship between the lobbyist and a District officer or employee.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 112.3261(8) FS.

**LAW IMPLEMENTED:** 112.3261(8) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Following the regularly scheduled Governing Board Meeting on October 14, 2014, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

**PLACE:** St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40C-12.200 Lobbyist Registration.

(1) A person who is a "lobbyist" as defined in Section 112.3215, F.S., may not lobby the St. Johns River Water Management District (the "District") until he or she has registered as a lobbyist with the District. Registration shall be made by completing, under oath, the "Lobbyist Registration Form," which is incorporated by reference in subsection (7) below, and submitting that form to the District Clerk at the mail or email address provided in the form.

(2) A separate completed Lobbyist Registration Form must be submitted for each principal represented by the lobbyist before the District.

(3) For identifying and designating a principal's main business on the Authorization to Represent the Principal part of the Lobbyist Registration Form, the District adopts and incorporates by reference the 6-digit NAICS code published in the North American Industry Classification System – United States, 2012 which is available at: {insert URL}. Classification system information can be obtained by contacting the NAICS Association, 129 Lakeshore Drive, Rockaway, NJ 07866, or by visiting its website: [www.naics.com](http://www.naics.com).

(4) Changes to the information provided on a Lobbyist Registration Form must be reported to the District within 15 days by submitting a completed Lobbyist Registration Form and checking the box indicating the submitted form is for the purpose of changing previously filed information.

(5) A lobbyist may renew his or her registration to lobby by filing a completed Lobbyist Registration Form with the District and checking the box indicating the submitted form is for renewal purposes. Renewals must be filed before January 1 of each year.

(6) The principal of a lobbyist may cancel the lobbyist’s registration by submitting a completed “Lobbyist Registration Cancellation Form,” which is incorporated by reference in subsection (7) below, informing the District that a particular lobbyist is no longer authorized to represent that principal. A lobbyist must cancel his or her registration with the District upon termination of his or her contract or other such employment relationship with the principal by promptly submitting a completed Lobbyist Cancellation Form.

(7) The Lobbyist Registration Form, form number 12-A, effective date {insert date}, available at {insert URL} and the Lobbyist Registration Cancellation Form, form number 12-B, effective date {insert date}, available at {insert URL}, are hereby incorporated by reference and may be obtained without cost from the District Clerk either at St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32177, or at clerk@sjrwmd.com. These forms may also be downloaded from the District’s website at: [www.floridaswater.com/lobbyist](http://www.floridaswater.com/lobbyist). Rulemaking Authority 112.3261(8) FS. Law Implemented 112.3261 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill Abrams, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4838

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 25, 2014

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-29.001	Definitions
65C-29.002	Reports of Child Abuse, Neglect or Abandonment
65C-29.003	Child Protective Investigations
65C-29.004	Institutional Child Protective Investigations

65C-29.005	Children Denied Shelter (Lockouts)
65C-29.006	Foster Care Referrals
65C-29.007	Child-on-Child Sexual Abuse
65C-29.008	Initial Health Care Assessment and Medical Examination of Children Alleged to be Abused, Neglect or Abandoned
65C-29.009	Criminal, Juvenile and Abuse/Neglect History Checks
65C-29.010	False Reports
65C-29.011	Out-of-Town Inquiries
65C-29.012	Transfer of Child Protective Investigations Within and Between Districts
65C-29.013	Reasonable Efforts to Locate
65C-29.014	High Risk Tracking and Review
65C-29.015	Internal Reviews

PURPOSE AND EFFECT: The Department is adding, amending, and repealing several rules within Chapter 65C-29, F.A.C., Protective Investigations, to accomplish the following tasks: 1) Make rule language reflective of 2014 legislative changes to Chapter 39, F.S.; 2) Add clarifying language implementing safety assessments and safety planning which are essential elements of the above referenced legislative changes; and 3) Simplify wording and resolve issues of ambiguity. Additionally, the Department is adding a rule within Chapter 65C-29, F.A.C., to implement an internal review, as required in 42 U.S.C. § 5106a(b)(2)(B)(xv(II)), of a verified finding based upon a written request by the individual identified as the “caregiver responsible.”

SUMMARY: Abuse Hotline

- Add clarifying language differentiating “Initial”, “Supplemental” and “Additional” reports.

Child Protective Investigations

Additional language, revisions, and deletions include action necessary to implement provisions of the law as follows:

- Add clarifying language for a child protective investigator supervisor to downgrade an immediate response to a 24 hour response when additional information indicates that the child is no longer in imminent danger of being harmed.
- Add language to implement the process for determining if a reporter shall be contacted to obtain additional information on the child or family.
- Add clarifying language regarding what information shall be collected when an investigator observes the child in the home.
- Add language to implement the process for collecting information on the caregiver’s overall functioning, parenting style and behavioral management practices.
- Add clarifying language for the process of collecting abuse history and criminal record checks on household members and adult visitors to the home.

- Add language implementing new safety assessment and safety planning requirements.
- Add language to implement supervisory consultations within the first five (5) days of the commencement of the investigation.
- Add language to implement the process for conducting a “second tier consultation” review process for unsafe and at-risk children.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in Section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 39.012, 39.0121, 39.202(7)(b), 39.205(7), 39.307(7), 39.407, 409.175 FS.

**LAW IMPLEMENTED:** 39.01(32)(l), 39.012, 39.0121(7), 39.201, 39.202, 39.205(7), 39.206, 39.301, 39.302, 39.304, 39.3068, 39.307, 39.402, 39.407, 39.503, 409.175 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jodi Abramowitz, jodi\_abramowitz@dcf.state.fl.us or (850)717-4189. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jodi Abramowitz, jodi\_abramowitz@dcf.state.fl.us or (850)717-4189

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-29.001 Definitions.

All definitions for this rule are located in Rule 65C-30.001, F.A.C.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented ~~39.01~~, 39.012 FS. History—New 5-4-06.

65C-29.002 Reports of Child Abuse, Neglect or Abandonment.

(1) The Department shall maintain an automated master file for all calls received by the Florida Abuse Hotline for screening. This file shall contain relevant information on all calls received concerning a child and be maintained in the Department’s automated system of record.

(2) The telephone number from which a call to the Florida Abuse Hotline is placed (Caller ID) ~~is displayed at the onset of each call received by the Florida Abuse Hotline. This number shall be entered into the report of abuse, neglect or abandonment and become part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to Section 39.202, F.S. This number shall~~ may only be used for subsequent contact in the following circumstances:

(a) ~~The department, designee or sheriff’s office who responds to reports of child maltreatment shall not call the number provided by Caller ID to verify that the report was made from that number or to make inquiries about the content of the report. If the telephone number provided by Caller ID is the same as provided by the reporter.~~

(b) If the caller is a child who is self-reporting abuse, neglect or abandonment and the child’s immediate location is unclear or not known, the Department employee or agent shall attempt to verify the location.

(c) If all means to locate any child victim and attempts to contact the reporter at the telephone number provided by the reporter are unsuccessful. The purpose of this is to obtain additional information that would allow the child and/or family to be located and seen.

~~(3) The Florida Abuse Hotline shall operate twenty four hours a day, seven days a week to receive and assess allegations of child abuse, neglect or abandonment to determine if the allegations meet statutory criteria to accept a report for investigation. Allegations may be received via the toll free telephone number, fax, in writing or through telecommunication devices for the deaf.~~

~~(a) Professionally mandated reporters are required under Chapter 39, F.S., to provide their names to the Florida Abuse Hotline when making a report of alleged child maltreatment. A report shall be accepted if it meets statutory criteria for acceptance even if the reporters wish to remain anonymous.~~

~~(b) Non-professionally mandated reporters are not required to provide their names for the acceptance of a report.~~

~~(4) The Florida Abuse Hotline shall only release information regarding reports to child protective investigation staff after verifying that they are authorized to receive the information. Verification of authority to receive the information will be granted based on the social security number of the staff receiving such information.~~

~~(a) The Florida Abuse Hotline shall conduct record checks for out of state agencies conducting an investigation after verification of identity. The out of state request information shall be documented by the Florida Abuse Hotline counselor and submitted to the Florida Abuse Hotline supervisor for handling.~~

~~(b) The Florida Abuse Hotline shall only provide information about the existence or non-existence of a report of child abuse, neglect or abandonment and the findings. The out of state investigator shall be referred to the investigations office for more detailed information.~~

~~(5) Criteria for Acceptance of a Report.~~

~~(a) Professional staff at the department's Florida Abuse Hotline shall determine if the allegation received meets the statutory definition of child abuse, neglect, abandonment or harm. Any allegation that meets one of these definitions shall be accepted for protective investigation pursuant to Part III of Chapter 39, F.S.~~

~~1. The child alleged as being abused, neglected or abandoned must be under the age of 18 years and must be a resident of Florida, or located in Florida at the time of the allegation. Any allegation that meets the definition of abuse, neglect, abandonment or harm shall be accepted for protective investigation. When children suffer adverse consequences from physical or psychological injury or damage, harm or threat of harm is an element of abuse, neglect or abandonment.~~

~~A report shall not be accepted on an unborn or stillborn child.~~

~~a. If the victim and alleged perpetrator live out of state but are visiting Florida together, and the harm occurred in Florida during the current visit, a report shall be accepted provided the victim and alleged perpetrator are in Florida at the time of the call.~~

~~b. If the victim and alleged perpetrator live out of state but are visiting Florida at the time of the call and the abuse, neglect or abandonment occurred in another state, or in the past in Florida, the Florida Abuse Hotline shall assess the information to determine if reasonable cause exists at the time of the call to suspect threatened harm. If this exists, a report shall be accepted provided the victim and alleged perpetrator are in Florida at the time of the call.~~

~~c. If the victim and alleged perpetrator live in Florida, but the victim is temporarily out of state at the time of the call and the abuse, neglect or abandonment occurred in Florida, a report shall be accepted.~~

~~(3) 2. The alleged perpetrator must be a caregiver, which is defined as a parent, legal custodian, an adult household member, or other person responsible for a child's welfare. In~~

instances where the alleged perpetrator's exact relationship to the child is unknown or unclear, a report shall be accepted and an investigation commenced until such time that the alleged perpetrator's role as a caregiver can be determined.

~~3. There must be reasonable cause to suspect that the alleged victim is a victim of abuse, neglect or abandonment, or at risk of harm, as defined in Section 39.01, F.S., and that the alleged perpetrator is a caregiver as defined in Section 39.01, F.S.~~

~~a. The Florida Abuse Hotline shall attempt to establish that the alleged perpetrator is a person in a caregiver relationship to the victim even if the exact identity of the alleged perpetrator is unknown.~~

~~b. A child may be named as a perpetrator only if the child is an employee of a private school, public or private child day care center, institution, facility or agency as identified in Section 39.01(47), F.S., or is the parent of the victim.~~

~~(b) In instances where the Florida Abuse Hotline accepts an abuse report, but the child protective investigator determines that the allegations or facts do not meet the criteria for a report as specified in subparagraphs (5)(a)1. 3. above, the child protective investigator shall close the report as "No Jurisdiction," after review and approval by the child protective investigator supervisor.~~

~~(c) Calls to the Florida Abuse Hotline concerning child on-child abuse in an institution or in the home do not meet the definition of abuse. The call may be accepted as a report of neglect if it is alleged that staff, parent, guardian, adult household member or any other person responsible for a child's welfare failed to supervise the children properly.~~

~~(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department when they meet the criteria established in Section 39.01(7), F.S.~~

~~1. The department shall determine the age of the alleged juvenile sexual offender if known.~~

~~2. When the alleged juvenile sexual offender is 12 years of age or younger, the Florida Abuse Hotline shall accept a report; electronically transfer the call to the appropriate law enforcement agency office and forward a written facsimile report of the allegation to the appropriate sheriff's office within twenty four hours after the initial report is made to the Florida Abuse Hotline. These reports shall be kept separate from reports of abuse, neglect or abandonment by a caregiver.~~

~~3. When the alleged juvenile sexual offender is thirteen years of age or older, the Florida Abuse Hotline shall document the information, electronically transfer the call to the appropriate sheriff's office, and forward a written facsimile report of the allegation to the appropriate sheriff's office within twenty four hours after the initial report to the Florida Abuse Hotline.~~

~~(e) Reports involving abandoned newborn infants shall be accepted by the Florida Abuse Hotline for investigation if the reporter alleges abuse, neglect. If the report is of an abandoned newborn infant as described in Section 383.50, F.S., and does not include allegations of abuse, neglect, or abandonment other~~

~~than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the Florida Abuse Hotline shall not accept a report.~~

~~If the call meets the criteria for an abandoned newborn infant under Section 383.50, F.S., the Florida Abuse Hotline shall provide the caller with the name of a licensed child placing agency from a list of licensed child placing agencies eligible and required to accept physical custody and to place an abandoned newborn infant under Section 383.50, F.S.~~

~~(f) There shall be a means of locating and identifying the alleged victim.~~

~~1. Unacceptable means to locate shall include the following:~~

- ~~a. A Post Office box; and~~
- ~~b. A cell phone or pay phone;~~

~~2. If the reporter is a child who is self reporting and no other means to locate the child is provided, the Hotline shall accept the report and document that the Caller ID is the only means to locate.~~

~~(4)(6) When a report is being accepted, the Florida Abuse Hotline counselor shall ask all reporters to provide the following information:~~

~~(a) Information regarding subjects of the report including name, race, gender sex, date of birth, social security number, ethnicity, school, employment, address, phone number and/or other acceptable means to locate the victim if the address is not known;~~

~~(b) The relationship between the victim and the alleged perpetrator;~~

~~(c) Names and contact information for any person who can provide assistance to the child or additional information about the family's circumstances;~~

~~(d) The type of maltreatment alleged and the nature and extent of harm suffered by the victim, including when the incident occurred or whether it is a chronic, ongoing situation;~~

~~(e) Any known history of abuse, neglect or abandonment of persons named in the report;~~

~~(f) Whether The risk of continued maltreatment and ~~whether~~ the alleged perpetrator continues to have access to the victim and the possibility of continued maltreatment;~~

~~(g) Current condition of the child;~~

~~(h) Other children in the environment; and~~

~~(i) The name and occupation of the reporter, relationship between the child and the reporter, contact information for the reporter, and any other information the reporter believes will be of assistance.~~

~~(5)(7) The Florida Abuse Hotline shall process and document all allegations reported received.~~

~~(a) The Florida Abuse Hotline counselor shall inform the caller whether the information provided meets the statutory requirements for a report.~~

(a)4. The Florida Abuse Hotline counselor shall search for prior reports to determine if the current allegations have been reported in the past.

