

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**

6A-10.042 Maintenance of Test Security

PURPOSE AND EFFECT: Rule 6A-10.042, F.A.C., currently addresses specific procedures required to maintain test security and to maintain uniform test administration procedures to ensure that test results are valid and reliable measures of student achievement. The amended rule would retain current language, but also specify the criteria required of 3rd-party contractor sites with respect to: student health and safety, testing environment, affiliation, test security and administration procedures, student data, and technology. The effect will be increased test administration capacity for school districts and educational institutions that contract for these services. This will reduce the overall length of time that school districts and educational institutions will need to test all students, especially for those districts and institutions with high student-to-device ratios and shortages in staffing.

SUBJECT AREA TO BE ADDRESSED: FCAT 2.0 and End-of-Course tests.

RULEMAKING AUTHORITY: 1008.24(1), (2), (3) FS.

LAW IMPLEMENTED: 1008.24(1), (2), (3) FS.

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

DATE AND TIME: August 2, 2013, 11:00 a.m. – 12:00 Noon, EDT

PLACE: Conference Call: 1(888)339-2688; Passcode: 577 854 23

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vince Verges, Director, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://appl.fldoe.org/rules/default.aspx>.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: **RULE TITLE:**

59G-4.085 Early Intervention Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.085, F.A.C., is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, _____. The amendment updates eligibility criteria to align with the Department of Health/Early Steps policies, clarifies existing early intervention services policy, and incorporates required forms.

SUBJECT AREA TO BE ADDRESSED: Early Intervention Services.

An additional area to be addressed during the workshop will be the potential regulatory impact the amendment to Rule 59G-4.085, F.A.C., will have as provided for under Sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

DATE AND TIME: Friday, August 30, 2013, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Gail Underwood at the Bureau of Medicaid Services, (850)412-4224. 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 IS: Gail Underwood, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4224, e-mail: gail.underwood@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at: <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.085 Early Intervention Services.

(1) This rule applies to all providers of eEarly iIntervention sServices who are providers enrolled in the Florida Medicaid program.

(2) All providers of eEarly iIntervention sServices providers enrolled in the Medicaid program must be in compliance with the provisions of the Early Intervention Services Coverage and Limitations Handbook, _____ CMS 1500, which is incorporated by reference in Rule 59G-4001, F.A.C. The Both handbooks is are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Click on Provider Support, and then Provider on Handbooks. Paper copies of the handbook may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

(3) The following forms are included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook and are incorporated by reference: Early Intervention Services Request to Exceed Medicaid Limitations Form, AHCA Form 5000-3534, January 2013; Children's Medical Services Early Steps Certification for Providers of Early Intervention Services, AHCA Med Serv Form 020, August 2007, one page; and Early Steps, Children's Medical Services, Medicaid Freedom of Choice and Conflict of Interest Statement, AHCA Med Serv Form 5000-3540-024, February 2013 August 2007, one page; Early Intervention Services Session(s) Plan of Care (Optional), AHCA Form 5000-3533, January 2013. The forms are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Forms. Paper copies of the forms may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7. These forms are available on the Early Steps provider Web site at <http://www.coms.kids.com/ESproviders.htm>. The following form that is included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook is incorporated by reference: Early Intervention Services to Request to Exceed Medicaid Limitations Form, AHCA Med Serv Form 019, August 2007, four pages, Appendix B. The form is available by photocopy from the Florida Medicaid Early Interventiun Services Coverage and Limitations Handbook.

Rulemaking Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 4-30-00, Amended 8-9-04, 5-22-06, 1-10-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.130
 RULE TITLE: Traumatic Brain and Spinal Cord Injury Waiver Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.130, F.A.C., is to incorporate by reference the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, _____. The amendment clarifies reimbursement language when services are available through another funding source; updates Medicaid fiscal agent references; adds language regarding the addition of Medicaid waiver specialists and identifies their functions; adds language describing nursing home transition activities; deletes two existing services and adds five services to the waiver relating to transitions from a nursing home to a community setting; and deletes all appendices.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Waiver Services.

An additional area to be addressed during the workshop will be the potential regulatory impact the amendment to Rule 59G-13.130, F.A.C., will have as provided for under Sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Thursday, August 15, 2013, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Caryl Jefferson at the Bureau of Medicaid Services, (850)412-4220. 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 IS: Caryl Jefferson, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4220, e-mail: caryl.jefferson@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services.

(1) This rule applies to all providers of traumatic brain and spinal cord injury waiver services who are providers enrolled in the Florida Medicaid program.

(2) All providers of traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, _____ April 2006, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. The Both handbooks is are~~ available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7.

(3) ~~The following forms that are included in the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook are incorporated by reference: Appendix C contains the Home and Community Based Waiver Referral Agreement, April 2006, seven pages; Appendix D contains the Brain and Spinal Cord Injury Program Request for Level of Care, April 2006, two pages; Appendix E contains the Notification of Level of Care, which is incorporated by reference in Rule 59G-13.030, F.A.C.; Appendix F contains the Brain and Spinal Cord Injury Program Waiting List Policy for the Traumatic Brain/ Spinal Cord Injury Medicaid Waiver Program, April 2006, five pages, and Home and Community Based Medicaid Waiver Prioritization Screening Instrument, April 2006, four pages; Appendix G contains the Notice of Decision, April 2006, two pages; and Appendix H contains the Brain and Spinal Cord Injury Program Medicaid Home and Community Based Waiver Service Plan, April 2006, one page.~~

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History—New 5-31-06, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: RULE TITLES:

64B3-5.003 Technologist

64B3-5.004 Technician

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the certification requirements for a technologist and a technician.

SUBJECT AREA TO BE ADDRESSED: Technologist Licensing Requirements; technician licensing requirements.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 381.0034(3), 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:

5J-6.005 Licensing Requirement, Commercial Telephone Seller, Salesperson

5J-6.013 Exemption

5J-6.014 Denials

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend the forms incorporated by reference in Rule 5J-6.005, F.A.C., to implement statutory changes and general cleanup; to remove the duplicative form incorporation in Rule 5J-6.014, F.A.C.; and to make department criteria for denial of telemarketing salesperson's application consistent with the guidelines provided by the Rules for Executive Clemency by amending the timeframe an applicant can be denied for certain criminal activity.

SUMMARY: The proposed rule updates FDACS-10001 Commercial Telephone Seller Business License Application, FDACS-10005 Commercial Telephone Salesperson Individual License Application, and FDACS-10006 Florida Telemarketing Act Material Change Form to ensure statutory compliance and to make the registration process more efficient; and amends the timeframe an applicant can be denied for certain criminal activity when registering as a Commercial Telephone Seller Business or a Commercial Telephone Salesperson Individual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed revisions adopt a newly revised form, which was revised to conform to recent statutory changes, correct technical errors, and amend the criminal history activity timeframe. There are no regulatory costs associated with these revisions. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 501.626 FS.

LAW IMPLEMENTED: 501.604, 501.605, 501.607, 501.608, 501.609, 501.612 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500. Phone (850)410-3662

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-6.005 Licensing Requirement, Commercial Telephone Seller, Salesperson.

(1) No person may act as a commercial telephone seller or salesperson unless licensed by the Department of Agriculture and Consumer Services. All applicants for a license shall submit to the ~~dDepartment in writing on DACS Form FDACS-10001, Commercial Telephone Seller Business License Application Packet~~, Rev. ~~07/13 07/14~~, hereby incorporated by reference, along with the required non-refundable fee. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at <http://www.flrules.org/Gateway/reference> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01057~~.

(2)(a) In the event a licensed commercial telephone seller hires an employee to function as a salesperson, but the employee does not possess a current commercial telephone salesperson license, the licensed commercial telephone seller may obtain interim operating authority for the unlicensed salesperson from the ~~dDepartment~~ by submitting ~~DACS Form FDACS-10005, Commercial Telephone Salesperson Individual License Application Packet~~, Rev. ~~07/13 07/14~~, including the Statement of Verification, hereby incorporated by reference, along with a written request that the applicant be granted interim operating authority. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at <http://www.flrules.org/Gateway/reference> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01058~~. Salespersons may also apply or renew their license online at: www.800helpfla.com/registeronline.

(2)(b) through (c) No change.

(3) The licensee shall notify the ~~dDepartment~~ of all material changes in the information submitted in either the original application for licensure, or any application for renewal of the license within 10 days of the material change. The licensee shall utilize ~~DACS Form FDACS-10006, Florida Telemarketing Act Material Change Form~~, Rev. ~~07/13 07/14~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes

Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-01059>.
~~DACS Form~~ FDACS-10006 may also be completed and submitted online at www.800helpfla.com/registeronline.

(4) In the event that a salesperson licensee changes his/her company affiliation, the salesperson shall utilize ~~DACS Form~~ FDACS-10006, Florida Telemarketing Act Material Change Form, Rev. ~~07/13~~ 07/11 incorporated in subsection (3), above, and pay the prescribed \$10 fee. Such change in status shall be submitted to the ~~d~~Department within 10 days of the change.

