

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.:** 68A-4.0071 **RULE TITLE:** 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.:** 5B-59.003 **RULE TITLE:** 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 (citrange).
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' (faustrimedina).
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.:	RULE TITLES:
61B-25.001	Mediation Definitions
61B-25.002	Volunteer and Paid Mediator Lists
61B-25.003	Procedure for Applying; Volunteer Mediators
61B-25.004	Procedure for Applying; Paid Mediators

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~~), 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~~), 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~~), 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 (~~4997~~), 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**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
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 Marsteller, 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

- 65C-13.010 Substitute Care Parents' Role as a Team Member
- 65C-13.011 Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes
- 65C-13.012 Substitute Family Records
- PART II POLICIES AND PROCEDURES FOR SUBSTITUTE CARE
- 65C-13.013 Definitions and Glossary
- 65C-13.014 Entry into Foster Care
- 65C-13.015 The Prevention and Management of Sexual Assault in Foster Care
- 65C-13.016 Health Care
- 65C-13.017 Services for HIV Infected Children
- 65C-13.018 Services to Parents of Children in Foster Care
- 65C-13.019 Administrative Review
- 65C-13.020 Permanency Staffings
- 65C-13.021 Post-Placement and Protective Supervision
- 65C-13.022 Background Screening Requirements
- 65C-13.023 Pre-service Training
- 65C-13.024 Initial Licensing Procedures
- 65C-13.025 In-Service Training
- 65C-13.026 Changes During the Licensed Year
- 65C-13.027 Re-Licensing
- 65C-13.028 Licensed Out-of-Home Caregiver's Role as a Team Member
- 65C-13.029 Standards for Licensed Out-of-Home Caregivers
- 65C-13.030 Terms of a License
- 65C-13.031 Capacity, Placement and Waivers
- 65C-13.032 Babysitting, Respite and Other Supervision
- 65C-13.033 Complaint Investigations
- 65C-13.034 Administrative Actions, Appeals and Closures

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.

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-13 follows. See Florida Administrative Code for present text.)

65C-13.001 Definitions.

All definitions for Chapter 65C-13, F.A.C., are located in Rule 65C-30.001, F.A.C.

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, \_\_\_\_\_.

65C-13.002 Private Agency Foster Homes.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.016, Repealed \_\_\_\_\_.

65C-13.003 Pre-Service and In-Service Training.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.017, Repealed \_\_\_\_\_.

65C-13.004 Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.018, Repealed \_\_\_\_\_.

65C-13.005 Changes During the Licensed Year.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.019, Repealed \_\_\_\_\_.

65C-13.006 Relicensing Procedures.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.020, Repealed \_\_\_\_\_.

65C-13.007 Respite Care.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.022, Repealed \_\_\_\_\_.

65C-13.008 Prospective Foster Parent Inquiries.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 7-18-95, Formerly 10M-6.0221, Repealed \_\_\_\_\_.

65C-13.009 Parent Preparation and Mutual Selection.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 5-27-92, Formerly 10M-6.023, Repealed \_\_\_\_\_.

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~~ intermediaries 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)(c) Employee's starting and termination dates and reason for termination;~~

~~(11)(d) 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 master'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~~ 40C-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 ~~42~~ 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)~~ 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)~~ 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