

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6B-4.010
 RULE TITLE: Instructional Personnel Assessment Systems

PURPOSE AND EFFECT: The purpose of the rule development is to review current practices and requirements for district instructional personnel assessment systems to determine what amendments should be proposed. The effect of the amendment will be; the development of district-based assessment systems that fulfill statutory requirements for assessment and performance-based pay.

SUBJECT MATTER TO BE ADDRESSED: Instructional personnel assessment systems.

SPECIFIC AUTHORITY: 1012.22, 1012.34 FS.

LAW IMPLEMENTED: 1012.22, 1012.34 FS., Chapter 2006-26, s. 3, Laws of Florida.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 19, 2006, 4:00 p.m. – 6:00 p.m., EST

PLACE: University Center (building 41), Central Florida Community College, 3001 S.W. College Road, Ocala, Florida 34474

TIME AND DATE: December 20, 2006, 4:00 p.m. – 6:00 p.m., EST

PLACE: Highlands County School Board, 426 School Street, Sebring, Florida 33870

DATE AND TIME: December 21, 2006, 4:00 p.m. – 6:00 p.m., CST

PLACE: Panhandle Area Educational Consortium, 753 West Boulevard, Chipley, Florida 32428

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.302
 RULE TITLE: Copying Services for Inmates
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates shall be charged for copying services related to civil or administrative legal actions. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account and a hold will be placed on the inmate's account for unpaid costs until the debt has been paid.

SUBJECT AREA TO BE ADDRESSED: Copying services for inmates.

SPECIFIC AUTHORITY: 944.09, 945.6038 FS.

LAW IMPLEMENTED: 20.315, 945.6038 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.302 Copying Services for Inmates.

(1) All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to judicial or courts and administrative forums bodies. No provision of this section shall be implemented in such a way as to conflict with any administrative order, administrative rule, judicial rule or judicial order of court.

(2) Definitions.

(a) Accompanying evidentiary material: refers to a document, record, or other paper object attached to a judicial or agency form or pleading as supporting evidence.

(b) Civil proceeding: refers to any proceeding, except that which is referenced in paragraph (2)(c), brought in a judicial or administrative forum to secure a private or civil right or remedy.

(c) Criminal proceeding: refers to a proceeding brought in a judicial or administrative forum to challenge a felony or misdemeanor conviction or sentence, a departmental disciplinary report, a forfeiture of gain time, a parole or conditional release date established by the Florida Parole Commission, or revocation of parole or conditional release. It also includes a proceeding brought to obtain executive clemency.

(d) Judicial or administrative forum: refers to a municipal, county, state, or federal court, a governmental agency, the Florida Division of Administrative Hearings, or any other body or organization that is authorized by law, court order, or agency action to adjudicate a party's legal rights.

(e) Law library supervisor: refers to a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee that the warden or designee appoints to oversee operation of the institution's law library program.

(f) Legal or administrative action: refers to an action brought before a municipal, county, state, or federal court, or an action brought before a governmental body to obtain or challenge a ruling, order, or decision of the governmental body. It also includes an action filed in the Division of Administrative Hearings or any other forum that is authorized by law, court order, or agency action to adjudicate a party's legal rights.

(3)(2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending legal or administrative action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the judicial court or administrative forum body, or required per order of the judicial court or administrative forum body, plus one copy for the inmate to keep if the original is filed or served.

(a) No change.

(b) Title 42, United States Code, Section 1983, civil rights complaints ~~filed into federal district courts.~~

1. Inmates shall be provided a copy for the inmate if the original must be filed with the judicial forum court, and one copy for each named defendant if the complaint names five or fewer defendants.

2. If more than five defendants are named in the complaint, the inmate shall only be made one file copy to keep if the original complaint must be filed with the judicial forum court. No copies shall be made to serve defendants until the inmate presents a judicial court order indicating that the complaint is not being dismissed pursuant to Title 28, United States Code, Section 1915 or Section 57.085 F.S., and directs that specific defendants must be served with a copy. The law library supervisor shall then make the inmate the number of copies needed to serve all the defendants.

(c) Cases, statutes, and other reference materials are not evidentiary materials and will not be copied to accompany legal documents unless the inmate is required to provide such copies by law, administrative rule, administrative order, judicial court rule, or judicial court order.

(d) Requests for records made during the course of discovery. Inmates shall produce an order from a judicial or administrative forum, or pleading from opposing litigants or opposing counsel, requiring the production of records prior to

copying. Only the specific records requested shall be copied and only one copy of the records shall be provided unless a judicial or administrative forum orders otherwise. If the discovery request relates to a civil proceeding, the inmate shall be charged for the copies as provided in this section. Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

(4)(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted for approval to the ~~Law Library Supervisor, or other staff the warden designates to approve copying service requests, for approval.~~ The law library supervisor ~~or other approving staff~~ may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor ~~or other approving staff~~ shall not read the documents. Form DC5-154 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 4-29-04.

(5) Copying services in criminal proceedings. Inmates shall not be charged for copies of legal pleadings and accompanying evidentiary materials made for submission in criminal proceedings. The law library supervisor shall not forward completed DC5-154 forms to the Bureau of Finance and Accounting, Inmate Trust Fund Section.

(6)(4) Copying services in civil proceedings.

(a) Inmates will be charged \$0.15 per page for standard legal or letter size copies, ~~or~~ If special equipment or paper is required, the institution is authorized to charge up to the estimated actual cost of duplication to the institution of making the copies. Only one-sided copies will be made; two-sided copies will not be made for inmates.

(b) The law library supervisor shall forward approved and completed DC5-154 forms to the Bureau of Finance and Accounting, Inmate Trust Fund Section, on at least a weekly basis.

(c)(5) ~~Filing or Service in Actions Challenging Convictions, Sentences, or Prison Conditions.~~ Inmates who are without funds shall not be denied copying services for documents and accompanying evidentiary materials needed to initiate a civil proceeding legal or administrative action or which must be filed or served in a pending civil proceeding action that challenges convictions and sentences or prison conditions, or are required to be filed or served per order of a judicial the court or administrative forum body. However, the

cost of providing copies for documents to be filed or served is a debt owed by the inmate that shall be collected as follows: Upon receipt of a completed DC5-154 At the time the inmate submits his request for copies, the Inmate Trust Fund Section department shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page.

~~(6) Unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies, inmates shall not be provided copying services for:~~

~~(a) Legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions.~~

~~(b) Records requests pursuant to Rule 33-601.901, F.A.C.~~

~~(c) Requests for records made during the course of discovery.~~

(7) Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

~~(8)(7) The law library supervisor or other approving staff may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.~~

Specific Authority ~~20.315, 944.09, 945.6038~~ FS. Law Implemented 20.315, 945.6038 ~~944.09~~ FS. History--New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, 33-602.405, Amended 4-29-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.030
 RULE TITLE: Rental Information

PURPOSE AND EFFECT: The proposed rule amendment is necessary because of the legislative changes to Section 475.453, F.S., as a result of Chapter 2006-210, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Rent.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.453(1), (2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-10.030 Rental Information.

(1) Each broker or sales associate ~~Any licensee who attempts to negotiate a rental or who~~ furnishes a rental information list to a prospective tenant for a fee paid by the tenant shall provide such prospective tenant with a written contract or receipt agreement containing the following provision in type size 10 point bold or larger:

NOTICE

PURSUANT TO FLORIDA LAW:

If the rental information provided under this contract is not current or accurate in any material aspect, you may demand within 30 days of this contract date a return of your full fee paid. If you do not obtain a rental you are entitled to receive a return of 75% of the fee paid, if you make demand within 30 days of this contract date.

(2) No change.

Specific Authority 475.05 FS. Law Implemented 475.453(1), (2) FS. History--New 1-1-80, Formerly 21V-10.30, Amended 6-28-93, Formerly 21V-10.030, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes to Section 475.25(1), F.S., which now authorizes the Florida Real Estate Commission to impose administrative fines not to exceed \$5,000.00 for each count or separate offense and the additions of Section 475.25(1)(u) and (v), F.S. Subsections 61J2-24.001(3), (11), F.A.C., is being repealed because Section 475.452, F.S., has been repealed.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-24.001 Disciplinary Guidelines.

(1) Pursuant to Section 455.2273, F.S., the Commission sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapters 455 or 475, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count during a formal or an informal hearing. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to Section 475.25(1), F.S., combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the range of penalties set forth in this rule preclude the Probable Cause Panel from issuing a letter of guidance.

(2) As provided in Section 475.25(1), F.S., the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure

courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS	RECOMMENDED RANGE OF PENALTY
(a) Section 475.22, F.S. Broker fails to maintain office and sign at entrance of office.	(a) <u>The usual action of the Commission shall be to impose a suspension of up to 90 days up to 90 days suspension.</u>
(b) Section 475.24, F.S. Failure to register a branch office.	(b) <u>The usual action of the Commission shall be to impose a suspension of up to 90 days up to 90 days suspension.</u>
(c) Section 475.25(1)(b), F.S. Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust. Guilty of violating a duty imposed by law or by the terms of a listing agreement; aided, assisted or conspired with another; or formed an intent, design or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design or scheme.	(c) In the case of fraud, misrepresentation and dishonest dealing, the usual action of the Commission shall be to impose a penalty of revocation. In the case of concealment, false promises and false pretenses, the usual action of the Commission shall be to impose a penalty of a 3 to 5 year suspension and an administrative fine <u>not to exceed \$5,000 of \$1,000.</u> In the case of culpable negligence and breach of trust, the usual action of the Commission shall be to impose <u>an administrative fine not to exceed \$5,000 and up to a penalty from a \$1,000 fine to 1 year suspension.</u>

	<p>In the case of violating a duty imposed by law or a listing agreement; aided, assisted or conspired; or formed an intent, design or scheme to engage in such misconduct, the usual action of the Commission shall be to impose <u>an administrative fine not to exceed \$5,000 and up to a 5 year suspension.</u></p>	<p>(j) Section 475.25(1)(i), F.S. Impairment by drunkenness, or use of drugs or temporary mental derangement.</p> <p>(k) Section 475.25(1)(j), F.S. Rendered an opinion that the title to property sold is good or merchantable when not based on opinion of a licensed attorney or has failed to advise prospective buyer to consult an attorney on the merchantability of title or to obtain title insurance.</p>	<p>(j) The usual action of the Commission shall be to impose a penalty of suspension for the period of incapacity.</p> <p>(k) The usual action of the Commission shall be to impose a penalty of an administrative fine <u>not to exceed \$5,000</u> and up to a 6 month suspension.</p>
<p>(d) Section 475.25(1)(c), F.S. False, deceptive or misleading advertising.</p>	<p>(d) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up to a 1 year suspension.</p>	<p>(l) Section 475.25(1)(k), F.S. Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate, to place any money to be escrowed with his registered employer.</p>	<p>(l) <u>The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a minimum of a 90 day suspension and \$1,000 fine up to revocation.</u></p>
<p>(e) Section 475.25(1)(d), F.S. Failed to account or deliver to any person as required by agreement or law, escrowed property.</p>	<p>(e) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.</p>		
<p>(f) Section 475.25(1)(e), F.S. Violated any rule or order or provision under Chapters 475 and 455, F.S.</p>	<p>(f) The usual action of the Commission shall be to impose a penalty from an 8 year suspension to revocation and an administrative fine <u>not to exceed \$5,000 of \$1,000.</u></p>	<p>(m) Section 475.25(1)(l), F.S. Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by State or Federal Law.</p>	<p>(m) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up to \$1,000 to a 2 year suspension.</p>
<p>(g) Section 475.25(1)(f), F.S. Convicted or found guilty of a crime related to real estate or involves moral turpitude or fraudulent or dishonest dealing.</p>	<p>(g) The usual action of the Commission shall be to impose a penalty from a 7 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.</p>	<p>(n) Section 475.25(1)(m), F.S. Obtained a license by fraud, misrepresentation or concealment.</p>	<p>(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation.</p>
<p>(h) Section 475.25(1)(g), F.S. Has license disciplined or acted against or an application denied by another jurisdiction.</p>	<p>(h) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken, and an administrative fine <u>not to exceed \$5,000 of \$1,000.</u></p>	<p>In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to the attention of the DBPR, the usual action of the Commission shall be to impose an administrative fine <u>not to exceed \$5,000</u> a penalty of a \$1,000 administrative fine In all other cases, the usual action of the Commission shall be to impose an administrative fine <u>not to exceed \$5,000 and a penalty of revocation and of \$1,000.</u></p>	
<p>(i) Section 475.25(1)(h), F.S. Has shared a commission with or paid a fee to a person not properly licensed under Chapter 475, F.S.</p>	<p>(i) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.</p>		

(o) Section 475.25(1)(n), F.S. Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill and safety.

(p) Section 475.25(1)(o), F.S. Guilty for the second time of misconduct in the practice of real estate that demonstrates incompetent, dishonest or negligent dealings with investors.

(q) Section 475.25(1)(p), F.S. Failed to give Commission 30 day written notice after a guilty or nolo contendere plea or convicted of any felony.

(r) Section 475.25(1)(q), F.S. Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of Section 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate forms as required in Section 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in Section 475.2755 or 475.278, F.S.

(s) Section 475.25(1)(r), F.S. Failed to follow the requirements of a written listing agreement.

(t) Section 475.25(1)(s), F.S. Has had a registration suspended, revoked or otherwise acted against in any jurisdiction.

(u) Section 475.25(1)(t), F.S. Violated the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611, F.S.

(o) The usual action of the Commission shall be to impose a penalty of revocation.

(p) The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 ~~of \$500~~ and a 1 year suspension to revocation.

(q) The usual action of the Commission shall be to impose ~~a penalty of~~ a 5 year suspension to revocation.

(r) The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.

(s) The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

(t) The usual action of the Commission shall be to impose ~~a penalty from~~ a 6 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.

(u) The usual action of the Commission shall be to impose ~~a penalty of~~ a 5 year suspension to revocation.

~~(v) Section 475.25(1)(u), F.S. Has failed, if a broker, to direct control, or manage a broker associate or sales associate employed by such broker.~~

~~(w) Section 475.25(1)(v), F.S. Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter.~~

~~(x)(v)~~ Section 475.25(2), F.S. License issued by error of the Commission.

~~(v)(w)~~ Section 475.42(1)(a), F.S. Practice without a valid and current license.

~~(z)(x)~~ Section 475.42(1)(b), F.S. Practicing beyond scope as a sales associate.

~~(aa)(v)~~ Section 475.42(1)(c), F.S. Broker employs a sales associate who is not the holder of a valid and current license.

~~(bb)(z)~~ Section 475.42(1)(d), F.S. A sales associate shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer.

~~(cc)(aa)~~ Section 475.42(1)(e), F.S. A violation of any order or rule of the Commission.

~~(dd)(bb)~~ Section 475.42(1)(g), F.S. Makes false affidavit or affirmation or false testimony before the Commission.

(v) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000, and, up to a 1 year suspension to revocation.

(w) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000, and a 1 year suspension to revocation.

(x)(v) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.

(v)(w) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000 and a penalty of a 3 year suspension to revocation.

(z)(x) The usual action of the Commission shall be to impose a penalty of a 3 year suspension to revocation.

(aa)(v) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 of \$1,000 and a 90 day suspension to a 2 year suspension.

(bb)(z) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

(cc)(aa) The usual action of the Commission shall be to impose a penalty of an 8 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.

(dd)(bb) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

<p>(ee)(ee) Section 475.42(1)(h), F.S. Fails to comply with subpoena.</p>	<p>(ee)(ee) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 of \$1,000 and a 6 month suspension to a 5 year suspension.</p>	<p>(mm)(kk) Section 475.451, F.S. School teaching real estate practice fails to obtain a permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission.</p>	<p>(mm)(kk) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 6 month suspension.</p>
<p>(ff)(dd) Section 475.42(1)(i), F.S. Obstructs or hinders the enforcement of Chapter 475, F.S.</p>	<p>(ff)(dd) The usual action of the Commission shall be to impose a penalty of revocation.</p>	<p>(ll) Section 475.452, F.S. A broker contracts for or collects an advance fee for the listing of real property and fails to properly deposit 75 percent in a trust account according to Chapter 475, F.S., and rules adopted by the Commission.</p>	<p>(ll) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 6 month suspension.</p>
<p>(gg)(ee) Section 475.42(1)(j), F.S. No broker or sales associate shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property.</p>	<p>(gg)(ee) The usual action of the Commission shall be to impose a penalty of a 5 year suspension to revocation.</p>	<p>(nn)(mm) Section 475.453, F.S. Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.</p>	<p>(nn)(mm) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.</p>
<p>(hh)(ff) Section 475.42(1)(k), F.S. Failed to register trade name with the Commission.</p>	<p>(hh)(ff) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 6 month suspension.</p>	<p>(oo)(nn) Rule 61J2-10.039, F.A.C., Section 475.25(1)(c), F.S. Failure to produce records within 5 business days from receipt of request for inspection or audit or to maintain records as required.</p>	<p>(oo)(nn) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 of \$1,000 and up to a 3 month suspension.</p>
<p>(ii)(gg) Section 475.42(1)(l), F.S. No person shall knowingly conceal information relating to violations of Chapter 475, F.S.</p>	<p>(ii)(gg) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.</p>	<p>(4) No change.</p>	
<p>(jj)(hh) Section 475.42(1)(m), F.S. Fails to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year.</p>	<p>(jj)(hh) The usual action of the Commission shall be to impose a penalty of revocation.</p>	<p>Specific Authority 455.2273, 475.05 FS. Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, 2-5-04, 1-30-06,_____.</p>	
<p>(kk)(ii) Section 475.42(1)(n), F.S. Licensee fails to disclose all material aspects of the resale of timeshare period or timeshare plan and the rights and obligations of both buyer or seller.</p>	<p>(kk)(ii) The usual action of the Commission shall be to impose a penalty of revocation.</p>	<p>DEPARTMENT OF ENVIRONMENTAL PROTECTION Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."</p>	
<p>(ll)(jj) Section 475.42(1)(o), F.S. Publication of false or misleading information; promotion of sales, leases and rentals.</p>	<p>(ll)(jj) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000 and up of \$1,000 to a 1 year suspension.</p>	<p>DEPARTMENT OF HEALTH Division of Environmental Health RULE CHAPTER NO.: RULE CHAPTER TITLE: 64E-27 Childhood Lead Poisoning Prevention PURPOSE AND EFFECT: Section 381.985, F.S., subsection 5 was passed during the 2006 legislative session and signed into law by Governor Jeb Bush. Section 381.985, F.S., Subsection 5 requires the Secretary of Health to promulgate rules in accordance with its provisions. The effect of this rule will be to</p>	

assume a comprehensive screening program and establish a standard of care for children under 72 months of age who have an elevated blood-lead level or confirmed lead poisoning.

SUBJECT AREA TO BE ADDRESSED: Blood-lead screening guidelines, case management guidelines, and proper standard of care for children under 72 months of age who have an elevated blood-lead level or confirmed lead poisoning.

SPECIFIC AUTHORITY: 381.985 FS., Subsection 5.

LAW IMPLEMENTED: 381.985 FS., Subsection 5.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY:

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 14 days before the workshop/meeting by contacting: Teresa Hall at (850)245-4275. 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: Ricky Harrison, Environmental Policy Analyst; Childhood Lead Poisoning Prevention Program; Florida Department of Health; 4052 Bald Cypress Way, Bin A08; Tallahassee, FL 32399. You may contact Ricky Harrison by phone at (850)245-4247

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: **RULE TITLE:**

68A-4.0071 Access Prohibited on Certain Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish and revise a new rule, during calendar year 2007, associated with general public access prohibitions pertaining to wildlife and freshwater fish resources and public lands.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: **RULE TITLE:**
5B-59.003 Tomato Plant Destruction

PURPOSE AND EFFECT: The purpose of this rule is to require the destruction of older, less productive tomato plants that serve as reservoirs of tomato pests and diseases. This will be effective in reducing the impact of tomato pests and diseases on younger tomato transplants thereby improving tomato crop yields.

SUMMARY: This rule requires commercial tomato producers to destroy tomato plants within five days of final harvest.

SPECIFIC AUTHORITY: 570.32(5), (6), 581.031(6), (15), (17), 581.181 FS.

LAW IMPLEMENTED: 581.161, 581.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-59.003 Tomato Plant Destruction.

(1) Definitions. For the purpose of this rule, the definitions in Sections 1.01, 500.03, 570.02, 677.102, and 581.011, Florida Statutes, and the following definitions shall apply:

(a) Commercial Tomato Producer. A person who is engaged in and has an economic risk in the business of producing, or causing to be produced, tomatoes for market.

(b) Final harvest. When an active pest management system is no longer maintained in the field following tomato harvest or if harvest has not occurred or not intended and no pest management system is being maintained.

(2) Tomato Plant Destruction. Within five days following the final harvest of a tomato crop, commercial tomato producers shall destroy remaining tomato plants on the production site using a chemical burn-down with a contact desiccant type herbicide that is EPA labeled and approved for this use such as paraquat or diquat that also contains a minimum three percent oil and a non-ionic adjuvant to destroy crop vegetation. This must be followed by immediate complete destruction by crop removal unless double cropping is planned.

(3) The commercial tomato producer failing to destroy tomato plants within five days following final harvest as described in subsection (2) shall be issued an immediate final order. An immediate final order issued by the department pursuant to this section shall notify the property owner that the tomato plants that are the subject of the immediate final order must be removed and destroyed unless the commercial tomato producer, no later than 10 days after delivery of the immediate final order requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The commercial tomato producer shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal. If the commercial tomato producer refuses or neglects to comply with the terms of the notice within 10 days after receiving it, the director or her or his authorized representative may, under authority of the department, proceed to destroy the tomato plants. The expense of the destruction shall be assessed, collected, and enforced against the commercial tomato producer by the department.

Specific Authority 570.32(5), (6), 581.031(6), (15), (17), 581.181 FS. Law Implemented 581.161, 581.181 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Connie Riherd, Assistant Director, Division of Plant Industry,
Department of Agriculture and Consumer Services, P. O. Box
147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Craig Meyer, Deputy
Commissioner, Florida Department of Agriculture and
Consumer Services, The Capital, 400 South Monroe Street,
Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-63.001 RULE TITLE:
Citrus Health Response Program

PURPOSE AND EFFECT: The purpose of this rule is to manage the impact of citrus canker and citrus greening in commercial citrus groves and to adopt the Citrus Health Response Plan. The effect will be to reduce the impact of citrus canker and citrus greening on commercial citrus production.

SUMMARY: This rule adopts the Citrus Health Response Plan, defines citrus greening quarantine areas and requires decontamination in commercial citrus production businesses in order to prevent the spread of citrus canker.

SUBJECT AREA TO BE ADDRESSED: Citrus Health Response Program.

SPECIFIC AUTHORITY: 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S.W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-63.001 Citrus Health Response Program.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) Approved landfill. A landfill that is fenced, that prohibits the removal of dumped material, and that requires that dumped material be covered at the end of every day on which dumping occurs.

(b) Asian citrus psyllid. The insect known as the Asian citrus psyllid, *Diaphorina citri*, classified in the order Homoptera, Family Psyllidae, and all of its life stages.

(c) Citrus Health Response Program (CHRP) Certificate. A document issued by an authorized representative of the department verifying compliance with the requirements of these rules.

(d) Citrus. All members and any hybrids of the family Rutaceae including any plants, plant parts, fruits, seeds and any other parts thereof.

(e) Citrus canker. A bacterial disease of citrus incited by the organism *Xanthomonas axonopodis* pv. *citri*, (formerly known as *Xanthomonas campestris* pv. *citri*), Asian strain.

(f) Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter asiaticus*, or huanglongbing (also known as yellow dragon disease or yellow shoot disease).

(g) Commercial citrus grove. A solid set planting of 40 or more citrus trees.

(h) Commercial citrus-producing area. American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States.

(i) Exposed. Determined by the department to likely harbor citrus canker bacteria but not expressing visible symptoms, or determined by the department to likely harbor citrus greening bacteria because of proximity to infected plants or infected psyllids.

(j) Foundation tree. A citrus tree owned and maintained by the department in accordance with Rule 5B-62.014, F.A.C., that is used for horticultural evaluation and to provide a source of budwood to nurseries, primarily for establishing scion and increase trees.

(k) Infected. Citrus trees harboring citrus canker bacteria and exhibiting visible symptoms of the disease or harboring citrus greening bacteria as confirmed by laboratory diagnostic tests conducted in laboratories approved by the department or the USDA.

(l) Regulated articles. Any article capable of transporting or harboring citrus canker, citrus greening or Asian citrus psyllid.

(2) Purpose. This rule is enacted to manage the impact of citrus canker and citrus greening in commercial citrus groves. To accomplish that purpose, this rule declares citrus canker, citrus greening and the Asian citrus psyllid to be plant pests and nuisances, sets forth procedures for establishing quarantine areas, identifies regulated articles, sets forth procedures for decontaminating regulated articles, and regulates the movement of citrus nursery stock from areas quarantined for citrus greening.

(3) Declaration of citrus canker, citrus greening and Asian citrus psyllid as plant pests. Pursuant to Section 581.031(6), Florida Statutes, citrus canker, citrus greening and Asian citrus psyllid are declared to be plant pests and nuisances capable of causing serious damage to citrus.

(4) Quarantine areas.

(a) Broward County, Martin County, Miami-Dade County, Monroe County, and Palm Beach County, in their entirety are declared quarantined because of the presence of citrus greening disease.

(b) Other areas around a site where an infestation of citrus greening is known to occur will also be quarantined. The geographical boundaries of the quarantine area will be based on the potential of citrus greening being present and will encompass an area around a citrus greening infected site of approximately six square miles. Affected businesses or residents will be notified in writing unless too numerous to contact individually. In those cases, the quarantine area will be published in a major newspaper of general distribution in each area affected and through other appropriate media.

(c) The entire state of Florida is under a federal quarantine for citrus canker.

(5) Hosts of citrus greening and hosts of Asian citrus psyllid listed below are regulated articles and will be subject to the provisions of this rule.

(a) Hosts of citrus greening.

1. Aeglopsis chevalieri (Chevalier's aeglopsis).
2. Balsamocitrus dawei (Uganda powder-flask).
3. Calodendrum capensis Thunb. (Cape chestnut).
4. X Citrofortunella microcarpa (calamondin).
5. X Citroncirus webberi (citrango).
6. Citrus spp. (orange, grapefruit, tangerine, etc.).
7. Clausena indica (clausena).
8. Clausena lansium (wampee, wampi).
9. Fortunella spp. (kumquat).
10. Limonia acidissima (Indian wood-apple).
11. Microcitrus australasica (finger-lime).
12. Murraya koenigii (curry-leaf).
13. Poncirus trifoliata (trifoliolate orange).
14. Severinia buxifolia (Chinese box-orange).
15. Swinglea glutinosa (tabog).
16. Toddalia lanceolata (toddalia).
17. Triphasia trifolia (trifoliolate lime-berry).

(b) Hosts of Asian citrus psyllid only.

1. Aegle marmelos (bael, Bengal quince).
2. Afraegle gabonensis (Gabon powder-flask).
3. Afraegle paniculata (Nigerian powder-flask).
4. Atalantia sp. (atalantia).
5. Citropsis gilletiana (Gillet's cherry-orange).
6. Citropsis schweinfurthii (African cherry-orange).
7. Clausena anisum-olens (anis).
8. Clausena excavata (clausena).
9. Eremocitrus glauca (Australian desert-lime).
10. Eremocitrus hybrid (desert-lime).
11. Merrillia caloxylon (flowering merrillia).
12. Microcitrus australis (Australian round-lime).
13. Microcitrus papuana (desert-lime).
14. X Microcitronella 'Sydney' (faustrimedin).
15. Murraya paniculata (orange-jasmine).
16. Naringi crenulata (naringi).
17. Pamburus missionis (pamburus).
18. Toddalia asiatica (orange-climber).
19. Vepris lanceolata (white ironwood).
20. Zanthoxylum fagara (wild-lime).

(c) Hosts of citrus canker. All species of citrus in the subfamily Aurantioideae.

(6) Movement of regulated articles from or through a quarantine area.

(a) The movement or planting of citrus greening host plants as listed in paragraph (5)(a) from or within a citrus greening quarantine area is prohibited unless produced in compliance with Rule Chapter 5B-62, Florida Administrative Code.

(b) The movement of Asian citrus psyllid host plants that are not also hosts of citrus greening from a citrus greening quarantine area is prohibited unless treated under the supervision of the department and accompanied by an Asian citrus psyllid certificate (Temporary Certificate Of Inspection For Citrus Psyllid, DACS-08376, effective 10/05, and incorporated in this rule by reference.) and provided they are not destined to a commercial citrus producing area outside of Florida. A copy of Temporary Certificate of Inspection For Citrus Psyllid, DACS-08376, effective 10/05, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(c) The movement of citrus fruit from a citrus canker quarantine area is governed by USDA regulations contained in 7 CFR 301.75. There are no restrictions on citrus fruit movement from citrus greening quarantine areas.

(7) Regulated Areas. A regulated area, not to exceed a radius of one mile is hereby established around the perimeter of commercial citrus nurseries constructed on sites after April 1, 2006. A regulated area, not to exceed a radius of ten miles is hereby established around the perimeter of all sites on which foundation trees are maintained. The planting of citrus in these regulated areas is prohibited. Citrus plants within a regulated area that were planted prior to the establishment of the regulated area may remain unless they are determined to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, or citrus planted or citrus sprouted by natural means after the establishment of regulated areas. The property owner shall be responsible for the removal of such citrus. Notice of the removal of citrus trees, by immediate final order, shall be provided to the owner of the property on which such trees are located. An immediate final order issued by the department pursuant to this section shall notify the property owner that the citrus trees that are the subject of the immediate final order must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal.

(8) All citrus grove owners or caretakers, harvesters, haulers, packers, and processors must sign compliance agreements: Citrus Grower/Caretaker Compliance Agreement, DACS-08316, effective 6/06, and incorporated into this rule by reference. A copy of Grower/Caretaker Compliance Agreement, DACS-08316, effective 6/06, may be obtained

from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Processor Compliance Agreement, DACS-08356, effective 7/06, and incorporated into this rule by reference. A copy of Processor Compliance Agreement, DACS-08356, effective 7/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Packinghouse Compliance Agreement, DACS-08358, effective 8/06, and incorporated into this rule by reference.

A copy of Packinghouse Compliance Agreement, DACS-08358, effective 8/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Harvester/Handler Compliance Agreement, DACS-08359, effective 8/06, and incorporated into this rule by reference.

A copy of Harvester/Handler Compliance Agreement, DACS-08359, effective 8/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Fruit may not be harvested from a grove if a valid compliance agreement is not in place.

(9) Decontamination requirements. All harvesters, intermediate handlers, grove owners or caretakers, packers, and processors must decontaminate equipment, personnel, regulated articles in accordance with applicable compliance agreements listed in subsection (8), and have approved decontaminates on hand at all times when in a citrus grove.

(10) All non-production people entering commercial citrus groves must decontaminate equipment, personnel and regulated articles if contact with citrus does occur.

(11) Citrus grove surveys. In addition to the routine inspection of citrus groves by the department, citrus grove owners or caretakers should conduct a self-inspection of their groves every 60 days. If citrus canker or citrus greening is found, the department must be notified immediately. Failure to notify the department of citrus canker or citrus greening is a violation of Section 581.091, F.S., and this rule and is subject to penalties in accordance with Section 581.211, F.S.

(12) The Citrus Health Response Plan is hereby adopted by this rule.

Specific Authority 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), 581.184 FS. Law Implemented 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Connie Riherd, Assistant Director, Division of Plant Industry,
Department of Agriculture and Consumer Services, P. O. Box
147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Craig Meyer, Deputy
Commissioner, Florida Department of Agriculture and
Consumer Services, The Capitol, 400 South Monroe Street,
Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-1.103
 RULE TITLE: Definitions
 PURPOSE AND EFFECT: To provide for designation of certain ex officio nonvoting members to the Council.
 SUMMARY: Amends the rule to allow the appointment to the Council of ex officio nonvoting members to be appointed by the Central Florida Regional Transportation Authority, d/b/a Lynx and the Orlando-Orange County Expressway Authority.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory cost must do so within twenty-one (21) days of this notice.

SPECIFIC AUTHORITY: 186.505 FS.

LAW IMPLEMENTED: 186.505 FS.

IF REQUESTED WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerald S. Livingston, 215 South Monroe Street, 2nd Floor, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

29F-1.103 Definitions.

- (1) Council – the East Central Florida Regional Planning Council.
- (2) Council Member(s) – representatives appointed by the Governor or by a member local government or League of Cities.
- (3) Elected official – a member of the governing body of a municipality or county or a county elected official chosen by the governing body.

(4) Ex Officio Nonvoting Member – the ex officio nonvoting members identified in Section 186.504, Florida Statutes, together with an ex officio nonvoting member appointed by the Central Florida Regional Transportation

Authority d/b/a Lynx and an ex officio nonvoting member appointed by the Orlando-Orange County Expressway Authority.

~~(5)(4)~~ Department – the Florida Department of Community Affairs.

~~(6)(5)~~ Federal or federal government – the government of the United States of America or any department, commission, agency or instrumentality thereof.

~~(7)(6)~~ Local general-purpose government – any municipality or county created pursuant to the authority granted under Section 1 and 2, Article VIII of the Constitution for the State of Florida.

~~(8)(7)~~ Member government – any county or any association representing a group of municipalities located within the Region.

~~(9)(8)~~ Population – the population according to the current determination by the executive office of the Governor pursuant to Section 186.901, Florida Statutes, for revenue sharing purposes.

~~(10)(9)~~ Principal member unit – each of the counties in the Region.

~~(11)(40)~~ Region or East Central Florida Region – the geographical area, including both land and water, within or adjacent to the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia.

~~(12)(41)~~ State or State government – the government of the State of Florida, or any department, commission, agency or instrumentality thereof.