(5) In the event that a salesperson intends to affiliate with more than one company, the salesperson shall execute a separate Statement of Verification, as found in ~~DACS Form~~ FDACS-10005, Commercial Telephone Salesperson Individual License Application ~~Packet~~, Rev. ~~07/13~~ 07/11, incorporated in subsection (2), above, for each commercial telephone seller with which the salesperson intends to affiliate. *Rulemaking Authority* ~~501.605, 501.626 FS. Law Implemented 501.605, 501.607, 501.608, 501.609 FS. History—New 4-12-92, Amended 2-15-93, 6-26-94, 5-15-95, 2-11-98, 1-20-03, 3-29-12,_____.~~

5J-6.013 Exemption.

(1) Any business entity claiming an exemption from the commercial telephone seller laws pursuant to Section 501.608(1)(b), F.S., shall, prior to offering its services, file with the ~~d~~Department the executed Affidavit of Exemption included in FDACS-10001 ~~DACS Form 10001~~, Rev. ~~07/13~~ 07/11, hereby incorporated by reference in Rule 5J-6.005, F.A.C. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-01057>.

(2) No change.

Rulemaking Authority 501.626 FS. Law Implemented 501.604, 501.608 FS. History—New 6-26-94, Amended 2-11-98, 1-20-03, 3-29-12,_____.

5J-6.014 Denials.

The purpose of this rule part is to implement Section 501.612(1), Florida Statutes. The department shall not issue an initial or renewal license to any person applying for a commercial telephone seller or salesperson license if the department finds that the applicant, or any of its owners, operators, officers, directors, partners, or other individuals engaged in the management activities of the applicant, has:

(1) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any misdemeanor crime within the last ~~three (3)~~ 5 years that involves ~~racketeering or any offense involving~~ fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other crime involving moral turpitude.

(2) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any violation of Section 832.05(2) or Section 832.05(4), F.S. within the last ~~three (3)~~ years and has not successfully completed or satisfied all the conditions and/or terms of his or her sentencing, including any probation or parole.

(3)~~(2)~~ Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any felony crime within the last ~~five (5)~~ 7 years that involves ~~racketeering or any offense involving~~ fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property.

(4) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any felony crime within the last seven (7) years that involves racketeering or any offense involving robbery, carjacking, attempted carjacking, home invasion, or misappropriation of moneys by commisioners to make sales.

(5)~~(3)~~ Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to any capital offense within the last 10 years.

(6)~~(4)~~ Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any crime that involves racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or involving moral turpitude, and who has not successfully completed or satisfied all the conditions and/or terms of his or her sentencing, including any probation or parole.

(7)~~(5)~~ Had entered against him or her, or any business for which he or she has been affiliated as an owner, operator, officer, director, partner, or worked in the management activities, an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or the use of any untrue or misleading representation in an attempt to sell or dispose of real or personal property or the use of any unfair, unlawful, or deceptive trade practice and who has not satisfied all the conditions and/or terms of his or her judgment or order. *Rulemaking Authority* 501.626 FS. Law Implemented 501.612 FS. History—New 1-20-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy Topol, Assistant Director, Division of Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 27, 2013

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:
5J-7.004 Registration
5J-7.009 Professional Fundraising Consultant
 Registration
5J-7.010 Professional Fundraising Solicitor
 Registration
5J-7.011 Notice of Commencement of Solicitations
5J-7.012 Financial Report of Campaign

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend the forms incorporated by reference to implement statutory changes and general cleanup, to incorporate a new form to implement statutory changes, and to provide consistency to professional solicitors in reporting of financial documents.

SUMMARY: The proposed rules update FDACS-10100 Solicitation of Contributions Registration Application, FDACS-10101 Professional Solicitors Registration Application, FDACS-10104 Professional Fundraising Consultant Registration Application, FDACS-10105 Notice of Commencement of Solicitation, FDACS-10106 Professional Solicitors Financial Report of Campaign; incorporates FDACS-10110 Exempt Charitable Organizations/Sponsors Application, to ensure statutory compliance and to make the registration process more efficient; and adjusts the timeframe allowing professional solicitors adequate time to submit required financial documents during a solicitation campaign and to provide consistency in reporting requirements for multi-year campaigns.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed revisions adopt newly revised and created forms, which were revised and/or created to conform to recent statutory changes. In addition, the timeframe change for professional solicitors to report required financial documents was established to provide consistency in reporting requirements. There are no regulatory costs associated with these revisions. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 496.424 FS.
LAW IMPLEMENTED: 496.405, 496.406, 496.409, 496.410, 496.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, Phone (850)410-3662

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-7.004 Registration.

(1)(a) through (c) No change.

(2) Unless exempted pursuant to Section 496.406, F.S., every charitable organization or sponsor in this state shall file with the Department FDACS-10100 ~~DACS Form 10100~~, Solicitation of Contributions Registration Application, Rev. 07/13 ~~07/11~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01007>.

(3) Charitable organizations and sponsors exempt from registration pursuant to s. 496.406(1)(d), F.S., shall file with the Department FDACS-10110, Exempt Charitable Organizations/Sponsors Application, 07/13, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: http://www.flrules.org/Gateway/reference.

Rulemaking Authority 496.424 FS. Law Implemented 496.405, 496.406, 496.409, 496.410, 496.426 FS. History—New 7-7-92, Amended 6-28-94, 3-13-95, 6-4-95, 11-6-95, 3-25-12, _____.

5J-7.009 Professional Fundraising Consultant Registration.

Every professional fundraising consultant shall file with the Department FDACS-10104 ~~DACS Form 10104~~, Professional Fundraising Consultant ~~Consultants~~ Registration Application, Rev. 07/13 ~~07/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01009>. Rulemaking Authority 496.424 FS. Law Implemented 496.409 FS. History—New 3-25-12, Amended _____.

5J-7.010 Professional Fundraising Solicitor Registration.

Every professional fundraising solicitor providing fundraising services for an organization who will solicit funds in this state shall file with the Department FDACS-10101 ~~DACS Form 10101~~, Professional Solicitors Registration Application, Rev. 07/13 ~~07/11~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01008>. Rulemaking Authority 496.424 FS. Law Implemented 496.410 FS. History—New 3-25-12, Amended _____.

5J-7.011 Notice of Commencement of Solicitations.

No less than 15 days before commencing any solicitation campaign or event, the professional solicitor must file with the department FDACS-10105 ~~DACS Form 10105~~, Notice of Commencement of Solicitation ~~Solicitations~~ Rev. 07/13 ~~08/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01010>. Rulemaking Authority 496.424 FS. Law Implemented 496.410(6) FS. History—New 3-25-12, Amended _____.

5J-7.012 Financial Report of Campaign.

Within 45 ~~90~~ days after a solicitation campaign has been completed and within 45 days after ~~on~~ the anniversary of the

commencement of a solicitation campaign lasting more than 1 year, the professional solicitor must provide to the charitable organization or sponsor and file with the department FDACS-10106 ~~DACS Form 10106~~, Professional Solicitors Financial Report of Campaign Rev. 07/13 ~~08/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01011>. Rulemaking Authority 496.424 FS. Law Implemented 496.410(8) FS. History—New 3-25-12, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy Topol, Assistant Director, Division of Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 2, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 5, 2013

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-29.001	Definitions
65C-29.002	Reports of Child Abuse, Neglect or Abandonment
65C-29.003	Child Protective Investigations
65C-29.004	Institutional Child Protective Investigations
65C-29.005	Children Denied Shelter (Lockouts)
65C-29.006	Foster Care Referrals
65C-29.007	Child-on-Child Sexual Abuse
65C-29.008	Initial Health Care Assessment and Medical Examination of Children Alleged to be Abused, Neglect or Abandoned
65C-29.009	Criminal, Juvenile and Abuse/Neglect History Checks
65C-29.010	False Reports
65C-29.011	Out-of-Town Inquiries
65C-29.012	Transfer of Child Protective Investigations Within and Between Districts
65C-29.013	Reasonable Efforts to Locate
65C-29.014	High Risk Tracking and Review
65C-29.015	Pre-Arranged Private Interstate Placements Involving Drug-Exposed Newborns

PURPOSE AND EFFECT: The Department is adding, amending, and repealing several rules within Chapter 65C-29,

F.A.C., Protective Investigations, to accomplish the following tasks: 1) Move definitions related to child protective investigations from Chapter 65C-30, F.A.C., General Child Welfare Provisions to Chapter 65C-29, F.A.C.; 2) Add language for assessing for and safety planning for immediate and long-term safety of a child that will be consistent with the Department's new safety decision making methodology, and; 3) Simplify wording and resolve issues of ambiguity.

SUMMARY: These rule changes add clarifying language for the roles and responsibilities for the Florida Abuse Hotline Command Center staff when assessing reports of alleged child abuse, neglect, or abandonment and for child protective investigators when conducting child protective investigations. Additional language, revisions, and deletions will include action necessary to implement provisions of the law and the safety decision making methodology as follows:

Information to be gathered by the Hotline from a reporter which aligns with the new safety decision making methodology.

Assessing and how to handle situations when children are in present danger and immediate safety actions are required, assessing for if long-term safety actions are required, and when to bring an unsafe child into protective custody. Deletes duplicate language already in Part III of Chapter 39, Florida Statutes, as well as Sections 39.201, 39.401, 39.402, and 39.407, Florida Statutes.

