

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF REVENUE**

**RULE NO.:**      **RULE TITLE:**  
12-3.007      Delegation of Authority  
**PURPOSE AND EFFECT:** Section 10, Chapter 2014-40, L.O.F., amended Section 213.21(2)(a), F.S., to increase the maximum compromise authority of the Department of Revenue’s Executive Director from \$250,000 to \$500,000. Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises) was amended effective January 19, 2015, to bring the rule into consistency with the statutory provision. The purpose of the proposed amendment to Rule 12-3.007, F.A.C. (Delegation of Authority), is to conform the rule to the statute and to Rule 12-13.004, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the rule development workshop is the statutory maximum compromise authority granted by the Governor and Cabinet to the Department of Revenue’s Executive Director.

**RULEMAKING AUTHORITY:** 213.06(1), 213.21(5), 409.2557 FS.

**LAW IMPLEMENTED:** 20.05, 20.21, 72.011(1),(3), 120.54, 120.565, 120.569(2), 120.57(1), (2), (3), 120.63(1), 120.74(2), 195.095, 213.05, 213.21, 213.22, 409.2557 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** March 11, 2015, 9:00 a.m.  
**PLACE:** 2450 Shumard Oak Boulevard, Building One, Room 2503, Tallahassee, Florida

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: Tonya Fulford at (850)717-6799. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082, [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

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

**DEPARTMENT OF REVENUE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12-18.001	Authorization for Compensation
12-18.004	Submission of Information and Claims for Compensation
12-18.008	Compensation for Vending Machine Violations

**PURPOSE AND EFFECT:** Under Section 213.30, F.S., the Executive Director of the Department is authorized to compensate persons who provide information leading to the punishment of, or collection of taxes, surtaxes, surcharges, fees, penalties, or interest from, any person with respect to taxes enumerated in Section 213.05, F.S. The taxes listed in Section 213.05, F.S., include all taxes and fees under Chapter 212, F.S., as well as registration of secondhand dealers in Section 538.09, F.S., and registration of secondary metal recyclers in Section 538.25, F.S.

Section 1 of Chapter 2014-196, L.O.F., provides that the prepaid wireless E911 fee created in Section 365.172, F.S., is to be administered as though it is a sales tax under Chapter 212, except as otherwise provided in that section. The section does not expressly exclude the prepaid wireless E911 fee from the compensation provisions of Section 213.30, F.S. Accordingly, individuals reporting violations of the prepaid wireless E911 fee should also be eligible for compensation under Section 213.30, F.S.

The purpose of the proposed amendments to Rules 12-18.001, F.A.C., (Authorization for Compensation) and 12-18.004, F.A.C., (Submission of Information and Claims for Compensation), are (1) to update the Department’s list of taxes eligible for the compensation provisions to include the prepaid wireless E911 fee, registration of secondhand dealers, secondary metal recyclers, and secondhand precious metal dealers, in accordance with statute, and (2) to incorporate, by reference, an updated Form DR-55, Application for Compensation for Tax Information, that includes these categories.

The purpose of the proposed changes to Rule 12-18.008, F.A.C., (Compensation for Vending Machine Violations), is to update contact information for the Department.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the rule development workshop is the modification of the rules and Form DR-55, Application for Compensation for Tax Information, to add prepaid wireless E911 fees and registration of secondhand dealers, secondary metal recyclers, and secondhand precious metal dealers to the list of taxes for which the Department issues compensation in return for information leading to the recovery of unpaid taxes, and to update contact information for the Department.

**RULEMAKING AUTHORITY:** 212.0515(7), 213.06(1), 213.30(1) FS.

**LAW IMPLEMENTED:** 95.525(2), 119.071(5), 212.0515, 213.30 FS.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:** Published on the Department’s Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules).

**DEPARTMENT OF REVENUE**

**RULE NO.:** 12-19.003  
**RULE TITLE:** Reporting Requirements

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12-19.003, F.A.C. (Reporting Requirements) is to provide information for taxpayers on how they can electronically file required reports with the Department. The proposed amendments also provide a contact email address to submit an electronic report, and clarify how an electronic postmark date will be applied to e-mailed reports.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the proposed changes to Rule 12-19.003, F.A.C., relating to the filing and receipt of reports of large currency transactions.

**RULEMAKING AUTHORITY:** 896.102(3) FS.

**LAW IMPLEMENTED:** 896.102 FS.

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**DEPARTMENT OF REVENUE**

**RULE NO.:** 12-22.005  
**RULE TITLE:** Disclosure Procedures

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12-22.005, F.A.C. (Disclosure Procedures), is to: (1) adopt an updated version of Form DR-841, Request for Copy of Tax Return, to provide additional information to taxpayers regarding types of records available for request; and (2) allow taxpayers and tax representatives to receive copies of tax returns at an e-mail address, facsimile number, or a mailing address designated by the taxpayer.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the proposed changes to Rule 12-22.005, F.A.C. (Disclosure Procedures), is the proposed rule amendments to: (1) update Form DR-841 to provide additional information to taxpayers on the types of records available for request; and (2) expand procedures to allow the Department to issue copies of requested tax returns electronically, and to an address other than the taxpayer’s address of record with the Department.

RULEMAKING AUTHORITY: 213.06(1), 213.22(4) FS.  
 LAW IMPLEMENTED: 213.053, 213.22 FS.  
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**DEPARTMENT OF REVENUE**

RULE NOS.:      RULE TITLES:  
 12-24.008      Procedures for Payment  
 12-24.011      Public Use Forms  
 PURPOSE AND EFFECT: The proposed amendments promulgate two forms used by taxpayers when remitting taxes using the ACH credit method of electronic remittance, and update rule provisions which currently contain similar information to that contained in the proposed forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop are the promulgation of the two forms and the corresponding amendment to the rule provisions.  
 RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3), 443.163(1) FS.  
 LAW IMPLEMENTED: 119.071(5), 202.30, 206.485, 212.08(5)(q), 213.755, 220.21(2), (3), 443.1317, 443.163 FS.  
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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:      RULE TITLE:  
 12A-1.060      Registration  
 PURPOSE AND EFFECT: Section 6, Chapter 2014-40, L.O.F., amended the provisions relating to an individual’s failure to register found in Section 212.18(3)(c), F.S. The purpose of the proposed amendments to Rule 12A-1.060, F.A.C. (Registration), is to remove the registration penalty provisions that are no longer needed due to the statutory change.  
 SUBJECT AREA TO BE ADDRESSED: The subject of the proposed changes to Rule 12A-1.060, F.A.C. (Registration), is the removal of the registration penalty provisions that are no longer needed due to the statutory change.  
 RULEMAKING AUTHORITY: 212.12(2)(d), 212.17(6), 212.18(2), 213.06(1) FS.  
 LAW IMPLEMENTED: 119.071(5), 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS  
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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:

12A-12.004 Reporting and Remitting Fees

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees), is to clarify that the total amount of new tire fees and lead-acid battery fees, and not the total number of tires and batteries sold, is required to be reported on the Solid Waste and Surcharge Return.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is clarification of how the new tire fee and the lead-acid battery fee is required to be reported to the Department.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 212.12(2), 213.755, 403.718, 403.7185 FS.

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Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082  
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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.: RULE TITLES:

12A-16.002 Imposition and Payment of the Surcharge

12A-16.006 Surcharge Returns and Filing Requirements

12A-16.008 Public Use Forms

PURPOSE AND EFFECT: Section 212.0606, F.S., previously imposed a \$2 per day surcharge on each lease or rental of a motor vehicle. Section 1, Chapter 2014-199 L.O.F., amended that statute to reduce the rate imposed on the use of a motor vehicle as part of a car-sharing service to \$1 per usage. The purpose of the proposed amendments to Rule 12A-16.002, F.A.C. (Imposition and Payment of the Surcharge), is to provide guidance relating to the reduced \$1 per usage surcharge imposed on motor vehicles used through car-sharing service memberships.

The purpose of the proposed amendments to Rule 12A-16.006, F.A.C. (Surcharge Returns and Filing Requirements) is to clarify when the rental car surcharge is due to the state and how the rental car surcharge is to be reported per county, based on the amendment made to Section 212.0606, F.S., by Section 1, Chapter 2014-199 L.O.F.

The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms) is to incorporate by reference the amendments to the forms used to report any rental car surcharge due to the state.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are the proposed changes to Rules 12A-16.002, 12A-16.006, and 12A-16.008, F.A.C., relating to the imposition, collection, and reporting of the rental car surcharge imposed by Section 212.0606, F.S.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.05(1)(c), 212.06(1)(a), 212.0606, 212.07(2), (4), (8), 212.11, 212.12(2), (3), (4), 213.235, 213.755, 376.70, 403.717, 403.718, 403.7185 FS.

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.:	RULE TITLES:
12B-5.040	Carriers
12B-5.050	Terminal Suppliers
12B-5.060	Wholesalers
12B-5.070	Terminal Operators
12B-5.080	Exporters
12B-5.090	Local Government Users
12B-5.100	Mass Transit Systems
12B-5.110	Blenders
12B-5.150	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12B-5.040 (Carriers.), 12B-5.050 (Terminal Suppliers.), 12B-5.060 (Wholesalers.), 12B-5.070 (Terminal Operators.), 12B-5.080 (Exporters.), 12B-5.090 (Local Government Units.), 12B-5.100 (Mass Transit Systems.), 12B-5.110 (Blenders), and 12B-5.150 (Public Use Forms.) F.A.C., is to address public comments requesting that the Department modify the requirements for a return to be considered timely filed. These amendments remove the requirement to receive a confirmation from the Department before a return is determined to be timely filed and provide that a return will be timely filed if it is received by the Department or its agent on or before the due date. Additional amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), are proposed to adopt, by reference, changes to a form used by the Department in the administration of taxes imposed on fuels and pollutants.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is (1) the proposed amendments to the rules to remove the requirement that a taxpayer receive a confirmation from the Department before a return is determined to be timely filed, and revising the timely filing requirement so that

a return is timely filed if it is received by the Department or its agent on or before the due date, and (2) the proposed amendments to Rule 12B-5.150, F.A.C. which make changes to a form used by the Department in the administration of the taxes imposed on fuels and pollutants.

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 206.97, 206.9915, 213.06(1), 213.755(8) FS.

LAW IMPLEMENTED: 119.071, 206.01, 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.051, 206.052, 206.055, 206.06, 206.09, 206.095, 206.11, 206.199, 206.20, 206.204, 206.205, 206.404, 206.41, 206.413, 206.414, 206.416, 206.43, 206.44, 206.48, 206.485, 206.62, 206.63, 206.86, 206.87, 206.874, 206.872, 206.873, 206.874, 206.8745, 206.89, 206.90, 206.91, 206.92, 206.97, 206.9815, 206.9825, 206.9835, 206.9865, 206.9915, 206.9931, 206.9941, 206.9942, 206.9943, 212.0501, 213.255, 213.755 FS.

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.:	RULE TITLE:
12B-8.001	Premium Tax; Rate and Computation

PURPOSE AND EFFECT: Section 17, Chapter 2014-184, Laws of Florida, provides that for purposes of determining if a penalty under Section 624.5092, F.S., should be imposed on the underpayment of an installment, an insurer may reduce the

installment amount required to meet the prior year exception in that taxable year by the amount of the credit earned under Section 624.51055, F.S. (Credit for contributions to eligible nonprofit scholarship-funding organizations). The amount required to meet the prior year exception may only be reduced with respect to contributions made on or after July 1, 2014.

The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to provide clarification regarding the computation of the installment payment amount required to meet the prior year exception when a taxpayer has made one or more qualifying contributions to eligible nonprofit scholarship-funding organizations.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the computation of the installment payment amount required to meet the prior year exception pursuant to Section 624.5092, F.S., when a taxpayer has made one or more qualifying contributions to eligible nonprofit scholarship-funding organizations.

**RULEMAKING AUTHORITY:** 213.06(1), 220.183(4)(d), 288.99(11) (2010), 624.5105(4)(b), 1002.395(13) FS.

**LAW IMPLEMENTED:** 175.101, 175.1015, 175.121, 175.141, 185.08(3), 185.085, 185.10, 185.12, 213.05, 213.235, 220.183(3), 288.99(11) (2010), 624.4621, 624.46226, 624.4625, 624.475, 624.509, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2), 1002.395 FS.

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## DEPARTMENT OF REVENUE

### Corporate, Estate and Intangible Tax

**RULE NO.:**           **RULE TITLE:**

12C-1.034           Special Rules Relating to Estimated Tax

**PURPOSE AND EFFECT:** Section 17, Chapter 2014-184, Laws of Florida, provides that for purposes of determining if a penalty or interest should be imposed for underpayment of estimated corporate income tax pursuant to Section 220.34(2)(d)1., F.S., a taxpayer may reduce the estimated payment amount required to meet the prior year exception in that taxable year by the amount of the credit earned under Section 220.1875, F.S. (Credit for contributions to eligible nonprofit scholarship-funding organizations). The amount required to meet the prior year exception may only be reduced with respect to contributions made on or after July 1, 2014.

The purpose of the proposed amendments to Rule 12C-1.034, F.A.C. (Special Rules Relating to Estimated Tax), is to provide clarification regarding the computation of the amount of estimated tax required to meet the prior year exception when a taxpayer has made one or more qualifying contributions to eligible nonprofit scholarship-funding organizations.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the computation of the amount of estimated tax required to meet the prior year exception pursuant to Section 220.34(2)(d)1., F.S., when a taxpayer has made one or more qualifying contributions to eligible nonprofit scholarship-funding organizations.

**RULEMAKING AUTHORITY:** 213.06(1), 220.24, 220.33(7), 220.34(2)(f), 220.51, 1002.395(13) FS.

**LAW IMPLEMENTED:** 213.21, 220.131, 220.24, 220.241, 220.33, 220.34, 221.02, 221.04, 1002.395 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** March 11, 2015, 9:00 a.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building One, Room 2503, Tallahassee, Florida

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: Tonya Fulford at (850)717-6799. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Ensley, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-6476  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Published on the Department’s Internet site at [www.myflorida.com/dor/rules](http://www.myflorida.com/dor/rules).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-4.009  
 RULE TITLE: Post Licensing Education for Registered Trainee Appraisers

PURPOSE AND EFFECT: The Board proposes to review the rule to determine if modifications are necessary to the rule.

SUBJECT AREA TO BE ADDRESSED: Post licensing education for registered trainee appraisers.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6175 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NOS.:	RULE TITLES:
1A-39.001	Division of Historical Resources Grant Programs
1A-39.002	Definitions
1A-39.003	Grant Funding
1A-39.004	Grant Programs
1A-39.005	Non-Allowable Costs
1A-39.006	Match Contributions
1A-39.007	Application Procedures
1A-39.008	Application Review
1A-39.009	Grant Award Agreement
1A-39.010	Reporting Requirements
1A-39.011	Restrictive Covenants
1A-39.012	Preservation Agreement

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, application procedures, and Grant Award Agreements for the Historic Preservation Grants In Aid Program, including the Small Matching Grant Program and the Special Category Grant Program. The above sections will be affected.

SUMMARY: The amendments will establish in rule the most recent guidelines, forms, application procedures, and Grant Award Agreements for the Historic Preservation Grants In Aid Program, including the Small Matching Grant Program and the Special Category Grant Program. All amendments are incorporated into Rule 1A-39.001, F.A.C.

**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 amendments of this chapter will not have a direct or indirect adverse financial impact on small businesses.

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: 267.031(1); 267.0617(5) FS.

LAW IMPLEMENTED: 267.0617 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: March 17, 2015, 10:00 a.m., Participants can call in by dialing: 1(888)670-3525, access code: 8511869563

PLACE: R.A. Gray Building, 500 South Bronough Street, Room 307, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lydia Strom, Florida Department of State, 500 South Bronough Street, Tallahassee, FL 32399, (850)245-6536 or Lydia.Strom@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

### CHAPTER 1A-39.001

#### HISTORIC PRESERVATION GRANT PROGRAMS

1A-39.001 Division of Historical Resources Grant Programs & Requirements.

The purpose of this chapter is to establish administrative procedures for all Division of Historical Resources ~~(Division)~~ Historic Preservation Grants-in-Aid programs, grant programs conducted pursuant to Section 267.0617, F.S., and shall apply to all applications received for grant assistance and all grant awards made following the date of adoption. Grants awarded prior to the effective date of this rule shall continue to be subject to the provisions of Chapter 1A-35, F.A.C. Each program is governed by guidelines that contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State and subject to availability of funds appropriated by the Legislature.

(2) At least 80% of each donation made pursuant to Section 550.0351(2), F.S., if any, shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

(3) All grant applicants must meet the requirements set forth in the Historic Preservation Grants-in-Aid Guidelines for Small Matching Grants and Special Category Grants, which are available from the Division of Historical Resources (Division) at <http://www.dos.myflorida.com/historical/grants> and are hereby incorporated by reference.

(a) Small Matching Grant Program. The purpose of this program is to provide funding to assist local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, and promote knowledge and appreciation

of the history of Florida. This program does not fund operational support for historic preservation organizations.

(b) Special Category Grant Program. The purpose of this program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, to assist major archaeological excavations, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida.

(4) The following application forms are available from the Division at <http://www.dos.myflorida.com/historical/grants> and are hereby incorporated by reference:

(a) Small Matching Grant Program Application (Form DHR001), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/small-matching-grants>

(b) Special Category Grant Program Application (Form DHR002), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/special-category-grants>.

(5) The following forms are used in the administration of all Historic Preservation Grants-in-Aid and are hereby incorporated by reference and available at <http://www.dos.myflorida.com/historical/grants>:

(a) Progress Report Form (Form DHR003), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

(b) Grant Funds Expenditure Log (Form DHR004), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

(c) Contract Amendment Request Form (Form DHR005), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

(d) Contract Details Form (Form DHR006), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

(e) Preservation Agreement (Form DHR007), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

(f) Restrictive Covenant (Form DHR008), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

(g) Grant Award Agreement (Forms GAA001), effective ??/20??, <http://www.dos.myflorida.com/historical/grants/forms>.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Amended \_\_\_\_\_.



## 1A-39.002 Definitions.

The following words and terms shall have the following meanings:

(1) ~~“Acquisition” means fee simple purchase of real property.~~

(2) ~~“Acquisition & Development” means a project involving the purchase and/or improvement (restoration, rehabilitation, preservation or reconstruction) of a historic building, structure, site or object.~~

(3) ~~“Applicant” means an eligible applicant as defined in subsection 1A 39.007(5), F.A.C.~~

(4) ~~“Approved Scope of Work” means the work specified in Section I of the Historic Preservation Grant Award Agreement, or in a fully executed amendment thereto, as being authorized for expenditure of grant funds and for contribution to the required match. Expenditures for work not included in the Approved Scope of Work are not eligible for grant funding or contribution to match.~~

(5) ~~“Bureau” means the Bureau of Historic Preservation within the Division of Historical Resources of the Department of State. The Bureau’s mailing address is 500 South Bronough Street, Tallahassee, Florida 32399 0250. Its telephone number is (850) 245 6333, and its web address is www.flheritage.com.~~

(6) ~~“Certified Local Government” means a historic preservation program established by county or municipal ordinance that is certified by the Secretary of the Interior pursuant to 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act of 1966, as amended.~~

(7) ~~“Development” means architectural and other planning and construction required to facilitate the preservation, rehabilitation or restoration of a historic property, or the reconstruction of such property that no longer exists.~~

(8) ~~“Division” means the Division of Historical Resources of the Florida Department of State.~~

(9) ~~“Effective Date” means July 1 of the state fiscal year in which requested grant funding is appropriated by the Florida Legislature. Neither grant funds nor match contributions may be expended before this date except as allowed in subsection 1A 39.009(3), F.A.C.~~

(10) ~~“Encumbrance” means commitment of grant funds and match by binding contract.~~

(11) ~~“Expenditure” means the outlay of cash or the amount due and owing after receipt of goods or services included in the Approved Scope of Work.~~

(12) ~~“Expiration Date” means the date by which all grant funds and match must be expended.~~

(13) ~~“Florida Historical Commission” means the eleven (11) member advisory body created pursuant to Section 267.0612, F.S., to assist the director of the Division of~~

~~Historical Resources in carrying out the purposes, duties, and responsibilities of the division.~~

(14) ~~“Florida Master Site File” means the list maintained by the Division of Historical Resources, of all recorded historical and archaeological sites and properties in the State of Florida.~~

(15) ~~“Florida Single Audit Act” means the uniform state audit requirements for state financial assistance provided by state agencies to non state entities as codified in Section 215.97, F.S. (see subsection 1A 39.010(4), F.A.C.).~~

(16) ~~“Furniture and Equipment” means features not physically attached to a structure, including but not limited to: desks, tables, chairs, area rugs, computers, kitchen appliances, portable lighting fixtures, and components of portable sound or projection systems.~~

(17) ~~“Grantee” means the organization or governmental entity to which a grant is awarded, which has entered into a binding agreement (Historic Preservation Grant Award Agreement) with the Division of Historical Resources, Florida Department of State, and which is responsible and accountable both for the use of the funds provided and for the performance of the grant assisted project.~~

(18) ~~“Grant Period” means the period between “effective date” and “expiration date” of the Historic Preservation Grant Award Agreement during which time expenditure of all grant funds and all contributions to match must be made.~~

(19) ~~“Historic District” means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.~~

(20) ~~“Historic Markers” means Official Florida Historic Markers as defined by subsection 1A 48.002(3) F.A.C.~~

(21) ~~“Historic Preservation Grant Award Agreement” means the legal instrument which binds the Grantee and the Division of Historical Resources, Florida Department of State, to the terms, conditions, and limitations of the Division’s grants programs.~~

(22) ~~“Historic Property” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of Florida. (Reference: Section 267.021(3), F.S.).~~

~~(23) “Indirect Costs” means grantee overhead, management expenses, general operating costs and other costs (excluding contractor’s overhead and profit, which are considered direct project costs) that are not readily identifiable as expenditures for the materials and services required to complete the work identified in the Approved Scope of Work in Section I of the Historic Preservation Grant Award Agreement. Examples of indirect costs include: rent/mortgage, utilities, janitorial services, insurance, accounting, non grant related administrative and clerical staffing, and fundraising activities.~~

~~(24) “In kind Contribution” means a non monetary contribution of equipment, services, or labor provided by the grantee to meet match requirements. Items and services must be such that there would normally be a charge for them and must be essential to the implementation of the project and can be documented as to value.~~

~~(25) “Match” means cash, in kind contributions or donated materials, which must be made by the grantee in order to receive the grant award. All match contributions, whether cash, in kind contributions, or donated materials, must be consistent with the Approved Scope of Work and must be essential to the implementation of the project.~~

~~(26) “National Register of Historic Places” means the list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture, authorized by the National Historic Preservation Act of 1966, as amended through 2000, and administered by the U.S. Department of the Interior, National Park Service. Copies are available from the Bureau.~~

~~(27) “Non profit Organization” means a corporate entity which is registered pursuant to Chapter 617, F.S., as a Florida non-profit corporation with the Division of Corporations, Florida Department of State. Grantees other than government entities must maintain active non profit status with the Division of Corporations during the grant period. Exception: To qualify as a “non profit organization,” organizations from outside of Florida must have been determined by the U.S. Department of the Treasury, Internal Revenue Service, to be exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.~~

~~(28) “Planning” means research, testing, analysis and design required for implementation of an Acquisition & Development, Archaeological Excavation or Museum Exhibit project.~~

~~(a) Planning for an Acquisition & Development project may include: historical research, development of a Historic Structures Report, condition assessment, survey, hazardous materials survey and abatement plan, rehabilitation feasibility study, and construction documents (plans and specifications).~~

~~(b) Planning for an Archaeological Excavation project may include research, predictive modeling and remote sensing applications, as necessary for development of a research design for the project.~~

~~(c) Planning for a Museum Exhibit project may include historical research, conceptual and design documents and specifications.~~

~~(29) “Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work (including accessibility and life safety requirements) to make properties functional is appropriate within a preservation project.~~

~~(30) “Preservation Agreement” means the notarized legal instrument by which a Grant Recipient and Owner commit to maintenance and preservation of the historic integrity of a historic property improved with Small Matching Grant assistance or a property other than real property improved with Special Category grant assistance. This legal instrument is applicable only to those Acquisition & Development projects for which recordation of Restrictive Covenants is not possible or required. Properties other than real property include but are not limited to: locomotives, railcars, marine vessels, aircraft and other movable objects. The term of the Preservation Agreement for Special Category grants is ten (10) years from the date of execution. The term of the Preservation Agreement for a Small Matching Grant Acquisition & Development project is five (5) years. The Preservation Agreement must be executed and submitted to the Department prior to any release of grant funding.~~

~~(31) “Preservation Standards” means the following standards promulgated by the National Park Service, United States Department of the Interior and the Division for the types of projects indicated:~~

~~(a) For projects involving individual historic buildings, the Secretary of the Interior’s Standards for the Treatment of Historic Properties;~~

~~(b) For projects involving archaeological investigation, the Secretary of the Interior’s Standards for Archaeological Documentation;~~

~~(c) For projects involving historical research, the Secretary of the Interior’s Standards for Historical Documentation;~~

~~(d) For projects involving documentation of a historic structure, the Secretary of the Interior's Standards for Architectural and Engineering Documentation; and~~

~~(e) For survey projects, in addition to the Secretary of the Interior's Standards for Preservation Planning, the Florida Master Site File Guidelines for Users, Photo Submission Policy and How to Package Documents checklist.~~

~~(f) The National Park Service and Division standards referenced in paragraphs (a) through (e) above are available from the Bureau.~~

~~(32) "Project" means the undertaking that encompasses a set of tasks or activities defined by the scope of work and budget included in the Small Matching Historic Preservation Grant Application or Special Category Historic Preservation Grant Application and formalized in the Historic Preservation Grant Award Agreement. The project must begin on the grant effective date and end on or before the grant expiration date. A project may be a part of a larger effort undertaken in a series of distinct phases, which may have begun before the grant period and which may extend beyond the grant period.~~

~~(33) "Project Administrative Expenditures" means those expenditures directly attributable to management and oversight of the grant assisted Project and meeting the reporting and associated requirements of the Historic Preservation Grant Award Agreement.~~

~~(34) "Project Budget" means the budget and project description included in the Small Matching Historic Preservation Grant Application or Special Category Historic Preservation Grant Application. The project budget must succinctly describe all major elements of project work, the estimated cost of each and clearly allocate requested grant funding and match contributions to each.~~

~~(35) "Project Manager" means the designated representative of the Grantee who is authorized to serve as liaison with the Department for all administrative requirements set forth in the Historic Preservation Grant Award Agreement.~~

~~(36) "Project Schedule" means the detailed timeline showing beginning and ending dates for all key elements of the Approved Scope of Work and all other major activities associated with project completion (e.g., draft report or construction document reviews, bidding, contract negotiation, and local permitting reviews).~~

~~(37) "Property Owner" means the owner(s) of land or building(s) or both, and of all improvements made with grant funds.~~

~~(38) "Real Property" means all land, structures, firmly attached and integrated equipment (e.g., light fixtures or a well pump), and anything growing on the land, as opposed to personal property (movable assets).~~

~~(39) "Reconstruction" means depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location and for which there is sufficient documentation available to accurately replicate the property.~~

~~(40) "Rehabilitation" means making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.~~

~~(41) "Religious Property" means any real property and associated improvements owned by a religious institution (examples include churches, schools, meeting halls and parish houses) and any real property, regardless of ownership, that is used as a place of worship.~~

~~(42) "Restoration" means accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.~~

~~(43) "Restrictive Covenants" means the legal instrument by which a Grant Recipient and Owner commit to maintenance and preservation of the historic integrity of a property improved with Special Category grant assistance. This legal instrument is recorded at the appropriate county clerk's office in the county in which the property is located and is binding on the current and subsequent owners for a term of ten (10) years from the date on which the instrument is recorded. The Restrictive Covenants must be recorded and submitted to the Department for projects involving real property prior to any release of Special Category Grant funding.~~

~~(44) "Review Panels" means ad hoc groups appointed by the Secretary of State to review, rank and recommend funding levels for Small Matching Historic Preservation Grant Applications. Panel members may include architects, engineers, historians, architectural historians, archaeologists, educators and museum professionals with experience in historic preservation, as well as citizens with demonstrated interest and experience in historic preservation.~~

~~(45) "Stabilization" means applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present. Also see "Preservation" in subsection (29) above.~~

(46) "Survey" means the act or process of determining the location and identification of historical and archaeological sites and properties. An aspect of identification is evaluation, meaning determination of the historical significance or values represented by historical and archaeological sites and properties which have been located and otherwise described. For the purpose of this grant program, historic significance is evaluated on the basis of the Criteria for Evaluation for the National Register of Historic Places as set forth in 36 CFR 60.4, as revised July 1, 2008, which are incorporated by reference and are available from the Bureau.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed \_\_\_\_\_.

#### 1A-39.003 Grant Funding.

##### Source of Grant Funds.

(1) The Division of Historical Resources (Division) grants both state and federal funds to assist historic preservation activities authorized by Section 267.0617, F.S.

(2) Federal funds for historic preservation grants in aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act. No Acquisition & Development projects for religious properties may be funded with these federal funds.

(3) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants in aid is subject to the policies, procedures, and guidelines set forth by that agency in Chapters 8 (Subgrants, Contracts and Third Party Agreements), 9 (Certified Local Governments), and 17 (Procurement Standards) of the July 2007 edition of the Historic Preservation Fund Grants Manual, incorporated by reference, and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. Examples of special conditions include ending dates by which all costs charged against a federal grant must be incurred and any prohibitions against the use of federal grant funds for lobbying activities. The federal Historic Preservation Fund Grants Manual is available online at <http://www.nps.gov/history/hps/hpg/downloads/June2007HPEManual.pdf>.

(4) Should the Division receive federal funding for Acquisition & Development grant activities, federal regulations require that properties be listed in the National Register of Historic Places or listed as contributing to the significance of a historic district listed in the National Register of Historic Places to be eligible for such funding.

(5) State funds consist of funds which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2),

F.S., or contributed from any other public or private source, except those federal funds for grants in aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(6) State funded Acquisition & Development activities for religious properties shall be limited to exterior work and only such interior work as is essential to the preservation of basic structural integrity.

(7) At least 80% of each donation made pursuant to Section 550.0351(2), F.S., shall be available for allocation to eligible projects within a 50 mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed \_\_\_\_\_.

#### 1A-39.004 Grant Programs.

Grant funds for historic preservation activities are awarded through two grant programs, the Small Matching Grant program and the Special Category Grant program, each with distinct program requirements and separate annual application cycles.

(1) Small Matching Grant Program. The purpose of this program is to provide funding to assist local, regional and state wide efforts to preserve significant historic structures and archaeological sites, and promote knowledge and appreciation of the history of Florida. This program does not fund operational support for historic preservation organizations.

(a) Small Matching Grant project categories include:

1. Acquisition & Development projects:

a. Acquisition of historic properties or archaeological sites;

b. Development activities including: restoration, rehabilitation, preservation and reconstruction, and site-specific planning for these activities; and recordation of historic and archaeological properties threatened with damage or destruction;

2. Protection & Education projects:

a. Community Education projects aimed at increasing public understanding and awareness of the importance of historic and archaeological resources and their preservation, in general and for specific sites and properties;

b. Survey & Planning projects, which identify and evaluate cultural resources and which contribute to processes and programs to protect those resources; and preparation of long range historic preservation and management plans for historic and archaeological properties;

~~e. Main Street projects include those providing technical support to the statewide Florida Main Street Program and a one-time start-up grant to newly designated Florida Main Street communities pursuant to Chapter 1A 36, F.A.C.;~~

~~d. Marker projects assist with the acquisition of state markers for which texts have been approved by the State Historic Marker Council;~~

~~e. Preparation of National Register nomination proposals for individual historic properties or archaeological sites, historic or archaeological districts, or thematic or multiple resource groups;~~

~~f. Statewide Special Projects, which address one or more statewide historic preservation needs identified by the Division. Applications for these projects are solicited by the Division within the regular grant cycle announcement; and~~

~~g. Florida Certified Local Governments (CLGs) (see subsection 1A 39.002(6), F.A.C.) are eligible to compete for a minimum of 10% of the annual federal Historic Preservation Fund apportionment received by the Division from the National Park Service. These CLG grants are awarded for Community Education, Survey & Planning, Marker and National Register nomination projects.~~

~~(b) Award Amount and Match Requirements. Except for projects providing technical support to the statewide Florida Main Street Program and Statewide Special Projects, the maximum award amount for the Small Matching Grant program is \$50,000. All Small Matching Grant awards require an equal match unless exempted as follows:~~

~~1. Match requirements shall be waived by the Division for projects providing technical support to the statewide Florida Main Street Program and for Statewide Special Projects.~~

~~2. Rural Economic Development Initiative (REDI) Communities For Small Matching Grants, the match requirement will be waived for applications for projects within communities designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. Exceptions to this waiver allowance are funding requests for acquisition of historic properties or purchase of historic markers, both of which must meet the full match requirement. The community in which the project site is located must be a designated REDI community at the time of application. A list of REDI qualified counties and municipal governments is available from the Governor's Office of Tourism Trade and Economic Development.~~

~~(c) An applicant from the same organization shall submit no more than one (1) application under a single application deadline in any Small Matching Grant category. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle provided that those divisions or departments~~

~~are separate and distinct budgetary units and providing that applications do not address the same facility, project or site.~~

~~(2) Special Category Grant Program. The purpose of this program is to provide funding to assist major local, regional and state wide efforts to preserve significant historic structures and archaeological sites, to assist major archaeological excavations, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. For the purpose of this program, the term "major" means projects with grant funding needs in excess of \$50,000. This program does not fund operational support for historic preservation organizations.~~

~~(a) Special Category Grant project categories include:~~

~~1. Acquisition of historic properties or archaeological sites;~~

~~2. Development activities, including: restoration, rehabilitation, preservation, and reconstruction, and site-specific planning required for these activities;~~

~~3. Archaeological excavation projects, including: research, field investigation, testing, analysis and publication of findings; and~~

~~4. Museum exhibit projects for Florida history museums, including: research, exhibit design, fabrication and installation.~~

~~(b) Award Amount and Match Requirements.~~

~~1. The applicant shall request no more than \$350,000 in a single application. The minimum grant request amount for the Special Category Grant Program is \$50,000.~~

~~2. The match requirement for the Special Category Grant Program shall be the greater of \$50,000 or 50% of the requested grant amount unless as reduced in subparagraph 3. below.~~

~~3. Rural Economic Development Initiative (REDI) Communities. For Special Category Grants, the match requirement shall be reduced to 10% of the requested grant amount for projects within rural communities designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. The community in which the project site is located must be a REDI community at the time of application. A list of REDI qualified counties and municipal governments is available from the Governor's Office of Tourism Trade and Economic Development.~~

~~(c) An applicant from the same organization shall submit no more than one (1) Special Category Historic Preservation Grant Application under a single application deadline. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle provided that those divisions or departments are separate and distinct budgetary units and providing that applications do not address the same facility, project or site.~~

~~(d) Grantees may have no more than one (1) previously awarded Special Category Grant open at the time of application. Applications from applicants with more than one open Special Category Grant shall be declared ineligible by staff and such applications shall be returned to the applicant with a written explanation.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History–New 10-14-09, Repealed\_\_\_\_\_.~~

1A-39.005 Non-Allowable Costs.

~~The following categories of expenditures are non allowable for expenditure of grant funds and as contributions to required match:~~

- ~~(1) Expenditures for work not included in the Approved Scope of Work;~~
- ~~(2) Costs of goods and services not procured in accordance with procurement procedures set forth in the Historic Preservation Grant Award Agreement;~~
- ~~(3) Expenses incurred or obligated prior to or after the grant period;~~
- ~~(4) Expenditures for work not consistent with the applicable preservation standards (see subsection 1A-39.002(31), F.A.C.);~~
- ~~(5) Expenditures for Furniture and Equipment, unless specifically authorized as a part of a grant project;~~
- ~~(6) Expenses associated with lobbying or attempting to influence federal, state, or local legislation, the judicial branch, or any state agency;~~
- ~~(7) Private entertainment, food, beverages, plaques, awards, or gifts;~~
- ~~(8) Costs or value of donations or in kind contributions not documented in accordance with the provisions of the Historic Preservation Grant Award Agreement;~~
- ~~(9) Indirect costs, except indirect costs for Statewide Special Projects and grants providing technical assistance to the statewide Florida Main Street Program, which shall be considered on a case by case basis but shall not exceed 20% of the grant award amount;~~
- ~~(10) Project Administrative Expenditures, whether grant expenditures or match contributions, which in aggregate exceed 10% of the grant award amount;~~
- ~~(11) Costs for projects having as their primary purpose the fulfillment of federal or state historic preservation regulatory requirements, specifically, costs of consultation and mitigation measures required under Section 106 of the National Historic Preservation Act of 1966, as amended through 2006, or under Section 267.031, F.S.;~~

~~(12) Projects which are restricted to private or exclusive participation, which shall include restricting access on the basis of sex, race, color, religion, national origin, disability, age, handicap, or marital status;~~

~~(13) Grantee operational support (i.e., organization salaries, travel, supplies) (Note: project specific travel costs shall be allowed if requested in the application, included in the Project Budget and clearly demonstrated by the applicant to be essential to completion of the proposed project);~~

~~(14) Vehicular circulation and parking (Exception: provision of code required handicapped parking pad);~~

~~(15) Sidewalks, landscape features, planting, irrigation systems and site lighting (Exception: sidewalk required to link code required handicapped parking pad to the accessible entry, planting required to halt erosion, and limited site lighting required for security, if included in the Approved Scope of Work);~~

~~(16) Capital improvements to non-historic properties (except as approved for Museum Exhibit projects);~~

~~(17) Capital improvements to the interior of religious properties (Exception: repairs to primary elements of the structural system. Examples include: foundation repairs, repairs to columns, load bearing wall framing, roof framing, masonry repairs, and window and exterior door repairs);~~

~~(18) Code required accessibility improvements for religious properties;~~

~~(19) Insurance costs (Exception: costs for builder's risk, workers compensation and contractor's liability insurance); and~~

~~(20) Purchase of equipment (other than equipment incorporated as capital improvements into a historic building during restoration or rehabilitation, and equipment required for a museum exhibit). If special equipment is required for completion of the Project and said equipment is included in the Approved Scope of Work for the Project as an eligible grant expense, it shall be rented for the grant term. If the value of special equipment is to be used as a match contribution, the value of the match contribution shall be limited to the cost of rental for the grant period at the market rate for such rental in the region.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History–New 10-14-09, Repealed\_\_\_\_\_.~~

1A-39.006 Match Contributions.