~~(13)(42)~~ Strategic regional policy plan – a long-range guide for physical, economic and social development of the Region that identifies goals, objectives and policies.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History–New 9-22-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Laurien

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Laurien

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE NOS.: 61B-25.001 61B-25.002 61B-25.003 61B-25.004	RULE TITLES: Mediation Definitions Volunteer and Paid Mediator Lists Procedure for Applying; Volunteer Mediators Procedure for Applying; Paid Mediators
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PURPOSE AND EFFECT: To make the certification of mediator provisions established under Chapter 718, Florida Statutes, applicable to cooperatives under paragraph 719.501(1)(n), Florida Statutes, and to correctly refer to the appropriate section of Chapter 718, Florida Statutes.

SUMMARY: The Condominium Act (Chapter 718, Florida Statutes) and the Cooperative Act (Chapter 719, Florida Statutes) each contain provisions for mediation of certain disputes. The Legislature gave the Division of Florida Land Sales, Condominiums and Mobile Homes authority to adopt rules specifying additional factors for certification of mediators for condominium disputes under paragraph 718.501(1)(l), Florida Statutes, and for cooperative disputes under paragraph 719.501(1)(n), Florida Statutes. The proposed amendments to these rules would correct the reference to the applicable section of Chapter 718, Florida Statutes, and add the appropriate reference to Chapter 719, Florida Statutes to make the same provisions applicable to mediation of cooperative disputes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 718.501, 719.501 FS.

LAW IMPLEMENTED: 718.501(1)(l), 719.501(1)(n) 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: December 26, 2006, 11:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-25.001 Mediation Definitions.

For purposes of Sections 718.501(1)(l)~~(m)~~ and 719.501(1)(n), Florida Statutes, the following definitions shall apply:

(1) through (2) No change.

Specific Authority 718.501, 719.501 FS. Law Implemented 718.501(1)(l)~~(m)~~, 719.501(1)(n) FS. History—New 3-18-93, Formerly 7D-25.001, Amended 12-2-97,_____.

61B-25.002 Volunteer and Paid Mediator Lists.

(1) The division will maintain lists of both volunteer and paid mediators who have met the requirements of Sections 718.501(1)(l)~~(m)~~ and 719.501(1)(n), Florida Statutes, and these rules. The lists will include the name, address, and telephone number of each applicant who has met the statutory and rule requirements for appearing on the lists. Names shall be removed from the lists as provided in this rule.

(2) through (4) No change.

Specific Authority 718.501, 719.501 FS. Law Implemented 718.501(1)(l)~~(m)~~, 719.501(1)(n) FS. History—New 3-18-93, Formerly 7D-25.002, Amended 12-2-97,_____.

61B-25.003 Procedure for Applying; Volunteer Mediators.

(1) A person who has met the requirements of Sections 718.501(1)(l)~~(m)~~ and 719.501(1)(n), Florida Statutes, and these rules, and who wishes to be placed on a list of volunteer mediators maintained by the division, shall submit a completed BPR Form 33-035, APPLICATION FOR VOLUNTEER MEDIATOR, incorporated herein by reference and effective 3-18-93, and supporting documentation of training or experience to the Division of Florida Land Sales, Condominiums and Mobile Homes, ~~Bureau of Condominiums~~, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1033. A copy of BPR Form 33-035, may be obtained by writing to the Division of Florida Land Sales, Condominiums and Mobile Homes at the address stated in this paragraph.

(2) through (3) No change.

Specific Authority 718.501, 719.501 FS. Law Implemented 718.501(1)(l)~~(m)~~, 719.501(1)(n) FS. History—New 3-18-93, Formerly 7D-25.003, Amended 12-2-97,_____.

61B-25.004 Procedure for Applying; Paid Mediators.

(1) A person who has met the requirements of Sections 718.501(1)(l)~~(m)~~ and 719.501(1)(n), Florida Statutes ~~(1997)~~, and these rules, and is certified by the Florida Supreme Court to mediate court cases in either county or circuit courts, and who wishes to be placed on a list of paid mediators maintained

by the division, shall submit a completed DBPR Form CO 6000-33-042, APPLICATION FOR PAID MEDIATOR, incorporated herein by reference and effective 12-2-97, and supporting documentation to the Division of Florida Land Sales, Condominiums and Mobile Homes, ~~Bureau of Condominiums~~, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1033. A copy of DBPR Form CO 6000-33-042, may be obtained by writing to the Division of Florida Land Sales, Condominiums and Mobile Homes at the address stated in this paragraph.

(2) through (3) No change.

Specific Authority 718.501, 719.501 FS. Law Implemented 718.501(1)(~~m~~), 719.501(1)(n) FS. History--New 3-18-93, Formerly 7D-25.004, Amended 12-2-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-11.019 Internal Control System

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the operation of a cardroom, record keeping and reporting requirements for cardrooms, and the collection of taxes and fees imposed by Section 849.086, Florida Statutes.

SUMMARY: The rule addresses the following subject matter areas: the internal control system of a cardroom licensee for the play of a series of games of poker.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (7), (12), (14) FS.

LAW IMPLEMENTED: 849.086 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: January 4, 2007, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-11.019 Internal Control System.

(1) No change.

(2) Failure of any cardroom operator to follow the internal controls once filed with the division shall be a violation of these rules. A cardroom operator is responsible for compliance with its internal control system.

(3) No change.

(4) Each cardroom operator's internal control procedures shall comply at a minimum with Section 849.086, Florida Statutes, the rule promulgated thereunder, and the following requirements:

(a) The cardroom operator shall provide a cardroom manager or supervisor. The cardroom manager or supervisor shall have the authority to control all activity and all cardroom employees when the cardroom is operating.

(b) Transfers between imprest trays and the cardroom bank shall be authorized, documented, and verified by a supervisor.

(c) Playing cards, both used and unused, shall be maintained in a secure location to prevent unauthorized access and reduce the possibility of tampering.

(d) Tokens and chips shall be stored in a secure location. Records documenting the inventory of tokens and chips shall be current and accurate.

(e) The amount of the main cardroom bank shall be counted, recorded, and reconciled on at least a per shift basis, but not less than once daily.

(f) All transactions that flow through the cardroom bank shall be summarized on a per shift basis.

1. Increases and decreases to the cardroom bank inventory shall be supported by documentation.

2. Cardroom bank inventories shall be counted by at least two persons and recorded at the end of each shift, but not less than once daily.

3. Information shall be summarized and posted to the accounting records on a daily basis.

(g) Internal audits shall be performed every six months of operation and shall include documentation of material exceptions to internal controls.

(h) At the close of each shift, but not less than once daily, the cardroom operator shall:

1. Count and record on the Daily Control Sheet the amount of chips or tokens and currency for each table.

2. Make a fill or credit to bring the imprest bank tray back to its beginning balance.

3. Document beginning and ending inventories if final fills are not made.

4. Verify that the beginning and ending inventories are made by a supervisor.

5. Ensure that drop boxes are removed from tables by two employees, one of whom shall be independent of the supervisor of the shift that is being dropped.

6. Ensure that drop boxes are transported at all times by a minimum of two employees, one of whom shall be independent of the supervisor of the shift being dropped.

7. Ensure that drop boxes shall be transported immediately to the count room or other secure place and locked in a secure manner until the count takes place.

(i) The soft count shall be performed by a count team with a minimum of three persons.

(j) Count team members shall be rotated on a routine basis. The rotation shall be such that the team is not the same three individuals more than three days per week.

(k) The count team shall be independent of transactions being reviewed and counted, and independent of the subsequent accounting of soft drop proceeds.

(l) Drop boxes shall be individually emptied and counted on the count room table.

(m) The contents of each box shall be counted and verified by the count team. The count shall be legibly recorded on the count sheet in ink prior to commingling the funds from other boxes.

(n) Drop boxes, when empty, shall be shown to another member of the count team, and either to another person who is observing the count or to recorded surveillance.

(o) Orders for fill, original, and first copies shall be matched or otherwise reconciled by the count team; fills shall be traced and recorded on the count sheet.

(p) Opening and closing inventory forms shall be examined and traced to, or recorded on, the count sheet.

(q) Corrections to information originally recorded by the count team or to soft count documentation shall be made by crossing out the error, entering the correct figure, and entering the initials of at least two count team members who verified the change.

(r) The count shall be verified by the signature of all members of the count team.

(s) All monies and tokens shall be turned over to the cage cashier for verification.

(t) The cage cashier shall certify, by signature, the accuracy of the money, tokens, and chips received from the count team.

(u) Drop box keys shall be maintained by a department independent of the pit department.

1. Drop boxes shall require dual keys, one release key for the table and one for the contents.

2. Only a person authorized to remove the drop boxes from the tables shall be allowed access to the release keys. Count team members shall be authorized to have access to the release keys during soft count order to reset drop boxes.

3. Drop box release keys and drop box contents keys shall require separate custodians.

4. If drop box storage racks are used, a separate lock with a separate custodian other than the release and contents keys custodians shall be required.

5. Persons authorized to access the drop storage rack shall be precluded from having access to drop box contents keys.

6. Only count team members shall be allowed access to box contents keys.

7. For emergencies or repairs, all access to keys shall be documented in a log; the log entry shall include written justification, time, date and the signatures of at least two persons.

8. At least two count team members shall be required to be present at the time count room keys and other soft count keys are issued.

9. All duplicate keys shall be maintained in a manner to provide control over drop boxes as required for the original key.

(4) The division will use standards set forth in the "Minimum Internal Control Standards," herein incorporated by reference, to determine whether the requirements of Section 849.086, F.S., and the rules promulgated thereunder are complied with in the submitted internal control system. If the

~~submitted system is disapproved, the division shall provide a written report detailing the deficiencies and will make suggestions in the report on how the deficiencies can be corrected.~~

(5) (a) A floor plan based on a scale of one quarter inch equals one foot and demonstrates the placement or location of the following:

1. Each cardroom table and its corresponding table number;

2. Security cameras and other surveillance equipment;

3. The exact location of the designated cardroom gaming area of the applicant's facility. Any designated cardroom gaming area shall be separated by a check-in area where the cardroom licensee shall check identifications of players prior to being seated for play or shall have controlled entry and exit points where the cardroom licensee shall check identifications to ensure no persons under eighteen (18) years of age are allowed access to the designated cardroom gaming area.

(b) A cardroom licensee who proposes to make changes to the floor plan shall submit the proposed changes to the division for review. The division shall review the proposed changes for compliance with the security standards set forth in these rules prior to approving the changes. Floor plan changes shall not be made without the approval of the division. The division shall notify the cardroom licensee in no less than 30 days of whether it approves the new floor plan.

(6) Each cardroom licensee who conducts a series of games of poker for a fee that is contributed to the overall pot shall submit an internal control system for the conduct of such a series of games of poker. The internal controls for a series of games of poker shall at a minimum include the following:

(a) A written methodology that ensures the fee to be contributed to the overall pot for the games to be played in a series of games of poker does not exceed the wagering limitation of a maximum \$2 per bet with no more than three raises in any round as provided by Section 849.086(8), Florida Statutes;

(b) A written methodology by which the cardroom operator will charge a fee for participation for the series of games of poker;

(c) Procedures for the conduct of the series of games that shall include a written description of the following:

1. The minimum number of games to be played in the series of games, or the minimum time duration of the series of games;

2. The point values of chips used in a series of games of poker;

3. The appearance of chips used in a series of games of poker that shall be visually distinct from those used in regular play;

4. The responsibilities and procedures of the dealer in conducting the games;

5. A patron dispute resolution process; and

6. A limitation to card games of poker as indicated on the current cardroom license.

(d) A methodology to ensure that prizes do not exceed the pot created from the total fees for each series of games minus any fee for participation that is charged by the cardroom operator pursuant to Section 849.086(10), Florida Statutes;

(e) Procedures for annual training of cardroom employees for a series of games of poker and associated internal controls established by the cardroom operator;

(f) An inclusion in the monthly remittance report filed with the division in conjunction with the report required by Section 849.086(13), Florida Statutes, shall include a daily accounting of the following:

1. The total amount collected by the cardroom operator for games played in a series of games;

2. The total amount of participation fees collected by the cardroom;

3. The total number of participants in series of games of poker played;

4. The total amount distributed to winning participants;

5. The taxable gross receipts amount;

6. Calculation of total tax due to the State of Florida.

(7) The internal control system required by subsection (5) shall be submitted to the division under the signature of the cardroom manager and the general manager. No series of games of poker shall be played until the internal control system for that series of games has been approved by the division. The cardroom manager shall be responsible for ensuring that any series of games shall only be played under internal controls approved by the division.

(8) The division shall review and approve or disapprove the internal control system within 30 days of receipt. An internal control submission shall be disapproved by the division for any of the following:

(a) The internal controls do not meet the requirements in subsections (1) through (7) above;

(b) Any game or series of games played is not poker; or

(c) Players are allowed to wager in excess of the wagering limitation found in Section 849.086(8)(b), Florida Statutes.

Specific Authority 550.0251(12), 849.086(4), (7), (12), (14) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Simone Marstiller, Secretary,
Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 16, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.091	Jobs Compendium Requirement
61D-14.092	Content of Jobs Compendium
61D-14.093	Critical Staff Level List
61D-14.094	Department Approval of Critical Staff Level List Requirement
61D-14.095	Critical Staff Level Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rules address the following subject areas: a rule requiring a jobs compendium of each licensed slot operations facility to classify all positions for licensure and operational evaluations contained in Rule 61D-14.091, F.A.C.; specify the content of the jobs compendium providing a description of required information and form for presentation for department approval contained in Rule 61D-14.092, F.A.C.; a requirement for a critical staff level list to reflect the minimum number of employee positions necessary to operate a licensed facility during normal periods of operation and also during special occasions or events contained in Rule 61D-14.093, F.A.C.; procedures for approval of the Critical Staff Level List contained in Rule 61D-14.094, F.A.C.; a requirement that facilities assure staffing levels meet critical staff level requirements for operations contained in Rule 61D-14.095, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 551.103, 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (g), (i) 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: January 4, 2007, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:61D-14.091 Jobs Compendium Requirement.

(1) Each applicant for a slot machine license shall prepare and maintain a jobs compendium consistent with the requirements of this section detailing job descriptions and lines of authority for all personnel engaged in the operation of the slot machine facility.

(a) Unless otherwise directed by the division, a jobs compendium shall be submitted to the division for approval prior to the projected date of issuance of a license to operate.

(b) The division shall review each jobs compendium and shall determine whether the job descriptions and tables of organization contained therein conform to the licensing requirements of the Florida Statutes and associated administrative regulations.

(c) If the division finds any insufficiencies, it shall specify the same in writing to the slot machine license applicant, who shall make appropriate alterations to the compendium.

(2) When the division determines a submission to be adequate with respect to licensing, it shall notify the slot license applicant accordingly.

(3) No slot machine licensee shall commence operations unless and until its jobs compendium is approved by the division.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History—New _____.

61D-14.092 Content of Jobs Compendium.

(1) A jobs compendium shall include the following sections, in the order listed:

(a) An alphabetical table of contents listing the position title and job code for each job description included in subparagraph (1)(b)3. below and the page number on which the corresponding job description may be found:

(b) A table of organization for each department, including all positions regardless of whether the positions require a license, and illustrating by position title, direct and indirect lines of authority within the department. Each page of a table of organization shall specify the following:

1. The date of its submission;
2. The date of the previously submitted table of organization which it supersedes; and
3. A unique title or other identifying designation for that table of organization.

(c) A description of each employee position which accurately corresponds to the position title as listed in the table of organization and in the alphabetical table of contents. Each position description shall be contained on a separate page, organized by departments, and shall include, at a minimum, the following:

1. Position title and corresponding department;
2. Salary range;
3. Job duties and responsibilities;
4. Detailed descriptions of skills, abilities and educational requirements;
5. Projected number of employees in the position;
6. Equal employment opportunity class or subclass;
7. Proposed licensed level – professional or general;
8. The date of submission of each employee position job description and the date of any prior job description it supersedes; and
9. The date of submission and page number of each table of organization on which the employee position title is included.

(2) A slots licensee shall not be required to comply with the filing requirements of paragraph (1)(c) above for amendments to job descriptions for the following positions:

(a) Positions which do not require a slots individual occupational license, provided that the slots licensee files with the division a notice of any addition, deletion or amendment to any position that requires slots individual occupational license.

(b) Such notice shall include the title, department, job code, salary grade and table of organization on which that position is identified.

(3) Notwithstanding any other requirement, each slots licensee shall submit a complete and up-to-date jobs compendium every two years, unless otherwise directed by the division.

(4) Each slots licensee shall maintain in its Human Resources and Surveillance Department a complete, updated copy of its jobs compendium which shall be made available for review upon the request of the division.

(5) Whenever required by this section, a slots licensee shall file three copies of a jobs compendium and three copies of an amendment to a jobs compendium with the division. Each copy shall include a cover indicating the name of the slots

licensee or applicant, the date of the submission and the label “Jobs Compendium Submission” or “Jobs Compendium Amendment” as appropriate.

(6) No provision of this section or any other division rule shall be construed so as to limit a slot machine licensee’s discretion in utilizing a particular job title for any position in its jobs compendium.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New _____.

61D-14.093 Critical Staff Level List.

A jobs compendium shall also include a separate section as part of the compendium that identifies Critical Staff Levels for each identified position necessary to commence daily operations and the site where that position is required. The Critical Staff Level List shall include the following:

(1) An alphabetical table listing each position title and job code for each job identified within the jobs compendium;

(2) A column reflecting the total number of positions required for that facility;

(3) A column reflecting the minimum number of positions that must be present to permit normal operation by day of week and by shifts to include full and part time coverage;

(4) A column reflecting the minimum number of positions that must be present to permit normal closed hours of operation.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New _____.

61D-14.094 Department Approval of Critical Staff Level List Requirement.

(1) Each facility shall submit its Critical Staff Level List to the division for approval prior to commencing operations at its facility.

(a) The division shall review the Critical Staff Level List and provide approval or disapproval of the following:

1. Stated positions in Critical Staff Level List;

2. Stated number of individuals assigned to each identified position;

(b) Additionally, where appropriate, the division shall provide additional concerns of position requirements, number of individuals required for each position and physical location of positions as necessary. The division and facility representatives may meet as necessary to reconcile the Critical Staff Level List on an as-needed basis.

(2) Each facility shall have an approved Critical Staff Level List prior to commencing operation. No facility may conduct slot operations unless and until it has obtained approval from the division and an approved Critical Staff Level List.

(a) Operating a facility without a current Critical Staff Level List approved by the division is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.

(b) Failure to obtain approval of the Critical Staff Level List and approval for any updates to that list is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.

(c) Failure to have the current approved Critical Staff Level List available within the facility is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.

(3) Each facility shall submit updates to its approved Critical Staff Level List for approval at least fourteen (14) days prior to proposed implementation of the requested changes.

(a) The division shall review the updated Critical Staff Level List and provide approval or disapproval of the following:

1. Changes to the stated positions in Critical Staff Level List:

2. Changes to the stated number of individuals assigned to each identified position:

(b) Additionally, where appropriate, the division shall provide additional concerns for changes in position requirements, changes in the number of individuals required for each position and physical location of positions based upon the division’s assessment of current operations as necessary. The division and facility representatives may meet as necessary to reconcile the Critical Staff Level List on an as needed basis.

(c) The updated Critical Staff Level List shall not be implemented until the division’s review and final approval is completed.

(4) The approved Critical Staff Level List in current use within the facility will be immediately available to facility supervision and division personnel for purposes of reviewing appropriate levels of staffing at any point during facility operations.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New _____.

61D-14.095 Critical Staff Level Requirements.

(1) Each slot licensee is required to maintain staffing levels consistent with:

(a) The minimum number of positions identified for operation of the facility.

(b) The minimum number of staff personnel on site during each day of facility operation who possess the appropriate level of experience, responsibility, authority, training and experience as required by the Critical Staff Level List at that time approved by the division for operation of the facility.

(c) The minimum number of staff personnel at each designated location within the facility as required by the Critical Staff Level List during each day and shift of facility operation.

(2) Each slot licensee is required to report to the division immediately any days or shifts where Critical Staffing Level requirements are not met. Additionally, within 24 hours or by the end of the next business day, submit a written statement to the division explaining the reason for the deficiency and the appropriate action taken or that will be taken in the future to assure critical staffing levels are met.

(3) Licensee’s failure to demonstrate that the minimum staffing levels necessary are present, on site and in position for operation of the facility during all hours of the slot facility operation is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-13	Licensed Out of Home Care
RULE NOS.:	RULE TITLES:
65C-13.001	Definitions
65C-13.002	Private Agency Foster Homes
65C-13.003	Pre-Service and In-Service Training
65C-13.004	Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes
65C-13.005	Changes During the Licensed Year
65C-13.006	Relicensing Procedures
65C-13.007	Respite Care
65C-13.008	Prospective Foster Parent Inquiries
65C-13.009	Parent Preparation and Mutual Selection

<p>65C-13.010</p> <p>65C-13.011</p> <p>65C-13.012</p> <p>PART II</p> <p>65C-13.013</p> <p>65C-13.014</p> <p>65C-13.015</p> <p>65C-13.016</p> <p>65C-13.017</p> <p>65C-13.018</p> <p>65C-13.019</p> <p>65C-13.020</p> <p>65C-13.021</p> <p>65C-13.022</p> <p>65C-13.023</p> <p>65C-13.024</p> <p>65C-13.025</p> <p>65C-13.026</p> <p>65C-13.027</p> <p>65C-13.028</p> <p>65C-13.029</p> <p>65C-13.030</p> <p>65C-13.031</p> <p>65C-13.032</p> <p>65C-13.033</p> <p>65C-13.034</p>	<p>Substitute Care Parents' Role as a Team Member</p> <p>Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes</p> <p>Substitute Family Records</p> <p>POLICIES AND PROCEDURES FOR SUBSTITUTE CARE</p> <p>Definitions and Glossary</p> <p>Entry into Foster Care</p> <p>The Prevention and Management of Sexual Assault in Foster Care</p> <p>Health Care</p> <p>Services for HIV Infected Children</p> <p>Services to Parents of Children in Foster Care</p> <p>Administrative Review</p> <p>Permanency Staffings</p> <p>Post-Placement and Protective Supervision</p> <p>Background Screening Requirements</p> <p>Pre-service Training</p> <p>Initial Licensing Procedures</p> <p>In-Service Training</p> <p>Changes During the Licensed Year</p> <p>Re-Licensing</p> <p>Licensed Out-of-Home Caregiver's Role as a Team Member</p> <p>Standards for Licensed Out-of-Home Caregivers</p> <p>Terms of a License</p> <p>Capacity, Placement and Waivers</p> <p>Babysitting, Respite and Other Supervision</p> <p>Complaint Investigations</p> <p>Administrative Actions, Appeals and Closures</p>	<p>A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:</p> <p>DATE AND TIME: January 4, 2007, 9:00 a.m.</p> <p>PLACE: Building 6, Room 164, 1317 Winewood Blvd., Tallahassee, FL</p> <p>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chris Lolley, (850)921-1928, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399</p> <p>THE FULL TEXT OF THE PROPOSED RULES IS:</p> <p>(Substantial rewording of Rule 65C-13 follows. See Florida Administrative Code for present text.)</p> <p>65C-13.001 Definitions.</p> <p><u>All definitions for Chapter 65C-13, F.A.C., are located in Rule 65C-30.001, F.A.C.</u></p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Amended 7-18-95, Formerly 10M-6.015, Amended 11-30-97,_____.</p> <p>65C-13.002 Private Agency Foster Homes.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.016, <u>Repealed</u>_____.</p> <p>65C-13.003 Pre-Service and In-Service Training.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.017, <u>Repealed</u>_____.</p> <p>65C-13.004 Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.018, <u>Repealed</u>_____.</p> <p>65C-13.005 Changes During the Licensed Year.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.019, <u>Repealed</u>_____.</p> <p>65C-13.006 Relicensing Procedures.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.020, <u>Repealed</u>_____.</p> <p>65C-13.007 Respite Care.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.022, <u>Repealed</u>_____.</p> <p>65C-13.008 Prospective Foster Parent Inquiries.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 7-18-95, Formerly 10M-6.0221, <u>Repealed</u>_____.</p> <p>65C-13.009 Parent Preparation and Mutual Selection.</p> <p>Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.023, <u>Repealed</u>_____.</p>
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PURPOSE AND EFFECT: This rule outlines the procedures that the Department and contracted agencies will use in performing licensing of Foster Homes and Child Placing Agencies.

SUMMARY: Licensed Out of Home Care.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 39.0121, 409.175(5)(a) FS.

LAW IMPLEMENTED: 39.402, 409.145, 409.165, 409.175, 435.04, 435.07 FS.

65C-13.010 Substitute Care Parents' Role as a Team Member.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.024, Amended 11-30-97, Repealed.

65C-13.011 Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.025, Amended 11-30-97, Repealed.

65C-13.012 Substitute Family Records.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 5-27-92, Formerly 10M-6.028, Repealed.

65C-13.013 Definitions and Glossary.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.45, 409.145, 409.165 FS. History--New 5-20-92, Amended 7-18-95, Formerly 10M-6.125, Repealed.

65C-13.014 Entry into Foster Care.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.126, Repealed.

65C-13.015 The Prevention and Management of Sexual Assault in Foster Care.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.132, Repealed.

65C-13.016 Health Care.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.45, 39.46, 409.145, 409.165, 743.0645 FS. History--New 5-20-92, Formerly 10M-6.138, Repealed.

65C-13.017 Services for HIV Infected Children.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.45, 39.46, 381.004, 384.29, 384.30, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.140, Repealed.

65C-13.018 Services to Parents of Children in Foster Care.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.143, Amended 9-10-98, Repealed.

65C-13.019 Administrative Review.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.148, Repealed.

65C-13.020 Permanency Staffings.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.46, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.150, Repealed.

65C-13.021 Post-Placement and Protective Supervision.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History--New 5-20-92, Formerly 10M-6.152, Repealed.

65C-13.022 Background Screening Requirements.

(1) The department shall conduct background screenings for all persons considered by the department for initial licensure or re-licensure as an out-of-home caregiver and all adult household members pursuant to Section 409.175, F.S. These screenings shall be completed before an applicant shall be licensed as an out-of-home caregiver and before any children are placed in the home. Exemptions from disqualification may be granted to any potential licensed out-of-home caregiver according to Section 435.07, F.S.

(2) These screenings shall, at a minimum, include fingerprinting; statewide criminal and juvenile records checks through the Florida Department of Law Enforcement; federal criminal records checks through the Federal Bureau of Investigation; local criminal record checks through local law enforcement agencies, including records of any responses to the home by law enforcement that did not result in criminal charges; records checks through the department's Florida Abuse Hotline and Statewide Automated Child Welfare System (SACWIS) regarding child abuse and neglect investigations and civil court records checks regarding domestic violence complaints and orders of protection. If the applicant or any other adult household member has resided in any other state over the past five years, requests for abuse and neglect histories must be made of those states, and the results of such requests included with the application packet. Only abuse and neglect reports in which the person being considered for licensure was named as the "caregiver responsible" for the abuse or neglect may be used for initial licensing decisions. If the person applying is or was a licensee of the department and had three or more reports, in which they were named in any capacity over the past five years regardless of classification, those reports may be considered as part of the licensing decision.

(3) Each applicant and adult household member being screened shall sign an Affidavit of Good Moral Character (CF 1649) and a Release of Information for Foster/Adoptive Parent Information (CF FSP 5090). Failure to comply with any requirement for good moral character and background screening as described in this rule may be grounds for denial, suspension or revocation of an application or license.

(4) Each applicant and adult household member being screened under this section shall provide all the names, under which he or she has been known.

(5) For children between the ages of twelve and eighteen, the background screening shall be limited to statewide criminal and juvenile records name checks through the Florida Department of Law Enforcement and does not require fingerprinting. Screening of young adults age 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) The background screenings under this section shall ensure that no licensed out-of-home caregiver licensed by the department and no person residing in a family foster home has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense prohibited under Section 435.04, F.S., or similar statutes of another jurisdiction at any time. 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 act to 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, unless otherwise prohibited, 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. These records shall be considered even if they do not specifically constitute a disqualifying criminal offense. 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 disqualifiers for licensing.

(8) 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.

(9) 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. The state criminal records checks shall be completed every five years through the Florida Department of Law Enforcement. Annual screening for re-licensure shall be limited to a local criminal records check, including records of any responses to the home by law enforcement that did not result in criminal charges, and any 911 calls and a Florida Abuse Hotline check. Abuse and neglect reports may only be

used for re-licensing decisions when the applicant was named in any capacity in three institutional reports, regardless of classification over the past five years.

Specific Authority 39, 409, 435 FS. Law Implemented 39.121, 409.175, 435.04 FS. History--New _____.

65C-13.023 Pre-service Training.

(1) All prospective out-of-home caregivers shall successfully complete a department approved parent preparation training as a condition of licensure.

(2) 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. As a prerequisite to licensure, foster and emergency shelter parents who have swimming pools or whose homes are adjacent to bodies of water unprotected by a barrier of at least four 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 wading pools, which are temporary, and portable pools with a depth of less than two feet.

(3) Each pre-service class shall be led by a certified child protection professional according to Section 402.40(7), F.S., who has a bachelor's degree or a master's degree from an accredited college or university, and should include an experienced licensed out-of-home caregiver as a co-facilitator.

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

(5) Individualized training may be completed with the approval of the lead agency. If individualized training is done, the certified trainer is responsible for complying with the same requirements set forth for group pre-service training in Section 409.175, F.S.

(6) Prospective foster and adoptive parents may elect to attend pre-service training as defined in subsection (2) of this section, offered by any licensed child placing agency. Agencies are expected to work cooperatively with each other and prospective licensed out-of-home caregivers to ensure the ongoing availability of pre-service training for all prospective out-of-home caregivers.

(7) Exemptions to the pre-service training may be made for individuals who have successfully completed pre-service training equivalent to the pre-service training offered by the local supervising agency, provided the training was completed within the last five years and the individual(s) provide(s) proof of successful completion. Supervising agencies may request any information regarding the curriculum completed for the purposes of making a recommendation to the department. The department shall review the curriculum content and consider the recommendation of the supervising agency in determining

whether the individual may be exempt from attending the pre-service training offered by the supervising or child placing agency.

(8) When an individual successfully completes pre-service training but does not continue the licensing process, the supervising agency staff shall document the reason(s) the process was discontinued. Previously completed pre-service training may be accepted towards licensure for up to five years from the date of verified curriculum completion. Previously licensed out-of-home caregivers who have a break in service of less than one year, but who completed pre-service less than four years prior to requesting renewal may be licensed without completing pre-service.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New _____.

65C-13.024 Initial Licensing Procedures.

(1) General.

(a) Each applicant wishing to become a licensed out-of-home caregiver shall complete the Application for Licensure to Provide Foster Care (CF-FSP 5007). Married persons living together shall both sign the application. Any person who requests an application either verbally or in writing shall be provided one unless previously denied.

(b) The supervising agency completing the home study shall, at a minimum, conduct two 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 findings 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) References.

(a) The supervising agency responsible for completing the home study shall obtain references from the applicants, which reflect a sufficient knowledge of each applicant's suitability to provide out-of-home care for children. References may be obtained in writing or documented based on conversations with the person giving the reference. There shall be a minimum of three personal references. Individuals providing references shall not be related to the applicant being screened and shall have known the applicant for at least two years.

(b) References shall be obtained 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 license or not to license.

(c) The agency shall obtain a current employment reference for each applicant. At a minimum, this reference shall include sufficient information to establish or corroborate the current employment. If current employment is less than two consecutive years in duration, secondary employment references shall be obtained. If the applicant is self-employed, a reference from a current customer or associate of the applicant shall meet this requirement. If an applicant is not currently employed a former employer or additional personal reference shall suffice.

(d) The agency shall obtain references from school personnel of each school age child residing in the home.

(e) References shall be obtained from the childcare provider of any preschool age child who is enrolled in a childcare program.

(f) Two neighbor or in the absence of neighbors, community member references shall also be obtained, including but not limited to the name and address of the neighbor or community member, how long he or she has known the applicant, and any concerns about the applicant's suitability to become a licensed out-of-home caregiver regarding disturbances caused by the applicant and law enforcement involvement.

(3) Verifications.

(a) The applicant shall provide the agency with proof of his or her current marriage and all divorce decrees as applicable, documentation of legal residency, driver's licenses, auto insurance coverage, financial capability and income, child support verification, and pet vaccinations.

(b) The prospective out-of-home caregiver shall have read completed and signed all documentation required for licensing and shall be provided copies of all documents signed upon request.

(4) Employees, Relatives and Sub-Contractors as Licensed Out-Of-Home Caregivers. Districts, Regions, Zones, County Sheriff's Offices and Lead Agencies may choose to license employees as out-of-home caregivers 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 lead agency's service delivery system and submitted to the department for approval;

(c) The lead agency has a procedure approved by the department which requires the executive director or designee in upper level management of the lead agency to review and approve the submission of all such applications to the department.

(5) Initial Licensing Home Study. A certified child protection professional 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.

(b) Pre-service Experience:

1. Dates of pre-service training and a description of the applicant's participation in the pre-service 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) Chronology of events. Include dates of home visits and persons interviewed;

(d) 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, living area, dining area and other interior space.

2. A description of the home safety observations including location and verification of operating fire extinguishers with current tag and smoke detectors, storage of medications, cleaning supplies and toxins. The description shall also include the storage of alcoholic beverages, weapons and ammunition, 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 and other potential water hazards and documentation of the counselor's discussion with the applicant regarding the requirements for supervision.

(e) Animals. Description of any household pets, exotic pets, or live stock including immunization verification as required, observations of their care, behavior and how they are maintained and secured. The applicant shall have measures in place to assure safety of foster children from any potentially dangerous animals and this information shall be documented in the home study, if applicable;

(f) Social History:

1. Background and Family History.

2. Marital Status and Relationships.

3. Medical History. Medical history including physical, mental health and other treatments on all household members shall be explored, including debilitating or progressive disease or conditions. If there is a concern regarding the physical, mental or emotional health of any member of the household and possible injurious effects on a child, the applicant must supply clinical reports and evaluations upon request of the supervising agency or department. Discuss the applicant's ability to meet the licensing standard for good health. Include discussions on:

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.

5. Discipline. A description of the methods used by the applicant's own family while growing up; discipline methods used by the applicant on his or her own children and the plan for disciplining foster care children in the home.