Aligns terminology with the reorganization of the Department from Districts to Circuits and Zones to Regions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Department used a checklist to conduct an economic analysis and determine If there was an adverse impact or regulatory costs of the rule that exceeded the criteria in Section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that this chapter will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine If there was an adverse impact or regulatory costs of the rule that exceeded the criteria

in Section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 39.012, 39.0121, 39.301(14)(c), 39.407(1) FS.

LAW IMPLEMENTED: 39.01, 39.301, 39.302, 39.304, 39.308, 39.401, 39.402 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eleese Davis, Office of Child Welfare, 1317 Winewood Blvd. Tallahassee, Florida 32309, (850)717-4650, eleese_davis@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eleese Davis, Office of Child Welfare, 1317 Winewood Blvd. Tallahassee, Florida 32309, (850)717-4650, eleese_davis@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-29.001 Definitions.

(1) "Additional Investigation Report" means a new report to the Florida Abuse Hotline Command Center, by the same or a different reporter made after the date the initial report was received and containing information about one or more subjects of an open investigation on the same household, which adds:

(a) New incidents of maltreatment which occurred, or are alleged to have occurred, after commencement of an investigation. These are considered 'new' abuse or neglect and thus warrant an additional investigation report. This is differentiated by additional maltreatments determined during the course of an open investigation that are alleged to have occurred before the initial investigation report; or

(b) Additional victims or alleged perpetrators, if they relate to the initial report and are about the same household. This is differentiated by additional victims or alleged perpetrators determined during the course of an open investigation that are alleged to have occurred before the initial investigation report.

(2) “Allegation” means a statement by a reporter to the Florida Abuse Hotline Command Center based upon a reasonable cause to suspect that a child is being abused, neglected, or abandoned as defined in Section 39.01, F.S.

(3) “Case Transfer Conference” means the formal meeting convened by the investigator when investigative responsibilities have been completed, and the investigator has determined the child is unsafe. Such conferences shall include the contracted service provider and, whenever appropriate, the parent or legal guardian. The conferences shall discuss the assessment completed by the investigator, review the current safety plan and make any modifications as needed, allow the investigator to provide all other critical information needed regarding the child and family, and transfer responsibility for the safety and case management to the contracted service provider.

(4) “Child Health Check-Up” is an Early Periodic Screening, Diagnosis, and Treatment (EPSDT) exam pursuant to 42 U.S.C. §1905(r)(5), of preventive and comprehensive services for eligible children, birth to 20 years of age, and for children in the Medikids and Medicaid Programs. A Child Health Check-Up includes regular physical exams, growth measurements, immunizations, vision and hearing screenings, dental screenings, and if necessary, other important tests, services, and referrals for diagnosis and treatment. The Medicaid periodicity schedule indicates, at a minimum, eligible children and young adults should have this health check-up at: birth; in less than 48 hours after delivery; 2-4 days for newborn discharged; by 1 month; 2 months; 4 months; 6 months; 9 months; 12 months; 15 months; 18 months; 24 months; 30 months; and, once every year for ages 3-20. A Child Health Check-Up may also be requested at any other time an adult feels a child needs it.

(5) “Child-on-Child Sexual Abuse” refers to any sexual behavior between children twelve years or younger, which occurs without consent, without equality, or as a result of coercion, as defined in Section 39.01(7)(b), F.S.

(6) “Child Protective Investigator (investigator)” means an authorized agent in a professional position within the Department or designated sheriff’s office with the authority and responsibility to investigate reports of child abuse, neglect, or abandonment as defined in Section 39.01, F.S., received by the Florida Abuse Hotline Command Center.

(7) “Collateral Contacts” means face-to-face, telephonic, electronic, or written communication with those persons who provide relevant information for a child protective investigation. These persons include the other parent who does not reside in the household of the investigation, school personnel, medical personnel, service providers, neighbors, relatives, household members, and any other significant person in the child or caregiver’s life.

(8) “Commencement” means the date and time that the investigator attempted or achieved a face-to-face contact with the alleged child victim by visiting the site(s) where the child was reported to be located or residing.

(9) “Community-Based Care” means the system of care for the provision of all child welfare services, with the exception of child protective investigations. The delivery model utilizes private contractors that determine the needs and develop the resources for the community being served, in addition to core requirements outlined in Florida Statute, Florida Administrative Code, Department operating procedures or manual, and as stipulated per contract with the Department.

(10) “Community-Based Care Lead Agency” means an “eligible lead community-based provider” as defined in Section 409.1671(1)(e), F.S.

(11) “Court Ordered Supervision” means the court has ordered the Department or contracted service provider to supervise the child and family over a period of time to ensure the family is stable, that they comply with the court ordered case plan, achieve sustainable behavior change to manage child safety, and that interim status reports are submitted to the court, at a minimum, every six (6) months throughout the dependency process.

(12) “Danger Threat” means an observable, clearly described family condition (i.e., behavior, emotion, attitude, perception or situation) that:

(a) Is out-of-control;

(b) Is occurring presently or likely to occur in the imminent future; and

(c) Is likely to have a severe harmful effect on a child.

(13) “Department” means the Department of Children and Family Services.

(14) “Evidence” for the purpose of a child protective investigation means any and all materials, documents, admissible statements, first party observations, and specific facts that are relevant to prove and support specific allegations of abuse, neglect, or abandonment.

(15) “Family-designated Arrangement” means arrangements made by a parent or legal guardian for a child to be cared for by family-designated caregivers, which an investigator has determined to be a responsible and dependable adult to follow through with safety actions identified and agreed upon in the safety plan.

(16) “Family Support Services” means community-based prevention services for children determined to be safe, but who are evaluated to be at elevated risk for future maltreatment.

(17) “Finding” means the investigative determination that there is a preponderance of credible evidence to support or refute the allegations for each child maltreatment reported or

determined during the course of an investigation. Findings are classified as: Verified, Not Substantiated, and No Indicators.

(18) “Florida Abuse Hotline Command Center (Hotline)” means the Department’s central abuse reporting center which receives and processes reports of known or suspected child abuse, neglect, or abandonment twenty-four (24) hours a day, seven (7) days a week.

(19) “Florida Safe Families Network (FSFN)” is the state child welfare system’s Statewide Automated Child Welfare Information System (SACWIS) designed to capture all reports of child maltreatment, investigations, and service history information in a single electronic child welfare record for each child reported, investigated, and served.

(20) “Home Study” means the process and written documentation of an on-site assessment completed prior to the child’s placement that is meant to evaluate the caregiver’s capacity to provide a safe, stable, and supportive home environment, and to determine if the physical environment is safe and will meet the child’s needs.

(21) “Household” means a spouse, former spouse, cohabitating partners, persons related by blood or marriage, or other persons who are presently residing together in a common residence.

(22) “Household Member” means any person who resides in a household, including the caregiver and other family members, additional relatives, visitors expected to stay an indefinite length of time, college students expected to return to the household as a primary residence, or is the boyfriend or girlfriend who frequents the household of the household member.

(23) “Immediate” or “immediately” means as soon as possible, but no more than four (4) hours.

(24) “Impending Danger” means a state of danger in which current family behaviors, attitudes, motives, emotions, or situations pose a threat which can be anticipated to have severe harmful effects on a child within the near future, and requires prompt safety planning.

(25) “Information Domains” are the six standard information areas used to assess for danger threats, child vulnerability, and parent, legal guardian, or caregiver protective capacities, specifically: (1) the nature and extent of the child maltreatment, (2) circumstances that accompany the maltreatment, (3) child functioning, (4) adult functioning, (5) general parenting practices, and (6) discipline and behavior management.

(26) “Intake” refers to a process by which a report is received by the Florida Abuse Hotline Command Center alleging knowledge of, or a reasonable cause to believe, that a child has been abused, neglected, or abandoned as defined in Section 39.01, F.S., by a parent, legal guardian, adult household member, or other person responsible for a child’s

welfare. Intakes are accepted by telephone, fax, letters, email, internet web reporting, chat messaging, other forms of communication.

(27) “Judicial In-Home Protective Interventions” are services and supervision from the Department or contracted service provider aimed at stabilizing the household with court ordered supervision.

(28) “Maltreatment” means a defined specific type of injury or harm.

(29) “No Indicators” means a resultant finding of a child protective investigation when there is no credible evidence to support the allegations of abuse, neglect, or abandonment by a parent, legal guardian, or caregiver.

(30) “No Jurisdiction” refers to a designation given to reports that have been accepted by the Florida Abuse Hotline Command Center, but the Hotline, investigator, or investigator’s supervisor determines that the Department, or sheriff’s office, as defined in section (6) of this rule, do not have the authority to investigate, because the jurisdiction, allegations, or facts surrounding the report do not meet statutory criteria. Examples include:

(a) The alleged victim is not a child;

(b) The alleged perpetrator is determined not to meet the statutory definition of caregiver or other person responsible for a child’s welfare as defined in Section 39.01, F.S.;

(c) The allegations are of harm or threatened harm to a child who is residing and located in another state at the time of the report;

(d) The allegations are of harm or threatened harm to a child who is determined to be a resident of Florida, but is temporarily out of state and is expected to return to Florida in excess of thirty (30) calendar days from the Hotline report; or

(e) The allegations are of harm or threatened harm to a child who resides on federal property such as an Indian reservation or military base (unless there is an agreement with the appropriate authorities to surrender jurisdiction to the Department).