(b)2. The Florida Abuse Hotline counselor ~~professional staff~~ shall determine if the caller is reporting the exact same incident as that contained in a prior closed report. If the current allegations do not offer new information, additional subjects, new evidence, or additional allegations or incidents, ~~the professional staff shall consult with a supervisor or call floor manager to determine whether~~ a new report shall not be generated.

~~(c)(b)~~ The Florida Abuse Hotline counselor shall search the statewide automated child welfare information system to determine if the victim, alleged perpetrator, or other subjects of the report have any active, open investigations or history of prior reports abuse, neglect or abandonment or service provision. At the time of notification of the report to district staff. The Florida Abuse Hotline counselor shall also provide this information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports at the time of notification of the report to child protective investigation staff at the time of report notification.

~~(c)~~ The Florida Abuse Hotline counselor shall identify all allegations of maltreatment and document supportive information in the report and shall also identify each allegation of maltreatment with a code in the statewide automated child welfare information system.

~~(d)~~ The Florida Abuse Hotline counselor shall determine the initial response priority for commencement of each report as either immediate or within twenty four hours. If it appears that the immediate safety or well being of a child is endangered; that the family may flee; that the child will be unavailable for purposes of conducting a child protective investigation; or that the facts otherwise so warrant, the initial response priority shall be immediate. The child protective investigations supervisor has the authority to change the initial response priority if information shows a greater or lesser risk to the child than previously known.

~~(6)(e)~~ Depending upon the timing and type of information received, reports Information accepted as a report, including Special Condition Reports, shall be entered into the statewide automated child welfare information system as ~~an~~ "Initial" investigations abuse, neglect or abandonment report, "Additional" investigations investigation report, or "Supplemental" reports report and a number shall be assigned to that report.

(a) Initial Investigations: Initial investigations are reports containing allegations of maltreatment that do not concern an active, open investigation.

~~(b)1. Additional Investigations Reports: Additional investigations are reports containing which contain new information about one or more subjects of an active, open investigation existing report.~~

~~1.a. An additional investigation report includes any of the following:~~

- ~~a.i. A new alleged perpetrator in the same household;~~
- ~~b.ii. A new victim;~~
- ~~c.iii. A new subject in the same household;~~
- ~~d.iv. A new maltreatment;~~
- ~~e.v. A new incident of the same maltreatment; or~~
- ~~f.vi. New information that requires an immediate response.~~

~~2.b. If any of the following apply, a new investigation identified by a different report number shall be created entered:~~

- ~~i. The existing report is closed or more than 30 days old;~~
- ~~ii. The existing report has a disposition date; or~~
- ~~a.iii. The new information involves a different household from the existing report; or~~
- ~~b.iv. A child dies victim died due to maltreatment alleged abuse, neglect or abandonment during an active investigation of an open report and the suspected cause of death is not related to the initial allegations under investigation report is not on abuse, neglect, or abandonment causing the death. When new incidents of maltreatment are believed to be the cause of the child's death, the child protective investigator shall immediately report the child's death to the Florida Abuse Hotline and a new report shall be generated.~~

~~c. An institutional investigation can only be sequenced (i.e., added as an "Additional") to another institutional investigation.~~

~~(c)2. Supplemental Reports: Supplemental reports provide clarifying but non-essential information to active investigations are enhancements to a report that has already been received or is under investigation. No new allegations or subjects are reported. Such a report gives additional details. Child-on-child sexual abuse reports shall only be sequenced as supplemental reports when the inappropriate sexual behavior or juvenile sexual abuse involves the same victim, alleged abuser, and behaviors.~~

~~d. Special Conditions Reports which do not contain maltreatment allegations cannot be sequenced to any investigations.~~

~~a. The new information received must involve the same alleged perpetrator, same victim, same maltreatment(s), and same incident.~~

~~b. A supplemental report may be added even if there is a disposition date or findings for the existing report provided the initial report is not more than 60 days old.~~

~~3. The following shall not be treated as Additional or Supplemental Reports:~~

~~a. One report is institutional and the other is in a family setting;~~

~~b. One report has a child victim of abuse, neglect or abandonment and the other report has an adult victim;~~

~~c. One report is a Special Conditions Report and the other is a report of abuse, neglect or abandonment;~~

~~(d)i. Except for specific circumstances surrounding child deaths, additional Additional allegations of abuse, neglect or abandonment discovered by the investigator during the course of an investigation do not need to be called to the Florida Abuse Hotline as an additional report. The investigator shall add these new maltreatments directly to the investigation.~~

~~ii. These allegations shall be added by the investigator and noted in the abuse report. This includes the discovery of maltreatment after the commencement of a special condition referral excluding child on child sexual abuse reports. If maltreatment is discovered by the child protective investigator assessing a Child on Child Sexual Abuse report, these allegations shall be provided to the Florida Abuse Hotline to generate a new report.~~

~~d. Child on Child Sexual Abuse reports may only be sequenced as supplemental with the same or similar allegations; or~~

~~(f)1. A child death allegedly due to abuse, neglect or abandonment occurring during an active investigation requires child protection staff to call the Florida Abuse Hotline immediately and shall not add a new maltreatment type to the existing report.~~

~~2. A child death report shall not be merged with any other reports alleging abuse, neglect or abandonment that did not cause the death.~~

~~(g) The abuse, neglect or abandonment report shall be assigned to the appropriate county for investigation based on the following:~~

~~1. If there is no open report, the new report shall be assigned to the county where the child is located at the time of the call.~~

~~2. If there is an open report, any additional reports shall be assigned to the same county as the open report, regardless of the current location of the child.~~

~~a. If the child is in a different county than the county assigned the open report and the additional report has an immediate response priority, the Florida Abuse Hotline shall notify the on call investigator in the county in which the child is located.~~

~~b. If the child is in a different county than the county assigned for the open report and the additional report has a twenty four hour response priority, the report shall be assigned to the county assigned to the initial report. The county assigned to the initial report shall be responsible for requesting an OTI from the county where the child is located.~~

~~3.a. If the Florida Abuse Hotline makes an error in report assignment, it shall reassign the report to the correct county based upon the above criteria.~~



~~b. If the assigned county determines that the report should have been assigned to another county, and the reason is not due to Florida Abuse Hotline error, the assigned county is responsible for transferring the report to the appropriate county.~~

~~(h) When a report involving the medical neglect of an infant or child with a life threatening condition is received, the Florida Abuse Hotline shall attempt to obtain the following information:~~

~~1. Name and address of the hospital in which the infant or child is located;~~

~~2. Names and addresses of the child and parents and the child's date of birth;~~

~~3. Whether the child is in immediate danger;~~

~~4. Specific information as to the nature and extent of the child's condition and suspected medical neglect; and~~

~~5. Name, address, and telephone number of the person making the report; the source of that person's information (first hand or otherwise), and the relationship of that person to the child.~~

~~(e)(i) The following do not constitute reports of abuse, neglect or abandonment but callers shall be given appropriate community referral information if available:~~

~~1. Allegations of harm perpetrated by a person not responsible for the child's welfare. If these are received by the Florida Abuse Hotline, the caller shall be electronically transferred to the appropriate sheriff's office if the incident occurred in Florida. If the incident occurred outside of Florida, the caller shall be referred to the abuse reporting agency for that state;~~

~~1.2. Complaints of withholding or misuse of child support which do not allege child abuse, neglect or abandonment;~~

~~2.3. Disputes concerning custody of a child in which there is no reasonable cause to suspect abuse, neglect or abandonment;~~

~~3.4. Complaints concerning infants or children in automobiles who are not in legally required child restraint devices;~~

~~4.5. Requests for service that may require action, such as:~~

~~a. Transportation needs;~~

~~b. Need for food or food assistance stamps;~~

~~c. Need for housing;~~

~~d. Day care needs;~~

~~e. Need for employment or public assistance;~~

~~f. Need for job training or education;~~

~~g. Need for help with utilities or rent;~~

~~h. Need for homemaker or housekeeper services; or~~

~~i. Adult family members in need of services.~~

~~5.6. Complaints concerning children running away from parents or legal custodians; persistently disobeying reasonable and lawful demands of parents or legal custodians; and being out of control. These include situations in which the parent, legal custodian or caretaker has locked an older child out of the~~

~~home due to these behaviors or is refusing to pick up a child who has been placed in a facility for those behaviors;~~

~~6.7. Complaints concerning licensing violations, such as overcrowding, poor sanitation, inadequate staffing ratios, and lack of a fire sprinkler system;~~

~~7.8. Requests from a hospital to have a home "checked" before a child is released;~~

~~8.9. Requests from a hospital for the Department to grant permission to treat a child due to the hospital's inability to contact the child's parent, custodian or legal guardian;~~

~~9.10. Complaints concerning head lice;~~

~~10.11. Complaints that a child is not attending school. These complaints shall be directed to the local school district;~~

~~12. Allegations of harm or threatened harm to a child who is residing or located in another state at the time of the report, unless the child is a resident of Florida and the child is expected to return to Florida. If the incident occurred in Florida, the call shall be electronically transferred by the Florida Abuse Hotline to the appropriate county sheriff's office in Florida where the alleged incident occurred;~~

~~13. If the allegation concerns known or suspected child abuse, abandonment, or neglect which occurred out of state and the alleged perpetrator and the alleged child victim live out of state, the Florida Abuse Hotline shall not accept the call for investigation, but shall refer the caller to the appropriate abuse reporting agency in the state where the child resides;~~

~~14. Requests from child protective investigators for Out-of-Town Inquiries or Child Protective Investigation Transfers;~~

~~11.15. Calls from case managers service workers regarding the placement disruption of a child in out-of-home care, whether the child is in a licensed, or non-licensed placement. However, if the placement disruption is as a result of an incident of child abuse, neglect or abandonment by the placement caregiver, a report of child maltreatment shall be accepted by the Florida Abuse Hotline;~~

~~12.16. Calls from case managers service workers regarding a family's failure to comply with the conditions of the voluntary or court-ordered case plan, unless such failure has resulted in a new incident of abuse or neglect. This includes calls involving post-placement supervision case management issues;~~

~~17.a. Foster Care Referrals regarding concerns about the care provided in a licensed foster home, group home or emergency shelter which do not meet the criteria for acceptance of a report of abuse, neglect or abandonment, such as use of corporal punishment not resulting in marks, bruises or injury; allowing a fourteen year old child baby sit other foster children; electricity has been turned off but the foster children are being fed, staying warm and clean; and similar instances.~~

~~b. The Foster Care Referral information shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located.~~

~~13.18. Calls concerning a married minors minor;~~

~~14.19. Calls concerning emancipated minors living on their own.~~

~~(8) Upon receipt of a call concerning a child death, the Florida Abuse Hotline staff shall:~~

~~(a) Determine whether the allegation meets statutory requirements for accepting a report due to abuse, neglect or abandonment;~~

~~(b) Not merge death reports with any report alleging abuse, neglect or abandonment that did not cause the death;~~

~~1. If there is an open report with allegations of abuse, neglect or abandonment and the new information is that the child died due to the previously reported abuse, neglect or abandonment, the Florida Abuse Hotline shall enter an additional report.~~

~~2. If there is an open report and the new allegation of the death by abuse, neglect or abandonment is unrelated to any of the allegations in the open report, the Florida Abuse Hotline shall enter a new initial report.~~

~~3. If there is an open report about the death and the caller provides allegations unrelated to the death, the Florida Abuse Hotline shall enter a new initial report.~~

~~4. If there is an open report about the death and the caller provides no new allegations regarding the death or any other abuse, neglect or abandonment, the Florida Abuse Hotline shall enter a supplemental report.~~

~~5. If the reporter indicates that the child death has been previously reported and investigated and a prior is found on the previously reported death and investigation, a report shall not be accepted.~~

~~(c) Enter the maltreatment type of Abuse or Neglect, as well as any other maltreatment type or description (e.g., Abandonment) that indicates how the child is suspected to have died as a result of abuse, neglect or abandonment.~~

~~Rulemaking Specific Authority 39.012, 39.0121, 39.202(7)(b) FS. Law Implemented 39.01, 39.012, 39.201, 39.202 FS. History—New 5-4-06, Amended \_\_\_\_\_.~~

65C-29.003 Child Protective Investigations.

~~(1) Responding to Reports. Upon receiving a report of child abuse, neglect or abandonment, the Florida Abuse Hotline shall determine if the report requires a child protective investigation. If the report is accepted, the child protective investigator shall comply with the response priority as determined by the Florida Abuse Hotline to either respond immediately or no later than twenty four hours from the time the report was accepted at the Florida Abuse Hotline.~~

~~(a) The child protective investigator supervisor may downgrade an immediate response to a 24-hour response only if the local investigative unit has obtained additional information from the reporter or law enforcement subsequent to the information collected by the Florida Abuse Hotline that indicates the child is no longer in imminent danger of being~~

~~harmed. The rationale for this determination shall be approved by the supervisor and circumstances so warrant and which shall be documented in the Florida Safe Families Network (FSFN) Statewide Automated Child Welfare Information System (SACWIS).~~

~~(b) Commencement of the investigation is the first attempt to complete an on site visit for the purpose of making a face to face contact with the child victim of the report within twenty-four hours of acceptance of the report by the Florida Abuse Hotline, as defined in subsections 65C 30.001(29) and (86), F.A.C.~~

~~(b)1. When a report is received on a child who that is a resident of Florida and the alleged maltreatment occurred in Florida, but the child is temporarily out of state, the investigation shall ~~can~~ be commenced by contacting the child welfare agency responsible for child abuse or neglect investigations in the state where the child is temporarily located. The purpose of the contact is to request a timely face-to-face interview with the child in order to ascertain his or her safety, and to determine when the child is expected to return to Florida.~~

~~(c) In instances where the Florida Abuse Hotline accepts an abuse report but the child protective investigator subsequently determines through obtaining additional information that the allegations or facts do not meet the criteria for an investigation, the report shall be closed as “No Jurisdiction,” after review and approval by the child protective investigator supervisor.~~

~~2. When the family cannot be located at the time of the initial on-site visit, the child protective investigator shall follow the requirements of Rule 65C 29.013, F.A.C.~~

~~(2) If the report received involves the death of a child as a result of abuse, neglect or abandonment, the child protective investigator shall follow the requirements contained in Rule 65C 30.021, F.A.C.~~

~~(2)(3) Investigative Requirements. For every report received, the following actions shall be completed.~~

~~(a) A review of all prior reports, and services records available for all subjects of the report prior to the commencement of the investigation;~~

~~1. If the review of the prior reports indicates the existence of a prior that contains allegations of the same incident contained in the new initial report, and the new report does not offer new information, additional subjects, new evidence, or additional allegations or incidents, the child protective investigator shall submit the new report for supervisory review and approval to close the report as a duplicate of the prior report.~~

~~2. If the supervisor approves closure of the new report as a duplicate of the prior report, the child protective investigator or their supervisor shall document the decision to close the report as a duplicate, the number of the prior report, and the rational~~

that lead to the determination of the duplicate report designation.