~~(1) For the purposes of this program, allowable match contributions must relate directly to the Approved Scope of Work and may include cash, the value of in kind services, and donated property and materials directly involved in project work. The required match must include a minimum cash contribution of 25%.~~

~~(a) In-kind services must be valued at the current Florida minimum wage unless the donor is performing services for which he or she is regularly employed at a higher prevailing wage, in which case, their value may include salary and benefits. Donated materials must be valued at the actual cost or fair market value and must be documented as such.~~

~~(b) The full amount of the cash match contribution must be cash on hand and dedicated to the project as documented by resolution or documented board action. Availability of cash match contributions must be documented by a bank statement or letter from the grantee's financial institution. For the purpose of this program, cash on hand includes funds identified in executed award letters or contracts from third parties, provided that those funds are expressly for the project for which the grant application is submitted.~~

~~(c) Written Pledges committed to be paid by a donor over a defined time frame (e.g., two (2) \$1,000.00 cash payments, the first to be made on January 31, 2010 and the second on January 31, 2011), with a donor's signature will be accepted as contributions to the required match. Anonymous pledges shall not be accepted as match contributions.~~

~~(d) The value of donated property will be accepted as a contribution to the required match, with the following conditions:~~

~~1. The donated property must be the historic property or archaeological site that is the subject of the project for which grant funds are requested.~~

~~2. Donation of the property must take place during the grant period.~~

~~3. Only the value of the historic building and its footprint or the portion of the property occupied by the archaeological site is eligible for contribution to the required match. This value must be based on a complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser.~~

~~4. Legal fees and other costs associated with the donation are not eligible match contributions.~~

~~(e) All match contributions must be documented as prescribed in the application. Match contributions that are not so documented will be disallowed, potentially resulting in a determination of application ineligibility or in reduction of the amount of grant award.~~

~~(2) Non allowable match contributions include:~~

~~(a) Funding requested but not yet approved through local or state government appropriation processes;~~

~~(b) Anticipated proceeds from fundraising activities;~~

~~(c) Expenditures made prior to or after the Grant Period;~~

~~(d) Grant funding from other sources applied for but not yet awarded;~~

~~(e) Cash pledges not meeting the requirements in paragraph 1A-39.006(1)(c), F.A.C.;~~

~~(f) Other grant funds from the Department of State or resources contributing to match requirements for other Department of State grant awards;~~

~~(3) Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the required support material, which includes the dollar amount dedicated to the project and the date the funds will be available. Resolutions that have not been approved by the application deadline shall not be used as match documentation.~~

~~(4) State agencies and universities must document all match contributions in writing. Match commitment letters must be signed by the duly authorized representative of the applicant agency.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed \_\_\_\_\_.~~

#### 1A-39.007 Application Procedures.

~~(1) The Division shall be responsible for the administration of all grant applications, procedures, and awards. Applicants shall meet all program deadlines as posted on the Division's website. Posted deadlines will appear at least sixty (60) days in advance of the deadline. Deadline dates are also available by contacting the Bureau at the address or telephone numbers indicated in subsection 1A-39.002(5), F.A.C.~~

~~(2) At least seven (7) days prior to each grant solicitation period, the Division shall publish in the Florida Administrative Register notification of the impending grant application period. This notification shall include the address of the online site where a solicitation letter describing any Statewide Special Projects or technical assistance projects for the Florida Main Street Program to be considered for funding is posted, where applications may be found, and where a mailing address and telephone number may be found through which additional information and assistance may be obtained.~~

~~(3) Florida Historical Commission and Review Panel meetings shall be noticed in the Florida Administrative Register and on the Division's website. Application review meetings shall be conducted in accordance with procedures outlined in this chapter and in Sections 112.313, 112.3143, 120.525 and 267.0617, F.S.~~

~~(4) Program guidelines shall be posted on the Division's website and shall contain information on eligibility requirements, application review procedures, evaluation criteria, disbursement of funds, and grant administration procedures.~~

~~(5) Applicant Eligibility. To be eligible to apply to the Division for grant funding, an applicant organization must:~~

~~(a) Be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or a non-profit organization.~~

~~(b) Have ownership of the property for which grant funding is requested or have the concurrence of the property owner. Except for projects involving property acquisition or site specific archaeological investigation, the owner must be a public entity governed by either a municipality, county, or a non-profit organization as defined in subsection 1A-39.002(27), F.A.C. For the purposes of this program, an eligible applicant may lease state owned land or building(s) or both.~~

~~(c) Have satisfied the administrative requirements of previous grants received from the Division or other Divisions of the Department of State, including grants that may be open at the time of application.~~

~~(d) Agree to and be able to match the requested grant amount or portion thereof as required by the specific grant program.~~

~~(e) Submit a completed application. Except as allowed in paragraph 1A-39.007(8)(c), F.A.C., applications shall be submitted to the Division online with specified supporting documents submitted by mail or express delivery service (unless applicants are specifically directed to do otherwise for special historic preservation funding appropriated by the Florida Legislature or made available by the federal government), and~~

~~(f) Agree to comply with all legal and financial requirements as set forth in this chapter and the grant program guidelines.~~

~~(6) For Acquisition & Development grant assistance, projects must be limited to a single site, or group of sites in which all the properties have the same owner(s).~~

~~(7) Should an entity receive legislative funding outside the review of the Florida Historical Commission, Review Panel or Secretary of State, that entity shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.~~

~~(8) Applications for historic preservation grant assistance shall be made on the appropriate historic preservation grant application form:~~

~~(a) Small Matching Historic Preservation Grant Application (DOS Form HR3E0410705SM, effective October 14, 2009, incorporated by reference).~~

~~(b) Special Category Historic Preservation Grant Application (DOS Form HR3E0410705SC, effective October 14, 2009, incorporated by reference).~~

~~(c) Online applications and instructions are available at the Division's web site. A copy of the application and all applicable supporting materials must be submitted to the attention of the Bureau by mail or express delivery service as specified in the instructions. If a prospective applicant does not have access to the internet, paper copies of the application may be obtained from the Bureau by writing to the address indicated in subsection 1A-39.002(5), F.A.C.~~

~~(d) For Acquisition projects:~~

~~1. In addition to the supporting documents referenced above, the application must include the following:~~

~~a. A copy of the complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser. Two appraisals are required if the first appraisal exceeds \$500,000.00;~~

~~b. A copy of a title search;~~

~~c. A copy of an executed option or purchase agreement;~~

~~d. A copy of the certified land survey; and~~

~~e. If applicable, a copy of the archaeological survey report justifying the archaeological site Acquisition project.~~

~~2. The maximum grant share for an Acquisition project shall not exceed 50% of the value of the property as determined by a complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser. If the appraisal exceeds \$500,000, a second appraisal must be obtained. In such case, the grant award shall not exceed 50% of the average of the two appraisals.~~

~~3. Only the purchase of the historic property or archaeological site is eligible for grant funding. All closing costs are the responsibility of the Grantee organization.~~

~~(9) Application Deadlines. There are two funding cycles annually; one for Special Category Grant funds, and one for state and federal Small Matching Grant funds. Applicants must submit separate applications for each cycle.~~

~~(a) To be considered for funding, online applications must be submitted by 12:00 midnight, on the deadline specified in the grant solicitation notice for the given grant cycle. Paper applications and required supporting materials must be received in the Division offices on or before 5:00 p.m., on the deadline specified in the grant solicitation letter for the given grant cycle, or be clearly postmarked or show evidence of submission to an express mail service on or before the online application deadline.~~

~~(b) In addition to the annual Special Category and Small Matching Grant cycles, the Division may also conduct special grant cycles should additional grant funds become available.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed \_\_\_\_\_.~~



## 1A-39.008 Application Review.

~~(1) Upon receipt of grant applications, the Division shall review and evaluate each application for completeness and eligibility according to the funding cycle and application deadline for which it is intended. Each complete and eligible application shall be assigned an identification number.~~

~~(2) Late, Incomplete and Ineligible Applications.~~

~~(a) If the online application is submitted after the established deadline or if the required supporting materials are postmarked or submitted to an express parcel service after the established deadline, the application will be declared ineligible by Division staff and will be returned to the applicant with a written explanation.~~

~~(b) Grants staff will perform a completeness review of each application received by the established submission deadline. If an application is found to be incomplete, the applicant will be notified in writing of the identified completeness deficiencies and will be given an opportunity, by a date certain deadline, to submit to the Division information and documentation necessary to render the application complete. If the identified completeness deficiencies are not corrected by the established deadline, the application will be declared ineligible by Division staff and will be returned to the sender with a written explanation of the Division's finding of ineligibility. Incomplete applications are those for which responses have not been provided for all required application questions, or applications lacking required supporting materials (as so indicated in the Application Checklist included with the application) such as documentation of match availability, and current photographs of the resource(s) involved in the project.~~

~~(c) Ineligible applications also include those from applicants that do not meet the eligibility requirements in subsection 1A 39.007(5), F.A.C., applications requesting funding amounts inconsistent with the maximum award amounts in paragraph 1A 39.004(1)(b), F.A.C. for Small Matching Grants or paragraph 1A 39.004(2)(b), F.A.C., for Special Category Grants, or those from applicants claiming the REDI match waiver or reduction provided by subparagraphs 1A 39.004(1)(b)2. and 1A 39.004(2)(b)3., F.A.C., but who are not eligible for such waiver or match reduction.~~

~~(3) All complete and eligible applications shall be reviewed by the Division professional staff for sufficiency and conformance with the evaluation criteria in subsection 1A-39.008(8), F.A.C.~~

~~(4) After initial staff technical review, if clarification is required, staff will request necessary additional information and establish a deadline for submission of that information by the applicant. Such request may be made of the applicant by letter, facsimile, e mail, or by telephone, based on contact information provided in the application. Additional~~

~~information received after the established deadline will not be accepted.~~

~~(5) The Division shall send copies of the applications and submitted supporting materials to each member of the Historical Commission or the Review Panel or make these materials available online in sufficient time for members to review all applications prior to the Commission or Panel convening in a public meeting for the purpose of considering the applications for funding.~~

~~(6) The Division shall also provide the following information to the Historical Commission or the Review Panels, as applicable, during or prior to the public meeting at which applications are considered:~~

~~(a) An opinion as to whether or not the project is appropriate for the type of grant assistance requested in the application;~~

~~(b) An assessment of compliance of the proposed project with applicable preservation standards;~~

~~(c) Any additional information or clarification requested from an applicant and received within the specified timeframe;~~

~~(d) An assessment of the eligibility of claimed match contributions and the project budget, with recommendations for any grant funding level adjustments that may be justified by the findings of the staff technical review. Examples of the need for such adjustment would be a recommendation to delete work not consistent with the applicable preservation standards or to reduce the grant award in an amount commensurate with inadequately documented or non-allowable match contributions.~~

~~(e) Information regarding the applicant's administrative performance for open or previous Department grants. This information shall be considered in evaluating administrative capability and in development of funding recommendations. Among factors to be considered are:~~

~~1. Timeliness of Progress and Expenditure Report submissions;~~

~~2. Adequacy of expenditure documentation;~~

~~3. Compliance with interest reporting or payment requirements;~~

~~4. Compliance of previous project or project phases with applicable preservation standards;~~

~~5. Compliance with draft contract and product review submission requirements; and~~

~~6. Time required for project completion.~~

~~(f) For Florida Certified Local Government (CLG) applicants competing for the federal funding described in subparagraph 1A 39.004(1)(a)2.g., F.A.C., information regarding the applicant's compliance with CLG reporting requirements will be provided.~~

~~(7) The Historical Commission and the Review Panels shall annually convene separate public meetings, either in person or by teleconference, to consider applications for federal or state Small Matching Grant assistance, and Special Category Grant assistance, within 150 days of the relevant application deadline.~~

~~(a) Applications for Small Matching Grant assistance shall be reviewed by a Review Panel.~~

~~(b) Applications for Special Category Grant assistance shall be reviewed by the members of the Historical Commission.~~

~~(c) The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least seven (7) days prior to the Historical Commission or Review Panel meeting.~~

~~(8) The Historical Commission and the Review Panels shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit, as follows:~~

~~(a) Criteria related to the site:~~

~~1. Historic significance, meaning the relative importance of the site in connection with prehistory or historical events, developments or personalities.~~

~~2. Endangerment, meaning existing or potential threats of loss or damage through demolition, deterioration or encroaching development.~~

~~3. Appropriateness of the historic preservation treatment proposed in relation to the preservation of the historic appearance and character of the site and the protection to be provided against existing or potential threats.~~

~~(b) Criteria related to the grantee:~~

~~1. Administrative capability, including personnel, facilities and organization adequate to complete the project and meet the administrative requirements of the grant. Applicant administrative performance for previous or open grants awarded by the Division or other divisions of the Department of State shall be considered.~~

~~2. Financial resources adequate to meet grant match requirements and, as applicable, to carry project costs as necessary pending receipt of reimbursements from grant funds.~~

~~3. Availability of professional and technical services required to carry out the project work.~~

~~(c) Criteria related to public benefit:~~

~~1. Compatibility with statewide historic preservation priorities established by the Division, which include but are not limited to: equitable geographic and demographic distribution of available grant funds. These priorities are subject to change depending on regional or statewide concerns (e.g., disasters such as fire, flooding or hurricane damage).~~

Further information about these priorities is available from the Bureau.

~~2. Educational potential or demonstration value for enhancing the public awareness of Florida history, Florida historic sites and properties, the objectives of historic preservation, and the application of historic preservation methods, materials and standards.~~

~~3. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private sector interest and investment in historic preservation projects.~~

~~4. Public use or other public good resulting from the project.~~

~~(9) Overmatch (contribution of match resources in excess of the match requirements indicated in paragraph 1A-39.004(1)(b), subsection 1A-39.004(2) and paragraph 1A-39.004(2)(b), F.A.C.) shall result in no special consideration or advantage in application ranking; however, the applicant shall be required to document the availability of funding sufficient to complete the project if completion requires more than the sum of the required match and the requested grant funding.~~

~~(10) The Historical Commission and the Review Panels shall each develop priority listings of all project applications reviewed by ranking each project relative to the others and shall recommend funding levels and any appropriate special conditions for each individual project. An example of a special condition is a requirement that the grantee must ensure that masonry repairs are undertaken in accordance with the guidance contained in National Park Service Preservation Brief No. 2: Repointing Mortar Joints in Historic Buildings, available from the Bureau.~~

~~(11) For the purpose of establishing priority listings and recommending funding levels within the Small Matching Grant program, two (2) Review Panels shall consider applications in two general categories, Acquisition & Development and Protection & Education. Applications within the Protection & Education category shall be considered by groups in the following sub-categories: Survey & Planning, Community Education, Main Street, Historical Markers, National Register Nominations, and Statewide Special Projects. The Review Panels shall rank individual projects within each sub-category, also recommending funding levels for each individual project.~~

~~(12) The recommendations of the Historical Commission and the Review Panels shall be submitted by the Division to the Secretary of State for review and approval. At a minimum, the written recommendations shall include a ranking of all proposed projects, however categorized, and the recommended funding level for each proposed project.~~

~~(13) The Division shall prepare a final priority listing of all project applications with an associated level of funding for each project, as approved by the Secretary, and shall notify all applicants in writing of the final decision on the priority order and the recommended funding level for their respective applications.~~

~~(14) Funding for state Small Matching Grants and Special Category Grants is contingent on an annual appropriation by the Florida Legislature.~~

~~(15) Grant funds shall be awarded in accordance with the final priority listing of the applications considered for grant assistance in a given funding cycle, unless otherwise provided by the Legislature. Funds shall not be provided for projects which were not applied for, reviewed and recommended in accordance with procedures outlined in this chapter.~~

~~(16) If reallocation of grant funds becomes necessary due to completion of a project at less than anticipated cost or project cancellation during the grant period for either a federal funded or state funded grant project:~~

~~(a) The Division Director shall increase the grant award amount for projects funded in the same grant cycle that received only a portion of the recommended funding amount; and~~

~~(b) If the funds available for reallocation exceed the amount needed to accomplish the objective of paragraph (a) above, after funding the projects in paragraph (a), the Division Director shall allocate remaining additional funds to new grant awards in rank order at the recommended funding level for projects reviewed and ranked in the same grant cycle but not funded because of insufficient funding.~~

~~(c) Any funds remaining in any grant allocation as a result of completion of a project at less than anticipated cost or project cancellation that are not reallocated in accordance with paragraph (a) or (b) above, shall revert to the funding source from which the grant funds were appropriated.~~

~~(17) If additional grant funds become available during the grant year for either federal funded or state funded grants, the Director shall increase grant awards or award new grants for applications reviewed by the Historical Commission or Review Panel during the normal review processes as in subsection 1A 39.008(1), F.A.C., or establish a special process for awarding such additional funds.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed \_\_\_\_\_.~~

#### 1A-39.009 Grant Award Agreement.

~~(1) All grant awards which have been approved in accordance with subsection 1A 39.008(15), F.A.C., shall be formalized through a Historic Preservation Grant Award Agreement by which the grantee enters into a contract with the~~

~~State of Florida for the management of grant funds. The grant award agreement is specific to the type of project being assisted. Each of the following four types of grant award agreements is incorporated by reference and is available on the Division's web site:~~

~~(a) Special Category Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASC, effective October 14, 2009. This agreement shall be used for all Special Category Grant awards.~~

~~(b) Small Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASM, effective October 14, 2009. This agreement shall be used for all Acquisition & Development, Survey & Planning, Community Education, and National Register Nomination projects for which a match is required.~~

~~(c) Non Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAANM, effective October 14, 2009. This agreement shall be used for all Statewide Special Projects and technical assistance projects for the Florida Main Street Program that have been solicited by the Division to meet statewide historic preservation needs, as well as all Acquisition & Development, Survey & Planning, Community Education, National Register Nomination projects for which the match requirement has been waived.~~

~~(d) Abbreviated Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAAAB, effective October 14, 2009. This agreement shall be used for all local Main Street and Historic Marker projects.~~

~~(2) The project work may not be initiated prior to the effective date of the Historic Preservation Grant Award Agreement, except as allowed in subsection 1A 39.009(3), F.A.C.~~

~~(3) The Division shall authorize initiation of project work prior to the effective date of the Historic Preservation Grant Award Agreement if loss of the property would likely otherwise occur. Such authorization must be secured prior to the initiation of work and shall apply only to work to be undertaken during the period after the project has been recommended to the Legislature for funding by the Secretary of State and before legislative appropriation of grant funds. The grantee must request such authorization in writing and must document the imminent threat to the property by submission of a letter report from a Florida registered structural engineer clearly describing the conditions constituting the threat and proposed corrective measures. The Division shall review the documentation provided by the grantee and make a determination regarding justification for requested authorization. The written determination of the Division shall be final. Any authorization granted for work initiated prior to the effective date of the Historic Preservation Grant Award Agreement shall apply only to that work~~

addressing the conditions contributing to the identified threat to the property. All proposed corrective measures shall meet applicable preservation standards. Division authorization for initiation of project work prior to the effective date of the Historic Preservation Grant Award Agreement shall impose no liability on the Division if anticipated grant funds are not appropriated by the legislature. All such work shall be undertaken solely at the applicant's risk.

~~(4) Grant Encumbrance Period and Expenditure Period:~~

~~(a) Encumbrance Period for Projects Requiring Contractual Services:~~

~~1. During the encumbrance period, but not later than the end date of the encumbrance period, the grantee shall execute all required contracts for all work to be accomplished with grant funds. Projects for which encumbrance is not accomplished by the established deadline may be cancelled by the Division and the grant funds may be reallocated in accordance with subsection 1A-39.008(16), F.A.C.~~

~~2. For the purpose of the Special Category Grant program, the encumbrance deadline is June 30 of the state fiscal year in which grant funds are appropriated by the Legislature.~~

~~3. For the purpose of the Small Matching Grant program (including: matching Acquisition & Development, Survey & Planning, Community Education, and National Register Nomination projects; non matching Acquisition & Development, Survey & Planning, Community Education, National Register Nomination projects; and Main Street and Historic Marker projects), grant funds must be encumbered by November 1 of the state fiscal year in which the grant funds are appropriated by the Legislature.~~

~~4. Exception: The encumbrance period for a Special Category Grant project shall be extended by written approval of the Division if requested in writing as indicated below and if the Grantee demonstrates to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by the end of the requested extended encumbrance period. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than May 31 of the state fiscal year in which the grant funds are appropriated by the Legislature. For Special Category Grant projects, the maximum extension of the encumbrance period shall be 180 days.~~

~~5. Exception: A one time thirty (30) day extension of the encumbrance period for Small Matching Grant projects shall be granted by the Division if requested in writing as indicated below and if the Grantee demonstrates to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by December 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. The Grantee's written~~

~~request for extension of the encumbrance deadline must be submitted to the Division no later than October 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. No further extension of the encumbrance period shall be granted.~~

~~6. Small Matching Grant projects for which full encumbrance of grant funding and the required match is not accomplished by the extended encumbrance deadline shall be terminated by the Division. In such cases, all grant funds not expended in accordance with the provisions of the Historic Preservation Grant Award Agreement by the extended encumbrance period end date will be reallocated in accordance with subsection 1A-39.008(16), F.A.C.~~

~~(b) For projects not involving contract services (e.g., archaeological or other research projects conducted by universities, projects conducted by staff within State Parks, or small development projects involving repairs undertaken by volunteers), the grantee and the Division shall consult on a case by case basis to develop an acceptable encumbrance schedule.~~

~~(c) The Division will not release more than 25% of the total grant amount until an executed contract with an architect, contractor, consultant or vendor has been submitted by the grantee and approved by the Division. Acquisition grants that were awarded for the purchase of real property are exempt from this provision. The Division shall maintain a copy of all such executed contracts in the grant files.~~

~~(d) Expenditure Period:~~

~~1. For Special Category Grant projects, grant funds and required match resources must be expended by June 30 of the fiscal year following the fiscal year in which grant funds were appropriated by the Legislature.~~

~~2. For Small Matching Grant projects, grant funds must be expended by June 30 of the fiscal year in which grant funds were appropriated by the Legislature.~~

~~3. Grant funds shall not be used for project expenditures that are incurred after the expenditure period end date, which is the termination date of the Historic Preservation Grant Award Agreement.~~

~~4. For Special Category Grant projects, the Division shall extend the expenditure period by not more than 180 days provided that the grantee requests the extension in writing and:~~

~~a. Documents that all grant funds and match contributions are encumbered; and~~

~~b. Demonstrates to the satisfaction of the Division that project work is progressing at a rate such that completion is achievable within the extended expenditure period.~~

~~5. For Small Matching Grant Projects, a one-time thirty (30) day extension shall be granted by the Division if requested in writing by the Grantee and if the Grantee demonstrates to the satisfaction of the Division that project~~

~~work is progressing at a rate such that completion is achievable within the extended grant period.~~

~~6. For Special Category and Small Matching Grant projects, the grantee's written request for extension shall be submitted to the Division no later than thirty (30) days prior to the termination date of the Historic Preservation Grant Award Agreement.~~

~~(5) Grant Funding Disbursement.~~

~~(a) Grantees may elect either Advance Disbursement or Reimbursement of grant funds in the Historic Preservation Grant Award Agreement. Once this election is made, it shall not be amended.~~

~~(b) All grantee payment requests must be submitted to the Division on the Payment Request Form provided by the Division (DOS Form HR3E1208PRF, effective October 14, 2009), incorporated by reference and available on the Division web site).~~

~~(c) Grant payments are contingent upon completion by the grantee of specific performance measures as prescribed in the Historic Preservation Grant Award Agreement.~~

~~(d) Reimbursement for expenditures shall be based on documentation provided in the Project Progress and Expenditure Reports described in Rule 1A 39.010, F.A.C.~~

~~(e) Release of grant funds for Advance Disbursement projects shall be as specified in the Historic Preservation Grant Award Agreement, subject to release of state appropriation to the Division. The release schedule may be adjusted by the Division with prior notice to the Grantee.~~

~~(f) The Final Payment (10% of the grant award amount) shall be retained by the Division until receipt, review and approval of the Final Project Progress and Expenditure Report described in paragraphs 1A 39.010(1)(b) and (2)(c), F.A.C., documenting full expenditure of all grant funds and required match contributions. For the purpose of this provision, "expenditure" shall mean that all goods and services have been delivered, invoiced, and approved by the Division. While proof of payment is not required for request of the 10% retainage amount, such proof of payment must be submitted to the Division within thirty (30) days after the date of issuance of the state warrant for the final grant payment.~~

~~(g) The Department shall reduce total grant funding for the Project in direct proportion to match contributions not met by the end of the Grant Period. This reduction shall be calculated by dividing the actual match amount by the required match amount indicated in the Historic Grant Award Agreement and multiplying the product by the grant award amount indicated in the Historic Grant Award Agreement.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed \_\_\_\_\_.~~

~~1A-39.010 Reporting Requirements.~~

~~(1) Special Category Grant Project Reporting Requirements.~~

~~(a) Special Category Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERSC, effective October 14, 2009), incorporated by reference and available on the Division's web site, covering six (6) month reporting intervals shall be submitted until the project is complete. For the purpose of this program, a project is considered complete when all grant funding and required match resources have been expended, and all corresponding project work has been reviewed and approved by the Division. Reports are due thirty (30) days following the end date of each reporting interval. The first Project Progress and Expenditure Report is due on January 31 of the state fiscal year in which the grant was awarded.~~

~~(b) A Final Special Category Grant Project Progress and Expenditure Report, contained in DOS Form HR3E1208PERSC, and photographs of completed project work or copies of final grant products shall be submitted within thirty (30) days following the expenditure of all grant and match funding, and contribution of all in-kind services, and donated materials included in the match documented in the grant application for the project, which is incorporated by reference in the Historic Preservation Grant Award Agreement.~~

~~(2) Small Matching Grant Project Reporting Requirements.~~

~~(a) For each type of Small Matching Grant Project, a Project Progress and Expenditure Report shall be submitted at three month reporting intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant funds and required match resources have been expended, and all project work or final grant-assisted products have been reviewed and approved by the Division. Reports are due thirty (30) days following the end date of each reporting interval. The first Project Progress and Expenditure Report is due on October 31 of the state fiscal year in which the grant was awarded.~~

~~(b) The following Project Progress and Expenditure Report forms, incorporated by reference and available on the Division's web site, shall be used for the corresponding Small Matching Grant project type:~~

~~1. Acquisition & Development Project Progress and Expenditure Report (DOS Form HR3E1208PERSMAD, effective October 14, 2009);~~

~~2. Survey and Planning/Community Education Project Progress and Expenditure Reports (DOS Form HR3E1208PERSMSPCE, effective October 14, 2009) (for Survey & Planning, Community Education and National Register nomination projects for which a match is required);~~

~~3. Non Matching Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERNM, effective October 14, 2009) (for special solicited projects and REDI waiver projects);~~

~~4. Abbreviated Historic Preservation Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERAB, effective October 14, 2009 ) (for Historical Marker and Main Street projects); and~~

~~5. Certified Local Government Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERCLG, effective October 14, 2009).~~

~~(c) Final Project Progress and Expenditure Reports for each type of Small Matching Grant (contained in each of the Project Progress and Expenditure Report forms listed in subparagraph 2. above) shall be submitted within thirty (30) days following the expiration date but not later than July 31 of the year following the state fiscal year in which the grant was awarded. Final Project Progress and Expenditure Reports shall include photographs of completed project work or copies of final grant products.~~

~~(3) All Project Progress and Expenditure Reports shall include the following:~~

~~(a) A written description of the work completed;~~

~~(b) Financial documentation showing the expenditure of grant funds and match resources including: a detail listing check number, amount of check, date of check, name of payee, a description of the expenditure, and copies of invoices and cancelled checks, copies of the paid invoices for all cash purchases, or alternative expenditure documentation as approved in writing by the Division.~~

~~(c) For all Acquisition & Development projects, photographs describing the current status of project work as related to the Approved Scope of Work. All photographs shall be captioned with property name, date of photograph, and description of feature and work described. Photographs shall be clear and sufficient to describe all completed elements of the Approved Scope of Work.~~

~~(4) All Project Progress and Expenditure Reports require completion of a grantee assessment to assist in identifying non state entity grantees that are required to comply with the Florida Single Audit Act, Sections 215.97(2)(a) and 215.97(8)(a), F.S. Information provided by this grantee assessment shall be reported by grants staff to the Department's Office of Inspector General in accordance with the established procedures of that office.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History-New 10-14-09, Repealed \_\_\_\_\_.~~

~~1A-39.011 Restrictive Covenants.~~

~~(1) For Special Category Grant projects involving acquisition of or improvement to real property, the grantee and the property owner(s) shall execute and file a Restrictive Covenants, DOS Form HR3E1208RC, effective October 14, 2009, with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds. This Restrictive Covenants form, incorporated by reference, is available on the Division's web site.~~

~~(2) The restrictive covenant shall include the following provisions:~~

~~(a) The Restrictive Covenants, incorporated herein by reference, shall run with the title of the property, shall encumber the property and shall be binding upon the grantee and the owner(s), if different, and the successors in interest for ten (10) years from the date of the recordation of the Restrictive Covenants.~~

~~(b) The grantee and owner(s) shall permit the Division to inspect the property at all reasonable times to determine whether the grantee and owner(s) are in compliance with the terms of the Restrictive Covenants.~~

~~(c) The grantee and owner(s) shall maintain the property in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

~~(d) The grantee and owner(s) agree that no modifications will be made to the property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Division's Bureau of Historic Preservation.~~

~~(e) The Restrictive Covenants shall also contain an amortization schedule of the repayment of grant funds, should the grantee or owner(s) or their successors in interest violate the Restrictive Covenants.~~

~~(f) Other provisions as agreed upon by the Division and the grantee.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History-New 10-14-09, Repealed \_\_\_\_\_.~~

~~1A-39.012 Preservation Agreement.~~

~~(1) For Special Category and Small Matching Grant projects involving properties other than real property (e.g., an aircraft, locomotive or marine vessel), Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASC, effective October 14, 2009, incorporated herein by reference and available on the Division's web site, shall be required prior to the release of grant funds. Through this Preservation Agreement, the grantee and the property owner(s) shall commit to the following for a term of ten (10) years for Special Category Grant projects and five (5) years for Small Matching Grant projects:~~

~~(a) To assume the cost of the continued maintenance and repair of the property so as to preserve the architectural or historical integrity of the same.~~

~~(b) That no visual or structural alterations will be made to the property without prior written permission of the Division.~~

~~(c) That the Division, its agents and designees shall have the right to inspect the property at all reasonable times in order to ascertain whether or not the conditions of this agreement are being observed.~~

~~(d) The Preservation Agreement shall also contain an amortization schedule for the repayment of grant funds, should the grantee or owners or their successors in interest violate the Preservation Agreement.~~

~~(e) Other provisions as agreed upon by the Division and the grantee.~~

~~(2) For Small Matching Grant projects involving acquisition of or improvement to a historic property, Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASM, effective October 14, 2009, incorporated herein by reference and available on the Division's web site, shall be required prior to the release of grant funds. Through this Preservation Agreement, the grantee and the property owner(s) shall commit to the provisions indicated in subsection 1A 39.012(1), F.A.C. for a term of five (5) years.~~

~~Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09, Repealed\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lydia Strom

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 21, 2015

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-3.011	Policy and Purpose
40E-3.021	Definitions
40E-3.035	Agreements
40E-3.036	Rules and Publications Incorporated by Reference
40E-3.038	Violations of Contractor Licensing and Well Construction Requirements
40E-3.040	Scope of Part I
40E-3.041	Permits Required
40E-3.042	Multiple Wells Under a Single Permit
40E-3.051	Exemptions
40E-3.101	Content of Application
40E-3.321	Duration of Permits
40E-3.341	Suspension and Revocation
40E-3.411	Well Completion Reports
40E-3.451	Emergency Authorization
40E-3.461	Inspection
40E-3.500	Scope of Part II
40E-3.502	Construction Methods
40E-3.507	Casing and Liner Pipe Standards
40E-3.517	Grouting and Sealing
40E-3.600	Scope of Part VI

PURPOSE AND EFFECT: To update the District's water well regulation rules to reflect recent statutory amendments for water well contractor licensing, create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, incorporate by reference updated versions of related rules adopted by the Department of Environmental Protection (DEP), incorporate materials and forms that are already incorporated into DEP's well construction rules, and make non-substantive amendments.

SUMMARY: Rule 40E-3.011, F.A.C., is amended to add "F.A.C." after a rule reference; Rule 40E-3.021, F.A.C., is amended to update a rule reference; Rule 40E-3.035, F.A.C., is amended to include hyperlinks to the delegation agreements with local permitting authorities, Rule 40E-3.036, F.A.C., is amended to incorporate updated Chapter 62-531, F.A.C., and its incorporated Water Well Contractor Disciplinary Guidelines and Citations Dictionary and Water Well Contractor Continuing Education Program Manual, Chapter 62-532, F.A.C., Rules 62-555.310, 62-555.312, 62-555.315(1), F.A.C., Chapter 62-524, F.A.C., and DEP Form 3, Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program, and Form 4, Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program, and correct reference to the subsection referenced in paragraph 40E-3.036(2)(e), F.A.C. and correct title to material incorporated in paragraph 40E-3.036(2)(h);

F.A.C., amend Rule 40E-3.038, F.A.C., to incorporate updated Form No. 0186 of DEP, State of Florida Water Well Contractor's License Application, and add reference to Chapter 62-532, F.A.C.; amend Rule 40E-3.040, F.A.C. to delete reference to repealed Chapter 40E-40, F.A.C.; amend Rule 40E-3.041, F.A.C., to add punctuation; add new Rule 40E-3.042, F.A.C., authorizing multiple wells under a single permit; amend Rule 40E-3.051, F.A.C., to correct a rule reference, delete repealed Chapter 40E-40, F.A.C., and delete exemption for a well which has received a permit under Chapter 62-528, F.A.C.; amend Rule 40E-3.101, F.A.C., to delete redundant language, correct punctuation, add (s) for multiple wells, update language regarding location of well(s), and update reference to Table A which is no longer titled "Summary of Groundwater (Well) Facilities;" amend Rules 40E-3.321, 40E-3.341, 40E-3.461, 40E-3.500, F.A.C., to correct punctuation; amend Rule 40E-3.411, F.A.C., to add rule reference and make incorporation language consistent with other rules; amend Rule 40E-3.451, F.A.C., to correct a grammatical error; amend Rule 40E-3.501, to add reference to Chapter 62-524, F.A.C., and to correct punctuation; amend Rules 40E-3.507 and 40E-3.517, F.A.C., to correct rule references and punctuation; and amend Rule 40E-3.600, F.A.C., to reflect this rule pertains to Part II of this Chapter rather than Part IV.

**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: There are no costs to the regulated public as a result of the proposed rule amendments. There will be some cost savings resulting from the new rule allowing multiple wells under a single permit. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that 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:** 373.044, 373.113, 373.119, 373.171, 373.309, 373.333, 373.337 FS.

**LAW IMPLEMENTED:** 373.019, 373.103, 373.106, 373.113, 373.118, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.326, 373.329, 373.333, 373.336, 373.342 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: South Florida Water Management District's Clerk's Office, 1(800)432-2045, ext. 2087 or (561)682-2087. 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:** Kellie Madison, Section Leader, Water Use Bureau, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: 1(800)432-2045, ext. 6906 or (561)682-6906, email: kmadison@sfwmd.gov, or Jennifer Brown, Sr. Attorney, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: 1(800)432-2045, ext. 2258 or (561)682-2258. For procedural questions, contact Jan Sluth, Sr. Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

40E-3.011 Policy and Purpose.

(1) No Change.

(2) Additional District rules relating to water wells are found in Chapters 40E-5 (Artificial Recharge) and 40E-2, F.A.C. (Consumptive Use).

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, 7-14-14,\_\_\_\_\_.



## 40E-3.021 Definitions.

When used in this chapter:

(1) through (18) No Change.

(19) All definitions contained in Section 373.303, F.S. and Chapters 62-531 and 62-532, F.A.C., are adopted and incorporated by reference in subsections ~~paragraphs~~ 40E-3.036 (1)(a) and (2) (e), F.A.C., respectively.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, 9-26-12, 7-14-14, \_\_\_\_\_.

## 40E-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents, which are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436, or (561)682-6436:

(1) "Delegation Agreement between South Florida Water Management District and Lee County for Regulation of Water Wells;" ~~dated~~ (September 13, 2005) [\[HYPERLINK\]](#).

(2) "Delegation Agreement between South Florida Water Management District and Miami-Dade County Health Department;" ~~dated~~ (August 10, 2005) [\[HYPERLINK\]](#).

(3) "Agreement between Collier County and South Florida Water Management District;" ~~dated~~ (February 5, 1985) [\[HYPERLINK\]](#); "Amendment to Agreement between South Florida Water Management District and Collier County" (February 28, 1989) [\[HYPERLINK\]](#);" Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Collier County;" ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(4) "Agreement between the City of Cape Coral and South Florida Water Management District;" ~~dated~~ (October 10, 1986) [\[HYPERLINK\]](#); "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and the City of Cape Coral;" ~~dated~~ (August 10, 2005) [\[HYPERLINK\]](#).

(5) "Agreement between the Martin County Health Department and South Florida Water Management District;" ~~dated~~ (June 12, 1998) [\[HYPERLINK\]](#); "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Martin County Health Department;" ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#); "Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Martin County Health Department;" ~~dated~~ (May 13, 2010) [\[HYPERLINK\]](#).

(6) "Agreement between the Osceola County Health Department and South Florida Water Management District;"

~~dated~~ (February 11, 1999) [\[HYPERLINK\]](#); "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Osceola County Health Department;" ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#).

(7) "Agreement between the St. Lucie County Health Department and South Florida Water Management District;" ~~dated~~ (April 13, 2000) [\[HYPERLINK\]](#); "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and St. Lucie County Health Department;" ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#); "Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and St. Lucie County Health Department;" ~~dated~~ (May 13, 2010) [\[HYPERLINK\]](#).

(8) "Agreement between the Hendry County Health Department and South Florida Water Management District;" ~~dated~~ (September 14, 2000) [\[HYPERLINK\]](#); "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Hendry County Health Department;" ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#).

(9) "Agreement between the Okeechobee County Health Department and South Florida Water Management District;" ~~dated~~ (April 11, 2002) [\[HYPERLINK\]](#); "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Okeechobee County Health Department;" ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#); "Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Okeechobee County Health Department;" ~~dated~~ (May 13, 2010) [\[HYPERLINK\]](#).