(31) “Non-Judicial In-Home Protective Interventions” are services and supervision from the Department or contracted service provider aimed at stabilizing the household without court ordered supervision.

(32) “Not Substantiated” means a resultant finding of a child protective investigation when there is not a preponderance of credible evidence to support that the specific harm or threat of harm was the result of abuse, neglect, or abandonment by a parent, legal guardian, or caregiver.

(33) “On-Site” means face-to-face contact, attempted or actual, with the alleged child victim in the investigation at their reported household or location.

(34) “Other Parent Home Assessment” means the process and written documentation of an on-site assessment completed

prior to the child being released to the other parent that: (1) verifies legal parental relationship through a birth certificate, child support order, official record of child support payments, or other official government document indicating legal parental status; (2) completes a modified home study of the other parent's household to determine the household composition, gather demographics of all household members, conduct a home visit, and complete an abuse history and name-based criminal history check; (3) assesses to determine the other parent's and any adult household members in a significant caregiver role's adult functioning and protective capacities; and (4) assesses to determine the other parent's willingness and ability to provide supervision and protection in alignment of the Department; and ensures that the release of the child to the other parent does not represent a rebuttable presumption of detriment, as defined in Section 39.0139, F.S., and thus does not pose a threat of danger to the child.

(35) "Out-of-County Investigation (OCI) activities" means requests for interviews with subjects of reports of abuse, neglect, or abandonment found or located in more than one county, requests for intra-state home studies for relative and non-relative emergency placements, and other parent home assessments.

(36) "Patently Unfounded" for purposes of a child protective investigation means that although a report was accepted as a good-faith report which initially met jurisdictional criteria for a child protective investigation, after commencement of the investigation and initial assessment activities, it is determined that there is readily observable and corroborated information that the allegations and maltreatment concerns initially reported were compellingly and obviously erroneous, that no maltreatment occurred and there is no present danger. The investigation may be closed with no further investigative activities recommended, with a closure reason of patently unfounded. This is distinguished from a False Report.

(37) "Present Danger" means an immediate, significant, and clearly observable family condition occurring in the present, endangering a child and therefore requiring immediate response and safety actions.

(38) "Protective Capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to safely care for a child.

(39) "Reasonable Efforts to Locate" means that the efforts of a child protective investigator have been sufficiently thorough to allow for case closure despite the inability to locate the family within sixty (60) days from receipt of the report. Reasonable efforts to locate include face-to-face attempts, on-site contact attempts, the identification and use of written records and electronic data elements, contacts with the

school system, review of Economic Self Sufficiency ACCESS Florida records, review of records, diligent search program, additional contacts with the reporter or others named in the report, and telephone directory or utility record checks.

(40) "Reasonable Efforts to Prevent Removal" means that efforts have been made by the Department or contracted service provider to provide assistance and services to prevent the removal of a child from his or her household and to make it possible for a child who has been placed in out-of-home care to be reunited with his or her family. A broad definition of what constitutes reasonable efforts generally consists of accessible, available, and culturally appropriate services that are designed to improve the capacity of families to provide safe and stable households for their children. These services may include family therapy, parenting classes, drug and alcohol abuse treatment, respite care, parent support groups, and home visiting programs. Some commonly used terms associated with reasonable efforts include "family reunification," "family preservation," "family support," and "preventive services."

(41) "Regional Criminal Justice Coordinator" means the person assigned as the single point of contact for missing children in each Region of the Department.

(42) "Risk" means an actuarial assessment and classification of a household using certain static factors which provides a probability value of subsequent maltreatment.

(43) "Report" means an allegation to the Florida Abuse Hotline Command Center alleging knowledge or a reasonable cause to believe that a child has been abused, neglected, or abandoned as defined in Section 39.01, F.S., by a parent, legal guardian, adult household member, caregiver, or other person responsible for a child's welfare.

(44) "Safe" means the absence of present and impending danger, or in the presence of an active danger threat, at least one parent in the household consistently demonstrates sufficient protective capacities to ensure that the child is protected from harm.

(45) "Safety Management" means ongoing monitoring, modification, and management of a safety plan to control present or impending danger to children. Safety management includes in-home, out-of-home, or a combination of in-home/out-of-home arrangements.

(46) "Safety Management Team" refers to individuals responsible for safety plan management activities described in a present or impending danger safety plan. A safety management team can be made up of investigators, case managers, professionals, para-professionals, lay persons, volunteers, in-the-home and out-of-home caregivers, neighbors, relatives, and family members.

(47) "Safety Plan" means the specific course of least intrusive actions that are determined necessary to control

threats of serious harm or to supplement a parent's or legal guardian's protective capacities. A safety plan is implemented immediately when a parent's or legal guardian's protective capacities are not sufficient to manage danger threats. The safety plan is jointly developed by an investigator or case manager and the parent or legal guardian. The plan identifies specific tasks and services to control the safety of the child, the person(s) responsible for each, how the tasks and services will control the identified danger threat(s), and how the tasks and services will be monitored. Safety plans are not dependent upon treatment to manage or control danger threats.

(48) "Safety Planning Conference" means a conference focused on the development of a safety plan, convened by the investigator or case manager with the parents, their family supports, or safety management team members, to establish agreed upon shared responsibilities, appropriate safety actions and safety management plan, and if necessary, initiation of child welfare services to be provided prior to completion of the investigation.

(49) "Special Conditions Referral" means a situation, request, or circumstance brought to the attention of the Department that requires a response by the Department, contracted sheriffs' offices, or community-based care child welfare professional. These reports do not constitute abuse, neglect, or abandonment as defined in Section 39.01, F.S., but they may result in the need to shelter a child upon response. These include the following situations:

(a) The parent, legal guardian, or caregiver has been, or is about to be, incarcerated, and plans must be made for the child's immediate care;

(b) The parent, legal guardian, or caregiver has been, or is about to be, hospitalized, and plans must be made for the child's immediate care;

(c) The parent, legal guardian, or caregiver has died, and plans must be made for the child's immediate care;

(d) The parent or legal guardian is having difficulty caring for a child to the degree that he or she requests Department intervention to lessen the likelihood of abuse, neglect, or abandonment;

(e) A child-on-child sexual abuse referral is received where sexual behavior between children twelve years or younger, which has occurred without consent, without equality, or as a result of coercion, as defined in Section 39.01(7)(b), F.S. is alleged; or

(f) A foster care referral is received regarding concerns about the care provided in a licensed foster home, group home, or emergency shelter that do not meet the criteria for acceptance of a report of abuse, neglect, or abandonment.

(50) "Supplemental Information Report" means reports to the Florida Abuse Hotline Command Center which are determined to be enhancements to a report which has already

been received or is under investigation. This report contains no new allegations related to maltreatments, incidents, child victims, or perpetrators. Such a report gives additional details.

(51) "Temporary Assistance for Needy Families (TANF)" means a government program that provides federal funding for states to serve needy families with dependent children, and to pregnant women, to help them meet the basic needs of their children.

(52) "Threatened Harm" means that a person responsible for a child's welfare, as defined in Section 39.01, F.S., has acted or is acting in a manner that creates a credible threat of harm that would cause the child severe pain or impair the child's physical functioning. This is qualified to be when the type or extent of harm is undefined, but the total circumstances lead a reasonable person to believe that there is a credible threat of harm to the child.

(53) "Unsafe" in reference to a child, means there is an identified danger threat and there are insufficient parent or legal guardian protective capacities to ensure a child, who is vulnerable to the threat, is protected from harm.

(54) "Verified" means a resultant finding of a child protective investigation when a preponderance of credible evidence results in a determination that the specific harm or threat of harm was the result of abuse, neglect, or abandonment by a parent, legal guardian, or caregiver.

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

Rulemaking Specific Authority 39.012, 39.0121, 39.301(14)(c), 39.307(7) FS. Law Implemented 39.001 ~~39.01~~, 39.012, 39.0141, 39.301, 39.308, 39.4085(23) FS. History—New 5-4-06, Amended _____ .

(Substantial rewording of the Rule 65C-29.002 follows. See Florida Administrative Code for present text.)

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

(1) The Hotline shall accept reports, including those made anonymously, that meet the definition of abuse, neglect, or abandonment as defined in Section 39.01, F.S. and qualified in maltreatment definitions.

(2) An report shall also be accepted when the intake concerns a child under the age of 18 years and there is reasonable cause to believe abuse, neglect, or abandonment is occurring, has occurred, or is very likely to occur based on information obtained from the reporter, information available in FSFN, and information evaluated from other databases queried for the following situations:

(a) The alleged abuse, neglect, or abandonment occurred in Florida, the child alleged as being abused, neglected, or abandoned resides in Florida, or is temporarily out of state but expected to return to Florida within thirty (30) calendar days

from the intake. If the abuse, neglect, or abandonment is alleged to have occurred out of state and the alleged perpetrator resides out of state, the Hotline shall transfer the reporter to the child protection agency in the appropriate state of jurisdiction. The Hotline shall then assess the allegation to determine if an investigation or other intervention is warranted in Florida based on an assessment of present and impending danger in the child's Florida residence or household.

(b) The child alleged as being abused, neglected, or abandoned and the alleged perpetrator live out of state, but are visiting Florida together and are located in Florida at the time of the intake and the Hotline counselor determines there is reasonable cause to believe present or impending danger exists to warrant Department intervention.