~~(a)3. A determination shall be made as to whether the reporter should be contacted to obtain additional information on the child or family or to clarify information obtained by the Florida Abuse Hotline. If the investigator learns that any child subject of the report is in an adoptive placement or finalized adoption, the child protective investigator shall consult with the adoption placement or post adoption services worker for purposes of assessment of child safety and identification of service needs for child and family.~~

~~(b) On site visits and face to face interviews with the child, other siblings, other children in the home and family shall be unannounced unless it is determined by the department, designee, the sheriff's office or contract service provider that an unannounced visit would threaten the safety of the child;~~

~~(b)(e) The children shall be observed in every reported case of abuse, neglect or abandonment. The child protective investigator shall be sensitive to issues arising from a child's age and developmental stage, ethnicity and gender. Information shall be collected describing the A description of the physical, developmental and behavioral characteristics and overall functioning of the children in the home and child shall be documented in the child's case record. While interviewing and visually observing the child, the child protective investigator shall be sensitive to issues arising from a child's age and developmental stage, ethnicity, and gender.~~

~~(c) Information shall be collected on the parent's or caregiver's overall functioning, parenting style and disciplinary and behavior management practices and documented in the case record. Any person alleged to have maltreated a child shall be interviewed.~~

~~(d) If the child is temporarily out of state at the time that the report is received, and the child protective investigator has contacted the child welfare agency responsible for child abuse or neglect investigations in the state where the child is temporarily located for the purpose of requesting a timely face-to-face interview with the child, the child protective investigator shall enter the time and date that the child was seen by the out of state agency in the automated child welfare information system.~~

~~The results of the child's interview by the out of state agency shall be documented in the statewide automated state child welfare information system.~~

~~(e) If the parent, adult household member or other person responsible for the child does not allow access to the child, the child protective investigator shall seek assistance from law enforcement and if necessary seek an order of the court through the Child Welfare Legal Services attorney;~~

~~(f) The composition of the family or household shall be determined, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or~~

~~in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household. If a household member cannot be located the name and demographic information of the household member shall not be deleted from the abuse report or case file;~~

~~(g) A description of the physical condition of the child's household shall be documented in the statewide automated child welfare information system.~~

~~(d)4. If during the course of the investigation in the process of assessing the physical condition of the household, it is determined that there is a need to remove physical evidence from the home, other than taking a child taken into protective custody, the investigator shall request local law enforcement to initiate a criminal investigation.~~

~~(h) The child protective investigator shall, in every investigation, interview the parents and adult household members. Any person alleged to have abused, neglected or abandoned the child shall be interviewed. The alleged perpetrator shall be informed of the allegations in the report, and of the department's authority for investigating the report. The child protective investigator shall not identify the reporter, or provide information that may identify the reporter;~~

~~(i) Upon commencement of the investigation, the child protective investigator shall inform all subjects of the report as well as the parent, guardian, legal custodian or other person responsible for the child's welfare, including an adult household member of the information specified in Section 39.301(5), F.S., including the following:~~

- ~~1. That a report has been received by the Florida Abuse Hotline alleging child abuse, neglect or abandonment;~~
- ~~2. The names of the investigators and identifying credentials;~~
- ~~3. The purpose of the investigation;~~
- ~~4. The right to review the investigative records 60 days after the commencement of the investigation, with the exception of reporter information, and anytime thereafter prior to the destruction of the record;~~
- ~~5. The right to have an attorney present during any interviews; however, the department or sheriff's office may proceed with other inquiries to determine the safety of the child and the veracity of the report;~~
- ~~6. General information about outcomes and services related to the department's or sheriff's office response and investigation that would assist the family to better understand what they may expect from the investigation;~~
- ~~7. The commitment of the department or sheriff's office to the safety of the child and the involvement of the family to the fullest extent possible in decisions regarding service planning and provision; and~~
- ~~8. The right of the parent or legal custodian to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.~~

~~(e)(j) Abuse history and criminal records checks shall be requested by the child protective investigator on all adult~~

~~household members not screened by the Florida Abuse Hotline at the time the report was accepted. The criminal records check shall be initiated within 24 hours of the individual's identity and presence in the home becoming known to the investigator. Records checks shall also be completed on any adult visitor to the home who provides care or supervision of the child outside the parent's immediate presence while visiting the home, to include criminal histories with local law enforcement and the Florida Crime Information Center, on all subjects and household members of the report shall be assessed by the investigator and the supervisor for the impact that the history may have on immediate and long term child safety. See Rule 65C 29.009, F.A.C., for additional details. If the family has lived in another state within the past five (5) years, the child protective investigator shall contact the appropriate law enforcement agency and child protection agencies in the state where the family resided and request a criminal, including local, and abuse history check on all subjects and household members of the report.~~

~~1. Criminal background checks must be requested within seventy two hours upon identifying household members or additional subjects of the report.~~

~~2. The investigator shall make inquiries of child welfare systems in Florida and other states, as appropriate, within seventy two hours of suspicion that a household member or additional subject of the report might have a history of referral or involvement.~~

~~(f) Safety Assessments.~~

~~1. The child protective investigator shall complete a present danger assessment for all investigations, excluding institutional and special conditions investigations. Upon completion of the present danger assessment, the child protective investigator shall complete all additional investigation activities necessary to assess for impending danger threats in the home unless it is determined, with supervisory approval, that the report is:~~

- ~~a. Patently unfounded; or  
b. A false report.~~

~~Cessation of investigative activities may not occur prior to the investigator obtaining the approval of the child protective investigator's supervisor.~~

~~2. When a child protective investigator identifies the presence of present or impending danger, the investigator shall take the least intrusive actions to ensure the child's immediate and on-going safety.~~

~~(k) If the department or sheriff's office or contracted service provider determines that a child requires immediate or long term protection through medical or other health care; or homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program or the Intensive Crisis Counseling Program, such~~

~~services shall first be offered for voluntary acceptance unless there are high risk factors that may impact the ability of the parents or legal custodians to exercise judgment. Such factors may include the caregivers' young age or history of substance abuse or domestic violence;~~

~~(4) If the child protective investigator department or sheriff's office determines the need to engage ongoing services, whether these services are non-judicial voluntary or court ordered, a case transfer conference shall be convened between the investigator, contracted service provider and the parent(s) to arrange for the provision of case management services an Early Service Intervention (ESI) staffing shall be requested by the child protective investigator and their supervisor, pursuant to the requirements of Rule 65C 30.002, F.A.C.~~

~~(m) The parents or legal custodians shall be informed of the right to refuse services, as well as the responsibility of the department or sheriff's office to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department or sheriff's office deems that the child's need for protection so requires, the department or sheriff's office shall take the child into protective custody or petition the court alleging the child to be dependent;~~

~~(n) Contact the reporter to validate allegations as received from the Florida Abuse Hotline. This includes clarification and further detailed information regarding the report allegation narrative information and the names, relationships and means to locate other persons that may have further information on the child and family;~~

~~(o) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected;~~

~~(p) The nature and extent of present or prior injuries, abuse, or neglect;~~

~~(q) Any evidence thereof; and~~

~~(r) A determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.~~

~~(4) For every child abuse, neglect or abandonment report, the child protective investigator shall assess the safety of each child in the family using the statewide, automated tool in the statewide automated child welfare information system.~~

~~(5) Based on the information obtained from available sources, the child protective investigator shall submit the automated assessment tool within forty eight hours from the time the first child victim is seen and, if needed, develop a safety plan.~~

~~(a) The purpose of conducting the assessment within forty eight hours from the time the first child victim is seen is to determine whether a safety plan is necessary. A safety plan shall identify the immediate and long term action that will keep the child safe from harm when a threatening situation is present in the child's home, as specified in Section 39.301(14), F.S. This includes, but is not limited to, the safety actions to be taken by~~

~~the child, parent(s), legal guardian, the department, local sheriff's office, services worker or other identified party.~~

~~1. The safety plan may include taking the child into custody or providing the family with assistance and oversight by a service provider to make necessary changes to ensure the safety of the child.~~

~~a. If the child is taken into custody and placed in out of home care, and the identity or location of a parent or prospective parent is unknown, a diligent search shall be initiated by the child protective investigator making the placement, pursuant to the requirements outlined in Rule 65C 30.003, F.A.C.~~

~~b. If the child is taken into custody and placed in out of home care, the child protective investigator shall comply with the identification of children requirements outlined in Rule 65C 30.004, F.A.C., unless otherwise negotiated at the ESI staffing.~~

~~e. If the child is taken into custody and placed in out of home care, the child protective investigator shall comply with the placement responsibilities outlined in Rule 65C 30.011, F.A.C., and as negotiated at the ESI staffing.~~

~~d. If the child is taken into custody, the child protective investigator shall complete the Emergency Intake Form, (attached), in order to identify any current medical information/needs of the child that are known by the parent, guardian or legal custodian.~~

~~(3)e. Safety Planning Requirements. For every report received in which a danger threat has been identified, the following actions shall be completed:~~

~~(a) Upon the identification of a danger threat, tThe child protective investigator shall determine if, with the provision of safety management services and the implementation of an in-home safety plan appropriate and available early intervention or prevention, including services provided in the home, the child can could safely remain at home.~~

~~1. If at any time it is determined the child's safety cannot be ensured through the use of an in-home safety plan, the child protective investigator shall determine with the family if a family arrangement is possible to ensure the child's safety while additional information is being collected for assessment purposes and well being are in danger, the child shall be removed from the home location and placed where he or she is no longer considered to be in danger. The department, sheriff's office and contracted services provider, shall comply with the requirements for tiered services protocol, as outlined in Rule 65C 30.009, F.A.C., in order to make this determination.~~

~~2. If family arrangements cannot be arranged or are not appropriate due to the circumstances surrounding the danger threat(s) in the home, the child protective investigator shall take the child into protective custody and determine from the following list the least intrusive protective actions to ensure the child's safety.~~

a. Release of the child to the other parent shall be the first safety action considered.

b. When the other parent is unavailable or not an appropriate placement option, the next least intrusive action is placement of the child with a relative.

c. When a relative is unavailable or not an appropriate placement option, the next least intrusive action is placement of the child with a non-relative

d. When non-relatives are not available or are not appropriate placement options, the child shall be placed in licensed care.

3. The child protective investigator shall assess the child's needs for immediate services and accommodations upon removal and prior to placement, and take steps to ensure those immediate needs are met.

~~(b)f. If a the child is removed from the home, the child protective investigator shall take action to maintain the child in the current school setting his/her school of origin, unless it is determined that continuing attendance remaining in the school of origin is not in the child's best interest, or ongoing safety issues require transfer to a new school as specified in subsection 65C 28.004(3), F.A.C.~~

~~g. In order to consider the provision of voluntary protective supervision to a child and their family, the child protective investigator shall comply with the requirements for voluntary protective services, as outlined in Rule 65C 30.010, F.A.C.~~

~~2. The injunction process under Section 39.504 or 741.30, F.S., may be used as a safety action to remove a perpetrator of domestic violence from the home when the presence of the perpetrator of domestic violence in the home poses an immediate safety threat to the child.~~

~~(c)(b) Supervisors shall must review all child protective assessments and assure that safety plans within 24 hours of identification of present or impending danger to ensure are in place when needed, and that the plan appropriately addresses the identified danger safety threats. This review shall be completed within seventy two hours from the time the automated assessment tool is submitted to the supervisor for review.~~

~~1. The supervisor shall provide feedback to the child protective investigator within twenty four hours after completion of the supervisory review.~~

~~(4)2. Supervisors shall conduct an initial supervisory consultation with the investigator within five (5) days of the assignment of the investigation to discuss the status of the investigation and the assessment activities conducted to date. If the supervisor determines that the report meets the criteria for a second party review, the supervisor shall refer the automated investigative file for second party review within twenty four hours of such determination.~~

(5)(e) A second tier consultation shall party review all reports in which is required if:

1. An in-home present danger safety plan is initiated with the family. The caregiver is responsible for the death or serious injury of another child and/or any two of the following conditions exist:

a. Child victim is age four or younger or nonverbal; or

b. There are prior reports involving any of the subjects of the current report, regardless of finding;

2. An impending danger safety plan is initiated with the family and a dependency petition is not filed in court. There is a current report of actual serious or severe injury, neglect, or threatened harm.

3. There are no identified danger threats in the home, i.e. the child is assessed as "safe", but the child's risk assessment score is high or very high.4. There is a child death with surviving siblings in the home.

(d) The second party reviewer has seventy two hours from receipt of the automated assessment tool to complete the second party review. The second party reviewer shall provide feedback to the child protective investigator supervisor within twenty-four hours after completion of the second party review.

(e) The statewide automated child welfare information system shall be updated after initial assessment and automated investigative file re submitted for supervisory review and second party review under the following circumstances:

1. After initial contact with the child or any other subject of the report, when the initial contact occurs after the initial submission of the Child Safety Assessment.

2. At any stage of the investigation when a determination is being made whether or not to remove the child from the home;

3. As often as necessary to ensure the child's safety;

4. As new information is received which may have an impact on child safety;

5. When the circumstances change within the child's environment at times other than required under this section;

6. Prior to the development of a recommendation to the court for disposition in cases being considered for judicial action; and

7. Prior to closure of the investigation in the statewide automated child welfare information system.

(6) Safety plans, as documented in the statewide automated child welfare information system, shall be re-assessed, updated and resubmitted to the child protective investigator supervisor for review and approval immediately upon learning during the course of an investigation that:

(a) The immediate safety or well being of a child is endangered;

(b) The family is likely to flee;

(c) A child died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in Section 827.03, F.S.; or

(e) A child is a victim of sexual battery or of sexual abuse.