(10) "Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Glades County Health Department;" ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(11) "Delegation Agreement between South Florida Water Management District and Orange County Health Department;" ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(12) "Delegation Agreement between South Florida Water Management District and Osceola County and Polk County Health Departments;" ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(13) "Delegation Agreement between South Florida Water Management District and Palm Beach County Health Department;" ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(14) "Delegation Agreement between South Florida Water Management District and State of Florida Department

of Health, Broward County Health Department;” ~~dated~~ (June 8, 2005) [HYPERLINK].

(15) “Delegation Agreement between South Florida Water Management District and Highlands County Health Department;” ~~dated~~ (May 13, 2010) [HYPERLINK].

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended 8-26-10, \_\_\_\_\_.

40E-3.036 Rules and Publications Incorporated by Reference.

The following Department rules, publications, standards and forms ~~are incorporated by reference herein~~, regarding construction, repair, and ~~abandonment~~ ~~abandonment~~ of wells, ~~and~~ shall apply to the well contractor licensing program administered by the District, ~~and are incorporated by reference herein~~. Copies may be obtained by contacting the Department or the District in accordance with subsection (8) below:

(1) Chapter 62-531, F.A.C., Water Well Contractor Licensing Requirements (June 22, 2014) (41-25-07), [<https://www.flrules.org/Gateway/ChapterHome.asp?Chapter=62-531>]; ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399 2400, telephone (850) 245 8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682 6436.~~ The following publications referenced in Chapter 62-531, F.A.C., are also incorporated by reference herein:

(a) The Department’s Water Well Contractor Disciplinary Guidelines and Citations Dictionary Procedures Manual (June 22, 2014) (October 2002) [<https://www.flrules.org/Gateway/reference.asp?No=Ref-03955>], incorporated by reference in subsection 62-531.450(1)(5), F.A.C., ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399 2400, telephone (850) 245 8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682 6436;~~

(b) The Department’s Water Well Contractor Continuing Education Program Manual for Coursework and Continuing Education for Water Well Contractors, Department of Environmental Protection (June 22, 2014) (November 2006), [<https://www.flrules.org/gateway/reference.asp?No=Ref-03954>], incorporated by reference in subsection 62-531.300(2), F.A.C., ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, MS 3680, Tallahassee, FL 32399 2400; telephone (850) 245 8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682 6436;~~

(2) Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (October 7, 2010) (10-07-10), [<https://www.flrules.org/Gateway/reference.asp?No=Ref-00574>], a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436. The following publications referenced in Chapter 62-532, F.A.C., are also incorporated by reference herein:

(a) through (d) No Change.

(e) 2008 NSF International Standard/American National Standard NSF/ANSI 14-2008e, Plastics Piping System Components and Related Materials; NSF International Standard/American National Standard NSF/ANSI 61-2008, Drinking Water System Components – Health Effects, incorporated by reference in paragraph 62-532.500(1)(g)(a), F.A.C. Copies of these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140;

(f) through (g) No Change.

(h) Grouting and Sealing for Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First Edition 2000, Oklahoma State University, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018.

(3) Rule 62-555.310, F.A.C., Source and Siting Requirements for Public Water Systems (August 28, 2003) (8-28-03), [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01538>], a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.

(4) Rule 62-555.312, F.A.C., Location of Public Water System Wells (August 28, 2003) (8-28-03), [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01539>], a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.

(5) Subsection 62-555.315(1), F.A.C., Public Water System Wells – Well Security (August 28, 2003) (8-28-03), [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01540>], a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.

(6) Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas (June 27, 2000) (6-27-00), [<https://www.flrules.org/Gateway/reference.asp?No=Ref-00572>], and the maps containing Delineated Areas for the following Counties: Broward, Glades, Highlands, Martin, Miami-Dade, Orange, Osceola, Polk, and St. Lucie, incorporated by reference in Rule 62-524.430, F.A.C. [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01529>]. Copies may be obtained, upon receipt of reproduction and other appropriate costs, from the Department of Environmental Protection, Bureau of Information Systems, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District Clerk's office, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.

(7) The Department's Florida Unified Citations Dictionary for Well Construction (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-03078>, a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.

(7)(8) The following Department forms are incorporated by reference into this chapter and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District:

(a) through (b) No change.

(c) Application for a State of Florida Water Well Contractor's License, DEP Form 0186, incorporated by reference in subsection 40E-3.038(1) 3, F.A.C.

(d) Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program, DEP Form 3 (June 2014) [<https://www.flrules.org/gateway/reference.asp?No=Ref-04130>], incorporated by reference in Rule 62-531.300, F.A.C.

(e) Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program, DEP Form 4 (June 2014) [<https://www.flrules.org/gateway/reference.asp?No=Ref-04131>], incorporated by reference in Rule 62-531.300, F.A.C.

(8) All rules and publications incorporated by reference herein, other than the copyrighted materials identified in paragraphs (2)(a) through (h) herein, may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (800) 432-2045 ext. 6436 or (561) 686-6436.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended 9-8-13,\_\_\_\_\_.

~~40E-3.038 Violations of Contractor Licensing and Well Construction Requirements.~~

~~(1) Applications for a water well contractor license shall be filed with the District on Form 0186, (09-2012), "Application for a State of Florida Water Well Contractor's License Application", (September 2012) incorporated \_\_\_\_\_ by \_\_\_\_\_ reference \_\_\_\_\_ herein: [https://www.flrules.org/Gateway/reference.asp?No=Ref-01635], incorporated by reference herein, which is Form 0186 is available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.~~

~~(2) No change.~~

~~(3) Violations of the contractor licensing requirements and well construction requirements are provided by Chapter 373, F.S., and Chapters 62-531 and 62-532, F.A.C.~~

~~(4) No change.~~

~~Rulemaking Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Amended 3-16-05, 9-26-12,\_\_\_\_\_.~~

~~40E-3.040 Scope of Part I.~~

~~The rules in this part relate to the permitting requirements applicable to the construction, repair, or abandonment of wells. Unless expressly exempt by statute or this rule, all wells must be permitted prior to construction, repair, or abandonment and must be constructed, repaired, or abandoned by a licensed water well contractor. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use); or Chapters 40E-4 and 62-330 (Environmental Resource Permits), (Surface Water Management), or Chapter 40E-40 (General Surface Water Management Permits), F.A.C.~~

~~Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.316, 373.326, 373.342 FS. History—New 1-1-85, 7-14-14,\_\_\_\_\_.~~

40E-3.041 Permits Required.

(1) Unless expressly exempted by statute or District rule, a permit must be obtained from the District or delegated agency prior to the construction, repair, or abandonment of any water well within the District's jurisdiction.

(2) through (3) No change.

(4) Permits for construction, repair, modification, or abandonment of wells for which a water use permit is required under Chapter 40E-2, F.A.C., shall not be issued prior to issuance of the water use permit authorizing water use withdrawals.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History—New 1-1-85, Amended 3-16-05, 7-14-14,\_\_\_\_\_.

40E-3.042 Multiple Wells under a Single Permit.

(1) The construction, repair, modification, or abandonment of:

(a) Up to eight (8) sandpoint irrigation, monitor, recovery, dewatering, or gang wells 4 inches or less in diameter; or,

(b) A Class V air conditioning heat pump system consisting of one supply well and one return well; may be included under one permit provided the conditions of subsection (2) are met.

(2) A multiple well permit as described in subsection (1) will be issued provided:

(a) The wells are constructed in the same geologic material, completed in the same hydrogeologic unit, and drilled on a contiguous tract of land owned or controlled by the same individual or entity; and,

(b) Each well is the same diameter and constructed of a similar material.

(3) The District will authorize multi-zone monitor wells consisting of multiple observation tubes monitoring different depths all located in a single larger diameter well casing under a single permit. Provisions listed in subsection (2) do not apply to this type of well.

(4) When a single well construction permit is issued for multiple wells as described above, a separate well completion report is required for each of the wells or tubes.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106(1), 373.309 FS. History—New \_\_\_\_\_.

40E-3.051 Exemptions.

(1) The following wells are exempt from Rule 40E-3.041, F.A.C.:

(a) through (b) No change.

(c) A test hole, as defined in subsection 40E-3.021(14)(27), F.A.C.

(d) A well ~~classified as a Class I, Class II, Class III, Class IV, or Class V Groups 2-9~~ intended for use as an injection well, which has received a permit under Chapter 62-528, F.A.C. Such wells are exempt from the construction standards in this chapter, provided the applicable standards of Chapter 62-528, F.A.C., are met. A well classified as a Class V Group 1 well under Chapter 62-528, F.A.C., is not exempt from Rule 40E-3.041, F.A.C.

(2) These exemptions do not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use); ~~or Chapters 40E-4 and 62-330, F.A.C. (Environmental Resource Permits), or Chapter 40E 40 (Environmental Resource Standard General Permits), F.A.C.~~ Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended 3-16-05, 7-14-14, \_\_\_\_\_.

40E-3.101 Content of Application.

(1) No change.

(2) All applications shall be submitted with the required non-refundable fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40E-3.035, F.A.C.; ~~shall be submitted with the permit application.~~

(3) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated, as identified in Rule 40E-3.035, F.A.C. The application for the construction, repair, or abandonment of water well(s) shall contain:

(a) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the well(s), except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: “Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well(s), will be submitted to the District”;

(b) The name, address, telephone number and signature of the property owner or his agent, if applicable, on whose property the well(s) is being drilled;

(c) Written authorization from the owner designating the authorized agent, if any;

(d) The location of the well(s) ~~(to the nearest one-quarter-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates to the nearest one hundred feet and section, township and range)~~, and property site map of each the well location, depicting land marks and providing a scale;

(e) The expected cased depth and total depth of the well;

(f) The proposed use of the well;

(g) The proposed grouting interval;

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair, or abandonment methods, specifications including casing types, casing diameters; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of each the well, or the method of plugging and abandoning of each the well;

(j) The anticipated starting date to begin drilling;

(k) The District water use permit number, the water use application number, and each the well number from the water use permit Summary of Groundwater (Well) Facilities Table A, if applicable;

(l) A well completion report and/or lithologic or cuttings log for any test hole or water test well and testing results, which is being requested to be converted to a water well;

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and a scaled map showing the well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination within a 500 feet radius of the proposed well location, and;

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum, shall include:

1. and 2. No change.

3. A site map showing the location of the water test well(s) and any observation wells.

(4) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 11-8-99, 3-16-05, 9-26-12, \_\_\_\_\_.

40E-3.321 Duration of Permits.

(1) No change.

(2) Construction, repair, or abandonment of a well shall not commence or continue after the expiration of a permit.

(3) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05, \_\_\_\_\_.

40E-3.341 Suspension and Revocation.

The District or delegated agency may suspend or revoke a permit to construct, repair, or abandon a well by written notice to the permittee under any of the following circumstances:

(1) through (3) No change.

(4) Unforeseen circumstances which may create a danger to the water resources or the public health, safety, or welfare, if the well is constructed as permitted; or,

(5) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History–New 1-1-85, Amended 3-16-05, \_\_\_\_\_.

40E-3.411 Well Completion Reports.

(1) The water well contractor shall complete and submit DEP Form 62-532.900(2), ~~(10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00578>, "State of Florida Well Completion Report," (October 7, 2010) [<https://www.flrules.org/Gateway/reference.asp?No=Ref-00578>], incorporated by reference herein, to the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., for the construction, repair, or abandonment of all wells, regardless of whether a permit is required under Rules 40E-3.041, 40E-3.101, and 40E-3.600, F.A.C. Well completion reports shall be filed with the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., within 30 days of the completion of the work, using DEP Form 62-532.900(2). Copies of DEP Form 62-532.900(2) are available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C. Well completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.~~

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair, or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

(3) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended 3-16-05, 9-26-12, \_\_\_\_\_.

40E-3.451 Emergency Authorization.

(1) Emergency water well construction permits may be issued by the Executive Director or their designee when one of the following conditions exist which justifies the issuance:

(a) through (d) No change.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.119, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended 7-2-98, 3-16-05, 7-14-14, \_\_\_\_\_.

40E-3.461 Inspection.

(1) The District or delegated agency is authorized to inspect any well or abandoned well within its jurisdiction, including those wells permitted under Rule 40E-3.041, F.A.C. Inspections shall be done as necessary to insure conformity with applicable standards. Duly authorized representatives of the District or delegated agency, upon presenting proper identification and at reasonable times, may enter upon any premises for the purpose of such inspection. Such inspection may include, but need not be limited to, geophysical logging, water level measurements, or other methods.

(2) through (8) No change.

Rulemaking Authority 373.044, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History–New 1-1-85, Amended 3-16-05, \_\_\_\_\_.

40E-3.500 Scope of Part II.

The rules in this part relate to the standards and criteria for the construction, repair, and abandonment of wells. All wells within the District unless specifically exempted under Rule 40E-3.051, F.A.C., must comply with these standards regardless of whether a permit is required under Part I.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313 FS. History–New 1-1-85, \_\_\_\_\_.

40E-3.502 Construction Methods.

(1) No Change.

(a) In those areas exempted by the District with the concurrence of the Department; or,

(b) For public water supply wells or limited use public supply wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-555 or Chapter 64E-8, F.A.C., respectively; or,

(c) For monitor wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-761, F.A.C., covering underground storage tank systems; or,

(d) For water wells permitted under Chapter 62-524, F.A.C., delineated areas, which shall be constructed, repaired, or abandoned in accordance with Chapter ~~62-524~~ ~~62-534~~, F.A.C., or special criteria developed for specific designated areas; or,

(e) No change.

(2) The District may designate special well construction standards areas by ~~Emergency Rule~~ to prevent transport of surface contaminants to groundwater or movement of introduced or natural contaminants from one aquifer or zone to another. Such standards will be the minimum necessary to prevent the movement of contaminants and will be in cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, F.S., provisions for emergency rule-making.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, \_\_\_\_\_.

40E-3.507 Casing and Liner Pipe Standards.

(1) No change.

(2) No change.

(a) Any annular space including the overlapped section shall be grouted in accordance with paragraph 62-532.500(3)(i) ~~4, subsection (4)~~, F.A.C. incorporated by reference in subsection paragraph 40E-3.036(2) (c), F.A.C. The grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers is prohibited.

(b) through (e) No change.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12, \_\_\_\_\_.

40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed in accordance with paragraph 62-532.500(3)(i), F.A.C., incorporated by reference in subsection paragraph 40E-3.036(2) 40E-3.036(1)(c), F.A.C., to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in paragraph 62-532.500(3)(i), F.A.C., incorporated by reference in subsection paragraph 40E-3.036(2) 40E-3.036(1)(c), F.A.C.

(2) through (7) No change.

(8) Water wells constructed using Bentonite grouts shall meet all the following requirements:

(a) through (b) No change.

(c) Neat cement must be placed in the upper ten (10) feet of the annular space to prevent deterioration of, or damage to, the bentonite seal; ~~and~~

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches

or less. Use of bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids; ~~;~~

(e) Bentonite grout may be used for abandonment purposes for any well. However, it cannot be used to abandon a dry well, or a well which flows to surface and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement; ~~;~~

(f) Bentonite chips or pellets used for abandonment purposes may not be placed in any well casing or hole less than three inches in diameter or for sealing the annular space of any well; ~~;~~ and,

(g) No Change.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12, \_\_\_\_\_.

40E-3.600 Scope of Part ~~III~~ VI.

(1) This part "Part VI of Chapter 40E-3, F.A.C.," grants a general permit for certain specified well construction, repair, or abandonment activities which have been determined by the District to exist in unique geographic areas.

(2) The construction, repair, or abandonment of wells in accordance with Rule 40E- 3.601, F.A.C., is ~~are~~ authorized subject to the requirements of Part III Part VI of this chapter.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309 FS. Law Implemented. 373.113, 373.118, 373.306, 373.308, 373.309, 373.342 FS. History—New 9-26-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Maria C. Clemente, Bureau Chief, Water Use Bureau

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 12, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: November 25, 2014

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65C-13.022	Definitions
65C-13.023	Background Screening Requirements
65C-13.024	Parent Preparation Pre-service Training
65C-13.025	Initial Licensing
65C-13.026	Continuing Education
65C-13.027	Changes During the Licensed Year
65C-13.028	Re-Licensing
65C-13.029	Licensed Out-of-Home Team Member Roles
65C-13.030	Standards for Licensed Out-of-Home Caregivers
65C-13.031	Terms of a License
65C-13.032	Over-Capacity Assessments and Exceptions
65C-13.033	Babysitting, Overnight Care, Extended Overnight Care, and Other Supervision Arrangements
65C-13.034	Foster Care Referrals and Investigations
65C-13.035	Administrative Actions, Appeals and Closures

**PURPOSE AND EFFECT:** The purpose and effect of these rules is to comply with Section 407.175(5)(a), F.S., that requires the Department to adopt and amend licensing rules for family foster homes.

**SUMMARY:** The Department intends to amend and repeal several rules within Chapter 65C-13, Foster Care Licensing, to accomplish the following tasks: 1) revise background screening requirements to comport with Florida statutes; 2) revise the components of the initial licensing home study to align with the components of the unified home study in the Florida Safe Families Network (FSFN); 3) add requirements to the relicensing home study; 4) repeal duplicative language; 5) add procedural requirements regarding notification of denial of re-licensure; 6) add a quality review process; 6) require compliance with normalcy provisions of Florida Statutes; 7) add compliance requirements to Residential Pool Safety Act; and 8) clarify requirements for bedroom sharing.

**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:** 39.0121, 409.145(5), 409.175(5)(a), 435.01(2) FS.

**LAW IMPLEMENTED:** 409.145(2), 409.175(5)(a), (6)(a), (b), (7), 435.04 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189

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

65C-13.022 Definitions.

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

Rulemaking Authority 39.012, 39.0121, 409.175(5)(a) F.S. Law Implemented 409.175 39.012 F.S. History- New 4-6-08, Amended\_\_\_\_\_.

65C-13.023 Background Screening Requirements.

(1) The ~~D~~department shall conduct background screenings for all persons considered by the ~~D~~department for initial licensure or re-licensure as ~~an~~ out-of-home ~~caregivers~~ ~~caregiver~~ and all ~~adult~~ household members age 12 and older, pursuant to Sections Section 409.175 and 39.0138, F.S. ~~The five year re-screens for the relicensing process must include fingerprints. The supervising agency or the Ddepartment has the discretion to request background screening for other individuals if there is reasonable belief that:~~

(a) ~~The person is a household member; or~~

(b) ~~His or her presence in the family foster home adversely affects the health, safety and welfare of the children in the home; or~~

(c) ~~The person has or potential exists for unsupervised contact with the children.~~

(2) These screenings shall, at a minimum, include:



(a) ~~F~~ingerprinting;

(b) ~~S~~tatewide criminal and juvenile records checks through the Florida Department of Law Enforcement;

(c) ~~J~~uvenile records checks through the Florida Department of Juvenile Justice;

(d) ~~F~~federal criminal records checks through the Federal Bureau of Investigation;

(e) ~~L~~ocal criminal record checks through local law enforcement agencies, including and may include records of any responses to the home by law enforcement that did not result in criminal charges;

(f) ~~A~~buse and neglect ~~r~~ecords checks through the ~~D~~epartment's Florida Safe Families Network (FSFN) Statewide Automated Child Welfare Information System (SACWIS) regarding child abuse and neglect investigations; and

(g) ~~C~~eivil court records checks regarding domestic violence complaints and orders of protection, must also be included.

(3) If the applicant or any other adult household member has resided in any other state during the past five (5) years, requests for abuse and neglect histories must be made of those states, and the results of such requests included with the application file packet.

(4) Only abuse and neglect reports in which the person being considered for licensure was named as the "caregiver responsible" for the abuse or neglect shall may be used for initial licensing decisions. However, if the person applying is or was a licensee of the ~~D~~epartment and was named in any capacity in three (3) or more reports during a five (5) year period, regardless of classification, those reports shall may be reviewed by the ~~D~~epartment for their relevancy as it relates to the licensing decision. All reports in which the person seeking licensure or re-licensure was named as the "caregiver responsible" must be considered for licensing purposes. For homes being considered for licensure for longer than one (1) year under Section 409.175(6)(j), F.S., all abuse reports with any findings shall be considered.

(5)(3) Each applicant and adult household member being screened shall sign an "Affidavit of Good Moral Character", CF 1649, January 2015 February 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), and a "Release of Information", CF-FSP 5090, February 2015 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/).

(6)(4) Each applicant and adult household member being screened under this ~~S~~ection shall provide all the names; under which he or she has been known.

(5) ~~Y~~oung adults ages 18 through 22 who are receiving services through Chapter 65C 31, F.A.C., and who have had no break in service provision are not required to be screened.

(6) ~~When the individual who is being screened is a former dependent child under 23 years of age and the security background screening reveals a disqualifying offense which was committed during or prior to the time that the child was dependent, that offense shall not automatically affect the licensure of the out of home caregivers. Exemptions for disqualifying offenses may be sought under Section 435.07, F.S.~~

(7) ~~All records obtained, as a part of the background screening, shall be considered in the process of determining whether to issue a foster care license or, if there is a current license, whether the license should be revoked. Such records shall include findings of delinquency; any misdemeanor or felony criminal arrests resulting in a plea of nolo contendere or conviction; any criminal traffic offenses resulting in a plea of nolo contendere or conviction, and any civil cases of domestic violence and orders for protection. Crimes perpetrated in other states that are misdemeanors in that state but would be felonies listed under Section 435.04, F.S., if committed in Florida shall be considered as disqualifying offenses by the ~~D~~epartment for licensing decisions.~~

(8) Persons who are currently licensed as out-of-home caregivers and any adult household members shall be re-screened at least annually as a part of the application for re-licensing. Annual screening for re-licensure shall be limited to a local criminal records check, a juvenile delinquency check for household members between the ages of 12 and 18, an abuse and neglect record check clearance through FSFN the Statewide Automated Child Welfare Information System, and may include records of any responses to the home by law enforcement that did not result in criminal charges, and any 911 calls to the home. The state criminal records checks and fingerprints shall be completed every five (5) years through the Florida Department of Law Enforcement. Upon the Department's participation in the Care Provider Background Screening Clearinghouse, the fingerprints of applicants and household members shall be submitted in accordance with Section 435.12, F.S. The background screening of a prospective out-of-home caregiver shall ensure that any previous licensing, registration or certification as an out-of-home caregiver in Florida or in any other state or country is considered. Abuse and neglect reports in which the applicant was named in any capacity in three (3) institutional reports, regardless of classification, over the past five (5) years shall be reviewed for relevancy related to the licensing decision and will be considered in determining whether to renew or revoke the person's license. All reports with any findings will be are considered for the purposes of re-licensing a home for more than one (1) year under Section 409.175(6)(j), F.S.

(9) The cost of all background screening activities shall be borne by the supervising or lead agency.

Rulemaking Authority 39.012, 39.0121, 435.01 (2), 409.175(5)(a) FS. Law Implemented ~~39.0121, 39.0138,~~ 409.175, 435.04 FS. History—New 4-6-08, Amended \_\_\_\_\_.

65C-13.024 Parent Preparation Pre-service Training.

(1) Parent preparation pre-service training shall meet the requirements of Section 409.175, F.S., ~~and shall include training for out of home caregivers on decision making related to the balance of normalcy for children in care and their safety.~~ The parent preparation pre-service curriculum shall ~~also~~ include training related to the administration of psychotropic medication, the social and emotional development of children and youth, the role of mentors and other helpers, development of life skills for teens in care, and the caregiver’s role in supporting and promoting the educational progress of the child. The training on administration of psychotropic medication shall consist of a review of the proper dosage of medication and the importance of monitoring for possible side effects and intended effects of the specific medications administered to the child. ~~All caregivers are required to complete a minimum of 21 hours of pre-service training.~~

(2) Each parent preparation pre-service training class shall be led by a ~~certified~~ child protection professional certified pursuant ~~according~~ to Section 402.40, F.S., who has a bachelor’s degree or a master’s degree from an accredited college or university, and who has also successfully met any curriculum-specific requirements to train the ~~D~~department approved parent preparation pre-service training curriculum (e.g., curriculum trainer certification). Each parent preparation pre-service training class shall follow the recommendations of the curriculum designer regarding the number and type of facilitators involved in the training process. If the child placing agency is the designer of the curriculum, the number and types of facilitators to be involved in the training process must be clearly defined.

~~(3) The certified child protection professional trainer is responsible for ensuring that the parent preparation pre-service training curriculum is presented and discussed and that copies of all handouts and reading materials are provided to the participants.~~

~~(3)(4)~~ The Regional Licensing Authority ~~lead~~ agency is authorized to approve the completion of individualized pre-service training. If individualized training is done, the certified child protection professional trainer is responsible for complying with the requirements set forth for parent preparation pre-service training in Section 409.175 F.S., and the requirements set forth in this ~~c~~chapter.

~~(4)(5)~~ Prospective out-of-home caregivers and adoptive parents who desire to become licensed out-of-home caregivers shall have the option to attend parent preparation pre-service

training, as defined in subsections (1) and subsection (2) of this rule section, offered by any licensed child placing agency. Agencies shall work cooperatively with each other and prospective licensed out-of-home caregivers and adoptive parents to ensure the ongoing availability of such training.

~~(5)(6)~~ Exemptions to the parent preparation pre-service training for individuals who have successfully completed parent preparation pre-service training equivalent to the parent preparation pre-service training offered by the child placing local supervising agency, are based on whether the training was completed within the last five (5) years and on the condition that the individual provides proof of successful completion. If there have been changes or updates in the curriculum, the supervising agency shall require applicant(s) to individual must take those portions of the course only. Supervising agencies must request any information regarding the curriculum completed for the purposes of making a recommendation to the ~~D~~department. The Regional Licensing Authority shall review the curriculum content and consider the recommendation of the supervising agency in determining whether the individual is exempt from attending the parent preparation pre-service training.

~~(6)(7)~~ When prospective out-of-home caregivers successfully complete ~~or who commence and fail to complete~~ the parent preparation pre-service training but do not continue the licensing process or commence but fail to complete the parent preparation pre-service training, the supervising agency staff shall document the reason the process was discontinued ~~on the Person Provider Page, under the Training Tab,~~ in Florida Safe Families Network (FSFN). Completed parent preparation pre-service training is valid for five (5) years from the date of verified curriculum completion. ~~Previously licensed out-of-home caregivers who have a break in service of eighteen months or less, but who completed parent preparation pre-service training within the last five years have the option to apply to be licensed without completing parent preparation pre-service training.~~

Rulemaking Authority 409.175(5)(a), 402.40(6), FS. Law Implemented 409.175(5)(a) , ~~402.40~~ FS. History—New 4-6-08, Amended \_\_\_\_\_.

65C-13.025 Initial Licensing and Home Study.

(1) General.

(a) Each applicant wishing to become a licensed out-of-home caregiver shall complete the “Application for License to Provide Out-of-Home Care for Dependent Children”, CF-FSP 5007, February 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). Parenting figures living together shall both be licensed. ~~After successfully completing training and the home study process, any person who requests~~

~~an application either verbally or in writing shall be provided one.~~

(b) The ~~child placing agency~~ supervising agency completing the home study shall, at a minimum, conduct two (2) visits to the applicant's home, inspect the entire indoor and outdoor premises, document the conditions, and conduct face to face interviews with all household members. The dates, names of persons interviewed and summary of these interviews shall be documented in the home study.

(c) The supervising agency is responsible for advising the applicant of all rules, regulations, and standards that apply to the applicant if a license is issued.

(2) Employees, Relatives and Sub-Contractors as Licensed Out-of-Home Caregivers. Licensing of employees of the ~~D~~Department, ~~c~~County ~~sheriffs'~~ Sheriff's offices, ~~L~~Lead ~~a~~Agencies and their subcontracted providers or their relatives who desire to become out-of-home caregivers is allowable as long as the following conditions are met:

(a) No conflict of interest exists that could result in preferential treatment concerning the placement and movement of children placed in the potential licensed family foster home;

~~(b) The licensing study is completed by a licensed child-placing agency outside of the employee's service area and submitted to the Regional Licensing Authority for approval;~~

~~(b)(e) The executive director or designee in upper level management of the lead agency responsible for submitting the employee, relative, or subcontractor licensing file packet (traditional or attestation) to the DDepartment has a procedure approved by the Regional Licensing Authority, which requires the executive director or designee in upper level management of the lead agency to has reviewed review and approved approve the submission of all the application such applications to the DDepartment; and-~~

~~(c) The Regional Licensing Authority obtains approval of the application from the Regional Managing Director prior to issuing a family foster care license for an employee, relative, or subcontractor.~~

~~(3)(d) Attestation can be used is an option for use during the initial licensure or re-licensure re-licensing of a family foster home. The Community Based Care (CBC) lead agency certifies that the supporting documentation for the initial licensure or re-licensure of a family foster home is in compliance with state law and Florida Administrative Code. The CBC lead agency is responsible for the review and maintenance of the supporting documents for initial and re-licensure. The Department issues the license based on a statement the community-based care lead agency's attestation attesting that the licensure or re-licensure file packet complies with state law and code.~~

(a)(e) "Attestation For Foster Home Licensure", CF-FSP 5357, February 2013, is incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). The ~~c~~Community-~~b~~Based ~~c~~Care lead agency must also submit the completed "Licensing Standards Checklist For 24-Hour Family Care", CF-FSP 5358, February 2015 ~~2013~~, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). The checklist must be signed by the supervising agency licensing counselor and supervisor.

~~(b)(f) Community-bBased cCare agencies participating in the aAttestation mModel for licensure must enter into a Memorandum of Agreement with the Regional Licensing office. The "Memorandum of Agreement for Adoption of Attestation Model for Family Foster home Licensing", CF-FSP 5356, March 2013, is incorporated by reference and available at www.dcf.state.fl.us/publications/.~~

~~(4)(3) Initial Licensing Home Study. A staff person, certified pursuant to Section 402.40, F.S., from the supervising agency shall perform a thorough assessment of each prospective licensed out-of-home caregiver and document this assessment in a home study, which shall include, at a minimum:~~

~~(a) Demographics, including work schedule, names, dates of birth, addresses, and contact numbers~~

~~(b) Verification of Social Security information (this must not be recorded anywhere except in FSFN). Pre-service Experience;~~

~~1. Dates of parent preparation pre-service training and a description of the applicant's participation in the classes;~~

~~2. Applicant's motivation to foster and his or her commitment to the foster care experience including how other family members and extended family feel about the decision to foster.~~

~~(c) Contact information, preservice training completion, and home interview dates. Chronology of events. Include dates of home visits and persons interviewed;~~

~~(d) Other Household Member information. Home and Neighborhood:~~

~~1. Physical description of the home, including the number of bedrooms and bathrooms, type and number of available beds and current sleeping arrangements, storage space for children's personal belongings, living area, dining area and other interior space. Interior and exterior photographs must be included. Interior photographs shall include all common living areas, the child's bedroom and bathroom, and the storage space for the child's personal belongings.~~

~~2. A description of the home, including location and verification of operating fire extinguishers and smoke detectors, storage of medications, cleaning supplies, toxins and safety nets for trampolines. The description shall also~~

include the storage of alcoholic beverages, location of burglar bars, fireplaces, handrails on stairways and space heaters, if applicable.

3. Water Safety. A description of the outdoor area, including swimming pools, canals, ponds, lakes, streams, septic tanks and other potential water hazards and documentation of the counselor's discussion with the applicant regarding the requirements for supervision and how the applicant will ensure safety and adequate supervision.

(e) Placements (other children placed in the home by the Department or Other Agency). Animals. Provide a description of any household pets, exotic pets, or livestock residing on the premises. The immunization of animals as required by Section 828.30, F.S., shall be verified. Descriptions shall include observations of the care, behavior, and/or maintenance and safety plan relating to each animal. The applicant shall have measures in place to assure safety of children from any potentially dangerous animals and this information shall be documented in the home study, if applicable;

(f) Non-resident Children of Caregivers. Social History.: A description of the following shall be included:

1. Background and Family History. Background and family history, including education, types of discipline used in the family, the family's willingness and ability to use appropriate discipline as described in the Partnership Plan for Children in Out of Home Care?, CF FSP 5226, February 2013, incorporated by reference and available at, family values, and any prior residences in or out of Florida.

2. Marital Status and Other Significant Relationships.

3. Medical History. Medical history, including physical and mental health treatments for all household members shall be assessed. This assessment shall include any debilitating, communicable or progressive diseases or conditions. The applicant must supply recent medical and mental health reports and evaluations upon request of the supervising agency or department. Health concerns relating to the applicant and household members, including any history of alcohol or other substance abuse, shall be documented in the home study.

a. Current smoking and alcohol use by household members;

b. Any history of alcohol or substance abuse.

4. Parenting experience of each applicant. All of the applicant's children shall be identified whether they reside in the home or not. If the applicant has parenting experience with children other than their biological or adopted children, circumstances under which this experience was acquired shall be discussed. This section should also include a description of the experience, as opposed to just listing the identities of the applicant's children or the children they may have parented.

5. Family Life. Document observations of family members' personalities and their interpersonal relationships.

Describe family activities, hobbies and interests and civic involvement, including how children placed in the home will participate in these activities, as well as family vacations. For each child living in the home, describe the child's school, grades, achievements and interests. Describe each child's relationship with the applicant and siblings in the home, as well as his or her feelings about having a foster child in the home.

6. Religion. Assess and document the family's attitudes regarding seeking medical treatment, celebrating holidays or birthdays, and respecting the religious beliefs of the child's family of origin.

7. Child Care. Describe child care arrangements, including transportation to and from the child care provider, if applicable.

(g) Temporary Backup Caregivers.

(h) Assessment and Home Study details including the following:

1. Explanation of any current or past experiences with child abuse or neglect, alcohol and/or substance abuse, alcohol and/or substance abuse treatment or domestic violence.

2. Explanation of any health or mental health conditions, including medication(s).

3. Summary of how the caregiver(s) is (are) able to participate in a professional team supporting the child by sharing necessary information with other professionals on the team and maintaining the confidentiality of the child and caregiver as required by law, regulation and professional ethics; participating in planning activities, court hearings, staffings and other key meetings.

4. Explanation of how the caregiver(s) is (are) willing and able to make a loving commitment to the child(ren)'s safety and well-being by providing supervision and positive methods of discipline; encouraging the child in his or her strengths and respecting the child's individuality and likes and dislikes; maintaining awareness of the impact of trauma on behavior; involving the child in family and community activities by providing transportation to school, child care, and extracurricular activities; ensuring the child's safety by employing safety measures, including in the household, for transportation, and with pets (all pets must be current on vaccinations as required in Section 828.30, F.S.).

5. Explanation of how the caregiver(s) is (are) willing and able to respect and honor any child's culture, religion and ethnicity; meet any child's special, physical or psychological needs; adapt to and support any child's individual situation, including sexual orientation and family relationships. If the caregiving family's religion, culture, or other factors will impair their ability to meet the needs of certain children, an explanation of what the family's limitations are, and how limitations could impact children placed in their home.

6. Explanation of how the caregiver(s) is (are) willing and able to commit to maintaining any child they accept in their home until such time as it is in the child's best interest to leave the home. An explanation of any problems a long-term commitment may present for the caregiver.

7. Explanation of how the caregiver(s) will address challenges in caring for a child, including available supports and resources. These challenges may include, for example, fire setting, sexual reactive behaviors, mental health, substance abuse, and reactive attachment behaviors, and may potentially require a safety plan.

8. Explanation of how the caregiver(s) is (are) willing and able, when applicable, to participate in transition planning for any child, and maintaining a relationship with any child after he or she leaves the home.

9. Explanation of how the caregiver(s) is (are) willing and able to assist the biological caregiver(s) in improving their ability to care for and protect their children and to provide continuity for the child after reunification.

10. Explanation of how the caregiver(s) is (are) willing and able to assist any child in family time/visitation and other forms of communication with family members, when applicable.

11. Explanation of how the caregiver(s) will:

a. Maintain records that are important to any child's well-being including child resource records, medical records, school records, photographs, and records of special events and achievements.

b. Ensure that these records are made available to other partners in the child welfare system and to the child and family, as applicable.

12. Explanation of how the caregiver(s) is (are) willing and able to advocate for children in their care, as needed, with the child welfare system, the court, and community agencies, including schools, child care, health and mental health providers, and employers.

13. A description of previous parenting experience, if applicable.

14. Explanation of how the caregiver(s) is (are) willing and able to participate fully in any child's medical, psychological and dental care, including providing transportation to/from, attending appointments and communicating with professionals.

15. Explanation of how the caregiver(s) is (are) willing and able to support any child's school success by:

a. Participating in school activities and meetings, including disciplinary and/or IEP (Individualized Education Plan) meetings.

b. Assisting with school assignments, supporting tutoring programs, meeting with teachers and working with an Educational Surrogate, if one has been appointed, and encouraging any child's participation in extra-curricular activities.

c. (For any child who has a disability, or is suspected of having a disability) attending Educational Surrogate Parent training, if needed or recommended by the court, and thereafter advocate for the child(ren) in the school system.

d. Maintaining any child(ren) in the school of origin, if it is in the child(ren)'s best interest to do so, or

maintaining any child(ren) in the school of origin until a grading break in the academic year, if not possible or not in the child(ren)'s best interest to remain in the school of origin for the remainder of the school year.

(i)(g) Transportation. The licensed out-of-home caregiver shall have transportation available ~~24~~ twenty-four hours a day. All vehicles used to transport children shall be in safe condition and equipped with seat belts for each child transported as required by Section 316.614, F.S., and car seats as required by Section 316.613, F.S. Vehicles shall be smoke free when children are being transported. The licensed out-of-home caregiver shall ensure appropriate safety equipment is utilized.

(j)(h) Employment. ~~Description of~~ Describe the current employment status for each parent, including occupation, ~~current~~ current place of employment, work hours and flexibility of schedule in case of emergencies, medical or school appointments for children.

(k)(i) Financial Capacity and Income. Description ~~Describe~~ and documentation of ~~document~~ the applicant's current financial capacity and how the impact of the additional financial responsibilities of fostering will be addressed.