(c) The person alleged to have abused, neglected, or abandoned the child is a parent or adult caregiver as defined in Section 39.01(10), F.S., or other person responsible for the child's welfare as defined in Section 39.01(47), F.S.

(d) For the purposes of accepting a report, a child may be named as a caregiver only if the child is the parent of the alleged victim.

(3) Information Gathered for a Report. The Hotline shall determine if the allegation received meets the statutory definition of child abuse, neglect, or abandonment as qualified by maltreatment definitions and, at the same time, assess child safety by determining present and impending danger by gathering critical information utilizing a standardized information collection process.

(a) For all reported concerns of child abuse, neglect, or abandonment, the Hotline shall ask the reporter to provide the following information:

1. A means of locating and identifying the alleged child victim.

2. Information regarding subjects of the household or institution including name, race, gender, date of birth, social security number, ethnicity, school, employment, address, phone number, and other information relevant to determining present or impending danger.

3. The relationship between the alleged child victim and the alleged perpetrator.

4. Names and contact information for any person who can provide assistance to the child or additional information about the family's circumstance.

5. Any known history of abuse, neglect, or abandonment of persons named in the report.

6. Whether the alleged perpetrator will continue to have access to the alleged child victim within the next twenty-four (24) hours.

7. The name and occupation of the reporter, relationship between the alleged child victim and the reporter, contact

information for the reporter, and any other information the reporter believes will be of assistance to child protection.

8. A preference in the manner to which the reporter is notified should the reporter request to be notified pursuant to Section 39.202(5), F.S.

(b) For an allegation being made where the alleged perpetrator is a household member or resides in a separate household from the alleged child victim, the Hotline shall gather additional information from the reporter in accordance with the Information Domains as defined in subsection 65C-29.001(25), F.A.C.

(c) For an allegation involving an institution, the Hotline shall gather additional information from the reporter:

1. The nature or extent of the alleged maltreatment;

2. The circumstances surrounding the alleged maltreatment; and

3. Child functioning.

(4) The Hotline shall process and document in FSFN all allegations received. Information screened in for agency response shall be documented in FSFN as either an investigation report or a special conditions referral.

(5) The Hotline shall determine the initial response priority for commencement of each investigation as either immediate or within twenty-four (24) hours. An immediate response priority shall be assigned when present danger for the alleged child victim has been identified.

(6) If the reporter has requested to be notified if his or her report will result in a child protective investigation, the Hotline must:

(a) Advise or notify the reporter, once a recommendation or determination has been made, that the report will be accepted for agency intervention; and

(b) If advisement or notification has previously been provided to the reporter that a report will be accepted for agency intervention as a result of a reported concern, and a further review by the Hotline or investigation unit determines that the initial recommendation has changed and no agency intervention is required, then the reporter must be notified of such and advised that the reported information will be maintained and utilized for any decisions related to future concerns reported regarding the child or family.

(7) The following complaints, disputes, and requests will not be accepted by the Hotline for investigation, because they do not meet either the criteria for investigation or the definition of abuse, neglect, or abandonment as defined in Section 39.01, F.S., and are not qualified by maltreatment definitions:

(a) Allegations of harm perpetrated by a person not responsible for the child's care or welfare;

(b) Complaints of withholding or misuse of child support;

(c) Disputes concerning custody of a child, where there is no allegation of maltreatment;

(d) Complaints concerning infants or children in automobiles who are not in legally required child restraint devices;

(e) Requests for service that may require action, such as the need for: transportation; food or food stamps; housing; day care; employment or public assistance; job training or education; help with utilities or rent; homemaker or housekeeper services; or adult family members in need of services;

(f) Complaints concerning licensing violations in foster homes and group homes, such as, overcrowding, poor sanitation, inadequate staffing ratios, and lack of a fire sprinkler system;

(g) Requests from a hospital to have a home “checked” before a child is released;

(h) Requests from a hospital for the Department to grant permission to treat a child due to the hospital’s inability to contact the child’s parent, custodian, or legal guardian;

(i) Complaints concerning head lice;

(j) Requests from child protective investigators for Out-of-County Investigation activities or the transfer of the child protective investigation;

(k) Communication from case managers regarding the placement disruption of a child in out-of-home care, whether the child is in a licensed or non-licensed relative or non-relative placement;

(l) Communication from case managers regarding a family’s failure to comply with the conditions of the voluntary, judicial in-home protective interventions, or court ordered case plan;

(m) Requests from case management regarding a deteriorating or failing safety plan or safety actions are needed where there is no new maltreatment determined; for example, a positive toxicology report, does not qualify, in and of itself, as a new maltreatment.

(n) Complaints concerning a married minor;

(o) Complaints concerning emancipated minors;

(p) School truancy;

(q) Complaints concerning an unborn or stillborn child; or

(r) A report of a situation where the child is picked up late from a school, daycare, or parental custody exchange.

(8) Release of report information. The Hotline shall only release report information to child protective investigative staff after verifying that they are authorized to receive the information.

(9) Out-of-state records check. The Hotline shall conduct record checks for out-of-state agencies conducting an investigation once verification of the requestor’s identity has been completed. The out-of-state records check request of

information shall be documented by the Hotline counselor. The Hotline shall only confirm the existence of a report(s) documented in FSFN. The out-of-state investigator shall be referred to the investigation’s office assigned to the report(s) for more detailed information.

(10) Assignment of reports. All initial investigation reports, additional investigation reports, and supplemental information reports shall be assigned to the county in which the household where the alleged maltreatment occurred is located.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.001, 39.012, 39.201, 39.202, 39.301, 39.302, 39.308 FS. History—New 5-4-06, Amended _____.

(Substantial rewording of the Rule 65C-29.003 follows. See Florida Administrative Code for present text.)

65C-29.003 Child Protective Investigations.

(1) Upon initial review, by the investigator or investigation supervisor, of a report accepted by the Hotline:

(a) The investigation supervisor may downgrade an “immediate response” priority for a report only if it has been determined there are no present danger threats to the child. The investigation supervisor must document in FSFN the rationale for the response priority change.

(b) The investigation supervisor may update an additional investigation report to a supplemental information report if it has been determined the report does not meet the criteria as defined in subsection 65C-29.001(1), F.A.C. This report update may occur after commencement of the investigation. The investigation supervisor must document in FSFN the rationale for the update of a report type.

(c) The investigator may determine that the allegations or facts within a report do meet the definition of abuse, neglect, or abandonment as defined in Section 39.01, F.S., but they do not meet jurisdiction criteria for the Department to investigate. As such, these reports meet the “No Jurisdiction” criteria set forth in subsection 65C-29.001(30), F.A.C. If such determination has been made, the investigator shall close the report in FSFN as “No Jurisdiction”. This report closure may occur after commencement of the investigation. The investigation supervisor must approve closure of the report. The investigator, investigation supervisor, or designee must:

1. Document in FSFN the approved closure of the report;

2. Provide notification to the reporter that an investigation did not occur as a result of the report, if such notification request has been made when the report was accepted by the Hotline; and

3. If the “No Jurisdiction” is due to the criteria set forth in paragraph 65C-29.001(30)(b), F.A.C., then transfer the assigned report back to the Hotline in order for the appropriate

county sheriff's office to be notified pursuant to Section 39.201(2)(b), F.S.

(d) The investigator may determine that a report contains allegations of the same incident contained in a prior investigation, and this new report does not offer new information, additional alleged child victims, alleged perpetrators, additional subjects, new evidence, or additional allegations or incidents. If such a determination has been made, the investigator shall close the report as a duplicate of a prior investigation, and no additional investigation activities will be required. This report closure may occur after commencement of the investigation. The investigation supervisor must document in FSFN the approved closure of the report.

(2) Investigative Requirements. The following actions shall be completed during the investigation:

(a) Complete all record checks and review all background information provided by the Hotline and available in FSFN or other databases, as appropriate. The investigator shall review records to assess the impact the history may have on present or impending danger to child safety. Additional records checks shall be completed as follows:

1. A criminal history search with local law enforcement.

2. A criminal history search with the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC) on children and household members age 12 and older, upon identifying household members.

3. An abuse/neglect history search in FSFN on children and household members as they are identified.

4. If the family has moved to Florida from another state, the investigator shall make contact with the appropriate child welfare agency in any state where the family resided, and request abuse/neglect histories on household members of the investigation.

(b) Contact the reporter if additional information is needed to corroborate the information initially provided to the Hotline. The investigator shall ask the reporter to provide the names, relationships, and means to locate other persons who may be aware of or have additional information regarding the allegation(s). During the investigation, the investigator shall not identify the reporter or provide information that may identify the reporter.

(c) If the alleged child victim is in an adoptive placement or has a finalized adoption, the investigator shall consult with the adoption placement or post-adoption case manager to assess the child's safety, child functioning, adult functioning, general parenting, and discipline and behavior management.

(d) The investigator shall conduct unannounced face-to-face interviews with the alleged child victim, parent or legal guardian, family, and if applicable, the non-household alleged

perpetrator. Business cards or any other written communication shall not be left at the location of the on-site visit requesting the parent or legal guardian to contact the investigator, unless:

1. The investigator has already made contact with the alleged child victim; or

2. The investigator has made numerous attempts to contact the family over several days and at different times of the day or evening.