6. Family Life. Document observations of family members' personalities and their interpersonal relationships. Describe family activities, hobbies and interests and civic involvement. For each child living in the home, describe children'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 of having a foster child in the home;

7. Religion. Describe the role religion plays in the family's life, including whether they attend a religious institution, the name of the institution, and frequency of attendance. Explore the family's attitudes regarding prohibitions against seeking medical treatment, celebrating holidays or birthdays, and discipline practices encouraged by their faith. Discuss the applicant's ability to meet the licensing standard for religious cooperation;

8. Child Care. Describe day care arrangements, including transportation to and from day care provider, if applicable;

9. Transportation. Describe the vehicles and who shall be the responsible drivers. A description of each vehicle shall include its physical condition, the seating capacity and the number of seatbelts. Seat belts or age and size appropriate safety seats shall be used when transporting children and shall comply with Section 316.613, F.S. Children shall not be transported in the beds of pick-up trucks or on motorcycles.

10. Employment. Describe current employment status for each parent, including occupation, current place of employment, work hours and flexibility of schedule in case of emergencies, medical or school appointments for foster children.

11. Financial Capacity and Income. Discuss the applicant's ability to meet the licensing standard for financial capability. The applicant shall demonstrate financial solvency by providing documentation of the household income and budget sufficient to meet the needs of the family. The additional financial stresses of fostering and how applicants intend to address that stress should also be explored;

12. Other Adult Household Members. The following information shall be obtained and documented for any other adult household members, whether or not they intend to supervise or provide care to the foster child:

a. Background Screening pursuant to Rule 65C-13.022, F.A.C.;

b. Background and Family History:

c. Medical History as set forth in subparagraph 65C-13.024(5)(f)3., F.A.C.:

d. What responsibilities they intend to have with the foster child, i.e. transportation, supervision, care giving, and other responsibilities;

e. One personal reference from a non-relative not living in the home.

13. Background Screening. The results of all background screening shall be addressed for each individual in the home over twelve years of age. Any arrests, qualifying reports of abuse and findings of protective orders shall be explored and addressed in the study. Failure to comply with any requirement for good moral character and background screening as described in this rule may be grounds for denial, suspension or revocation of an application or license. The supervising agency or the department has the discretion to request background screening for other individuals if there is reasonable belief that:

a. The person may be a household member; or

b. His or her presence in the foster home may adversely affect the health, safety and welfare of the children in the home; or

c. The person has or may have unsupervised contact with the children.

(g) Summary and Recommendations:

1. Characteristics of Applicant. The applicant shall have demonstrated all of the following characteristics to a degree that shall allow the licensee to adequately provide licensed out-of-home services, as evidenced through interviews and observations with the foster family members, communication with references, and other information considered to be effective components of a comprehensive foster home study:

a. A willingness to work with the supervising agency and the legal or adoptive parents in achieving a foster child's permanence goal as established in the child's permanency plan;

b. An understanding and respect for the importance of preserving a child's legal family connections and relationships with their family of origin or willingness to learn.

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. Itemize and address 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 appropriateness of licensure and any concerns shall be addressed.

3. If recommending licensure, provide a description of the type of children for whom the family appears most appropriate, including number of children, age, gender(s), types of behaviors, and special needs. Explore and address any limitations and under what conditions the prospective family would be willing or able to accept the child.

4. If not recommending licensure, the summary shall indicate the specific reasons for the recommendation and identify and address the standards the applicant is unable to meet.

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

(6) Application Packet Submission and Approval Process.

(a) The entire application packet shall be submitted to the district licensing authority. The district licensing authority shall request any additional information needed within ten calendar days of receipt of the packet.

(b) The application packet shall consist of the following documentation and shall be provided to the licensing authority for review when requesting issuance of a family foster home license:

1. Application for Licensure to Provide Foster Care (CF FSP 5007);

2. Release of Information for Foster/Adoptive Parent Application (CF FSP 5090);

3. Authorization for Release of Medical Information (CF FSP 5230) as needed;

4. Licensing Home Study;

5. Proof of Income;

6. Signed Bi-lateral Service Agreement (CF-FSP 5226, including Attachment A);

7. Pre-service training certificate;

8. Pre-service Biographical Profile;

9. Documentation of Water Safety training, if applicable;

10. HIPAA Confidentiality Acknowledgement;

11. Confidentiality Agreement (CF FSP 5087);

12. Verification of Criminal History Screening under subsection 65C-13.022(2), F.A.C., including:

a. Affidavit of Good Moral Character (CF 1649);

b. Local Law Enforcement and Traffic History Check;

c. Civil Court Records Check as described in Rule 65C-13.022, F.A.C.;

d. Florida Department of Law Enforcement Records Check;

e. Clearance letter from the department regarding Federal Bureau of Investigation records check;

f. Record check through the department's Statewide Automated Child Welfare Information System.

g. Abuse registry checks on applicants and adult household members from any previous state the prospective parent(s) or other adult has resided in for the previous five years.

13. References including:

a. Personal references;

b. Neighbor/Community references;

- c. Employment reference;
 - d. References from adult children;
 - e. School references on all school age children;
 - f. Childcare references for all preschool children in child care arrangements;
 - g. References and documentation regarding any previous licensing as out-of-home caregivers.
14. Forms. The packet shall contain copies of all forms that the applicant and household members are required to complete or sign as part of the licensing process.
15. Family Documents:
- a. Current marriage certificates;
 - b. All final judgments of dissolution of marriage;
 - c. Custody orders affecting applicant's children or other children the applicant may have custody of;
 - d. Documentation of legal residency for applicants not born in the United States;
 - e. Driver's license(s);
 - f. Vehicle insurance.
 - g. A copy of the Bi-lateral Service Agreement signed by the applicant(s).
16. Foster Home Safety Documentation:
- a. Approved environmental health inspection report from the local health department;
 - b. Radon testing results (when applicable);
 - c. Fire inspection report (where required by local zoning laws);
 - d. Floor plan;
 - e. Evacuation and disaster preparedness plans;
 - f. Pet vaccinations (if applicable).
- (7) The department has the right to deny licensure of applicants based on grounds contained in Section 409.175(9)(b), F.S.
- (8) The district licensing authority is responsible for the issuance of the license.
- (9) If the family foster home is located in a district or region other than where the submitting supervising agency is located, the application packet shall be submitted to the district or regional licensing authority where the prospective family foster home is located. The district or regional licensing authority shall provide written notification of the outcome of the application to the supervising agency and licensing authority in the district where the supervising agency is licensed.
- (10) If the application packet is approved, a license is issued to the applicant(s). The license shall reflect 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 district administrator or designee within 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.

(11) A copy of the license shall be provided by the licensing authority to the supervising agency.

(12) When the department determines that the application shall be denied, the department shall 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.

(13) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.034, F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New _____.

65C-13.025 In-Service Training.

(1) Newly licensed out-of-home caregivers shall complete in-service training regarding the provision of psychotherapeutic medications within 120 days of initial licensure. A briefing regarding the provision and monitoring of psychotherapeutic medication shall be provided to the out-of-home caregivers at the time of placement of any child in the home who requires the administration of psychotherapeutic medication. The briefing shall consist of a review of the proper dosage of the medication, the possible side effects and intended effects of the specific medications administered to the child being placed. All training shall be offered through curricula approved by the supervising agency.

(2) Prior to the renewal of a license each out-of-home caregiver shall successfully complete at least eight hours of approved in-service training. Licensed out-of-home caregivers shall be offered in-service training opportunities by their supervising agency. Training opportunities shall be offered no less than quarterly and at times and places convenient to the out-of-home caregiver. For those out-of-home caregivers unable to attend, other methods shall be developed for satisfying this requirement. In-service training materials shall be approved by the supervising agency prior to use. Documentation of completed training shall be maintained in the licensure file.

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

(4) If the absence of the caregiver(s) would leave children without approved adult supervision, the training provider shall make provisions for childcare or shall reimburse the caregiver for childcare expenses if it is not provided.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New _____.

65C-13.026 Changes During the Licensed Year.(1) General Requirements.

(a) The licensed out-of-home caregiver shall report events resulting in an arrest or other adverse law enforcement involvement of a household member; a change in marital status; a change in household composition; a change of the physical address, or a serious health issue regarding a household member, to the supervising agency within twenty-four hours. Failure to do so may be reason to suspend, deny or revoke a license.

(b) The following occurrences shall be reported by the out-of-home caregiver to the supervising agency upon occurrence or prior to the upcoming event when possible:

1. Change in marital status;
2. Change in household composition;
3. Arrests or other law enforcement involvement of any household member;
4. Change of telephone number;
5. Change of physical or mailing address;
6. Change of employment;
7. Significant change in work schedule;
8. Changes in financial situation such as bankruptcy, repossessions and evictions;
9. Chronic or serious health, including mental health issues of any household member.

(c) 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 as described in Rule 65C-13.027, F.A.C.

(d) The supervising agency shall notify the lead agency and licensing authority immediately if an event results in an arrest or other adverse law enforcement involvement; a change in marital status; a change in household composition; a change of the physical address, or a serious health issue regarding a household member.

(2) Marital Status. Includes marriage, separation, reconciliation, divorce or death of a spouse.

(a) If a licensed out-of-home caregiver marries or reconciles with an unlicensed spouse, the unlicensed spouse shall complete an application, attend pre-service training if not previously completed in the last five years, and meet all licensing requirements. The unlicensed spouse 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 of this rule may be grounds for denial, suspension or revocation of an application or license. During this period, the home remains licensed and previously placed children may remain in the home, however no new children shall be placed in the home.

(b) Once all licensing requirements have been met, the supervising agency shall update the home study summary and Application for License to Provide Foster Home Care, and submit a request to the licensing authority that a new license be issued.

(c) All household members shall successfully complete background screening.

(d) In case of divorce, the family foster home license shall be amended to remove the person who is no longer an out-of-home caregiver. A divorce decree shall be provided to the family foster home's supervising agency immediately upon the decree being entered by the court. The supervising agency shall provide a copy of the divorce decree to the licensing authority advising which caregiver has left the home and requesting that the license be amended. The licensing authority shall provide written notification to the individual and the supervising agency that the license is amended. The notification shall be made within fifteen days of the amendment.

(e) In cases of separation or divorce, the supervising agency shall update the family 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.

(3) Change in Household Composition.

(a) All new household members shall be fingerprinted within five days of residence and those fingerprints shall be submitted to the Florida Department of Law Enforcement within five days of the receipt of the fingerprints by the supervising agency.

(b) If the new household member lived outside the county of residence during the previous five years, local law enforcement checks shall also include all counties of prior residence. For any new household member who resided in another state for any period of time during the last five years, abuse and neglect history checks shall be requested of the state(s) and the results documented.

(c) When new members join the household, the supervising agency shall update the home study summary and address the changes in sleeping arrangements within thirty days.

(d) The licensed out-of-home caregivers have the responsibility to notify the supervising agency of any individual expected to have unsupervised contact with the foster child except in situations where the child is participating in normal childhood activities.

(4) Law Enforcement Involvement:

(a) Applies to all household members age 12 and older; and

(b) Includes arrests, incidents of domestic violence, driving infractions and any local law enforcement response to the home over the course of the licensed year.

(5) Change of Location. A license is issued for a specific location and is not transferable. An out-of-home caregiver shall notify the supervising agency no less than thirty days prior to the expected date of the relocation. The supervising agency shall complete a closure form indicating that the licensed out-of-home caregiver was in good standing at the time of the relocation.

(a) Within District.

1. Changing location within the district shall require a supplemental Application for Licensure to Provide Foster Care; an updated home study which contains a description of the home and neighborhood; school changes; sleeping arrangements; an approved environmental health inspection of the new residence; the current floor plan; disaster plan; home emergency evacuation plan; fire inspection and radon testing, if applicable. A provisional license may be issued prior to the health inspection after the supervising agency licensing counselor makes a safety check of the new location. This provisional license should expire within 90 days of issuance by the licensing authority unless renewed.

2. The licensing counselor shall obtain the required documentation and submit it to the licensing authority in order for a regular license to be issued.

3. Once notification of the move is received, no additional children shall be placed in the home until a license for that address is issued.

4. The home study summary shall be updated to reflect all changes that occurred as a result of the move.

5. At least one home visit shall be made as part of the updated licensing home study.

6. If approved, an amended license shall be issued with an effective date of the previous home's date of closure and shall expire on the same date as the previous license.

7. There may be circumstances in which the conditions of the new home do not allow recommendation for licensure. If this occurs, and there are dependent children placed in the home, the primary worker shall immediately begin the process of alternative placement options. Closure procedures should occur as set forth in Rule 65C-13.034, F.A.C.

(b) Between Districts.

1. A licensed out-of-home caregiver who plans to move between districts and wishes to continue being licensed shall notify their current supervising agency immediately. The supervising agency shall assist the out-of-home caregiver in finding a supervising agency in the district where he or she plans to relocate. The lead agency will work with the current supervising agency in securing a receiving supervising agency in the new district. The supervising agency, lead agency, licensed out-of-home caregiver, and child welfare legal services must determine whether permanency planning will be

affected and whether any children currently placed in the home should be placed elsewhere or remain with their current licensed out-of-home caregivers after the move. If the plan is to allow the child(ren) to move with the current licensed out-of-home caregiver(s), it is the responsibility of the children's primary worker to secure written agreement of the receiving services worker to provide courtesy supervision and to arrange for a safety assessment of the home within seventy-two hours of occupancy.

2. The current supervising agency shall inform the current district licensing authority in writing of the impending move and request that the complete licensing file be sent to the new district's licensing authority.

3. The supervising agency accepting responsibility for licensing the foster family home will provide a contact name and telephone number to the licensed out-of-home caregivers immediately upon acceptance of responsibility for the licensing process in the new district. The home study and application packet should be completed and sent to the new licensing authority within sixty days of commencement. Prior to submission of the home study and application packet, the home remains un-licensed but a provisional may be issued after the safety assessment is completed and received and prior to the inspection by the county health department.

4. In addition to requirements listed above, the new district licensing authority or supervising agency shall request additional documentation to ensure that all minimum standards and out-of-home caregiver expectations are met. No additional children will be placed in the home until the new licensing authority signs the new license.

5. If approved, a new license will be issued within ten working days of receipt. The new licensing authority shall send a copy of the new license to the former district. The former district will then close the licensing file.

6. If the new application is not approved, the licensing authority will deny licensure. If there are any dependent children that moved with the caregiver from the former district, the new supervising agency shall immediately notify the former supervising agency and the children shall be removed. The removal and placement of the children is the responsibility of the former supervising agency.

(c) Out of State. The same process as outlined for a change in district is to be followed. However, if children moved out of state with the licensed out-of-home caregiver, the primary worker is required to initiate an Interstate Compact for the Placement of Children request pursuant to Section 409.401, F.S., prior to the move and determine if the dependent child will be Title IV-E eligible in a non Florida licensed home.

(d) Between supervising agencies.

1. A currently licensed out-of-home caregiver wishing to change providers shall file a supplemental Application for Licensure to Provide Foster Care with the desired supervising agency.

2. The desired supervising agency shall request all information concerning the performance of the respective licensed out-of-home caregiver from the current supervising agency, along with their recommendations; 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. The desired supervising agency shall also notify the sending agency and the department of the determination.

3. Supervising agencies shall share all information concerning the performance of the respective licensed out-of-home caregiver, along with their recommendations, upon request.

4. If the licensed out-of-home caregiver is accepted, the new supervising agency shall submit a new application packet to the district licensing authority for issuance of the new license.

5. If the request to change providers occurs during the licensure year, the new supervising agency need only submit an application and letter of acceptance to the licensing authority. The 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 relicensure activities.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New

65C-13.027 Re-Licensing.

(1) General.

(a) Relicensing procedures shall be initiated by the supervising agency in a timely manner and the re-licensing packet submitted for consideration at least 30 days prior to expiration of the current license.

(b) Individuals wishing to relicense as out-of-home caregivers shall complete the Application for Licensure to Provide Foster Care (CF-FSP 5007). Married persons living together 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) If the supervising agency has reason to believe that the licensed out-of-home caregiver's past performance indicates that he or she would not be a successful candidate for continued licensure, the applicant shall be advised prior to completion of the application renewal process.

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

(e) The supervising agency shall assist the out-of-home caregiver in completing the application process by doing the following:

1. Request an environmental inspection from the local health department. The request shall be made far enough in advance to facilitate the receipt of an approved environmental health inspection report prior to the expiration of the license.

2. Direct the licensed out-of-home caregivers to obtain a radon test pursuant to Section 404.056, F.S.

(f) The supervising agency shall ensure that all background screening described in Rule 65C-13.022, F.A.C., has been completed.

(g) References.

1. The supervising agency responsible for completing the relicensing home study shall obtain and review the Family Service Counselor's Review of Licensed out-of-home caregiver Performance (CF-FSP 5223) for the services workers who have supervised children in the home during the year.

2. The supervising agency shall also obtain and review two Quality of Foster Home-Community Input References (CF-FSP 5225). These references shall be from professionals in the community who are familiar with the licensee's performance during the year. This may include guardians ad litem, school personnel, child care providers, medical professionals, social service providers, or mental health therapists.

(h) The supervising agency shall obtain and review exit interviews from children over the age of five who exit the home following a placement of thirty days or more, as described in Rule 65C-28.017, F.A.C.

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

1. An Affidavit of Compliance that attests to the fact that every member of the household and other personnel who work on a continuous basis in the home are in compliance with background screening pursuant to Section 409.175(6)(c), F.S.;

2. A Completed Re-licensing Summary for Foster Homes for Dependent Children (CF-FSP 5027, section B);

3. Documentation of at least eight hours of in-service training;

4. Updated driver's license and auto insurance coverage information.

(2) Re-licensing Procedures.

(a) The supervising agency shall conduct a minimum of one 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 Bi-lateral Service Agreement with the applicants and obtain their signatures on the signature page.

(c) The licensing counselor shall inspect the entire premises of the home, including all interior and outdoor areas, for compliance with the licensing standards pursuant to Rule 65C-13.024, F.A.C. Safety requirements as listed in paragraph 65C-13.029(6)(h), F.A.C., for storage of guns and other weapons, cleaning supplies, toxins and alcoholic beverages shall be observed and any concerns addressed in a corrective action plan prior to re-licensure.

(d) Vehicles used for transporting foster 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 compliance with 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 packet, the supervising agency shall make a thorough evaluation of each licensed out-of-home caregiver and document this evaluation in a re-licensing home study, which shall include, at a minimum:

(a) Demographics.

(b) In-Service Training. List all applicable training, including dates 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. Changes in household composition, employment, family members, arrests, divorce or separations, illness or medical conditions shall be documented in detail. Any new household member shall be interviewed and a written summary provided;

(e) Home and Neighborhood. Any changes to the physical environment, 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. Proof of vaccinations shall be updated annually. 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;

(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 prepared. Issues shall be addressed concerning the licensed out-of-home caregiver's experience with licensed out-of-home care over the last year and the family's feelings of how fostering has affected their relationships or lifestyle;

(h) Discipline. Description of how the licensed out-of-home caregiver has handled any behavioral problems with children placed in the home. Discipline practices used by the applicant on all children in the home. Description of how the family resolves conflicts and family responsibilities;

(i) Family life:

1. Documentation of the licensed out-of-home caregiver's support and integration of foster children into the family such as attendance at and involvement with children's activities; transportation to school and social events; medical appointments and other family activities, hobbies, or extracurricular interests each foster child has been involved in;

2. Documentation of the level of cooperation of licensed out-of-home caregivers with legal families, visitation and the case plans for any children placed in the home over the past licensed year. A description of how the family has worked with the supervising agency in terms of partnership and case plan goals. A description of the licensed out-of-home caregiver's attentiveness to the provision of clothing and allowances to the children in his or her care.

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. The supervising agency shall ensure that childcare providers are licensed and all babysitters have been screened in accordance with Rule 65C-13.032, F.A.C., and approved by the supervising agency.. Document current arrangements for day care needs or after school care. If both parents work, the level and amount of supervision being provided by the applicant shall be explored;

(k) Transportation. Licensed out-of-home caregiver's cooperation with provision of transportation shall be addressed. Transportation safety shall be assessed according to subparagraphs 65C-13.029(5)(j)1. and 2., F.A.C.

(l) Employment. The current employment status of each parent, including occupation, current place of employment, work hours and flexibility of schedule if changes have occurred over the licensed year;

(m) Financial Capacity and Income. Any change in financial status or employment shall be addressed;

(n) Safety. Documentation of compliance with licensing standards as they relate to the safety of the home. Discussions with applicants regarding disaster preparedness plan, evacuation plans, the Bi-lateral service agreement, medication logs, and fire drills shall be held and documented;

(o) Other Adult Household Members. The following information shall be obtained and documented for any other adult household members whether or not they intend to supervise or provide care to the foster child:

1. Background Screening pursuant to Rule 65C-13.022, F.A.C.;

2. Social History;

3. Medical History as set forth in subparagraph 65C-13.024(5)(f)3., F.A.C.;

4. What responsibilities they intend to have with the foster child such as transportation, supervision and care giving;

5. One personal reference from a non-relative.

(p) Background Screening. The results of all background screening information shall be reviewed for each individual in the home who is older than twelve years of age. Local law enforcement checks shall be completed prior to the one year expiration date of the existing results. Any arrests qualifying

abuse reports under Section 39.302(7), F.S., or findings of protective orders shall be addressed in the study completed by the supervising agency. The supervising agency or the department has the discretion to request background screening for any individual if there is a reasonable belief that:

1. The individual may be a household member; or

2. The individual's presence in the foster home may adversely affect the health, safety and welfare of the children in the home; or

3. The individual has or may have unsupervised contact with the children.

(q) History of Placements. Placements for the last year shall be identified and discussed. The licensed out-of-home caregiver's compliance with Rule 65C-28.010, F.A.C., shall be verified for children placed in the home governed by this section. If the family requested that a child be moved, the reasons and circumstances should be addressed. The narrative should discuss each child who has left the home. The report should address how the family has worked with each child;

(r) Youth Exit Interviews. An exit interview with every child ages five through eighteen, according to Rule 65C-28.017, F.A.C.;

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

(t) Foster Home Referrals, Concerns or Complaints. A summary of foster care referrals, and complaints received during the licensure year and any concerns received from staff or others;

(u) Summary. The licensing counselor shall summarize all information obtained from the Counselor's Review of Licensed out-of-home caregiver Performance forms (CF-FSP 5223); exit interviews of children; licensing complaints, foster care referrals or abuse reports, the Quality of Foster Home Community Input forms (CF-FSP 5225); and any unusual incidents, accidents, arrests or involvement with law enforcement and their impact on the ability of the licensed out-of-home caregivers to provide a safe and nurturing environment for children placed in their care. The narrative should include the type 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 prepared:

1. A recommendation shall be made concerning the appropriateness of continued licensure; and a written summary of on-going training needs including a professional development plan.

2. If continued licensure is recommended the licensing counselor shall provide a description of the type of children for whom the family appears most appropriate including number of children, age, gender, behaviors and special needs;

3. If continued licensure is not recommended, the summary shall address the specific reasons for the recommendation and identify the standards the applicant is unable to meet;

4. The home study shall be reviewed, signed and dated by each licensed out-of-home caregiver; shall indicate the dates of home consultations, the names of persons interviewed; and contain the signature of the counselor responsible for completing the study and his or her supervisor.

(5) Re-licensing Application Packet. The following documentation shall be used in conjunction with the home study to determine the suitability of an applicant for re-licensing. The following documentation shall be provided to the licensing authority when requesting re-licensure of a family foster home:

(a) Application for Licensure to Provide Foster Care;

(b) Re-licensing Standards Checklist;

(c) Re-licensing Home Study;

(d) Re-licensing Summary for Foster Homes for Dependent Children (CF-5027, sections A and B);

(e) Signature page of Bi-lateral Service Agreement;

(f) Verification of at least eight hours of in-service training, including and verification of Psychotherapeutic Medication training if appropriate;

(g) Criminal History Screening;

1. Record check through the department's Florida Abuse Hotline and Statewide Automated Child Welfare Information System;

2. Local law enforcement records checks as specified in subsection 65C-13.022(2), F.A.C.;

3. FDLE records checks (if applicable);

4. Civil Court Record Checks as described in Rule 65C-13.022, F.A.C.;

5. Signed Affidavit of Compliance with Background Screening Requirements according to Section 409.175(6)(c), F.S.

6. Community Input Forms (CF-FSP 5225);

7. Services worker's Review of Licensed out-of-home caregiver Performance (CF-FSP 5223);

8. Youth exit interview forms;

9. Copies of driver's license and validation of vehicle insurance;

10. Approved environmental health inspection report from the local health department;

11. Radon testing results (if applicable);

12. Evacuation and disaster preparedness plans;

13. Pet vaccinations (if applicable).

(h) Any licensing deficiencies shall be corrected prior to recommending re-licensure.

(6) Re-Licensing Process.

(a) The completed application packet shall be submitted by the supervising agency to the licensing authority no less than thirty days prior to expiration of the current license.

(b) Within ten working days of receipt, the licensing authority shall determine if the re-licensing application packet is complete and notify the supervising agency in writing of the need for any additional materials or information. A license cannot be issued until all information has been received in order to ensure the safety and well being of children.

(c) Once a complete re-licensing application packet is received and the licensing authority determines that the applicant can ensure the safety and well being of children, a license shall be issued to the applicant.

(d) If the completed 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 current license expires.

(e) If the submitted application 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 licensing authority.

(f) A copy of the license shall be provided by the licensing authority to the supervising agency.

(g) If the supervising agency or department determines that the out-of-home caregivers have not satisfactorily met the standards for continued licensure, the department shall consult with the District Legal Counsel, lead agency and supervising agency, concerning the appropriate course of action.

(h) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.027, F.A.C.

(i) Licensed out-of-home caregivers meeting the criteria of Section 409.175(5)(j), F.S., may be issued a license for a three year period of time. During the three-year period the licensing counselor shall conduct a minimum of one face to face visit in the home on an annual basis, obtain the information and documentation outlined in this section and submit it to the licensing authority with a statement certifying that the family continues to meet all licensing requirements. A review of all required re-licensing information shall be conducted at the end of every three year licensing period. The annual review of a three-year license shall include:

1. A Re-licensing Summary for Foster Homes with Dependent Children (CF-FSP 5027, sections A and B) which includes any changes in the household since the previous year.

2. Documentation of at least eight hours of in-service training

3. Updated verification of water safety training if appropriate.

4. Background Screening which includes local law enforcement records checks completed prior to the one year expiration date on the existing checks, an abuse history check, and FDLE records checks (if applicable);

5. Affidavit of Compliance with Background Screening Requirements according to Section 409.175(6)(c), F.S.

6. Two Quality of Foster Home: Community Input Forms (CF-FSP 5225);

7. Services worker's Review of Licensed out-of-home caregiver Performance (CF-FSP 5223);

8. Youth exit interview forms;

9. Updated documentation of driver's license(s) and vehicle insurance if applicable;

10. Approved environmental health inspection report from the local health department;

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

12. Pet vaccinations (if applicable).

(j) For previously licensed out-of-home caregivers who wish to reopen and submit an application within ninety days from closure, the supervising agency shall utilize the prior background screening results and follow the re-licensing procedures outlined in this section.

(7) Applicants Previously Licensed or Approved in Another State or District.

(a) If the applicants were licensed previously in another state or outside the district or 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 last 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, district or region shall be included in the application packet.

(8) Re-opening of Previously Licensed Out-of-Home Caregivers within District.

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

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

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

(d) For previously licensed out-of-home caregivers that wish to reopen and submit an application within ninety days from closure, the supervising agency is allowed to utilize the

prior background screening results. In addition, the re-licensing procedures shall be followed in accordance with the Re-licensing Procedures in Rule 65C-13.027, F.A.C.

(e) If the application packet is approved, a license is issued to the applicant(s). The license shall reflect 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 district administrator or designee 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 licensing authority to the supervising agency.

(g) When the department determines that the application shall be denied, the department shall consult with the lead agency, supervising agency and child welfare legal services to determine the appropriate course of action. If the decision is made to deny the application, the applicant and supervising agency must be notified by certified mail within five 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.

(h) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.027, F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.028 Licensed Out-of-Home Caregiver's Role as a Team Member.

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

(a) All children in the home shall be protected from 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.

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

(c) 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.

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

(e) Licensed out-of-home caregivers shall accept the direction and supervision given by the department or supervising agency in caring for the children.

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

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

4. Encourage and support the child in making new friends and maintaining past friends who have had a positive relationship with the child;

5. Licensed out-of-home caregivers shall keep records of school reports.

6. 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.

(g) 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, which 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. Licensed out-of-home care providers may expect children in care 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 an 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 as long as they are not identified as foster children. 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 an out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in foster care may attend overnight or planned outings if they are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker shall be available for consultation, and should be notified of the activity.

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 may allow foster children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions. The licensed out-of-home caregiver's familiarity with the child and the circumstances in which the child shall be unsupervised shall be the primary factors in the decision making. The licensed out-of-home caregiver is ultimately responsible for the supervision of the child. Therefore the licensed out-of-home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.

j. The licensed out-of-home caregiver shall have knowledge of where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving an outing or overnight activity. The licensed out-of-home caregivers should meet the adult who will be supervising prior to allowing the child to spend the night away from their licensed placement or exercise the same reasonable and prudent decision making they would use in making this decision for their own children. Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules.

k. For children who are not legally free for adoption, legal parents input should be included in the decision making process.

l. Background checks for dating, outings, such as school field trips, cub scout campouts, and activities with friends, families, school and church groups are not necessary for participation in normal school or community activities.

2. Food and Nutrition.

a. The licensed out-of-home caregiver shall provide nutritionally balanced meals and age appropriate snacks.

b. Licensed out-of-home caregivers are expected to provide for any special dietary needs of foster children placed in their home.

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 should be provided with their own clean, well-fitting, attractive clothing appropriate to their age, sex and individual needs, in keeping with community standards and appropriate to the season.

b. Each child must be provided his own 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 caregiver 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 along with him 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. A licensed out-of-home caregiver shall cooperate with the child's services worker in arranging opportunities for a child to participate in the faith of his or her choice or that requested by the child's family. The child's services worker shall coordinate appropriate arrangements for the child's attendance at religious activities in partnership with the licensed out-of-home caregiver. An applicant whose religious belief precludes the use of a licensed medical professional shall not be licensed.

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 are reinforcing acceptable behavior, expressing verbal disappointment of the child's behavior, loss of privileges, grounding, restricting the child to the house or yard, or sending the child out of the room and away from the family activity; and redirecting the child's activity;

c. 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 an adult not in a caregiver role;

f. Licensed out-of-home caregivers shall not withhold meals, clothing, 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 from the home or with a report to authorities as consequences for unacceptable behavior and shall not prohibit visitation with family and significant others as punishment.

j. Licensed out-of-home caregivers will seek the assistance of the child's primary services worker or therapist for behavior problems.

6. Health Care.

a. Licensed out-of-home caregivers are responsible for ensuring the child has routine medical, vision and dental care. The services worker 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 shall keep accurate records of the administering of all medications and of medical treatment and interventions.

b. Maintaining and keeping the medical history current is the responsibility of the licensed out-of-home caregivers.

c. Licensed out-of-home caregivers shall transport and accompany children for necessary medical, dental or other appointments. If transportation cannot be provided by the licensed out-of-home caregiver, he or she shall contact the child's services worker who shall be responsible for arranging transportation.

d. Licensed out-of-home caregivers shall ensure that each child who needs medical attention receives appropriate and adequate medical services promptly.

e. Licensed out-of-home caregivers shall notify the services worker or supervising agency of any serious illness or any injury that requires medical treatment for a child. Licensed out-of-home caregivers shall notify the supervising agency immediately, if the following occur: a child requires hospitalization or emergency medical treatment; or a child dies; or any other life-threatening situation occurs.

7. Medicine.

a. Licensed out-of-home caregivers are responsible for giving medication as prescribed and for recording the exact amount of any medication prescribed.

b. No child shall be given prescription medication without a physician's prescription.

8. Resource Records. The child's resource record shall be maintained as set forth in paragraph 65C-30.011(5)(a), F.A.C.

9. Education. Licensed out-of-home caregivers shall work in partnership with the child's services worker to address the child's educational needs and to allow for the continuation of school attendance as per subsection 65C-30.011(7), F.A.C. Licensed out-of-home caregivers may home school foster children living in their foster home when the legal parent or,

for legally free children, the community-based care lead agency, gives written consent. If parental rights have not been terminated, a Home Education Program must be incorporated into the case plan and approved by the court. If parental rights have been terminated, the licensed out-of-home caregiver can provide home education per Section 1002.41, F.S., provided that it is an education plan that is in the best interest of the child and is approved by the lead agency. If the child has been subject to an IEP, then the education surrogate and the community-based care lead agency must approve of the change to home school the foster child.

10. Allowances. Children in licensed out-of-home care shall receive an allowance not less frequently than each month. The amount should be based on the child's age and developmental level and in concert with the licensed out-of-home caregiver's own reasonable judgement. For children over six, the amount should be no less than four percent of the board rate received. For children over the age of thirteen, the amount should be negotiated as a part of the child's written plan for age appropriate activities according to Section 409.1451(3)(a)3., F.S. 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. The services worker shall check with the child periodically to verify that the child received the allowance, and the information shall be noted in the visitation report.

(2) Licensed Out-of-Home Caregiver Responsibilities to the Supervising Agency.

(a) Licensed out-of-home caregivers are expected to work cooperatively with the services worker 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 are expected to assist in maintaining child resource records in conjunction with the child's services worker.

(d) Licensed out-of-home caregivers must maintain the children's resource records in a secure manner, which insures confidentiality for the child and the child's legal parents.

(e) Licensed out-of-home caregivers must accept the child as a member of their family, and accord the child the rights and responsibilities appropriate to his age and level of maturity.

(f) Licensed out-of-home caregivers must work in partnership with the child's services worker in preparing the child to leave their family in accordance with the case plan goal, and must participate in and support the placement process.

(g) Licensed out-of-home caregivers shall only allow the child to be moved from the home by a child protective investigator, department, lead agency or supervising agency staff member.

(h) Licensed out-of-home caregivers shall obtain prior approval for the movement of the child to another home for purposes of respite.

(i) Licensed out-of-home caregivers shall notify the child's service worker at least two weeks in advance of vacations in which the child shall be participating.