(j) Other Adult Household Members. ~~The responsibilities the applicant(s) will expect the other adults in the household to have with children placed in the home.~~

(l)(k) Summary and Recommendations:

~~1. Characteristics of Applicant. The applicant shall demonstrate the following characteristics:~~

~~a. A willingness to work with the supervising agency and all applicable parties, including biological parents, to work toward permanence for the child as established in the child's case plan; and~~

~~b. An understanding and respect for the importance of preserving a child's family connections and relationships.~~

~~2. Summarize reference responses and follow up contacts, if applicable, as they relate to the applicant's suitability and potential success as a licensed out-of-home caregiver. Describe and assess the family's strengths and needs, taking into consideration all factors affecting the health, safety and welfare of children who might be placed in this home. A~~

~~recommendation shall be made as to the suitability for licensure.~~

13. Recommendation for licensure shall describe the characteristics of children most appropriate for placement in the home. These characteristics shall include number of children, age, gender(s), types of behaviors, and special needs. Explore and address any limitations or concerns and under what conditions the prospective family would not be willing or able to accept ~~a~~ the child.

24. If recommending denial of licensure, the summary shall specify the licensing standards the applicant is unable to meet and attach all supporting documentation. The Department must notify the applicant regarding the appeal process pursuant to Chapter 120, F.S.

~~(m)(4)~~ The home study shall be reviewed, and signed by the applicant, licensing counselor and the counselor's supervisor. A copy of the home study shall be provided to the applicant.

~~(5)(4)~~ Application File Packet Submission and Approval Process.

(a) The complete application file packet shall be submitted in accordance with the traditional or aAttestation mModel for licensure. A request for additional information shall be submitted by the Rregional Licensing Authority within 10 business ten working days of receipt of the file packet.

(b) A traditional licensing application file packet shall consist of the following documentation:

1. "Application for License to Provide Out-of-Home Care for Dependent Children", ~~CF FSP 5007, February 2013,~~ incorporated by reference in subsection (1)(a) of this rule and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

2. "Release of Information", ~~CF FSP 5090, February 2013,~~ incorporated by reference in subsection 65C-13.023(3), F.A.C. and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

3. "Authorization for Release of Health and Medical Information for Prospective Foster or Adoptive Parents", CF-FSP 5230, February 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications](http://www.dcf.state.fl.us/publications) (as needed);

4. Licensing Home Study;

5. Proof of Income;

6. A "Partnership Plan for Children in Out-of-Home Care", CF-FSP 5226, January 2015 February 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications](http://www.dcf.state.fl.us/publications).

7. Parent Preparation Pre-service training certificate;

8. Parent Preparation Pre-service biographical profile which shall be the demographic and narrative portions of the Unified Home Study as completed by the applicant(s);

9. Documentation of water safety training, if applicable. As a prerequisite to licensure, potential licensed out-of-home caregivers who have swimming pools or whose homes are adjacent to bodies of water unprotected by a barrier of at least four (4) feet will be required to complete a basic water safety course administered by the American Red Cross, YMCA or a trainer certified in water safety training. This requirement does not apply to homes with temporary wading pools or; portable pools with a depth of less than two (2) feet. ~~Standing water shall not remain in wading pools when not in use;~~

10. "Confidentiality Agreement for Foster Parent Application", CF-FSP 5087, February 2015 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

11. Verification of criminal history screening for applicant and all adult household members as specified in subsection 65C-13.023(2), F.A.C., including:

a. "Affidavit of Good Moral Character", ~~CF 1649, February 2013,~~ incorporated by reference in subsection 65C-13.023(3), F.A.C. and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

b. Local Law enforcement check;

c. Civil court records check;

d. Florida Department of Law Enforcement records check;

e. Federal Bureau of Investigation clearance letter;

f. Abuse history background check through the Florida Safe Families Network (FSFN).

g. Requests for abuse and neglect histories from any other state in which the applicant or any other adult household member has resided during the past five (5) years.

~~Abuse registry checks for the previous five years from any previous state of residence if the applicant or adult household members have resided in the State of Florida for less than five years.~~

12. References, including:

a. ~~The applicant(s) shall provide the names of T~~three (3) personal references who that are not related to the applicant(s) and who that shall have known the applicant(s) for at least two (2) years. Each of the three (3) personal references must provide information related to the applicant's parenting skills. References are to be verified either verbally or in writing by the supervising agency staff and documented in the Unified Home Study in FSFN.

b. ~~The supervising agency shall obtain A~~a current employment verification reference for each applicant. ~~At a minimum, T~~this reference shall include sufficient information to establish or corroborate the applicant's current employment and income. ~~If current employment is less than two consecutive years in duration, secondary employment references shall be obtained.~~

c. ~~The supervising agency staff shall make reasonable efforts to obtain~~ References from the adult children of each applicant. These references shall address the applicant's suitability to become a licensed out-of-home caregiver. All unsuccessful attempts to solicit information shall be documented, and the overall impact of the missing information considered as a part of the recommendation to grant or deny a license.

d. ~~The supervising agency shall obtain~~ References from school personnel of each school age child residing in the home. References shall be documented in the Unified Home Study in FSFN.

e. ~~The supervising agency shall obtain~~ References from the child care provider of any preschool age child residing in the home who is enrolled in a child care program. References shall be documented in the Unified Home Study in FSFN.

f. References and documentation regarding any previous licensure as out-of-home caregivers.

13. Family Documents:

a. Documentation of legal Florida residency, proof of legal status in the United States (for non-citizens) for applicants not born in the United States (United States citizenship is not required);

b. Driver's license(s) and driving records for any household members or other persons identified who may transport children;

c. Proof of vehicle insurance.

14. Family Foster Home Safety Documentation:

a. Satisfactory home environmental health inspection report completed by a licensing specialist who has been trained by the Department state or other state entity, such as the local health department, in the areas of water supply, food holding temperature, plumbing, pest vermin and vector control, sewage, and garbage and rubbish disposal ;

b. Radon testing results, when required by Section 404.056, F.S. applicable;

c. Fire inspection report (where required by local zoning laws);

d. Floor plan;

e. Evacuation and disaster preparedness plans;

f. Documentation of pet vaccinations (if applicable);

~~g. Photographs of household members and pets.~~

15. All prospective, licensed out-of-home caregivers must complete ~~(The "Fire Arms Acknowledgement of Firearms Safety Requirements",~~ form CF-FSP 5343, February 2015 ~~2013,~~ incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/).

~~(6)(5)~~ Unless otherwise outlined in an Attestation Memorandum of Agreement, ~~CF FSP 5356, March 2013,~~ incorporated by reference in subsection (3)(b) of this rule and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), the Regional

Licensing Authority is responsible for ensuring that the licensing application file packet is complete and that all licensing requirements are met for the issuance of the license. The licensing application file packet shall contain documentation of a review by the lead agency and the ~~department's~~ Regional Licensing Authority and a recommendation for approval or denial by the lead agency Regional Licensing Authority.

~~(7)(6)~~ If the application file packet is approved, a license shall be issued to the applicant(s). The license shall include the name and address of the caregiver(s), the name of the supervising agency, the licensed capacity, and the dates for which the license is valid. The Regional Managing Director or designee within upper level management shall sign the license. Any limitations shall be displayed on the license ~~if the home study indicates the necessity for such restrictions,~~ such as specific age or gender preference. An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.

~~(8)(7)~~ A copy of the license shall be provided by the Regional Licensing Authority to the supervising lead agency.

~~(9)(8)~~ When the Department determines that the application shall be denied, the Department shall within 10 business days promptly notify the applicant and supervising agency by certified mail, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S. The denial and reason(s) for denial shall promptly be recorded in FSFN the Florida Safe Families Network by the supervising agency.

~~(10)(9)~~ Unless the applicant Voluntary voluntarily withdrawal of an withdraws the application by an applicant, the department shall be documented in FSFN proceed with formal actions.

Rulemaking Authority 409.145(5), 409.175(5)(a), 435.01(2) FS. Law Implemented 409.145(2), 409.175(5)(a), (6)(a), (b), 435.04, FS. History--New 4-6-08, Amended\_\_\_\_\_.

65C-13.026 Continuing Education.

(1) The supervising agency ~~shall may~~ require therapeutic and medical foster homes to comply with complete additional continuing education hours required by Children's Medical Services and the Agency for Health Care Administration based on the level of therapeutic and medical care they provide.

(2) Licensed out-of-home caregivers shall be offered continuing education opportunities by their supervising agency. ~~Continuing education opportunities shall be offered no less than quarterly and at times and places convenient to the licensed out of home caregiver.~~ For those licensed out-of-home caregivers unable to attend, other methods shall be developed for satisfying this requirement.

(a) Continuing education materials shall be approved by the supervising agency prior to use.

(b) ~~Documentation of Completion completed of~~ continuing education requirements shall be documented on the provider training page in FSFN Florida Safe Families Network.

(3)(2) Licensed out-of-home caregivers participating in required continuing education shall be reimbursed for mileage expense at a rate not to exceed the rate paid per mile to supervising agency personnel.

(4)(3) If the absence of the caregiver during training would leave children without approved adult supervision, the supervising agency shall make arrangements for child care or shall reimburse the caregiver for child care purchased by the ~~caregiver parents~~ for children in ~~his or her~~ their care.

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a) FS. History—New 4-6-08, Amended\_\_\_\_\_.

65C-13.027 Changes During the Licensed Year.

(1) Law Enforcement Involvement Requirements.

(a) ~~The licensed out-of-home caregiver shall report any household member’s involvement with law enforcement involvement with any household member. Law enforcement involvement includes arrests, incidents of domestic violence, driving infractions and any local law enforcement response to the home over the course of the licensed year.~~

(2) Household Circumstance Changes. In addition, the caregiver shall report:

(a) ~~A~~ change in marital or relationship status, including reconciliation;

(b) ~~A~~ change in household composition, including plans for changes in sleeping arrangements;

(c) ~~A~~ change of physical address;

(d) ~~C~~hanges in financial situation, such as bankruptcy, repossessions and evictions;

(e) ~~A~~ serious health issue, such as a debilitating injury or communicable disease regarding a household member;

(f) ~~A~~ change in contact information;

(g) ~~A~~ change in employment or significant change in work schedule to the supervising agency within two (2) 48 business days hours of the change occurring. A significant change in work schedule occurs when a licensed caregiver’s work schedule differs from the work schedule at initial licensure, and the new schedule causes the caregiver to seek child care. ~~For example, a licensed caregiver’s work schedule changes from part time to full time employment.~~

(3) The supervising agency shall notify the lead agency within one (1) 24 business day hours of learning of a family member’s involvement with law enforcement, or any of the these changes listed above. Failure of the licensed out-of-home caregiver to report any of the above events to do so shall ~~may~~ be reason to suspend, ~~deny~~ or revoke a license ~~if the non-reported situation threatens the safety or well being of any child in care or results in the non-conformity with licensing requirements stated in this rule.~~

(4)(b) The supervising agency shall assess the impact on the household immediately upon learning one of these events has occurred or is likely to occur. ~~Changes in physical address require re-licensing.~~

(5)(e) All new household members age 18 and older shall be fingerprinted within five (5) business days of residence and those fingerprints shall be submitted to the Florida Department of Law Enforcement within five (5) business days of the receipt of the fingerprints by the supervising agency. All household members shall meet the requirements for background screening.

(2) ~~Significant Household Changes.~~

(a) ~~The licensed out of home caregiver must also report the following significant household changes:~~

~~Within 10 calendar days from a licensed out of home caregiver marrying or reconciling with an unlicensed spouse or partner, the unlicensed spouse or partner shall complete an “Application for License to Provide Out of Home Care for Dependent Children”, CF FSP 5007, February 2013, , incorporated by reference and available at www.def.state.fl.us/publications/, submit fingerprints within five calendar days of residence for background screening, unless previously completed, attend parent preparation pre-service training, if not previously completed within the last five years, and meet all licensing requirements. The unlicensed spouse or partner shall have six months from the date of marriage or reconciliation to complete pre service training. Failure to meet the licensing and background screening provisions which may threaten the safety of any child in care, or place the home in violation of the licensing standards, are grounds for denial, suspension or revocation of an application or license. During this evaluation period, the home remains licensed and previously placed children may remain in the home pending the outcome of the assessment.~~



~~No new children shall be placed in the home until the application has been completed and approved. The supervising agency will update the home study summary, including interviews with all children in the home, verification of satisfactory background screening, and verification of income and expenses, and submit to the lead agency within 30 days of any marriage or reconciliation.~~

~~(6)(b)~~ In cases of separation, divorce or death of a spouse, paramour, or partner, the supervising agency shall update the home study summary and assess its impact upon the children placed in the home. The home study summary update shall include interviews with the children, if age appropriate, verification of income and expenses and the remaining caregiver's plan to meet all financial obligations. The updated home study shall be submitted to the Regional Licensing Authority within 30 ~~45~~ calendar days for issuance of an amended license.

~~(e) New Household Member. When new members join the household, the supervising agency shall update the home study summary, address the changes in sleeping arrangements, and submit to the lead agency at the time the home is relicensed.~~

~~(7)(4)~~ Once all licensing requirements have been met, the supervising agency shall update the home study summary and submit a request to the Regional Licensing Authority for the issuance of an amended license.

~~(8)(3)~~ Change of Location. ~~A license is issued for a specific location and is not transferable.~~ A licensed out-of-home caregiver shall notify the supervising agency no less than 30 calendar days prior to the expected date of the relocation. The supervising agency shall update the home study summary ~~complete the relocation packet~~ for submission to the Regional Licensing Authority for issuance of an amended ~~a~~ license within 30 calendar days of the relocation.

(a) Within Region.

1. Changing location within the region shall require an "Application for License to Provide Out-of-Home Care for Dependent Children", incorporated by reference in subsection 65C-13.025(1)(a), F.A.C., CF FSP 5007, Revised July 2014, available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561>; an updated home study ~~which contains a description of the home and neighborhood, school changes, sleeping arrangements, a satisfactory environmental health inspection of the new residence, the current floor plan, disaster plan, home emergency evacuation plan, fire inspection where required by local zoning laws and radon testing where applicable.~~ A provisional license may be issued if the conditions set forth in Section 409.175(7), F.S., are met. ~~prior to the health inspection after the supervising agency conducts a safety assessment of the new location. This provisional~~

~~license will expire within 90 days of issuance by the Regional Licensing Authority. No new children shall be placed in a home that is provisionally licensed.~~

2. The supervising agency shall obtain all required documentation and submit it to the lead agency and Regional Licensing Authority for review. The lead agency will submit all required documents to the Regional Licensing Authority to initiate the issuance of an amended ~~a standard~~ license.

3. The supervising agency shall complete at least one (1) home visit as part of the updated licensing home study.

4. If approved, an amended license shall be issued and shall expire on the same date as the previous license.

5. If licensure of the new home is not recommended and there are children currently placed in the home, the primary case manager shall immediately begin assessing alternative placement options.

(b) Between Regions.

1. A licensed out-of-home caregiver who plans to move from one region to another and wishes to continue being licensed shall notify his or her ~~their~~ current supervising agency at least 30 ~~thirty~~ calendar days prior to the planned move. Coordination and responsibility for ensuring the transition of the license shall be as follows:

a. The supervising agency shall assist the licensed out-of-home caregiver in finding a supervising agency in the new region.

b. The current lead agency and supervising agency will work in partnership to secure a commitment from the receiving supervising agency in the new region to complete the requirements for re-licensing.

2. The current supervising agency shall send the new supervising agency a copy of the licensed out-of-home caregiver's signed secure a release of information form from the family that is relocating, "Release of Information", CF-FSP 5090, February 2013, incorporated by reference in subsection 65C-13.023(3), F.A.C. and available at [www.def.state.fl.us/publications/](http://www.def.state.fl.us/publications/). ~~Upon receipt, the new~~ The ~~current~~ supervising agency shall then send the new supervising agency information to allow the agency to access the family's information in FSFN. If the new supervising agency does not have access to FSFN, the current supervising agency shall provide a complete copy of the licensing file, including the new contact information for the out-of-home caregiver, to the new supervising agency.

3. The new supervising agency will contact the licensed out-of-home caregivers within five (5) business days ~~immediately~~ upon notification of the relocation to begin the licensing process.

4. When currently placed children are relocating with the out-of-home caregiver, the new supervising agency shall submit the home study and completed application ~~file packet~~ according to the regional licensing submission process within ~~30 calendar~~ thirty days of notification of relocation.

5. Prior to the issuance of a new license ~~submission of the home study and application packet~~, the new home remains unlicensed; ~~however, but~~ a provisional license may be issued ~~if the conditions set forth in Section 409.175(7), F.S., are met. after the safety assessment is completed and received by the new Regional Licensing Authority and prior to the satisfactory home environmental health inspection report completed by a licensing specialist who has been trained by the state or local health department to conduct such inspections. This provisional license will expire within 90 days of issuance by the Regional Licensing Authority. No new children shall be placed in a home that is provisionally licensed.~~

6. The new Regional Licensing Authority shall request any additional documentation legally required to ensure that all minimum standards and out-of-home caregiver expectations are met within 10 business ~~ten working~~ days of receipt of the application ~~file packet~~. If no additional information is legally required, the new license shall be issued within 10 business ~~ten working~~ days of receipt of the complete application ~~file packet~~. ~~No additional children will be placed in the home until the new license is signed.~~

7. If the decision is made to deny the new application, the Regional Licensing Authority will notify the applicant and supervising agency by certified mail within five (5) business ~~working~~ days of the decision to deny, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S. The denial and reason(s) for denial shall ~~promptly~~ be recorded in the FSFN Florida Safe Families Network by the supervising agency. If there are any children that moved with the caregiver from the former region, the Regional Licensing Authority will notify the new supervising agency within 24 ~~twenty-four~~ hours of the decision to deny the application. The new supervising agency shall notify the former supervising agency and the contracted service provider responsible for courtesy supervision within 24 ~~twenty-four~~ hours of receiving the notice. All possible placement options, the possible risk to the children and their best interest shall be considered and a decision made regarding their placement within 24 ~~twenty-four~~ hours of receipt of the notification. The removal and placement of the children is the responsibility of the former supervising agency and the contracted service provider with primary responsibility for supervision of the children.

(c) Out of State. The same process as outlined for a change ~~between regions in region~~ is to be followed. However, if the children are to move out of state with the licensed out-of-home caregiver, the primary case manager is required to initiate an Interstate Compact for the Placement of Children request pursuant to Section 409.401, F.S. ~~In any instance where the decision to relocate to another state is made or it is intended to send or bring the child to the receiving state, or the child and existing family unit have already been sent or brought to the receiving state, an ICPC 100A, Interstate Compact Placement Request, CF 0794, October 2005, incorporated by reference and available at [www.def.state.fl.us/publications/](http://www.def.state.fl.us/publications/), the required supporting documentation shall be prepared immediately upon the making of the decision, processed within five (5) business days by the sending agency's state compact administrator and transmitted to the receiving state compact administrator with notice of the intended placement date. The sending agency's state compact administrator shall request that the receiving state respond to the case within five (5) business days of receipt of the request and with due regard for the desired time for the child to be sent or brought to the receiving state. If the family unit and child are already present in the receiving state's compact administrator shall determine within five (5) business days of receipt of the 100A and complete home study request packet whether provisional approval shall be granted and provide the decision in writing to the sending state compact administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable. If extenuating circumstances exist, the case manager shall provide an explanation and documentation of the circumstances surrounding the move for consideration and processing by the Florida Interstate Compact for the Placement of Children Office.~~

(4) Change of Supervising Agency.

(a) A currently licensed out-of-home caregiver wishing to change providers shall notify his or her current supervising agency. ~~file an "Application for License to Provide Out-of-Home Care for Dependent Children" CF FSP 5007, February 2013, incorporated by reference and available at [www.def.state.fl.us/publications/](http://www.def.state.fl.us/publications/), with the desired supervising agency.~~

(b) Within 30 calendar days of being notified of the requested change, the current supervising agency shall notify the Regional Licensing Authority. The desired supervising agency shall:

~~1. Request all information concerning the performance of the respective licensed out of home caregiver from the current supervising agency, including their recommendation for licensure;~~

~~2. Consider the application and advise the applicant in writing of whether it does or does not find the family appropriate for transfer to their agency within 30 days of receipt of the application; and~~

~~3. Notify the sending agency and the department of the determination.~~

~~4. If the family is found to be inappropriate for continued licensure, the supervising agency and Regional Licensing Authority shall deny the application, and the department shall make the family aware of the appeal process. The denial and reason(s) for denial shall promptly be recorded in the Florida Safe Families Network by the supervising agency.~~

~~(c) Supervising agencies shall share all information concerning the performance of the respective licensed out of home caregiver, along with their recommendations, upon request.~~

~~(d) If the licensed out of home caregiver is accepted, the new supervising agency shall submit a new application packet according to the regional licensing submission process for issuance of the new license.~~

~~(e) If the request to change providers occurs during the licensure year, the new supervising agency need only submit an "Application for License to Provide Out of Home Care for Dependent Children" CF FSP 5007, February 2013, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), and letter of acceptance in accordance with the regional licensing submission process.~~

~~(c) The Regional Licensing Authority will issue an amended license to reflect the new supervising agency for the remainder of the established licensure year. The new supervising agency assumes all responsibility for the annual re-licensure activities.~~

~~Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a), (7) FS. History—New 4-6-08, Amended \_\_\_\_\_.~~

#### 65C-13.028 Re-Licensing.

##### (1) Requirements.

(a) Re-licensing procedures shall be initiated by the supervising agency and the re-licensing ~~file~~ packet shall be submitted to the licensing authority at least 30 calendar ~~thirty~~ days prior to expiration of the current license. The re-licensing process shall not be initiated more than 90 calendar ~~ninety~~ days prior to the expiration of the current license.

(b) Out-of-home caregivers requesting to be re-licensed shall complete the "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, February, incorporated by reference in subsection 65C-13.025(1)(a), F.A.C. and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). Persons living together in a caretaking role shall both sign the application. Any licensed out of home caregiver that requests an application either verbally or in writing for re-licensure shall be provided one.

(c) An applicant shall sign all required re-licensing documentation as requested.

(d) The supervising agency shall ensure the completion of the application process by completing ~~doing~~ the following:

1. Request a home environmental health inspection report to be completed by a licensing specialist who has been trained by the Department or other state entity, such as the state or local health department. Health inspections completed by the Department of Health ~~The request~~ shall be requested ~~made~~ 60 days in advance of the home's re-licensing due date to facilitate the receipt of a satisfactory environmental health inspection report prior to the expiration of the license. For the homes that are issued a three (3)-year license, the health inspection is not required annually; however, the home health inspection must be completed before the end of the three (3)-year licensure period.

2. Direct the licensed out-of-home caregivers to obtain a radon test at the every fifth year for relicensing purposes, if required by Section 404.056, F.S.

(e) The supervising agency shall ensure that all required background screening has been completed pursuant to Rule 65C-13.023, F.A.C.

(f) References. The supervising agency responsible for completing the re-licensing home study shall obtain and review information about the home from the "Case Manager/Case Work Manager's Review of Foster Parent the Licensed Out of Home Caregiver's Performance", CF-FSP 5223, February 2015 ~~March 2013~~, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), for the case managers who have supervised children in the home during the previous licensing year. The supervising agency must address any issues raised by the case manager in the re-licensing home study.

(g) The supervising agency shall obtain from the case managers the completed "Exit Interview with Foster Child about Foster Parents" form, CF-FSP 5353, February 2015 ~~March 2013~~, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). This form must be completed for every child when children over the age of five (5) who exits ~~exit~~ the home following a placement of 30 calendar ~~thirty~~ days or longer ~~more~~. The supervising agency will review the exit interviews and must address issues raised

in the exit interviews in the relicensing summary. The relicensing ~~file packet~~ must contain exit interviews. If exit interviews are not provided with the re-licensing ~~file packet~~, the supervising agency must document efforts made to secure and the proper administrator of the lead agency and supervising agency shall be notified.

(h) The supervising agency shall obtain from the licensed out-of-home caregiver a completed "Foster Parent's Review of the Case Worker/Care Manager" form, CF-FSP 5224, February 2015, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), and review information from case managers who supervised children in the home during the previous licensing year. The supervising agency must address any issues raised by the licensed out-of-home caregiver in the relicensing home study.

~~(i)(h)~~ Applicants for renewal shall provide the agency with:

1. Documentation of at least eight (8) hours of continuing education annually in-service training;

2. Updated driver's license, driving record, and auto insurance coverage information, as applicable.

(2) Re-licensing Procedures.

(a) The supervising agency shall conduct a minimum of one (1) face-to-face visit in the home and interview all household members prior to re-licensure.

(b) The supervising agency shall review and discuss ~~the~~ "Partnership Plan for Children in Out-of-Home Care", CF-FSP 5226, February 2013, incorporated by reference in subparagraph 65C-13.025(3)(f)1, F.A.C., and available at [www.dcf.state.fl.us/publications](http://www.dcf.state.fl.us/publications) with the applicants.

(c) The licensing counselor shall inspect the entire premises of the home, including all interior and exterior areas, for continued compliance with ~~initial~~ licensing standards.

(d) Vehicles used for transporting children shall be observed for seatbelt compliance and any obvious safety hazards documented and addressed in a corrective action plan, if necessary.

(e) Fire drill logs shall be reviewed and discussed to ensure continued compliance with ~~initial~~ licensing standards. The evacuation plan and disaster preparedness plan shall be reviewed and discussed.

(3) Re-licensing Home Study. As a part of the re-licensing application ~~file packet~~, the supervising agency shall make a thorough evaluation of each licensed out-of-home caregiver and document this evaluation using the Unified Home Study module in FSFN. The updated home study shall include all of the assessments required for an initial licensing home study as specified in subsection 65C-13.025(4), F.A.C., as well as a minimum:

~~(a) Demographics: Names, Dates of Birth, Address, and contact numbers;~~

~~(b) In-Service Training. List all applicable training, including dates, number of hours and topics. Identify expiration date for water safety training as applicable;~~

~~(c) Chronology. Dates of home visits and persons interviewed;~~

~~(d) Family Composition and Description. Note any changes in household composition, employment, family members, arrests, divorce or separations, serious illness or medical conditions in detail. Any new household member shall be interviewed and a written summary provided;~~

~~(e) Home and Neighborhood. Any changes to the physical environment, addition of a pool or remodeling, fencing, physical surroundings, and sleeping arrangements, maintenance of both interior and exterior conditions of home, surrounding outdoor area and continued availability of safe play areas for children, shall be documented;~~

~~(f) Animals. Any new animals such as dogs, cats or exotic pets that could potentially cause harm to a child should be discussed as in the initial licensing home study. Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations current at the time of re-licensure;~~

~~(g) Licensed out of home caregiver's fostering experience. Documentation of the licensed out of home caregiver's experiences with staff and providers and his or her statements regarding services received by the child shall be completed. The licensed out of home caregiver's experience over the previous licensing year and the family's feelings of how fostering has affected their relationships or lifestyle shall be discussed;~~

~~(h) Discipline. Description of how the licensed out of home caregiver has managed behavior with children placed in the home;~~

~~(i) Family life.~~

~~1. Documentation of the licensed out of home caregiver's support and integration of children into the family, such as attendance at and involvement with children's activities; ensuring children have reliable transportation to school, social events, medical appointments, and inclusion in other family activities. The supervising agency will describe the licensed out of home caregiver's attentiveness to the provision of clothing and allowances to the children in their care;~~

~~2. Documentation of the level of cooperation of licensed out of home caregivers with the children's families, including visitation for any children placed in the home during the previous licensing year. Describe how the family has worked with the supervising agency and other service providers;~~

~~3. Documentation of the licensed out-of-home caregiver's compliance with proper administration and monitoring of medication, cooperation with medical directives and appointments;~~

~~4. Documentation of the maintenance of school and resource records for each child in placement.~~

~~(j) Child care. Assess and document the current arrangements for child care and after school care;~~

~~(k) Transportation Safety.~~

~~1. The licensed out-of-home caregiver shall have transportation available twenty four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children as required by law. Vehicles shall be smoke free when children are being transported. The licensed out-of-home caregiver shall have the ability to safely transport the number of children in his or her own care. The licensed out-of-home caregiver shall ensure appropriate safety equipment is utilized.~~

~~2. The licensed out-of-home caregiver shall have all vehicles insured.~~

~~(l) Employment, Financial Capacity and Income. Any change in financial status or employment shall be addressed;~~

~~(m) Safety. Assess and document continuing compliance with initial licensing standards as they relate to the safety of the home;~~

~~(n) Other Adult Household Members. Documentation of the responsibilities the applicant(s) will expect the other adults in the household to have with children placed in the home.~~

~~(o) Background Screening. The results of all background screening information shall be obtained, reviewed and assessed for each individual in the home who is older than twelve years of age.~~

~~(p) History of Placement Activity. Placement activity during the previous licensing year shall be identified and discussed. If the family requested that a child be moved, the reasons and circumstances must be addressed. The narrative must provide detail about each child who has left the home and address how the family has worked with each child;~~

~~(q) Youth Exit Interviews. An exit interview, Exit Interview with Foster Child About Foster Parents, CF FSP 5353, March 2013, incorporated by reference and available at [www.def.state.fl.us/publications](http://www.def.state.fl.us/publications) must be conducted and assessed with every child ages five through eighteen who lived in the home for 30 days or longer;~~

~~(a)(r) Staff Feedback. A summary of feedback from staff members as it relates to the family's continued suitability and performance as a licensed out-of-home caregiver; and~~

~~(b)(s) Investigations, Special Condition Referrals, Concerns or Complaints. A summary assessment of investigations and special condition referrals, incident reports, accidents and complaints during the previous licensing period must be included.;~~

~~(t) Summary. All forms and information obtained as a part of the relicensing process shall be summarized in a written narrative. The narrative should include the characteristics of children for whom the family is most appropriate, including number of children, age, gender, special needs and behaviors. A summary of the family's ability to continue the provision of foster care services shall be completed and encompass the following:~~

~~1. A recommendation concerning the appropriateness of continued licensure including a professional development plan.~~

~~2. An on-going continuing education needs assessment;~~

~~(c) The home study shall be reviewed, signed and dated by the counselor responsible for completing the study and the counselor's supervisor. The licensed out-of-home caregiver shall be offered an opportunity to sign the home study and must be provided a copy.~~

~~(4)3. If re-licensure is not recommended, the applicant must be made aware of the appeal process by the Regional Licensing Authority. Attempts must be made to assist the licensed out-of-home caregiver in overcoming identified deficiencies. The denial of re-licensure and reason(s) for denial shall promptly be recorded in the FSFN Florida Safe Families Network by the supervising agency.~~

~~4. The home study shall be reviewed, signed and dated by the counselor responsible for completing the study and the counselor's supervisor. The licensed out-of-home caregiver shall be offered an opportunity to sign the home study and must be provided a copy;~~

~~(5)(4) Re-Licensing Process.~~

~~(a) If the region and community-based care lead agency do not participate in the attestation model for license, the Regional Licensing Authority shall determine if the relicensing application file packet is complete and notify the lead agency in writing of the need for any additional materials or information within 10 business working days of receipt of the relicensing file packet. The lead agency must submit the necessary materials or information to the Regional Licensing Authority within 10 business ten working days of receipt of the written notice. A license cannot be issued until all information has been received in order to ensure the safety and well-being of children.~~

~~(b) If approved, a license shall be issued to the applicant no later than 10 business ten working days from receipt of the complete relicensing file packet.~~

(c) If the completed file packet of materials was received prior to the expiration of the existing license ~~then~~, upon approval, the renewal date of licensure shall begin on the day the existing license expires.

(d) If the submitted application ~~file packet~~ is not complete at the time the existing license expires, the renewal date of licensure shall be the actual date of approval by the Regional Licensing Authority. No child shall be placed or remain in an unlicensed setting.

(e) A copy of the license shall be provided by the Regional Licensing Authority to the lead agency for dissemination to the supervising agency. The supervising agency is responsible for sending the license to the family.

(f) If the supervising agency or Regional Licensing Authority determines that the out-of-home caregivers have not satisfactorily met the standards for continued licensure, the licensing authority shall consult with the ~~r~~Regional ~~L~~egal ~~c~~ounsel, lead agency and supervising agency; concerning the appropriate course of action.

(g) If the Regional Licensing Authority denies the application for re-licensure, the applicant shall be notified in writing within 10 business days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S. The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in writing in the licensing file. and the applicant does not voluntarily withdraw the application, the Regional Licensing Authority shall proceed with formal actions.

(h) Licensed out-of-home caregivers meeting the criteria of Section 409.175, F.S., may be issued a license for longer than one (1) year, but no longer than three (3) years. During the three (3) -year period the licensing counselor shall annually conduct a minimum of one (1) face to face visit in the home. The licensing agency shall complete submit local law enforcement screenings, abuse registry checks, FBI and FDLE clearance based on the five (5) year renewal date and other documentation outlined in this ~~S~~ection and notify submit it to the Regional Licensing Authority with a Provider Note in FSFN statement certifying that the family continues to meet all licensing requirements annually.

~~(6)(5)~~ Three-Year License. Section 409.175, F.S. Florida Statutes, and subsection 65C 13.028(4)(h), Florida Administrative Code, grant the authority to licensing agents to issue a license for up to three (3) years to a family foster home (this includes medical or therapeutic foster homes) meeting specific criteria. A family foster home shall meet the following criteria to be considered for a three (3) year license:

(a) The family has been licensed for at least the three (3) previous consecutive years or longer.

(b) The family has not been the subject of a report of child abuse or neglect with verified findings of maltreatment or foster care referral with a finding of licensing concerns that resulted in a corrective action plan ~~findings of maltreatment and is recommended by the assigned Child Placing Agency and the lead agency for a three year license.~~

(c) The family is in good standing with the Department as evidenced by the following:

1. The family has not been placed on a performance improvement plan/corrective action plan.

~~2.(d)~~ The family has clear background checks.

~~(e) The home is not licensed for more than five children.~~

~~(f) The family has no infractions of good moral character.~~

~~(g) The number and frequency of placements that result in disruptions will be considered and used in the decision as to whether to issue a three year license.~~

~~(7)(6)~~ Documentation. A brief, ~~yet concise~~ summary that is completed annually using the Unified Home Study module in FSFN ~~will replace the Re-licensing Summary for Licensed Homes for Dependent Children. This summary~~ must address all changes that have occurred in the household during the licensing year and allow foster parents to discuss any issues, concerns or triumphs they experienced during the licensing period. The summary shall include:

(a) Youth exit interviews, ~~and~~ case manager reviews and foster parent reviews.

(b) Documentation of at least eight (8) hours (annually) of continuing education in service training;

(c) Documentation of updated water safety training, if applicable;

(d) Background screening which includes local law enforcement records checks completed prior to the one (1) year expiration date on existing checks, abuse history checks, and FDLE re-screening, if applicable;

(e) Pet vaccinations, if applicable;

(f) Documentation of driver's license(s) and vehicle insurance;

(g) Updated evacuation and disaster preparedness plan if changes in the layout of the home or means of egress have occurred.

~~(h) The annual health inspection is waived for three year licensed homes and only occurs at the expiration of the three year licensing period.~~

~~(8)(7)~~ Applicants Previously Licensed or Approved in another State, or Region.

(a) If the applicants were licensed previously in another state or outside the region in which they are seeking licensure, the supervising agency shall make a written request to the previous licensing agency for a reference, copies of the initial and previous licensing studies, closing summaries, information about any complaints, foster care referrals, or

concerns expressed regarding the prospective family’s parenting ability, reason for closure, and the results of their background screening and abuse history check.

(b) The written request and all information received from the originating state, or region shall be included in the application file packet. All attempts to obtain the information shall be documented.

(c) Applicants who have previously completed a departmentally approved pre-service training curriculum in the past five (5) years, and who can provide proof of completion, shall not be required to complete pre-service training except portions of the training curriculum that have been updated since their pervious completion. Applicants who completed pre-service training in another state shall may be exempt from pre-service training if the curriculum meets the content requirements established in Section 409.175, F.S., for is the same as an approved version of pre-service training offered in Florida. Supervising agencies shall submit a copy of the curriculum to the Regional Licensing Authority for review and approval if the previously completed training is not an approved curriculum in Florida.

~~(9)(8)~~ Re-opening of Previously Licensed Out-of-Home Caregivers within the Region.

(a) If the applicants were licensed previously in the same region where they are currently seeking licensure, the supervising agency shall obtain and review information from the previous supervising agency which describes the applicants’ performance and history as licensed out-of-home caregivers. All attempts to obtain the information shall be documented.

(b) Applicants shall complete all initial licensing requirements with the exception of pre-service training, if previously completed within five (5) years.

(c) All information received from the originating supervising agency shall be included in the application file packet.

(d) Required background screening for previously licensed out-of-home caregivers shall be completed no more than 90 days prior to the submission of the application.

(e) If the application file packet is approved, a license is issued to the applicant(s). The license shall include the name and address of the caregiver(s), the name of the supervising agency along with the licensed capacity and the dates for which the license is valid. The regional managing director administrator or designee in upper level management shall sign the license. Any limitations shall be displayed on the license if the study indicates the necessity for such restrictions, such as specific ages or gender preference.

(f) A copy of the license shall be provided by the Regional Licensing Authority to the supervising agency.

(g) If the Regional Licensing Authority denies the application for re-licensure, the applicant shall be notified in writing within 10 business days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the applicant’s right of appeal pursuant to Chapter 120, F.S. The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in writing in the licensing file, and the applicant does not voluntarily withdraw the application, the Regional Licensing Authority shall proceed with formal actions. The denial of re-licensure and reason(s) for denial shall promptly be recorded in the Florida Safe Families Network by the supervising agency.

Rulemaking Authority 409.145(5), 409.175(5)(a) FS. Law Implemented 409.145(2), 409.175(5)(a), (6)(b) FS. History–New 4-6-08, Amended \_\_\_\_\_.

65C-13.029 Licensed Out-of-Home Team Member Roles. All licensed out-of-home caregivers shall comply with Rule 65C-28.019, F.A.C.

~~(1) Responsibilities of the Licensed Out of Home Caregiver to the Child.~~

~~(a) The licensed out of home caregiver shall be a member of a team that supports children and youth in out of home care. The team consists of the professionals representing the department, the lead agency, the Regional Licensing Authority or supervising agency, the case manager, caregiver, and other professionals with responsibility for the welfare of children in care. Caregivers have primary responsibility for the care, nurture and development of a child in his or her home. The caregiver is required to promote normalcy for the child to the fullest extent possible. Therefore, caregivers shall:~~

- ~~1. Provide input into the development of the child’s case plan and other decisions made by the team.~~
- ~~2. Ensure that children in their care are safe, loved, and nurtured.~~
- ~~3. Allow the child to participate in age appropriate activities at home, in school, and in the community.~~
- ~~4. Advocate for and support the child in order to minimize trauma to the greatest degree possible, including trauma stemming from the transition from and to their home and other placements.~~
- ~~5. Support the child in maintaining progress in school or exceeding past performance when possible.~~
- ~~6. Help the child to acquire life and social skills consistent with their age and maturity level.~~
- ~~7. Ensure that the child receives appropriate health, dental, and mental health care as needed.~~

8. Work with families, where permitted by the court, to promote visitation and the safe return of children to their families' care.