(e) The investigator shall observe and interview all alleged child victims and any other children in the household. The investigator shall be sensitive to issues arising from a child's age and developmental stage, ethnicity, culture, and gender.

(f) The investigator shall confirm the composition of the household associated with the allegations under investigation or family pursuant to Section 39.301(9)(a)3., F.S. If a household member cannot be located, the name and demographic information of the household member shall not be deleted from the report and investigation.

(g) The investigator shall inform the parent, legal guardian, or caregiver that they are required to provide their social security number pursuant to Section 39.301(9)(a)3., F.S., as part of the child protective investigation and for the purpose of determining eligibility requirements for federal Temporary Assistance for Needy Families (TANF).

(h) The investigator shall document in FSFN a description of the physical condition of the household associated with the allegations under investigation.

(i) The investigator shall interview any person alleged to have harmed the child, and interview the parents, legal guardians, and all adult household members who are determined to have a caregiving responsibility for the child. The investigator shall inform the parent, legal guardian, caregiver, or non-household member alleged to have harmed the child, of the allegations in the report and any determined during the course of the investigation, the Department's responsibility to ensure the child's safety.

(j) During the course of the investigation, the investigator shall conduct relevant collateral contacts and document these contacts in FSFN.

(3) Assessment of Present Danger. Once initial contacts with the alleged child victim and parent, legal guardian, caregiver, and if appropriate, the non-household alleged perpetrator have been made, the investigator shall assess the immediate safety of the child.

(4) If the investigator determines immediate safety actions are needed, the investigator shall develop a present danger safety plan to identify immediate safety actions required to keep the child safe from the identified danger threats. Such immediate safety actions include:

(a) Identifying participants of a safety management team, with the parent or legal guardian, that can begin to work with the family immediately and assist with present danger safety actions and safety planning activities to maintain the child in the current household, to include:

1. A responsible family-designated adult, relative or non-relative, moving into the household on a full-time basis;

2. A responsible family-designated adult, relative or non-relative, moving into the household on a part-time basis; or

3. A responsible family-designated adult, relative or non-relative, visiting the household on a routine basis.

(b) The member of the household alleged to be responsible for the harm agrees to temporarily relocate from the household.

(c) Using the injunction process, under Section 39.504, F.S., as an immediate safety action to remove a caregiver responsible for the harm from the household, when the presence of the caregiver in the household poses an immediate danger threat to the child.

(d) Identifying participants of a safety management team, with the parent or legal guardian, in which family-designated arrangements can be made for the child to be cared for outside the family household by responsible caregivers.

(e) Identifying participants of a safety management team, without the parent or legal guardian, in which arrangements can be made for the child to be cared for outside the family household by a relative or non-relative, designated by the investigator or contracted service provider, in an unlicensed out-of-home placement setting.

(f) Identifying participants of a safety management team, without the parent or legal guardian, in which arrangements can be made for the child to be cared for outside the family household by a licensed out-of-home placement setting, designated by the investigator or contracted service provider.

(5) Supervisors must discuss with the investigator the status of the investigation and assessment to date. The supervisor shall provide guidance and consultation to determine investigation and assessment activities to ensure sufficient information is collected to inform decision-making, and to ensure present danger safety plans are in place and sufficient to control and manage identified immediate danger threats.

(6) Upon completion of assessing for present danger and supervisor consultation, the supervisor may close the investigation with no further investigative or assessment activities recommended if it is determined that:

(a) The information reported was patently unfounded; and

(b) There are no identified present danger threats.

(7) The investigator may convene a safety planning conference to review the sufficiency of the present danger safety plan developed upon the identification of present

danger. For example, a person has agreed to leave, and they are not abiding by the conditions agreed upon in the present danger safety plan. This may result in an updated present danger safety plan. This updated present danger safety plan will remain in effect until an assessment of family functioning is completed and impending danger has been assessed by the investigator or a change in the present danger safety plan is needed.

(8) Assessment of Family Functioning. Once the immediate safety of the child has been determined, the investigator shall assess the child's long-term safety within the child's household. If the investigator determines long-term safety actions are needed, the investigator shall develop an impending danger safety plan to identify long-term safety actions required to keep the child safe from the identified danger threats.

(9) In-Home Safety Analysis and Planning. The investigator shall identify the most appropriate, least intrusive intervention to manage the long-term safety of the child by first, analyzing for in-home safety. In-home protective interventions through an in-home safety plan can occur in the child's household if all of the following exist:

(a) The parent or legal guardian is willing for an in-home safety plan, which may include involvement of family-designated arrangements, and to cooperate with the safety management team;

(b) The home environment is calm and consistent enough for an in-home safety plan and to allow the safety management team to safely provide services in the household;

(c) The availability of the safety management team to provide the in-home safety plan's identified services;

(d) The in-home safety plan and the safety management team can be implemented without input from professional evaluations; and

(e) The parent or legal guardian has a physical location where the in-home safety plan can be implemented.

(10) All safety plans shall be documented in FSFN.

(11) Determination of Non-Judicial or Judicial In-Home Protective Interventions. The investigator shall determine if the authority of the court is necessary to supervise the safety plan and case plan for reinforced family accountability.

(a) Court intervention shall not be required if a family is cooperative and willing to manage child safety. A family can demonstrate cooperative and willing behaviors by:

1. Allowing safety services to be provided within the household according to the established and agreed upon in-home safety plan, which may include involvement of family-designated arrangements;

2. Cooperating with the safety management team participants by carrying out the in-home safety plan within the household; and

3. Agreeing to the designated actions, time requirement, and expectations outlined in the in-home safety plan.

(b) Court intervention shall be required if a more intrusive intervention to manage child safety is required. The investigator and the investigation supervisor shall first meet to consider whether:

1. There is a demonstrated lack of dependable follow-through by a parent or legal guardian on past or current in-home protective interventions; or

2. There is domestic violence in the household that is determined to require judicial supervision of an in-home safety plan for protection of the child and the victim; or

3. Family dynamics or conditions necessitate the need for court reinforced family accountability.

(c) If the investigator and investigator's supervisor agree that judicial in-home protective intervention is required, the investigator shall consult with Children's Legal Services to consider the appropriate court action, if any. The Children's Legal Services attorney, or similar legal authority, will ascertain whether the available evidence and statutorily required reasonable efforts already provided support filing of a dependency petition.

(12) If at any time it is determined the child's safety cannot be managed through any in-home protective intervention, an out of home safety plan shall be explored from least intrusive to increasing intrusiveness, to include a family-designated arrangement or removal and placement from the household. If the child is removed and placed in protective custody, the investigator or case manager making the placement shall ensure completion of the following:

(a) Reasonable efforts to prevent removal;

(b) Coordination of activities necessary to place siblings together, unless this would be contrary to the safety or well-being of the child or children;

(c) The child's documentation required for identification purposes is complete;

(d) Compliance with the placement responsibilities outlined in Chapter 65C-30, F.A.C.;

(e) Implementation of activities necessary to maintain the child in his or her current school pursuant to Section 39.4085(17), F.S., unless it is determined that remaining in the current school is not in the child's best interest; and

(f) A diligent search to identify and locate to provide notification, subject to exceptions due to family violence, to:

1. A parent, putative, or prospective parent whose whereabouts are unknown; and

2. All adult grandparents and other adult relatives of the child, including any putative adult relatives suggested by the parents.

(13) Release to Other Parent. Prior to release of the child to the other parent, the investigator or case manager shall complete an Other Parent Home Assessment, as defined in subsection 65C-29.001(34), F.A.C., of the other parent's household.

(14) Upon release of the child to the other parent, the investigator shall complete the following actions:

(a) Gather and review all available documentation concerning previous court orders, visitation arrangements, and all other official documents in order to gain insight into the current legal circumstances. These documents shall be reviewed with Children's Legal Services.

(b) Provide information to Children's Legal Services to petition the dependency court to take immediate action to supersede existing orders, request supervised visitation, and take other actions as deemed appropriate and necessary.

(c) Provide additional preventive or treatment services to the other parent to mitigate any immediate and long-term child safety concerns and provide for the child's permanency. This includes preventive or treatment services to the parent from which the child was removed and the permanency goal includes maintain and strengthen or reunification services with the removal parent.

(d) If the child is released to the other parent, and reunification with the parent from whom the child was removed is not an option, the other parent shall be advised, if appropriate, of the need to obtain a change of custody order granting custody.

(e) Inform the parents of the responsibility of the Department, or sheriff's office, to manage child safety without regard to the parents' marital status or the existence of prior, or contemporaneous, dissolution of marriage actions.

(15) The investigator shall determine in all investigations whether a child is an American Indian child or Alaskan Native child if not already determined and documented during a prior investigation. If it is determined that the child must be removed from the parent or legal guardian and the child is determined to be an American Indian child or Alaskan Native child, the investigator shall comply with the provisions of the Indian Child Welfare Act codified at 25 U.S.C. § 1901 et seq.

(16) Case transfer conference. Once the investigation and assessment have been completed, the investigator shall schedule a case transfer conference where a case manager will assume responsibility for ongoing safety and case management. During the case transfer conference, the investigator shall inform the case manager of the information on identified danger threats, the parent's or legal guardian's level of cooperation in complying with safety actions, and the safety planning to date. If needed, an agreement shall be made between the investigator and case manager as to other

information to be obtained. This agreement shall not delay transfer of the case to ongoing case management.