(7) ~~The allegation matrix, as referenced in Rule 65C-30.001, F.A.C., shall be used by the child protective investigator during the investigation. The allegation matrix serves the following purposes:~~

~~(a) Defines each specific type of abuse, neglect or abandonment;~~

~~(b) Guides child protective investigators in determining whether abuse, neglect or abandonment has occurred;~~

~~(c) Helps to ensure that all factors are considered when assessing specific types of maltreatment;~~

~~(d) Assists with assessing the nature and severity of a reported injury or harm;~~

~~(e) Assists with assessing if a substantial likelihood of immediate injury or harm exists;~~

~~(f) Assists with assessing the probability of further harm; and~~

~~(g) Assists in the determination that the necessary evidence exists to support the findings of the report.~~

~~(8) The child protective investigator supervisor shall ensure that relevant collateral contacts are made and that the protective investigator documents the contacts in the automated investigative file.~~

~~(9) The investigation shall be completed within 60 days.~~

~~(10) The child protective investigator and their supervisor may elect to conduct an on site investigation rather than an enhanced investigation if the following criteria are met:~~

~~(a) For the current report, there is obvious compelling evidence that no maltreatment occurred;~~

~~(b) There are no prior reports containing some indicators or verified findings of abuse, neglect or abandonment with respect to any subject of the report or other individuals in the home. Any prior reports in which an adult in the home was a victim of abuse, neglect or abandonment before becoming an adult does not exclude a report otherwise meeting the criteria of the law;~~

~~(c) The current report concerns an incident of abuse that is alleged to have occurred two or more years prior to the date of the report, and there are no other indicators of risk to any child in the home at this time; and~~

~~(d) For the current report, there is no allegation involving:~~

~~1. Serious physical abuse;~~

~~2. Sexual abuse;~~

~~3. Domestic violence;~~

~~4. Substance abuse;~~

~~5. Substance exposure;~~

~~6. Medical neglect;~~

~~7. A child younger than 3 years of age; or~~

~~8. A child who is disabled or lacks communication skills;~~

~~(11) The determination that a report does not require an enhanced on site child protective investigation shall be approved in writing and documented in the automated~~

investigative file by the supervisor and shall include documentation specifying why additional investigative activities are not necessary.

(12) A report that meets the criteria for an on-site investigation is not precluded from further investigative activities. At any time it is determined that additional investigative activities are necessary for the safety of the child, such activities shall be conducted.

(13) The training provided to staff members who conduct child protective investigations shall include instruction on the use of the injunction process under Section 39.504 or 741.30, F.S., which may be used to remove a perpetrator of domestic violence from the home.

(14) When a protective investigation determines that a custodial or a non-custodial parent has abused, neglected or abandoned his or her child, the department or sheriff's office shall take whatever actions are necessary to ensure the child's immediate and long-term safety.

(a) In instances where the non-custodial parent is found to be responsible for the abuse, neglect or abandonment, staff shall evaluate the custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse, neglect or abandonment. If it is determined that the custodial parent is not willing or does not have the capacity to protect the child, the child protective investigator shall take the necessary actions to ensure the immediate and long-term safety of the child.

(b) In instances where the custodial parent is found to be responsible for the abuse, neglect or abandonment, staff shall evaluate the non-custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse, neglect or abandonment.

1. The determination of the non-custodial parent's ability to ensure the safety of the child shall, at a minimum, include an assessment of the non-custodial parent's home, ability to protect the child from the custodial parent, prior abuse and neglect history and related services, local law enforcement call history and FCIC criminal history and its implications on child safety.

2. If the safety of the child cannot be assured while in the care of the custodial parent and it is determined that the non-custodial parent can ensure the safety of the child, the child shall be released to the non-custodial parent. An emergency hearing to request a change of primary residence shall be held within twenty-four hours of release of the child to the non-custodial parent.

(c) If it is determined that the non-custodial parent requires court-ordered assistance to assure the child's safety, the department or the sheriff's office shall take the following actions:

1. Gather and review all available documentation concerning previous court orders, visitation arrangements, domestic violence orders, stipulations and all other official documents in order to gain insight into the current circumstances. These documents shall be reviewed with the

Child Welfare Legal Service attorney and a plan of action shall be developed;

2. Through the Child Welfare Legal Services attorney (CWLS) or State Attorney or Attorney General providing the CWLS function, petition the dependency court to take immediate action to supersede existing orders, require supervised visitation, and take other appropriate action;

3. Provide additional voluntary services to the non-custodial parent as appropriate to ensure mitigation of risks and immediate and long-term child safety and permanency. This includes services to the custodial parent, when the child has been released to the non-custodial parent, if appropriate.

4. If the child is released to the non-custodial parent, and reunification with the custodial parent is not an option, the non-custodial parent shall be advised of the need to obtain a change of custody order granting custody to the non-offending, non-custodial parent.

5. It is the department's or sheriff's office responsibility to ensure child safety without regard to the parents' marital status or the existence of prior, or contemporaneous, dissolution of marriage actions.

(6)(15) The child protective investigator shall determine in all investigations whether a child is an American Indian child or Alaskan Native child, as defined by the Indian Child Welfare Act, codified at 25 U.S.C. s. 1901 et seq. When it is determined that the child is an American Indian child or Alaskan Native child, the child protective investigator shall comply with the provisions of the Indian Child Welfare Act codified at 25 U.S.C. s. 1901 et seq.

Rulemaking Specific Authority 39.012, 39.0121, 39.301(14)(c) FS. Law Implemented 39.01, 39.012, 39.202, 39.30, 39.301, 39.303 FS. History--New 5-4-06, Amended \_\_\_\_\_.

65C-29.004 Institutional Child Protective Investigations.

(1) The department or the sheriff's office shall conduct a child protective investigation of each report of institutional child abuse, neglect or abandonment, as defined in Sections 39.01(31) and (47), F.S.

(1)(2) If the institutional report involves a Department of Juvenile Justice (DJJ) facility or institution, the child protective investigator shall comply with the investigations of abuse or neglect in DJJ program requirements pursuant to the Interagency Agreement between the Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Juvenile Justice, Department of Education, Department of Health, Guardian ad Litem Program, and Florida's Office of Early Learning To Coordinate Services for Children Served by More than One Agency (Interagency Agreement), signed October 31, 2012, incorporated by reference and available at <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/Inter-Agency-Agreement-ALL.pdf>.

~~Inter Agency Agreement Between the Florida Department of Juvenile Justice and Florida Department of Children and Family Services, dated August 9, 2005. The Department and sheriff's offices shall develop local protocols for the implementation of the Interagency Inter Agency Agreement.~~

~~(2)(3) Upon receipt of such report, the child protective investigator shall commence the investigation within the timeframes established by the Florida Abuse Hotline, pursuant to Section 39.201(5), F.S. If the report has been assigned an immediate initial response by the Florida Abuse Hotline, it may be downgraded to a 24-hour response, if approved by the immediate supervisor. Approval shall be based on a determination that the child is not currently being harmed or at risk of harm. The rationale for the change shall be approved by the supervisor and documented in FSFN the statewide automated child welfare information system.~~

~~(3)(4) Upon receipt of such report, the child protective investigator shall provide the following notifications:~~

~~(a) Immediate oral notification to the appropriate law enforcement agency;~~

~~(b) Immediate oral notification to the appropriate state attorney's office and provide a written report within 3 days of commencement, or as specified by county protocol;~~

~~(c) Immediate oral notification to the agency responsible for the licensing, contract management and/or regulatory oversight of the institution which shall not exceed one working day after receipt of the report;~~

~~(a)(d) If the institution is exempt from licensing under Section 409.176, F.S., the Florida Association of Christian Child Caring Agencies (FACCCA) shall be notified;~~

~~(b)(e) If the institution is a Department of Juvenile Justice contracted facility or a Department of Juvenile Justice operated facility, immediate notification to the Department of Juvenile Justice State Program Office shall be made, in accordance with local protocols implementing the Department of Juvenile Justice and Department of Children and Family Services Inter-Agency Agreement;~~

~~(c)(f) If the institution is a residential child caring facility, as defined in Sections 409.175 and 409.176, F.S., the facility's superintendent or their designee shall be notified upon initial contact at the institution;~~

~~(d)(g) If the institution is a child caring facility, as defined in Section 402.302, F.S., notify the agency responsible for licensing and/or regulatory oversight. Upon initial contact at the facility, the child protective investigator shall verify the name of the licensing or regulatory agency and obtain a contact number for such agency;~~

~~(h) Notify the appropriate Florida Local Advocacy Committee within 48 hours of report commencement. If unsure which Local Advocacy Committee shall be notified, contact the appropriate district or zone client relations coordinator to obtain such information;~~

~~(e)(i) If the facility is exempt from licensing, as specified under Sections 409.176 and 402.316, F.S., notify the owner or operator of the facility;~~

~~(j) Notify the child's parent, non-custodial parent when known, or legal guardian of the receipt of the report and ongoing investigation;~~

~~(f)(k) Notify the child's attorney, if one has been appointed to represent the best interests of the child;~~

~~(g)(l) Notify the child's guardian Ad Litem of the receipt of the report and ongoing investigation; and~~

~~(m) If the child victim is in an out-of-home placement, the child protective investigator shall assist the child's services worker regarding notification and investigative findings by ensuring timely communication of the report and findings with the services worker and addressing any questions or concerns expressed by the child's parents.~~

~~(4)(5) For each institutional report he or she it receives, the child protective investigator shall:~~

~~(a) Review the agency, facility, or program's prior history of reports and determine which investigations occurred under the current management structure or owner to be able to associate a pattern of reports and responsibility for corrective actions to the appropriate individual or program manager, administrator, or owner.~~

~~(b)(a) Conduct an on-site face-to-face contact with the alleged victim. For the purpose of an institutional investigation, an on-site visit refers to contact with the child victim at the institution where the alleged abuse, neglect or abandonment occurred. If the child is no longer located at the institution or facility, the on-site visit will occur where the child is located at the time the report is received. The on-site visit shall be unannounced unless it is determined that an unannounced visit would threaten the safety of the child.~~

~~1. For institutional reports where the alleged child victim is no longer located at the institution or facility, the child protective investigation shall be transferred to the county where the institution or facility is located immediately upon completion of the face-to-face contact with the alleged victim and assessment and documentation of the child safety factors their family. The child protective investigator shall complete all the required documentation in the automated investigative file regarding the commencement of the investigation, contact with the child and family, assessment of the child institutional safety factors and the child and family services needs prior to the transfer of the child protective investigation to the county where the institution or facility resides.~~

~~2. For institutional reports involving where there are multiple alleged victims, the investigator, upon completing an assessment, shall add to the automated investigative file only the names and related demographic information of those additional child victims for whom there has been a~~



determination of ~~not substantiated~~ ~~some indication~~ or verified findings shall be part of the final report.

3. ~~If the allegations involve an employee of a private school, public or private child care center, a face to face visit with the child and his or her parent or legal custodian shall take place at the child's residence. The child protective investigator shall inform ensure that the parent or legal custodian of any danger threat(s) to the child and discuss what actions are required on the caregiver's part to ensure the child's safety shall not return the child to a potentially dangerous situation.~~

4. If the child's school, daycare, parent or institution denies the child protective investigator access to the alleged victim, the investigator shall immediately contact a Children's Child Welfare Legal Services attorney in order to seek court authorization to gain access to the alleged victim.

5. ~~It shall be determined if any other children are potentially at risk due to the alleged abuse, neglect or abandonment.~~

a. ~~If the investigator has determined that there are other children in the institution that are potentially at risk due to the allegations in the report, the name, date of birth, social security number, sex and race of those children shall be added to the automated investigative file. All other related information shall be documented in the automated investigative file.~~

b. ~~If the results of the investigation, including the nature of the abuse, neglect or abandonment and associated findings, indicate a threat of harm to other children in the institutional employee's own household, the child protective investigator shall immediately contact the Florida Abuse Hotline for the purpose of reporting the information to the Florida Abuse Hotline for screening.~~

(c)6. Determine the nature and extent of the alleged maltreatment. If as a result of the allegations the child has been examined by either the institution's medical staff or any other medical professional, the investigator shall consult with such medical staff and obtain a copy of the medical records generated as a result of such examination. ~~In accordance with Section 39.303, F.S., the child shall be referred for consultation or evaluation to the Child Protection Team if the child meets the criteria for such referral.~~

(d)7. Determine the identity of the person responsible for the maltreatment, including the name, address, social security number, gender, sex and race. In instances in which ~~where~~ the employee alleged institutional caregiver is found to be responsible for the abuse, neglect or abandonment in an institutional setting, the child protective investigator shall assess whether the severity of the verified maltreatment or other circumstances warrant a concurrent, in-home investigation of the caregiver's household, due to the presence of children in the employee's home is not identified at the time that the Florida Abuse Hotline accepts the report, the investigator, upon completing a determination of findings, shall record the name

~~of the institutional employee determined to be responsible for the abuse, neglect or abandonment.~~

a. ~~Identify individual culpability.~~

b. ~~Identify institutional culpability (disciplinary/control/other practices that present risk or harm to the children).~~

8. ~~Advise the alleged responsible caregiver of his or her right to be represented by an attorney or be accompanied by another person at his or her own expense.~~

9. ~~The person or attorney shall execute an affidavit of understanding, agreeing to comply with the confidentiality requirements of Section 39.202, F.S.~~

10. ~~The absence of an attorney or other person shall not prevent the child protective investigator from proceeding with the investigation.~~

11. ~~Determine the immediate and long term risk to the child subject of the report, including other children in the institution or facility who are potentially at risk of harm or threatened harm.~~

12. ~~Complete the initial section of the automated assessment tool within forty eight hours of initial contact with the victim.~~

13. ~~Complete a prior abuse, neglect or abandonment history check, including foster care referrals, on the alleged victim, the alleged caregiver responsible, and the facility or institution.~~

14. ~~Address the facility's/institution's history of compliance with recommendations or agreed upon safety plans as a result of prior reports and/or foster care referrals.~~

15.a. ~~Address implications of prior history based on total number of reports and/or foster care referrals received; the span of time between reports and/or foster care referrals; the number of report and/or foster care referrals sources; patterns illustrated across reports and/or foster care referrals; common victims and target children.~~

b. ~~If the report involves a licensed foster home, group home or emergency shelter, the child protective investigator shall review the licensing file for the documentation of the licensing staff's response, assessment and disposition of foster care referrals that may have been received on the institution.~~

16. ~~Complete a criminal records check on the alleged victim and the alleged caregiver responsible.~~

17. ~~Complete all relevant collateral contacts with persons who may have information regarding the issues being addressed in the investigation.~~

(e)18. Determine if the immediate safety actions are necessary to protect the child from further abuse, neglect or abandonment. If the program or facility's owners or administrators have not taken sufficient actions to address a situation of harm or threatened harm to a child in their care, the child protective investigator may restrict the alleged perpetrator's access to the child if:

~~(b) Immediate safety actions shall be taken if any of the following conditions are present:~~

~~1. The A caregiver has harmed a child or made credible threats to harm a child and continues to have access to the child; or~~

~~2. A child has been targeted by another child or children in the facility for physical or sexual assault and an employee or provider with knowledge of this has failed to take reasonable measures to ensure the child's safety;~~

~~3. A child has a serious medical condition requiring treatment and has been denied access to treatment; or~~

~~2.4. The Regular investigator determines that the safety measures of the facility are insufficient to ensure that a child is not further harmed.~~

~~(c) Identify the specific safety actions to be taken, when and by whom. These may include one or more of the following actions:~~

~~1. Recommend limiting facility operations to the certification, contractual or regulatory agency;~~

~~2. Recommend periodic, unannounced visits on-site by one or more of the certification, contractual or regulatory authorities to monitor progress and compliance;~~

~~3. Recommend a change in facility administration to the certification, contractual or regulatory agency;~~

~~4. Recommend daily monitoring on-site by one or more of the certification, contractual or regulatory agencies;~~

~~5. Removal of a child or all children from a facility; and~~

~~6. Recommend closure of the facility by one or more of the certification, contractual or regulatory agencies;~~

~~7. Restrict the institutional employee's access to the child or other clients, as warranted, in accordance with Section 39.302(2)(a), F.S.~~

~~(d) Discuss the safety plan with the employee, provider/operator and licensing or regulatory oversight agency in order to ensure cooperation and coordination.~~

~~(e) Document the agreed upon plan in the Child Safety Assessment (Initial).~~

~~(f) Provide a copy of the safety plan to all appropriate parties.~~

~~(g) Determine the corrective actions necessary to remove the conditions that led to the abuse, neglect or abandonment.~~

~~(f)(h) Determine the child's family's need for services, if any, in order to deal with the maltreatment and advise:~~

~~1. Discuss report findings with the child's parent or legal custodian and the child's guardian ad litem, if appointed.~~

~~2. Advise the child's parent or legal custodian and the child's guardian ad litem, if appointed, of the community resources available to help the child and family cope with the maltreatment.~~

~~(g)3. Discuss the report findings and the child's parent or legal custodian need for services or treatment with the child's parents or legal guardians, case manager and/or DJJ counselor, if assigned services worker and guardian ad litem, if appointed~~

~~if the child is under the supervision of the department, a community based care provider or the Department of Juvenile Justice.~~

~~4. Request a specialized investigation of the provider/facility. The type of specialized investigation and the composition of the specialized investigation team shall be determined based on the case specific needs.~~

~~5. Provide written recommendations for a corrective action plan to the licensing or regulatory unit responsible for oversight of the institution.~~

~~Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.302 FS. History-New 5-4-06, Amended \_\_\_\_\_.~~

65C-29.005 Children Denied Shelter (Lockouts).