9. Share their perspectives with team members and the courts with respect to the best interest of the child(ren) in their care.

(b) All children in the home shall be protected from abandonment, exploitation, neglect, and abuse. Suspected child abuse or neglect including incidents of child on child sexual abuse shall be reported immediately to the Florida Abuse Hotline.

(c) The child must be assisted in understanding and accepting who he or she is, and helped to deal with any feelings about his or her parents and the circumstances which brought him or her into out of home care.

(d) Licensed out of home caregivers shall provide a loving environment, acceptance, and care to a child without expecting a demonstration of appreciation from the child.

(e) Licensed out of home caregivers shall provide the child with opportunities for normal growth and development.

(f) Licensed out of home caregivers shall accept the direction and supervision given by the Regional Licensing Authority or supervising agency in caring for the children.

(g) Licensed out of home caregivers shall promote the following conditions for the child in the home:

1. Opportunities and encouragement to communicate and have contact with family members, friends, and other people important to the child. The only exception is when the court specifically bars contact with an individual;

2. Promote and encourage the child's educational progress, and ensure that the child completes assignments and homework;

3. Respect for the child's body, person, possessions, bed and personal space;

4. Opportunities to develop interests and skills through participation in school and community activities;

5. Encourage and support the child in making new friends and maintaining past friends who have had a positive relationship with the child;

6. Licensed out of home caregivers shall keep records of school reports.

7. Licensed out of home caregivers shall never make negative statements about a child's family and shall work to preserve the child's cultural history and family connections.

8. Licensed out of home caregivers shall work in partnership with the child's case manager in maintaining awards, legal documents, special recognitions, family photos, and other items that will help the child maintain a sense of his or her identity and connections.

(h) Licensed out of home caregivers shall allow children and their legal family, including siblings, to communicate by mail and by telephone in accordance with the child's case plan and in keeping with the directions of the court.

(i) Licensed out of home caregivers shall not open the child's mail, monitor telephone conversations or otherwise interfere with free communication with the legal family, except as necessary to comply with the directions of the court.

(j) Licensed out of home caregiver shall provide children opportunities in the home and through life skills classes and other organized activities to learn and practice skills needed for independent living, such as food preparation, money management, consumer awareness, personal hygiene and appearance, housekeeping and care of personal belongings, accessing health care services, transportation, job seeking, education, study skills and interpersonal relationship building or other skills provided for in the child's independent living skills plan.

(k) The licensed out of home caregiver shall support the child's efforts to learn to drive a car and obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities for driver's education are not available through the school district, the licensed out of home caregiver, case manager and legal parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out of home caregiver must pay for a car, or insurance on behalf of the youth in their care.

(l) Licensed out of home caregivers shall be knowledgeable of the Americans with Disabilities Act and shall treat foster children with disabilities with respect and include them in activities to the extent that they are able.

(m) As part of the licensed out of home caregiver's responsibility for promoting educational success, the caregiver will work with each foster child each day on homework and reading skills, and ensure that homework is completed.

(n) Family Care Activities.

1. Daily living tasks.

a. Licensed out of home care providers are expected to provide supervision, structure and daily activities designed to promote the individual physical, social, intellectual, spiritual, and emotional development of the children in their home according to each child's age and developmental level.

b. Licensed out of home care providers shall assist the children in performing tasks and developing skills that will promote their independence and the ability to care for themselves.



~~c. Licensed out of home caregivers will help children in their care maintain a sense of their past and a record of their present.~~

~~d. Children in out of home care will be encouraged by the licensed out of home caregiver to assume household chores reasonable for their age and ability but not to exceed those expected of their own children.~~

~~e. Children in out of home care shall be provided information as appropriate to their age and maturity level, concerning drug and alcohol use and abuse, teen sexuality issues, runaway prevention, health services, community involvement, knowledge of available resources, and in identifying legal issues. These opportunities shall not be withheld as a form of discipline.~~

~~f. Children in out of home care shall be encouraged and assisted in participating in activities such as having his or her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after school organizations or clubs; and participating in community events. Children shall be able to participate in activities that promote personal and social growth, self esteem and independence. Confidentiality requirements for department records shall not restrict the children's participation in customary activities appropriate for the child's age and developmental level.~~

~~g. Children in licensed out of home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out of home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out of home caregiver. The case manager shall be available for consultation. The child's case manager shall be notified within 48 hours of overnight trips exceeding one night. These trips must not interfere with visitation schedules. Background screening is not necessary for participation in normal school or community activities and outings, such as school field trips, dating, scout campouts and activities with friends, families, school and church groups.~~

~~h. Licensed out of home caregivers shall be as diligent in determining approval for such events as he or she would for his or her own children. Licensed out of home caregivers shall use their parenting skills to familiarize themselves with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity safely and appropriately.~~

~~i. The licensed out of home caregiver shall be sensitive to the parent's input regarding the types of activities in which the child can participate and the parents must be included, when practicable, in the decision making process.~~

## ~~2. Food and Nutrition.~~

~~a. The licensed out of home caregiver shall provide nutritionally balanced meals and age appropriate snacks daily.~~

~~b. Licensed out of home caregivers are expected to provide for any special dietary needs of children placed in their home. The licensed out of home caregiver shall be sensitive to the parent's input regarding special dietary needs.~~

~~c. Licensed out of home caregivers shall not withhold food as a means of discipline or punishment.~~

## ~~3. Clothing and Personal Belongings.~~

~~a. All children are to be provided with their own clean, well fitting, attractive clothing appropriate to their age, gender and individual needs, in keeping with community standards and appropriate to the season.~~

~~b. Each child must be provided towels, washcloths, and toiletry items such as toothbrushes, combs, and hairbrushes.~~

~~c. All children must be allowed to bring, retain and acquire personal belongings while in care. Licensed out of home caregivers must help each child protect and preserve possessions, which are important to the child.~~

~~d. Licensed out of home caregivers shall keep an inventory of all belongings the child brought to the home as well as those purchased or subsequently obtained for the child. When the child leaves the family home the licensed out of home caregiver must send with the child all serviceable clothing and personal belongings bought for, earned or given to the child. This includes any toys, bicycles, radios, or other things that are the child's personal belongings.~~

~~4. Religion and ethnic heritage. A licensed out of home caregiver shall cooperate with the child's case manager in arranging opportunities for a child to participate in the faith of his or her choice or that is requested by the child's family. The child's licensed out of home caregiver shall coordinate appropriate arrangements for the child's attendance at religious activities in partnership with the child's case manager.~~

## ~~5. Discipline.~~

~~a. Licensed out of home caregivers shall discipline children with kindness, consistency, and understanding, and with the purpose of helping the child develop responsibility and self control.~~

~~b. Licensed out of home caregivers shall use positive methods of discipline. Acceptable methods of discipline include: reinforcing acceptable behavior, expressing verbal disappointment of the child's behavior, loss of privileges, grounding, restricting the child to the house or yard, sending the child out of the room and away from the family activity, and redirecting the child's activity.~~

~~e. Licensed out of home caregivers shall not subject children to cruel, severe, or unusual forms of discipline.~~

~~d. Licensed out of home caregivers shall not use corporal punishments of any kind.~~

~~e. Licensed out of home caregivers shall not delegate discipline or permit punishment of a child by another child or by another adult not in a caregiver role.~~

~~f. Licensed out of home caregivers shall not withhold meals, clothing, allowance or shelter as a form of discipline.~~

~~g. Licensed out of home caregivers shall not ridicule or punish a child for bed wetting or other lapses in toileting.~~

~~h. No child shall be mechanically restrained or locked in any enclosure, room, closet, bathroom or area of the house or premises, for any reason.~~

~~i. Licensed out of home caregivers shall not threaten a child with removal, or with a report to authorities or prohibit visitation with family and significant others as consequences for unacceptable behavior.~~

~~j. Licensed out of home caregivers will seek the assistance of the child's primary case manager or therapist for behavior problems.~~

~~6. Health Care. Licensed out of home caregivers are responsible for ensuring the child has routine medical, vision and dental care. The case manager shall promptly provide licensed out of home caregivers with the child's prescription medication and information regarding any medical, vision and dental interventions necessary for the child's health and well-being. Licensed out of home caregivers are responsible for administering and documenting medication prescribed for the child. The amount, date and time the medication is administered to the child shall be documented and kept with the child's resource record. Licensed out of home caregivers shall keep accurate records of the administering of all medications, including psychotropic medications, and of medical treatment and interventions. No child shall be given prescription medication without a physician's prescription or medication prescribed to another person.~~

~~7. Licensed out of home caregivers shall comply with court orders, visitation plans and the case plan for any children placed in their care.~~

~~8. Resource Records. The child's resource record (CPR) shall be maintained by the licensed out of home care giver. The CRR is a standardized record developed and maintained for every child entering out of home care that contains copies of the basic legal, demographic, available and accessible educational, and available and accessible medical and psychological information pertaining to a specific child, as well as any documents necessary for a child to receive medical treatment and educational services. Where medical or educational information is not available and accessible, written documentation of the efforts made to obtain the~~

~~information must be in the file. The Child's Resource Record (CRR) shall be housed where the child is placed and shall accompany the child to every health encounter and shall be updated as events occur.~~

~~9. Education. Licensed out of home caregivers shall work in partnership with the child's case manager to address the child's educational needs and to allow for the continuation of school attendance. To further promote visibility within the community, children in care may not be home schooled.~~

~~10. Allowances. Children in licensed out of home care shall receive an allowance. The licensed out of home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities. Allowances are not to be withheld as a form of discipline.~~

~~(2) Licensed Out of Home Caregiver Responsibilities to the Case Management Agency.~~

~~(a) Licensed out of home caregivers must work cooperatively with the case manager as a member of a treatment team in seeking counseling, other professional services and in preparing and implementing the case plan for each child.~~

~~(b) Licensed out of home caregivers must provide pertinent information for judicial review hearings and administrative review conferences for children placed in their home.~~

~~(c) Licensed out of home caregivers shall work in partnership with the case manager to maintain child resource records in a secure manner, which ensures confidentiality for the child and the child's parents.~~

~~(d) Licensed out of home caregivers must work in partnership with the child's case manager in preparing the child to leave their family in accordance with the case plan goal, and must participate in and support the placement process.~~

~~(e) Licensed out of home caregivers shall only allow the child to be moved from the home by a child protective investigator or department, lead agency or case management agency staff member, after seeing proof of identification.~~

~~(f) Licensed out of home caregivers shall obtain prior approval from the supervising agency for the movement of the child to another home for purposes of respite.~~

~~(g) Licensed out of home caregivers shall notify the child's case manager in advance of vacations in which the child shall be participating.~~

~~(h) Licensed out of home caregivers shall notify the child's case manager within 24 hours of any sexually inappropriate action or behavior by the child.~~

~~(i) Licensed out of home caregivers shall comply with court orders, visitation plans and the case plan for any children placed in their care.~~

~~(3) Responsibilities of the Licensed Out of Home Caregivers to the Child's Family.~~

~~(a) Licensed out of home caregivers must present a positive image of and demonstrate respect for the child's own family and must agree to maintain a working relationship with the child's family members as indicated in the child's case plan.~~

~~(b) Licensed out of home caregivers must participate in planning and facilitating visits for the child with his parents and family members as indicated in the case plan.~~

~~(c) Licensed out of home caregivers must allow children and their family members to communicate by mail and telephone in accordance with the child's case plan.~~

~~(d) Licensed out of home caregivers must share as many parenting experiences as possible with the child's legal family, i.e.; participating in school conferences and activities, transporting the child to medical appointments, buying clothing, and attending social activities.~~

~~(e) Licensed out of home caregivers must never be openly critical of the child's legal family to the child or to others. Negative experiences and feelings should be shared with the case manager in a private setting and any indication of abuse and/or neglect shall be reported to the Florida Abuse Hotline.~~

~~(f) Licensed out of home caregivers must willingly share information about the child, his development, school progress, behavior, and any significant happenings with the case manager and with the child's family.~~

~~(4) Responsibilities of the Licensed Out of Home Caregivers to the Regional Licensing Authority and Supervising Agency.~~

~~(a) When a foster child age 12 or older is believed to be missing, within four hours the licensed out of home caregiver shall notify law enforcement and request that a missing child report be opened and obtain the case number, inspect the child's belongings to determine what items are missing and assist the child's case manager in efforts to locate the child. Children age 11 or younger should always be immediately reported to local law enforcement as missing.~~

~~(b) Licensed out of home caregivers shall notify the department and supervising agency if any child's case manager does not make a visit every thirty days. Notification of the department shall be made by calling 1-800-FLA-FIND.~~

~~(c) Licensed out of home caregivers shall be knowledgeable of the provisions of the federal Multiethnic Placement Act, which prohibits delay in the placement of a child on the basis of race, culture or ethnicity and the Americans with Disabilities Act.~~

~~(d) Licensed out of home caregivers shall never sign blank forms or falsify records. Falsification of any records or signatures on blank forms shall result in a revocation or denial of the foster care license.~~

~~(e) Licensed out of home caregivers shall keep confidential all information about the child and the child's family. Discussing this information shall be limited to a Regional Licensing Authority or agency staff member, Guardian Ad Litem, or other authorized professional working with the child.~~

~~(5) Responsibilities of the Supervising Agency and the Regional Licensing Authority to the Licensed Out of Home Caregiver and Children in Care.~~

~~(a) The supervising agency will provide and coordinate training opportunities for licensed out of home caregivers. Licensed out of home caregivers shall be provided with information concerning the Multiethnic Placement Act and the Americans with Disabilities Act.~~

~~(b) The supervising agency must share all available information on each child placed with the licensed out of home caregiver.~~

~~(c) The supervising agency shall provide the child resource record to the licensed out of home caregiver at the time of placement or within 72 hours of the placement.~~

~~(d) The supervising agency shall provide licensed out of home caregivers with the names and phone numbers of persons who should be contacted in emergencies.~~

~~Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a) FS. History—New 4-6-08, Amended 3-6-14.~~

65C-13.030 Standards for Licensed Out-of-Home Caregivers.

(1) Requirements.

(a) Placement capacity requirements shall comply with 409.175(3), F.S. There shall be no more than five children in a licensed home, including the licensed out of home caregiver's children unless an over capacity exception has been approved.

(b) There shall be no more than two children under the age of two years in a home, including the licensed out of home caregiver's children unless exception has been approved.

(c) There shall be no more than two children placed in a therapeutic family foster home unless an exception has been approved.

~~(b)(4)~~ Each licensed out-of-home caregiver shall sign a "Partnership Plan for Children in Out-of Home Care", ~~CF FSP 5226, February 2013~~, incorporated by reference in subsection 65C-13.025(5)(b)(6), F.A.C and ~~available at~~ www.def.state.fl.us/publications. The agreement shall be reviewed, and discussed with a licensing counselor prior to

initial licensure and again at each re-licensure. The document must be signed by a representative from the supervising agency and the potential or licensed out-of-home caregiver.

~~(c)(e)~~ Placement of a child in a home licensed by the Agency for Persons with Disabilities (APD) shall be approved by the Agency for Persons with Disabilities prior to placement. A home licensed by the APD ~~Agency for Persons with Disabilities~~ may be utilized for placement of children eligible for both programs without obtaining a separate license if the child is receiving Supplemental Security Income (SSI).

~~(d)(f)~~ Licensed Out-of-Home Caregivers Providing Child Care.

1. Licensed out-of-home caregivers contracting with a lead agency are authorized by Section 409.1671, F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302, F.S., and may be dually licensed. ~~A dually licensed family foster care for more than five children, including biological, foster, and adopted children. Therapeutic or Medical Family Foster Homes shall follow placement guidelines as prescribed by Agency for HealthCare Administration and Children's Medical Services not be dually licensed.~~

2. All licensing standards and requirements for family foster homes and family day care homes shall be met and maintained.

3. Licensed out-of-home caregivers shall limit their operation as a Family Day Care Home as follows:

a. Hours of operation shall only occur between 6:00 a.m. and 7:00 p.m.;

b. Based on the premise that the foster care maintenance assistance is for the care of a foster child for a 24 ~~twenty four~~ hour period and includes the provision of daily supervision for the foster child, the out-of-home caregiver shall not be paid both the foster care board rate and child care subsidy for the same child;

c. A family foster home providing child care under this ~~S~~section shall be inspected a minimum of twice per year, at least once by daycare licensing staff and once by the supervising agency's licensing specialist. The inspection is to assess the impact of the child care operation on the fostering experience;

d. Where family foster homes are also licensed as a Family Day Care Home, the ~~D~~department shall ~~make every effort to~~ coordinate inspections with a licensing counselor from the child-care licensing program; and

e. Complaint investigations shall be conducted in conjunction with a representative from child care licensing.

(2) Personal Standards.

(a) A licensed out-of-home caregiver shall be a stable, responsible, and mature individual who is at least 21 ~~twenty one~~ years of age.

(b) At least one (1) licensed out-of-home caregiver in the home shall be able to effectively communicate with any children placed in the home and with the supervising agency.

(c) A licensed out-of-home caregiver shall not operate the home as an adult boarding or rooming home or an adult daycare facility.

(d) Child care. Child care for children in licensed out-of-home care shall be in a licensed early education or child care program chosen by the caregiver(s). These providers must be participating in the school readiness program through the local early learning coalition. Examples of licensed early education or child care programs include according to the following order:

1. Gold Seal accredited child care providers or providers participating in a quality rating system;

2. Licensed child care providers;

3. Public school providers;

4. License exempt child care providers, including religious exempt, registered, and non-public schools.

Priority consideration for choice of child care setting by the caregiver shall be given in the order listed above. If a caregiver requests a child care setting without consideration of the priority order listed above, such request shall be reviewed and approved or denied by the Regional Managing Director or designee.

~~These providers must be participating in the school readiness program through the local early learning coalition.~~

~~If there is no available Gold Seal accredited child care provider or space for the child at the Gold Seal provider, then the caregiver shall chose a licensed child care provider. If a licensed child care provider has no availability, the caregiver shall chose a public school provider. If there is no availability at a public school provider, the caregiver shall chose a license exempt child care provider as required by this subparagraph.~~

(e) The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

(f) Child care arrangements shall be documented in the Unified Home Study in FSFN.

~~(3) Physical Environment.~~

~~(a) The home shall be inspected by a licensing specialist who has been trained by the state or local health department, to conduct such inspections. The home must receive a satisfactory inspection result for water supply, food holding temperature, plumbing, vermin and vector control, sewage, and garbage and rubbish disposal, prior to initial licensing and annually prior to re-licensing.~~

~~1. Water Supply. When water is accessible to those in care, the water temperature shall not exceed 120 degrees Fahrenheit to avoid scalding. Adequate hot water shall be provided at a minimum of 100 degrees Fahrenheit.~~

~~a. Routine Testing. Licensed out of home caregivers not served by a municipal water supply shall test the water and submit bacteriological water test results to the local county health department:~~

- ~~(I) Before license approval;~~
- ~~(II) At least every 12 months;~~
- ~~(III) Upon relocation;~~

~~(IV) Before having the well placed in service after construction, repair, or modification; or~~

~~(V) After an emergency situation, such as a flood, that may introduce contaminants to the system.~~

~~b. Test results must be negative for bacteriological contamination.~~

~~c. Positive test results require the facility to use potable water from a source approved by law for the purpose of drinking, cooking, and oral contact, until test results are negative. In addition, wells that test positive shall be disinfected, flushed, and tested for bacterial contamination.~~

~~d. Laboratory test results must be submitted to the local county health department, in writing, by the testing laboratory.~~

~~e. Testing can be obtained through the local county health department or a certified independent laboratory.~~

~~2. Food Holding Temperature. Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above. Refrigeration units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed by the licensed out of home caregiver and any inspector.~~

### ~~3. Vector Control.~~

~~a. Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches, and other vectors and vermin on the premises. Effective measures shall include any method or device or the application of any substance to prevent, destroy, repel, mitigate, curb, control any pest in, on, or under the structure or lawn.~~

~~b. The creation, maintenance, or causing of any condition capable of causing vectors and vermin will not be permitted. The home shall be effectively maintained rodent proof and rodent free. All outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent, to prevent entry of insects, rodents, or other vectors and vermin.~~

~~4. Sewage. Any home not on a municipal sewage system and having an onsite sewage treatment and disposal system or septic tank, shall meet applicable standards in Chapter 64E-6, Florida Administrative Code.~~

~~5. Garbage and Rubbish Disposal. All garbage, trash, and rubbish from the kitchen area shall be collected daily and placed in garbage receptacles. Garbage or trash containing diapers or any odor causing agent shall also be collected daily and placed in garbage receptacles. Garbage or trash consisting only of paper items must be collected weekly and placed in garbage receptacles. Garbage shall be removed from garbage receptacles frequently enough to prevent a sanitary nuisance, as defined in Chapter 386, F.S. Wet garbage shall be collected and stored in impermeable, leak proof, fly tight containers pending disposal. All containers, storage areas, and surrounding premises shall be kept clean and free.~~

~~(b) Family foster homes located in counties designated by the Department of Community Affairs Florida Radon Protection Map Categories as "intermediate" or "Elevated Radon Potential" areas shall be tested to determine the level of indoor radon as required in Section 404.056, F.S. Radon levels shall be at a level which does not affect the safety and well-being of children in the homes. Re testing of licensed family foster homes for radon gas shall take place as required in Section 404.056, F.S.~~

### ~~(c) Outdoor Area.~~

~~1. The exterior of the home and premises shall be free from objects, materials, and conditions which constitute a danger to children. All garbage and trash shall be covered and removed regularly. There shall not be large, potentially dangerous items stored in the safe outdoor play area, such as old refrigerators, stacks of lumber and unregistered vehicles or boats.~~

~~2. The home shall have a safe outdoor play area on the property or within reasonable walking distance. All outdoor play equipment shall be kept in good repair. If the home is located on a busy street, there shall be a safety plan for supervision.~~

### ~~(d) Water Safety and Supervision.~~

~~1. Children shall be supervised visually at all times when they are in close proximity to any body of water. Children shall never be left alone with access to swimming pools and bodies of water.~~

~~1.2. Children who are placed in licensed homes which are adjacent to any body of water or that have swimming pools shall be instructed in water safety regardless of as appropriate for their age or swimming capability.~~

~~2.3. Wading pools shall be set up and maintained according to the manufacturer's instructions. Wading pools shall be emptied and stored when not in use and shall be filled with clean water before each use.~~

~~3.4. All pools above or in ground shall be equipped with at least one (1) of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd's hook of sufficient length to cover the area.~~

(e) In Ground Swimming Pools.

~~1. Swimming pools shall comply with the requirements of the Residential Pool Safety Act, Section 515.27, F.S. Homes with swimming pools licensed prior to the enactment of the Residential Pool Safety Act shall be considered to have met this requirement. have a barrier on all sides at least four feet high. The barrier may consist of the house plus a fence on the remaining sides or fence enclosing the pool.~~

~~2. All access through the barrier shall have one of the following safety features: alarm, key lock, self locking doors, bolt lock or another lock that is not accessible to children. Any exterior door leading from the house to the pool area shall have two of the safety features.~~

~~3. When the swimming pool is not in use all entry points shall be locked.~~

~~4. Swimming pools, in ground and above ground, shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd's hook of sufficient length to cover the area.~~

(f) Above Ground Pools.

1. If the sides of an above ground pool are four (4) feet tall, they may be used as the barrier for that pool.

2. Above ground pools with steps or ladders shall have them secured, locked, or removed when the pool is not in use.

3. If the pool cannot be emptied after each use, the pool shall have a working pump and filtering system.

4. Hot tubs and spas not adjoined to an in ground pool shall be required to have a safety cover that is locked when not in use.

~~(g) Other Bodies of Water.~~

~~1. Children shall be in line of sight supervision at all times when in the proximity of any body of water.~~

~~2. Children who are placed in a licensed home that is adjacent to any body of water shall be instructed in water safety regardless of age or swimming capability.~~

(g) (h) Interior Environment.

1. The home shall have ~~sufficient~~ adequate space and furnishings to accommodate the number of people living in the home and be accessible to all members of the family.

~~2. Each child shall be provided with adequate storage space for personal belongings and a designated space for hanging clothes in or near the bedroom occupied by the child.~~

~~3. Bath and toilet facilities shall be clean and in good working order with a door for privacy.~~

4. The door of each bathroom shall have a lock.

~~5. The home shall be clean and free of hazards to the health and physical well-being of the family.~~

~~26. Each family foster home shall have a working telephone in the home that is accessible at all times. Emergency telephone numbers shall be displayed prominently in the home. Licensed out-of-home caregivers shall immediately notify the supervising agency if their telephone number changes.~~

~~7. All toys and equipment shall be in safe condition and kept clean and sanitary.~~

~~8. All rooms used by children shall be at a comfortable temperature. Rooms shall be dry and well ventilated.~~

~~9. All doors and windows used for ventilation shall be screened.~~

~~10. Rooms used by children shall be clean and well lit.~~

~~11. Homes shall be free of tobacco smoke.~~

~~(h)(i) Sleeping Arrangements and Personal Space.~~

1. All sleeping areas shall be in bedrooms separate from the public areas of the house. Children's bedrooms shall have adequate space that allows for walking, personal storage space, and sleeping for the number of children sleeping in the room.

2. An adult shall be near ~~within hearing distance and accessible to~~ the rooms where children under six (6) years of age are sleeping.

3. Each child shall be provided with a clean, ~~comfortable,~~ permanent bed and mattress of his or her ~~their~~ own. The bed shall be of sufficient size to ~~comfortably~~ accommodate the child.

4. Infants shall have their own crib which shall be maintained in good and safe condition and have a clean ~~and comfortable~~ mattress that fits snugly in the crib frame. Cribs shall not have drop sides or be placed close to windows with curtains or cords in which the child might become entangled.

5. Bunk beds shall be safe and sturdy. Bunk beds shall be equipped with safety rails on the upper tier for a child under the age of 10 ~~ten~~ or for any child whose physical, mental, or emotional condition indicates the need for such protection. Beds bunked higher than two tiers must have a manufacturer sticker of safety and must not be placed under or near ceiling fans. Children five (5) years old and younger may not sleep on the third tier of a three tiered bunk bed.

6. A licensed out-of-home caregiver shall provide each child with clean linens. ~~A child shall not be required to sleep on linens soiled by urine or excrement.~~ Waterproof mattress covers should be provided for all beds and cribs as developmentally appropriate and necessary ~~of children experiencing enuresis or encopresis.~~ Plastic garbage bags ~~must not be used as mattress covers.~~

7. Children of any age shall not sleep on a living room sofa, cot or foldaway bed as a regular sleeping arrangement except in extenuating circumstances.

8. The entry to a child's bedroom shall not be located so as to require the child to pass through another bedroom or bathroom in order to enter their bedroom.

9. Children ~~shall~~ may never share a bed with an adult, regardless of age.

10. ~~Each child shall have his or her own~~ Children may not share a bed.

11. Children over ~~36~~ thirty-six months of age shall not share a bedroom with a child of the opposite ~~gender~~ sex unless efforts are being made to maintain a sibling group. In instances where efforts are being made to maintain a sibling group ~~or maintain a viable placement~~, the foster family, licensing agent and case manager shall work together in determining arrangements for the safety and best interests of the children involved. Rationale for any decision made for children over the age of ~~36~~ thirty-six months to share a bedroom shall be discussed with the case manager and documented in FSN Florida Safe Families Network.

12. Children over the age of ~~12~~ twelve months shall not share a bedroom with an adult, except in the following circumstances:

~~a. The only exception to this would be if~~ When one of the children sharing a bedroom reaches his or her eighteenth birthday and the out-of-home caregiver and the supervising agency approve this sleeping arrangement; ~~—This exception applies only to the circumstances described above and not to any new placements in the home.~~

b. When it is deemed to be medically necessary;

c. When a mother is sharing a bedroom with her child;

d. When a child is transitioning past his or her first birthday; or

e. When the adult is a former dependent child who is a sibling.

13. Infants ~~12~~ twelve months of age or younger may share a bedroom with an adult provided the infant sleeps in his or her ~~their~~ crib.

~~14. Children over the age of 12 twelve months may share a bedroom with an adult when it is deemed to be medically necessary. A doctor's note shall be placed in the licensing file of the supervising agency. For children transitioning past their first birthday exceptions may be approved in consultation with the child's case manager and the licensing agency.~~

~~(i)(j)~~ Family Foster Home Safety.

~~1. The licensed out of home caregiver shall make every effort to identify and immediately correct any hazard to the safety of children while in the home or while being transported.~~

12. All poisonous chemicals shall be in a locked location. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for poisonous chemicals. Cleaning materials shall be made inaccessible to children.

~~23. Each licensed home shall have a first aid kit available and accessible to all caregivers.~~

~~34. All medications shall be stored in a location that is locked and inaccessible to children. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for medications.~~

~~45. Alcoholic beverages shall be stored in a location out of reach of children.~~

~~56. Storage of guns shall comply with the requirements of CF FSP 5343, the "Acknowledgement of Firearms Safety Requirements", effective February 2013, which is hereby incorporated by reference in subparagraph 65C-13.025(4)(b)15, F.A.C. and available online at www.def.state.fl.us/publications/.~~

~~7. Animals requiring vaccinations shall be current in all vaccinations. All animals shall be well cared for and maintained. The licensed home shall have a secure method to restrict children's access to potentially dangerous animals.~~

~~(j)(k)~~ Fire Safety.

1. The home shall be safe from fire hazards. All combustible items shall be stored away from sources of heat. Exits, stairways and hallways shall be free of obstacles that would hamper an emergency evacuation. The home shall have at least two (2) exits. All doors with locks shall be capable of being opened from the inside.

~~2. All equipment, such as~~ Heating and cooling units, washers, dryers, refrigeration systems, stoves and hoods, shall be properly installed, vented and maintained.

3. Each bedroom shall have at least two (2) means of exit in case of emergency. Bedrooms above ground level must have a means of escape that will allow for safe exit. If the child's bedroom is equipped with burglar bars, the caregiver shall demonstrate that the burglar bars can be released to allow exit. A key placed near a window does not qualify as an approved emergency release method. Age appropriate training on opening of the burglar bars shall be provided to each child upon placement.

4. The licensed out-of-home caregiver shall have an evacuation plan posted in a conspicuous place in the home. The plan shall specifically provide for the safe exit of children who are incapable of understanding the plan or participating in drills. This plan should be shared with all children as appropriate to their age and level of understanding upon placement in the home.

5. Fire drills shall be conducted a minimum of two (2) times a year. The licensed out-of-home caregiver shall maintain a log of fire drills conducted, including the date, beginning and ending time, specific location and participants' names.

6. Each floor in the home shall have a fully charged, unexpired 2A10BC fire extinguisher. One of the fire extinguishers shall be adjacent to the kitchen. There shall also be at least one (1) operating smoke alarm on each floor. There shall be a smoke alarm in each bedroom area.

7. The home shall not be heated by un-vented gas-fired space heaters or oil heaters unless they are equipped with an oxygen depletion sensor and the home has a carbon monoxide alarm. All gas-fired devices shall be equipped with an automatic pilot gas shut-off control. All electrical wiring shall meet required building codes.

8. All fireplaces, space heaters, steam radiators, and hot surfaces shall be shielded against accidental contact. Access by children under six (6) years of age shall be restricted by a barrier.

9. Extension cords shall not extend from one room to another with the exception of situations involving emergency loss of power due to a natural or manmade disaster. Multiple electric outlet adapters shall not be used for more than two (2) extensions at one (1) time.

10. Volatile materials shall not be stored where water heaters are located or near other sources of heat. Attic space shall not be used for the storage of volatile materials.

~~(k)~~(4) Transportation Safety.

~~1. The licensed out of home caregiver shall have transportation available 24 twenty four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children as required under Section 316.613, F.S. Vehicles shall be smoke free when children are being transported. The licensed out of home caregiver shall have the ability to safely transport the number of children in his or her care.~~

~~2. The licensed out of home caregiver shall have all vehicles insured. The licensed out of home caregiver shall not allow children to be transported by any person not possessing a valid driver's license or auto insurance.~~

~~3. The licensed out of home caregiver shall not have driving violations less than five (5) years old which relate to driving under the influence of alcohol or drugs on file with the Department of Highway Safety and Motor Vehicles. A copy of the licensed out of home caregiver's driving record shall be provided to the licensing authority at the time of initial licensure and at each re-licensure.~~

4. The licensed out-of-home caregiver shall not transport children in vehicles such as truck beds, motorcycles, or any other high-risk method of transportation. The licensed out-of-home caregiver shall follow Chapter 316, F.S., related to transportation of children.

~~(l)~~(m) Disaster Plans.

1. Each licensed out-of-home caregiver shall have a current written plan for evacuation in the event of a natural or man-made disaster.

2. The plan shall include where the family intends to go and information as to how the family may be reached and must be shared with the supervising agency.

Rulemaking Authority 409.145(5), 409.175(5)(a) FS. Law Implemented 409.145(2), 409.175(5)(a) FS. History—New 4-6-08, Amended 7-21-10, \_\_\_\_\_.

65C-13.031 Terms of a License.

~~(1) It is unlawful for any person to make a willful or intentional misstatement on any license application or other document filed in connection with an application for a license. An applicant who makes such willful or intentional misstatements shall have his or her license denied or revoked.~~

~~(1)~~(2) The Regional Licensing Authority shall request in writing any additional information legally required for the purposes of making a licensing determination within 10 business ten working days of receipt of an application file packet. The Regional Licensing Authority shall grant or deny an initial license application within 10 business ten working days of receipt of a complete application file packet.

~~(3) Initial licenses shall only be issued to persons who have met all licensing requirements.~~

~~(2)~~(4) A license is issued to specific caregivers for a specific location and is not transferable to any other person or location. Offices, conference rooms and other non-home-like settings shall not be licensed for ~~are not appropriate for~~ licensing or placement of children in care.

~~(3)~~(5) The license shall reflect the name of the licensee, the licensee's physical address, city and county, the name of the supervising agency and the license number along with its beginning and expiration dates. ~~An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.~~

~~(6) A license for renewal may be issued for longer than one year but no longer than three years providing that the applicant:~~

~~(a) Has maintained a license with the Regional Licensing Authority for three consecutive years;~~

~~(b) Is in good standing with the supervising agency and the Regional Licensing Authority;~~

~~(c) Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.~~

~~(4)~~(7) ~~The Regional Licensing Authority reserves the right to reduce a licensure period at any time. If~~ When the Regional Licensing Authority determines that a reduction in the licensure period of a three (3) year license is warranted, it shall ~~promptly~~ notify the supervising agency and the applicant in writing, identifying the reasons for the reduction in the



licensure period ~~and~~, the statutory authority for the reduction this action and the applicant's right of appeal pursuant to Chapter 120, F.S.

~~(5)(8)~~ Authorized licensing staff of the Regional Licensing Authority or supervising agency may make unannounced inspections of a licensed family foster home. The inspection may include examination of all rooms and areas on the property and interviews of all household members.

~~(6)(9)~~ All licenses shall be signed by the regional managing director administrator or designee in upper level management.

~~(10) Provisional License.~~

~~(a) Provisional licenses are non renewable and the duration shall not exceed twelve months. Provisional licenses shall not be issued without the submission of a corrective action plan to the Regional Licensing Authority identifying the deficiencies and time frames for correcting the deficiencies prior to the expiration of the provisional license.~~

~~(b) No license shall be issued if there is a failure to comply with background screening requirements.~~

~~(c) Under no circumstances shall new or additional children be placed in a family foster home which has been issued a provisional license.~~

~~(d) A provisional license may be suspended if periodic inspection made by the supervising agency indicates insufficient progress has been made toward corrective action plan compliance.~~

~~(7)(11) License Modifications.~~

~~(a) Modifications shall be made to a license at the request of the licensed out-of-home caregiver or as a result of corrective measures.~~

~~(b) Modifications which alter information set forth on the existing license shall result in the issuance of a new license. This new license shall expire on the same date as on the existing license.~~

~~(c) If a request for modification occurs within 90 ninety days of the expiration of the license, the supervising agency may ~~choose to~~ conduct all activities consistent with re-licensure. The new license shall be valid for one (1) year from the new date of issuance.~~

~~(12) Record Confidentiality. Any information made confidential by Section 409.175, F.S., shall be exempt from release unless otherwise ordered by the court. This confidentiality and exemption also applies to records maintained by community based care providers acting as contractors for the department.~~

~~(8)(13) File Retention.~~

~~(a) The Regional Licensing Authority and supervising agency shall retain maintain a central file in the region for every family foster home licensed. The file shall include, ~~at a minimum,~~~~

1. All initial and subsequent licensing documentation, as well as all other licensing related activities including documentation of background screening requirements;

2. Complaint investigation information;

3. Waivers and exceptions; and

4. Other additional documentation obtained regarding the licensed home.

~~(b) Supervising agencies shall maintain a file on every active licensed home. The file shall include, at a minimum, all initial and subsequent licensing documentation, as well as all other licensing related activities including documentation of background screening requirements. Central These files must be maintained in a secure location and ~~when requested,~~ be made available for monitoring or auditing purposes.~~

~~(c) An electronic version of the licensing file shall be maintained by the supervising agency in FSFN the ~~electronic filing cabinet located in Florida Safe Families Network~~. The supervising agency ~~in partnership with the lead agency~~ shall develop a policy that addresses the destruction of paper files; this policy must be reviewed and approved by Rregional Licensing Authority addministrator.~~

~~(d) Central #Files of prospective licensed out-of-home caregivers who do not become licensed shall be retained by the supervising agency for a period of five (5) years.~~

~~(e) Central #Files of licensed out-of-home caregivers shall be maintained for 20 twenty years after closure.~~

~~(f) Central #Files of applicants who are denied licensure shall be maintained for a period of 20 twenty years after the issuance of the denial or final denial order date, whichever is later.~~

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a) FS. History--New 4-6-08, Amended \_\_\_\_\_.

65C-13.032 Over-Capacity Assessments and Exceptions.