Rulemaking Specific Authority 39.012, 39.0121, 39.301(14)(c) FS. Law Implemented 39.001, 39.01, 39.012, 39.0137(1), 39.202, 39.30, 39.301, 39.302, 39.303, 39.308, 39.401, 39.402, 39.4085(5) FS. History—New 5-4-06, Amended _____.

(Substantial rewording of the Rule 65C-29.004 follows. See Florida Administrative Code for present text.)

65C-29.004 Institutional Child Protective Investigations.

(1) All institutional investigations of juvenile justice facilities and institutions, as defined in Sections 39.01(31), (33), and (47), F.S., acting in an official capacity, shall comply with Section 39.302, F.S.

(2) Upon receipt of an institutional report, the investigator shall immediately notify:

(a) Law enforcement;

(b) State attorney's office; and

(c) The state agency responsible for the administration, licensing, and regulatory oversight of the institution or facility:

1. If the institution is exempt from licensing under Section 409.176, F.S., the "qualified association" known as the Florida Association of Christian Child Caring Agencies (FACCCA) shall be notified.

2. If the institution is a Department of Juvenile Justice operated or contracted facility, immediate notification to the Department of Juvenile Justice Office shall be made.

3. If the institution is a residential child caring agency, as defined in Sections 409.175 and 409.176, F.S., the facility's superintendent or their designee shall be notified.

4. If the institution is a child care facility, as defined in Section 402.302, F.S., the agency responsible for licensing and regulatory oversight shall be notified.

5. If the facility is exempt from licensing, as defined in Sections 409.176 and 402.316, F.S., the owner or operator of the facility shall be notified.

(3) The investigator shall notify the following parties:

(a) The child's parents or legal guardian;

(b) The child's attorney, if one has been appointed;

(c) The child's Guardian ad Litem, if one has been appointed; and

(d) Case management staff working with the family.

(4) The institutional investigation shall be assigned to the county where the institution or facility where the alleged abuse or neglect took place is located. The investigation shall be commenced to meet the initial response time determined by the Hotline.

(a) If at the time the report is accepted, the child alleged to have been harmed is no longer located at the institution or facility where the alleged abuse or neglect of a child took

place, on-site visits shall occur where the institution is located and where the child is located.

(b) If at the time the report is accepted, the child alleged to have been harmed is no longer located at the institution or facility, the investigator shall request an Out-of-County Investigation to the county where the child is located.

(5) For institutional investigations where there are potentially multiple victims, upon completing an assessment, the investigator shall add to FSFN only the names and related demographic information of those additional child victims determined to have been harmed during the incident(s).

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.001, 39.01, 39.012, 39.301, 39.302 FS. History—New 5-4-06, Amended _____.

65C-29.005 Children Denied Shelter (Lockouts).

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

65C-29.006 Foster Care Referrals.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201 FS. History—New 5-4-06, Repealed _____.

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

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.307 FS. History—New 5-4-06, Repealed _____.

(Substantial rewording of the Rule 65C-29.008 follows. See Florida Administrative Code for present text.)

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

(1) A Child Health Check-Up, as defined in subsection 65C-29.001(4), F.A.C., shall be completed for every child entering emergency shelter care within seven (7) days of the initial removal, unless:

(a) The child has been returned to the home from which removal occurred;

(b) The child was removed from his or her home and released with the other parent; or

(c) The child is being placed with a relative, non-relative, or in licensed shelter or out-of-home care directly after being released from a medical hospital setting.

(2) Additional Child Health Check-Ups shall be repeated in accordance with the Medicaid periodicity schedule, as defined in subsection 65C-29.001(4), F.A.C.

(3) If from the results of the Child Health Check-Up the licensed health care professional determines the child is in need of medical treatment, including immunizations, the investigator shall follow the requirements outlined in Section

39.407(2), F.S., and Rule 65C-28.003, F.A.C., for medical consent.

(4) For any medical treatment that includes prescribing psychotropic medications to a child, or if the child receives prescribed psychotropic medications when removed from his or her home, the investigator shall follow the requirements outlined in Section 39.407(3), F.S., and Chapter 65C-35, F.A.C.

Rulemaking Specific Authority 39.012, 39.0121(6), 39.407(1) FS. Law Implemented 39.001, 39.01, 39.012, 39.304 39.407 FS. History—New 5-4-06, Amended _____.

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

(1) For each initial and additional abuse or neglect report received, the Florida Abuse Hotline will perform an inquiry of database systems a systems check on all known household members and subjects of the investigation subjects prior to assigning the report.

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

(b) A delinquency check is required for all household members and subjects of the investigation subjects of the report age twelve to twenty-six.

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

(2) For each initial and additional abuse or neglect report received, the child protective investigator shall request a local criminal arrest and call-out history check from the local law enforcement entities on all household members and subjects of the investigation upon report, household members and frequent visitors within 24 hours of receiving the available demographic information. National and state State criminal history and delinquency record checks are not a substitute for local law enforcement criminal arrest and call-out history call history checks.

(a) The results of the local law enforcement criminal arrest and call-out history checks, including those that did not result in an arrest, shall be evaluated for patterns of behavior or domestic violence that may pose a present or impending danger threat potential risk to a child.

(b) The Hotline or child protective investigator shall conduct a check of the Department of Corrections records on parents, legal guardians eustodians, caregivers, frequent visitors, and any other persons residing in the household and the information shall be evaluated for patterns of behavior that may pose a present or impending danger threat to a child.

(3) For any persons residing in the household or additional subjects of the investigation report that were not included in the initial or additional abuse or neglect report, but were identified as household members or subjects during the course of an investigation, within twenty four hours of the person becoming known, the child protective investigator shall:

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

(b) Perform a search check of the Department's department's statewide automated child welfare system for prior and and/or current child protective investigations and/or ongoing services involvement with these persons. The information shall be evaluated for patterns of behavior that may pose a present or impending danger threat to a child.

(c) Request a local criminal arrest and call-out history check from local law enforcement.

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

(4)(5) When a child is taken into protective custody and placed with a relative or non-relative caregiver, the investigator shall conduct the required criminal history and delinquency record checks required by check requirements for relative and non relative placement requirements under Rule 65C-28.011, F.A.C., prior to placement. A child released to the care, custody, and control of the other parent, is not considered a placement; however, conditions for an Other Parent Home Assessment, as defined in subsection 65C-29.001(34), F.A.C., shall apply.

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

65C-29.010 False Reports.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.206 FS. History—New 5-4-06, Repealed _____.

65C-29.011 Out-of-Town Inquiries.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.001, 39.01, 39.012, 39.0121 FS. History—New 5-4-06, Repealed _____.

65C-29.012 Transfer of Child Protective Investigations ~~Within and Between Counties, Districts.~~

(1) The transfer of a child protective investigation ~~within and between counties districts~~ shall be initiated immediately in FSFN at the supervisory level, by the sending unit supervisor or designee, to the receiving unit supervisor or designee, ~~via telephone or e-mail within twenty four hours of identification of the need for transfer.~~

(a) Prior to initiating the request for transfer, the sending unit supervisor or designee shall ensure that all known and available automated investigative file documentation requirements are is completed and up-to-date updated in FSFN. This includes, at a minimum: the statewide automated information system, including subject demographics, and addresses, phone or contact information, school information, investigation report commencement date and time, all investigation contacts, and the assessments of child safety from the investigation, if any, completed up to the point of the transfer, relevant safety factors.

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

(c) Primary investigative responsibility is automatically determined by:

1. Active case participants in an open dependency action in the receiving county, or

2. The household of the alleged abuse, neglect, or abandonment is in the receiving county.

(d) When an alleged child victim resides equally in two counties, the primary assignment shall be in the county where the abuse, neglect, or abandonment is alleged to have occurred. When both parents are named as alleged perpetrators in their respective households, a separate investigation and assessment of child safety are required with collaboration between investigators between counties. In the absence of a court order that establishes custody and visitation, pursuant to Section 744.301, F.S., the mother is considered the natural guardian of the child and is entitled to primary residential care and custody; therefore, the primary investigative responsibility shall be where the mother resides.

(2) The automated transfer request shall be initiated by the sending unit supervisor executed in the statewide automated information system within twenty-four hours (24) of the request for transfer.

(a) A request for case transfer shall always be accepted by the receiving unit supervisor. If the receiving unit supervisor or designee disagrees with the request, the sending unit

supervisor or designee shall immediately contact the program administrators or their designees for resolution. If there is disagreement, the receiving unit supervisor shall not compromise the safety of the child, and shall accept the transfer and respond as assigned. If the receiving unit supervisor refuses to accept the request for transfer, the receiving unit supervisor shall immediately document the reasons for the refusal in the chronological section of the automated investigative file.

(b) The sending unit supervisor or designee shall document the resolution in FSFN. Any disagreements regarding the acceptance of a transfer within or between districts shall be referred directly to the district administrators or their designees for resolution within twenty four hours of refusal of transfer request.

(c) The receiving unit supervisor shall complete the automated transfer request and document in FSFN the change of primary worker. The resolution shall be documented in the chronological section of the automated investigative file.