(j) Licensed out-of-home caregivers shall assist in preparing the child to develop living skills that assist him or her as he or she grows toward adulthood.

(k) Licensed out-of-home caregivers shall notify the child's counselor of any sexually inappropriate action or behavior by the child.

(l) Licensed out-of-home caregivers shall comply with court orders, visitation plans and the case plan for any children placed in their care.

(m) 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.

(n) 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.

(o) Licensed out-of-home caregivers shall promote social development by permitting children to engage in age appropriate social, school and employment related activities as detailed in the child's written plan for age appropriate activities according to Section 409.1451(3)(a)3., F.S.

(p) Licensed out-of-home caregivers shall support school attendance and participation and will support educational planning, i.e., college and vocational or technical programs.

(q) The 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.

(r) The licensed out-of-home caregiver shall permit and encourage children, dependent on their age and maturity level, to engage in appropriate social and extracurricular activities in order to promote social development, obtain employment, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.

(s) The licensed out-of-home caregiver shall support the child's efforts to learn to drive a car, 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, services worker 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.

(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 are expected to 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 birthday parties.

(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 counselor 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 counselor and with the legal family.

(4) Responsibilities of the Licensed Out-of-Home Caregivers to Their Own Family.

(a) Licensed out-of-home caregivers must involve their entire family in the decision to become a shelter or licensed out-of-home caregiver.

(b) Licensed out-of-home caregivers must prepare their own family for potential problems involved in providing family shelter or foster care.

(c) Licensed out-of-home caregivers must involve their entire family in each placement decision.

(d) Licensed out-of-home caregivers must discuss their decision to open their home to children with significant extended family.

(e) At the time of relicensure the entire family of the licensed out-of-home caregivers should join with the supervising agency to evaluate the impact that licensed out-of-home care has had on their family. This joint evaluation should result in a decision to either continue providing foster care, emergency shelter care or group care or a decision that the family will not continue to provide care.

(5) Responsibilities of the Licensed Out-of-Home Caregivers to the Department and Supervising Agency.

(a) Licensed out-of-home caregivers are required to participate in at least eight hours of in-service training annually in order to develop and enhance their skills.

(b) The licensed out-of-home caregivers are required to participate in re-licensing studies and in ongoing monitoring of their home, and must provide sufficient information for the department to verify compliance with all rules and regulations.

(c) The licensed out-of-home caregivers must hold a license which is issued by the department.

(d) Licensed out-of-home caregivers shall only take for placement the children placed in their care by the lead agency or supervising agency. No plans for allowing other children or adults to reside in the home shall be made without prior approval of the supervising agency and the licensing authority.

(e) Licensed out-of-home caregivers must sign a service agreement (CF-FSP 5227) to provide foster care for dependent children for each child placed in their home.

(f) If the licensed out-of-home caregivers provide emergency shelter care, they must sign the civil rights compliance form. These homes are generally paid a monthly subsidy for remaining open on a 24-hour basis. The amount of the subsidy payment should be included in the agreement to provide shelter care.

(g) The licensed out-of-home caregivers must notify the licensing agency regarding changes which affect the life and circumstances of the shelter or licensed out-of-home caregiver.

(h) The licensed out-of-home caregivers must notify the supervising agency at least two weeks in advance of vacations in which the child will be participating.

(i) The licensed out-of-home caregivers must be able to accept supervision by agency staff and participate in and support case plans for children in their homes. Specifically licensed out-of-home caregivers must be included in the development of case plans, and in carrying out these plans.

(j) The licensed out-of-home caregivers must notify the supervising agency immediately of illness or accidents involving the child.

(k) The licensed out-of-home caregivers shall notify the supervising agency immediately, day or night, if the following situations occur:

1. A child requires hospitalization or emergency medical treatment;

2. A child dies;

3. A child has run away, is abducted, or is absent from the home beyond reasonable expectations; and

4. Any other life-threatening situation occurs.

(l) When a foster child is believed to be missing, the licensed out-of-home caregiver shall also 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 services worker in efforts to locate the child.

(m) Licensed out-of-home caregivers shall notify the department and supervising agency if any child's services worker does not make a visit every thirty days. Notification of the department shall be made by calling 1-800 FLA-FIND.

(n) 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.

(o) Licensed out-of-home caregivers shall provide a home environment free of drug and alcohol abuse.

(p) Licensed out-of-home caregivers shall never sign blank forms or falsify records. Falsification of any records or signatures of blank forms shall result in a revocation or denial of the foster care license.

(q) Licensed out-of-home caregivers are expected to treat department, supervising agency and lead agency staff, a child's family, the guardian ad litem, and other professionals with respect and courtesy.

(r) Licensed out-of-home caregivers are expected to complete the Licensed out-of-home caregivers Review of Family Service Counselor's Performance form (CF-FSP 5224) for children who were in the home 30 days or more.

(s) Licensed out-of-home caregivers shall obtain authorization from the department or supervising agency before spending any funds that involve a request for repayment.

(t) 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 departmental or agency staff member, guardian ad litem or other authorized professional working with the child.

(u) 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.

(v) Licensed out-of-home caregivers are responsible for complying with all applicable laws, rules, regulations or ordinances of each governmental unit in which the home is located, including but not limited to those relating to Medicaid eligibility, fire safety, sanitation, health, safety, zoning, civil rights, employment and board rate eligibility.

(6) Responsibilities of the Lead Agency and the Department to the Licensed Out-of-Home Caregiver and Children in Care.

(a) The lead agency or supervising agency will provide and coordinate training opportunities for licensed out-of-home caregivers.

(b) The lead agency or supervising agency must share all available information on each child placed with the licensed out-of-home caregiver since they have to:

1. Make an informed decision about whether the child should be placed in their home; and

2. Provide appropriate care for the child.

(c) The child resource record must be collected into a packet of information on each child and be given to the licensed out-of-home caregiver at the time of placement or within 72 hours.

(d) The lead agency or supervising agency must consider the licensed out-of-home caregiver's opinion in all major decisions for children in their care, including reunification, adoption or other permanency options. The supervising agency and lead agency are responsible for supporting licensed out-of-home caregivers in their decision making and for ensuring that children in licensed out-of-home care are provided with opportunities to engage in age appropriate activities, including the development of a written plan for age appropriate activities for children age thirteen and over, according to Section 409.1451(3)(a)3., F.S. This plan shall be developed in partnership with the child's licensed out-of-home caregivers.

(e) The lead agency or supervising agency must provide licensed out-of-home caregivers notice of judicial and administrative review conferences regarding children in their care, and must encourage their attendance and participation in these reviews.

(f) The services worker will visit with the licensed out-of-home caregivers in accordance with paragraph 65C-13.027(2)(a), F.A.C., and the children in their care at least every thirty days in accordance with subsection 65C-30.007(5), F.A.C.

(g) The services worker must involve the licensed out-of-home caregivers in the development of the case plan, and the visitation plan and shall provide the licensed out-of-home caregivers with a copy.

(h) The lead agency or supervising agency must give a minimum of two weeks notice prior to moving a child unless doing so would not be in the child's best interest or upon an order by the court.

(i) Protective investigation staff must immediately investigate abuse or neglect reports against licensed out-of-home caregivers, and will notify the state attorney's office, in accordance with Section 39.202, F.S. Whenever possible a staff member from the supervising agency will accompany the protective investigator. Supervising agency staff must respond to and assess foster care referrals that

involve licensed out-of-home caregivers. These policies and procedures must be discussed with all licensed out-of-home caregivers prior to licensing and again at every relicensing.

(j) The services worker must provide the licensed out-of-home caregiver with a court order which authorizes the licensed out-of-home caregiver to obtain emergency medical treatment prior to giving approval for a child to travel outside the state with the licensed out-of-home caregiver for an extended period of time.

(k) The supervising agency will provide the licensed out-of-home caregivers with an emergency Medicaid card for the child when necessary.

(l) The community-based care provider will be responsible for securing and paying for medical, vision and dental care for children who are not eligible for Medicaid, or who need services not covered by that program.

(m) Within seventy-two hours of placement in licensed out-of-home care, the services worker will coordinate with the licensed out-of-home caregiver in making an appointment for initial Child Health Check Up, if not previously accomplished. When a child is placed in any setting in shelter status, the screening must be scheduled within seventy-two hours of entering shelter. The services worker will make appointments for follow-up treatment if the need for this is identified during screening and will coordinate with the licensed out-of-home caregiver in arranging transportation.

(o) The department or supervising agency may provide licensed out-of-home caregivers with identification cards at the time of licensing and relicensing.

(p) The community-based care provider or supervising agency shall provide licensed out-of-home caregivers with the names and phone numbers of persons who should be contacted in emergencies.

(q) The services worker will provide consistent feedback to the licensed out-of-home caregivers on their work with the child in their care.

(r) The services worker will provide ongoing information on case plan progress for the child and the legal family, and will inform the licensed out-of-home caregivers of any changes in the plan.

(s) The services worker will review the child's case plan with the licensed out-of-home caregivers on each visit to the home.

(t) Agency staff shall treat licensed out-of-home caregivers with courtesy, respect and as an important team member.

(u) Education. When children are placed in licensed out-of-home care as a result of abuse or neglect, they must receive the services needed to meet their assessed academic needs, provide for educational continuity, and support their continued attachment to their legal parents and identified

community. The following conditions must be met in order to ensure that children receive appropriate services to meet their educational needs and preserve their principle attachments:

1. Children must be placed in a licensed care setting that allows continued enrollment in the same school whenever possible. A placement that would require a change in school could be a reason for placement elsewhere, if that is in the best interest of the child and is documented in the case file and reported to the court.

2. All children placed in licensed out-of-home care are to receive a comprehensive health, behavioral and mental health assessment as per Rule 65C-28.014, F.A.C., and their educational needs addressed as per paragraph 65C-30.006(5)(h), F.A.C.

3. If children must be temporarily placed in a setting that requires a change in school enrollment, there must be documentation in the case record that efforts have been made to provide transportation for the child to his or her previous school.

4. If transportation is not feasible, there must be documentation in the case record regarding identification of a licensed out-of-home setting that will allow re-enrollment at the earliest opportunity, or why continued placement elsewhere is in the child's best interest.

5. The case record should document efforts made to keep children's legal parents involved in the child's educational progress unless parental rights have been terminated.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New

65C-13.029 Standards for Licensed Out-of-Home Caregivers.

(1) General Requirements.

(a) Generally, there should be no more than five children in a licensed home, including the family's own children.

(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.

(c) Therapeutic foster homes are limited to the placement of two children and shall not exceed five including the family's own children.

(d) Serving as a licensed out-of-home caregiver is a privilege and public trust. Applicants do not have an inherent right to a license as an out-of-home caregiver.

(e) Each out-of-home caregiver applicant shall sign a Bi-lateral Service Agreement. The agreement shall be reviewed, discussed and signed with a licensing counselor prior to initial licensure and again at relicensure.

(2) Utilization of Foster Home.

(a) Placement of a child in a home licensed by the Agency for Persons with Disabilities shall be approved by Agency for Persons with Disabilities prior to placement. A home licensed by the 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). Placement of children in the home that are IV-E eligible would require a dual license.

(b) Licensed Out-of-Home Caregivers Wishing To Offer Child Care.

1. Licensed out-of-home caregivers that have contracted with a lead agency are authorized by law to provide child care as a Licensed Family Day Care Home. Therapeutic or Medical Foster Homes can 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. During the hours of operation as a family child care provider, the licensed capacity of the home shall not be exceeded, including legal, adopted, foster children and children for whom child care is being provided;

c. Based on the premise that the foster care maintenance assistance is for the care of a foster child for a 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;

d. A foster home providing child care under this section shall be inspected a minimum of twice per year. The inspection is to assess the impact of the child care operation on the fostering experience;

e. Where foster homes are also licensed as a Family Day Care Home, the department shall attempt to coordinate inspections with a licensing counselor from the child-care licensing program;

f. Complaint investigations shall be conducted in conjunction with a representative from each program.

(4) Emergency Shelter Family Foster Homes.

(a) Emergency shelter care providers shall have the ability to receive and supervise children twenty-four hours per day.

(b) Emergency shelter care providers shall maintain a shelter log documenting the name of the child, date of birth, medications prescribed, the name of the services worker and the entrance and exit dates of the child placed in the provider's care.

(c) A family foster home may designate a certain number of beds for the purpose of shelter care as well as foster care.

(d) Emergency shelter parents shall familiarize each child with the evacuation plan.

(5) Personal Standards.

(a) A licensed out-of-home caregiver shall be a stable, responsible, and mature individual who is at least twenty-one years of age.

(b) At least one licensed out-of-home caregiver in the home shall be able to read, write and speak English and be able to effectively communicate with both any children placed in the home and with the supervising agency.

(c) A foster caregiver shall not operate the home as an adult boarding or rooming home or an adult daycare facility.

(d) The licensed out-of-home caregiver shall obtain written approval from the supervising agency prior to conducting any childcare or business in the home.

(e) A licensed out-of-home caregiver shall have a stable income sufficient to make timely payment for current shelter, food, utility costs, and other debts without relying on board payments unless the licensed out-of-home caregiver enters into an agreement with a lead agency to provide specialized care. Applicants shall have a source of income independent of child support or alimony.

(f) Child Care. Child care for children in the custody of the department shall be with a licensed child care provider. The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

(g) Health History. A licensed out-of-home caregiver and any household members shall provide written statements from a physician regarding their general health, and whether they have any specific illness, disability, alcohol or other drug dependence, infectious diseases and other relevant health conditions that could threaten the safety of children in the home upon request by the department or supervising agency.

(h) Screening. Screening of licensed out-of-home caregivers and other household members shall meet the screening requirements set forth in Rule 65C-13.022, F.A.C.

(6) Physical Environment.

(a) The home shall be inspected and approved by a representative of the environmental health office of the local public health department prior to licensing. An approved health inspection is required annually prior to relicensing.

(b) Family foster homes located in counties designated by the Department of Community Affairs Florida Radon Protection Map Categories as "intermediate" or "elevated" radon 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 facilities. Re-testing of substitute 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 not proficient in swimming shall be supervised visually at all times when they are in close proximity to any body of water. Access to swimming pools and bodies of water shall be restricted when supervision is not available and children should never be left to swim alone.

2. Children who are placed in family foster homes which are adjacent to any body of water or that have swimming pools shall be instructed in water safety as appropriate for their age.

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 the next use.

(e) Swimming Pools.

1. Swimming pools shall have a barrier on all sides of at least four feet. The barrier shall consist of a house plus a fence on the remaining three sides or a four-sided fence.

2. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or other lock that is not accessible to children.

3. When the swimming pool is not in use, all entry points shall be locked.

4. Above ground pools with steps or ladders shall have them secured, locked, or removed when the pool is not in use.

5. If the pool cannot be emptied after each use, the pool shall have a working pump and filtering system.

6. Hot tubs and spas shall be required to have a safety cover that is locked when not in use.

7. Swimming pools 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) Interior Environment.

1. The home shall have sufficient space and furnishings and be accessible to all members of the family. The dining area shall be large enough to accommodate the entire 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 that may be opened from the outside in an emergency.

5. The home shall be clean and free of hazards to the health and physical well being of the family.

6. The home shall have a continuous supply of clean drinking water tested and approved by the local health department if the source of water is not from a standard city water supply. If the water is not approved, the licensed out-of-home caregiver shall agree to use bottled water for cooking and drinking until a satisfactory water report is obtained.

7. The home shall have an adequate supply of hot water. Hot water accessible to children shall not exceed 120 degrees.

8. Each foster home shall have a working telephone at all times. Emergency telephone numbers shall be posted by the telephone. Licensed out-of-home caregivers shall immediately notify the supervising agency if their telephone number changes.

9. All toys and equipment shall be in safe condition and kept clean and sanitary.

10. All rooms used by children shall be at a comfortable temperature. Rooms shall be dry and well ventilated.

11. All doors and windows used for ventilation shall be screened.

12. Rooms used by children shall be clean and well lit for activities such as homework, board games, and other educational or recreational opportunities.

13. When children are present, rooms shall be free of tobacco smoke.

(g) Sleeping Arrangements.

1. Bedrooms shall have adequate space for the number of children sleeping there. A minimum of forty square feet per child is required. Homes that are licensed prior to the promulgation of this rule shall be exempt from this requirement.

2. An adult shall be within hearing distance and accessible to the rooms where children under six years of age are sleeping.

3. Each child shall be provided with a clean, comfortable, permanent bed and mattress of his or her 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 condition and have a clean and comfortable mattress that fits snugly in the crib frame. Cribs shall not 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 ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. Beds shall not be bunked higher than two tiers.

6. A licensed out-of-home caregiver shall provide each foster child with clean linens. A foster child shall not be required to sleep on a bed soiled by urine or excrement.

Waterproof mattress covers should be provided for all beds and cribs of children experiencing enuresis. Plastic garbage bags should not be used as mattress covers.

7. Children of any age shall not sleep on a living room sofa, cot or foldaway bed except in extenuating circumstances.

8. The entry to the foster child's bedroom shall not be located so as to require the foster child to pass through another bedroom or bathroom in order to enter his or her bedroom.

9. Children may never share a bed with an adult, regardless of age.

10. Children may not share a bed.

11. Children over the age of three may not share a bedroom with a child of the opposite sex.

12. Children over the age of twelve months shall not share a bedroom with an adult. The only exception to this would be if 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.

13. Infants twelve months of age or younger may share a bedroom with an adult provided the infant sleeps in his or her own crib.

(h) 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 foster children while in the home or while being transported.

2. 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.

3. Each foster family home shall have a first aid kit available and accessible to all caregivers.

4. 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.

5. Alcoholic beverages shall be stored in a location out of reach to children.

6. Dangerous weapons shall be secured in a location inaccessible to children. Storage of guns shall comply with the requirements in Section 790.174, F.S. Weapons and ammunition shall be locked and stored separately, and in a place inaccessible to children.

7. Animals requiring vaccinations shall be current in all vaccinations. All animals shall be well cared for and maintained. The foster family home shall have a secure method to restrict children's access to potentially dangerous animals.

(i) 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 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 two 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 home 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 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 times a year. The 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 operating smoke alarm on each floor. There shall be a smoke alarm in each bedroom area.

7. The home shall not be heated by unvented gas heaters or oil heaters. 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 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 extensions at one time.

10. Volatile materials shall not be stored where water heaters are located. Attic space shall not be used for the storage of volatile materials.

(j) Transportation Safety.

1. The 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 under the age of four years. Vehicles shall be smoke free when foster children are being transported. The out-of-home caregiver shall have the ability to safely transport the number of children in his or her care. Children in care shall use seat belts or age and size appropriate safety seats when being transported in motor vehicles.

2. The out-of-home caregiver shall have all vehicles insured. The out-of-home caregiver shall not allow foster children to be transported by any person not possessing a valid driver's license or auto insurance.

3. The out-of-home caregiver shall not have driving violations less than five years old on file with the Department of Motor Vehicles, which relate to driving under the influence of alcohol; drugs, or any offense which would have placed other occupants of the vehicle at risk. A copy of the out-of-home caregiver's driving record shall be provided to the licensing authority.

4. The out-of-home caregiver shall not transport foster children in vehicles such as truck beds, motorcycles, or any other high-risk method of transportation. The out-of-home caregiver shall not transport children on his or her lap.

(k) Disaster Plans.

1. Each licensed out-of-home caregiver shall make a written plan for evacuation in the event of a natural or man made disaster. The plan shall be kept up to date.

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.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New

65C-13.030 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.

(2) The district licensing authority shall request additional information required within ten days of receipt and either grant or deny an initial license application within ninety days of receipt of a complete application packet.

(3) Because the safety and welfare of children are obviously impacted, the Department of Children and Families has broad discretion with regard to licensing family foster homes under Section 409.175, F.S. The responsibilities of the department pose issues not involved in professional or business licenses issued by other agencies, therefore, a license issued under this section is not a professional license; does not create a property right in the recipient and is not an entitlement. A license to provide out-of-home care is a public trust and a privilege.

(4) Initial licenses shall only be issued to persons who have met all licensing requirements.

(5) A license is issued to specific caregivers for a specific location and is not transferable to any other person or location.

(6) 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. The approved capacity and any limitations placed on the licensed out-of-home caregiver shall be displayed. An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.

(7) A license for renewal shall be issued for longer than one year but no longer than three years providing that the applicant has:

(a) Maintained a license with the department for three consecutive years;

(b) Is in good standing with the supervising agency and the department;

(c) Has not been the perpetrator of an abuse or neglect report with some indicators or verified findings of maltreatment.

(9) The department reserves the right to reduce a licensure period at any time. When the department determines that a reduction in the licensure period is warranted, it shall promptly notify the supervising agency and the applicant in writing, identifying the reasons for the reduction in the licensure period, the statutory authority for this action and the applicant's right of appeal pursuant to Chapter 120, F.S.

(10) Authorized licensing staff of the department or supervising agency may make unannounced inspections of a licensed foster home. The inspection may include examination of all rooms and areas on the property and interviews of all household members.

(11) All licenses shall be signed by the district administrator or designee in upper level management.

(12) Provisional License.

(a) Provisional licenses shall not be issued at initial licensure.

(b) No license shall be issued if there is a failure to comply with background screening requirements of Rule 65C-13.022, F.A.C.

(c) In rare instances, the department may issue a provisional license at relicensure to an applicant who is unable to fully conform to the licensing requirements, but who is believed to be able to meet the licensing requirements in matters that do not involve immediate danger to children or jeopardize their safety. Before a provisional license may be issued, a corrective action plan shall be developed by the applicant and the supervising agency and be submitted with the application packet.

(d) Under no circumstances shall new or additional children be placed in a foster home which has been issued a provisional license.

(e) A provisional license may be issued for a period of up to one year but shall not be re-issued as a continued provisional license.

(f) 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.

(g) Children in homes with provisional licenses are not eligible for federal funding. All reimbursement to the licensed out-of-home caregiver shall be made from general revenue funds.

(13) 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 be titled "Amended License" and shall expire on the same date as on the existing license.

(c) If a request for modification occurs within ninety days of the expiration of the license, the supervising agency may choose to conduct all activities consistent with relicensure. The new license shall be valid for one year from the new date of issuance.

(d) An out-of-home caregiver that relocates within a district or region shall retain the same license number.

(14) 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 also applies to records maintained by community-based care providers pursuant to Section 119.011(2), F.S.

(15) File Retention.

(a) The department or lead agency shall maintain a central file in the district for every family foster home licensed. The file shall include, at a minimum, all initial and subsequent licensing documentation; complaint investigation information; waivers and any other additional documentation obtained regarding the family foster home.

(b) The supervising agency of a family foster home shall maintain a file on every active licensed family foster home. The file shall include, at a minimum, all initial and subsequent licensing documentation as well as all other licensing related activities.

(c) 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 years.

(d) Files of licensed out-of-home caregivers shall be maintained for twenty years after closure.

(e) Files of applicants who are denied licensure shall be maintained for a period of twenty years after the issuance of the denial or final denial order date, whichever is later.

Specific Authority 409.175 FS, Law Implemented 409.175 FS, History--New _____.

65C-13.031 Capacity, Placement, and Waivers.

(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;

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 at the time of initial licensure, 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 foster home, including the family's own legal 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(s) to meet the individual needs of each child, including any adoptive or legal 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) Waivers for Capacity Over Five Children or More than Two Infants.

(a) Waivers for the rule of five or no more than two infants under twenty-four months shall be given prior to placement for the following situations and shall be approved personally and in writing by the District or Regional Administrator or the Chief Executive Officer for the Community Based Care Lead Agency:

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 substitute care to have his or her child or children placed in the same home.

4. If the prohibition of the placement would be contrary to the child's best interest.

(b) If the total number of children in a family foster home shall exceed the rule of five or exceed two infants under twenty-four months, including the family's own children, an assessment of each child in the home and of the child being placed in the home shall be completed by the services worker and approved in writing by the services worker's supervisor within 72 hours after placement.

1. Assessment Content:

a. The medical, mental, physical and behavioral needs of each child;

b. A clear, concise explanation of why the exception 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 or children being placed;

d. There shall be description of how this home can physically accommodate the additional child or children. Accommodations shall include a bed, adequate closet space and room for personal possessions and adequate privacy;

e. Provide information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected;

f. Placement needs and risk factors shall be considered when selecting placements for children who have been sexually victimized or who are sexually aggressive;

g. The services worker shall verify with the licensing counselor that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement;

j. The duration of the waiver shall be specified and shall not exceed 30 days. Subsequent waivers for the same child or children may be approved for (90) day extensions personally and in writing by the District or Regional Administrator or by the Community Based Care Lead Agency Chief Executive Officer or their designees;

2. General Requirements for the Assessment.

a. The services worker shall provide to the licensing counselor a copy of the completed assessment within forty-eight hours 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 services worker are in place to support the out-of-home caregiver.

(4) General Waivers.

(a) A written waiver shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded and shall be approved the District or Regional

Administrator or his or her designee or the Chief Executive Officer for the Community Based Care Lead Agency or his or her designee:

(b) An initial waiver shall not exceed thirty calendar days except when the waiver is used to accommodate a sibling group larger than five or with more than two siblings under 24 months of age.

(c) Subsequent waivers for the same child or children may be approved in writing for a ninety-day extension.

(d) The waiver in the home shall automatically expire when the total number of children in the home is at or below the licensed capacity.

(e) A waiver 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 waivers may be approved for a one hundred eighty-day extension.

(f) All child placements shall be recorded in the Statewide Automated Child Welfare Information System (SACWIS) 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 waiver approval shall be recorded on the provider licensing screen.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New _____.

65C-13.032 Babysitting, Respite and Other Supervision.

(1) All persons who provide respite care in their own homes shall be licensed pursuant to Section 409.175, F.S.

(2) All persons providing respite care in the family foster home where the child is placed shall be screened pursuant to Rule 65C-13.002, F.A.C. Training in the pre-service program for these respite providers shall be strongly encouraged. If a respite care provider is unable to attend the pre-service training, he or she shall receive an orientation that includes the protocol for handling emergencies, confidentiality, the department's discipline policy and an overview of the pre-service curriculum addressing discipline and behaviors of foster children. The licensing counselor shall document this orientation.

(3) All respite care providers shall be furnished with written information on the children in their care including:

(a) Telephone numbers for the services worker 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) Physician's name and telephone number;

(e) School;

(f) Medicaid number;

(g) Medical, physical or behavioral concerns.

(4) A licensed out-of-home caregiver is entitled to paid respite. Six hours or more shall constitute a paid respite day.

(5) Supervising agency approval shall be obtained prior to the respite period if reimbursement is sought.

(6) Babysitting.

(a) Babysitters shall be at least sixteen years of age or older and shall be screened by securing a Florida Department of Law Enforcement name check, a Florida Abuse Hotline check, a Department of Juvenile Justice records check and a local criminal check.

(b) The licensed out-of-home caregiver is responsible for ensuring individuals providing babysitting, are suitable and appropriate for the age, developmental level and behaviors of the children.

(c) 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, services worker and physician. The discipline policy and confidentiality shall be clearly explained.

(d) A youth aged sixteen or older who is the licensed out-of-home caregiver's legal child, a relative or neighbor, and whom the licensed out-of-home caregiver knows to be of sufficient reliability and maturity may baby-sit foster children. The length of time depends on the maturity and needs of the foster child(ren) and the maturity of the babysitter.

(e) Babysitting by sixteen to eighteen year olds will not include more than three children.

(f) A procedure shall be established for a time limit in which the licensed out-of-home caregiver will contact the babysitter periodically during his or her absence. Babysitting is limited to less than twenty-four hours in duration.

(g) Foster children shall not be permitted to provide supervision to children in the home.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New _____.

65C-13.033 Complaint Investigations.

(1) The department maintains responsibility for the investigation of all complaints alleging licensing violations.

(2) The department has the right to inspect the entire premises of the licensed out-of-home caregiver at any reasonable time.

(3) Prior to initiating a complaint investigation, licensing staff from the department shall inform the supervising agency and review the licensing file to ensure that all relevant information has been gathered and is considered.

(4) The department licensing staff shall immediately begin conducting a thorough complaint investigation by collecting and verifying the information obtained. All contacts shall be thoroughly documented. Complaint investigations shall be initiated within forty-eight hours of receipt unless otherwise authorized by the department licensing authority.

(5) Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect shall be investigated jointly with the Child Protective Investigator whenever possible. The focus of the licensing counselor's investigation is limited to violations of licensing standards pursuant to Section 409.175, F.S. and Chapter 65C-13, F.A.C.

(6) Within one week of commencing the complaint investigation, the department licensing staff shall advise the licensing authority of the findings to determine if corrective action is necessary.

(7) Corrective action plans shall be developed and monitored in conjunction with the supervising agency. Corrective action plans shall be in writing and identify specific dates by which corrective measures shall be completed. The written corrective action plan shall also state that failure to comply with the corrective measures within the time frames identified may result in administrative action including suspension, revocation or denial of the license.

(8) The department licensing staff shall thoroughly document the complaint investigation and findings in the licensing file. The department shall give written notification to the licensed out-of-home caregivers and the supervising agency of the outcome of the investigation as it relates to the licensing violations, and, if appropriate a corrective action plan.

(9) All complaint investigations shall be completed within sixty days of the receipt of the complaint unless otherwise authorized by the licensing authority.

Specific Authority 409.175 FS, Law Implemented 409.175 FS, History--New

65C-13.034 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 department is the licensing authority for all family foster homes and has final authority for approval, denial or suspension of any license.

(2) Denial of Initial Licensure.

(a) The department shall have ninety days following receipt of a complete application 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 immediately. 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 department sufficient information to support the recommendation of the denial.

When the department determines that the license should be denied, it shall notify the applicant in writing within 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.

(3) Administrative Action for Existing Foster Homes.

(a) If licensing violations are found such that the child's physical, mental, or emotional health is significantly impaired or is in danger of being significantly impaired, the licensing counselor shall consult with his or her supervisor and the child's services worker for an immediate review of the safety of any children placed in the home.

(b) Foster Care Referrals regarding concerns about the care provided in a licensed foster home, group home or emergency shelter which do not meet the criteria for acceptance of a report of abuse, neglect or abandonment, such as the use of corporal punishment not resulting in marks, bruises or injury shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located for assessment by the supervising agency's licensing staff. Foster Care Referrals or Special Conditions reports involving Child on Child Sexual Abuse allegations must be handled according to Rule 65C-29.007, F.A.C. If it is determined that child on child sexual abuse has occurred or if the report is closed with "some indicators" of child on child sexual abuse the following must occur:

1. The services worker, supervising agency licensing staff and the licensed out-of-home caregiver must cooperatively develop a plan on how to manage the sexually aggressive child that is preventative in nature, but includes the child in family living;

2. The services worker must ensure that a child who sexually abuses or victimizes other children is the youngest child placed in the home, giving consideration also to other children's vulnerabilities such as mental and physical handicaps, etc., and document assessment and actions taken in the child's case file and the licensing file;

3. The supervising agency staff in consultation with the department's licensing staff, the child's services worker and others involved in the child's case plan shall determine if the sexually aggressive child will remain in the home and under what conditions, or if another placement is necessary and document the decision-making process in the children's case files and the licensing file.

(c) 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 department.

(d) Written notification shall be sent to the licensed out-of-home caregivers 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 and hand delivered or sent by certified mail, return receipt requested, to the licensed out-of-home caregiver. The signed return receipt shall be placed in the licensing file.

(e) Corrective action plans shall be prepared for a licensed out-of-home caregiver who appears to have the ability to understand and correct the infraction. Corrective action plans do not apply to a caregiver who has developed a pattern of deficiencies that has not been rectified by prior attempts at corrective action.

(f) Failure of the licensed out-of-home caregiver to timely comply with the corrective action plan may result in suspension, denial of re-licensure, or revocation of the license.

(g) The out-of-home caregiver shall be given notice if the supervising agency determines that it cannot recommend re-licensure.

(h) 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 department with a recommendation for denial.

(i) 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 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.

(4) 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(s);
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 to 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.

8. All documentation shall be reviewed with the 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 department's legal counsel and the licensing authority.

(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 out-of-home caregiver may be willing to share.

(b) The supervising agency shall document the reason for closure and whether relicensing would be recommended.

(c) If re-licensing would not be recommended, the licensing file shall clearly document the reasons re-licensing is not 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.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Chris Lolley
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-15	Licensed Child-Placing Agencies
RULE NOS.:	RULE TITLES:
65C-15.001	Definitions
65C-15.002	Licensed Child-Placing Agencies
65C-15.003	Application and Licensing Study
65C-15.0035	License Renewal
65C-15.004	On-Site Visits and Complaint Investigation
65C-15.005	Disclosure
65C-15.006	Statement of Purpose
65C-15.010	Finances
65C-15.011	Changes in Agency Function or Purpose

- 65C-15.012 Notification of Critical Injury, Illness or Death
- 65C-15.013 Right to Privacy
- 65C-15.014 Office Equipment and Transportation
- 65C-15.015 Personnel Policies and Practices
- 65C-15.016 Staff Functions and Qualifications
- 65C-15.017 Personnel
- 65C-15.018 Staff Development
- 65C-15.019 Volunteers
- 65C-15.020 Non-Contracted Agency Intake Procedures and Practices for Children in Licensed Out-of-Home Care
- 65C-15.021 Services to Families and Children in Licensed Out-of-Home Care
- 65C-15.022 Agency Services to Children in Foster Care
- 65C-15.023 Foster Home Licensing
- 65C-15.024 Foster Home Studies
- 65C-15.025 Monitoring and Annual Licensing Study
- 65C-15.026 Recommendations to Revoke a Family Foster Home License
- 65C-15.027 The Agency’s Responsibilities to Licensed Out-of-Home Caregivers
- 65C-15.028 Adoptive Home Study
- 65C-15.029 Services to Adoptive Parents and Children Available for Adoption
- 65C-15.030 Case Records
- 65C-15.031 Child’s Case Record Keeping for Non-Contracted Agencies
- 65C-15.032 Family Case Record Keeping for Non-Contracted Agencies
- 65C-15.033 Family Foster Home Record Keeping for Non-Contracted Agencies
- 65C-15.034 Adoptive Home Record Keeping for Non-Contracted Agencies
- 65C-15.036 Intercountry Adoption Services
- 65C-15.037 Private Interstate Adoptions
- 65C-15.038 Specific Rules for Lead Agencies and Contracted Providers

SPECIFIC AUTHORITY: 39.0121, 409.175(5)(a) FS.
 LAW IMPLEMENTED: 39.402, 409.145, 409.165, 409.175, 435.04, 435.07 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: January 4, 2007, 9:00 a.m.
 PLACE: Building 6, Room 164, 1317 Winewood Blvd., Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chris Lolley, (850)921-1928, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:
 (Substantial rewording of Rule 65C-15.001 follows. See Florida Administrative Code for present text.)