~~(1) The child protective investigator shall comply with the Children Denied Shelter (Lockouts) requirements pursuant to the Inter Agency Agreement Between the Florida Department of Juvenile Justice and Florida Department of Children and Family Services, dated August 9, 2005.~~

~~(2) The department and sheriff's offices shall develop local protocols for the implementation of the Inter Agency Agreement.~~

~~Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201, 39.301 FS. History-New 5-4-06, Repealed \_\_\_\_\_.~~

65C-29.006 Foster Care Referrals.

~~(1) Foster care referrals involve concerns about possible licensing violations or the manner of care provided for children in emergency shelter, foster, or group homes. A Foster care referrals do referral does not contain allegations of meet the criteria for a child abuse, and neglect or abandonment report. If However, in instances in which during the course of the assessment of the foster care referral, there is indication that child maltreatment is identified or suspected during assessment of the foster care referral may have occurred, the responder shall contact the Florida Abuse Hotline for the purpose of reporting the suspected maltreatment and initiating a separate child protective investigation.~~

~~(2) The Upon receipt of the Foster Care Referral by the child protective investigation unit where the child is located, the foster care referral shall be immediately forwarded to the licensing unit or agency responsible for the licensing of the foster home, group home or emergency shelter home shall initiate the assessment within 72 hours of receipt of the referral for documentation and response.~~

~~(a) The foster care referral shall be forwarded to the licensing unit supervisor by the child protective investigations unit supervisor.~~

~~(b) In instances in which the foster care referral is received during a weekend or holiday, the on call child protective~~

investigator shall consult with their supervisor and the licensing supervisor to determine if a response by the licensing unit staff by the next business day is appropriate. If it is determined that the concerns documented in the referral warrants a response sooner than the next business day, the on call child protective investigator shall make an initial response prior to the assignment of the foster care referral to the licensing unit on the next business day.

(c) Once the foster care referral is forwarded to the appropriate licensing unit by the receiving child protective investigations unit, the child protective investigator supervisor will document the date, time and name of the licensing unit supervisor accepting the foster care referral for response. Such documentation will be made in the chronological notes section of the statewide automated child welfare information system.

(d) The child protective investigator supervisor shall close the foster care referral in the statewide automated child welfare information system upon completion of the required documentation.

(3) The licensing unit or agency staff assigned shall respond to the foster care referral within twenty four hours of receipt of the referral by the licensing unit and complete the their assessment and determine corrective actions required, if any, within five (5) working days of the from receipt of the referral response.

Rulemaking Specific Authority 39.012, 39.0121, 409.175 FS. Law Implemented 39.01, 39.012, 409.175 39.204 FS. History—New 5-4-06, Amended \_\_\_\_\_.

65C-29.007 Child-on-Child Sexual Abuse.

(1) To reduce the stigma of child-on-child sexual abuse and reduce further harm to the child victim(s), the child protective investigator shall use a family-centered, trauma-informed approach to conduct the assessment process. Child protective investigators shall respond to all reports of child on child sexual abuse where the alleged juvenile sexual offender is age twelve or younger.

(a) Unless the facts otherwise so warrant, the department shall respond to reports alleging juvenile sexual abuse within 24 hours after acceptance of the report by the Florida Abuse Hotline.

(b) If the sexual offender is a sibling or has on going access to the victim, the department will respond immediately.

(2) Assessment elements to be considered in determining a need for services and case planning include, but are not limited to:

(a) Offense Characteristics — the victim is substantially younger than the offender rather than peer age; the victim is known to the offender; the use of coercion, violence, and bribes by the offender; there are elements of secrecy involved; there are multiple victims; the number of abusive incidents; there is history of non sexual aggravated assault.

(b) Child Maltreatment History — the offender has a history of sexual victimization, physical abuse, neglect, or family/domestic violence.

(c) Social and Interpersonal Skill and Relationships — the offender's family has a history of instability; there is a history of physical or emotional separation from one or both parents; the offender has inadequate social skills, poor peer relationships, and/or is socially isolated.

(d) Sexual Knowledge and Experience — the offender has knowledge of advanced sexual practices and/or exposure to pornography.

(e) Academic and Cognitive Functioning — the offender has academic difficulties, reduced empathy and blames the victim.

(f) Mental Health Issues — the offender has a history of impulse control problems, anxiety, depression, suicidal ideation, substance abuse.

(2)(3) Referrals for services shall will not be initiated when, in the determination of the protective investigator, the reported incident contains elements of normal sexual exploration that is voluntary, spontaneous, and typically involves same-age children. These 'play' incidents typically involve gender role exploration in looking at, and touching each other's bodies without modeling adult sexual experiences.

(3)(4) Referrals for services shall will be initiated when sexual behaviors are documented to be repetitive, unresponsive to adult intervention and supervision, equivalent to adult criminal violations, and pervasive – representative occurring across time and situations, and highly diverse — consisting of a wide array of developmentally unexpected sexual acts.

(4)(5) Case planning and determination of treatment needs are to be conducted through a multi-disciplinary staffing approach involving the child's parents, child protective investigative staff, law enforcement, representatives of the child protection team of the Department of Health or Children Advocacy Centers, and community-based care providers under contract with the Department to provide ameliorative and treatment services as appropriate.

(6) The child protective investigator will document the assessment, treatment needs, and case plan, if needed in the statewide automated child welfare information system within thirty days of acceptance of the report by the Florida Abuse Hotline.

(7) A services worker will be identified through the staffing process who will be responsible for periodically reassessing and revising the treatment needs, treatment objectives, and required interventions.

(8) The department may pursue a child protective investigation when the facts otherwise so warrant as in the case of a caregiver's failure to provide adequate supervision to prevent a child on child sexual abuse incident or when disclosure indicates caregiver to victim sexual abuse was the antecedent to the child on child sexual abuse.

~~(5)(9)~~ In those situations where the parent or legal guardian caregiver does not agree with the multidisciplinary staffing recommendations for further assessment or treatment for the juvenile sexual offender or child exhibiting inappropriate sexual behavior, the child protective investigator services worker will refer the family for mediation or arbitration, if available.

~~(a)~~ If the family or caregiver refuses to participate in mediation or arbitration, the child protective investigator will notify the appropriate law enforcement agency of the caregiver's failure to comply for consideration of legal charges against the offender.

~~(b)~~ If the family or caregiver refuses to participate in mediation or arbitration, the child protective investigator will refer the child to the Child Protection Team to determine if the parent's refusal to follow the recommendations of the multi-disciplinary staffing will place the child at risk of emotional, physical or medical harm.

~~(c)~~ The child protective investigator will also staff the case with Children's Child Welfare Legal Services for consideration of filing a petition for dependency to address the child's on-going need for therapeutic interventions based on medical neglect or the risk of harm, as determined by the CPT assessment.

Rulemaking Specific Authority 39.012, 39.0121, 39.307(7) FS. Law Implemented ~~39.01, 39.012, 39.307, 39.3068~~ FS. History–New 5-4-06, Amended \_\_\_\_\_.

65C-29.008 Initial Health Care Assessment for and Medical Examination of Children Alleged to Be Abused, Neglected or Abandoned.

(1) Unless a child is exhibiting signs or symptoms of illness, aAn initial health care assessment by a licensed health care professional shall will be completed for every child placed with a relative, non-relative, or in licensed entering emergency shelter care within five (5) working days seventy two hours of the removal. See Rule 65C 28.003, F.A.C., regarding medical consent requirements when a child is removed from his or her home. A child who appears to be sick or in physical discomfort shall be examined by a licensed health care professional within 24 hours.

~~(2)~~ If, during the child protective investigation, a medical examination is needed to determine the existence of abuse, neglect or abandonment, the child protective investigator shall attempt to obtain consent from the parent, the legal guardian or the legal custodian of the child.

(2)(3) Whenever possible, the assessment should be conducted by the child's regular pediatrician, physician's assistant, or nurse practitioner. In instances when the child has not been regularly seen by a pediatrician, physician's assistant, or nurse practitioner, all cases in which a medical examination is required the following alternatives are listed assessment shall

be completed by one of the following listed in preferential order descending order of preference:

(a) A physician, physician's assistant, or nurse practitioner selected by the parent or legal guardian from the Child Protection Team (CPT); or

(b) Medical staff from the Child Protection Team (CPT).A pediatrician; and

(c) An emergency room physician.

(4) The child protective investigator shall seek an ex parte court order for medical examination if a physician or hospital staff will not examine the child upon request.

(5) A referral to the CPT is required for reports involving allegations specified in Section 39.303(2)(a) (h), F.S.

(3) Only non-invasive medical procedures may be used on children during health care assessments unless the child's parent gives permission or a court order has been obtained authorizing the invasive procedure. Any procedure that involves penetration of the child's skin or internal body cavity beyond a natural or artificial body orifice is considered invasive.

Rulemaking Specific Authority 39.012, 39.0121, 39.407 FS. Law Implemented ~~39.01, 39.012, 39.304, 39.407~~ FS. History–New 5-4-06, Amended \_\_\_\_\_.

65C-29.009 Criminal, Juvenile and Abuse/Neglect History Checks.

~~(1)~~ For each initial and additional abuse or neglect report received, the Florida Abuse Hotline will perform a systems check on all known subjects prior to assigning the report.

~~(a)~~ Statewide criminal history checks, through the Florida Crime Information Center (FCIC) will be performed on all subjects of the report age twelve or older.

~~(b)~~ A delinquency check is required for all subjects of the report age twelve to twenty six.

~~(c)~~ The department's statewide automated child welfare system shall be checked for prior and/or current child protective investigations and/or ongoing services involvement with all subjects of the report.

(1)(2) For each initial and additional abuse or neglect report received, the child protective investigator shall request a local history check from local law enforcement on all subjects of the report, household members and any adult visitor to the home who provides care or supervision of the child outside the parent's immediate presence frequent visitors within 24 hours of the person's identity and receiving the available demographic information becoming known to the investigator. The request State criminal history and delinquency record checks are not a substitute for the local law enforcement eall history check checks shall include any call-out history to the family's residence.

(a) The results of the local law enforcement history checks, including those that did not result in an arrest, shall be evaluated

~~for patterns of behavior or domestic violence that may pose potential risk to a child.~~

~~(b) The child protective investigator shall conduct a check of the Department of Corrections records on parents, legal custodians, caregivers, frequent visitors and any other persons residing in the household.~~

~~(2)(3) For any persons residing in the household or additional subjects of the report that were not included in the initial record checks completed by the Florida Abuse Hotline, the child protective investigator shall request the Hotline to complete additional checks on these individuals or additional abuse or neglect report, within 24 twenty four hours of the person's identity and demographic information person becoming known to the investigator; and, the child protective investigator shall:~~

~~(a) Contact the Florida Abuse Hotline to request statewide and national criminal history checks on all persons twelve and older, and delinquency checks on all persons twelve to twenty-six years of age; and~~

~~(a)(b) Perform a check of the Department's statewide automated child welfare system for prior and/or current child protective investigations and/or ongoing services involvement with these persons.~~

~~(b)(c) Request a local criminal history check from local law enforcement.~~

~~(3)(4) If the family has moved to Florida from another state within the past five (5) years, the child protective investigator shall contact the appropriate law enforcement and child protection agencies in the state where the family resided and request a criminal, including local, and abuse history check on all subjects and household members of the report.~~

~~A summary of the non-sealed and non-expunged statewide criminal history and abuse history checks shall be documented in the automated investigative file.~~

~~(5) When a child is taken into protective custody and placed with a relative or non relative caregiver, the investigator shall conduct the required criminal history and delinquency record check requirements for relative and non relative placement requirements under Rule 65C-28.011, F.A.C., prior to placement.~~

~~Rulemaking Specific Authority 39.012, 39.0121, 39.401 FS. Law Implemented 39.01, 39.012, 39.301 FS. History—New 5-4-06, Amended \_\_\_\_\_.~~

65C-29.010 False Reports.

(1) When a child protective investigator suspects that a false report has been made, the investigator as defined in Section 39.01(27), F.S., he or she shall advise the reporter of the potential administrative fines, civil and criminal penalties associated with the filing of that may result if a false report has been made.