~~(1) Capacity.~~

~~(a) A recommendation shall be made by the supervising agency for the licensed capacity in each family foster home based on:~~

~~1. An evaluation of the skills, experience and support network of the prospective licensed out of home caregiver;~~

~~2. The physical space in the home; and~~

~~3. The needs of the children served.~~

~~(b) The total number of children in the home shall not exceed five children, including the out of home caregiver's own children, unless the home is being licensed as a child specific license for a sibling group larger than five. There shall be no more than two infants under twenty four months in a~~

~~licensed home, including the out of home caregiver's own children.~~

~~(2) Placement. The total number of children placed in each family foster home shall be based on the recommendation of the supervising agency, using the following criteria:~~

~~(a) The needs of each child in care;~~

~~(b) The ability of the licensed out of home caregiver to meet the individual needs of each child, including any of the out of home caregiver's own children living in the home;~~

~~(c) The amount of safe space;~~

~~(d) The ratio of active and appropriate adult supervision to the number of children; and~~

~~(e) The background, experience, and skill of the licensed out of home caregivers.~~

~~(3) Approval of Over Capacity Assessments for Over Five Children or More than Two Infants.~~

~~(a) Assessment approvals for more than five children or more than two infants under twenty four months shall be given prior to placement by the supervisor in writing or via electronic method for the following situations and shall be approved personally and in writing the next business day by the Regional Administrator or the Chief Executive Officer for the Community Based Care Lead Agency or their designee. The following circumstances require an assessment:~~

~~1. To accommodate a sibling group. This may be a sibling group with some of the children already in the home as well as a sibling group being placed for the first time;~~

~~2. To accommodate a child or sibling group needing placement who has previously lived in the home;~~

~~3. To allow a teen parent in care to have his or her child or children placed in the same home.~~

~~4. If denial of the placement would be contrary to the child's best interest.~~

~~(b) The assessment of each child in the home and of the child being placed in the home shall be completed by the placement staff.~~

~~1. The assessment shall include:~~

~~a. The medical, mental, physical and behavioral needs of each child;~~

~~b. A clear, concise explanation of why the over capacity waiver should be approved including the reason it has been determined that this is the most appropriate available placement;~~

~~c. A description of any special services or support systems which may be necessary to assure the well being of the child being placed;~~

~~d. A description of how this home can physically accommodate the additional child. Accommodations shall include a bed, adequate closet space and room for personal possessions and adequate privacy;~~

~~e. Information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected;~~

~~f. Placement needs and risk factors for children who have been sexually victimized or who are sexually aggressive;~~

~~g. Verification that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement; and~~

~~h. The duration of the waiver; Initial assessment approval shall not exceed 30 days. Subsequent approvals for the same child or children may be approved for (90) day extensions personally and in writing by the Regional Administrator or by the Community Based Care Lead Agency Chief Executive Officer or their designees.~~

~~2. Requirements for the Assessment.~~

~~a. The placement staff shall provide to the case manager a copy of the completed assessment within five working days of the child's placement.~~

~~b. The written and approved assessment shall be placed in the licensing file of the out of home caregiver.~~

~~c. The licensing counselor shall conduct a home visit with the licensed out of home caregiver within seven calendar days of a child's placement to ensure that all appropriate services identified by the case manager are in place to support the out of home caregiver.~~

~~(4) Over Capacity Exception and Age Differential Approvals.~~

~~(a) Written approval of the exception shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded. The exception shall be approved by the supervisor in writing or via electronic method and shall be approved personally and in writing the next business day by the Regional Managing Director or the Chief Executive Officer for the Community Based Care Lead Agency or their designee.~~

~~(b) An initial approval shall not exceed thirty calendar days except when the approval is used to accommodate a sibling group larger than five or with more than two infants under 24 months of age.~~

~~(c) The approval for the over capacity exception shall automatically expire when the total number of children in the home is at or below the licensed capacity.~~

~~(d) An approval may be issued for one hundred eighty calendar days if it is issued to accommodate a sibling group larger than five or more than two infants under 24 months of age. Subsequent approvals may be approved for a one hundred eighty day extension.~~

~~(e) All child placements shall be recorded in the Florida Safe Families Network by the supervising agency within forty eight hours of placement. When such a placement causes~~

~~a home to exceed a total of five children, the approval shall be recorded on the provider licensing screen.~~

Rulemaking Authority 409.175 FS. Law Implemented 409.175(3)(a), 409.175(3)(b)-(c), 409.175(5)(a)4., FS. History—New 4-6-08, Repealed\_\_\_\_\_.

65C-13.033 Babysitting, Overnight Care, Extended Overnight Care and Other Supervision Arrangements.

~~(1) All persons who provide respite care in their own homes shall be licensed and attend pre service training pursuant to Section 409.175, F.S. Respite providers already licensed without having been through pre service training shall be excluded from the requirement for training under this rule.~~

~~(2) A licensed out of home caregiver is entitled to paid respite. Six hours or more shall constitute a paid respite day. Each licensed out of home caregiver may receive up to twelve paid respite days per year.~~

~~(3) Supervising agency approval shall be obtained prior to the respite period if reimbursement is sought.~~

~~(4) Babysitting and Other Short Term Home Based Care~~

~~(a) Babysitters shall be at least sixteen years of age or older except for youth age 14-15 who have completed a recognized babysitting course. The local Community-Based Care (CBC) lead agency has the authority to approve the educational course on babysitting.~~

~~(1)(b) The licensed out-of-home caregiver is responsible for ensuring that individuals providing babysitting are suitable and appropriate for the age, developmental level and behaviors of the children. The licensed out-of-home caregiver shall use prudent parent decision making in choosing the babysitters.~~

~~(2)(e) The licensed out-of-home caregiver is responsible for ensuring babysitters receive an orientation that covers protocol for handling emergencies, including telephone numbers for the licensed out-of-home caregiver, case manager and physician. The discipline policy and confidentiality policy shall be clearly explained.~~

~~(3)(d) Babysitting does not have to occur in a licensed setting.~~

~~(4) If the alternate care being provided for the child meets the definition of "child care" as defined in Section 402.302, F.S., the child care personnel must meet the standards set forth in Section 402.305(2), F.S.~~

~~(5) Extended overnight care.~~

~~(a) Families shall take children in their care on family vacations and trips whenever possible.~~

~~(b) The following procedures apply when the parent must be absent for more than 48 hours and the child cannot reasonably accompany them:~~

1. Foster parents will be allowed to select families or individuals who are well known to them to care for the children in their absence. At the time of licensing and relicensing, licensed caregivers shall identify the families or individuals who provide temporary alternate care for the children in their care.

2. Except in emergency circumstances, the adults in these families must have criminal and child abuse background checks including finger-printing. In emergency circumstances, the CBC or designee will perform a local criminal abuse background check and a child abuse background check within ~~48~~ 24 hours of the family or individual taking responsibility for the child(ren). A full background screening will be initiated the next business day. ~~Foster parents are strongly encouraged to identify and screen multiple persons to provide care in emergency situations.~~ Such persons shall be recorded in the Unified Home Study module in Florida Safe Families Network.

~~3. The foster parent will certify to the CBC or CBC designee that the home is safe and free from hazards considering the age, maturity and developmental level of the child.~~

~~4. The CBC shall develop a process for approving these supervision arrangements and the case manager will be informed of the arrangements.~~

~~(6) General Provisions. All care providers shall be furnished with written information on the children in their care including:~~

~~(a) Telephone numbers for the case manager in case of an emergency;~~

~~(b) Medical authorization and instructions on seeking medical care;~~

~~(c) Medications, instructions for administering, and the log for recording proper administration of the medications;~~

~~(d) Physicians' name and telephone number(s);~~

~~(e) School;~~

~~(f) Medicaid number; and~~

~~(g) Medical, physical or behavioral concerns~~

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a) FS. History—New 4-6-08, Amended\_\_\_\_\_.

65C-13.034 Foster Care Referrals and Investigations.

(1) The Regional Licensing Authority maintains responsibility for ensuring appropriate follow-up actions are taken on all foster care referrals and investigations. The supervising agency shall ensure that all licensed out-of-home caregivers are notified of foster care referrals. Licensed out-of-home caregivers shall be notified of investigations by the child protective investigator.

(2) The Regional Licensing Authority, lead agency and supervising agency have the right to inspect the entire premises of the licensed out-of-home caregiver at any time.

(3) Foster Care Referrals. Upon receipt by the child protection investigation unit of a foster care referral regarding a foster home ~~by the child protection investigation unit~~, the foster care referral shall be immediately forwarded to the appropriate supervising agency licensing staff. ~~If the foster care referral is regarding a family foster home, the referral shall be immediately forwarded by the child protection investigator to the supervising agency.~~ The licensing staff receiving the foster care referral shall:

(a) Respond to the foster care referral and document any needed actions within ~~48~~ forty-eight hours.

(b) ~~The supervising agency shall~~ prepare a written corrective action plan to correct the deficiencies that are a result of a foster care referral. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the Regional Licensing Authority.

(c) Make a call to the Abuse Hotline ~~if~~ there are concerns regarding abuse or neglect, ~~a call shall be made to the Abuse Hotline.~~ The Abuse Hotline staff shall immediately notify the placement unit, or on-call unit if after hours.

(4) Investigations. When the supervising agency or ~~R~~Regional ~~L~~Licensing ~~A~~Authority is notified of an investigation, a staffing shall be coordinated according to local protocol. If licensing violations are found which do not pose an immediate threat to the health, safety or well-being of the child, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the Regional Licensing Authority.

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a) FS. History—New 4-6-08, Amended\_\_\_\_\_.

65C-13.035 Administrative Actions, Appeals and Closures.

(1) General Information. ~~All licensing action negatively impacting an out-of-home caregiver, including a denial, suspension or revocation, is subject to the procedures set forth in Section 120.60, F.S.~~ The ~~D~~Department is the Regional Licensing Authority for all family foster homes and has final authority for approval, denial or suspension of any license.

(a) The denial, revocation, or suspension of a license shall ~~promptly~~ be recorded in FSFN the Florida Safe Families Network by the supervising agency.

(b) The Regional Licensing Authority shall notify the lead agency and supervising agency immediately of negative action taken regarding a license.

(2) Documentation Requirements Prior to Administrative Action.

(a) Before making a determination that a license shall be denied, suspended or revoked, the following shall be documented in the licensing file:

1. All qualifying abuse reports and all reports of licensing violations and the outcome of the investigation;

2. List of all deficiencies or conditions, other than abuse or neglect of the children, which compromise the safety or well-being of the children;

3. The length of time and frequency of the noncompliance with the licensing requirements or deficiencies in caring for children;

4. The date of written notification to the licensee as to the deficiency and time given to the licensee to correct the deficiency;

5. The licensing staff's efforts to help the licensee come into compliance;

6. Barriers, if any, which prohibit the licensee from correcting the deficiencies;

7. All license revocations and denials shall comply with requirements of Chapter 120, F.S.; and

8. All documentation shall be reviewed with the ~~D~~Department's legal counsel. The notice of revocation or denial shall not be sent to the out-of-home caregiver without approval of both the ~~D~~Department's legal counsel and the Regional Licensing Authority.

(3) Denial of Initial Licensure.

(a) The Regional Licensing Authority shall have ~~90~~ ninety days following receipt of a complete application ~~file packet~~ to grant or deny the application in accordance with Section 120.60, F.S.

(b) If the supervising agency determines that the applicant should not be licensed, the applicant shall be notified in writing within 10 business ~~ten working~~ days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S. The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in writing in the licensing file.

(c) If the applicant does not withdraw the application, the supervising agency shall provide to the Regional-Licensing Authority sufficient information to support the recommendation of the denial. When the Regional Licensing Authority determines that the license should be denied, they shall notify the applicant in writing within 10 business ~~ten working~~ days of the decision, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S.

(4) Administrative Action for Existing Family Foster Homes.

(a) If licensing violations are found such that the child’s physical, mental, or emotional health is or has been adversely impacted as a result of the violation significantly impaired or is in danger of being adversely impacted significantly impaired, the licensing counselor shall consult with his or her supervisor and the child’s case manager for an immediate review of the safety of any children in the home and a call shall be made to the Abuse Hotline.

(b) If licensing violations are found which do not pose an immediate threat to the health, safety or welfare of the children, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the Regional Licensing Authority.

(c) Written notification shall be sent to the licensed out-of-home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the license being suspended, denied, or revoked. The approved corrective action plan shall be put in writing by the supervising agency and signed by the licensed out-of-home caregiver.

(d) Corrective action plans are created for licensed out-of-home caregivers who have the ability to understand and correct the infraction. Corrective action plans are not created for licensed out-of-home caregivers who have previously committed licensing violations and were unable to benefit from remedial efforts. In these cases, the supervising agency shall work with the licensing authority, the Department’s legal counsel and lead agency to determine whether action should be taken to suspend, deny or revoke the license.

(e) Failure of the licensed out-of-home caregiver to timely comply with the corrective action plan shall may result in suspension, denial of re-licensure, or revocation of the license.

(f) The licensed out-of-home caregiver shall be given notice if the supervising agency determines that it cannot recommend re-licensure.

(g) If the licensed out-of-home caregiver disagrees with the supervising agency’s recommendation, he or she may still request renewal of the license. The supervising agency shall accept the application and refer the licensed out-of-home caregiver’s file to the Regional Licensing Authority with a recommendation for denial.

(h) A decision to revoke, suspend, or deny further licensure is made after a review is done in conjunction with the Department’s legal counsel, supervising and lead agencies. ~~Written notification by certified mail shall be provided to the licensee.~~ The notice delivered via personal service or certified mail pursuant to Section 120.30(5), F.S., shall include the statutory and rule violations that were found, shall advise of the action to be taken, and the right to challenge the action through an administrative proceeding as provided in Chapter 120, F.S.

(5) Voluntary Closures.

(a) The supervising agency shall conduct an exit interview with licensed out-of-home caregivers who are closing. This interview is an opportunity to explore any recommendations for improvement that the licensed out-of-home caregiver may be willing to share.

(b) The supervising agency shall document the reason for closure and whether re-licensing would be recommended in FSFN.

(c) If re-licensing would not be recommended, the licensing file shall clearly document the reasons re-licensing would is not be recommended appropriate.

(d) If the closure is voluntary and in lieu of revocation or denial of a license, the supervising agency shall document the reason for the denial in FSFN.

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a), (6) FS. History–New 4-6-08, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kristi Putnam  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 15, 2014

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.043      RULE TITLE: Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results  
**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 40 No. 147, July 30, 2014 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: RULE TITLE:  
 1S-2.053 Election Results and Precinct-Level Reporting

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 40 No. 147, July 30, 2014 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.: RULE TITLES:  
 5J-9.002 Registration, Document Submission  
 5J-9.006 Security Requirement  
 5J-9.008 Enforcement Actions and Administrative Penalties

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40 No. 251, December 31, 2014 issue of the Florida Administrative Register.

Proposed Rule 5J-9.006, F.A.C., in the Notice of Change published in the Florida Administrative Register on February 12, 2015, should have included the following amendments to subsections (1) and (5). JAPC has been notified of these rule amendments.

5J-9.006 Security Requirement.

(1) Prior to engaging in any activities as a seller of travel, each seller of travel shall file with the department an original performance bond in an amount determined by subsection (2) below. The applicant shall utilize the Surety Bond Form, included in FDACS-10200 Sellers of Travel Registration Package, Rev. 01/15 42/44, incorporated by reference in 5J-9.002, F.A.C. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(5) If filing a bond pursuant to Section 559.929, F.S., the applicant shall use the form included in FDACS-10200, Sellers of Travel Registration Package, Rev. 01/15 42/44, incorporated by reference in Rule 5J-9.002, F.A.C.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
 65C-28.008 Relative Caregiver Program  
**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40 No. 233, December 3, 2014 issue of the Florida Administrative Register.

65C-28.008(2)(b)

The child shall be adjudicated dependent and be in the court-ordered temporary legal custody of the relative pursuant to Section 39.521, F.S., or in the court-ordered permanent guardianship or permanent placement with a fit and willing relative pursuant to Sections 39.6221 or 39.6231, F.S. ~~For children placed in the home of a relative as a permanency option under s. 39.6221 or s. 39.6231, F.S., it is not necessary that the court continue supervision by the Department or contracted service provider or that the court retain jurisdiction.~~

65C-28.008(2)(f)

Failure by the relative caregiver, ~~without good cause,~~ to cooperate with the Child Support Enforcement Program in regard to a child shall terminate that child's eligibility to receive the RCP payment while in that placement.

65C-28.008(2)(k)6.c.

In either instance, the Department or contracted service provider who makes the determination of potential placement eligibility for RCP in accordance with Section 39.5085, F.S., shall ~~immediately~~ notify ESS staff of this determination. This notification shall be prepared on "Relative Caregiver Communication", CF-FSP 5233, incorporated by reference in subparagraph (2)(j)5 of this rule, or communicated by electronic means of notification.

65C-28.008(3)(a)1.b.

Nonrelative caregivers who receive Supplement Security Income (SSI), ~~Social Security Disability Insurance (SSDI), or Social Security Survivor Benefits~~ on the behalf of the child shall not be eligible to receive NCFAs.

65C-28.008(3)(a)1.c.

c. Nonrelative caregivers who receive Social Security Disability Insurance (SSDI) or Social Security Survivor Benefits on the behalf of the child in an amount less than the monthly payments for NCFA, as set forth in subsection (3)(d) of this rule, shall be eligible to receive NCFA. The amount of the monthly NCFA payment shall be the difference between the monthly NCFA payment set forth in subsection (3)(d) of this rule and the amount of the child’s SSDI or Social Security Survivor Benefit.

65C-28.008(3)(a)3.

3. Eligibility for NCFA shall be reassessed annually.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Community Development**

RULE NOS.:	RULE TITLES:
73C-23.0031	Definitions
73C-23.0035	Eligibility
73C-23.0041	Application Process and Administrative Requirements
73C-23.0045	Specific Requirements for Competitive Categories
73C-23.0048	Specific Requirements for Economic Development
73C-23.0051	Grant Administration and Project Implementation
73C-23.0061	Emergency Set-aside Assistance
73C-23.0071	Section 108 Loan Guarantee Program
73C-23.0081	Nonrecurring CDBG Funding

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40 No. 194, October 6, 2014 issue of the Florida Administrative Register.

73C-23.0031 Definitions.

The Florida Small Cities Community Development Block Grant (CDBG) Program is governed by definitions provided in the Housing and Community Development Act of 1974, as amended (2014); Title 2 Code of Federal Regulations (CFR) Part 200 (2 CFR Part 200); 24 CFR Part 8; 24 CFR Part 35, subparts B, J and R; 24 CFR Part 55; 24 CFR Part 58; 24 CFR Part 85; 24 CFR Part 91; 24 CFR Part 92.252; 24 CFR Part 135; 24 CFR Part 570, including Subparts A, C, I, J, K, M and Appendix A; Title 24 Code of Federal Regulations (CFR) Part 570, Subparts A, C, I, J, K, M and Appendix A; 24 CFR Part 8; 24 CFR Part 85; 24 CFR Part 91; 24 CFR Part 135; 29 CFR Part 5; 40 CFR Parts 1500 – 1508; and 49 CFR Part 24; incorporated herein by reference for use throughout this

chapter. These and other documents referenced in this rule are available either on the Department’s Small Cities CDBG Program website: [www.FloridaJobs.org/CDBGRecipientInfo](http://www.FloridaJobs.org/CDBGRecipientInfo), on the U.S. Government Printing Office website: [www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR](http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR) [www.gpo.gov](http://www.gpo.gov), or upon request from the CDBG program office. The following additional definitions are provided for clarification:-

(1) No change.

(2) “Administrative closeout” means the written notification to a Recipient by the Department that all applicable administrative actions and all required work of a subgrant have been completed, with the exception of the submission and approval of the final ~~Office of Management and Budget (OMB) Circular A 133~~ audit required under 2 CFR Part 200.

(3) ~~“Administrative costs” include the payment of all reasonable costs of management, coordination, monitoring, and evaluation, and similar costs and carrying charges, related to the planning and execution of community development activities which are funded in whole or in part under the Small Cities CDBG Program. Administrative costs shall include all costs of administration as defined in Section 290.042(2), F.S., including general administration, planning and urban design, and project administration costs. Excluded from administrative costs are:~~

(a) through (c) No change.

(4) through (9) No change.

(10)“CATF” means Citizen’s Advisory Task Force pursuant to Section ~~290.046(5)~~ 290.046(6), F.S. The CATF shall be comprised of at least five residents of the Applicant’s jurisdiction. None of the members shall be an elected official of the Applicant, and no more than one shall be an employee of the local government. The purpose of the CATF is to provide recommendations on all phases of the local CDBG program.

(11) through (14) No change.

(15) “Department” means the Florida Department of Economic Opportunity, whose address is 107 East Madison Street, Tallahassee, Florida 32399.

(16) through (23) No change.

(24) “Income” means annual income as defined by the U.S. Department of Housing and Urban Development as set forth in 24 CFR 570.3, as incorporated in rule 73C-23.0031, F.A.C, incorporated herein by reference.

(25) through (27) No change.

(28) “Jobs retained” means jobs that without CDBG assistance, would be abolished by layoffs, plant closing, or other severe economic or natural conditions or as otherwise clarified in 24 CFR 570.483(b)(4), as incorporated in rule 73C-23.0031, F.A.C, incorporated herein by reference.

(29) through (37) No change.

(38) “One hundred year floodplain” or “100-year floodplain” means the area subject to a one percent or greater chance of flooding in any given year as specified in 24 CFR Part 55.2(b)(1), as incorporated in Rule 73C-23.0031, F.A.C., incorporated herein by reference, and used throughout this chapter.

(39) through (47) No change.

(48) “Section 3” means Section 3 of the Housing and Community Development Act of 1974, as amended, as incorporated in Rule 73C-23.0031, F.A.C., incorporated herein by reference, and the implementing regulation, 24 CFR Part 135, as incorporated in Rule 73C-23.0031, F.A.C., incorporated herein by reference, relating to employment and other economic opportunities for low- to moderate-income persons.

(49) No change.

(50) “Subgrant Agreement” means the contract that is executed between an Applicant and the Department to award CDBG funding for completing the Addressed Need activities that were included in the Applicant’s Small Cities CDBG Application for Funding. When an Applicant submits their Subgrant Agreement to the Department, the Applicant must also submit the following:

a.) Small Cities CDBG Program Information Sheet, DEO Form SC-30, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference.

b.) Civil Rights Profile Sheet, DEO Form SC-31, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference.

c.) Applicant/Recipient Disclosure/Update Report, HUD Form 2880; effective date: March 2013, which is incorporated by reference and is available at <http://portal.hud.gov/hudportal/documents/huddoc?id=2880.pdf>.

(51) through (53) No change.

73C-23.0035 Eligibility.

(1) Eligibility.

The U. S. Department of Housing and Urban Development (HUD) determines which communities in Florida are eligible to receive funding through the Florida Small Cities CDBG Program. HUD publishes a list of eligible “non-entitlement” local governments annually, which the Department posts on its website: [www.FloridaJobs.org/CDBGApplicantInfo](http://www.FloridaJobs.org/CDBGApplicantInfo). Non-entitlement communities eligible to receive funding include:

(a) through (b) No change.

(2) National Objective.

(a) through (c) No change.

(d) If a National Objective is not met for a CDBG-funded activity, the Recipient shall repay all funds received for that activity.

(e)(4) At least 70% of all CDBG funds received by the state must be spent on activities that benefit low- and moderate-income persons.

Rulemaking Authority 290.048 FS. Law Implemented ~~290.042, 290.043, 290.044,~~ FS. History–New, Amended \_\_\_\_\_.

73C-23.0041 Application Process – General Information.

(1) through (4) No change.

(5) Citizen Participation Requirements.

(a) The Applicant shall adopt a Citizen Participation Plan that complies with the requirements found in 24 CFR 570.486(a), as incorporated in Rule 73C-23.0031, F.A.C. The plan shall include a Citizen Complaint Policy which provides citizens the address, phone number, and times for submitting complaints and grievances, and provides for timely written answers to written complaints and grievances within 15 working days where practicable, as required by 24 CFR 570.486(a)(7), and as incorporated in Rule 73C-23.0031, F.A.C.

(b) The local government must inform and involve its citizens in the project planning and selection, and decision-making process regarding all CDBG-funded projects. Each Applicant shall certify that it is following its Citizen Participation Plan and the citizen participation requirements of this rule. The Applicant shall document that the citizen participation requirements outlined in 24 CFR 570.486(a), this rule, and Section ~~290.046(4) 290.046(5),~~ F.S., have been satisfied, with public notice provided in accordance with Rule 73C-23.0031(45), F.A.C.

(c) Citizen participation shall include the following at a minimum:

1. No change.

2. a. through b. No change.

c. Copies of the public notices, affidavits of publication, certified minutes and sign-in sheets/speaker cards for both public hearings shall be included in Part 9, Appendix D, of the Application for Funding, Form SC-60, which is further described in subsection (6)(a) below. The application shall be rejected if the affidavit of publication or certified minutes for either public hearing are not provided by the end of the Completeness Period.

(d). 1. through 2. No change.



3. The CATF shall conduct at least one meeting prior to the notice for the second public hearing being published to discuss community needs and to provide recommendations to the local governing body. The meeting shall be advertised in accordance with subsection 73C-23.0031(45). A minimum of 51% of the members must participate in the meeting.

If the Applicant is claiming points for having an active CATF, copies of the public notice, affidavit of publication, meeting minutes and sign-in sheet shall be included in Part 9, Appendix D, of the Application for Funding, Form SC-60, which is further described in subsection (6)(a) below. If the affidavit is not available by the application deadline, it must be provided by the end of the “completeness period” to retain the points.

(6) Applications.

(a) Application Form. The Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04762>; effective date: 2015 2014, which is hereby adopted and incorporated by reference. The application form has nine parts, and these parts include scoring guidelines and documentation requirements for the CDBG application. Parts 1-9 of the application are available for download on the Department’s website - [www.FloridaJobs.org/CDBGApplicantInfo](http://www.FloridaJobs.org/CDBGApplicantInfo). Copies of the electronic form will be made available upon request by contacting the Department by email at [cdbg@deo.myflorida.com](mailto:cdbg@deo.myflorida.com).

(b) through (c) No change.

(d) Architectural and Engineering Costs.

1. The maximum percentage of CDBG funds that may be spent on architectural and engineering design costs, excluding additional engineering services, shall be based on the total initial construction budget for eligible subgrant activities, which require architectural and engineering design. These costs shall not exceed the Rural Development/Rural Utility Service (RD/RUS) fee schedule in Florida or, ~~incorporated herein by reference~~, RUS Bulletin 1780-9 (rev. 10/2009), both of which can be found in Part 9 of the Application for Funding, Form SC-60, hereby incorporated into this rule by reference. Architectural and engineering inspection services during construction shall not exceed the RD/RUS fee schedule in Florida, ~~incorporated by reference~~, and RUS Bulletin 1780-9 (rev. 6/2007), both of which can be found in Part 9 of the Application for Funding, Form SC-60, hereby incorporated into this rule by reference.

a. through b. No change.

c. For each additional engineering service as defined in subsection 73C-23.0031(6), F.A.C., and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 CFR Section 85.36, as incorporated in Rule 73C-23.0031, F.A.C. incorporated herein by reference.

d. through e. No change.

(e) through (h) No change.

(7) National Objective and Public Benefit Documentation.

(a) Achievement of national objectives. Applications must demonstrate that the proposed activities meet the criteria specified in 24 CFR 570.483, as incorporated in Rule 73C-23.0031, F.A.C., for complying with a national objective and meeting public benefit standards and that they address community need as outlined in Sections 290.046(3)(a)-(c)~~(d)~~, F.S.

(b) 1. No change.

2. Random Sample Survey Methodology – A sample-based survey of the beneficiaries must use the Household Income Certification Form, ~~(Form SC-49)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref->; effective date: 2015, which is hereby adopted and incorporated by reference, ~~which is included in the Application for Funding~~ and also is available on the CDBG website: [www.FloridaJobs.org/CDBGApplicantInfo.com](http://www.FloridaJobs.org/CDBGApplicantInfo.com). The survey methodology must correspond with the random sampling requirements established by HUD in Notice CPD-14-013, issued on September 23, 2014, and which can be found at: [www.FloridaJobs.org/CDBGApplicantInfo.com](http://www.FloridaJobs.org/CDBGApplicantInfo.com), incorporated herein by reference. The survey methodology must include a confidence level of 95%.

a. through c. No change.

3. through 7. No change.

(8), (a) through (b) No change.

(c) For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded public improvement, hookup or connection fees shall not be charged to very low-, low- or moderate-income beneficiaries. Further, none of the project construction costs shall be charged to very low-, low- or moderate-income beneficiaries. All very low-, low- and moderate-income beneficiaries in a Neighborhood Revitalization project service area with hookups as an activity shall be hooked up unless they, or the property owner in the case of rental property, provide written notice that they do not desire a hookup. If such written notice cannot be obtained, the Household Income Certification Form, Form SC-49, as incorporated above, shall note such refusal to provide written notice.

(d) through (e) No change.

(9) through (12)(c) No change.

(d) Further point breakdowns for Program Impact, Equal Opportunity and Fair Housing are found in the rule or in the appropriate section of the Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, as incorporated in Rule 73C-23.0041(6)(a), F.A.C. application form.

(e) through (i) No change.

(13) No change.

Rulemaking Authority 290.044, 290.046, 290.047, 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Formerly 9B-43.0041, Amended 2-26-07, 6-6-10, \_\_\_\_\_.

73C-23.0045 Specific Requirements for Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation.

(1) Program Requirements for Neighborhood Revitalization.

(a) through (b) No change.

(c) Service Area Requirements.

1. An activity conducted in a primarily residential service area will be considered to benefit low- and moderate-income persons when at least 51 percent of the residents of that service area are low- and moderate-income persons. Such a service area must contain all households that will benefit from the activity. All activities shall meet the national objective of LMI benefit as specified in 24 CFR 570.483(b), as incorporated in Rule 73C-23.0031, F.A.C.

2. through 6. No change.

(d) No change.

(e) Additional Completeness Review Items for Neighborhood Revitalization Applications.

During the completeness review period, the Department shall review applications that propose land assembly or site preparation for new housing construction for low- and moderate-income persons to determine whether documentation is provided to show:

1. An executed agreement between the developer and the Applicant that requires the developer to provide the applicant with a construction performance bond equal to the amount of the funding request prior to a subgrant being executed between the applicant and the Department; ~~Firm commitments for construction from the developer;~~

2. through 3. No change.

(f) An Applicant for a Neighborhood Revitalization subgrant, which is available in Part 7 of the Application for Funding, Form SC-60, shall meet a national objective by demonstrating that its activities will be carried out in distinct service areas characterized by the concentration of persons of low- or moderate-income.

(g), 1. through 2. No change.

3. A Neighborhood Revitalization subgrant initially awarded for Planning and Design costs shall not exceed \$70,000. Administration and engineering costs shall be as follows:

a. Engineering costs funded from the subgrant shall not exceed the RUS fee schedule for engineering [RUS Bulletin 1780-9 (rev. 10/2009), which is available in Part 9 of the Application for Funding, Form SC-60], (Table I, Table II, or proration of these tables, depending on the nature of the project) and applicable additional engineering services as defined in this rule.

b. No change.

4. through 5. No change.

(2), (a) through (c) No change.

(d) Requirements for Rehabilitation of Commercial Buildings. If CDBG funds will be used for rehabilitation of commercial buildings, the local government shall adopt a Commercial Rehabilitation Policy. The Department must approve the policy before funds can be requested for that activity. ~~At a minimum, the~~ The following shall be included in the procedure:

1. Restrict the Rehabilitation of Commercial Buildings activity to commercial buildings within the project area pursuant to 24 CFR 570.202(a)(3), as incorporated in Rule 73C-23.0031, F.A.C. Properties upon which or adjacent to where CDBG activities are undertaken shall not be zoned for residential purposes only.

2. through 4. No change.

5. Provide that all contracts for rehabilitation over \$2,000 will comply with the Davis-Bacon Act; effective date April 2009, which is incorporated herein by reference and is available at [www.dol.gov/whd/regs/statutes/dbra.htm](http://www.dol.gov/whd/regs/statutes/dbra.htm).

6. Provide that businesses residing in a building rehabilitated with CDBG funds shall comply with the provisions of 24 CFR Part 8, (HUD's implementing regulation of Section 504 of the Rehabilitative Act of 1973 (29 U.S.C. Section 794), as incorporated in Rule 73C-23.0031, F.A.C., incorporated herein by reference, as it relates to employment discrimination and facility accessibility.

7. No change.

8. Establish a process for recognizing potential conflicts of interest, making those conflicts publicly known, dealing with those conflicts on a local level, and requesting waivers of those conflicts when appropriate pursuant to 24 CFR 570.489, as incorporated in Rule 73C-23.0031, F.A.C., and Sections 112.311-112.3143, F.S. Additionally, provide that no building owner, lesser, lessee, tenant, or occupant, or employee or immediate relative of the same, either personally or

corporately, shall serve as a contractor to be paid with CDBG funds for the rehabilitation of said building, nor shall they be paid for their own labor with CDBG funds for the rehabilitation of said building.

9. through 12. No change.

13. CDBG funds for Commercial Revitalization activities shall not be used as grants or loans for working capital, inventory or supplies, or for interior repairs and renovations of existing businesses, except for repairs necessary to correct code violations or removal of architectural barriers to handicap access and correction of architectural barriers to handicap access in public buildings located in the project area pursuant to the requirements of 24 CFR Part 8, as incorporated in Rule 73C-23.0031, F.A.C. ~~adopted herein by reference.~~

14. No change.

(e) No change.

(3) Program Requirements for Housing Rehabilitation.

(a) No change.

(b) Housing Rehabilitation subgrant Recipients must have a Department-approved Housing Assistance Plan addressing the requirements activities specified in Part 9 of the application.

(c) Low- and Moderate-Income Benefit for Housing Rehabilitation.

1. Selection of beneficiaries or housing units need not take place during the application process, but may take place at any time during the subgrant application or implementation process. All beneficiaries must be low- and moderate-income persons pursuant to 24 CFR 570.482, as incorporated in Rule 73C-23.0031, F.A.C.

2. Activities involving rehabilitation shall be considered to directly benefit low- and moderate-income persons only to the extent that such housing shall, upon completion, be occupied by low- and moderate-income persons, and for rental units, the units must be occupied by low- and moderate-income persons at affordable rents pursuant to 24 CFR 92.252, as incorporated in Rule 73C-23.0031, F.A.C., ~~incorporated herein by reference.~~

3. through 4. No change.

(d) A Recipient shall adopt and implement procedures to fulfill regulatory and statutory requirements relating to Lead-Based Paint pursuant to 24 CFR 570.487 and 24 CFR 35, Subparts B, J, and R, as incorporated in Rule 73C-23.0031, F.A.C. ~~incorporated herein by reference.~~ A Recipient can request reimbursement from the housing rehabilitation line item of its budget for the cost of a lead-based paint inspection prior to the home's site specific environmental review being approved because the inspection is part of the environmental review process. The Recipient is required to:

1. through 4. No change

5. Ensure proper clean up and disposal procedures are used; and

6. No change.

(e) through (g) No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046, 290.047, FS. History--New 6-6-10, Formerly 9B-43.0045, Amended\_\_\_\_\_.

73C-23.0048 Specific Requirements for Economic Development.

(1) Applications submitted under this category shall be for the following:

(a) No change.

(b) The creation of jobs that are presumed to be low- and moderate-income under 24 CFR 570.483(b)(4)(iv) and (v), as incorporated in Rule 73C-23.0031, F.A.C., or

(c) To assist a business that provides goods or services to low- and moderate-income persons in accordance with 24 CFR 570.482(f)(2)(ii), as incorporated in Rule 73C-23.0031, F.A.C.

(2) Application Submission and Funding Reservation for Economic Development Projects.

(a) The Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, as incorporated in Rule 73C-23.0041, F.A.C., ~~An Economic Development Application for Funding~~ may be submitted when the annual application cycle opens. ~~Economic Development applications~~ Applications received by the application deadline will be scored and ranked if the total dollars requested exceeds the amount available in the category. If successful, they will be awarded until all available funds are committed.

(b) through (k) No change.

(3), (a) through (e) No change.

(f) Funds cannot be used for a loan to a non-public entity which is determined not to be appropriate as defined in 24 CFR 570.482(e), as incorporated in Rule 73C-23.0031, F.A.C.

(4) No change.

(5) Eligibility Requirements for Loans.

(a) No change.

(b) Applications which do not contain justification of the appropriateness of the assistance being requested shall be ineligible in accordance with federal law and federal guidelines found in 24 CFR Part 570, including Appendix A, as incorporated in Rule 73C-23.0031, F.A.C., and shall be ineligible for scoring as provided in Section 290.0475, F.S.

(c) No change.

(d) The local government shall provide a financial underwriting analysis and other Participating Party documentation to the Department that was not required at the time of application. The underwriting analysis must meet the requirements of 24 CFR 570.482(e), and Appendix A of 24 CFR 570, as incorporated in Rule 73C-23.0031, F.A.C. The underwriting analysis must be prepared by a certified public accountant, a commercial lending underwriter, a financial professional employed by the local government or a certified ~~the Participating Party, or some other financial or~~ economic development finance professional approved by the Department, ~~and The underwriter shall not be approved if the State of Florida or the federal government has placed the underwriter on a list that prohibits them from working on state or federal contracts or if the Department determines that a conflict of interest exists. The underwriting analysis shall verify:~~

1. That all project costs are reasonable based upon industry standards and as determined by a financial underwriter;

2. through 6. No change.

(e) Once this financial underwriting analysis and other required documentation has been provided by the local government, any ~~material~~ change which affects the underwriter's conclusions, including changes in corporate or ownership structure, which affects the underlying assumptions upon which the local government relied will require that the analysis be re-evaluated by the local government and any assistance requested for the Participating Party must be adjusted if such a change ~~a "material change"~~ has occurred.

(f) No change.

(6) No change.

(7) National Objective and Public Benefit Documentation.

(a) through (c) No change.

(d) If job creation or retention is used to meet the national objective, a Pre-Employment Household Income Certification Form, DEO Form SC-50,

1. New jobs. The determination of actual benefit to low- and moderate-income persons shall be made based on the number and percent of persons who, at the time they were hired, were low- and moderate-income persons as defined in Rule 73C-23.0031, herein.

2. through 3. No change.

(d) No change.

(e) If a national objective is attained under the provisions of 24 CFR 570.483(b)(4)(iv) or (v), as incorporated in Rule 73C-23.0031, F.A.C., incorporated by reference, demographic and/or census documentation must be provided with the application.

(f) No change.

(8) No change.

(9) Site Visits and Completeness Letters for Economic Development Applications.

(a) through (d) No change.