65C-15.001 Definitions.
All definitions for the Licensed Child-Placing Agencies Rule 65C-15 are located in Rule 65C-30.001, F.A.C.
 Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History–New 12-19-90, Amended 10-27-93, 9-14-94, Formerly 10M-24.003, Amended _____.

65C-15.002 Licensed Child-Placing Agencies.
 (1) ~~Any~~ persons, corporation, or and agencies, public or private, other than the parent or legal guardian of the child or an except for intermediaryes acting pursuant to defined in Chapter 63.032, F.S., who wishes to provide placement services or arrange for the placement of a child in a family foster home, residential child caring agency, or approved adoptive home, engage in the placement or adoption of children, as defined in subsection 65C 15.001(2), F.A.C., must be licensed by the department. This subsection does not apply to stepparent adoptions or placements with relatives within the third degree of relationship.

(2) No county, city or political subdivision shall operate a child-placing agency, or engage in any adoption process unless licensed by the department as a child-placing agency.

(3) The department or a licensed child-placing agency may place a 16- or 17-year-old child in his own unlicensed residence, or the unlicensed residence of an adult who has no supervisory responsibility over the child for the purpose of independent living. However, the department or licensed agency must retain supervisory responsibility. The agency shall apply the criteria listed in Section 39.6241, F.S., to determine if another planned permanent living arrangement is appropriate. The department or licensed agency shall determine eligibility and provide services for children age 13 and over according to Section 409.1451, F.S. use the following criteria to determine if independent living is an appropriate plan:

- (a) ~~The child must be at least 16 years of age;~~
- (b) ~~The child must have demonstrated ability to handle independence;~~

PURPOSE AND EFFECT: This rule outlines the procedures that the Department and contracted agencies will use in performing licensing of Foster Homes and Child Placing Agencies.

SUMMARY: Licensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory cost was prepared.

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.

~~(e) The child must have a signed performance agreement or permanent placement plan which has been submitted to the court stating the goal of independent living and specifying the responsibilities, tasks, and expectations of all parties; and~~

~~(d) The plan must have the approval of the court, if the court has jurisdiction.~~

~~(4) Within 90 days of the agency taking a child into care for the purpose of adoption, the agency shall file a petition for termination of parental rights or for temporary custody.~~

~~(5) At Risk Placements: The department and all licensed agencies shall be required to have an at risk placement document signed by the prospective adoptive parent or parents prior to placement of a child in their home, if the agency does not have a court order documenting termination of parental rights of the child being placed for adoption.~~

~~(6) At Risk Placement Documents. The At Risk Placement Document shall contain a statement that the department or agency does not have commitment of the child for the purpose of adoption and the reason for it, that proceedings have been started to obtain commitment, that the agency will notify the adoptive family, in writing, of the court's decision and that the child may be removed from the home. The adoptive parents must agree to returning the child to the agency.~~

~~(4)(7) Agencies shall keep, at all times, a sufficient number of licensed foster homes, other than the prospective adoptive homes, which shall be used when the agency has received custody of a child and the child has not been placed in an adoptive placement.~~

~~(8) If an agency pays, directly or indirectly, for a female who is pregnant to come to Florida for the purpose of placing the child, when born, for adoption with the agency then the agency shall be responsible for returning the female to the state of origin if she wishes to return immediately after she is able to travel. If the mother decides not to place the child with the agency for adoption then the agency shall be responsible for returning the mother and child to the state of origin, if the mother wishes to return, immediately after the baby is ready to travel.~~

~~(5)(9) Child-placing agencies shall comply with Chapter 63 and Section 409.175, F.S., which is hereby incorporated by reference.~~

~~(6)(10) The department agrees to provide licensed child-placing agencies with changes to state policy rules and laws which affects their operation as set forth in these rules within 30 days of implementation.~~

~~(7) The agency shall have a written statement of its child-placing philosophy, the purpose of the agency, a description of the licensed out-of-home care and adoption services the agency provides and the methods of service delivery it employs, including the methods that shall be used to publicize the availability of these services.~~

Specific Authority 63.202, 409.175 FS. Law Implemented 63, 409.175, 409.165 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.004, Amended _____.

65C-15.003 Application and Licensing Study.

(1) Application for an child placing agency license shall be made on CF-FSP HRS-CYF Form 5135 October 96 June 86, available from the department, and which is hereby incorporated into these rules by reference. Form 5135 is available upon request from any Department of Children and Families HRS district, zone, or regional headquarters offices; see Rule 10M-24.0001, F.A.C., for information. The application shall be signed by the prospective owner or operator who will be exercising authority over the operation, policies and practices of the agency. All information requested in the application form and this rule must be submitted as part of the application packet, which shall include but not be limited to the following:

(a) A description of the services the agency will provide;

(b) Proposed geographical area to be served;

1. For lead agencies and sub-contracted agencies, the area specified in the agency's contract with the department;

2. For non-contracted agencies, as defined by cities, counties, etc.

(c) Projected fees and costs for services, how fees are collected and refunds given, if applicable, including any and all contracts and subcontracts;

(d) Name of Agency and location of office; including city, state, street address, mailing address, telephone number, e-mail address, fax number, hours of operation and emergency contact numbers;

(e) Separate application for each proposed satellite or branch office; and

(f) The names and addresses of all officers and owners. Each agency shall have an office and professional staff permanently housed within the state.

(g) An initial budget reflecting available capital for six months of operation.

1. For contracted agencies, this budget is based on contract negotiations with the department.

2. For non-contracted agencies, this budget must reflect the availability of liquid assets to support the initial six months of operation.

(2) The department shall have ten days from receipt of an application packet to determine whether the application packet is complete and request any missing information, and 30 days from receipt of a complete packet to grant or deny the application. The decision to issue, deny or revoke an application for licensure rests with the District or Regional Administrator or designee.

(3) If an agency was previously licensed in another state or outside the district or region in which it is seeking licensure, the department shall make a written request to the other state,

district, or region requesting verification that the agency is in good standing and has met that jurisdiction's licensing requirements.

~~(4)(2)~~ Upon determination that the applicant meets the state licensing requirements, the department shall issue a license to a specific agency, at a specific location. If the department determines that the agency should not be licensed, it shall notify the applicant within two days of the determination, identifying the reasons for denial, the statutory authority and notifying the applicant of their right to appeal, pursuant to Chapter 120, F.S.

~~(5)(3)~~ When a child-placing agency ceases to provide adoption services to children or families during the period for which the license is issued, they shall notify the department, in writing, 30 days prior to the cessation of the agency service and shall return the license to the department.

~~(6)(4)~~ A licensed agency may operate a branch or satellite offices without separate licenses for those offices. However, each branch or satellite office must be disclosed in the application for license by submitting a copy of ~~CF-FSP HRS~~ Form 5135 for each office. If the agency opens a branch or satellite office during the licensed term, the agency shall file a ~~CF-FSP HRS~~ Form 5135 not less than 10 days prior to the opening of the new office.

~~(7)(5)~~ The license shall be issued for a child-placing agency at a specific address and for operation by specific individuals or agencies. It shall automatically become invalid if the facility is operated at another address or under different ownership. Agencies planning to relocate shall notify the department licensing authority 30 days in advance of the anticipated move. The license shall be valid for one year from the date of issuance unless suspended, revoked, or voluntarily returned. All licenses shall expire automatically one year from the date of issuance. The license shall be the property of the department and shall be returned to the department if revoked.

~~(8)(6)~~ The license must be conspicuously displayed at all times in the facility. Each branch or satellite office shall have a copy of the main office license conspicuously displayed and a statement showing it is a branch or satellite office.

(9) Satellite and branch offices of licensed child-placing agencies shall be required to be separately licensed if:

(a) The daily supervision of the case work staff is provided on site; and

(b) The office maintains central client records and central personnel files on premises.

~~(10)(7)~~ The department shall authorize a licensed child-placing agency to conduct the licensing study of a family foster home to be used exclusively by that agency and to verify to the department that the home meets the licensing requirements established by the department. Upon certification by an authorized licensed child-placing agency that a family foster home meets the licensing requirements, the department shall issue the license.

~~(11)(8)~~ The department shall withhold authorization for self-study of foster homes from an agency or shall withdraw authorization if the quality of studies being completed or the completeness of the agency's files do not show that the agency's foster parents meet the licensing requirements established by the department. The decision of the department regarding withdrawal may be contested in the hearing procedure set forth in Chapter 120, F.S.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.005, Amended _____.

65C-15.0035 License Renewal.

(1) Requests for renewal should be received by the department, no later than 45 days prior to the expiration date on the existing license.

(2) Licenses shall be considered for annual renewal if the following supporting documentation is submitted to the zone/district/region Department of Children & Families licensing office:

(a) An application with written request for renewal;

(b) The agency's revised annual budget;

(c) A written assurance of compliance with the screening requirements in subsections 65C-15.016(2)-(5), F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New _____.

65C-15.004 On-Site Visits and Complaint Investigation.

(1) Licensing staff of the department may make scheduled or unannounced visits to a licensed home, facility or agency at any reasonable time to investigate and evaluate compliance with the licensing requirements. All agencies shall be inspected at least annually.

(2) The department shall investigate complaints to determine if the agency is meeting the licensure requirements in accordance with Section 409.175(8)(b), F.S.

(3) The department shall advise the owner and operator with authority over the licensed agency that there is a licensing complaint when initiating an investigation and shall advise the agency of the results of the investigation when concluded.

(4) Whenever the department receives a report questioning the certification status or compliance of a child-placing agency with requirements of the state adoption law or alleging violations of this chapter by the agency, the department shall investigate the allegation within 20 working days to determine whether the complaint is substantiated.

(5) If violations are found that pose an imminent threat to the safety or well-being of children being served, the agency shall work in cooperation with the department in developing a corrective action plan, acceptable to both parties, to immediately ameliorate the threat posed.

(6) If violations are found that do not pose an imminent threat to the safety or well-being of children being served, the agency shall work in cooperation with the department to develop a corrective action plan listing time frames for completion of the required changes to be made.

~~(7)(5)~~ The department shall notify the complainant and the agency in writing of the results of the complaint investigation within 15 working days after the report of the department's investigation has been finalized.

~~(8)(6)~~ The agency shall fully cooperate with the department whenever such complaint investigations are conducted.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.009, Amended _____.

65C-15.005 Disclosure.

The agency shall notify the local licensing office of the department in writing within seven days if:

(1) Any civil or criminal action is commenced in any jurisdiction against any director, officer, employee or agent of the agency, where the civil or criminal action relates to or affects the licensed child-placing activity of the agency; or

(2) Any action is commenced in any jurisdiction to revoke or suspend a license held by the agency; or

(3) Any employee in a position of trust or responsibility is convicted of any disqualifying offense outlined in Section 435.04, F.S.; or

(4) Any employee is found to be in non-compliance with the Affidavit of Good Moral Character; CF Form 1649 incorporated by reference.

Specific Authority 63, 409.175, 435.04 FS. Law Implemented 63, 409.175 FS. History--New 12-19-90, Formerly 10M-24.014, Amended _____.

65C-15.006 Statement of Purpose.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History--New 12-19-90, Formerly 10M-24.015, Repealed _____.

65C-15.010 Finances.

(1) Funding: Agencies beginning operation shall have the capital necessary for a six-month period of operation. For those agencies contracting with the department, the necessary capital will be based on contract negotiations with the department.

(2) Budget: The agency shall prepare a written budget annually.

(3) Audit: The agency shall have its financial records audited annually by an independent certified public accountant. A report of this audit shall be available to the department at the licensed location during normal business hours, no later than 180 days from the end of the agency's fiscal year.

(a) If the agency is not for profit, and expends \$500,000 or more in Federal award during its fiscal year, the audit shall be conducted in accordance with the provisions of OMB Circular A-133.

(b) If the agency is a non-state entity defined by Section 215.97(2), F.S., and expends \$500,000 or more in state financial assistance during its fiscal year, the audit must be conducted in accordance with Section 215.97, F.S.; applicable rules of the Department of Financial Services; and Chapters 10.650, Rules of the Auditor General.

(4) Allocations: The agency shall develop a cost allocation plan in accordance with 45 CFR Part 95 and submit it to the department's contract oversight unit for approval by the end of each state fiscal year.

~~(5)(4)~~ Fees and Costs.

(a) If fees for adoption and licensed out-of-home foster care services are charged, the agency shall have a fee schedule disclosing all fees for services in a written policy which describes the conditions under which fees are charged, waived, or refunds made, if applicable. A copy of the fee schedule shall be filed with the department at the time of application. Agency adoption fees must be waived for families adopting children who are in the custody of the department for whom subsidies will be paid. This schedule shall clearly list the specific services covered by this fee. This fee schedule shall be given to all persons making application for adoption services. A fee agreement and any modifications to it shall be executed with each applicant, which lists the fees charged and the services to be provided, including provisions for payment, the waiver of fees and refunds if applicable. Any reduction or increase in the agency's fee schedule shall be filed with the department 15 days after going into effect.

(b) Adoption fees for non-contracted agencies shall be established based on the reasonable costs of the following services for the total adoption program:

1. Medical services for the child and the birth mother;
2. Legal services;
3. Counseling services;
4. Homestudy services;
5. Living expense for the birth mother;
6. Licensed out-of-home Foster care services;
7. Pre and post placement social services;
8. Contracted services, if applicable; ~~and~~
9. Other necessary services; and
10. Agency facilities and administrative costs.

~~(6)(5)~~ Where payments are made to foster parents:

(a) The agency shall have a written payment schedule and statement on payment procedures; and

(b) The agency shall provide foster parents with advance written notification of changes in the schedule.

~~(7)(6)~~—The agency shall not require or coerce applicants, adoptive parents or their representatives to provide gratuities such as money or other things of value or services beyond the established fee.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.019, Amended _____.

65C-15.011 Changes in Agency Function or Purpose.

(1) The agency shall provide written notification to the department within 30 days after implementation ~~to the department~~ of changes in the agency’s director, statement of purpose, services to be provided, clientele to be served, intake procedures or admission criteria.

(2) If the changes in the agency’s policies and procedures represents a major departure from the original policies submitted in writing to the department for the agency’s operation, the agency shall submit to the department their new operating policies and procedures 10 days prior to implementation.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.020, Amended _____.

65C-15.012 Notification of Critical Injury, Illness or Death.

In the event of the critical injury, critical illness or death of a child, the agency providing only adoption services shall notify the department within 24 hours. The child’s parents or legal guardian shall be notified within 24 hours unless parental rights have been terminated. A lead agency and its contracted agencies shall comply with the department’s procedures on Incident Reporting and Client Risk Prevention.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.021, Amended _____.

65C-15.013 Right to Privacy.

The privacy of the child and his natural or prospective parents shall be protected. The agency shall ensure that any public appearances by the children in care, involving publicity or fund raising are voluntary and the written consent of the child’s legal parent unless parental rights have been terminated or legal guardian is on file.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175, 617.026 FS. History—New 12-19-90, Formerly 10M-24.023, Amended _____.

65C-15.014 Office Equipment and Transportation.

(1) The agency shall maintain furnishings and equipment in good working condition for the operation of the office.

(2) The agency shall assist clients in arranging transportation necessary for implementing the child’s case plan. Vehicles used by staff to transport children shall be maintained and operated in safe condition, and in conformity with appropriate motor vehicle laws.

(3) The number of persons in a vehicle used to transport children shall not exceed the number of available seats; children shall be restrained by a safety belt or by a child restraint device when being transported in motor vehicles in accordance with Sections 316.613 and 316.2004, F.S.

(4) The agency shall make its services accessible to the population it has designated it will serve. The agency shall comply with Chapter 553, Sections 553.501 ~~553.45~~ through 553.513 ~~553.495~~, F.S., for accessibility of their service to handicapped persons.

Specific Authority 63, 409.175 FS. Law Implemented 63, 316.613, 316.2004, 409.175 FS., Chapter 553, Sections 553.501, 553.513 ~~553.45-553.495~~ FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.024, Amended _____.

65C-15.015 Personnel Policies and Practices.

(1) The agency shall have written personnel policies and procedures for recruitment, retention, and effective performance of qualified personnel.

(2) These policies shall include; ~~for example:~~

(a) Job descriptions and titles for each position defining the qualifications, duties and lines of authority;

(b) Salary scales;

(c) A description of employee benefits;

(d) Provisions which will encourage professional growth through supervision, orientation, in-service training, and staff development;

(e) Procedures for annual evaluation of the work and performance of each staff member; ~~and~~

(f) Procedures governing payment of bonuses or other extraordinary compensation to employees or contract providers of the agency.

(g) Conditions and procedures for layoffs or the reduction of staff.

(h) The agency’s disciplinary policy, grievance and appeal procedures;

(i) Insurance protections including unemployment, disability, medical care; and

(j) Use of the agency’s premises, motor vehicles, and/or other equipment as appropriate.

(3) The agency shall have procedures for handling any suspected incidents of child abuse or neglect which include:

(a) The agency shall require each staff member to read and sign a statement reflecting the requirements of Section 39.201, F.S., within thirty days of hire date.

(b) All suspected cases of child abuse and neglect shall immediately be reported to the department’s Florida Abuse Hotline in accordance with Chapter 39, F.S.

(c) A provision shall be made for reporting and recording any suspected incident of abuse or neglect of children to the director of the agency.

(d) There shall be provisions for immediate protection of the victim and prevention of a recurrence of the alleged incident pending investigation.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.025, Amended _____.

65C-15.016 Staff Functions and Qualifications.

~~(1) The agency shall have available on site the educational qualifications of employees to verify that they meet the standards set forth in Rule 65C-15.017, F.A.C.~~

~~(2) The agency shall have a personnel file for each employee, available for review by the department which shall include, but is not limited to the following:~~

~~(1)(a) The application for employment;~~

~~(2)(b) Verification that the initial screening requirements of Sections 409.175 and 435.05, F.S., and Chapter 10-20, F.A.C., have been completed and met;~~

~~(3) Verification of annual criminal records checks; conducted every twelve months from initial hire date through a local law enforcement agency;~~

~~(4) Verification of annual criminal records checks; conducted every twelve months from initial hire date through a local law enforcement agency.~~

~~(5) Verification of re-screenings through the Florida Department of Law Enforcement every five years following initial hire date for all staff;~~

~~(6) Job descriptions;~~

~~(7) Reference verification, minimum of three personal or professional;~~

~~(8) Signed Affidavit of Good Moral Character;~~

~~(9) Attestation of child abuse reporting responsibilities;~~

~~(10)(e) Employee's starting and termination dates and reason for termination;~~

~~(11)(f) Annual performance evaluations and any disciplinary actions taken;~~

~~(12)(e) Copy of diploma or degree; and~~

~~(13)(f) Training record and conferences attended.~~

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.026, Amended _____.

65C-15.017 Personnel.

(1) The agency director shall be responsible for the general management and administration of the agency in accordance with Chapter 63 and Section 409.175, F.S., and this rule the licensing requirements and the policies of the governing body. The director shall have a master's degree in social work or a related area of study from an accredited college or university and at least two years' experience in human services or child welfare programs. A bachelor's degree in social work or a related area of study from an accredited college or university and four years of experience in human services or child welfare programs may be substituted. A doctorate degree in social

work or a related area of study may be substituted for one year of the required experience. Agency directors continuously employed before the effective date this rule becomes law will be considered to have met these educational requirements.

(2) Agency staff responsible for supervision of staff performing child protection/child welfare services as defined in subsection 65C-30.001(21), F.A.C., shall have a bachelor's degree in social work or a related area of study from an accredited college or university and at least two years of experience in human services or child welfare programs. ~~A bachelor's degree in social work from an accredited college or university or related area of study and four years of experience in human services or child welfare programs may be substituted. A doctorate in social work or a related area of study may be substituted for one year of the required experience.~~

(3) Agency staff responsible for performing child protection/child welfare casework services, training or licensing functions shall have a bachelor's degree in social work or related area of study or a master's degree in social work or a related area of study from an accredited college or university.

(4) Staff members may be exempted from the above educational requirements if they met the educational requirements of Chapter ~~65C-15~~ 10C-15, F.A.C., at the time of employment and their initial date of employment predates the effective date of this rule.

(5) No person who has served as a board member, executive director or other officer of an agency that has failed to secure a license to operate as a child-placing agency shall be employed by or associated with a licensed child-placing agency for a period of two years after termination or cessation of that illegal operation. No person, executive director, or other officer of an agency which continued in operation after having knowledge of the revocation or suspension of the agency's license shall be employed by or associated with a licensed agency for a period of two years from cessation of the illegal operation. The department will waive this provision if it is shown that the person had no knowledge or had no reason to know the operation was illegal. Such a waiver must take place before the employee is hired or a request for a waiver shall be submitted to the department within 30 days after it is discovered that an ineligible person has been employed.

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.027, Amended _____.

65C-15.018 Staff Development.

(1) The agency shall have a written plan for the orientation, ongoing training and development of all staff.

(2) The agency shall ensure that the child protection/child welfare supervisory, training and licensing social work staff receive at least 15 hours of in-service training during each full

year of employment. ~~Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purpose of this requirement.~~

Specific Authority 63, 409.175 FS. Law Implemented 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.028, Amended.

65C-15.019 Volunteers.

(1) Volunteers who work directly with children without direct and constant supervision must be screened in the same manner as the employees of the agency. A volunteer ~~who assists on an intermittent basis for less than 40 hours per month~~ need not be screened as long as they are under direct and constant supervision by persons who have been screened in accordance with Sections 409.175 and 435.04, F.S., ~~Chapter 10-20, F.A.C.~~

(2) An agency which utilizes volunteers to work directly with children or their families shall:

(a) Develop a description of duties and specific responsibilities;

(b) Develop a plan for the orientation and training in the philosophy of the agency, the needs of the children in care and the needs of their families, the importance of preserving and protecting the rights of children in care, their responsibility to report child abuse and neglect and the importance of confidentiality; and

(c) Provide a protocol describing ~~for~~ how volunteers will participate in carrying out the case service plans for children and families with whom they are working.

(3) Volunteers who assume responsibilities of paid staff members must meet the educational and experiential requirements of the position for which they are volunteering.

(4) Agencies utilizing volunteers to provide direct services to clients ~~shall must~~ keep adequate records to reflect the hours and activities of the volunteers.

(5) An agency which accepts students for field placement shall:

(a) Develop a written plan describing ~~their~~ students' tasks and functions. Copies of the plan shall be provided to each student and to his or her school;

(b) Designate a professional staff member to supervise and evaluate the students;

(c) Develop a plan for orientation and training in the philosophy of the agency, the needs of the clients served by the agency, the importance of confidentiality, and the preservation and protection of the rights of children including the reporting of any alleged child abuse;

(d) Provide for participation in developing and carrying out the case plans for the children and families they are working with;

(e) Assure that students are not expected to assume the total responsibilities of any paid staff member; and

(f) Students who work directly with children without direct and constant supervision for periods of more than 40 hours in any given month must be screened in the same manner as the employees of the agency. A student who assists on an intermittent basis ~~for less than 40 hours per month~~ need not be screened as long as they are under direct and constant supervision by persons who have been screened in accordance with Sections 409.175 and 435.04, F.S., ~~Chapter 10-20, F.A.C.~~

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 12-19-90, Formerly 10M-24.029, Amended.

65C-15.020 Non-Contracted Agency Intake Procedures and Practices for Children in Foster Licensed Out-of-Home Care and Residential Care.

(1) At the time the agency receives a referral or application for licensed out-of-home foster care ~~or residential care~~, the agency shall assess the needs and strengths of the child's family and document these in the case record.

(2) A written intake study shall include, but not be limited to the following:

(a) The identification of the specific needs of the child and family which warrant consideration of removal and placement of the child;

(b) The family's strengths;

(c) If appropriate, the degree of involvement of the child's parents and significant others in the child's care;

(d) The available resources;

(e) The stated goals for the family;

(f) The available social and medical history of the child and his family members;

(g) The child's legal status;

(h) A description of the child's emotional reaction to and understanding of the need for placement; and

(i) Names, addresses, and phone numbers of the parents, siblings, relatives or others affected by the plan.

(3) In court ordered placements, where a child is not voluntarily placed by the parents or legal guardian, the agency shall comply with the requirements set forth in Chapter 39, F.S., ~~Part V~~.

(4) In cases where the placement is voluntarily made by the parents or legal guardian, if one has been appointed, the agency shall secure written authority for placement prior to accepting a child into care. The agency shall also comply with Chapter 39, F.S., ~~Part V~~, as it relates to voluntary placements.

(5) Except in emergency circumstances, the agency shall obtain a written consent from the parents or legal guardian, if one has been appointed, or the court, to provide routine medical care for a child accepted into care. If medical consent cannot be obtained at the time of placement, it must be obtained within 72 hours of the child's entry into care.

~~(6) Medical treatment for children whose parental rights have not been terminated shall be obtained pursuant to subsection 65C-28.003(7), F.A.C. procedures which are not considered part of routine medical care must be specifically authorized by the parent of the child, the legal guardian, if one has been appointed, or a court of competent jurisdiction unless the situation is so urgent as to make the delay required to secure authorization potentially dangerous to the health and safety of the child. In cases where parental rights have been terminated and the child has been committed to an agency for placement in an adoptive home, the agency may consent for medical care without a court order except for abortion or permanent sterilization of the child.~~

Specific Authority 39, 63, 409.175 FS. Law Implemented 39, 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.031, Amended _____.

65C-15.021 Placement Services to Families and Children in Licensed Out-of-Home Foster Care and Residential Care.

(1) This section does not apply to parents whose rights have been terminated by the courts or to parents who have signed voluntary surrenders for purposes of adoption ~~or the children cared for in foster care while awaiting placement for adoption.~~

(2) In accordance with Chapter 39, F.S., and Chapters 65C-13, 65C-28 and 65C-30, F.A.C.; and pursuant to Sections 409.1671 and 409.175, F.S., a child-placing agency shall place a child entrusted in its care in a fully licensed placement or adoptive home; supervise the care of the child; and coordinate the planning and services to the child and his family.

(3) Should the parents or child require services not offered by the agency, a referral shall be made by the agency to the appropriate available community service. Arrangements shall be made by the referring agency to maintain communication with the second service provider and progress and lack of progress made as a result of the alternate services shall be documented in the case file.

~~(4)(2)~~ When two agencies share responsibility for service to a child or a family, there shall be a clear delineation of responsibility for each service to be provided and both agencies must assure that service gaps do not occur as a result of shared planning. Case Service plans in shared cases must be in writing and must be approved by both services providers. The following services shall be provided to the child's parents:

(a) The agency shall make reasonable efforts to prepare the child's parent or parents to resume their parental roles and responsibilities unless this is contraindicated by the case plan;

(b) The agency shall help the family gain access to the services necessary to preserve and strengthen the family and accomplish the goals of the case plan;

(c) The agency shall assist the family to assess the problems which brought about the need for placement;

~~(d) Children in the care of the department or in the care of a duly licensed child placing agency are subject to the requirements of Chapter 39, F.S., Part V, as applicable; and~~

~~(e) The agency shall have a written performance agreement, signed by the parents, or a case plan which shall include, but not be limited to, the following:~~

~~1. The responsibilities of the agency and the parent for carrying out the steps to meet the goals of the case plan;~~

~~2. The financial arrangements between the agency and the parents for the support of the child while in care; and~~

~~3. The arrangement for visitation between the child and his parents.~~

~~(f) If the case plan for the child is adoption, a properly signed and witnessed surrender and consent for adoption form shall eliminate the requirement for a performance agreement with the parent of the child.~~

~~(3) Selection of Care.~~

~~(a) The agency shall select the most appropriate service for the child, consistent with the child's and family's need.~~

~~(b) If foster care or residential care are the plan of choice, the agency shall arrange or assist in the arrangement for any specialized services the child or his family may need in order to remedy the problems which brought them to the agency.~~

~~(c) The agency shall make a reasonable effort to select a placement for the child that is as home like as possible and which is as close as possible to the home of the child's parent so that visitation between the child and his parents is possible.~~

~~(d) An agency, when selecting care, shall take into consideration a child's racial, cultural, ethnic, religious heritage and sibling relationships and shall preserve them to the extent possible without jeopardizing the child's right to care or to a permanent family.~~

~~(e) The agency shall select the placement which will most effectively achieve the goals of the case plan.~~

~~(f) Parents shall be involved in the placement selection and the service plan consistent with the best interests of the child.~~

~~(g) When the case plan for a child is foster care, the agency shall only place the child in a licensed foster home.~~

~~(4) Preplacement Preparation:~~

~~(a) The agency social worker should help the child understand the reasons for placement and prepare him for the new environment to the extent of each child's capacity to participate and understand. The caseworker shall plan and participate in at least one preplacement visit except in cases of emergency placement and shall be available to the child, the child's parents or the foster family for supportive services.~~

~~(b) The agency shall arrange for a medical examination for each child within a week of their placement into care unless the child has received a medical examination within 30 days prior to admission and the report has been provided to the agency.~~

~~(c) The agency shall obtain developmental information and shall preserve this information on each child.~~

~~(d) The agency shall arrange for an examination by a dentist for each child three years of age or older within 90 days of placement unless the child has been examined within six months prior to placement with the agency and results of the examination have been provided to the agency.~~

~~(e) The agency shall arrange for an eye examination and a hearing assessment by a licensed professional for each child three years of age and older within 90 days of placement unless the child has been examined within six months prior to placement and the results of the examination have been provided in writing to the agency.~~

~~(f) The agency shall obtain a written copy of each child's immunization record within 30 days of their admission to placement. If this is not available, the agency shall develop an immunization program for the child in consultation with medical personnel. This record shall be maintained in the child's case file.~~

(5) An agency licensed for the purpose of adoption shall be required to have an at-risk placement document signed by the prospective adoptive parent or parents prior to placement of a child in their home, in the event the agency does not have a court order documenting termination of parental rights of the child being placed for adoption.

(a) The at-risk placement document shall contain a statement that the agency does not have commitment of the child for the purpose of adoption and the reasons why it does not have commitment. The at-risk placement document shall state that proceedings have been started to obtain commitment; that the agency shall notify the adoptive family, in writing, of the court's decision regarding commitment and that the child may be removed from the home if commitment is not forthcoming. The adoptive parents shall agree to return the child to the agency.

(b) An agency providing at-risk placement of a child shall provide monthly reimbursement for the care of the child, plus medical and clothing allowances, if needed, until the legal finalization of the adoption. The agency shall provide supportive counseling to the adoptive family before, during and after placement of the child, and shall make diligent efforts to remove legal and other barriers preventing the adoption from occurring.

Specific Authority 39 Part V, 63, 409.175 FS. Law Implemented 39 Part V, 63, 409.175 FS. History–New 12-19-90, Formerly 10M-24.032, Amended _____.

65C-15.022 Agency Services to Children in Foster Care.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Formerly 10M-24.034, Repealed _____.

65C-15.023 Foster Home Licensing.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.036, Repealed _____.

65C-15.024 Foster Home Studies.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.037, Repealed _____.

65C-15.025 Monitoring and Annual Licensing Study.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Formerly 10M-24.038, Repealed _____.

65C-15.026 Recommendations to Revoke a Family Foster Home License.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Formerly 10M-24.039, Repealed _____.

65C-15.027 The Agency's Responsibilities to Licensed Out-of-Home Caregivers Foster Parents.

(1) The agency shall provide or identify training opportunities for licensed out-of-home caregivers foster parents to increase their skills and ability to parent children who are not their own. Each prospective licensed out-of-home caregiver shall receive the pre-service training required by Section 409.175(14)(b), F.S. The agency shall ensure that each newly licensed out-of-home caregivers foster parent receive not less than 8 1/2 hours of training per year during the first two years of licensure. Training opportunities should include, training on agency policy, rules and laws, training which provides licensed out-of-home caregivers foster parents with an understanding of licensed out-of-home foster care, training which provides licensed out-of-home caregivers foster parents with an understanding of the needs of children and their families, training on the responsibilities of the licensed out-of-home caregivers foster parent to the agency and the child.

(2) The agency shall have a signed agreement with all foster parents which includes the following:

- (a) Expectations and responsibilities of the agency staff and the licensed out-of-home caregivers foster parents;
- (b) The fiscal and medical arrangements for the children placed in the home;
- (c) The authority which licensed out-of-home caregivers foster parents can exercise for the children placed in their home, including discussions of normalcy;
- (d) The actions which require agency staff authorization; and
- (e) A statement of the agency's discipline policy.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.040, Amended _____.

65C-15.028 Adoptive Home Study.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.042, Repealed _____.

65C-15.029 Services to Adoptive Parents and Children Available for Adoption.

(1) The child's services worker ~~agency~~ shall discuss the potential adoptive child with the prospective adoptive family and shall prepare them for the placement of that ~~a~~ particular child. The preparation shall include, but not be limited to:

(a) Presentation of written information about the child's; ~~his~~ personal characteristics, a copy of the child's ~~his~~ complete medical history and files, if available, documentation of ~~his~~ academic potential and school performance including copies of school report cards, if applicable, and all available non-identifying ~~confidential~~ information about the child's background and legal ~~his birth~~ family.

(b) Completion of at least one visit with the child prior to placement. Placement of foreign children and infants handled by a licensed Florida child-placing agency are exempted from the requirement of pre-placement visits.

(2) The agency services ~~social~~ worker shall visit with the potential adoptive family at least every 30 days ~~monthly~~, after the placement of a child, until the adoption is finalized.

(a) Observations made during the visits shall be documented in a case file and shall form a basis for case planning with the family and the child.

(b) The agency shall assist the family and the child with problems that are identified in the placement and shall work toward their remediation.