~~(a) The child protective investigator shall provide the alleged perpetrator and others involved in the report with written information regarding false reporting and their rights under Sections 39.205 and 39.206, F.S.~~

~~(b) The chronological notes in the automated investigative file shall contain documentation of any evidence establishing the suspicion of false report, advice to the falsely alleged perpetrator, delivery of the brochure, consultation with district legal counsel, documentation of each factor considered, consent of the alleged perpetrator and referral to law enforcement.~~

~~(2) In determining whether a report has been filed maliciously, the Department shall consider the following factors: where applicable. It shall not be necessary for all factors to be considered or present in each case in order to determine that a report constitutes a false report.~~

~~(a) There are no indicators of abuse, neglect or abandonment as alleged in the report. Has the preponderance of the facts alleged in the report been determined to be untrue?~~

~~(b) The reporter has made contradictory or inconsistent statements when questioned about how the reported information was obtained. Has the reporter admitted that the report is untrue or that it is a false report?~~

~~(c) Have criminal charges been filed for false reporting?~~

~~(d) Has the reporter made contradictory statements?~~

~~(c)(e) Prior allegations made Have prior reports by this reporter have been determined to be patently unfounded false or to have no indicators of abuse, neglect or abandonment.?~~

~~(d)(f) There is credible evidence that the reporter has a history of disputes or seeking retaliation against the alleged perpetrator or other family members. Have statements been made during the investigation, which indicate retaliation against another person?~~

~~(g) Is there a history of disputes?~~

~~(e)(h) There is a history of unresolved Are custody issues between the reporter and the alleged perpetrator or other family members, being decided concurrently with the report?~~

~~(i) Is the reported information patently false relative to what is observable?~~

~~(j) Is information provided by an individual who witnessed the reporting of false information or to whom the reporter admitted to false reporting?~~

~~(k) Is there likelihood of personal or financial gain for the reporter?~~

~~(l) Is there any other relevant information from neighbors, relatives, professionals or other persons?~~

(3) Child protective investigators and child protective investigator supervisors shall, in consultation with the Children's Child Welfare Legal Services attorney, and with the consent of the alleged perpetrator, refer the suspected false report to the local evaluate and document the reasons they suspect that a false report has been made, and notify the

appropriate law enforcement agency having jurisdiction along with the following information:-

~~(4) Referrals of false reports to law enforcement shall include:~~

- ~~(a) The report number and a copy of the investigative file;~~
- ~~(b) All factors that were considered in the determination that the report constitutes a suspected false report;~~
- ~~(c) The audio recording of the call to the Florida Abuse Hotline; and~~
- ~~(d) The identification of the physical location from where the call originated.;~~
- ~~(e) The identification of the reporter of the false report; and~~
- ~~(f) The identity of the victim.~~

~~(5) The department or sheriff's office shall comply with the provisions of Section 39.205, F.S., for any subsequent reports received on the children in the family believed to be falsely reported to the Florida Abuse Hotline.~~

~~Rulemaking Specific Authority 39.012, 39.0121, 39.205(7) FS. Law Implemented 39.01, 39.012, 39.206, 39.205(7) FS. History-New 5-4-06, Amended \_\_\_\_\_.~~

65C-29.011 Out-of-Town Inquiries.

(1) Out-of-town inquiries (OTIs) are requests for information exchange between child protective investigators working in counties of different jurisdiction. include:

- ~~(a) Requests for interviews of subjects of reports of abuse, neglect or abandonment found in one county when other subjects are in another county;~~
- ~~(b) Requests for intra-state home studies for relative/non-relative emergency placements.;~~ and;
- ~~(c) Requests for local criminal history checks.~~

(2) Any request made on behalf of children that lawfully requires the initiation of interstate compact for placement of children procedures are not eligible to utilize the OTI process.

(3) OTIs may be initiated by a child protective investigator, child protective investigations supervisor, the court, or an out-of-state social service agency.

~~(a) Intra state OTI requests shall be initiated by the child protective investigations supervisor. Child protective investigators may initiate a request for an OTI during an after-hours emergency situation.~~

~~(b) Inter state OTI requests may be initiated by the child protective investigator or child protective investigations supervisor.~~

(4) Upon The request for the OTI shall be initiated by the sending unit supervisor, to the receiving unit supervisor, via telephone, fax or e-mail. Immediately upon initiating the request for an the OTI, the sending unit investigator requesting the OTI or supervisor shall document in the purpose for the request and automated investigative file the contact with the receiving unit's supervisor, as well as the specific actions

required to be completed in the investigative record through the OTI.

(5) The OTI investigator shall be assigned to the automated report immediately upon receipt of the OTI request. OTIs shall be commenced within 24 twenty four hours of the receipt of the request unless the OTI involves an emergency placement or response to imminent child safety. When an emergency placement is being sought or imminent child safety is involved, the OTI shall be commenced immediately.

~~(a) If the OTI request is for the purpose of making an initial contact with the child victim, the OTI investigator shall ensure that an on-site contact with the child victim is attempted within twenty four hours of the report received date and time.~~

~~(b) In instances in which an additional report is received with an immediate response priority and the child victim is located in a county other than the assigned county, the OTI investigator, upon notification by the Florida Abuse Hotline, shall immediately attempt an on site contact with the child victim.~~

(6) OTIs requesting information for planned placements, adult subjects of a report, or children not alleged to be a victim shall be completed within five (5) working days of the receipt of the OTI request, unless otherwise agreed upon at the time of the OTI request between the sending unit and the receiving unit supervisors. Upon completion of the requested actions, the OTI actions, the child protective investigator shall document all requested information in the investigative record chronological notes section of the automated investigative file, as well as complete any other appropriate documentation in the statewide automated child welfare information system.

(7) Any disagreements regarding the acceptance or handling of an OTI request shall be referred directly to each investigator's respective supervisor the district administrators or their designees for timely resolution to meet the response standards established within this chapter twenty four hours of refusal of the OTI.

~~(a) The reason for refusal to accept the OTI request shall be immediately documented in the chronological section of the automated investigative file.~~

~~(b) The resolution shall be documented in the chronological section of the automated investigative file.~~

~~Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History-New 5-4-06, Amended \_\_\_\_\_.~~

65C-29.012 Transfer of Child Protective Investigations Within and Between Circuits Districts.

(1) The transfer of a child protective investigation within and between circuits districts shall be initiated at the supervisory level, by the sending unit supervisor requesting the transfer, to the receiving unit supervisor, via telephone or e-mail

within ~~24~~ twenty-four hours of identification of the need for transfer.

~~(2)(a)~~ Prior to initiating the request for transfer, the ~~sending unit~~ supervisor shall ensure that all information collected to date and the specific circumstances warranting the transfer are fully documented in the investigative file ~~automated investigative file documentation requirements are completed and updated in the statewide automated information system, including subject demographics and addresses, report commencement time, date and time subject seen and relevant safety factors.~~

~~(b)~~ Immediately upon initiating the request for the transfer, the ~~sending unit investigator or supervisor~~ shall document in the ~~automated investigative file~~ the contact with the receiving unit's supervisor, as well as the specific reasons for the request for transfer and the receiving unit's supervisor's agreement to the transfer.

~~(2)~~ The transfer shall be executed in the statewide automated information system within twenty-four hours of the request for transfer.

~~(a)~~ If the receiving unit supervisor refuses to accept the request for transfer, the receiving unit supervisor shall immediately document the reasons for the refusal in the chronological section of the automated investigative file.

~~(3)(b)~~ Any disagreements regarding the acceptance of a transfer request ~~within or between supervisors districts~~ shall be referred directly to each region's program manager or designee ~~the district administrators or their designees~~ for resolution within 24 ~~twenty-four~~ hours of the refusal of the transfer request.

~~(c)~~ The resolution shall be documented in the chronological section of the automated investigative file.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History—New 5-4-06, Amended \_\_\_\_\_.

#### 65C-29.013 Diligent Reasonable Efforts to Locate.

(1) The child protective investigator shall make diligent reasonable efforts to locate a family prior to closing the investigation. When the family cannot be located at the time of the initial visit, the investigator shall conduct follow-up visits to the home during different times of the day and night, including weekends. Reasonable efforts include both face-to-face, on-site contact procedures and the identification and use of written records and electronic data elements to help locate a family.

#### (2) Investigative Response:

~~(a)~~ When the family cannot be located at the time of the initial visit, attempts to locate them on a daily basis, at different times, shall be continued and documented in the automated investigative file.

~~(b)~~ If the family has not been located within 72 ~~seventy-two~~ hours, the child protective investigator shall determine

~~whether the family has fled to avoid the investigation or that the location information given to the Florida Abuse Hotline was inaccurate.~~

~~1.~~ The child protective investigator will re-contact the reporter, if known, and other collateral contacts to try to determine if the family has recently moved or has fled to avoid the abuse investigation. If the reporter is anonymous, and the child protective investigator has made diligent efforts ~~exhausted all possible means to locate the child, as required in subsection (3), Investigative Search Requirements,~~ the child protective investigator, ~~after approval by the supervisor,~~ shall use the caller ID number in the abuse report to contact the reporter for the purpose of locating the child.

~~2.~~ If the child protective investigator believes the family is still in residence but has just not been home when the investigator has attempted contact the investigator will continue to visit the home at different times of the day and night on a daily basis.

~~3.~~ If the address given to the Florida Abuse Hotline was inaccurate, the child protective investigator will contact the local school board and local child care licensing board when appropriate, as well as follow the investigative search guidelines, to secure a current address of the child subject of the report.

~~(3)4.~~ When the child protective investigator has reason to suspect ~~believe~~ that the family has fled to avoid the investigation, the child protective investigator, and the child protective investigations supervisor, and counsel from Children's Legal Services shall conduct a legal staffing meet with Child Welfare Legal Services to determine if sufficient probable cause exists to file a shelter petition based on credible evidence that the child is in imminent danger ~~petition the court for a 'Take Into Custody' Order on the alleged victim. Sufficient rationale to support conducting a legal staffing includes:~~

~~a.~~ Documented evidence that either the mandated reporter or other collateral contacts interviewed have directly observed the injury, or

~~b.~~ The alleged victim has verbally disclosed information to a mandated reporter that would cause a reasonable person to suspect that the child was in imminent danger of illness or injury as a result of abuse, neglect, or abandonment.

~~(4)5.~~ When the child protective investigator has made a preliminary determination that the family has fled to avoid the investigation, ~~or reasonable efforts to locate the family have been expended but have failed to locate the family,~~ a 'Statewide Alert' will be issued in FSFN ~~the statewide automated information system.~~

~~(3)~~ Investigative Search Guidelines. The investigative search shall include the attempts, results, responses and records obtained as a result of the contacts and inquiries as outlined, but not limited to the following:

- ~~(a) Neighbors to verify if the family has moved and possible location of family's new residence.~~
- ~~(b) Landlords or leasing agents.~~
- ~~(c) All known relatives and friends who may provide information on the parents such as: date of birth, social security number, aliases, veteran status, employment, driver's license number, and recent criminal charges, incarcerations, or hospitalizations.~~
- ~~(d) Parents' last known employer.~~
- ~~(e) Florida Telephone Directory 'New Listing' records.~~
- ~~(f) Utility company billing and new service records.~~
- ~~(g) United States Postal Service for 'Change of Address' information.~~
- ~~(h) District School Board for 'Transfer of School Records' information and emergency contact numbers for family.~~
- ~~(i) Local law enforcement checks.~~
- ~~(j) Local county jails.~~
- ~~(k) Department of Highway Safety & Motor Vehicle's 'Driver and Vehicle Information Database'.~~
- ~~(l) Florida Department of Revenue for 'Directory of New Hire' employment registration and Child Support Enforcement 'State Parent Locator Service'.~~
- ~~(m) Local Circuit Court, Civil and Criminal Division public computer access records for recent legal pleadings.~~
- ~~(n) Department of Corrections website search for active supervision and local Probation Office of jurisdiction.~~
- ~~(o) Area pawn shops transaction database.~~
- ~~(p) All major program offices of the State, including, but not limited to: Economic Self Sufficiency (ESS), Substance Abuse and Mental Health (SAMH), Agency for Disabled Persons (ADP), Children's Medical Services (CMS), and Department of Juvenile Justice (DJJ).~~

~~(5)(4) Prior to closing an investigation when a family cannot be located, the supervisor must determine if "diligent reasonable efforts to locate" the family have been expended. The supervisor must assess the following in making that determination:~~

- ~~(a) A thorough investigative search has been completed in an attempt to locate the family.~~
- ~~(b) A Statewide Alert has been issued on the family, when needed.~~
- ~~(c) The evidence gathered does not meet the standard for probable cause for the filing of a petition for a 'Take Into Custody' Order or sufficient rationale does exist and a petition has been submitted to the court.~~

~~(6)(4) Children who have been ordered to be taken into protective custody shall be have also been referred to the Florida Department of Law Enforcement (FDLE) Missing Child Tracking System (MCTS) and on-going search activities shall be transferred to the Regional Criminal Justice Coordinator for the purpose of ensuring continuing efforts to locate the child.~~

~~1. Upon the issuance of the Take into Custody Order for the child who is the subject of an abuse investigation but whose whereabouts are unknown, the requirements to report the child as missing, as outlined in Rule 65C 30.019, F.A.C., shall be initiated and completed by the child protective investigator.~~

~~2. In those cases where a Take into Custody Order has been issued for a child who is the subject of an abuse investigation but whose whereabouts are unknown the case shall be staffed for transfer from child protective investigations to ongoing services for the purpose of ensuring continuing efforts to locate the child and other activities related to missing children, as specified in Rule 65C 30.019, F.A.C.~~

~~Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01(32)(l), 39.402, 39.503 FS. History-New 5-4-06, Amended \_\_\_\_\_.~~

65C-29.014 High Risk Tracking and Review.

~~The department and sheriff's offices, in coordination with the community based care provider, shall develop a local protocol to be utilized whenever children in a case are identified as being at high risk of repeat maltreatment. The High Risk Tracking and Review protocol, as defined in subsection 65C 30.001(61), F.A.C., is intended to ensure that all child and parental risk and safety factors are thoroughly reviewed and considered in the process of decision making at all critical case planning junctures in the life of a case, from investigation through permanency. The protocol must include a supervisory review. The process must ensure that there is a documented and seamless review of safety and risk throughout the life of the case.~~

~~Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History-New 5-4-06, Repealed \_\_\_\_\_.~~

65C-29.015 Internal Reviews.

~~(1) An internal review shall be available upon written request by an individual named as the "caregiver responsible" for a verified finding of child abuse or neglect. A request for internal review from any other person will be denied.~~

~~(2) An internal review involves the examination of the information contained in the Florida Safe Families Network (FSFN), the hardcopy investigative file, other pertinent documents (if any are available) particular to the specific case, such as police reports, and any documents the caregiver responsible provides. The internal review will not re-investigate the allegations, but will consider whether a preponderance of the evidence supports the verified finding(s) based on the investigative process and information provided by the caregiver responsible.~~

~~(3) For each verified report identifying the caregiver responsible, the child protective investigator will provide the caregiver responsible by certified mail with a verified report letter, a "Notice of Right to an Internal Review", CF-FSP 5393,~~



June 2014, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/) and a “Request for Internal Review of Verified Findings”, CF-FSP 5394, June 2014, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). The child protective investigator will upload or scan copies of the Notice of Right to Internal Review and the Request for Internal Review for inclusion in the investigative case file.