(e) If the application remains eligible for funding following the site visit, the Department will notify the Applicant and provide send an "Award and Offer to Contract Letter" ~~and~~ a subgrant agreement electronically to the Applicant for execution.

(f) through (j) No change.

(10) through (12) No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046, 290.047, FS. History—New\_\_\_\_\_.

73C-23.0051 Grant Administration and Project Implementation.

(1) Financial Management.

(a) CDBG subgrant Recipients shall establish a financial management system for administering subgrant funds that complies with Section 218.33, F.S., and 24 CFR 85.20, as incorporated in Rule 73C-23.0031, F.A.C. At a minimum, the The system must address the following:

1. through 7. No change.

(b) No change.

(c) If the Recipient makes a change in either person authorized in the Subgrant Agreement to submit a Request for Funds, it shall submit an eCDBG Access Authorization Update, DEO Form SC-55,

(d)(e) If the Office of the Governor has determined that a Recipient is in a State of Financial Emergency as defined in 218.503, Florida Statutes, the Recipient shall provide the documentation listed in the Special Conditions section of the subgrant agreement with each Request for Funds to justify payment.

(2) Environmental Review.

(a) CDBG subgrant Recipients must comply with the procedures set forth in 24 CFR Part 58, Environmental Review Procedures for Title I Community Development Block Grant Programs, ~~incorporated herein by reference,~~ and 40 CFR 1500-1508, National Environmental Policy Act Regulations, as incorporated in Rule 73C-23.0031, F.A.C.; ~~incorporated herein by reference.~~

(b) No change.

(c) One copy of the environmental documents shall be sent to the regional planning council that serves the Recipient's jurisdiction, and one copy of the documents shall be sent to the Department along with HUD Form 7015.15 (Request for Release of Funds and Certification; effective date: January 1999), which is incorporated herein by reference and available at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12557.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12557.pdf).

(d) After receiving comments from the State Clearinghouse and the regional planning council, the Department will compile the comments and send them to the Recipient to address any unresolved issues. If there are no unresolved issues, the Department will issue HUD Form 7015.16 (Authority to Use Grant Funds; effective date: February 1994), which is incorporated herein by reference and available at <http://www.hud.gov/offices/adm/hudclips/forms/files/7015-16.pdf>, to the Recipient.

(e) No change.

(3) Procurement.

(a) Each subgrant Recipient shall adopt a local CDBG Procurement Policy that complies with the provisions of 24 CFR Section 85.36, as incorporated in Rule 73C-23.0031, F.A.C., ~~incorporated herein by reference~~. For covered professional services contracts, the policy shall also comply with Section 287.055, F.S. (Consultants Competitive Negotiation Act).

1. No change.

2. The Recipient shall submit procurements being paid with CDBG funds to the Department for desk monitoring. Submission shall be made in accordance with the requirements outlined in the Recipient's subgrant agreement. The following forms shall be included with construction procurement documentation:

a. Bidding Information and Contractor Eligibility, DEO Form SC-51,

b. Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Primary Covered Transactions), DEO Form SC-37,

c. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (Subcontractor), DEO Form SC-38,

(b) No change.

1. If the newspaper is located in an Office of Management and Budget (OMB) designated metropolitan statistical area (MSA) as designated by the Office of Management and Budget, only one responsible and responsive bid or proposal is needed to complete the process.

2. through 3. No change.

4. The procurement policy shall require at least 12 days for receipt of the proposals or bids after the date of publishing.

(c) Construction. Public notice for construction procurement shall conform to Section 255.0525, F.S. If fewer than three responsible and responsive bids are received and the notice was not published in a MSA newspaper as described in subsection (3)(b)1 above, the procurement must be readvertised.

1. Prior to procuring construction activities, the Recipient shall request a wage decision for each funded activity that is covered by the Davis-Bacon Act, which is available at [www.dol.gov/whd/regs/statutes/dbra.htm](http://www.dol.gov/whd/regs/statutes/dbra.htm), using the Wage Decision Request, DEO Form SC-56,

(d) through (i) No change.

(j) Construction Contracts.

1. through 2. No change.

3. All contracts in excess of \$100,000 covered by Section 3 regulations shall contain the language required in 24 CFR 135.38, incorporated by reference in rule 73C-23.0031, F.A.C., and in CDBG Supplemental Conditions for Construction Contracts, DEO Form SC-66,

4. The Recipient shall have all contractors and subcontractors complete all of the following Forms that are applicable:

a. Section 3 Participation Report (Construction Prime Contractor), DEO Form SC-52,

b. Section 3 Participation Report (Construction Subcontractor), DEO Form SC-53, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference.

c. Documentation for Business Claiming Section 3 Status, DEO Form SC-54, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference.

~~5.4-~~ All contracts in excess of \$100,000 shall include the following:

a. A performance bond on the part of the contractor for 100 percent of the contract price; and

b. A payment bond on the part of the contractor for 100 percent of the contract price.

~~6. 5-~~ All contracts shall include liquidated damages clause establishing a predetermined amount that must be paid if the contractor fails to perform as promised.

7. If it is determined that the Davis-Bacon Act wage decision that was previously obtained from the Department does not contain a job classification needed to complete a construction activity, the Recipient shall request an additional classification using the following forms:

a. Employee/Employer Wage-Scale Agreement, DEO Form SC-57, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference; and

b. U.S. Department of Housing and Urban Development Report of Additional Classification and Rate, HUD Form 4230A; effective date: August 2003, which is incorporated herein by reference and is available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/forms/hud4](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud4)

(k) No change.

(4) Modifications.

(a) All proposed modifications to the subgrant agreement must be approved by the Department.

A Recipient shall not request a modification to add activities that would broaden the scope of the project beyond what was included in the original Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, as incorporated in Rule 73C-23.0041, F.A.C., except as allowed below. Unaddressed need activities that were included in the Application for Funding can be added to the subgrant agreement through a modification request if all addressed need activities have been procured and funds are available to complete the unaddressed need activities. Replacing a participating party that has withdrawn

from an economic development project is not considered an activity.

If a modification request involves a reduction in the number of beneficiaries or accomplishments listed in the original Application for Funding, the Recipient shall conduct a public hearing to discuss the changes prior to submitting the modification request. The hearing must be noticed as defined in subsection 73C-23.0031(45) ~~(44)~~, of this rule.

A modification request shall be denied if:

1. through 2. No change.

(b)1. No change.

2. Two copies of ~~Form SC-44~~ the Modification to the Subgrant Agreement, Form SC-44, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference, signed by the Chief Elected Officer or person designated by resolution to sign modifications.

3. through 4. No change.

5. If there are changes to the subgrant budget, including CDBG or leverage funds, beneficiaries or accomplishments, a signed copy of ~~Form SC-35~~ the Request for Amendment, Form SC-35, [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference, that shows current and proposed numbers. If funds are being moved between activities, a copy of Sources and Uses of Funds, DEO Form SC-36,

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____); effective date: \_\_\_\_\_, 2015, which is hereby adopted and incorporated by reference. The grant manager will prepare a revised Project Budget based on the information on Form SC-35 and include it with the modification package.

6. No change.

7. If applicable, a copy of the public notice for the public hearing at which the modification was approved, documenting compliance with subsection 73C-23.0031(45) ~~(44)~~, F.A.C. and a copy of the minutes from the hearing.

(c), 1. through 6. No change.

7. If a modification request is received after the contract end date, a 40-point penalty shall be assessed for four years from the date that the administrative closeout request is received by the Department if the reinstatement is approved. A reinstatement shall only be approved if the Recipient can show that it will be able to complete any unfinished work before the new end date being requested and that all National Objective and Public Benefit requirements, which are included in the Recipient's Application for Funding, Form SC-60, and the Subgrant Agreement executed between the Recipient and the Department, will be met.

8. No change.

(d) through (e) No change.

(5), (a) through (d) No change.

(e) The Department will respond to a closeout request by notifying the requester by mail and identifying all mailing a Notice of Outstanding Closeout Issues (NOCISS) letter that identifies issues that must be resolved before the Department can approve the closeout or by mailing a Notice of Administrative Closeout.

(f) If a Recipient fails to meet contractual requirements on time, the Department ~~shall reserves the right to~~ require that a Recipient financially (not administratively) close out a subgrant to meet federal requirements for the timely distribution of funds set by HUD.

(g) No change.

(6) Performance.

(a) Reporting. ~~The At a minimum, the~~ local government shall provide the Department with:

1. By the dates listed in the subgrant Subgrant agreement Agreement, a Quarterly Progress Report progress reports, DEO Form SC-65,

2. An annual HUD-60002 form, effective date: June 2001, Section 3 Summary Report report, which is incorporated herein by reference and submitted through the Department's Electronic CDBG reporting system at <https://www.deocdbg.com/Default.aspx>

3. A HUD-2516 form, effective date: August 1998, Semi-Annual Minority/Woman Business Enterprise report, which is incorporated herein by reference and submitted through the Department's Electronic CDBG reporting system at <https://www.deocdbg.com/Default.aspx>; and

4. An Administrative Closeout Report administrative closeout report, DEO Form SC-62,

(b) Monitoring by the Recipient. Each subgrant Recipient shall constantly monitor its own performance of project activities to ensure that time schedules are met, projected milestones are accomplished, and other performance goals are achieved in accordance with the Activity Work Plan of the subgrant agreement.

1. If the Recipient determines that a contractor or subcontractor has paid an employee less than the Davis-Bacon Act required wage, it shall take action to see that the employee is paid restitution. If the total restitution due to one or more employees exceeds \$50, the Recipient shall complete a Wage

Restitution Enforcement Report, DEO Form SC-46,

(c) No change.

(d) Remedies. When the Department determines on the basis of a review of the Recipient's performance that the terms of the subgrant are not being met, the Department shall:

1. Initiate actions as prescribed in 24 CFR Part 570.910(b), "Corrective and Remedial Actions" and 24 CFR Part 570.911, "Reduction, withdrawal, or adjustment of grant or other appropriate action,," as incorporated in Rule 73C-23.0031, F.A.C.

2. The Department ~~shall may~~ unilaterally modify the agreement to delete an ineligible activity and deobligate any unencumbered funds if at any time after the effective date of a subgrant the Department determines that a funded activity is not eligible pursuant to 24 CFR Part 570.

(e) Submission of inaccurate information in monitoring report responses; audit or audit finding responses; quarterly, closeout, program income, or other reports; or Requests for Funds ~~shall may~~ result in penalties if this inaccuracy results in subsequent official Department action (such as the granting of administrative or final closeout status, releasing funds, or clearance of findings).

1. through 3. No change.

(7) Audit Requirements.

A Single Audit under 2 CFR Part 200 OMB Circular A-433, or an attestation statement that a Single Audit is not required, using the Audit Certification Memo, DEO Form SC-47,  [must be received from each Recipient with either an open or administratively closed contract by ~~the~~ June 30 following the end of each Recipient fiscal year in which subgrant funds were expended or a penalty will be assessed. A 25-point penalty will be assessed for audits not received by the June 30 deadline. A 10-point penalty will be assessed for attestation statements not received by the June 30 deadline. The penalty will expire two years from the date that the audit report or attestation statement was received by the Department.](http://www.flrules.org/Gateway/reference.asp?No=Ref-)

(a) through (f) No change.

(8) Displacement and Relocation.

(a) Recipients are required to develop a written plan for assisting persons or businesses that may be displaced as a result of activities assisted with CDBG funds. The plan shall include actions that the Recipient shall take to mitigate any adverse effects resulting from CDBG-funded activities that may cause such displacement. This plan shall be in accordance

with Section 104(d) of Title I of the Housing and Community Development Act of 1974, as amended and as incorporated in Rule 73C-23.0031, F.A.C., and is required even if displacement is not anticipated.

(b) If the CDBG project involves the acquisition of real property by the local government, regardless of whether such acquisition is funded from the CDBG grant, or causes displacement of persons or businesses, the local government shall comply with 49 CFR Part 24 (the implementing regulation of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970), as incorporated in Rule 73C-23.0031, F.A.C. ~~incorporated herein by reference.~~ For activities resulting in displacement of persons or businesses that do not involve the acquisition of real property, and thus not subject to the "Uniform Act," the local government's local written policy shall identify the assistance it elects to provide for such persons or businesses.

(c) No change.

(9) through (12) No change.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER15-9  
 RULE TITLE: Instant Game Number 1262, WILD DOUBLER

SUMMARY: This emergency rule describes Instant Game Number 1262, "WILD DOUBLER," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER15-9 Instant Game Number 1262, WILD DOUBLER.

(1) Name of Game. Instant Game Number 1262, "WILD DOUBLER."

(2) Price. WILD DOUBLER lottery tickets sell for \$1.00 per ticket.


(3) WILD DOUBLER lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning WILD DOUBLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER13-31, Florida Administrative Code.

(4) The play/prize symbols and play/prize symbol captions are as follows:

<b>\$1.00</b> ONE	<b>\$2.00</b> TWO	<b>\$4.00</b> FOUR	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$15.00</b> FIFTEEN	<b>\$20.00</b> TWENTY
<b>\$30.00</b> THIRTY	<b>\$40.00</b> FORTY	<b>\$50.00</b> FIFTY	<b>\$100</b> ONE HUN	<b>\$200</b> TWO HUN	<b>\$3,000</b> THR THOU	 DOUBLE

(5) Determination of Prizewinners.

(a) A ticket having three like play/prize symbols and corresponding play/prize symbol captions in the play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a two like play/prize symbols and

a "  " symbol in the play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, and \$3,000.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 1262 are as follows:

GAME PLAY	WIN	ESTIMATED	NUMBER OF
		ODDS OF	WINNERS IN
		1 IN	64 POOLS OF
			240,000 TICKETS
			PER POOL
\$1	\$1	10.71	1,433,600
\$1 (WILD)	\$2	30.00	512,000
\$2	\$2	30.00	512,000
\$2 (WILD)	\$4	100.00	153,600
\$4	\$4	100.00	153,600
\$5	\$5	150.00	102,400
\$5 (WILD)	\$10	300.00	51,200
\$10	\$10	300.00	51,200
\$15	\$15	300.00	51,200
\$20	\$20	300.00	51,200
\$15 (WILD)	\$30	4,000.00	3,840
\$30	\$30	4,000.00	3,840
\$20 (WILD)	\$40	8,000.00	1,920
\$40	\$40	8,000.00	1,920
\$50	\$50	4,800.00	3,200
\$50 (WILD)	\$100	6,000.00	2,560
\$100	\$100	6,000.00	2,560
\$100 (WILD)	\$200	48,000.00	320
\$200	\$200	48,000.00	320
\$3,000	\$3,000	120,000.00	128



(7) The estimated overall odds of winning some prize in Instant Game Number 1262 are 1 in 4.97. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 1262, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) Payment of prizes for WILD DOUBLER lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-20-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 20, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER15-10  
 RULE TITLE: Instant Game Number 1263, MONEY BAGS

SUMMARY: This emergency rule describes Instant Game Number 1263, "MONEY BAGS" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:



53ER15-10 Instant Game Number 1263, MONEY BAGS.

(1) Name of Game. Instant Game Number 1263, "MONEY BAGS."

(2) Price. MONEY BAGS lottery tickets sell for \$2.00 per ticket.

(3) MONEY BAGS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONEY BAGS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER13-31, Florida Administrative Code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> THO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN
<b>12</b> THELV	<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> THENTY	 DOUBLE	 WINALL

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> THO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN
<b>12</b> THELV	<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> THENTY		

(6) The prize symbols and prize symbol captions are as follows:

<b>\$1.00</b> ONE	<b>\$2.00</b> THO	<b>\$4.00</b> FOUR	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$20.00</b> THENTY	<b>\$25.00</b> TRY FIVE	<b>\$30.00</b> THIRTY
<b>\$40.00</b> FORTY	<b>\$100</b> ONE HUN	<b>\$200</b> THO HUN	<b>\$400</b> FOUR HUN	<b>\$1,000</b> ONE THOU	<b>\$5,000</b> FIVE THOU	<b>\$25,000</b> TWTFV THOU	

(7) The legends are as follows:

<b>YOUR NUMBERS</b>	<b>WINNING NUMBERS</b>
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches either play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol.



A ticket having a "DOUBLE" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to double the prize shown for that symbol. A ticket



having a "WINALL" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to all ten prizes shown.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$30.00, \$40.00, \$100, \$200, \$400, \$1,000, \$5,000, and \$25,000.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 1263 are as follows:

GAMEPLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 68 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	1000	1224000
\$1x4	\$4	5000	244800
(\$1x2)+\$2	\$4	5000	244800
\$2(STACK OF BILLS)	\$4	5000	244800
\$4	\$4	5000	244800
\$1x5	\$5	37500	32640
\$1+\$2(STACK OF BILLS)	\$5	37500	32640
(\$2x2)+\$1	\$5	37500	32640
\$1+\$4	\$5	37500	32640
\$5	\$5	37500	32640
\$1x10(MONEY BAG)	\$10	25000	48960
\$1x10	\$10	25000	48960
\$2x5	\$10	25000	48960
\$5(STACK OF BILLS)	\$10	25000	48960
\$10	\$10	25000	48960
\$2x10(MONEY BAG)	\$20	75000	16320
\$4x5	\$20	75000	16320
\$5x4	\$20	75000	16320
\$10(STACK OF BILLS)	\$20	75000	16320
\$20	\$20	75000	16320
\$1+(\$2x7)+(\$5x2)(MONEY BAG)	\$25	120000	10200
\$1+(\$2x7)+\$5(STACK OF BILLS)	\$25	120000	10200
(\$2x5)+(\$5x3)	\$25	120000	10200
\$5x5	\$25	120000	10200
\$25	\$25	120000	10200
(\$2x5)+(\$4x5)(MONEY BAG)	\$30	180000	6800
\$5x6	\$30	180000	6800
\$10x3	\$30	225000	5440
\$10+\$10(STACK OF BILLS)	\$30	180000	6800
\$30	\$30	225000	5440
\$4x10(MONEY BAG)	\$40	450000	2720
(\$4x5)+(\$5x4)	\$40	450000	2720
\$10x4	\$40	450000	2720
\$20(STACK OF BILLS)	\$40	450000	2720
\$40	\$40	450000	2720
\$10x10(MONEY BAG)	\$100	360000	3400
\$10x10	\$100	360000	3400
\$20(STACK OF BILLS)+\$30(STACK OF BILLS)	\$100	360000	3400
\$25x4	\$100	450000	2720
\$100	\$100	450000	2720
\$40x10(MONEY BAG)	\$400	3000000	408
(\$40x5)+(\$100x2)	\$400	4500000	272
\$100x4	\$400	4500000	272
\$100(STACK OF BILLS)x2	\$400	3600000	340
\$400	\$400	4500000	272
\$100x10(MONEY BAG)	\$1000	9000000	136
\$100x10	\$1000	18000000	68
\$200x5	\$1000	18000000	68

\$20+\$400(STACK OF BILLS)	\$1000	9000000	136
\$1000	\$1000	18000000	68
\$5000	\$5000	76500000	16
\$25000	\$25000	122400000	10

(10) The estimated overall odds of winning some prize in Instant Game Number 1263 are 1 in 4.36. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1263, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for MONEY BAGS lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-20-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: February 20, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER15-11  
RULE TITLE: Instant Game Number 1264, CASCADING CASH

SUMMARY: This emergency rule describes Instant Game Number 1264, “CASCADING CASH” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:




53ER15-11 Instant Game Number 1264, CASCADING CASH.

(1) Name of Game. Instant Game Number 1264, “CASCADING CASH.”

(2) Price. CASCADING CASH lottery tickets sell for \$5.00 per ticket.

(3) CASCADING CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CASCADING CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER13-31, Florida Administrative Code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVEN	<b>12</b> TWELVE	<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN	<b>19</b> NINETEEN	<b>20</b> TWENTY
<b>21</b> TWENTYONE	<b>22</b> TWENTYTWO	<b>23</b> TWENTYTHREE	<b>24</b> TWENTYFOUR	 WIN	 DOUBLE	 WIN ALL			

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVEN	<b>12</b> TWELVE	<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN	<b>19</b> NINETEEN	<b>20</b> TWENTY
<b>21</b> TWENTYONE	<b>22</b> TWENTYTWO	<b>23</b> TWENTYTHREE	<b>24</b> TWENTYFOUR						

(6) The prize symbols and prize symbol captions are as follows:


<b>\$2.00</b> TWO	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$15.00</b> FIFTEEN	<b>\$20.00</b> TWENTY
<b>\$30.00</b> THIRTY	<b>\$40.00</b> FORTY	<b>\$50.00</b> FIFTY	<b>\$100</b> ONE HUNDRED	<b>\$200</b> TWO HUNDRED
<b>\$500</b> FIVE HUNDRED	<b>\$1,000</b> ONE THOUSAND	<b>\$2,500</b> TWO THOUSAND FIVE HUNDRED	<b>\$10,000</b> TEN THOUSAND	<b>\$250,000</b> TWO HUNDRED FIFTY THOUSAND


(7) The legends are as follows:


WINNING NUMBERS      YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “ WIN” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant

to the prize shown for that symbol. A ticket having a “ DOUBLE” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to double the

prize shown for that symbol. A ticket having a “ WIN ALL” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$2,500, \$10,000 and \$250,000.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 1264 are as follows:

GAMEPLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 88 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	1000	1,056,000
\$(BILL)	\$10	1500	704,000
\$5x2	\$10	6000	176,000
\$10	\$10	6000	176,000
(\$2x5)+\$5	\$15	30000	35,200
\$5+\$5(BILL)	\$15	30000	35,200
\$5x3	\$15	30000	35,200
\$5+\$10	\$15	30000	35,200
\$15	\$15	30000	35,200
\$2x10	\$20	30000	35,200
\$(BILL)+(\$5x2)	\$20	30000	35,200
\$5x4	\$20	30000	35,200
\$10(BILL)	\$20	30000	35,200
\$20	\$20	30000	35,200
(\$2x10)+\$5(BILL)	\$30	60000	17,600
\$5x6	\$30	60000	17,600
\$(BILL)+\$10(BILL)	\$30	60000	17,600
\$15x2	\$30	80000	13,200
\$30	\$30	80000	13,200
(\$2x10)+(\$10x2)(MONEYBAG)	\$40	200,000	5,280
\$5x8	\$40	200,000	5,280
\$10(BILL)+\$20	\$40	200,000	5,280
\$10x4	\$40	200,000	5,280
\$40	\$40	200,000	5,280
(\$2x5)+(\$5x6)+\$10(MONEYBAG)	\$50	200,000	5,280
(\$10x2)+(\$15x2)	\$50	200,000	5,280
\$(BILL)+\$20(BILL)	\$50	200,000	5,280
\$10(BILL)+\$30	\$50	200,000	5,280
\$50	\$50	200,000	5,280
(\$5x8)+(\$10x2)+(\$20x2)(MONEYBAG)	\$100	1,500,000	704
\$10(BILL)+\$20(BILL)+\$40	\$100	1,500,000	704
(\$10x3)+\$30+\$40	\$100	200,000	5,280
\$20(BILL)+\$30(BILL)	\$100	1,621.62	6,512
\$50(BILL)	\$100	200,000	5,280
\$100	\$100	200,000	5,280
(\$10x10)+(\$50x2)(MONEYBAG)	\$200	12,000,000	880
\$30(BILL)+\$40+\$50(BILL)	\$200	12,000,000	880
(\$20x6)+(\$15x2)+\$50	\$200	12,000,000	880
\$100(BILL)	\$200	12,000,000	880
\$200	\$200	12,000,000	880
(\$40x10)+(\$50x2)(MONEYBAG)	\$500	15,000,000	704
\$50(BILL)+\$200(BILL)	\$500	15,000,000	704

\$100x5	\$500	15,000,000	704
(\$50x2)+(\$100x4)	\$500	15,000,000	704
\$500	\$500	15,000,000	704
(\$50x8)+(\$100x2)+(\$200x2)(MONEYBAG)	\$1,000	60,000,000	176
\$100x10	\$1,000	60,000,000	176
\$200x5	\$1,000	60,000,000	176
\$500(BILL)	\$1,000	60,000,000	176
\$1,000	\$1,000	60,000,000	176
\$500+\$1,000(BILL)	\$2,500	120,000,000	88
\$2,500	\$2,500	120,000,000	88
\$10,000	\$10,000	120,000,000	88
\$250,000	\$250,000	1,320,000,000	8

(10) The estimated overall odds of winning some prize in Instant Game Number 1264 are 1 in 4.00. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1264, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for CASCADING CASH lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-20-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 20, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER15-12  
 RULE TITLE: Instant Game Number 1265, \$10,000,000 FLORIDA CASH

SUMMARY: This emergency rule describes Instant Game Number 1265, "\$10,000,000 FLORIDA CASH" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER15-12 Instant Game Number 1265, \$10,000,000 FLORIDA CASH.

(1) Name of Game. Instant Game Number 1265, "\$10,000,000 FLORIDA CASH."

(2) Price. \$10,000,000 FLORIDA CASH lottery tickets sell for \$25.00 per ticket.

(3) \$10,000,000 FLORIDA CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$10,000,000 FLORIDA CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER13-31, Florida Administrative Code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN
12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 TENNTY	21 THYONE	22 THYTHO
23 THYTHR	24 THYFOR	25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY	31 THYONE	32 THYTHO	33 THYTHR
34 THYFOR	35 THYFIV	36 THYSIX	37 THYSVN	38 THYEGT	39 THYNIN					

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN
12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 TENNTY	21 THYONE	22 THYTHO
23 THYTHR	24 THYFOR	25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY	31 THYONE	32 THYTHO	33 THYTHR
34 THYFOR	35 THYFIV	36 THYSIX	37 THYSVN	38 THYEGT	39 THYNIN					

(6) The prize symbols and prize symbol captions are as follows:


\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY	\$25.00 THY FIVE	\$30.00 THIRTY	\$40.00 FORTY	\$50.00 FIFTY	\$100 ONE HUN
\$200 TWO HUN	\$400 FOUR HUN	\$500 FIVE HUN	\$1,000 ONE THOU	\$5,000 FIVE THOU	\$20,000 THY THOU	\$1,000,000 \$40K/1R/25YRS	\$10,000,000 \$400K/1R/25YRS


(7) The legends are as follows:


YOUR NUMBERS      WINNING NUMBERS


(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant

to the corresponding prize shown. A ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to double the

prize shown for that symbol. A ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of

\$500. A ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to all twenty-five prizes shown.

(b) The prizes are: \$5.00, \$10.00, \$20.00, \$25.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$400, \$500, \$1,000, \$5,000,

**\$1,000,000** **\$10,000,000**  
 \$20,000, \$40K/YR/25YRS and \$400K/YR/25YRS

(9) \$1,000,000 and \$10,000,000 Prize Payment Options.

(a) A winner of a \$1,000,000 or \$10,000,000 prize may choose one of two payment options for receiving his or her prize. Payment options are “Cash Option” or “Annual Payment.” At the time the \$1,000,000 or \$10,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. Once the winner files a claim and exercises the winner’s chosen option, the election of that option shall be final. If a winner does not choose the Cash Option within the sixty (60) day timeframe, the Annual Payment option will be applied.

(b) Cash Option prizes will be paid in a single cash payment.

1. A winner of a \$1,000,000 prize shall receive a cash payment of the amount of cash required to purchase U.S. Government Securities that would fund \$1,000,000 paid over a twenty-five year period, less applicable federal withholding taxes. This figure will be determined during the week following the date on which the \$1,000,000 prize is claimed by obtaining quotes from at least two investment sources. The quote costing the least to fund the twenty-five year payment stream will be the amount of the Cash Option prize.

2. A winner of a \$10,000,000 prize shall receive a cash payment of the amount of cash required to purchase U.S. Government Securities that would fund \$10,000,000 paid over a twenty-five year period, less applicable federal withholding taxes. This figure will be determined during the week following the date on which the \$10,000,000 prize is claimed by obtaining quotes from at least two investment sources. The quote costing the least to fund the twenty-five year payment stream will be the amount of the Cash Option prize.

(c) Annual Payment prizes will be paid in twenty-five equal annual installments of \$40,000 per year for the \$1,000,000 prize and \$400,000 per year for the \$10,000,000 prize, less applicable federal withholding taxes.

(10) The estimated odds of winning, value and number of prizes in Instant Game Number 1265 are as follows:

GAMEPLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 270 POOLS OF 120,000 TICKETS PER POOL
\$5+\$10(STACK OF COINS)	\$25	2000	1620000
\$5+(\$10x2)	\$25	2000	1620000
\$25	\$25	2000	1620000
\$10+\$10(STACK OF COINS)	\$30	4000	810000
\$5+\$25	\$30	4000	810000
\$30	\$30	4000	810000
\$20(STACK OF COINS)	\$40	5000	648000
\$20x2	\$40	10000	324000
\$10+\$30	\$40	10000	324000
\$40	\$40	10000	324000
\$10(STACK OF COINS)+\$30	\$50	20000	162000
\$10x5	\$50	20000	162000
(\$10x2)+\$30	\$50	20000	162000
\$25(STACK OF COINS)	\$50	20000	162000
\$50	\$50	20000	162000
\$25(STACK OF COINS)+\$50	\$100	8571	378000
\$25x4	\$100	24000	135000
\$10x10	\$100	24000	135000
(\$30x2)+\$40	\$100	24000	135000
\$50x2	\$100	24000	135000
\$50(STACK OF COINS)	\$100	24000	135000
\$100	\$100	24000	135000
(\$5x20)+\$50(STACK OF COINS)	\$200	120000	27000
\$25x8	\$200	150000	21600
(\$25x4)+\$50(STACK OF COINS)	\$200	150000	21600
(\$30x5)+\$50	\$200	150000	21600
\$100(STACK OF COINS)	\$200	150000	21600
\$200	\$200	150000	21600
(\$25x10)+(\$10x15)(MONEYBAG)	\$400	240000	13500
(\$25x10)+(\$10x15)	\$400	300000	10800
\$40x10	\$400	300000	10800
\$100x4	\$400	300000	10800
\$200(STACK OF COINS)	\$400	300000	10800
\$400	\$400	300000	10800
\$20x25(MONEYBAG)	\$500	200000	16200
\$20x25	\$500	200000	16200
(\$40x10)+(\$50x2)	\$500	200000	16200
\$100x5	\$500	200000	16200
\$200(STACK OF COINS)+\$100	\$500	200000	16200
\$500(BILL)	\$500	200000	16200
\$40x25(MONEYBAG)	\$1,000	600000	5400

\$40x25	\$1,000	600,000	5,400
(\$100x5)+\$500(BILL)	\$1,000	600,000	5,400
\$100+(\$200x2)+\$500(BILL)	\$1,000	857,143	3,780
\$500(STACK OF COINS)	\$1,000	800,000	4,050
\$1,000	\$1,000	800,000	4,050
\$1,000x5	\$5,000	600,000	540
\$5,000	\$5,000	600,000	540
(\$1,000x10)+\$5,000(STACK OF COINS)	\$20,000	216,000	150
\$20,000	\$20,000	270,000	120
\$1,000,000(\$40K/YR/25YRS)	Prize	704,347.83	46
\$10,000,000(\$400K/YR/25YRS)	Top Prize	8,100,000.00	4

(11) The estimated overall odds of winning some prize in Instant Game Number 1265 are 1 in 2.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1265, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for \$10,000,000 FLORIDA CASH lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-20-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 20, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: RULE TITLE:

53ER15-13 Retailer Book Activation Promotion

SUMMARY: The rule sets forth the provisions for the Retailer Book Activation Promotion.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott, Tallahassee, Florida 32301

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER15-13 Retailer Book Activation Promotion.

(1) Beginning Tuesday, February 24, 2015, through Wednesday, February 25, 2015, the Florida Lottery will conduct the Retailer Book Activation Promotion in which Florida Lottery retailers will have a chance to win \$1,000.

(2) Florida Lottery retailers who activate at least one book of each of the four February launch instant games and load them into ticket dispensers by midnight ET on Wednesday, February 25, 2015, will be entered into one of eighteen drawings on Wednesday, March 11, 2015. The four February launch instant games are: Instant Game Number 1262, WILD DOUBLER; Instant Game Number 1263, MONEY BAGS; Instant Game Number 1264, CASCADING CASH; and Instant Game Number 1265, \$10,000,000 FLORIDA CASH.

(3) Each qualifying retailer will receive one entry into one drawing determined by district and retailer category (corporate or independent). Prizes will be awarded in accordance with the following table.

Lottery Sales District	Prize Per Retailer	Number of Corporate Retailer Prizes	Number of Independent Retailer Prizes
District 1- Tallahassee	\$1,000	10	10
District 3- Pensacola	\$1,000	10	10
District 4- Jacksonville	\$1,000	10	10
District 5- Gainesville	\$1,000	10	10
District 6-Orlando	\$1,000	20	20
District 9- Tampa	\$1,000	20	20
District 10- Ft. Myers	\$1,000	10	10
District 11- West Palm Beach	\$1,000	10	10
District 13- Miami	\$1,000	20	40

(4) A total of two-hundred and sixty (260) \$1,000 prizes will be awarded in the Retailer Book Activation Promotion.

(5) Retailers will receive their Retailer Book Activation Promotion prize check within three weeks of the drawing.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the promotional prize award shall be paid the promotional prize provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or terms of the retailer contract.

(7) A promotional prize will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the promotional prize awarded against a retailer's outstanding debt to the Florida Lottery.

(8) Retailers will be subject to disqualification from the drawing for failing to load the activated games into dispensers or if the Florida Lottery determines that the activation and subsequent deactivation of one or more of the qualifying books of tickets invalidates the entry.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Specific Authority 24.105(9)(i), 24.112(1) FS. History- New 2-20-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: February 20, 2015

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

### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on February 17, 2015, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner’s Name: Duplex Village Homeowners Association II, Inc.

Rule No.: 40D-22.201

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

The Petition has been assigned tracking No. 15-4209.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, extension 2298, [water.variances@watermatters.org](mailto:water.variances@watermatters.org).

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

### FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

NOTICE IS HEREBY GIVEN that on February 19, 2015, the Florida Housing Finance Corporation received a petition for waiver from HTG Miami-Dade 5, LLC, requesting a waiver and adjustment of the Total Development Cost per Unit Limitation (“TDC”) found in Exhibit C to RFA 2013-003 – Affordable Housing Developments Located in Broward, Miami-Dade and Palm Beach Counties (the “2013 RFA”) and the strict application of paragraph 67-48.0072(28)(e), F.A.C. Specifically, the Petitioner requests an Adjustment from the TDC limitation of \$263,000 per unit for new construction high-rise projects, as set forth in Section 8 of Exhibit C to the 2013 RFA, and an increase in the TDC limitation from \$263,000 per unit to \$280,100 per unit, which is the amount set forth in the current Request for Applications being solicited by the Corporation for similar projects in Miami-Dade county.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ashley M. Black, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

## Section VI Notice of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

Division of Historical Resources

The Elections Canvassing Commission announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, March 3, 2015, 9:00 a.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Elections Canvassing Commission will meet to certify the official results for the February Special Primary Election for State House District 13 per Sections 100.101 and 100.141, Florida Statutes. No other agenda is available.

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 3 days before the workshop/meeting by contacting: Kristi Bronson, Florida Department of State, (850)245-6240, [Kristi.Bronson@dos.state.myflorida.com](mailto:Kristi.Bronson@dos.state.myflorida.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: Kristi Bronson, Bureau of Election Records, Florida Department of State, (850)245-6240, [Kristi.Bronson@dos.state.myflorida.com](mailto:Kristi.Bronson@dos.state.myflorida.com).

### DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Florida Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 2, 2015, 2:30 p.m. – 3:30 p.m.

PLACE: The Capitol, 17 House Office Building, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will be developing recommendations for comprehensive programs and services for victims of human trafficking and will also work to develop policy recommendations that further the efforts to combat human trafficking in our state.

A copy of the agenda may be obtained by contacting: Nilda R. Pedrosa, nilda.pedrosa@myfloridalegal.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 72 hours before the workshop/meeting by contacting: (850)245-0140. 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: Nilda R. Pedrosa, nilda.pedrosa@myfloridalegal.com.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: March 2, 2015, 1:00 p.m.

PLACE: FDOT District Office

GENERAL SUBJECT MATTER TO BE CONSIDERED: Access Management Review Committee Meetings.

A copy of the agenda may be obtained by contacting: Kim Weaver, (850)330-1439.

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 1 day before the workshop/meeting by contacting: Kim Weaver, (850)330-1438. 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: Kim Weaver, (850)330-1438.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 20, 2015, 9:30 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, Florida 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will conduct its regular monthly meeting.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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 72 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. 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: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

COMMISSION ON ETHICS

The Commission on Ethics announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 6, 2015, 8:30 a.m.

PLACE: Florida Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: www.ethics.state.fl.us or (850)488-7864.

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: (850)488-7864. 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.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 10, 2015, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060



**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Governing Board Meeting to consider District business and conduct public hearings on regulatory and real estate matters. A workshop will follow the meeting.

A copy of the agenda may be obtained by contacting: Robin Lamm at (386)362-1001 or 1(800)226-1066 (Florida only), or on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) when published.

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: Robin Lamm at (386)362-1001 or 1(800)226-1066 (Florida only). 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 HEALTH**

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces public meetings to which all persons are invited.

**DATES AND TIMES:** April 23, 2015, 12:00 Noon; April 24, 2015, 8:30 a.m.

**PLACE:** Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, FL 32746, (407)995-1100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
General Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to the meeting.

**DEPARTMENT OF HEALTH**

Board of Respiratory Care

The Board of Respiratory Care announces a public meeting to which all persons are invited.

**DATE AND TIME:** March 3, 2015, 10:00 a.m., E.S.T.

**PLACE:** Conference call: Meet Me number: 1(888)670-3525; when prompted, insert participant code: 7811783909 followed by the # sign

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
General Business Meeting.

A copy of the agenda may be obtained by contacting: The Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office at (850)245-4373, ext. 3468 or by visiting the website: [www.floridasrespiratorycare.gov](http://www.floridasrespiratorycare.gov).

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 the department at (850)245-4444, ext. 3418. 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 HEALTH**

Division of Environmental Health

The Department of Health announces a public meeting to which all persons are invited.

**DATE AND TIME:** March 3, 2015, 9:30 a.m., ET

**PLACE:** Florida Department of Health Southwood Complex, 4025 Esplanade Way, Room #130 L, Tallahassee, FL 32399 or via conference call/web conference: toll-free call-in number: 1(888)670-3525, conference code: 8605907413, website:

[http://connectpro22543231.na5.acrobat.com/rrac\\_new/](http://connectpro22543231.na5.acrobat.com/rrac_new/).