(c) If the agency places a child out of the state for the purposes of adoption, the agency shall comply with the Section 409.401, F.S., et seq., the Interstate Compact on the Placement of Children. A request for supervision and services to be provided by another licensed child-placing agency must be in writing. The written request must contain a request for periodic status reports on the child's progress and adjustment.

(3) The agency shall provide service to the adoptive family and child until the adoptive placement is finalized or terminated.

Specific Authority 409.175 FS. Law Implemented 409.175, 409.401, et seq. FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.043, Amended.

65C-15.030 Case Records.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Formerly 10M-24.045, Repealed.

65C-15.031 Child's Case Records Keeping for Non-Contracted Agencies.

(1) The agency shall maintain current records for each child placed in a family foster home, adoptive home, or residential group care facility. The following information at a minimum shall be contained in each file:

(a) Demographic information including the name, address, social security number, sex, religion, race, birth date, and birth place of the child;

(b) The name, address, telephone number, social security numbers, demographic information including birth dates, race, religion, family composition and marital status of the parents or guardians of the child;

(c) The name, address, and telephone number of siblings if placed elsewhere and other significant relatives, if available;

(d) Copies of legal documents of importance to the type of care such as birth record and any court dispositions or signed agreements with the family;

(e) The medical history shall include, if available, cumulative health records, addresses of all health care providers who provided treatment, examination or consultation regarding the child as well as all psychological and psychiatric reports;

(f) The social assessment and background of the family and parents;

(g) A summary which reflects the dates of contact, initial assessment, case plan, and content of the services worker's visits;

(h) The circumstances leading to the decision of the parents to place the child, the agency's involvement with the parents, including services offered, delivered, or rejected;

(i) Educational records and reports, if applicable;

(j) Summary of case reviews which reflect the contacts with and the status of all family members in relation to the case plan as well as the achievements or changes in the goals;

(k) Summary of any administrative or outside service reviews on the progress of each child toward goal determination;

(l) Summary of child's contacts with family members which reflect the quality of the relationships as the way the child is coping with them; and

(m) A record of the child's placements with names of caregivers, addresses, and the dates of care.

(2) The agency shall make every effort to maintain stable licensed out-of-home ~~foster~~ care placements for each child in licensed out-of-home ~~foster~~ care. When replacement is indicated, first consideration shall be given to returning the child to the parents or to placing the child with relatives, except for children surrendered for adoption. If the return of the child to the parent or placement of the child with a relative is not appropriate, all of the following shall be documented in the child's record within 10 working days after replacement in licensed out-of-home ~~foster~~ care:

(a) The reason for replacement;

(b) An evaluation of the appropriateness of continued licensed out-of-home ~~foster~~ care;

(c) Documentation of replacement preparation appropriate to the child's capacity to understand;

(d) Evidence of notification to the parents of the child's replacement, unless surrenders for adoption are obtained; and

(e) The information that was shared with the new foster parents about the child, including the case plans.

(3) Upon discharge a child's record shall contain:

(a) A discharge summary showing services provided during care, the growth and accomplishments, needs which remain to be met, and recommendations of the services needed to meet these goals;

(b) Date of discharge, reason for discharge, and the name, address, telephone number, and relationship of the persons or agency to whom the child was discharged; and

(c) After care plans which specify the responsibility for follow-through.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.046, Amended _____.

65C-15.032 Family Case Record Keeping for Non-Contracted Agencies.

(1) The agency shall have on file a record of the family of every child whom the agency places into care which contains:

(a) Demographic information including address, birth dates, race, religion, family composition, and persons important to the child;

(b) The social history, including any psychological or psychiatric reports and medical histories;

(c) Strengths and needs of the family and the services required;

(d) Services Worker's assessment and initial case plan;

(e) Signed agreements between the agency and family;

(f) Summary of dates of contact and progress toward goals;

(g) Case review reports; and

(h) Discharge summary.

(2) If the agency received the child from a custodian other than a parent, the agency shall also maintain these records on the prior custodian.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.047, Amended _____.

65C-15.033 Family Foster Home Records Keeping for Non-Contracted Agencies.

The agency shall keep separate records for each family foster home which shall contain:

(1) The application to provide licensed out-of-home care foster care;

(2) Verification that the screening requirements of Sections 409.175 and 435.04, F.S., ~~Chapter 10-20, F.A.C.~~ have been successfully met;

(3) Licensed Home Study ~~Family assessment~~;

(4) Re-Licensing Studies ~~Medical information~~;

~~(5) Annual assessment of strengths and weaknesses of the foster family relative to the care of the individual children placed with them;~~

~~(6) All licensing compliance studies and reports connected with it;~~

~~(7) List of children placed, dates admitted, date of discharge, and reason for discharge; and~~

~~(5)(8) A termination summary for homes which are closed, and the reason for closing.~~

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Formerly 10M-24.048, Amended _____.

65C-15.034 Adoptive Home Records Keeping for Non-Contracted Agencies.

The agency shall keep records for each adoptive family which shall contain:

(1) The applications;

(2) The adoptive home assessment study;

~~(3) Medical information;~~

~~(4) Character references from a least three sources;~~

~~(5) A summary of family contacts following approval for adoption until the child is placed;~~

~~(3)(6) A copy of the information given to the parent's concerning the child or children to be placed for adoption with them;~~

~~(4)(7) All legal documents pertaining to the adoption; and~~

~~(5)(8) Summary containing the placement decision, pre-placement and post-placement contacts with the family and the adoptive child, including services provided to stabilize the placement and decisions regarding finalization of the adoption.~~

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.049, Amended _____.

65C-15.036 Intercountry Adoption Services.

(1) The agency which engages in intercountry adoptions shall provide to the adoptive parents all legal documents, pertaining to the adopted child, which have been obtained from the child's country of origin.

(2) The agency shall comply with all applicable adoption laws of the child's country of origin and the state of Florida.

(3) The agency which engages in intercountry adoptions shall comply with the requirements of the United States Immigration and Nationality Act as specified in Sections 1431 through 1434, 8 USC.

(4) The agency shall comply with the requirements of the Hague Convention and all applicable regulations for placement of children from countries that have ratified or acceded to the Hague Convention on Inter-country Adoption.

Specific Authority 63.022, 409.175 FS. Law Implemented 63.022, 409.175 FS. History--New 10-27-93, Formerly 10M-24.052, Amended _____.

65C-15.037 Private Interstate Adoptions.

This section refers to private Interstate Adoptions, which means an interstate adoption required to comply with the Interstate Compact on the Placement of Children where the child is not under the custody or supervision of the sending state's dependency court jurisdiction or child welfare agency's supervision due to an allegation of abuse, neglect or abandonment. Private interstate adoptions have different requirements for placement determination than adoptions stemming from a dependency case. All states, the District of Columbia and the United States Virgin Islands are members of the Interstate Compact on the Placement of Children. The placement of any child for adoption outside of the state of Florida with a member state or jurisdiction must be done in accordance with the Interstate Compact on the Placement of Children pursuant to the following procedures, which shall also be used when placing or bringing a child into Florida from a member state or jurisdiction. The only exemption to this rule is found in Section 409.401, Article VIII, F.S., Interstate Compact on the Placement of Children.

(1) When placing a Florida child in a member state or jurisdiction for adoption, the initial placement request package of the sending agency or person must include an original and four copies of an ICPC 100A Interstate Compact Placement Request, Form CF 794, Oct. 96, which is hereby incorporated by reference, properly completed and signed, showing the agency as responsible for planning for the child, and as financially responsible for the child, and at a minimum, three complete sets of the following:

(a) A cover letter on agency letterhead that:

1. Shows the name and phone number of the agency professional staff person who is handling the adoption;
2. Indicates in what state the adoption is to be finalized;
3. Addresses the termination of parental rights of any man required to give consent pursuant to Section 63.062, F.S. the birth father, if that subject is not included in the enclosed adoption request package;
4. Includes a list identifying the contents of the enclosed adoption request package; and
5. Is signed by an authorized agency representative.

(b) Consents (if applicable):

1. An executed consent for voluntary surrender of the child signed by the legal birth mother and any man required to give consent pursuant to Section 63.062, F.S., birth father, showing that the agency has been given responsibility for the child;
2. If an executed consent for voluntary surrender of the child from any man required to give consent pursuant to Section 63.062, F.S., the birth father is not available, information must be provided stating how his parental rights will be addressed.
3. An affidavit of non-paternity may be provided in lieu of a consent in accordance with Section 63.062(4), F.S.

4. If a Termination of Parental Rights Order has been entered for a birth mother or any man required to give consent as per Section 63.062, F.S., a copy of the order shall be provided.

(c) Family history, social and medical information on the birth mother and birth father, including a clear statement as to American Indian tribal affiliation or heritage. If a birth parent claims American Indian tribal affiliation or heritage:

1. Proof that tribal notice has been made in accordance with the Indian Child Welfare Act of 1978 25 U.S.C. is required and should include:

a. All responses from noticed tribes; or

b. An At Risk Placement Agreement, signed by the prospective adoptive parents, specific to the fact that one of the birth parents has claimed American Indian tribal affiliation or heritage; and that all responses from noticed tribes have not been received; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

2. In the case of a voluntary placement where the birth parent does not notify the tribe, the following are required:

a. An affidavit signed by the birth parent attesting to this choice; and

b. An At Risk Placement Agreement, signed by the prospective adoptive parents, specific to the fact that one of the parents has claimed American Indian tribal affiliation or heritage; however, has chosen not to notify the tribe; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

(d) A narrative report on the social and educational background of the birth mother and birth father giving a clear picture of the birth parents and the reasons for their decision to place rather than parent their child. This report must contain a signed statement by the birth parents indicating their preference for registering their names in the Florida Adoption Reunion Registry pursuant to Sections 63.165, F.S.;

(e) A counseling summary document which reflects that the birth parents were advised of alternatives to adoption and that they freely chose adoption from the available alternatives;

(f) Medical information;

1. A legible copy of a hospital birth delivery and medical information report on the child, signed by a physician or registered nurse, and if the child is 1 year old or older, a legible copy of a physical examination report signed by a physician and completed within six months of the date of the proposed placement request; and

2. A legible copy of a hospital discharge report signed by a hospital official, which identifies the child and the child's medical condition at the time of discharge. A completed and signed Physician's Report on Child Form. CF-FSP 5073, Sept. 02, which includes discharge status may be substituted for the hospital discharge report when not available; and

3. Legible copies of any medical reports or assessments on the child's physical or mental health and development.

(g) The name and address of the licensed agency or person who has completed or updated the adoption home study on the prospective adoptive parents within one year of the proposed placement request, a copy of that home study, and a properly completed original department Adoptive Home Application, Form CF-FSP 5071, Oct. 96, which is hereby incorporated by reference, signed by the prospective adoptive parents ~~and notarized~~.

(h) A letter from the agency or person who will be providing supervision of the child and the prospective adoptive parents during the period between initial placement and finalization of the adoption, indicating that they have a current professional license in their state, and agree to perform the required supervision services.

(i) A copy of a court order permanently committing the child to the agency or an At Risk Placement Agreement signed by the prospective adoptive parents which acknowledge that they understand that the agency does not yet have permanent commitment of the child, and if, for some reason, the court does not grant permanent commitment to the agency, that they may have to return the child to the agency.

(j) A copy of the initial disclosure document provided to the adoptive parents as per Section 63.039(1)(a), F.S.

(k) If the department or contracted sheriff's office has an open investigation for abuse, neglect or abandonment regarding the child, verification is required that the department or contracted sheriff's office is in agreement with the child leaving the state with the prospective adoptive parents pending finalization of the adoption.

~~(l)(j)~~ It is the responsibility of the Florida licensed child-placing agency to be knowledgeable of the adoption requirements of the receiving state or jurisdiction, and to include in the sending agency placement request package any additional documents that may be required by that state or jurisdiction.

~~(m)(k)~~ The Florida Interstate Compact office will not accept facsimile transmission of an interstate placement request package.

(2) On interstate adoptive placement requests received from a sending state or jurisdiction that is a party state under the Interstate Compact on the Placement of Children, Section 409.401, F.S., the placement request package of the sending state must include an original and three copies of their ICPC 100A Interstate Compact Placement Request form, properly completed and signed, showing the sending agency or person as responsible for planning for the child, and as financially responsible for the child, and, at a minimum, two complete sets of materials which include:

(a) Documents showing the legal status of the child, and that the parental rights of both birth parents have been terminated, or if the child is not legally free for adoption, a

copy of an At Risk Placement Agreement signed by the prospective adoptive parents. The prospective adoptive parents must acknowledge that they understand the rights of the birth parents have not been terminated, and if the court does not terminate those parental rights, they may be required to return the child to the sending state.

(b) Medical Information:

1. Medical records showing the child's date and place of birth and current medical condition. If the child is 1 year of age or older, a legible copy of a medical report must have been completed within 12 months from the date of the placement request.

2. If the child has any physical or developmental or mental health problems, there must be evidence that the prospective adoptive parents have been made aware of the full extent of the child's health problems and that they are willing and able to provide the necessary care.

(c) Documents showing that:

1. The birth parents were interviewed in regard to their rights in the adoption and their preference for registering their names in the Florida Adoption Reunion Registry.

2. Family history, social and medical background on the birth family has been gathered and prepared, including a clear statement as to American Indian tribal affiliation or heritage. If a birth parent claims American Indian tribal affiliation or heritage:

a. Proof that tribal notice has been made in accordance with the Indian Child Welfare Act of 1978 25 U.S.C. is required and should include:

i. All responses from noticed tribes; or

ii. An At Risk Placement Agreement, signed by the prospective adoptive parents, specific to the fact that one of the birth parents has claimed American Indian tribal affiliation or heritage; and that all responses from noticed tribes have not been received; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

b. In the case of a voluntary placement where the birth parent does not notify the tribe, the following are required:

i. An affidavit signed by the birth parent attesting to this choice; and

ii. An At Risk Placement Agreement, signed by the prospective adoptive parents, specific to the fact that one of the parents has claimed American Indian tribal affiliation or heritage; however, has chosen not to notify the tribe; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

(d) An adoptive home study or update completed within 12 months of the request for placement prepared by an agency or individual licensed to provide this service in the state of Florida. A copy of a properly completed original department

Adoptive Home Application, Form CF-FSP 5071, Oct. 96, signed by the prospective adoptive parents ~~and notarized~~ must be attached to the home study.

(e) A letter from a Florida licensed child-placing agency, or intermediary, who is responsible for supervision of the child and the prospective adoptive parents during the period between initial placement and finalization of the adoption, identifying the person who will perform this service, and indicating that this person has a current professional license, and agrees to perform the required supervision.

(f) If the sending state's child welfare agency responsible for investigating reported abuse of minors has an open investigation of abuse, neglect or abandonment regarding the child, verification is required that the investigating agency is in agreement with the child leaving the state with the prospective adoptive parents pending finalization of the adoption.

(g) A signed statement by the prospective adoptive parents that they have been informed of the existence and purpose of the Florida Adoption Reunion Registry pursuant to Section 63.165, F.S.;

~~(h)(f)~~ The Florida Interstate Compact office will not accept a facsimile transmission of an interstate placement request package from a sending state Interstate Compact office, agency, intermediary or person.

~~(i)(g)~~ It is the responsibility of the Florida licensed child-placing agency, or intermediary, to obtain those legal and other documents from the sending state or jurisdiction that may be required by Florida law to complete or finalize an adoption in Florida.

(3) It is the responsibility of the licensed child-placing agency to properly complete, sign and submit an ICPC 100B Interstate Compact Report on Child's Placement Status, Form CF 795, Oct. 96, which is hereby incorporated by reference, to the Florida Interstate Compact office under the following circumstances:

(a) Upon initial placement of the child with the prospective adoptive parents;

(b) Upon any change in the physical location of the adoptive child prior to finalization of the adoption.

(c) Upon finalization of the adoptive placement with the adoptive parents. On this occasion, a copy of the final adoption court order must accompany this form.

(4) Information on preparation of interstate placement requests and department forms, required by this administrative rule, may be obtained by writing to the following address:

Office of the Interstate Compact on the Placement of Children

Family Safety and Preservation Office
Florida Department of Children and Family Services
1317 Winewood Boulevard
Tallahassee, Florida 32399-0700

Specific Authority 63, 409.401, 409.175 FS. Law Implemented 63, 409.401, 409.175 FS. History--New 5-17-98, Amended.

65C-15.038 Specific Rules for Lead Agencies and Contracted Providers.

An agency under contract with the department as a lead agency for a specific geographical area shall ensure that all providers through which the lead agency arranges for the provision of child protection/child welfare service are licensed as required by subsection 65C-15.003(1), F.A.C. The following standards shall be applied to community-based care lead agencies.

(1) Complaints.

(a)1. When the department receives a complaint regarding services provided by a lead agency or its sub-contracted agencies, the department shall advise the lead agency within one working day. The department will work in cooperation with the agency to identify any reasonable corrective action necessary and document the corrective action in a plan agreed upon by the agency and the department.

2. If resolution cannot be reached within ten working days: a referral must be made to the Executive Director of the lead agency and District Administrator of the respective parties. The Executive Director and District Administrator shall confer in an attempt to resolve the issue. If after ten working days resolution is not obtained appointed representatives from both parties shall meet and select a third representative. These three representatives shall meet within ten working days to seek resolution of the dispute. If the representatives' good faith efforts to solve the dispute fail, the representatives shall make written recommendations to the Secretary of the department who will work with both parties to resolve the dispute. All legal rights and remedies are reserved and if necessary, the department may take steps to suspend, revoke or deny the license of the agency affected.

(2) Whenever the department receives a regulatory complaint against a licensed family foster home, the department shall notify the supervising agency and lead agency within one working day. Prior to initiating a complaint investigation, licensing staff from the department shall review the licensing file to ensure that all relevant information has been gathered and is considered.

(a) The department licensing staff shall immediately begin conducting a thorough complaint investigation by collecting and verifying the information obtained. All contacts shall be thoroughly documented. Complaint investigations shall be initiated within forty-eight hours of receipt unless otherwise authorized by the department licensing authority.

(b) Within one week of commencing the complaint investigation, the department licensing staff shall advise the licensing authority of the findings to determine if corrective action is necessary.

(c) Corrective action plans shall be developed and monitored in conjunction with the supervising agency. Corrective action plans shall be in writing and identify specific dates by which corrective measures shall be completed. The written corrective action plan shall also state that failure to comply with the corrective measures within the time frames identified may result in administrative action including suspension, revocation or denial of the license.

(d) The department licensing staff shall thoroughly document the complaint investigation and findings in the licensing file. The department shall give written notification to the licensed out-of-home caregivers and the supervising agency of the outcome of the investigation as it relates to the licensing violations, and, if appropriate a corrective action plan.

(e) All complaint investigations shall be completed within sixty days of the receipt of the complaint unless otherwise authorized by the licensing authority.

(f) Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect shall be investigated by the Child Protective Investigator from the department or contracted sheriff's office in cooperation with licensing staff from the supervising agency whenever possible and according to Rule 65C-29.004, F.A.C. The focus of the licensing counselor's investigation is limited to violations of licensing standards pursuant to Section 409.175, F.S. and Rule Chapter 65C-13, F.A.C.

(2) Monitoring.

(a) Lead agencies shall be monitored by to ensure compliance with the terms and conditions of the service contract pertaining to the administrative and programmatic aspects of the contract related to licensing of family foster homes and compliance with this Rule. The department's Contract Oversight Unit or its designee shall perform this monitoring.

(b) The contract oversight unit shall notify the lead agency at least fourteen calendar days prior to the initiation of monitoring activities and provide a list of the items and functions that are to be monitored. The local licensing authority shall notice child placing agencies which do not contract with the department in the same manner.

(c) The contract oversight unit shall prepare a report of the results of the monitoring and deliver a copy to the lead agency and to the department's licensing authority within thirty calendar days following the completion of the monitoring.

(d) If appropriate, the lead agency shall develop a written plan of corrective action. The corrective action plan shall be submitted to the department's contract oversight unit and zone/regional licensing authority within thirty calendar days.

(e) The department's contract manager shall inform the agency in writing of its approval or disapproval of the corrective action plan within 30 calendar days of receipt.

(3) No fees shall be imposed by the lead agency or subcontractors on clients other than those set by the department and described in the current State of Florida Title XX Pre-Expenditure Report.

(4) Agency Disclosure.

(a) A lead agency shall notify the department if its Executive Director position is to be vacated. The notification shall identify the person(s) who is assuming the responsibilities of that position during the vacancy and provide verification of background screening for the individual. When the Executive Director position is filled, the lead agency shall notify the department in writing of the identity and qualifications of the new incumbent.

(b) A lead agency shall submit to the department in writing any revisions to procedures or policies that may have a potential impact on federal claims. The department shall review the proposed revisions within thirty calendar days of their receipt.

(5) Insurance. Adequate insurance as set forth in Section 409.1671(1)(h), F.S. shall be maintained on all vehicles used to transport children, whether owned by the agency or by staff.

(6) Training. Lead agency and subcontracted staff who perform child protection/child welfare services or who supervise the provision of those services shall be required to meet the training and certification requirements for those positions as established by the department under Section 402.40, F.S., within twelve months of employment.

(7) Clients Served. A lead agency shall serve all clients referred from the department. The lead agency shall be responsible for supervision and out-of-home placement for eligible children, twenty-four hours a day, seven days a week and shall provide services to children in an out-of home placement as specified in Rule Chapter 65C-28, F.A.C. Eligible clients are:

(a) Children, young adults, and families who are in need of licensed out-of-home care and related services as described in Chapters 39 and 409, F.S., as a result of child maltreatment;

(b) Families whose children are at risk of imminent out-of-home placement and who may benefit from preventive services that are funded under the terms and conditions of their contract;

(c) Relative caregivers as defined in Chapter 39, F.S.;

(d) Foster families and other substitute caregivers as defined in Chapter 409, F.S. and Chapter 65C-13, F.A.C.

(e) Adoptive families as defined in Chapters 39 and 63, F.S. and Chapter 65C-16, F.A.C.

(f) Persons covered by out-of-town inquiry, courtesy supervision by the provider or Interstate Compact on the Placement of Children pursuant to Chapter 409, F.S.;

(g) Special condition cases referred from the department or law enforcement agencies providing child protection investigations; and

(h) Children and families served in prevention and diversion programs.

(8) Recruitment and Retention.

(a) A lead agency shall establish a written recruitment plan for finding adequate foster and adoptive parent resources for waiting children. The plan must contain a means to ensure an adequate number of qualified placement options is maintained at all times to meet the needs of children who cannot safely remain in their own homes. The plan must detail a defined approach for recruiting, approving, maintaining and supporting high quality family foster homes and potential adoptive parents to match the needs of the children coming into care and a means by which the agency will measure compliance with this requirement.

(b) All agencies shall maintain documentation of all licensing activities for each family foster home as required by Rule Chapter 65C-13, F.A.C.

(9) Documentation and Record Retention.

(a) A lead agency shall completely document the provision of services to each client. These records shall be produced and updated in accordance with the agency's policy, procedures, and guidelines. In addition, the records shall include:

1. Initial and subsequent comprehensive behavioral assessments;

2. Relative home studies for in-home placement;

3. Family Foster Home Records

4. Adoptive and Potential Adoptive Family Records

5. Legal documents (e.g. court orders);

6. Case plans;

7. Medical records;

8. Educational records;

9. On-going records of contacts with children, legal parents and out-of-home caregivers, court appearances and other collateral contacts on behalf of children and families served under the agency's contract; and

10. Records required by applicable state or federal laws, rules, regulations or department operating procedures.

(b) The lead agency shall maintain the Statewide Automated Child Welfare Information System (SACWIS) and provide the department all required data. The lead agency shall register special needs children and maintain current information on the Adoption Exchange System on those children who have been permanently committed to the department and who are legally freed for adoption. Upon request, the lead agency shall provide back-up documentation and records regarding the information provided the department;

(c) Active case files shall be returned to the department upon termination of a lead agency contract.

(d) An agency licensed for the purpose of being a lead agency shall comply with the department record retention schedule as approved by the Florida Department of State Bureau of Archives and Records Management.

Specific Authority 39.409.1671, 409.175 FS. Law Implemented 39.409.1671, 409.175 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Chris Lolley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-1	Manufactured Buildings
RULE NOS.:	RULE TITLES:
9B-1.002	Definitions
9B-1.003	Administration and Department Responsibilities
9B-1.004	Adoption of Model Codes
9B-1.006	Certification of Third Party Agencies
9B-1.007	Manufacturer Certification
9B-1.009	Design Plan and Systems Approval
9B-1.0095	Component System
9B-1.010	Manufacturers Quality Assurance Manual Control Procedures
9B-1.016	Department Insignia
9B-1.017	Insignia Application and Issuance
9B-1.020	Schedule of Fees
9B-1.0211	Change in Manufacturer's Status
9B-1.0221	Manufacturer's Obligations Upon Sale of Building
9B-1.028	Factory-built Schools, Inspections and Work Progress Reports
9B-1.030	Factory-built Schools, Insignia and Data Plate

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. 31, No. 30, July 29, 2005, issue of the Florida Administrative Weekly. The changes

are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

9B-1.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) through (25) No change.

(25) through (26) renumbered (27) through (28) No change.

Specific Authority 553.76(4) ~~553.37(4)~~, 553.415 FS. Law Implemented 553.37 ~~553.36~~, 553.415, 553.73 FS. History—New 1-17-72, Amended 2-23-75, 12-8-75, 3-1-80, 9-29-82, Formerly 9B-1.02, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.003 Administration and Department Responsibilities.

(1) Forms – The following forms are hereby adopted by reference for use in administering this part. These forms may be obtained online at www.floridabuilding.org.

(a) FMBP 1-00 Manufacturer Application for State Approval, effective 10/1/05;

(b) FMBP 2-00 Agency Application for State Approval, effective 10/1/05;

(c) FMBP PS-1-00 School Districts Application Application for School Boards, effective 10/1/05;

(d) FMBP 4-00 Third Party Agency Renewal Form, effective 10/1/05;

(e) FMBP 6-00 Form: Insignia Disposition Report, effective 10/1/05.

(2) through (4) No change.

Specific Authority 553.37(1), (2), 553.73(2), 553.76(4) FS. Law Implemented 553.37(1), (2), 553.381, 553.73(2), 553.76(4) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 7-16-03,_____.

9B-1.004 Adoption of Model Codes.

(1) through (7) No change.

Specific Authority ~~320.01(2)(a)~~, 553.37(1), ~~553.38(4)~~, 553.415, 553.73(2), 553.76(4) FS. Law Implemented 553.37(8), 553.38(1), 553.415, 553.73(1), (2) FS. History—New 1-17-72, Amended 6-19-74, 2-23-75, 12-21-76, 3-20-79, 3-1-80, 6-24-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.04, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.006 Certification of Third Party Agencies.

(1) through (6) No change.

Specific Authority 553.37(1), 553.38(1), 553.73(2), 553.76(4) FS. Law Implemented 553.37(1)(c), (8) ~~553.37(8)~~ FS. History—New 1-17-72, Amended 2-23-75, 12-8-75, 11-14-76, 3-23-77, 3-1-80, 9-29-82, 4-21-83, 11-1-84, Formerly 9B-1.06, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.007 Manufacturer Certification.

(1) through (4) No change.

Specific Authority 553.37(1), 553.38(1), 553.381, 553.73(2), 553.76(4) FS. Law Implemented 553.37(8), 553.381 ~~553.38(4)~~ FS. History—New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, 9-7-00, 9-13-01, 7-16-03,_____.

9B-1.009 Design Plan and Systems Approval.

(1) No change.

(2) Design Plan Submittal.

~~(a)~~ Completed sets of design plans and specifications, prepared by an architect or engineer licensed to practice in the State of Florida, except as exempted by Florida law; supporting calculations and any required test results for each system and prototype to be approved. Based on compliance with the codes in Rule 9B-1.004, F.A.C., the Third Party Agency’s plans examiner licensed under Chapter 468, F.S., shall approve or disapprove the manufacturer’s submittal. If the submittal is approved, the individual shall affix a stamp authorized by the Department on each sheet. Plans drawn to a scale less than 1/8" to the foot are not acceptable. Plans shall be legible for reproduction purposes.

(3) through (7)(g) No change.

~~(h) Florida Insignia Number.~~

(i) through (q) renumbered (h) through (p) No change.

Specific Authority 553.37(1), 553.76(4) FS. Law Implemented 553.37(1)(a), ~~553.38(4)~~ 553.76(4) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.09, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.0095 Component System.

(1) through (3) No change.

Specific Authority 553.37, 553.38, 553.76(4) FS. Law Implemented 553.37, 553.38, 553.36(5), 553.76(4) FS. History—New 9-13-01, Amended 7-16-03,_____.

9B-1.010 Manufacturer’s Quality Assurance Manual Control Procedures.

The manufacturer’s Quality Control Manual shall at a minimum contain the following information.

(1) through (5) No change.

Specific Authority 553.37(1)(b), 553.76(4) FS. Law Implemented 553.37(1)(b), (6), (8), 553.76(4) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01,_____.

9B-1.016 Department Insignia.

(1) through (11) No change.

Specific Authority 553.37(1)(e), 553.76(4) FS. Law Implemented 553.37(1)-(5), 553.38, 553.73(2) FS. History—New 1-17-72, Amended 9-17-73, 2-23-75, 3-1-80, 6-24-80, 9-29-82, 11-1-84, Formerly 9B-1.16, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.017 Insignia Application and Issuance.

(1) through (2) No change.

Specific Authority 553.37(1)(b) FS. Law Implemented 553.37, 553.38, ~~553.73(2), 553.76(4)~~ FS. History–New 1-17-72, Amended 9-27-73, 2-23-75, Formerly 9B-1.17, Amended 1-1-87, 3-1-92, 3-1-95, 7-16-03,_____.

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

(1) Manufacturer’s initial application fee is \$300 plus \$300 for the triennial certification. The triennial renewal fee is \$300. Each additional plant will be assessed an initial application fee of \$100 plus \$150 triennial certification. The triennial renewal fee is \$150. Third Party Agency’s initial application fee is \$600 plus \$900 for the triennial certification. The triennial renewal fee is \$900.

(2) No change.

(3) Insignia fees:

(a) Factory-built schools fee is \$15 ~~\$20~~ per building;

(b) No change.

(c) Storage sheds (less than 720 square feet in area) is \$5 \$7;

(d) Manufactured buildings fee is \$50 ~~\$55~~ per module, including storage sheds over 720 feet.

~~(4) All fees are non-refundable, unless otherwise approved by the Department.~~

Specific Authority 553.37(7)(4) FS. Law Implemented 553.37(7) FS. History–New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01,_____.

9B-1.0211 Change in Manufacturer’s Status.

(1) through (4) No change.

Specific Authority ~~553.37(4)~~ 553.76(4) FS. Law Implemented 553.37(1), (4) FS. History–New 9-13-01, Amended 7-16-03,_____.

9B-1.0221 Manufacturer’s Obligations Upon Sale of Building.

The manufacturer shall provide a TRANSPORTATION AND INSTALLATION BOOKLET with each new building and component package. It shall include:

(1) through (2) No change.

Specific Authority 553.38 FS. Law Implemented 553.38 FS. History–New 9-13-01, Amended_____.

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.

(1) through (2) No change.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended 7-16-03,_____.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

(1) through (g) No change.

~~(h) Florida insignia number;~~

(i) through (t) renumbered (h) through (u) No change.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended_____.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE IS: Michael D. Ashworth, Manufactured Buildings Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-6075, e-mail address: michael.ashworth@dca.state.fl.us.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9G-2 Comprehensive Emergency Management Plan

RULE NO.: RULE TITLE:
9G-2.002 State Comprehensive Emergency Management Plan Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 17, April 28, 2006, Florida Administrative Weekly, has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-1.659 Forms and Instructions

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. 32, No. 35, September 1, 2006, issue of the Florida Administrative Weekly:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference in this chapter and may be obtained by contacting the Records Management Specialist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-8045, ext. 6436, or (561)682-6436:

Forms 0050A through 1197 No change.

(2)(a) through (g) No change.

Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 704.06 FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20,04, 2-12-06,_____.

In addition, the following changes are being made to Form 1192 Deed of Conservation Easement (Standard Riparian):

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes, over the Property described on Exhibit “B” (“Conservation Easement”).

3. Prohibited ~~Prohibitive~~ Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the permit, the following activities are prohibited in or on the Property described on Exhibit “B” (“Conservation Easement”).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated By Reference

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. 32, No. 35, September 1, 2006, issue of the Florida Administrative Weekly:

Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – 2-12-06, incorporated by reference in Rule 40E-4.091, F.A.C., Publications, Rules and Interagency Agreements Incorporated by Reference.

4.3.8 Real Property Conveyances and Restrictions.

(a) through (b) No change.

(c) The use of Form No(s). 1190-1192 and 1194-1197, referenced in Rule 40E-1.659, F.A.C., shall constitute consistency with Section 704.06, F.S. Where the applicant demonstrates that project specific conditions necessitate ~~warrant~~ deviation from language of the accepted forms, alternative language shall be ~~may be~~ accepted provided that the intent of Section 704.06, Fla. Stat. and Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District as long as certain conditions are met.

Specific Authority 373.044, 373.113, 373.171, 373.413, 704.06 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06,10-1-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER NO.:
 RULE CHAPTER TITLE:

61A-1 Definitions
 RULE NO.: 61A-1.010 RULE TITLE: Approved Advertising and Promotional Gifts

CANCELLATION OF RULE DEVELOPMENT WORKSHOP

Notice is hereby given that the rule development workshop for the above rule, set for Wednesday, November 21, 2006, has been cancelled. The person to be contacted regarding the rule is: David Tarbert, Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-0750, (850)488-0062.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.006
 RULE TITLE: Educational Requirements
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. 32, No. 30, July 28, 2006 issue of the Florida Administrative Weekly.

This change was made to address a concern expressed by the Joint Administrative Procedure Committee.

When changed, subsection (2) shall read as follows:

(2) A non-EAC/ABET accredited engineering degree program (hereinafter “engineering program”) which seeks approval ~~certification~~ pursuant to Section 471.013(1)(a), Florida Statutes, shall submit the following to the Board:

(a) A completed application form and self-study report (which may be obtained from the Board by writing to: Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304) ;

~~(b) A registration fee as prescribed by the Board;~~

~~(c) A survey fee as prescribed by the Board;~~

~~(b)(d)~~ A current catalog and student and faculty handbook.