(4) The identified caregiver responsible must return the Request for Internal Review to the Department’s point of contact in the region within 30 calendar days of receipt of the verified report letter. Failure to return the request within 30 days of the receipt of the verified report letter, absent a showing of good cause, will be considered a waiver of internal review.

(a) The internal review coordinator or designee must date stamp all requests for internal review on the date received.

(b) The internal review coordinator or designee will send by certified mail an “Acknowledgment of Request for Internal Review of Verified Finding(s)”, CF-FSP 5392, June 2014, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), within 15 days of the receipt of the Request for Internal Review. The Acknowledgment of Request for Internal Review outlines the obligations of the caregiver responsible in the internal review.

1. The caregiver responsible must, within 15 calendar days of the receipt of the Acknowledgment for Request for Internal Review, submit any additional written information he or she wants to have considered in the internal review.

2. If no additional information is submitted within 15 calendar days, the internal review will proceed without any additional document(s).

(5) The Department will schedule an internal review to occur within 45 calendar days of a timely filed Request for Internal Review.

(6)(a) The Internal Review Committee, herein after referred to as the review committee, shall consist of three (3) individuals appointed by the regional managing director. The review committee shall be comprised of Department region/circuit or sheriff’s protective investigator staff, or child protective management, supervisory, or quality assurance staff. Committee members shall not have had direct responsibility for the case under review at either the child protective investigator or supervisory level, or have participated in the decision to verify the findings of maltreatment.

(b) The review committee will:

1. Review the investigative case file and all supportive paper documentation contained within the associated case file, including:

a. Medical and/or mental health information from a licensed physician, psychologist, psychiatrist, medical center,

or other licensed treatment professional, pertinent to the finding abuse or neglect occurred;

b. Admissions/statements by the caregiver responsible;

c. The statement of a witness or witnesses to the abusive or neglectful act;

d. The child victim’s statement, if credible and age appropriate, that abuse or neglect occurred;

e. Physiological evidence of abuse or neglect, including bruises/welts, cuts, punctures, burns, broken bones, internal injuries, malnutrition or any other medically-diagnosed conditions attributed to abuse or neglect;

f. Physical evidence that could impact the classification decision;

g. The existence of behavioral patterns by the child victim(s) that may be indicative of abuse or neglect and which corroborate other evidence of abuse or neglect;

h. The existence of circumstantial evidence linking the caregiver responsible to the abusive or neglectful act(s) (e.g., child was in the care of the caregiver responsible at the time the abuse or neglect occurred and no other reasonable explanation for the cause of the abuse or neglect exists in the record).

2. Interview (telephone or face-to-face), if necessary, the child protective investigator or supervisor to clarify information in the case file;

3. Review the investigative process to ensure the investigation was minimally adequate;

4. Review all additional information submitted by the caregiver responsible;

(c) The review committee will, by majority vote, issue a recommendation as to the following issues:

1. Whether the verified finding(s) are supported or not supported; and

2. Whether the identification of the caregiver responsible is supported or not supported.

(d) The review committee will submit its recommendation to the regional managing director using the “Review of Verified Finding of Abuse and/or Neglect” form, CF-FSP 5395, June 2014, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), within five (5) business days of completing the internal review process.

(7)(a) The regional managing director will review the case for a final decision. If the regional managing director of the region where the report originated had direct involvement with the case at the investigator or supervisory level, or participated in the decision to verify a finding of maltreatment, the case will be referred to a regional managing director from another Department region.

(b) The regional managing director will review only the case file, any written documentation submitted by the requesting caregiver responsible, and the review committee’s recommendation.

(c) The regional managing director will make the final decision as to the potential actions enumerated in paragraph (6)(c), above.

(8) A Review of Verified Finding(s) of Child Abuse and/or Neglect will be issued to the subject of the review within 60 days of receipt of the Request for Internal Review.

(9) Post Review Activities.

(a) If the regional managing director’s decision requires modification to the abuse report, the region will submit the appropriate modifications request within five (5) business days.

1. The amendment to the findings must be made in all related documents.

2. The program office in the region will document the decision in FSFN.

3. A revised investigative summary reflecting the amended finding(s) will be prepared and a copy sent to Children’s Legal Services.

(b) The child protective investigator supervisor must review the case with the child protective investigator to discuss any changes in practice indicated by the internal review.

(10) Limitations on Internal Review.

(a) An internal review is not available to a caregiver responsible who is the subject of a proceeding under Chapter 39, Florida Statutes, or who is the subject of a pending criminal investigation related to the event which resulted in the verified finding of abuse or neglect.

(b) If an internal review has already commenced at the time a proceeding described in paragraph (10)(a) is initiated, the review will be suspended pending resolution of the proceeding.

(c) If the children of the caregiver responsible are adjudicated dependent, in a proceeding described in paragraph (10)(a), and the caregiver’s role has already been modified as a result of an internal review, the verified finding against the caregiver responsible will be reinstated.

(d) If the caregiver responsible is sentenced in a proceeding described in paragraph (10)(a), and the caregiver’s role has already been modified as a result of an internal review, the verified finding against the caregiver responsible will be reinstated.

(e) If the Department determines an internal review is not available or must be suspended, or if the Department reinstates a verified finding as described in paragraph (10)(c), the Department will notify the individual in writing of the reason for such determination. The supervisor must submit a copy of this letter to Children’s Legal Services and, if a Chapter 39, Florida Statutes, proceeding is pending, to the court with jurisdiction.

Rulemaking Authority 39.012, 39.0121(2), (7) FS. Law Implemented 39.0121(7), 39.301, 39.302 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Harper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2014

**Section III**  
**Notice of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.024      RULE TITLE: Articulation Between and Among Universities, Community Colleges, and School Districts

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 167, August 27, 2014 issue of the Florida Administrative Register. The proposed notice inadvertently referenced the wrong date for the rule development workshop, the correct date is March 15, 2013.

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NOS.: 6M-8.200      RULE TITLES: Documenting Child Eligibility for the VPK Program  
6M-8.2015      VPK Child Registration Pilot Project  
6M-8.202      Child Eligibility Determination and Enrollment Procedures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 168, August 28, 2014 issue of the Florida Administrative Register.

The following text is added to the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION shall read: The proposed rule repeal will not require legislative ratification. based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the proposed repeal will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

**Section IV  
Emergency Rules**

NONE

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF LAW ENFORCEMENT**

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation  
 NOTICE IS HEREBY GIVEN that on September 11, 2014, the Department Of Law Enforcement, Criminal Justice Standards and Training Commission, received a petition for a temporary eight month waiver of paragraph 11B-35.002(2)(a), F.A.C., from Union County Sheriff Brad Whitehead on behalf of Richard A. Shuler, Jr. Petitioner wishes to waive that portion of the rule that states within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment and certification as an officer.

Petitioner states that Shuler passed his cross-over corrections to law enforcement State Officer Certification Examination on September 29, 2010, and was under the impression that the four year period within which to become employed as a law enforcement officer began on the date he passed the exam. Petitioner states that Shuler suffered a serious leg injury in 2011 requiring two surgeries and eight months of physical rehabilitation. Petitioner states that Shuler applied for a Reserve Deputy position with the Union County S.O. in 2013, however a position was not available at that time. Petitioner states that Shuler’s paperwork has been processed for a position as a part-time correctional officer and that the Union County S.O. is in immediate need of a reserve deputy sheriff. Petitioner states that if the requested waiver is granted, Shuler’s law enforcement certification will be processed immediately.

Petitioner states that the purpose of Sections 943.12 and 943.17, F.S. has been achieved and that a literal application of the rule affects Shuler in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice that on September 16, 2014, it has denied a petition for variance.

Petitioner's Name: Oakleaf Hammock HOA & The Ryland Group, Inc. - File Tracking No. 14-4197

Date Petition Filed: June 30, 2014

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: July 2, 2014

General Basis for Agency Decision: Petitioner failed to respond to District requests for additional information. Petitioner has not demonstrated that a variance or waiver from District rules is appropriate.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on September 15, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Residence at Blue Water Bay. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.20.4, 2.18.5.1, and 2.24.2.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a 9.5 mm steel rope and requirement of a metallic sheave which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-336).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on September 15, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Naples Beach Hotel. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-337).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.013 Construction Materials and Standards for Treatment Receptacles

The Florida Department of Health hereby gives notice:

On September 15, 2014, the Department of Health issued an order related to a petition for an emergency variance filed on August 12, 2014, by Bruce Stowe, representing Roth Global Plastics, Inc., regarding the “Dembrack Residence Tank”. Petitioner sought an emergency variance from paragraph 64E-6.013(2)(a), Florida Administrative Code, which requires all receptacle stiffening members to be a homogeneous integral part of the structure. Notice of the petition was published in the August 13, 2014, edition of the Florida Administrative Register. On September 15, 2014, the petitioner requested to withdraw the petition. In response, the Department issued an order granting the petitioner’s request to WITHDRAW the petition for emergency variance and closing the file.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.003 Department Licensing and Regulatory Standards

NOTICE IS HEREBY GIVEN that on September 2, 2014, the Department of Children and Families received a petition for

waiver of rule 65D-30.003, 65D-30.004 and 65D-30.007, Florida Administrative Code, from Holistix by the Sea, LLC. Rules 65D-30.003, 65D-30.004 and 65D-30.007 pertain to Residential Level 5 programs that provide only housing utilized solely for the purpose of assisting clients in making a transition to independent living while attending the least intense levels of outpatient treatment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: RULE TITLE:

73C-23.0041 Application Process and Administrative Requirements

NOTICE IS HEREBY GIVEN that on September 10, 2014, the Department of Economic Opportunity received a petition for Waiver of paragraph 73C-23.0041(1)(c), F.A.C., from Glades County, Florida. Glades County seeks a waiver from the LMI Population Subgrant Ceiling which determines the maximum amount of funds local governments can apply for in the Florida Small Cities Community Development Block Grant Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@deo.myflorida.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Agricultural Feed, Seed and Fertilizer Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 2014, 9:30 a.m.

PLACE: IFAS Plant Science Research and Education Center, 2556 West Highway 318, Citra, Florida 32113 or via GoToMeeting:

<https://global.gotomeeting.com/meeting/join/786827861>, 1(877)309-2070, access code: 786-827-861

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council discusses and makes recommendations regarding actions to be taken with respect to the regulation and enforcement of agricultural feed, seed and fertilizer.

A copy of the agenda may be obtained by contacting: The Bureau of Licensing and Enforcement, (850)617-7997 or from

the Council website: <http://consensus.fsu.edu/AFSFAC/index.html>.

For more information, you may contact: Ms. Kelly Friend, Chief, Bureau of Licensing and Enforcement, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650, (850)617-7997, [Kelly.Friend@FreshFromFlorida.com](mailto:Kelly.Friend@FreshFromFlorida.com).

**DEPARTMENT OF EDUCATION**

The Florida Education Foundation Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, September 22, 2014, 10:00 a.m.

PLACE: Contact Deb Schroeder, (850)245-9671, for call-in number

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Provide briefing of Colorado Education Initiative.

A copy of the agenda may be obtained by contacting: Deb Schroeder.

**DEPARTMENT OF LAW ENFORCEMENT**

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting REPLACES the session previously scheduled for December 9, 2014. The above meeting will be held to determine whether or not probable cause exists to pursue disciplinary action against the certification of sworn correctional, law enforcement, or correctional probation officers.

A copy of the agenda may be obtained by contacting: Anjani Patel at (850)410-8625 or email: [AnjaniPatel@fdle.state.fl.us](mailto:AnjaniPatel@fdle.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Anjani Patel at (850)410-8625 or email: [AnjaniPatel@fdle.state.fl.us](mailto:AnjaniPatel@fdle.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Anjani Patel at (850)410-8625 or email: [AnjaniPatel@fdle.state.fl.us](mailto:AnjaniPatel@fdle.state.fl.us).

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 140001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 140002-EG – Energy conservation cost recovery clause

Docket No. 140003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 140004-GU – Natural gas conservation cost recovery

Docket No. 140007-EI – Environmental cost recovery clause

DATE AND TIME: Wednesday, October 8, 2014, 1:30 p.m.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

**Emergency Cancellation of Prehearing**

If a named storm or other disaster requires cancellation of the prehearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the prehearing will also be provided on the Commission’s website: <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than **five** days prior to the prehearing at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

The Central Florida Water Initiative (CFWI) Steering Committee consists of a Governing Board member from the St. Johns River Water Management District, South Florida Water Management District, and Southwest Florida Water Management District each, and a representative from each of the following: The Florida Department of Environmental Protection, Florida Department of Agricultural and Consumer Services, Tohopekaliga (Toho) Water Authority. Toho’s representative also represents other water supply utilities within the Central Florida Coordination Area. The CFWI Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 26, 2014, 9:30 a.m.

PLACE: TOHO Water Authority, 951 Martin Luther King Blvd., Kissimmee, FL 34741

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The CFWI Steering Committee is a collaborative effort among government agencies formed to address water resource issues in the area known as the Central Florida Coordination Area. The

CFWI Steering Committee will consider matters appearing on the agenda for the meeting or matters added to the agenda as determined by the Chair of the Committee. Additional information about this effort may be found at <http://cfwiwater.com>. NOTE: One or more additional Governing Board members from each of the three districts named above may attend and participate in the meeting of the CFWI Steering committee.

A copy of the agenda may be obtained by contacting: John Shearer Consulting Inc., 1917 Wingfield Drive, Longwood, FL 32779, (321)297-7372, email: [johnshearer@cfl.rr.com](mailto:johnshearer@cfl.rr.com) or go to <http://cfwiwater.com> seven days before the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nilsa Diaz, Executive Assistant to the Executive Director, Tohopekaliga Water Authority, (407)944-5000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Michael A. Register, Director, Regulatory, Engineering and Environmental Services, St. Johns River Water Management District, P.O. Box 1429, Palatka, FL 32178-1429, (386)329-4212, email: [mregister@sjrwmd.com](mailto:mregister@sjrwmd.com); Dean Powell, Chief of Water Supply Bureau, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6787, email: [dpowell@sfwmd.gov](mailto:dpowell@sfwmd.gov); Jason Mickel, Water Supply Manager, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, email: [jason.mickel@watermatters.org](mailto:jason.mickel@watermatters.org); John Shearer, Shearer Consulting Inc., 1917 Wingfield Drive, Longwood, FL 32779, (321)297-7372, email: [johnshearer@cfl.rr.com](mailto:johnshearer@cfl.rr.com).

#### WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District Indian River Lagoon Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 24, 2014, 9:45 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District, Palm Bay Office, Blue Cypress Room, 525 Community College Pkwy., S.E., Palm Bay, Florida 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Indian River Lagoon Advisory Board (IRLAB) will discuss and consider IRLAB business, including discussing and providing input on the proposed new organizational structure and key governance tenants for the Indian River Lagoon National Estuary Program (IRLNEP) and discussing

and providing input on new interlocal agreement which would ultimately implement the new IRLNEP sponsoring entity and supporting governance structure.

A copy of the agenda may be obtained by contacting: Maurice Sterling, Interim Director, Indian River Lagoon National Estuary Program, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4320 or [M Sterling@sjrwmd.com](mailto:M Sterling@sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Maurice Sterling, Interim Director, Indian River Lagoon National Estuary Program, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4320 or [M Sterling@sjrwmd.com](mailto:M Sterling@sjrwmd.com). Written and physical evidence must be submitted at least 48 hours before the meeting.

#### SPACE FLORIDA

The Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: September 25, 2014, 3:00 p.m. – 3:30 p.m.

PLACE: Teleconference; call-in #: 1(888)204-5987, guest code: 4503386#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Audit & Accountability Committee.

A copy of the agenda may be obtained by contacting: Emma Newsham at [enewsham@spaceflorida.gov](mailto:enewsham@spaceflorida.gov), (321)730-5301, ext. 231.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Emma Newsham at [enewsham@spaceflorida.gov](mailto:enewsham@spaceflorida.gov), (321)730-5301, ext. 231. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the

proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Emma Newsham at [enewsham@spaceflorida.gov](mailto:enewsham@spaceflorida.gov), (321)730-5301, ext. 231.

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**SPACE FLORIDA**

The Space Florida announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 29, 2014, 9:00 a.m. – 11:00 a.m.

**PLACE:** Disney Yacht & Beach Convention Center, 1700 Epcot Resorts Blvd., Orlando, FL 32830; call-in #: 1(888)204-5987, guest code: 4503386#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Space Florida Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Emma Newsham at [enewsham@spaceflorida.gov](mailto:enewsham@spaceflorida.gov) or at (321)730-5307, ext. 231.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Emma Newsham at [enewsham@spaceflorida.gov](mailto:enewsham@spaceflorida.gov) or at (321)730-5307, ext. 231. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Emma Newsham at [enewsham@spaceflorida.gov](mailto:enewsham@spaceflorida.gov) or at (321)730-5307, ext. 231.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Pilot Commissioners

The Board of Pilot Commissioners announces public meetings to which all persons are invited.

**DATES AND TIMES:** October 2, 2014, 2014, 9:00 a.m.; October 3, 2014, 2014, 9:00 a.m.

**PLACE:** Casa Marina Resort, 1500 Reynolds St., Key West, FL 33040, (305)296-3535

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Finance Committee Meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981.

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Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Pilot Commissioners

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**DATES AND TIMES:** October 2, 2014, 9:00 a.m.; October 3, 2014, 9:00 a.m.

**PLACE:** Casa Marina Resort, 1500 Reynolds St., Key West, FL 33040, (305)296-3535

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Legislative Committee Meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

The Board of Pilot Commissioners announces public meetings to which all persons are invited.

DATES AND TIMES: October 2, 2014, 9:00 a.m.; October 3, 2014, 9:00 a.m.

PLACE: Casa Marina Resort, 1500 Reynolds St., Key West, FL 33040, (305)296-3535

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1981.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Refugee Services

The Orlando Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 8, 2014, 10:00 a.m. – 12:00 Noon

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Pedro Padua at (407)317-7336 or Taddese Fessehayee at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pedro Padua at (407)317-7336 or Taddese Fessehayee at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Pedro Padua at (407)317-7336 or Taddese Fessehayee at (407)317-7335.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006: Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press: 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

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Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press: 9798513235, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2014, 2:00 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press: 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: October 14, 2014, 9:00 a.m. to conclusion

PLACE: Senate Office Building, Room 401, S. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc. (NCCI), by which NCCI requests an overall average decrease in rate levels of 2.5% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, to be effective January 1, 2015.

A copy of the agenda may be obtained by contacting: in writing the Office of Insurance Regulation, attention Cyndi Cooper, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Gloria Merritt at (850)413-5356 or email her at Gloria.Merritt@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Gloria Merritt at (850)413-5356 or email her at Gloria.Merritt@flor.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2014, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The Center for Independent Living of South Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 27, 2014, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The

Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon, prior to the meeting. If alternative format, ASL interpreter, or other accommodation is required, please request at least 7 days in advance.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or call (305)751-8025, ext. 110.

CITIZENS PROPERTY INSURANCE CORPORATION

The Citizens Property Insurance Corp. announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2014, 2:30 p.m.

PLACE: The Alford Inn, 300 East New England Avenue, Winter Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Finance and Investment Committee Meeting.

Citizens Property Insurance Corporation announces a Finance and Investment Committee Meeting to begin at 2:30 p.m. (EDT) on September 23, 2014, being held in Winter Park at The Alford Inn. Items of discussion include, but are not limited to, committee updates.

A copy of the agenda and additional information may be obtained at www.citizensfla.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

NOTICE IS HEREBY GIVEN that the Board of Building Code Administrators and Inspectors has received the petition for declaratory statement from Gregory Yantorno, on August 11, 2014. The petition seeks the agency's opinion as to the applicability of Section 468.604, Florida Statutes, as it applies to the petitioner.

The Petitioner seeks a declaratory statement regarding his responsibilities as a building code administrator according to Section 468.604, Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394 or by electronic mail: Robyn.Barineau@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has received the petition for declaratory statement from Karen Burns, on July 17, 2014. The petition seeks the agency’s opinion as to the applicability of Section 464.003(3)(a), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board with regard to whether patient assessment, without a physician order, is within the scope of practice of a registered nurse as defined in Section 464.003(3)(a), Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, info@floridasnursing.gov or by telephone: (850)245-4125.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

CITY OF WAUCHULA

Request for Proposals – Governmental Consulting Services

CITY OF WAUCHULA

REQUEST FOR PROPOSALS

GOVERNMENTAL CONSULTING SERVICES

The City of Wauchula, a Florida municipal corporation, is requesting proposals from qualified firms and/or individuals that are interested in providing professional (1) Lobbying Services; (2) Networking of Grants and Appropriations.

Interested parties are invited to submit one (1) original marked “ORIGINAL” and seven (7) copies marked “COPY” of their proposal in a sealed envelope to the City Clerk. The envelope should be labeled “RFP #14-03, Governmental Consulting Services” and marked with the respondent’s name and address. Proposals may be mailed or hand delivered to: City of Wauchula, Holly Smith, City Clerk, 126 S. 7th Avenue, Wauchula, Florida 33873.

The submittal shall be received by the City only at the above address prior to 2:00 p.m., September 29, 2014. The delivery of the submittal on the above date and prior to the specified time is solely the responsibility of the proposer. The submittal may be withdrawn either by written notice to the City Clerk or in person, if properly identified, at any time prior to the above submittal deadline.

Important instructions and specifications regarding responses to this Request for Proposals are available online at www.cityofwauchula.com or by contacting the City Clerk’s Office, email: hsmith@cityofwauchula.com, phone: (873)773-3535. Failure to follow these instructions could result in disqualification.

Questions regarding this proposal must be in writing and must be sent to Holly Smith, City Clerk, email: hsmith@cityofwauchula.com, fax: (863)773-0773. All questions must be received by September 22, 2014.

Prospective proposers shall not contact, communicate with or discuss any matter relating in any way to the Request for Proposal with the City Commissioners, any employee of the City of Wauchula, other than the City Clerk or as directed in the Request for Qualifications. Such communications initiated by a proposer shall be grounds for disqualifying the offending proposer from consideration for award of the proposal and/or any future proposal.

**Section XII  
Miscellaneous**

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need**

**EXEMPTION**

The Agency for Health Care Administration approved the following exemption on September 15, 2014 pursuant to Section 408.036(3), Florida Statutes:

ID #E140022 District: 7 (Orange County)

Applicant/Facility: Aspire Health Partners, Inc./Lakeside Behavioral Healthcare, Inc.

Project Description: Add 32 adult psychiatric beds

Proposed Project Cost: \$2,200,000

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

**Proposed Amendment to Florida’s 1115 Managed Medical Assistance Waiver**

The Agency for Health Care Administration (Agency) is seeking public input on a proposed amendment to Florida’s 1115 Managed Medical Assistance (MMA) Waiver.

DATE AND TIME: Tuesday, September 23, 2014, 2:00 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room A, 2727 Mahan Drive, Tallahassee, FL 32308

To participate by phone, please call: 1(888)670-3525 and enter the participant code: 3715274100#

DATE AND TIME: Monday, September 29, 2014, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 6800 North Dale Mabry Highway, Main Training Room, Tampa, FL 33614

To participate by phone, please call: 1(888)670-3525 and enter the participant code: 4201652735 #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

These public meetings are being held to solicit public input from recipients, providers, all stakeholders and interested parties regarding amending Florida’s 1115 MMA Managed Medical Assistance (MMA) Waiver (Project Number 11-W-002064) to allow certain populations who were previously excluded from the MMA program to voluntarily enroll. The proposed amendment will allow Medicaid-eligible recipients residing in group home facilities licensed under Section (s.) 393.067, Florida Statutes (F.S.), as well as Medicaid-eligible children receiving Prescribed Pediatric Extended Care (PPEC) services to voluntarily enroll in Florida’s MMA program, a component of the Statewide Medicaid Managed Care (SMMC) program. During the meetings, the following items will be discussed: an overview of the existing waiver and description

of the draft waiver amendment request. There will be an opportunity for public comment at the meetings.

**SUMMARY DESCRIPTION OF THE WAIVER AND PROPOSED AMENDMENT:**

Florida’s 1115 Research and Demonstration Waiver was initially approved by Federal CMS October 19, 2005 to operate for the period from July 1, 2006 to June 30, 2010. On December 15, 2011, the State received Federal CMS approval to extend the waiver for the period July 1, 2011 to June 30, 2014. On June 14, 2013, Federal CMS approved an amendment to the waiver that allowed for implementation of an improved statewide model of managed care in 2014 and the continuation of the Low Income Pool program. The amendment also changed the name of the waiver to the Florida Managed Medical Assistance Waiver. On July 31, 2014, the Agency received federal approval to extend the waiver for the period of July 31, 2014 until June 30, 2017.

The MMA program was fully implemented August 1, 2014 in accordance with Florida Law and the special terms and conditions of the waiver. The proposed amendment will allow for Medicaid-eligible recipients residing in group home facilities licensed under s. 393.067, F.S., as well as Medicaid-eligible children receiving Prescribed Pediatric Extended Care (PPEC) services to become eligible to voluntarily enroll in Florida’s MMA program, a component of the Statewide Medicaid Managed Care (SMMC) program. This amendment is being submitted to implement newly amended Florida Law (HB 5201), that allows recipients residing in a group home facility and children receiving PPEC services to voluntarily enroll in Florida’s MMA program upon federal approval.

This amendment will allow residents of group home facilities, to select an MMA plan and take advantage of the higher standards required of the plans while allowing these individuals access to care coordination and expanded benefits offered by the plans.

The purpose of the Florida Medicaid PPEC services is to enable recipients under the age of 21 years with medically-complex conditions to receive medical and therapeutic care at a non-residential pediatric center. Currently under Florida law, children receiving PPEC services are excluded from participating in the MMA program and, therefore, would be unable to receive services from an MMA plan such as the Children’s Medical Services Network.

The proposed amendment will allow for those children receiving PPEC services and currently enrolled in the Children’s Medical Services Network or another managed care plan to remain in that plan without disruption of services, ensuring their continuity of care and participation in the MMA program. It would also allow children not currently enrolled in a Medicaid managed care plan to select an MMA plan to take

advantage of the higher standards required of the plans and the expanded benefits offered by the plans.

Public Notice and Public Comment Period: SEPTEMBER 17, 2014 – OCTOBER 17, 2014

The Agency will conduct a 30-day public notice and comment period prior to the submission of the proposed amendment request to Federal CMS. The Agency will consider all public comments received regarding the proposed amendment request. The 30-day public notice and public comment period begins September 17, 2014 and ends October 17, 2014. This public notice and public comment period is being held to solicit public input from recipients, providers and all stakeholders and interested parties on the development of the proposed amendment request to Florida's 1115 MMA Waiver. The Agency is consulting with the Indian Health Programs located in Florida through written correspondence, to solicit input on the amendment request. On September 15, 2014, the Agency sent correspondence to the Seminole Tribe and Miccosukee Tribe requesting input on the amendment.

To view a comprehensive description of the waiver amendment request, please click the following link: [http://ahca.myflorida.com/Medicaid/statewide\\_mc/pdf/mma/1115\\_Public\\_Notice\\_Doc\\_Final\\_9-17-2014.pdf](http://ahca.myflorida.com/Medicaid/statewide_mc/pdf/mma/1115_Public_Notice_Doc_Final_9-17-2014.pdf)

More information is available on the Agency's website at the following link: [http://ahca.myflorida.com/medicaid/statewide\\_mc/mma\\_fed\\_auth.shtml](http://ahca.myflorida.com/medicaid/statewide_mc/mma_fed_auth.shtml).

To submit comments by postal service or internet e-mail, please follow the directions outlined below. When providing comments regarding the proposed amendment to the 1115 MMA Waiver please reference "Proposed Amendment to 1115 MMA Waiver" in the subject line. Mail comments and suggestions to:

Proposed Amendment to 1115 MMA Waiver  
Office of the Deputy Secretary for Medicaid  
Agency for Health Care Administration  
2727 Mahan Drive, MS #8  
Tallahassee, Florida 32308

Email your comments and suggestions to:  
[FLMedicaidWaivers@ahca.myflorida.com](mailto:FLMedicaidWaivers@ahca.myflorida.com).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida

Coastal Management Program. A list of projects, comments deadlines and the address for providing comments is available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Brandon Richard Young, R.N., License #: RN 9334346. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2012-2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Brittany Rose Marie Parsley, C.N.A., Certification #: CNA 213417. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Brigitte B. Waiters, C.N.A., a/k/a Brigitte Benita Blue, License #: CNA 104742. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Suspension of Certificate with regard to the certificate of Portia S. Charlton, C.N.A., Certificate #: CNA 153802. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Alishea T. Young, R.N., License #: RN 9337666. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Restriction of Registration with regard to the registration of Daniel Bays, D.O., Registration #: UO 2898. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice of Emergency Action

On September 15, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the License of Ernest A. Rodriguez, R.Ph., License PS # 16104 / PU 2137. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII  
Index to Rules Filed During Preceding  
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.