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a meeting of the Research Review and Advisory Committee. The purpose of this meeting is to discuss and guide current, proposed, and potential future onsite sewage research projects. The focus of this meeting is to discuss the Department of Health's Nitrogen Reduction Strategies Study. Other ongoing and possible future research projects may also be discussed. Part of this meeting may be accessible via web conference with details to be posted on the Bureau website: <http://www.doh.state.fl.us/environment/ostds/research/index.html>.

A copy of the agenda may be obtained by contacting: Elke Ursin, Department of Health, Bureau of Environmental Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone: (850)245-4444, ext. 2708 or by email: [Elke.Ursin@flhealth.gov](mailto:Elke.Ursin@flhealth.gov).

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 7 days before the workshop/meeting by contacting: Elke Ursin, Department of Health, Bureau of Environmental Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone: (850)245-4444, ext. 2708 or by email: [Elke.Ursin@flhealth.gov](mailto:Elke.Ursin@flhealth.gov). 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: Elke Ursin, Department of Health, Bureau of Environmental Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone: (850)245-4444, ext. 2708 or by email: [Elke.Ursin@flhealth.gov](mailto:Elke.Ursin@flhealth.gov).

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: February 23, 2015, 2:00 p.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED:

NOTICE OF CANCELLATION: The Review Committee meeting will be to discuss the Applications received and to answer any questions the Review Committee may have regarding the Applications submitted in response to Florida Housing Finance Corporation's Request For Applications 2015-101, SAIL Financing for Smaller Permanent Supportive Housing Properties For Persons With Special Needs.

A copy of the agenda may be obtained by contacting: Jean Salmonsens, (850)488-4197.

**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

The Division of State Fire Marshal announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 3, 2015, 10:00 a.m.

PLACE: State Fire Marshal Conference Room, Third Floor, Atrium Bldg., 325 John Knox Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Quarterly meeting of the Florida Fire Safety Board. Anyone wishing to attend may attend in person or by telephone conference call. Those attending by telephone conference call

should dial (850)413-1558, (CISCO CoIP Internal callers may reach the conference call by dialing 11558). Once you have dialed the initial number you be prompted to enter the Conference ID which is 514588. The connection will be available 5 to 10 minutes before 10:00 a.m.

A copy of the agenda may be obtained by contacting: Sheila Thomas, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342 or by calling her at (850)413-3610.

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: Sheila Thomas at the address and phone number listed above. 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).

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Division of Strategic Business Development

The Florida Department of Economic Opportunity - Office of Film & Entertainment announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2015, 10:00 a.m. – 12:00 Noon, Eastern Time

PLACE: 21st Floor of the Capitol in OPB Room 2103

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Film and Entertainment Advisory Council quarterly meeting.

A copy of the agenda may be obtained by contacting: Sean Cooley at [Sean.Cooley@deo.myflorida.com](mailto:Sean.Cooley@deo.myflorida.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 24 hours before the workshop/meeting by contacting: Sean Cooley at [Sean.Cooley@deo.myflorida.com](mailto:Sean.Cooley@deo.myflorida.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: Sean Cooley at [Sean.Cooley@deo.myflorida.com](mailto:Sean.Cooley@deo.myflorida.com).

**CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2015, 9:00 a.m.

PLACE: 720 North Denning Drive, Winter Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Finance Committee.

A copy of the agenda may be obtained by contacting: Luana Kutz, (407)623-1070 or lkutz@cilorlando.org.

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: Luana Kutz, (407)623-1070 or lkutz@cilorlando.org. 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: Luana Kutz. (407)623-1070 or lkutz@cilorlando.org.

**Section VII**  
**Notice of Petitions and Dispositions**  
**Regarding Declaratory Statements**

NONE

**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**

DEPARTMENT OF EDUCATION

University of South Florida

TRIPS-15-MB-RFP Mini Bus with ADA Option

RULE NO.: RULE TITLE:

6C4-2.0021 University of South Florida Student Records Policy (Repealed)

REQUEST FOR PROPOSAL

Transit Research Inspection Procurement Services (TRIPS)

CONTRACT TRIPS-15-MB-RFP

Mini Bus with ADA Option

Notice is hereby given that the University of South Florida, Center for Urban Transportation Research, representing the Florida Department of Transportation, will receive sealed proposals for the manufacture and delivery of the following 2016 model year vehicle type:

Mini Bus with ADA Option	Minimum	Maximum
	0	500

The quantities reflect the immediate and foreseeable needs of transit agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous Florida Department of Transportation contracts, Agency(s) requests, and Agency(s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies desiring to purchase the same equipment specified in Part 2 of this solicitation. The TRIPS program reserves the right to reject any and all proposals, or any part of any or all proposals.

A pre-proposal meeting will be held March 5th at 10:00 a.m. at Big Bend Transit, 2201 Eisenhower Street, Tallahassee, FL 32305. Although optional, it is highly recommended prospective proposers attend, due to the known complexities of this solicitation. The meeting will be held in the conference room. A conference line will be available for those unable to attend: 1(888)633-0814, participant code PIN# 3696.

Copies of the RFP may be obtained from Brian Bickhardt, TRIPS Purchasing Administrator, University of South Florida, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT 100, Tampa, Florida 33620 or by telephone at (813)974-2646. The proposal may also be downloaded from the TRIPS website, Contracts tab, at <http://tripsflorida.org/rfps.html>

Sealed proposals, an original and eight (8) copies, must be received at the above address (Attn: Brian Bickhardt) not later than 3:30 P.M., ET, Friday, April 17th, 2015.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, Chapter 287 of the Florida Statutes and other applicable Federal and State regulations.

DEPARTMENT OF EDUCATION  
 University of South Florida  
 TRIPS-15-CA-RFP Standard Cutaway Chassis Type Transit Vehicle  
 RULE NO.: RULE TITLE:  
 6C4-2.0021 University of South Florida Student Records Policy (Repealed)

Center for Urban Transportation Research  
 REQUEST FOR PROPOSAL

Transit Research Inspection Procurement Services (TRIPS)  
 CONTRACT TRIPS-15-CA-RFP

STANDARD CUTAWAY CHASSIS TYPE TRANSIT VEHICLES

Notice is hereby given that the University of South Florida, Center for Urban Transportation Research, representing the Florida Department of Transportation, will receive sealed proposals for the manufacture and delivery of the following 2016 model year vehicle type:

STANDARD CUTAWAY CHASSIS TYPE TRANSIT VEHICLES	Minimum	Maximum
	0	500

The quantities reflect the immediate and foreseeable needs of transit agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous Florida Department of Transportation contracts, Agency(s) requests, and Agency(s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies desiring to purchase the same equipment specified in Part 2 of this solicitation. The TRIPS program reserves the right to reject any and all proposals, or any part of any or all proposals.

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Sealed proposals, an original and eight (8) copies, must be received at the above address (Attn: Brian Bickhardt) not later than 3:30 P.M., ET, Friday, April 17th, 2015.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, Chapter 287 of the Florida Statutes and other applicable Federal and State regulations.

DEPARTMENT OF TRANSPORTATION  
 DEPARTMENT OF TRANSPORTATION – DISTRICT 5  
 Notice of Bid/Request for Proposal  
 Contract No.: E-5L20

ITB – Leesburg Operations - Remove/Replace existing generator

Bids will be accepted at the District 5 office until: 2:00 p.m. local time, Tuesday, March 24, 2015

Budget: \$200,000.00

Request ITB package at: <http://www.dot.state.fl.us/contractsadministrationdistrict5/FCO/FCOContracts.shtm>.

Or call Jamie Carter at (386)943-5525 and/or Janna Taylor at (386)943-5514.

Plans and Specs will be given per Fax Order Form by faxing to (850)412-8092.

REGIONAL PLANNING COUNCILS  
 West Florida Regional Planning Council  
 Request for Proposal

LEGAL NOTICE

Request for Proposals (RFP)

Santa Rosa County Community Transportation Coordinator (CTC)

Transportation Disadvantaged Program

The Florida-Alabama Transportation Planning Organization (TPO) is seeking proposals from qualified entities desiring to serve as the Community Transportation Coordinator (CTC) for Santa Rosa County.

The selected entity will be recommended as the designated CTC to the Florida Commission for the Transportation Disadvantaged (CTD). If approved by the CTD, the selected entity will coordinate the administration and operation of the Santa Rosa County Transportation Disadvantaged system, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code.

The full Request for Proposal document will be available Thursday, February 26, 2015 on the West Florida Regional Planning Council Web site at <http://www.wfrpc.org/requests-proposals-rfps>.

A mandatory pre-proposal conference will be held Wednesday, March 11, 2015 at the West Florida Regional Planning Council (WFRPC) located at 4081 E. Olive Road, Suite A, Pensacola, Florida 32514 at 2:00 p.m., Central Time (CT) to review the Request for Proposals (RFP) and answer questions about the RFP. (Conference call option is available with 24 hours notice).

For more information, interested parties should contact Howard K. Vanselow at the Florida-Alabama Transportation Planning Organization (TPO) by email at [howard.vanselow@wfrpc.org](mailto:howard.vanselow@wfrpc.org) or by phone at (850)332-7976, ext. 231, or toll-free at 1(800)226-8914, ext. 231.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL  
 2015-HC-12600 Community Health and Wellness  
 REQUEST FOR PROPOSALS (#2015-HC-12600)  
 COMMUNITY HEALTH AND WELLNESS

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2015-HC-12600) is released to improve access to inclusive community health and wellness activities for adults age 22-59 with developmental disabilities who are on the DD HCBS waiting list for services.

Community organizations or businesses in Miami-Dade, Hillsborough, Broward, Pinellas, Palm Beach, Orange, Escambia, Duval, Polk, or Brevard Counties who are currently providing health and wellness services to adults and who are interested in including adults with developmental disabilities in their programs may submit proposals in response to this RFP. FDDC has set aside a maximum of \$80,000 federal funds (\$40,000 each for up to two counties) for a period not to exceed one (1) year for fiscal support of this RFP. The exact amount of the contracts will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, FL 32301 or calling (850)488-4180 or toll-free: 1(800)580-7801 or TDD toll-free: 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is **March 10, 2015 by 4:00 p.m. (EDT)**. Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of **March 16, 2015**. The deadline for submitting proposals for this RFP to FDDC is **April 15, 2015 by 2:00 p.m. (EDT)**.

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE  
 FLORIDA ADMINISTRATIVE REGISTER  
 AND ON THE FDDC WEB PAGE ([fddc.org](http://fddc.org)) ON  
**FEBRUARY 23, 2015.**

PLEASE FORWARD ALL REQUESTS FOR COPIES  
 OF THIS RFP TO CAROLYN WILLIAMS.

**QUESTIONS ARE TO BE SUBMITTED IN WRITTEN  
 FORMAT ONLY. THIS IS A LEGAL PROCESS AND  
 WE CANNOT ANSWER QUESTIONS VERBALLY.**

ENTERPRISE FLORIDA, INC.  
 Military and Defense Programs  
 Request for Proposal (RFP)

For FY 2015/2016, Enterprise Florida offers a Defense Reinvestment Grant Program (DRG) covered under this Request for Proposal (RFP). The grant program provides communities hosting military installations with resources to support military community relations. Project must: protect or enhance existing military missions and installations; or provide evidence that a project is part of a plan to support the needs of an installation, and/or shall work in conjunction with defense-dependent communities in developing strategies that will help communities diversify their economies. Activities can include studies, presentations, analyses, plans, marketing, modeling, and reasonable travel costs. Applicants must represent a local government in close proximity to a military installation(s). The submission of applications by more than one organization on behalf of one community, county, or military base is prohibited.

The full request for proposal is available Monday, February 23, 2015 at: <http://www.enterpriseflorida.com>.

Proposal submission date is no later than March, 19, 2015.

A pre-bid conference call will be taking place Tuesday, February 24, 2015, 2:00 p.m., EST.

Call-in: 1(800)501-8979, access code: 2986640.

For more information, contact Heather Cave, Manager of Military and Defense Programs for Enterprise Florida at (850)298-6640 or via email: [hcave@eflorida.com](mailto:hcave@eflorida.com).

J. Kokolakis Contracting, Inc.  
 DMA Sarasota FMS #14 Renovations UPDATED  
 Notice of Request for Proposals (UPDATED 2/20/15)  
 State of Florida Department of Military Affairs (DMA)  
 Sarasota FMS #14 Renovations (Project No. 214006)

J. Kokolakis Contracting, Inc. (JKC) (CGC-062093), the Design-Builder for the Sarasota FMS #14 Renovations hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

The Scope of Work for this project includes, but is not limited to the following:

1A	Testing and Inspections	8C	Glass and Glazing
1B	Surveying	9A	Framing, Insulation, and Drywall
2A	Site Work	9B	ACT
2B	Demolition	9C	Vinyl Tile Flooring
3A	Concrete	9D	Resinous Flooring
4A	Unit Masonry	9E	Ceramic Tile
5A	Structural Steel	9F	Paints and Coatings
6A	Wood Framing	10A	Specialties
6B	Cabinets and Millwork	13A	Pre-Engineered Structures
7A	Roofing	14A	Cranes
7B	Joint Sealants	15A	Plumbing
8A	Doors and Hardware	15B	HVAC
8B	Overhead Coiling Doors	16A	Electrical

**Project Overview:** This project is a \$1.25M design/build renovation and new addition to an existing 5,100 SF Florida National Guard Field Maintenance Shop (FMS #14). The project is state funded through the Florida Department of Military Affairs.

Drawings will be made available on 3/9/15. Drawings will be available via the JKC ISqFt portal. Each prequalified subcontractor will be provided a proposal package. Subcontractors are responsible for all shipping and printing costs.

A pre-proposal meeting will be held on Wednesday, 3/18/15, at 1:30 p.m. at the Field Maintenance Shop #14 (2890 Ringling Blvd., Sarasota, FL 34237). Please advise us of your attendance by 3/13/15.

All interested subcontractors must be pre-qualified. Subcontractors must submit pre-qualification prior to 3/18/15 in order to be considered for this project. Prequalification information will be provided upon request using JKC ISqFt portal. Requests for pre-qualification information should be transmitted to [bperry@jkkokolakis.com](mailto:bperry@jkkokolakis.com) and [estimatingfl@jkkokolakis.com](mailto:estimatingfl@jkkokolakis.com).

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Design-Builder, in writing by 3/20/15 to [estimatingfl@jkkokolakis.com](mailto:estimatingfl@jkkokolakis.com). The Owner and Architect will not accept calls regarding this project.

The DMA and JKC are committed to providing equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

Deadline for receipt of Proposal Packages (Listed Above) has been set for Thursday, 4/2/15, at 2:00 p.m. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

The DMA and JKC reserve the right to accept or reject any and all proposal in whole or part to waive informalities and irregularities.

All future updates regarding this project will be posted to prequalified firms only.

## Section XII Miscellaneous

### AGENCY FOR HEALTH CARE ADMINISTRATION Certificate of Need DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of November 19, 2014:

County: Escambia    Service District: 1  
 CON # 10241    Decision Date: 2/20/2015    Decision: A  
 Facility/Project: NF Escambia, LLC  
 Applicant: NF Escambia, LLC  
 Project Description: Establish a new 90-bed community nursing home  
 Approved Cost: \$19,032,800.00

County: Escambia    Service District: 1  
 CON # 10242    Decision Date: 2/20/2015    Decision: D  
 Facility/Project: PruittHealth - Escambia County, LLC  
 Applicant: PruittHealth - Escambia County, LLC  
 Project Description: Establish a new 120-bed community nursing home  
 Approved Cost: \$0

County: Santa Rosa    Service District: 1  
 CON # 10243    Decision Date: 2/20/2015    Decision: A  
 Facility/Project: Sandy Ridge Health and Rehabilitation  
 Applicant: Sandy Ridge Investors, Inc.  
 Project Description: Add 30 community nursing home beds  
 Approved Cost: \$3,328,073.00

County: Bay Service District: 2  
CON # 10244 Decision Date: 2/20/2015 Decision: D  
Facility/Project: NF Bay, LLC  
Applicant: NF Bay, LLC  
Project Description: Establish a new 90-bed community nursing home  
Approved Cost: \$0

County: Bay Service District: 2  
CON # 10245 Decision Date: 2/20/2015 Decision: A  
Facility/Project: PruittHealth - Bay County, LLC  
Applicant: PruittHealth - Bay County, LLC  
Project Description: Establish a new community nursing home of 77 beds  
Approved Cost: \$14,783,721.00

County: Leon Service District: 2  
CON # 10246 Decision Date: 2/20/2015 Decision: D  
Facility/Project: LP Pensacola, LLC  
Applicant: LP Pensacola, LLC  
Project Description: Establish a new 86-bed community nursing home  
Approved Cost: \$0

County: Leon Service District: 2  
CON # 10247 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Westminster Oaks  
Applicant: Presbyterian Retirement Communities, Inc.  
Project Description: Add 72 community nursing home beds through the conversion of 72 sheltered nursing home beds  
Approved Cost: \$0

County: Leon Service District: 2  
CON # 10248 Decision Date: 2/20/2015 Decision: P  
Facility/Project: PruittHealth - Leon County, LLC  
Applicant: PruittHealth - Leon County, LLC  
Project Description: Establish a new community nursing home of 105 beds and a partial of 86 beds  
Approved Cost: \$17,189,868.00

County: Madison Service District: 2  
CON # 10249 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Lake Park of Madison  
Applicant: Madison Health Investors, L.C.  
Project Description: Add 19 community nursing home beds  
Approved Cost: \$1,917,484.00

County: Alachua Service District: 3  
CON # 10250 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Alachua County HRC, LLC  
Applicant: Alachua County HRC, LLC  
Project Description: Establish a new 140-bed community nursing home  
Approved Cost: \$0

County: Dixie Service District: 3  
CON # 10251 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Cross City Rehabilitation & Health Care Center  
Applicant: CCHI, LLC  
Project Description: Add 30 community nursing home beds  
Approved Cost: \$2,479,347.00

County: Alachua Service District: 3  
CON # 10252 Decision Date: 2/20/2015 Decision: A  
Facility/Project: HSP Citrus, LLC  
Applicant: HSP Citrus, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$.00

County: Alachua Service District: 3  
CON # 10253 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Oak Hammock at the University of Florida  
Applicant: Oak Hammock at the University of Florida, Inc.  
Project Description: Add 17 community nursing home beds through the conversion of 17 sheltered nursing home beds  
Approved Cost: \$60,750.00

County: Alachua Service District: 3  
CON # 10254 Decision Date: 2/20/2015 Decision: D  
Facility/Project: PruittHealth - Alachua County, LLC  
Applicant: PruittHealth - Alachua County, LLC  
Project Description: Establish a new community nursing home of 120 beds and a partial of 90 beds  
Approved Cost: \$0

County: Marion Service District: 3  
CON # 10255 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Chambrel at Pinecastle  
Applicant: CMCP-Pinecastle, LLC  
Project Description: Establish a new 32-bed community nursing home  
Approved Cost: \$7,396,707.00

County: Marion Service District: 3  
 CON # 10256 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: CON App Marion LLC  
 Applicant: CON App Marion LLC  
 Project Description: Establish a new 120-bed community nursing home  
 Approved Cost: \$0

County: Marion Service District: 3  
 CON # 10257 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Marion County Development LLC  
 Applicant: Marion County Development LLC  
 Project Description: Establish a new community nursing home of 140 beds  
 Approved Cost: \$25,753,579.00

County: Marion Service District: 3  
 CON # 10258 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Marion County HRC, LLC  
 Applicant: Marion County HRC, LLC  
 Project Description: Establish a new 140-bed community nursing home  
 Approved Cost: \$0

County: Marion Service District: 3  
 CON # 10259 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Ocala SNF, LLC  
 Applicant: Ocala SNF, LLC  
 Project Description: Establish a new community nursing home of 120 beds  
 Approved Cost: \$0

County: Citrus Service District: 3  
 CON # 10260 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Diamond Ridge Health and Rehabilitation Center  
 Applicant: Surrey Place of Lecanto, LLC  
 Project Description: Add 22 community nursing home beds  
 Approved Cost: \$168,848.00

County: Hernando Service District: 3  
 CON # 10261 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Colony SNF Operations, LLC  
 Applicant: Colony SNF Operations, LLC  
 Project Description: Establish a new 60-bed community nursing home  
 Approved Cost: \$0

County: Hernando Service District: 3  
 CON # 10262 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Millennium II, LLC  
 Applicant: Millennium II, LLC  
 Project Description: Establish a new 50-bed community nursing home  
 Approved Cost: \$15,282,500.00

County: Hernando Service District: 3  
 CON # 10263 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Hospice of Citrus County and the Nature Coas-Hernando Office  
 Applicant: Hospice of Citrus County, Inc.  
 Project Description: Establish a new hospice program  
 Approved Cost: \$0

County: Sumter Service District: 3  
 CON # 10264 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Freedom Pointe at the Villages Rehab and Healthcare Center  
 Applicant: CCRC-Freedom Pointe at the Villages, LLC  
 Project Description: Add 72 community nursing home beds through the conversion of 72 sheltered nursing home beds  
 Approved Cost: \$0

County: Sumter Service District: 3  
 CON # 10265 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: CON App Sumter, LLC  
 Applicant: CON App Sumter, LLC  
 Project Description: Establish a new 180-bed community nursing home  
 Approved Cost: \$0

County: Lake Service District: 3  
 CON # 10266 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Fountain Inn Nursing & Rehabilitation Center, Inc.  
 Applicant: Fountain Inn Nursing & Rehabilitation Center, Inc.  
 Project Description: Establish a new community nursing home of 120 beds  
 Approved Cost: \$26,086,000.00

County: Lake Service District: 3  
 CON # 10267 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Integrity Health Comprehensive Care Center of Lake Co., LLC  
 Applicant: Innovative Medical Management Solutions, LLC  
 Project Description: Establish a new 60-bed community nursing home  
 Approved Cost: \$15,818,305.00



County: Sumter Service District: 3  
 CON # 10268 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Wesley Village SNF Operations, LLC  
 Applicant: Wesley Village SNF Operations, LLC  
 Project Description: Establish a new community nursing home of 100 beds  
 Approved Cost: \$0

County: Duval Service District: 4  
 CON # 10269 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: 4-1 CON LLC  
 Applicant: 4-1 CON LLC  
 Project Description: Establish a new 111-bed community nursing home  
 Approved Cost: \$0

County: Duval Service District: 4  
 CON # 10270 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Five Points Health Care, Ltd.  
 Applicant: Five Points Health Care, Ltd.  
 Project Description: Establish a new 111-bed community nursing home  
 Approved Cost: \$17,772,558.00

County: Clay Service District: 4  
 CON # 10271 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: 4-2 CON LLC  
 Applicant: 4-2 CON LLC  
 Project Description: Establish a new 170-bed community nursing home  
 Approved Cost: \$0

County: Clay Service District: 4  
 CON # 10272 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: LP SW Jacksonville, LLC  
 Applicant: LP SW Jacksonville, LLC  
 Project Description: Establish a new 120-bed community nursing home  
 Approved Cost: \$17,714,465.00

County: Clay Service District: 4  
 CON # 10273 Decision Date: 2/20/2015 Decision: P  
 Facility/Project: PruittHealth - Southwestern Duval County, LLC  
 Applicant: PruittHealth - Southwestern Duval County, LLC  
 Project Description: Establish a new community nursing home of 120 beds and a partial of 97 beds  
 Approved Cost: \$18,351,619.00

County: Duval Service District: 4  
 CON # 10274 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: 4-3 CON LLC  
 Applicant: 4-3 CON LLC  
 Project Description: Establish a new 167-bed community nursing home  
 Approved Cost: \$0

County: Duval Service District: 4  
 CON # 10275 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Dolphin Pointe Health Care, LLC  
 Applicant: Dolphin Pointe Health Care, LLC  
 Project Description: Establish a new 120-bed community nursing home  
 Approved Cost: \$22,550,369.00

County: Duval Service District: 4  
 CON # 10276 Decision Date: 12/24/2014 Decision: W  
 Facility/Project: LA Medical Center  
 Applicant: LA Medical Development, LLC  
 Project Description: Establish a new community nursing home of up to 120 beds  
 Approved Cost: \$.00

County: Duval Service District: 4  
 CON # 10277 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: LP Jacksonville II, LLC  
 Applicant: LP Jacksonville II, LLC  
 Project Description: Establish a new 120-bed community nursing home  
 Approved Cost: \$0

County: Duval Service District: 4  
 CON # 10278 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: PruittHealth - Southeastern Duval County, LLC  
 Applicant: PruittHealth - Southeastern Duval County, LLC  
 Project Description: Establish a new community nursing home of 120 beds  
 Approved Cost: \$0

County: St. Johns Service District: 4  
 CON # 10279 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Saint Johns SNF, LLC  
 Applicant: Saint Johns SNF, LLC  
 Project Description: Establish a new community nursing home of up to 120 beds  
 Approved Cost: \$17,949,645.00

County: Pasco Service District: 5  
CON # 10280 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Compassionate Care Hospice of the Gulf Coast, Inc.  
Applicant: Compassionate Care Hospice of the Gulf Coast, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Pasco Service District: 5  
CON # 10281 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Odyssey Healthcare of Marion County, LLC  
Applicant: Odyssey Healthcare of Marion County, LLC  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Pasco Service District: 5  
CON # 10282 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Regency Hospice of Northwest Florida, Inc.  
Applicant: Regency Hospice of Northwest Florida, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Pasco Service District: 5  
CON # 10283 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Suncoast BayCare Hospice of Pasco, LLC  
Applicant: Suncoast BayCare Hospice of Pasco, LLC  
Project Description: Establish a new hospice program  
Approved Cost: \$446,450.00

County: Pasco Service District: 5  
CON # 10284 Decision Date: 2/20/2015 Decision: D  
Facility/Project: VITAS Healthcare Corporation of Florida  
Applicant: VITAS Healthcare Corporation of Florida  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Pasco Service District: 5  
CON # 10285 Decision Date: 2/20/2015 Decision: D  
Facility/Project: West Florida Health, Inc.  
Applicant: West Florida Health, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Pinellas Service District: 5  
CON # 10286 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Freedom Square Rehabilitation & Nursing Services  
Applicant: CCRC OpCo-Freedom Square, LLC  
Project Description: Add 56 community nursing home beds through the conversion of 56 sheltered nursing home beds  
Approved Cost: \$0

County: Pinellas Service District: 5  
CON # 10287 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Tierra Pines Center  
Applicant: Tierra Pines Center, LLC  
Project Description: Add 33 community nursing home beds  
Approved Cost: \$4,029,330.00

County: Hillsborough Service District: 6  
CON # 10288 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Highland Oaks NH LLC  
Applicant: Highland Oaks NH LLC  
Project Description: Establish a new 110-bed community nursing home  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10289 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Hillsborough County CON LLC  
Applicant: Hillsborough County CON LLC  
Project Description: Establish a new 110-bed community nursing home  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10290 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Hillsborough County Development, LLC  
Applicant: Hillsborough County Development, LLC  
Project Description: Establish a new community nursing home of up to 110 beds  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10291 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Hillsborough SNF, LLC  
Applicant: Hillsborough SNF, LLC  
Project Description: Establish a new community nursing home of 110 beds  
Approved Cost: \$18,243,414.00

County: Hillsborough Service District: 6  
CON # 10292 Decision Date: 2/20/2015 Decision: D  
Facility/Project: LP Tampa, LLC  
Applicant: LP Tampa, LLC  
Project Description: Establish a new 110-bed community nursing home  
Approved Cost: \$0

County: Manatee Service District: 6  
CON # 10293 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Compassionate Care Hospice of the Gulf Coast, Inc.  
Applicant: Compassionate Care Hospice of the Gulf Coast, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10294 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Gulfside Hospice & Pasco Palliative Care, Inc.  
Applicant: Gulfside Hospice & Pasco Palliative Care, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10295 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Odyssey Healthcare of Marion County, LLC  
Applicant: Odyssey Healthcare of Marion County, LLC  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10296 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Palm Garden Hospice, LLC  
Applicant: Palm Garden Hospice, LLC  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10297 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Regency Hospice of Northwest Florida, Inc.  
Applicant: Regency Hospice of Northwest Florida, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10298 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Seasons Hospice & Palliative Care of Tampa, LLC  
Applicant: Seasons Hospice & Palliative Care of Tampa, LLC  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10299 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Suncoast BayCare Hospice of Hillsborough, LLC  
Applicant: Suncoast Bay Care Hospice of Hillsborough, LLC  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10300 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Tidewell Hospice, Inc.  
Applicant: Tidewell Hospice, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10301 Decision Date: 2/20/2015 Decision: D  
Facility/Project: VITAS Healthcare Corporation of Florida  
Applicant: VITAS Healthcare Corporation of Florida  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Hillsborough Service District: 6  
CON # 10302 Decision Date: 2/20/2015 Decision: A  
Facility/Project: West Florida Health Hospice - Hillsborough  
Applicant: West Florida Health, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$410,925.00

County: Polk Service District: 6  
CON # 10303 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Eighth Florida Living Options, LLC  
Applicant: Eighth Florida Living Options, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Polk Service District: 6  
CON # 10304 Decision Date: 12/24/2014 Decision: W  
Facility/Project: Wood Avenue Health and Rehabilitation Center  
Applicant: Heart of Florida Assisted Living BSLC, LLC  
Project Description: Establish a new 40-bed community nursing home  
Approved Cost: \$.00

County: Polk Service District: 6  
CON # 10305 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Florida Presbyterian Homes, Inc.  
Applicant: Florida Presbyterian Homes, Inc.  
Project Description: Add 14 community nursing home beds through the conversion of 14 sheltered nursing home beds  
Approved Cost: \$3,439,000.00

County: Polk Service District: 6  
CON # 10306 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Haines City SNF Operations, LLC  
Applicant: Haines City SNF Operations, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Polk Service District: 6  
CON # 10307 Decision Date: 2/20/2015 Decision: D  
Facility/Project: HSP Citrus, LLC  
Applicant: HSP Citrus, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Polk Service District: 6  
CON # 10308 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Lakeland Investors, LLC  
Applicant: Lakeland Investors, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$17,001,166.00

County: Polk Service District: 6  
CON # 10309 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Lakeland Oaks NH LLC  
Applicant: Lakeland Oaks NH LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$22,877,084.00

County: Polk Service District: 6  
CON # 10310 Decision Date: 2/20/2015 Decision: D  
Facility/Project: LP Tampa II, LLC  
Applicant: LP Tampa II, LLC  
Project Description: Establish a new 180-bed community nursing home  
Approved Cost: \$0

County: Polk Service District: 6  
CON # 10311 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Polk County Development, LLC  
Applicant: Polk County Development, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Brevard Service District: 7  
CON # 10312 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Brevard Oaks Center, LLC  
Applicant: Brevard Oaks Center, LLC  
Project Description: Establish a new community nursing home 131 beds  
Approved Cost: \$15,632,000.00

County: Brevard Service District: 7  
CON # 10313 Decision Date: 2/20/2015 Decision: D  
Facility/Project: SF Brevard, LLC  
Applicant: SF Brevard, LLC  
Project Description: Establish a new 90-bed community nursing home  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10314 Decision Date: 2/20/2015 Decision: D  
Facility/Project: HSP Citrus, LLC  
Applicant: HSP Citrus, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10315 Decision Date: 2/20/2015 Decision: A  
Facility/Project: LP Orlando, LLC  
Applicant: LP Orlando, LLC  
Project Description: Establish a new 180-bed community nursing home  
Approved Cost: \$25,590,006.00

County: Orange Service District: 7  
CON # 10316 Decision Date: 2/20/2015 Decision: D  
Facility/Project: MF Orange, LLC  
Applicant: MF Orange, LLC  
Project Description: Establish a new 90-bed community nursing home  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10317 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Orange County CON LLC  
Applicant: Orange County CON LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10318 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Orange County Development, LLC  
Applicant: Orange County Development, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10319 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Orange Park NH LLC  
Applicant: Orange Park NH LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10320 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Orange SNF, LLC  
Applicant: Orange SNF, LLC  
Project Description: Establish a new community nursing home of up to 120 beds  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10321 Decision Date: 2/20/2015 Decision: P  
Facility/Project: Commons at Orlando Lutheran Towers  
Applicant: Orlando Lutheran Towers, Inc.  
Project Description: Add 40 community nursing home beds and a partial award of 20 beds  
Approved Cost: \$2,631,535.00

County: Orange Service District: 7  
CON # 10322 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Westminster Towers  
Applicant: Presbyterian Retirement Communities, Inc.  
Project Description: Add 59 community nursing home beds through the conversion of 59 sheltered nursing home beds  
Approved Cost: \$0

County: Orange Service District: 7  
CON # 10323 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Tri-County Nursing & Rehabilitation Center, Inc.  
Applicant: Tri-County Nursing & Rehabilitation Center, Inc.  
Project Description: Establish a new community nursing home of 120 beds  
Approved Cost: \$0

County: Osceola Service District: 7  
CON # 10324 Decision Date: 2/20/2015 Decision: D  
Facility/Project: 7-3 CON LLC  
Applicant: 7-3 CON LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Osceola Service District: 7  
CON # 10325 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Kissimmee HRC, LLC  
Applicant: Kissimmee HRC, LLC  
Project Description: Establish a new 130-bed community nursing home  
Approved Cost: \$0

County: Osceola Service District: 7  
CON # 10326 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Osceola CON, LLC  
Applicant: Osceola CON, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Osceola Service District: 7  
CON # 10327 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Osceola Springs NH LLC  
Applicant: Osceola Springs NH LLC  
Project Description: Establish a new 130-bed community nursing home  
Approved Cost: \$0

County: Osceola Service District: 7  
CON # 10328 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Tri-County Nursing & Rehabilitation Center, Inc.  
Applicant: Tri-County Nursing & Rehabilitation Center, Inc.  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$29,706,000.00

County: Seminole Service District: 7  
CON # 10329 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Village on the Green  
Applicant: Lifespace Communities, Inc.  
Project Description: Add 30 community nursing home beds through the conversion of 30 sheltered nursing home beds  
Approved Cost: \$60,750.00

County: Seminole Service District: 7  
CON # 10330 Decision Date: 2/20/2015 Decision: D  
Facility/Project: LP Sanford, LLC  
Applicant: LP Sanford, LLC  
Project Description: Establish a new 120-bed community nursing home  
Approved Cost: \$0

County: Seminole Service District: 7  
CON # 10331 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Lutheran Haven Nursing Home  
Applicant: Lutheran Haven Nursing Home & Assisted Living Facility, LLC  
Project Description: Add 14 community nursing home beds and a partial award of two beds  
Approved Cost: \$263,344.00

County: Seminole Service District: 7  
CON # 10332 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Palm Garden of Seminole County  
Applicant: Palm Garden of Seminole County, LLC  
Project Description: Establish a new community nursing home of 120 beds  
Approved Cost: \$0

County: Seminole Service District: 7  
CON # 10333 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Seminole Lakes NH LLC  
Applicant: Seminole Lakes NH LLC  
Project Description: Establish a new 122-bed community nursing home  
Approved Cost: \$0

County: Seminole Service District: 7  
CON # 10334 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Seminole SNF, LLC  
Applicant: Seminole SNF, LLC  
Project Description: Establish a new community nursing home of 120 beds  
Approved Cost: \$0

County: Seminole Service District: 7  
CON # 10335 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Tri-County Nursing & Rehabilitation Center, Inc.  
Applicant: Tri-County Nursing & Rehabilitation Center, Inc.  
Project Description: Establish a new community nursing home of 120 beds  
Approved Cost: \$0

County: Charlotte Service District: 8  
CON # 10336 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Village Place Health and Rehabilitation Center  
Applicant: Village Place NH LLC  
Project Description: Add 20 community nursing home beds  
Approved Cost: \$4,799,313.00

County: Sarasota Service District: 8  
CON # 10337 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Compassionate Care Hospice of the Gulf Coast, Inc.  
Applicant: Compassionate Care Hospice of the Gulf Coast, Inc.  
Project Description: Establish a new hospice program  
Approved Cost: \$0

County: Collier Service District: 8  
CON # 10338 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Premier Place at the Glenview  
Applicant: Pelican Bay Retirement Services, Inc.  
Project Description: Add 14 community nursing home beds through the conversion of 14 sheltered nursing home beds and a partial of 10 beds  
Approved Cost: \$0

County: Collier Service District: 8  
CON # 10339 Decision Date: 2/20/2015 Decision: A  
Facility/Project: Terracina II, LLC  
Applicant: Terracina II, LLC  
Project Description: Establish a new 30-bed community nursing home  
Approved Cost: \$10,398,500.00

County: Lee Service District: 8  
CON # 10340 Decision Date: 2/20/2015 Decision: D  
Facility/Project: Gulf Coast Village  
Applicant: Gulf Care, Inc.  
Project Description: Add 31 community nursing home beds through the conversion of 31 sheltered beds  
Approved Cost: \$0

County: Miami-Dade Service District: 11  
 CON # 10341 Decision Date: 12/24/2014 Decision: W  
 Facility/Project: Coral Gables Nursing & Rehabilitation Center  
 Applicant: Coral Gables Holdings, LLC  
 Project Description: Add 63 community nursing home beds  
 Approved Cost: \$.00

County: Miami-Dade Service District: 11  
 CON # 10342 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Dade SNF, LLC  
 Applicant: Dade SNF, LLC  
 Project Description: Establish a new community nursing home of 120 beds  
 Approved Cost: \$0

County: Miami-Dade Service District: 11  
 CON # 10343 Decision Date: 2/20/2015 Decision: A  
 Facility/Project: Florida Medical Systems, LLC  
 Applicant: Florida Medical Systems, LLC  
 Project Description: Establish a new 168-bed community nursing home  
 Approved Cost: \$30,276,183.00

County: Miami-Dade Service District: 11  
 CON # 10344 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Mandarin Gardens Rehabilitation Center LLC  
 Applicant: Mandarin Gardens Rehabilitation Center LLC  
 Project Description: Establish a new 120-bed community nursing home  
 Approved Cost: \$0

County: Miami-Dade Service District: 11  
 CON # 10345 Decision Date: 2/20/2015 Decision: D  
 Facility/Project: Palm Garden of Aventura, LLC  
 Applicant: Palm Garden of Aventura, LLC  
 Project Description: Add 48 community nursing home beds  
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF HEALTH  
 Board of Pharmacy

Notice of Emergency Action

On February 19, 2015, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Stephanie Ruth Lilly, R.P.T., License #: RPT 46469. 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 (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.