When changed, subsection (3) shall read as follows:

(3) The Board's survey and evaluation of an engineering program shall consist of two elements:

(a) No change.

(b) A visit to the engineering school, including visits to facilities at locations other than the main campus, at the expense of the applying engineering program. This site visit will encompass all elements of the standards for approval certification set forth in this rule. A site visit is an essential requirement in the review of an engineering program seeking certification, without which no approval certification may be granted by the Board.

When changed, subsection (4) shall read as follows:

(4) The Meaning of Approval Certification.

(a) Purpose.

1. Approval Certification of an engineering program is the responsibility of the Board and is based on standards established by the Board. The same standards as are applied in the accreditation of engineering programs by EAC/ABET will be applied for approval certification of an engineering program.

2. No change.

3. Application for approval Certification is entirely voluntary on the part of the school.

(b) Standards.

1. To be approved certified, engineering programs must meet the standards set forth by the Board in this rule as judged by the Board. These standards are sometimes stated in a fashion that is not susceptible to quantification or to precise definition because the nature of the evaluation is qualitative in character and can be accomplished only by the exercise of professional judgment by qualified persons.

2. In these standards, the words "must" and "should" have been chosen with care. Use of the word "must" indicates that Florida considers meeting the standard to be absolutely necessary if the program is to be certified. Use of the word "should" indicates that Florida considers an attribute to be highly desirable and makes a judgment as to whether or not its absence may compromise substantial compliance with all of the requirements for approval certification.

When changed, subsection (5) shall read as follows:

(5) Objectives.

(a) An essential objective of a program in engineering education leading to a BSE degree must be to meet the standards herein described for approval certification that its graduates will be prepared to qualify for licensure, to provide competent engineering services and to have the educational background necessary for lifelong learning. An engineering program may establish additional objectives consistent with its available resources. Objectives must be defined in writing and made known to faculty and students. While recognizing the existence and appropriateness of diverse institutional missions and educational objectives, the Board subscribes to the proposition that local circumstances do not justify approval certification of a program that fails to meet the standards as set forth in this rule.

(b) Approval is granted Certification is awarded on the basis of evidence of an appropriate balance between the size of the enrollment in each class and the total resources of the program, including the faculty, physical facilities, curricular time and methods of instruction, and the budget. If there is to be substantial change in any of the above functions, the Board must be notified in writing so that reevaluation may be instituted.

(6) through (8) No change.

When changed, subsection (9) shall read as follows:

(9) Site Visit.

(a) The site visit team shall consist of the Educational Advisory Committee and individual(s) designated by the Board who are or have been engineering educators and practitioners experienced in engineering program evaluation. The applicant must assist the Board in making all necessary arrangements for the site visit, including the opportunity to meet trustees, owners or their representatives, administrators, faculty, students, and any others connected with the program.

~~(b) All costs incurred in making site visits to applicant facilities shall be paid by the applicant.~~

~~(b)(e)~~ Following the site visit, the Educational Advisory Committee will report its findings to the Board.

When changed, subsection (10) shall read as follows:

(10) Board Approval.

(a) Upon receipt of a report from the Educational Advisory Committee, the Board will notify the applicant of its intent to grant or deny approval certification. Approval Certification must be denied if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of engineering.

~~(b) If the Board gives notice of its intent to deny the application for approval certification, the notice shall include a specific list of deficiencies and what the Board will require for compliance. The Board shall permit the applicant, on request, to demonstrate by satisfactory evidence, within 90 days, that it has remedied the deficiencies specified by the Board. The Board shall deny certification if the applicant has not paid all fees and costs required of the Board in connection with the application.~~

(c) If the Board gives notice of its intent to approve the application grant certification, it shall specify which type it intends to grant: provisional or full approval certification.

(d) Provisional approval certification may be granted where deficiencies exist but are not of such magnitude to warrant denial of certification entirely. The Board shall determine the period of provisional approval certification, not to exceed three years, based on the nature of the deficiencies found, and an estimate of the reasonable period of time which may be necessary to remedy the deficiencies. Failure to remedy the deficiencies within the time specified by the Board may be grounds for denial of approval certification. The Board may, however, extend the period within which deficiencies may be

remedied, if there is good cause to do so. A site visit may be required by the Board if it deems it necessary to determine whether the deficiencies have been adequately remedied and whether any other conditions may have changed during the period of provisional approval certification.

(e) Full approval certification will be granted to an engineering school which is in substantial compliance with all of the standards for certification set forth in this rule. The school shall submit to the Board evidence of continued compliance annually.

(f) Periodic surveys and evaluations of all approved certified schools shall be made at least every four years.

(g) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.040 RULE TITLE: Funding for Verified Trauma Centers
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 46, November 17, 2006 issue of the Florida Administrative Weekly. This is to notice that the public hearing for Rule 64E-2.040, F.A.C., has changed from December 1, 2006 at 10:00 a.m. EST to December 8, 2006 at 1:00 p.m. The hearing will still be held at the Department of Health, Division of Emergency Medical Operations, Capital Circle Office Complex, 4025 Esplanade Way, Conference Room 301, Tallahassee, FL 32399-1738.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-59 RULE TITLE: *Holiday* Millionaire Raffle™ Retailer Incentive Rules

SUMMARY OF THE RULE: The Department of the Lottery will conduct a "Holiday Millionaire Raffle Retailer Incentive" program between November 20, 2006 and December 30, 2006, in which certain retailers will receive bonus commissions during the promotion period.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-59 *Holiday* MILLIONAIRE RAFFLE™ Retailer Incentive Rules.

(1) *Holiday* MILLIONAIRE RAFFLE is an on-line number match game. *Holiday* MILLIONAIRE RAFFLE tickets will go on sale Monday, November 20, 2006. Sales of *Holiday* MILLIONAIRE RAFFLE tickets will cease immediately after the 1,250,000th ticket is sold or at midnight on December 30, 2006, whichever occurs first.

(2) Each *Holiday* MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the *Holiday* MILLIONAIRE RAFFLE drawing. A random computerized drawing from among all *Holiday* MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on January 1, 2007. A total of 130 prizes will be awarded. Prizes will be awarded in the order drawn. The first through tenth numbers drawn will win \$1 million cash. The 11th through 30th numbers drawn will win \$100,000 and will be alternates in the order drawn for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period. The 31st through 130th numbers drawn will win \$10,000.

(3) A retailer who sells a winning \$1 million *Holiday* MILLIONAIRE RAFFLE ticket will receive a bonus commission of \$5,000 in addition to the regular five percent sales commission set forth in Rule 53ER05-14, Florida Administrative Code.

(4) Award of a bonus commission is not dependent upon the winning *Holiday* MILLIONAIRE RAFFLE ticket being claimed by the winner. Retailers who sell winning \$100,000 *Holiday* MILLIONAIRE RAFFLE tickets that subsequently become alternate winners of a \$1 million prize will not be awarded the bonus commission. Retailers who sell winning \$10,000 *Holiday* MILLIONAIRE RAFFLE tickets will not be eligible for a bonus commission.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the bonus commission earned against a retailer's outstanding debt to the Florida Lottery.

Specific Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History—New 11-16-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 16, 2006

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER06-60 *Holiday* MILLIONAIRE RAFFLE™

SUMMARY OF THE RULE: This emergency rule describes the on-line game "*Holiday* MILLIONAIRE RAFFLE," for which the Department of the Lottery will sell tickets beginning November 20, 2006.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-60 *Holiday* MILLIONAIRE RAFFLE™.

(1) How to Play *Holiday* MILLIONAIRE RAFFLE.

(a) *Holiday* MILLIONAIRE RAFFLE is an on-line number match game.

(b) Each *Holiday* MILLIONAIRE RAFFLE ticket costs \$20.

(c) *Holiday* MILLIONAIRE RAFFLE tickets will go on sale Monday, November 20, 2006. Sales of *Holiday* MILLIONAIRE RAFFLE tickets will cease immediately after the 1,250,000th ticket is sold or at midnight on December 30, 2006, whichever occurs first.

(d) Each *Holiday* MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the *Holiday* MILLIONAIRE RAFFLE drawing. *Holiday* MILLIONAIRE RAFFLE tickets will automatically print from the terminal with ticket numbers issued in sequential order from 1 to 1,250,000 as they are sold around the state. Each *Holiday* MILLIONAIRE RAFFLE ticket will contain only one ticket number. Players cannot select their own ticket numbers.

(e) The overall odds of winning a prize in the *Holiday* MILLIONAIRE RAFFLE drawing depend upon the number of tickets sold and are 1 in 9.615 if all 1,250,000 tickets are sold.

(f) *Holiday* MILLIONAIRE RAFFLE tickets cannot be cancelled.

(2) *Holiday* MILLIONAIRE RAFFLE Drawing and Prizes.

(a) A random computerized drawing from among all *Holiday* MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on January 1, 2007 to select 130 numbers. Prizes will be awarded in the order drawn. The first through tenth numbers drawn will each win \$1 million cash. The 11th through 30th numbers drawn will each win \$100,000 cash and will be alternates in the order drawn for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period. The 31st through 130th numbers drawn will each win \$10,000 cash.

(b) The *Holiday* MILLIONAIRE RAFFLE drawing shall be public and witnessed by an accountant employed by an independent certified public accounting firm, as required by Section 24.105(10), Florida Statutes.

(c) The results of the drawing will be revealed on January 1, 2007 and will be available after the drawing on the Lottery's website at www.flalottery.com, by phone at 1(850)487-7777, or at a lottery retailer.

(3) How to Claim a *Holiday* MILLIONAIRE RAFFLE Prize.

(a) *Holiday* MILLIONAIRE RAFFLE prizes must be claimed by submitting the winning ticket for validation at a Lottery office or retailer within 180 days from the date of the drawing (June 30, 2007) and, if the prize is not paid at that time, by submitting the winning ticket for payment at a Florida Lottery office, as required by the Lottery's rule governing payment of prizes. Winning *Holiday* MILLIONAIRE RAFFLE tickets will be paid only at a Florida Lottery office. Tickets winning \$1 million must be submitted for payment at Lottery Headquarters. Failure of a prizewinner to claim a *Holiday* MILLIONAIRE RAFFLE prize by submitting the winning ticket for validation and payment in accordance with the Lottery's rule governing payment of prizes shall result in forfeiture of the prize. Information about procedures for filing a claim can be obtained by calling (850)487-7777 (TDD (850)487-7784). *Holiday* MILLIONAIRE RAFFLE tickets are the only valid receipts to redeem a prize.

(b) A claim filed for a \$100,000 prize shall also be a contingent claim for a \$1 million prize. If a winning *Holiday* MILLIONAIRE RAFFLE ticket bearing any of the first ten winning numbers is not submitted for validation and payment in accordance with the Lottery's rule governing payment of prizes, the 11th through 30th prizewinners who have submitted their tickets for validation and payment in accordance with the Lottery's rule governing payment of prizes constitute contingent winners for the \$1 million prize and will be used in

the order in which they were drawn to select a winner for the \$1 million top prize. The contingent winner will be awarded the cash difference between the \$100,000 prize and the \$1 million prize.

If applicable, the Lottery will attempt to notify, for a period of two weeks, the first contingent winner drawn in the \$100,000 prize category. If the Lottery is unable to contact the first contingent winner, the Lottery will attempt to notify, for a period of two weeks, the second contingent winner drawn. This process will continue until a contingent winner is contacted or the Lottery has exhausted the list of available contingent winners, in which case the \$1 million prize will not be awarded.

(c) Payment of all federal, state and/or local taxes will be the responsibility of the winner. Federal withholding taxes will be deducted from the cash payment.

(4) General Information.

(a) Holiday MILLIONAIRE RAFFLE tickets shall be disqualified if any part is illegible, altered, mutilated, tampered with or duplicated.

(b) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(c) All Holiday MILLIONAIRE RAFFLE prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Prizes will be paid in accordance with the rules 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.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 11-16-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 16, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the Town of Jennings. This petition was assigned the number DCA06-WAI-236. Notice of this petition appeared in the October 6, 2006, edition of the F.A.W. It is ordered that the Petition for Waiver by Petitioner the Town of Jennings be, and by this Final Order is, hereby GRANTED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Timucuan Utilities, LLC, filed November 13, 2006, in Docket No. 060741-WS, seeking a temporary waiver of paragraphs 25-30.033(1)(j), (k), (m), (p), (r), (t), (u), (v), and (w), Florida Administrative Code. The petition requests that these portions of the rule, which address information required for setting initial rates in original wastewater certificate proceedings, be waived temporarily to permit bifurcation of the certification proceeding into an initial certification portion, followed at a later date by the rate setting portion of the proceeding.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice. A copy of the petition may be obtained at (<http://www.psc.state.fl.us/>) or by writing to the above address. For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from The Islander Owners Association, Inc., filed November 13, 2006, in Docket No. 060742-EU, seeking a variance or waiver from paragraph 25-6.049(5)(a), Florida Administrative Code. The rule provides that individual electric metering by the utility

company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. A copy of the petition may be obtained at (<http://www.psc.state.fl.us/>) or by writing to the above address. For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2006-173-DAO-ROW), on November 9, 2006, to Donnil Kenney Jr. and Jodie D. Kenney. The petition for waiver was received by the SFWMD on September 26, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 41, on October 13, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed addition of one boat slip (for a maximum of 10 slips); an existing asphalt parking area, deck with railing, and landscaping consisting of palms and seagrapes to remain within the south right of way of C-17 at the rear of 318 and 324 Southwind Drive; S16/T42S/R43E, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the maximum allowable number of boat slips within the District canals, prohibits the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank and vehicular parking within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Donnil and Jodie Kenney from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2006-174-DAO-ROW), on November 9, 2006, to the Town of Davie. The petition for waiver was received by the SFWMD on October 2, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 41, on October 13, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed guardrail extension within the north right of way of C-11 beginning immediately west of the Flamingo Road Bridge and ending approximately 330' west of the West Connector Bridge; S26/T50S/R40E, Broward County. Specifically, the Order grants a waiver from subsection 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of semi-permanent/permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Town of Davie from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2006-175-DAO-ROW), on November 9, 2006, to the Town of Jupiter. The petition for waiver was received by the SFWMD on September 28, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 41, on October 13, 2006. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing above-ground electrical panel with meter box to be relocated and remain within the C-18E right of way serving the Island Way Bridge; S3/T41S/R42E, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent

encroachments within the District's 100 foot long designated equipment staging areas located at all bridges and pile-supported utility crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Town of Jupiter from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on November 6, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from Aruba Catering located in Kissimmee. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved November 14, 2006, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on November 6, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code, from La Moon Restaurant located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

This variance request was approved November 14, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of the La Moon Restaurant is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on November 8, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code, from NY Chinese Restaurant of Clermont located in Clermont. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

This variance request was approved November 14, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of the NY Chinese Restaurant of Clermont is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on November 9, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Codes from Orange County Catering #2 of Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on four Mobile Food Dispensing Vehicles (MFDVs).

This variance request was approved November 14, 2006, for the four MFDVs and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

The Bureau of Elevator Safety hereby gives notice that it issued an Order Granting Emergency Variance Request on November 17, 2006 in response to a petition filed on October 4, 2006, by David Luciano regarding Harris Music Loft, License Number 5608 and advertised in F.A.W. Vol. 32, No. 42. The petition sought a waiver from Rules 2.7.3.2 and 2.7.3.3, ASME A17.1, 2000 Edition as adopted by Chapter 3001.2, 2004 Florida Building Code requesting to use a

vertical ladder as a means of access to the machine room from the roof. The petition was granted because the proposed configuration was a significant improvement over the existing situation and the cost of making the access totally code compliant would be prohibitive.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN that on November 1, 2006, the Department of Environmental Protection, Solid Waste Section, received a petition for a variance from Frank A. Darabi, P.E., on behalf of the Dixie County Transfer Station, from paragraph 62-701.710(3)(b), Florida Administrative Code, which requires that transfer stations be designed with a leachate control system, and from subparagraph 62-701.710(4)(c)2., F.A.C., which requires that transfer stations employ trained spotters.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Tedder, Program Administrator for Solid Waste, (850)245-8735 or e-mail richard.tedder@dep.state.fl.us

NOTICE IS HEREBY GIVEN that on December 1, 2006, the Department of Environmental Protection's Bureau of Mine Reclamation has issued an order.

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (0131819-007-EV) to Mosaic Fertilizer, L.L.C., Post Office Box 2000, Mulberry, Florida 33860-1100, under Sections 373.414(17), 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), Florida Administrative Code, which provides minimum standards for dissolved oxygen levels in surface waters. This variance will apply to dissolved oxygen levels in the hypolimnion (the deepest layer) in the deep water pockets proposed in Wetland Resource Permit modification application No. 0131819-006.

On October 31, 2005, Mosaic Fertilizer, L.L.C. applied for a permit modification to the mine wide permit No. 0131819-001 for the Mosaic Hookers Prairie Mine. The modification is to create a maximum of eight (8) deep-water pockets totaling 154 acres within an area previously mined for phosphate and to relocate of 154 acres of sawgrass marsh mitigation to areas previously designated as uplands. The deep-water pockets will not exceed 25 feet ± 1 foot below normal water elevation (NWL). On April 17, 2006, Mosaic Fertilizer, L.L.C. submitted a petition for a variance, under Sections

373.414(17), 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), F.A.C., which provides minimum standards for dissolved oxygen levels in surface waters.

The dissolved oxygen levels in the hypolimnion of the deep-water pockets are expected to drop below the mandatory minimum of 5.0 mg/l at times. Stratification and the associated reduction of dissolved oxygen in the hypolimnion are natural phenomena in deep-water bodies, especially during warmer parts of the year. This condition is well documented in the limnological literature and recognized in Section 373.414(6)(a), F.S., which states, "The Legislature recognizes that some mining activities that may occur in waters of the state must leave a deep pit as part of the reclamation. Such deep pits may not meet the established water quality standard for dissolved oxygen below the surficial layers. Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit." The low dissolved oxygen levels in the hypolimnion of the deep-water pockets are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the deep-water pockets are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. Existing lakes on lands previously mined for phosphate support healthy populations of fish. Several reclaimed lakes are currently being managed by the Florida Fish and Wildlife Conservation Commission to provide the public recreational fishing opportunities. The deep-water pockets will be part of the larger, jurisdictional wetland system known as Hookers Prairie, which historically has had dissolved oxygen levels below Class III standards. Subsection 62-302.300(15), F.A.C., states, "The Department shall not strive to abate natural conditions."

There is no practicable means known or available to achieve the required dissolved oxygen levels in the hypolimnion within the deep-water pockets. Therefore, the Department intends to issue a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen in the hypolimnion proposed deep-water pockets.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review

process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

In accordance with Section 373.414(17), and 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Section 120.569 and 120.57, Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code. Under Section 120.569(2)(c) and (d), Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399 3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the

appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone: (850)488 8217. A copy of the Order may be obtained by contacting: Orlando E. Rivera at (850)488-8217.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on November 15, 2006, the State of Florida, Department of Health, Bureau of Emergency Medical Services has issued an order.

The Department approved the petition for a temporary 90 day emergency extension of their variance due to expire on November 30, 2006, on the basis that the petitioner established that substantial hardship would result if the petitioner complied with the current rule. This extension for the temporary variance will allow ASHI's programs to be considered equivalent until they receive accreditation from CECBEMS or 90 days (February 28, 2007) from November 30, 2006 whichever occurs first.

A copy of the Order may be obtained by submitting a written request to: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Financial Services Commission
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: January 4, 2007, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Room 606 Conference Room, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

Contact: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section, (850)487-2130 or from the PREC Web Site at: http://www.flaes.org/pesticide/pesticide_registration.html.

The **Florida State Fair Authority** announces a meeting of the Finance Committee to which all interested persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 11:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

Agenda: A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The **Florida State Fair Authority** announces a meeting of the Full Board to which all persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 1:00 p.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

Agenda: A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the address above or at (813)627-4221.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public hearing of the Florida Schools of Excellence Commission to which all persons are invited.

DATE AND TIME: December 14, 2006, 10:00 a.m. – until completion

PLACE: Meeting Room 309, Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Per Section 1002.335(3)(c), Florida Statutes, the Florida Schools of Excellence Commission shall meet each month at the call of the chair.

Agenda is forthcoming.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The State **Board of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: The Capitol, Cabinet Meeting Room, 400 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of the approval of minutes of the meeting held October 17, 2006, and updates on various reports and status of education initiatives by the Chairman and Commissioner including the Broward County School Board's Appeal of the Department of Education's Decision on Reallocation of Title I Funds based on Supplementary Education Services Participation, Osceola County School Board's Appeal of Department of Education's Decision on Reallocation of Title I Funds based on Supplementary Education Services Participation, Richard Milburn Academy vs. The School Board of Hillsborough County, Florida charter school appeal. Among the items to be presented for the Board's consideration are: Amendments to Rules: 6A-1.09401, Student Performance Standards; 6A-6.03315, Private School Scholarship Compliance; and the following proposed new Rules: 6A-6.0960, Corporate Tax Credit Scholarship Program; 6A-6.970, John M. McKay Scholarships for Students With Disabilities Program; and potential district performance pay plans.

A copy of the final agenda may be obtained from the Department of Education's website at <http://www.fldoe.org>.

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.

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 persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equity and Access, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated. 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 Lynn Abbott, Director, Office of Executive Management, (850)245-9663.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CANCELLATION – The **Florida Building Commission** announces the following meeting has been cancelled.

DATE AND TIME: December 7, 2006, 8:30 a.m.

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Fire TAC and the Fire Code Advisory Council meeting, if needed.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or going to the web site at www.floridabuilding.org

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Seaport Transportation and Economic Development Council** announces a teleconference meeting of the Project Review Group in which all interested persons are invited to participate.

DATE AND TIME: December 6, 2006, 10:00 a.m.

PLACE: Toll Free Call In Number: 1(877)540-9892, Participant Code: 833035

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Project Review Group meeting.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

Tentative Program of Work for Fiscal Years July 1, 2008 Through June 30, 2012

The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited. Specific notice is provided to the Florida-Alabama Transportation Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as TPO for their respective counties; the Tallahassee Capital Region Transportation Planning Agency and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties serving as TPO for their respective counties; the Okaloosa-Walton Transportation Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as TPO for their respective counties; and the Bay County Transportation Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as TPO for their respective counties.

1. Okaloosa and Walton Counties:

DATE AND TIME: December 11, 2006, 2:00 p.m. (CST), District Three Work Program

PLACE: City of Niceville Council Chambers, 208 North Partin Drive, Niceville, Florida 32578

2. Bay, Gulf, Washington, Jackson, Holmes and Calhoun Counties:

DATE AND TIME: December 8, 2006, 2:00 p.m. (CST), District Three Work Program

PLACE: Panama City Commission Chamber, City Hall, 9 Harrison Avenue, Panama City, Florida 32401

3. Escambia and Santa Rosa Counties:

DATE AND TIME: December 12, 2006, 2:00 p.m. (CST), District Three Work Program

PLACE: Santa Rosa County Commission Chamber, 6495 Caroline Street, Milton, Florida, 32570

4. Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties:

DATE AND TIME: December 7, 2006, 3:00 p.m. (EST), District Three Work Program

PLACE: Florida Department of Transportation Midway Operations, Conference Room, 17 Commerce Boulevard, Midway, Florida 32343

GENERAL SUBJECT MATTER TO BE CONSIDERED: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2007/2008 through 2011/2012, and to consider the necessity of making any changes to the Program.

Written comments from TPOs and other interested parties will be received by the Department at the Public Hearings and within 10 days after the Public Hearings. Comments should be addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. These Hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator, (850)415-9520, at least 7 working days in advance of the public hearing.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2006, 8:30 a.m.

PLACE: Embassy Suites Ft. Lauderdale, 1100 S. E. 17th St. Causeway, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 and 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting. Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones at (850)245-7914.

A copy of the agenda may be obtained by writing to: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Schedule Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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.

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: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417. 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 **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 20, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing to: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *December 18, 2006, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

* In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 19, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.florida.psc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

Docket No. 060644-TL – Petition to recover 2005 tropical system related costs and expenses, by Embarq Florida, Inc.

DATE AND TIME: December 20, 2006, 9:30 a.m.

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

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

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Independent Production Task Force will be hosting a panel discussion in conjunction with the Miami Short Film Festival. This is a public event to which all persons are invited. This has been previously noticed, however the time has changed. Please be advised of the new time.

DATE AND TIME: Saturday, December 2, 2006, 1:00 p.m.

PLACE: Cocowalk AMC Theaters, Coconut Grove, off of Grand Ave., Coconut Grove, FL 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: To have a panel discussion and a Q&A session to gain feedback from the community on independent filmmaking needs and how the state can better serve Florida's indie filmmaking community.

If you have any questions, please feel free to contact Sharon Jacobs, Executive Assistant, at the Office of Film and Entertainment, (850)410-4765.

The **Council on State Agency Inspectors General** announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: The Capitol, 21st Floor, Room 2103, Media Conference Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary objectives of this eighth meeting of the Council will be continuing business of the Council's legislative mandate.

For more information, you may contact: Derry Harper, Chief Inspector General, The Capitol, Room 2103, Tallahassee, FL 32399, (850)922-4637.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 7, 2006, 8:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 7, 2006, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited

DATE AND TIME: Thursday, December 7, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Angi Giles at (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Business Development Corporation** announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending BDC issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, December 14, 2006, Nominating Committee Meeting, 5:30 p.m.; Open House, 6:00 p.m.; Annual Meeting, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council including election of Council Officers for 2007.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

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 Michael R. Moehlman, Executive Director, at (352)732-1315.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 1:30 p.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Affordable/Workforce Housing issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 21, 2006, 9:00 a.m.

PLACE: SWFRPC Offices, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular meeting of the Southwest Florida Regional Planning Council has been cancelled for December 21, 2006.

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.

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 days before the workshop/meeting by contacting the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Regional Planning Council** announces a workshop to which all persons are invited.

DATE AND TIME: December 21, 2006, 10:00 a.m.

PLACE: SWFRPC Offices, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council's Strategic Planning Working Group will be reviewing documents from the 2006 Council's Retreat.

A copy of the agenda may be obtained by contacting: Mrs. Nichole Gwinnett, Executive Assistant, SWFRPC, 1926 Victoria Avenue, Fort Myers, FL 33901, (239)338-2550, ext. 232, ngwinnett@swfrpc.org

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.

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 the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mrs. Nichole Gwinnett, Executive Assistant, SWFRPC, 1926 Victoria Avenue, Fort Myers, FL 33901, (239)338-2550, ext. 232, ngwinnett@swfrpc.org

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, December 14, 2006, 3:30 p.m. – 5:00 p.m.

PLACE: The Roasted Pepper, 9893 Pines Boulevard, Pembroke Pines, FL 33024

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement, and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council at (954)985-4416 at least five calendar days prior to the meeting.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 20, 2006, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2006/07.

A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, or by calling (954)985-4416 in Broward, SunCom 473-4416 or 1(800)985-4416 toll-free statewide.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: December 12, 2006, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. To consider District business, and conduct public hearings on regulatory and land acquisition matters.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Suwannee River Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: December 12, 2006, 9:00 a.m.

PLACE: District Headquarters, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed acquisition of the Marty and Peggy Hauber/Devil's Elbow Addition, 10.25 acres +/- located in Suwannee County, with funds from the Florida Forever Trust Fund.

A copy of the agenda may be obtained by contacting: SRWMD, 9225 CR 49, Live Oak, FL 32060.

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.

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: Lisa M. Cheshire, Administrative Assistant, (386)362-1001 or 1(800)226-1066 (Florida only), Fax (386)362-1056. 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 **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, December 13, 2006, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing to: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling the Southwest Florida Water Management District at (352)796-7211, extension 4402 or 1(800)423-1476, extension

4402, Suncom 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling (352)796-7211, extension 4402, 1(800)423-1476, extension 4402 or Suncom 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIME: Wednesday, December 13, 2006; Thursday, December 14, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Glazier, S. Nall, G. Miller, K. Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIME: Wednesday, December 13, 2006; Thursday, December 14, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIMES: Wednesday, December 13, 2006, 9:00 a.m. – completed; Thursday, December 14, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States

District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

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Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIMES: Wednesday, December 13, 2006, 9:00 a.m. – completed; Thursday, December 14, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005), to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Glazier, S. Nall, G. Miller, J. Nutt, E. Artau, M. Compagno.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces the following public meetings to which the public and all interested parties are invited.

DATES AND TIMES: Wednesday, December 13, 2006, 1:00 p.m.; Thursday, December 14, 2006, 9:00 a.m. The meetings will end on each day upon completion of the business determined by the Governing Board to be addressed on that particular day.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop (December 13, 2006) and Regular Governing Board Meeting (December 14, 2006) to discuss and consider District business, including regulatory and non-regulatory matters. Governing Board action may be taken at either the Workshop or Regular Governing Board meeting.

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the proposed agenda for these meetings may be obtained 7 days before the meeting at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680. These agendas may be supplemented and revised and the order in which items are considered may be changed by the Governing Board at the meetings.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk at (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact the District Clerk, (561)682-2087, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular December monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2006, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing to: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Implementation Plan Working Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Tuesday, December 12, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308. Anyone interested in participating may telephone: (641)793-7500/Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Pia Neustadter, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at http://ahca.myflorida.com/dhit/Privacy_ss.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces the following public meeting of the Low Income Pool (LIP) Council to which all persons are invited.

DATE AND TIME: December 11, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Tampa International Airport, Tampa Aviation Authority Board Room, 3rd Floor, Main Terminal, 5503 West Spruce Street, Tampa, Florida 33607. Conference Call: (850)922-2903 (for those individuals unable to attend in person). Please note that this phone number has changed from the previous number that was reserved.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration. If you are interested in making a presentation to the LIP Council, please contact the person listed below to be added to the agenda.

Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com with any questions or to obtain an agenda when it is set.

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: December 11-12, 2006, 8:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodations because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2006, 8:00 a.m.

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

A copy of the agenda may be obtained by contacting: Ms. Alicia Maxwell, Executive Assistant, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301.

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.

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: Ms. Alicia Maxwell, Executive Assistant, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301. 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: Ms. Alicia Maxwell, Executive Assistant, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited.

DATE AND TIME: January 9, 2007, 10:00 a.m. – 1:00 p.m.

PLACE: The Florida Restaurant and Lodging Association Boardroom, 230 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Marlita Peters, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1014, (850)644-2051.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 72 hours before the meeting by contacting Marlita Peters, Administrative Assistant III, at (850)644-2051. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PUBLIC MEETING IS: Marlita Peters, Administrative Assistant III, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)644-2051.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIMES: December 5, 2006, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, December 11, 2006, 2:00 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, December 12, 2006; Wednesday, December 13, 2006, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by writing to: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** announces a public Workshop to which all persons are invited.

DATE AND TIME: December 12, 2006, 2:00 p.m. or soonest thereafter

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room N901, 400 W. Robinson Street, Hurston Building, North Tower, Orlando, Florida 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss the issues relating to: Rule 61J2-14.008 – Definitions, Florida Administrative Code; and Applicants who failed to disclose criminal background history.

A copy of the agenda may be obtained by writing to: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

The **Department of Environmental Protection**, Bureau of Mine Reclamation announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2006, 9:00 a.m.

PLACE: Polk County Extension Service, Valencia Room, 1702 Highway 17-98, South, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Management Plan Stakeholder Group to discuss issues regarding the Peace River Basin Resource Management Plan.

A copy of the agenda may be obtained by contacting: Thu-Huong Clark, Department of Environmental Protection, 2051 E. Dirac Drive., Tallahassee, FL 32310, (850)488-8217, or by going to the Bureau’s website at <http://www.dep.state.fl.us/water/mines/prcis.htm>

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 Thu-Huong Clark at (850)488-8217. 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 **Department of Environmental Protection**, Drinking Water Section announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, Central District Office, 3319 Maguire Blvd., Suite 232, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will receive comments from a Technical Advisory Committee regarding implementation of sub-subparagraphs

62-550.817(2)(b)1.b., 62-550.817(8)(a)1.f., and 62-555.320(12)(b), F.A.C., which require that certain public water systems treat their water to achieve at least four-log removal or inactivation of viruses.

A copy of the agenda may be obtained by contacting: John R. Sowerby, P.E., Department of Environmental Protection, 2600 Blair Stone Road, MS 3520, Tallahassee, Florida 32399-2400, john.r.sowerby@dep.state.fl.us, (850)245-8637.

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 John Sowerby at (850)245-8637. 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 **Department of Environmental Protection**, Solid Waste Section announces a workshop to which all persons are invited. DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Broward County Government Center West (N. W. corner of Broward Blvd. and University), Second Floor, Hearing Room, 1 North University Drive, Plantation, Florida, (954)519-1260

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rulemaking workshop to discuss proposed amendments to Chapter 62-701, the Solid Waste Management Facilities rule. A draft of proposed rule amendments, the draft BMP manual, and a workshop agenda are available on the solid waste website at www.dep.state.fl.us/waste/categories/solid_waste/pages/TWDR.htm

A copy of the agenda may be obtained by contacting: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8735 or email at Richard.Tedder@dep.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Richard Tedder at the above address, telephone number or e-mail address. 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 Richard Tedder.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Florida State Capitol Building, 400 South Monroe Street, Lower Level, Cabinet Hearing Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Power Plant Siting Board, will consider an Order, to be executed by the Siting Board, pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes, concerning the Recommended Order dated October 24, 2006, from the Administrative Law Judge, for the Florida Power and Light, West County Energy Center, Power Plant Siting Application Number PA 05-47, DOAH Case Number 05-1493EPP, DEP OGC Case Number 05-0745, recommending that the project be certified.

CABINET AIDES BRIEFING: The Cabinet Aides will meet and discuss the item on December 13, 2006, 9:00 a.m., in the same location. The purpose of the briefing is to review and gather information regarding this item for consideration by the Siting Board.

A copy of the agenda may be obtained by contacting: Cindy Muir, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)245-8024.

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: Landa Korokous, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. 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: Hamilton Oven., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Monday, December 11, 2006, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida, at meet me number (888)808-6959, when prompted enter conference code: 9849329103

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). 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.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 8, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing to: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: December 11, 2006, 5:30 p.m. – 8:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces the Lee County Community-Based Care Alliance Meeting to which all interested persons are invited to attend.

Lee County Community Alliance

DATE AND TIME: December 12, 2006, 3:30 p.m.

PLACE: Community Cooperative Ministries Soup Kitchen, 3429 Martin Luther King Boulevard, Fort Myers, Florida

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 5, 2007; January 16, 2007; January 19, 2007, 10:00 a.m. (Eastern Time)

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: To discuss, evaluate, and score the response(s) submitted for Florida Housing Finance Corporation's Request for Proposals #2006-05 for Community Workforce Housing Innovation Pilot Program (CWHIP).

A copy of the agenda may be obtained by contacting Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197.

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.

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 Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197. 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 Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Old County Court House, 2115 Second Street, Ft. Myers, FL 33901

DATE AND TIME: January 23, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: FWRI, KAS Auditorium, 100 Eighth Avenue, S. E., St. Petersburg, FL 33701

DATE AND TIME: January 24, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: St. Lucie County Commission, 2300 Virginia Ave., Rm. 101 – Old Commission Chambers, Ft. Pierce, FL 34982

DATE AND TIME: January 25, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

DATE AND TIME: January 26, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Monroe County Library, Mile Marker 81.5 U.S. Highway 1 (Florida Bay Side), Islamorada, FL 33036

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to review the Commission's recent snook assessment, and to review the snook workgroup recommendations that include narrowing the current slot, changes to closed seasons, and dropping the Atlantic coast daily bag limit to 1-fish. The recent assessment concluded that snook are not meeting their management goal of 40% spawning potential ratio and increasing fishing effort is contributing to the declining SPR.

A copy of the agenda may be obtained by contacting: Mark Robson, 620 S. Meridian, Tallahassee, FL 32399, (850)487-0554.

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 the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. 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: Mark Robson, 620 S. Meridian, Tallahassee, FL 32399, (850)487-0554.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: December 19, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-137.001, Annual and Quarterly Reporting Requirements, Florida Administrative Code, published on October 27, 2006 in Vol. 32, No.43, of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz at E-mail: Kerry.Krantz@fldfs.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).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

(1) – (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 20062005;

2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 20062005;

3. The NAIC's Quarterly and Annual Statement Instructions/Health, 20062005; and

4. The NAIC's Quarterly and Annual Statement Instructions/Title, 2006; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March 20062005.

(b) No change.

Specific Authority ~~624.307~~, 624.308(1), 624.424(1) FS. Law Implemented ~~624.307(1)~~, 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05,

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: December 19, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-138.001, NAIC Financial Examiners Handbook Adopted, Florida Administrative Code, published on October 27, 2006 in Vol. 32, No. 43, of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz at E-mail: Kerry.Krantz@fldfs.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).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (~~2006~~2005) is hereby adopted and incorporated by reference.

(2) – (3) No change.

Specific Authority ~~624.308(1)~~, 624.316(1)(c) FS. Law Implemented ~~624.307(1)~~; 624.316(1)(c) FS. History–New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, _____.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a two day workshop/general meeting of the Board to which all persons are invited to participate.

DATE AND TIME: December 4, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TRDA, Conference Room, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop for the purpose of interviewing candidates for Executive Director.

DATE AND TIME: December 5, 2006, 1:00 p.m.

PLACE: TRDA, Conference Room, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the TRDA Board.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, ext. 243 or dkershaw@trda.org

VOLUNTEER FLORIDA

Volunteer Florida, the Governor’s Commission on Volunteerism and Community Service, is pleased to announce an orientation/training meeting for new Commissioners to which all persons are invited to attend.

DATE AND TIME: December 7, 2006, 8:00 a.m. – 5:00 p.m. (EST)

PLACE: Marriott Vacation Club International, 6649 Westwood Blvd., Suite 500, Orlando, FL 32821

Date and time are subject to change. Please contact Kristin Mullikin at (850)414-0092, Voice/TTY, 72 hours in advance with your request.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers’ Compensation Joint Underwriting Association, Inc.** (FWCJUA) announces an Annual Membership meeting as well as a Board of Governors meeting to which all interested parties are invited to attend.

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: FWCJUA Office, Please enter through Suite 203, 6003 Honore Avenue, Suite 204, Sarasota, FL 34238

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include 2005 overview and Q&A; approval of minutes; 2007 meeting schedule; market conduct exam; legislative report; sixth-amended bylaws; Audit Committee charter procedures checklist; Producer’s Agreement & authorization process; producers’ appeals & appeal process; 2007 Business Plan & Forecast; Anti-Fraud Plan; Disaster Recovery Plan; Travel & Expense Reimbursement Policy; third quarter loss emergence; 2007 minimum premiums; interchange of labor rule; Operations Manual revisions; 2007 reinsurance program options; 2007 Executive Staff Compensation Plan; Operations Manager’s retirement; and staff reports on operations & financials.

A copy of the agenda may be obtained from the FWCJUA’s website, www.fwcjua.com or by contacting Kathy Coyne, at (941)378-7408.

FLORIDA BLACK BUSINESS INVESTMENT BOARD, INC.

The **Florida Black Business Investment Board, Inc.** (FBBIB) announces a telephonic meeting of its board of directors to which all interested persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 10:00 a.m.

PLACE: Telephonic Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board’s operations, to identify areas for future Board priorities, convene the loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: Keevin Williams, Florida Black Business Investment Board, 2019 Centre Pointe Boulevard, Suite 101, Tallahassee, FL 32308, (850)878-0826.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office at (850)878-0826 at least seven (7) days prior to the meeting.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Board meeting to which all interested parties are invited to attend via Teleconference.

DATE AND TIME: December 14, 2006, 10:00 a.m. (Eastern Time)

PLACE: To be held via Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda and call-in information may be obtained by contacting Cathy Irvin at (850)386-9200.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors’ announces public meetings to which all interested parties are invited.

FSLSO BOARD OF GOVERNORS’ QUARTERLY MEETING

DATE AND TIME: Wednesday, January 24, 2007, 9:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to Georgie Barrett at (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie Barrett a week prior to the meeting at (850)224-7676, ext. 101.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT Construction Licensing Industry Board has received the petition for declaratory statement from Adam M. Harden. The petition seeks the agency’s opinion as to the applicability of Section 489.127(7), Florida Statutes as it applies to the petitioner.

In regards to the issuance of a certificate during an administrative disciplinary proceeding. The Board will consider this petition at its meeting scheduled for January 12, 2007, at 8:30a.m., in Jacksonville, Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

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

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices 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

Notice of Bid/Request for Proposal
NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that Construction Management Services will be required for the project listed below:

Project: College of Education Expansion
Location: Florida State University, Tallahassee, Florida
Project No: FS 228

This project consists of constructing an addition of approximately 23,000 gsf and the renovation of approximately 11,000 gsf in the existing Stone Building for the College of Education. This addition will allow the Middle and Secondary Education Departments to collocate to the Stone Building. The majority of the building renovation will relocate the Dean's suite into a more visible, consolidated location within the building. The project also includes improvements to the parking lots and other site improvements. The construction budget is approximately \$7,800,000.

The contract for construction management will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of one or more Guaranteed Maximum Prices (GMP's) at the 50% or the 100% Construction Document phase. If the GMP is

accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of the finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality control ability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the Florida State University's standard construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed FSU "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FSU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities

Planning and Construction, 109 Mendenhall Building A, Florida State University, Tallahassee, FL 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information or questions, please contact Daryl H. Ellison, Associate Director, (850)645-1007, at the address listed above.

Submit seven (7) bound copies of the required proposal data. Submittals must be received in the FSU Facilities Planning and Construction Office by 2:00 p.m. (local time), Thursday, January 4, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture and Engineering will be required for the project listed below:

Project and Location: University of North Florida Sanctuary Building – University of North Florida, Jacksonville, Florida.

The project consists of new facility totaling approximately 3,500 sq. ft. The Sanctuary Building will be located in an area close to the Kernan Road campus entrance surrounded by wetlands and overlooking an existing lake.

INSTRUCTIONS

Firms wishing to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The University of North Florida’s “Professional Qualifications Supplement” completed by the applicant’s office applying for the project. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. Minority Business participation is encouraged; however, it will not be considered in the scoring process.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Dottie Fischetti dischet@unf.edu or
 Facilities Planning Student Assistant
 University of North Florida
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224
 (904)620-2016, Fax (904)620-2020

Submittals must be received by 2:00 p.m. (local time), on January 4, 2007, in the following location:

University of North Florida
 Office of Facilities Planning
 Portable 832B, Room 1021
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224

Facsimile (FAX) submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

Notice of Bid/Request for Proposal
NOTICE OF INVITATION TO BID
 STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BID NO. BDC40-06/07

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:
PROJECT NAME: Myakka River State Park- New Concession Building

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to construct a new concession building and to modify the existing infrastructure, including water, power, and sewer hoop-up for the new building. The project is to include the construction of all walkways and grading for the new structure.

PARK LOCATION: Myakka River State Park, 9 Miles East of Sarasota on SR 72

PROJECT MANAGER: Hubert Baxter, Bureau of Design and Construction, Telephone Number: (850)488-5372 Fax Number: (850)488-3537

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, December 1, 2006 at: Myakka River State Park, 13207 State Road 72, Sarasota, FL 34241, Attention: Jon Robinson, Telephone Number: (941)361-6511.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Mike Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, January 9, 2007, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. The Department reserves the right to reject any or all bids. Michael Renard, Construction Projects Administrator 2, Bureau of Design and Construction.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF BID CANCELLATION

Notice is hereby given that the Florida Department of Children and Families withdraws the Invitation to Bid and cancels the bid for the following project:

PROJECT NUMBER: DCF 04240610
 PROJECT: RE-ROOFING THE SUNCOAST REGIONAL HEADQUARTERS, 9393 North Florida Avenue Tampa, Florida 33612
 BID DATE AND TIME: December 6, 2006, 2:00 p.m. (Local Time)
 ARCHITECT: SOLAH 402 East Oak Avenue, Suite 104 Tampa, Florida 33602

MIAMI-DADE EXPRESSWAY AUTHORITY

INVITATION TO BID

MDX PROCUREMENT/CONTRACT NO.: ITB-07-02

MDX WORK PROGRAM NO.: 300118.060

PERMANENT HURRICANE REPAIRS-LIGHTING

The Miami-Dade Expressway Authority (MDX) is requesting individual sealed bids to be submitted for Permanent Hurricane Repairs Lightning Services. The Work consists of, but is not limited to, providing all Labor, Maintenance of Traffic schemes, Materials, Equipment and incidentals necessary for the replacement and repair of damaged highway lighting components including but not limited to pole foundations, transformer bases, shafts, mast-arms, luminaries, and miscellaneous components through-out the MDX System. The engineer's estimate for the Project is \$510,000. The Bidder shall be pre-qualified by the Florida Department of Transportation under Rule Chapter 14-22, Florida Administrative Code for Electrical Work. Bidders shall be aware that Federal Funds will partly fund the Project; therefore Bidders shall adhere to all federal Requirements. MDX notifies all Bidders and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. For copies of the ITB with complete information on the scope of services as well as submittal requirements, please log onto our web site: www.mdx-way.com or call MDX Procurement Office at (305)637-3277. Please note: In order to download any MDX solicitations, you must register as a vendor. The vendor registration can only be done through MDX's website. However Bidders may also obtain copies of the ITB by contacting MDX. Deadline for submitting a Bid Package is December 19, 2006, by 2:00 p.m. (Eastern Time). A Pre-bid conference is scheduled for November 30, 2006. Attendance to the Pre-bid conference is not mandatory; however, everyone is encouraged to attend.

FLORIDA SHERIFFS ASSOCIATION

Invitation to Bid

The Florida Sheriffs Association (FSA) and the Florida Association of Counties (FAC) invites interested bidders to submit bids in accordance with these solicitation documents. The purpose of this solicitation is to establish a contract for the purchase of tires. The technical specifications describe the product in more detail. The contract term is to begin on March 1, 2007, and to end February 28, 2009.

As more specifically stated in the Instructions to Bidders, the following anticipated time line applies to this solicitation:

- BID NUMBER: 07/8-03-0110
- BID TITLE: TIRES AND RELATED SERVICES
- ADVERTISEMENT DATES: November 22, 2006 and December 1, 2006
- PRE-BID CONFERENCE: November 28, 2006, at 9:30 a.m.
- PRE-BID CONFERENCE TO BE HELD AT:
MARION COUNTY
SHERIFF'S OFFICE
CONFERENCE ROOM
692 N. W. 30TH AVENUE
OCALA, FL 34475-5608
(352)368-3566
- BID OPENING DATE: January 10, 2007, at 11:30 a.m.
- BID OPENING TO BE HELD AT:
FLORIDA SHERIFFS
ASSOCIATION
COOPERATIVE BID
COORDINATOR'S OFFICE
2617 MAHAN DRIVE
(32308)
P. O. BOX 12519
TALLAHASSEE, FL
32317-2519

Bids must be contained in a sealed envelope addressed to the Florida Sheriffs Association. Indicate on the outside of the envelope the Bid Number, Title, Opening Date and Time. All must be received on or before the date and time noted above. All questions pertaining to this bid, should be directed to Lynn Meek with the Florida Sheriffs Association at (850)877-2165.

EARLY LEARNING COALITION OF SOUTHWEST FLORIDA

INVITATION TO NEGOTIATE

The Early Learning Coalition of Southwest Florida is accepting proposals from qualified organizations to provide services in one or more of the following four areas:

1. SCHOOL READINESS.
 - * Eligibility and Reimbursement.
 - * Parent and Child Services.
 - * Provider Development, Support and Training.
2. INCLUSION.
3. RESOURCE AND REFERRAL.
4. VOLUNTARY PRE-KINDERGARTEN.

Services to be provided within COLLIER, GLADES, HENDRY AND LEE COUNTIES, FOR PROGRAM YEAR JULY 1, 2007 – JUNE 30, 2008. Copies of the invitation to Negotiate (ITN) for service provisions are available at the Coalition website: www.elcofswfl.org or at the Coalition Office, 12651 McGregor Boulevard, Suite 4-402, Ft. Myers, FL 33919. Contact person is Peter Escayg, Director of Operations, Peter.Escayg@elcofswfl.org, (239)267-4105 phone, (239)267-4109 Fax.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

SEEKING PROVIDER AGENCY OR AGENCIES FOR THE COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAM IN HIGHLANDS AND POLK COUNTIES

The Florida Department of Community Affairs (DCA) is seeking a non-profit entity or entities to administer the Community Services Block Grant (CSBG) in Highlands and Polk Counties. A provider may choose to serve one or both counties.

In order to be designated to serve as the eligible entity for one or more of these counties, an entity must agree to add additional members to its board to ensure adequate representation in compliance with 42 U.S.C. 9909 and 9910 and Rule 9B-22.011, Florida Administrative Code. Special consideration shall be given to an organization with demonstrated effectiveness in providing a broad range of services designed to eliminate poverty and foster self-sufficiency. Priority shall be given to existing CSBG eligible entities in good standing with the Department that are providing related services in the specified county or in areas contiguous to or within reasonable proximity to the specified county.

Organizations interested in becoming the CSBG provider for Highlands and/or Polk Counties, within 60 days of the date of this notice must mail to the Department of Community Affairs and the County Commission Chairperson of the respective county the following documentation:

- A letter stating its interest in becoming the CSBG service provider in the specified county or counties. The letter should be signed by the chief executive officer of the private nonprofit CSBG eligible entity or private nonprofit organization.
- and
- A board of directors or governing board resolution stating its willingness to provide service in the specified county or counties, and to amend its organization's bylaws, structure, membership, and Articles of Incorporation to comply with 42 U.S.C. 9909 and 9910, and Rule 9B-22.011, Florida Administrative Code.

The interested organization must include with the letter of interest and the resolution a copy of the letter or letters of interest mailed to the chair of the respective county commissions. Mail package to:

Ms. Paula Churchwell
 Community Program Manager
 Department of Community Affairs
 Community Assistance Section
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100

ACTIONS TO BE TAKEN: Once the above information is received, a publicly noticed hearing on the selection of a proposed service provider will be held in the specified county by the county government. If the county government declines to convene the public hearing within a specified period, the Department of Community Affairs will do so. All interested organizations that meet the above deadline and requirements will be given the opportunity at the public hearing to present their qualifications. The specified county commission will have an opportunity to make a recommendation to the Department of Community Affairs regarding the selection of an agency.

Once all organizations and county documents are received and approved by the Department of Community Affairs, a formal request will be made to the Governor that he designate the selected organization(s) as the CSBG eligible entity for the specified county.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to:

Ms. Hilda Frazier, Planning Manager
 Community Assistance Section
 Florida Department of Community Affairs
 2555 Shumard Oak Boulevard, Tallahassee, Florida
 32399-2100
 (850)488-7541, or Fax (850)488-2488 or e-mail at hilda.frazier@dca.state.fl.us.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF PUBLIC REVIEW AND COMMENT PERIOD

The Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, Southeast Florida Coral Reef Initiative (SEFCRI) announces a public review and comment period for the Maritime Industry and Coastal Construction Impacts (MICCI) focus team's "Project 2: Guidelines for rapid response to, and restoration of, coral reef injuries in southeast Florida."

This project involves the development of a guidelines document designed for agency coordination for rapid response to, and restoration of, coral reef injuries. The document is intended to provide guidance for agency policies concerning injuries to coral reef ecosystems, including technical guidelines for triage and restoration of such injuries. This document was created as a result of a two-day workshop involving agencies with relevant emergency response processes. The focus of the workshop was to: 1) Research the existing agency emergency response processes of agencies to identify current procedures, and 2) Compile existing technologies and procedures for triage and restoration of damaged coral habitats.

The draft will be available beginning December 1, 2006. The comment period is from Friday, December 1, 2006 through Monday, January 1, 2007. The draft will be posted to the FDEP – SEFCRI website for public review and comment. A copy of the MICCI Project 2 draft document can be obtained from the website at <http://www.dep.state.fl.us/coastal/programs/coral> or by contacting Nikki Poulos, MICCI Program Coordinator, via email to Nikki.Poulos@dep.state.fl.us or by writing to: Nikki Poulos, MICCI Program Coordinator, Biscayne Bay Environmental Center, 1277 N. E. 79th Street Causeway, Miami, FL 33139, or calling (305)795-2111.

Please send your comment via e-mail to Lisa Gregg at lisa.gregg@myfwc.com or by writing to: Lisa Gregg, Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 620 South Meridian Street, Mailbox 4B3, Tallahassee, FL 32399-1600. Appropriate public comments will be incorporated into a final document. The final document will be carefully prepared, produced, and distributed (as possible under funding constraints) to appropriate agencies, NGOs, and the public.

AGENCY FOR HEALTH CARE ADMINISTRATION

Florida Health Information Network

Request for Public Comment

The Agency for Health Care Administration (the Agency) is inviting public comment and input on the best way to establish a state wide health information network which will integrate local regional health information organizations (RHIOs) and state-owned health databases in Florida and to coordinate data exchange with other health information networks across the country. The agency will accept response narratives from the time of this publication until COB December 14, 2006.

Health care providers, consumers, health information technology organizations, industry associations and others are invited to provide public comment in the interest of having the broadest perspective on the role in which state government should play in the development and operation of a statewide health information infrastructure and how such a network may be supported by the private sector.

Purpose of Request for Public Comment

The Agency and the Governor's Health Information Infrastructure Advisory Board (the "Board") have coordinated a collaborative among interested parties to prepare a white paper that outlines certain considerations in the implementation of a statewide network. That white paper is available online at: http://ahca.myflorida.com/dhit/FHIN_White_Paper.shtml

The purpose of the Agency's request for public comment is to seek input from interested parties on options for the financing, development and operation of the Florida Health Information Network (FHIN). Without limiting the generality of the purpose articulated in the preceding sentence, the Agency specifically would welcome responses that answer the following questions:

1. The impetus for considering a FHIN is to achieve interoperability of health information technologies used in the delivery of care in Florida as specified in Section 408.062(5), F.S.

Is the working definition of the Florida Health Information Network provided by the Agency in the white paper appropriate? Should it be modified? And if so, in what way?

2. Has the agency identified the correct functionalities of and the specifications for the statewide infrastructure? As identified by the Agency, these include:
 - Enterprise master patient index;
 - Record locator service;
 - Web services interface for connection to RHIO servers;
 - Database infrastructure for state agency datasets;
 - Database software for querying patient records in state agency databases;

- Credentialing and authentication of users including query software for access to physician licensing information at the Department of Health, Privacy and security requirements including authorization and access controls; and
 - Web portal for querying data directly from the FHIN.
3. Is the detailed pro forma budget (found on page 54 of the white paper) reasonable? If not, how should it be amended and why?
 4. What is the most appropriate method for funding the development of the Florida Health Information Network and what are the justifications for the suggested funding source(s)?
 5. What is the appropriate method for funding the operation of the statewide network on a sustainable basis?
 6. How should the entity that will operate the Florida Health Information Network be structured and what is the ideal governance model? Are there benefits to a non-for-profit organization vs. a for-profit organization? Should the state consider a statutorily- created public/private partnership?

Background or Current Project Description

The impetuses for development of the FHIN are contained in the following statutory and executive authority and mandates:

- A. Section 20.42(3), F.S. specifies that the Agency for Health Care Administration is Florida's chief health policy and planning entity.
- B. Section 408.062(5), F.S. specifies that "the agency shall develop and implement a strategy for the adoption and use of electronic health records, including the development of an electronic health information network for the sharing of electronic health records among health care facilities, health care providers, and health insurers. The agency may develop rules to facilitate the functionality and protect the confidentiality of electronic health records."
- C. Section 2, of the Governor's Executive Order Number 04-93. This executive order created the Governor's Health Information Infrastructure Advisory Board and assigned it the following responsibilities:
 1. The Advisory Board shall advise and support the Agency for Health Care Administration ("Agency") as it develops and implements a strategy for the adoption and use of electronic health records and creates a plan to promote the development and implementation of a Florida health information infrastructure, including measures to promote greater adoption of electronic health record information systems among the state's health care providers;
 2. The Advisory Board shall identify obstacles to the implementation of an effective health information infrastructure in the state and provide to the Agency policy recommendations to remove or minimize those obstacles;

3. The Advisory Board shall advise appropriate parties within the Executive and Legislative branches on issues related to the development and implementation of the health information infrastructure; and
4. The Advisory Board shall assist the Agency in ensuring that the strategy and plan preserve the privacy and security of health information, as required by state and federal law.

This FHIN initiative proposes an internet-based, statewide network that will integrate communications and data transfer among local RHIOs, establish standards for health information exchange and promote health information exchange among authorized health care providers.

The FHIN is envisioned as a statewide health information infrastructure that will enable health care professionals to access a patient's medical records from any provider database connected to the network over a secure internet connection. The FHIN represents a collaborative effort between the public and private sectors, state and local governments, RHIOs and health information exchanges, providers, employers, consumers, health plans and payors. It proposes to interconnect health care providers across Florida to facilitate the sharing of health care data without regard to where in the state the consumer resides or where the health care was delivered. The FHIN infrastructure will allow local RHIOs the greatest amount of flexibility in implementing their plans to integrate health care data in their communities.

Response Narrative Format

Interested parties who choose to offer public comment should do so in writing and should address each of the component services listed in the Purpose of Request. The discussion can address each component separately, or in an integrated manner. There is no limit to the number of pages in the response. All narrative text should be double spaced, with 1 inch margins. Please identify discrete sections through the use of clear headings.

Please include the title that appears above, "Florida Health Information Network," and identify the respondent, address, telephone number, fax number and e-mail address of respondent on the cover page of the Response Narrative. The response narrative should be submitted in three (3) copies and in electronic format readable by Microsoft Word.

Questions on the Request for Public Comment

Direct questions concerning this request to:

Lisa K. Rawlins, Bureau Chief
 Florida Center for Health Information and Policy Analysis
 Agency for Health Care Administration
 2727 Mahan Drive, Mail Stop #16
 Tallahassee, FL 32308-5403
 E-mail: FHIN@AHCA.MyFlorida.com
 Telephone: (850)922-7036
 Fax: (850)414-7831

Process for Submitting Response

Submit all Response Narratives by December 14, 2006 to:

Lisa Rawlins, Bureau Chief
 Florida Center for Health Information and Policy Analysis
 Agency for Health Care Administration
 2727 Mahan Drive, Mail Stop #16
 Tallahassee, FL 32308-5403
 E-mail: FHIN@ahca.myflorida.com

Timeline for Agency Review

The Governor's Health Information Infrastructure Advisory Board will convene on, December 7, 2006, in Miami, Florida, to receive comments from the public and address specific questions about the request for public comment. The Board invites health care experts to an open dialog regarding the development of FHIN during the meeting. The Agency response to specific questions will be posted on the agency website at: http://ahca.myflorida.com/dhit/FHIN_White_Paper.shtml

The Governor's Health Information Infrastructure Advisory Board will convene on December 19, 2006, via telephone conference to publicly review a compilation of the comments at the December Board meeting, scheduled from 1:00 p.m. – 3:00 p.m. During the scheduled Board meeting, time is allocated for further public input.

Proprietary Information and Public Records

Written responses received by the Agency will be public records under Chapter 119, Florida Statutes. Organizations must indicate which portions, if any, of the information being provided is proprietary and confidential, by marking each page upon which such information appears as follows: "The information on this page is proprietary and a trade secret under Section 812.081, Florida Statutes." Failure to do so will result in all submitted information being subject to public disclosure in accordance with the Florida Government-in-the-Sunshine-Law, subsection 286.011(1), and Chapter 119, Florida Statutes.

Responsibility for Costs in Preparing Response

Responses to this request are strictly voluntary on the part of the responder. Organizations are responsible for all costs associated with preparing a response to this Request for Public Comment and the state of Florida, Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis will not be responsible for any organization costs associated with preparing this information.

TO RESPOND: The Florida Health Information Network White Paper and all relevant materials will be posted at: http://ahca.myflorida.com/dhit/FHIN_White_Paper.shtml beginning November 20, 2006. The Governor's Health Information Infrastructure Advisory Board will hear public comments on the White Paper on December 7, 2006, 9:00 a.m. to 1:00 p.m. at:

Health Choice Network
9064 N. W. 13th Terrace
Miami, Florida 33172

Information on the December 7, 2006, Board meeting is posted at: <http://ahca.myflorida.com/dhit/meetings.shtml>

All written comments on the White Paper are due by December 14, 2006. Inquiries regarding the White Paper must be submitted by December 5, 2006.

INQUIRIES AND CONTACTS: All comments must be submitted by e-mail to FHIN@ahca.myflorida.com. Answers to inquiries received by December 5, 2006, will be made available on the website. All general correspondence relating to this request for comment should be directed to: Florida Health Information Network, Florida Center for Health Information and Policy Analysis, Florida Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #16, Tallahassee, FL 32308.

The Agency for Health Care Administration has received an application for services exemption from Winter Haven Hospital, Winter Haven, Florida pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The service category requested is Urology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Donna Sharp, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)414-0360 or e-mail sharpd@ahca.myflorida.com.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency has amended its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: The final rates for the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology effective April 1, 2006 are as follows:

1. The Agency has deleted the low occupancy adjustment for the direct care component of the nursing home reimbursement rate; and
2. The occupancy adjustment for operating and indirect patient care costs shall not result in a reduction of more than 20 percent of the applicable class ceiling.

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid nursing facilities will be rates resulting from the revised methodology used to calculate per diems in the Long-Term Care Reimbursement Plan.

JUSTIFICATION: The justification for the final rate change is to remove occupancy related rate reductions for direct care nursing staff, as the Agency requires minimum staffing requirements on a daily basis. This component of Medicaid nursing home reimbursement is computed separately from other components of the nursing home reimbursement rate, which is different than when the low occupancy adjustment was first included in the Long-Term Care Reimbursement Plan. The direct correlation between minimum staffing requirements and the rate calculation justify the removal of this provision in the direct care component.

Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such changes. Please submit your comments to the contact person listed below.

Copies of the final reimbursement plan incorporating the above changes are available at this time. Please contact: Edwin Stephens, by mail at Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308 or by e-mail at stephene@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON GEOLOGICAL AND GEOPHYSICAL PERMIT APPLICATION FOR FEDERAL WATERS OF THE EASTERN GULF OF MEXICO OFFSHORE FLORIDA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Geological and Geophysical Permit Application submitted by Fugro, to collect data in federal waters offshore Florida, was received by the State of Florida. Proposed activities include collecting seismic, magnetic and gravity data in the eastern Gulf of Mexico.

The permit application is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS 47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program are being solicited and should be submitted to FDEP, at the address listed above, by

December 22, 2006. Contact Shana Kinsey or Debby Tucker, (850)245-2163, email address Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On November 15, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Shaheed G. Kalloo, M.D., license number ME 75961. This Emergency Suspension Order was predicated upon the Secretary'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. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 15, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Charles Thomas Hannah, R.N., license number RN 3292012. This Emergency Suspension Order was predicated upon the Secretary'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. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 22, 2006):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Community Bank of Central Florida, 380 E. Semoran Boulevard, Casselberry, Seminole County, Florida 32707
Correspondent: Byron Richardson, Bank Resources, Inc., 2451 Cumberland Parkway, Suite 3618, Atlanta, Georgia 30339
Received: November 17, 2006

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 13, 2006
 and November 17, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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REGIONAL PLANNING COUNCILS
Treasure Coast Regional Planning Council

29K-1.001	11/14/06	12/4/06	32/38	
29K-1.002	11/14/06	12/4/06	32/38	
29K-1.003	11/14/06	12/4/06	32/38	
29K-1.004	11/14/06	12/4/06	32/38	
29K-1.005	11/14/06	12/4/06	32/38	
29K-1.006	11/14/06	12/4/06	32/38	
29K-1.007	11/14/06	12/4/06	32/38	
29K-1.008	11/14/06	12/4/06	32/38	
29K-1.009	11/14/06	12/4/06	32/38	
29K-1.010	11/14/06	12/4/06	32/38	
29K-1.011	11/14/06	12/4/06	32/38	
29K-1.012	11/14/06	12/4/06	32/38	
29K-1.013	11/14/06	12/4/06	32/38	
29K-1.014	11/14/06	12/4/06	32/38	
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29K-1.017	11/14/06	12/4/06	32/38	
29K-1.019	11/14/06	12/4/06	32/38	

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District

40C-4.091	11/13/06	12/3/06	32/33	32/42
40C-4.301	11/13/06	12/3/06	32/33	
40C-4.900	11/13/06	12/3/06	32/33	
40C-8.031	11/13/06	12/3/06	32/20	32/42
40C-40.900	11/13/06	12/3/06	32/33	
40C-41.011	11/13/06	12/3/06	32/33	
40C-41.023	11/13/06	12/3/06	32/33	
40C-41.033	11/13/06	12/3/06	32/33	
40C-41.043	11/13/06	12/3/06	32/33	
40C-41.063	11/13/06	12/3/06	32/33	32/42
40C-42.023	11/13/06	12/3/06	32/33	
40C-42.091	11/13/06	12/3/06	32/33	
40C-42.900	11/13/06	12/3/06	32/33	

40C-44.065	11/13/06	12/3/06	32/33	
40C-44.091	11/13/06	12/3/06	32/33	
40C-44.101	11/13/06	12/3/06	32/33	
40C-44.900	11/13/06	12/3/06	32/33	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.250	11/17/06	12/7/06	32/34	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

61D-14.001	11/16/06	12/6/06	32/34	
61D-14.004	11/16/06	12/6/06	32/34	
61D-14.005	11/16/06	12/6/06	32/34	

Construction Industry Licensing Board

61G4-16.009	11/13/06	12/3/06	32/39	
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Board of Cosmetology

61G5-20.004	11/16/06	12/6/06	32/39	
61G5-32.001	11/16/06	12/6/06	32/39	

Board of Pilot Commissioners

61G14-17.004	11/15/06	12/5/06	32/41	
61G14-19.001	11/15/06	1/1/07	32/41	

Board of Professional Surveyors and Mappers

61G17-2.005	11/16/06	12/6/06	32/41	
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Board of Accountancy

61H1-31.001	11/13/06	12/3/06	32/27	32/42
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Florida Real Estate Appraisal Board

61J1-1.009	11/14/06	12/4/06	32/37	
61J1-2.001	11/14/06	12/4/06	32/37	
61J1-2.004	11/14/06	12/4/06	32/30	
61J1-2.0045	11/14/06	12/4/06	32/30	
61J1-3.001	11/14/06	12/4/06	32/31	
61J1-4.003	11/14/06	12/4/06	32/37	
61J1-4.005	11/14/06	12/4/06	32/37	
61J1-4.007	11/14/06	12/4/06	32/37	
61J1-4.008	11/14/06	12/4/06	32/37	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61J1-4.009	11/14/06	12/4/06	32/37		62-312.825	11/15/06	12/5/06	32/26	32/40
61J1-4.010	11/14/06	12/4/06	32/37		62-341.486	11/15/06	12/5/06	32/26	32/40
61J1-6.001	11/14/06	12/4/06	32/37		DEPARTMENT OF HEALTH				
61J1-7.004	11/14/06	12/4/06	32/37		Board of Massage				
61J1-7.0065	11/14/06	12/4/06	32/37		64B7-25.004	11/16/06	12/6/06	32/39	
61J1-8.001	11/14/06	12/4/06	32/37		64B7-28.0095	11/16/06	12/6/06	32/39	
61J1-8.002	11/14/06	12/4/06	32/37		Board of Medicine				
61J1-8.003	11/14/06	12/4/06	32/37		64B8-1.001	11/14/06	12/4/06	32/40	
DEPARTMENT OF ENVIRONMENTAL PROTECTION					Board of Nursing Home Administrators				
62-302.300	11/17/06	12/7/06	32/30		64B10-11.012	11/13/06	12/3/06	32/36	
62-302.400	11/17/06	12/7/06	32/30		<hr/>				
62-302.500	11/17/06	12/7/06	32/30						
62-302.530	11/17/06	12/7/06	32/30	32/42					
62-302.700	11/17/06	12/7/06	32/30						
62-302.800	11/17/06	12/7/06	32/30						