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121, 744.301 FS. History-New 5-4-06, Amended _____.

65C-29.013 Reasonable Efforts to Locate.

(1) The child protective investigator shall make reasonable efforts to locate a family when the family cannot be located at commencement, the time of the initial visit. Reasonable efforts include both face-to-face, on-site contact procedures and the identification and use of written records and electronic data elements to help locate a family.

(a) When the family cannot be located at commencement, attempts to locate them on a daily basis, at different times of day and night, shall be continued and documented in FSFN.

(b) The investigator shall contact the reporter, if known, and other collateral sources to try to determine if the family has recently moved or has fled to avoid the investigation. If the reporter is anonymous, and the investigator has exhausted all possible means to locate the child, as required in subsection 65C-29.013(2), F.A.C., the caller identification number may be utilized to ascertain the whereabouts of the alleged child victim or family.

(c) If the address given to the Hotline was inaccurate, the investigator shall review all available addresses within FSFN, contact the ACCESS (FLORIDA) system, local school board, and local child care licensing board when appropriate, as well as follow the investigative search guidelines, to determine a current address of the child subject of the report. Reasonable efforts to locate includes attempts to establish face-to-face contact at any address identified during the course of records reviews and database inquiries.

(2) Investigative Search guidelines. The investigative search shall include the following:

(a) Neighbors to verify if the family has moved and possible location of family's new residence and to ascertain any information known about the family or location and information about extended family members.

(b) Landlords or leasing agents.

(c) All known relatives and friends who may provide information on the children or parents to include, at a minimum: date of birth, social security number, aliases, veteran status, employment, driver's license number, recent criminal charges, incarcerations, or hospitalizations.

(d) Parents' last known employer.

(e) Florida Telephone Directory 'New Listing' records.

(f) Utility company billing and new service records.

(g) United States Postal Service for 'Change of Address' information.

(h) District School Board for 'Transfer of School Records' information and emergency contact numbers for family.

(i) Local law enforcement criminal history, arrest history, or call-out history checks.

(j) Local county jails inquiry.

(k) Department of Highway Safety & Motor Vehicle's Driver and Vehicle Information Database.

(l) Florida Department of Revenue for 'Directory of New Hire' employment registration and Child Support Enforcement's State Parent Locator Service.

(m) Local Circuit Court, Civil and Criminal Division public computer access records for recent legal pleadings.

(n) Department of Corrections' website search for active supervision and local Probation Office of jurisdiction.

(o) Area pawn shops' transaction database.

(p) All major program offices of the State, including Automated Community Connection to Economic Self-Sufficiency ACCESS, Substance Abuse and Mental Health (SAMH), Agency for Persons with Disabilities (APD), Children's Medical Services (CMS), and Department of Juvenile Justice (DJJ).

(q) Hotline Diligent Search through ACCURINT or other databases accessible by Hotline staff.

(2) Investigative Response:

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

(b) If the family has not been located within seventy two hours, the child protective investigator shall determine whether the family has fled to avoid the investigation or that the location information given to the Florida Abuse Hotline was inaccurate.

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

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

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

~~4. When the child protective investigator has reason to believe that the family has fled to avoid the investigation, the child protective investigator and the child protective investigations supervisor shall meet with Child Welfare Legal Services to determine if sufficient probable cause exists to petition the court for a 'Take Into Custody' Order on the alleged victim. Sufficient rationale to support conducting a legal staffing includes:~~

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

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

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

(3) Prior to closing an investigation when a family cannot be located, the supervisor must determine if "reasonable efforts to locate" the family were made and must assess and make a determination whether a thorough investigative search to locate a family has been completed. If the supervisor determines that reasonable efforts to locate are sufficient, the supervisor may close the investigation with a closure reason of "unable to locate." If the supervisor determines that reasonable

efforts to locate are not sufficient, the investigative search to locate the family shall continue.

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

~~(a) Neighbors to verify if the family has moved and possible location of family's new residence.~~

~~(b) Landlords or leasing agents.~~

~~(c) All known relatives and friends who may provide information on the parents such as: date of birth, social security number, aliases, veteran status, employment, driver's license number, and recent criminal charges, incarcerations, or hospitalizations.~~

~~(d) Parents' last known employer.~~

~~(e) Florida Telephone Directory 'New Listing' records.~~

~~(f) Utility company billing and new service records.~~

~~(g) United States Postal Service for 'Change of Address' information.~~

~~(h) District School Board for 'Transfer of School Records' information and emergency contact numbers for family.~~

~~(i) Local law enforcement checks.~~

~~(j) Local county jails.~~

~~(k) Department of Highway Safety & Motor Vehicle's 'Driver and Vehicle Information Database'.~~

~~(l) Florida Department of Revenue for 'Directory of New Hire' employment registration and Child Support Enforcement 'State Parent Locator Service'.~~

~~(m) Local Circuit Court, Civil and Criminal Division public computer access records for recent legal pleadings.~~

~~(n) Department of Corrections website search for active supervision and local Probation Office of jurisdiction.~~

~~(o) Area pawn shops transaction database.~~

~~(p) All major program offices of the State, including, but not limited to: Economic Self Sufficiency (ESS), Substance Abuse and Mental Health (SAMH), Agency for Disabled Persons (ADP), Children's Medical Services (CMS), and Department of Juvenile Justice (DJJ).~~

(4) If the investigator has determined there is reason to believe that the family has fled to avoid the investigation, and the child is believed to be in imminent danger:

(a) The investigator shall meet with Children's Legal Services to determine if sufficient probable cause exists to file a shelter petition with the court to seek an order to take the child into custody. Sufficient rationale to support conducting a legal staffing to take a child into custody includes:

1. Documented credible evidence that either the reporter or other collateral contacts interviewed have directly observed a serious injury;

2. The alleged child victim has verbally disclosed information to the reporter or other collateral contacts that he or she is in imminent danger; or

3. Credible information obtained from other sources indicates that the child is in imminent danger.

(b) A 'Statewide Alert' will be issued in FSN.

(c) If the order to take a child into custody or the shelter petition has been granted by the court, the requirements to report the child as missing, pursuant to Section 39.0141, F.S., shall be initiated and completed by the investigator.

(d) After the shelter petition has been granted by the court, the case shall be transferred from child protective investigations to the Regional Criminal Justice Coordinator for the purpose of ensuring continuing efforts to locate the child and other activities related to missing children.

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

(a) A thorough investigative search has been completed in an attempt to locate the family.

(b) A Statewide Alert has been issued on the family, when needed.

(c) The evidence gathered does not meet the standard for probable cause for the filing of a petition for a 'Take Into Custody' Order or, sufficient rationale does exist and a petition has been submitted to the court.

(d) Children who have been ordered to be taken into custody have also been referred to the Florida Department of Law Enforcement (FDLE) Missing Child Tracking System (MCTS).

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

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

Rulemaking Specific Authority 39.012, 39.0121 FS. Law Implemented 39.001, 39.01, 39.0141, 39.402, 39.503 FS. History—New 5-4-06, Amended _____.

65C-29.014 High Risk Tracking and Review.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Dupuis, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, Florida 32309

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Wilkins, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 7, 2012

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-8.201
RULE TITLE: Child Registration Procedures; Application; Parent Orientation Session
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. 38, No. 25, June 22, 2012 issue of the Florida Administrative Register.

The full text of the proposed rule is amended as indicated in strikethrough and underline below. While the dates of Forms OEL-VPK 01 and Form OEL-VPK 21 have been revised, no substantive changes have been made to the content of these forms. Other forms incorporated by reference into this rule are new or include substantive changes.

6M-8.201 Child Registration Procedures; Application.

(1) Application. A parent wishing to enroll his or her child for the VPK Program must complete an application process with a local early learning coalition. Contact information for local early learning coalitions is available from Florida's Office of Early Learning at (866)357-3239, TTY/Florida Relay 711, and at the website: <https://spe.schoolreadiness.org/pe/>.

(a) A parent must complete and sign one of the following:

1. Part A of Form OEL-VPK 01 (Student Application), dated March 2013. Part A and Part B of Form OEL-VPK 01 (Student Application), dated March 2013, are August 2012, which is hereby incorporated by reference with instructions, and may be obtained as described in Rule 6M-8.900, F.A.C.

2. Form OEL-VPK 01SPEE (Single Point of Entry Student Application English), dated March 2013, which is hereby incorporated by reference, and is available Applications may be completed in hard copy using blue or black ink or online through the website: <https://spe.schoolreadiness.org/pe/> by following the instructions on the webpage.

3. Form OEL-VPK 01SPES (Single Point of Entry Student Application Spanish), dated March 2013, which is hereby incorporated by reference, and is available online through the website <https://spe.schoolreadiness.org/pe/> by following the instructions on the webpage.

4. Form OEL-VPK 01SPEC (Single Point of Entry Student Application Creole), dated March 2013, which is hereby incorporated by reference, and is available online through the website <https://spe.schoolreadiness.org/pe/> by following the instructions on the webpage.

(b) A parent must submit the completed and signed Part A of Form OEL-VPK 01, or submit the printed confirmation of completion of Form OEL-VPK 01SPEE, Form OEL-VPK 01SPES, or Form OEL-VPK 01SPEC ~~an online application~~ to the coalition of the county where the VPK site selected by the parent is located ~~regardless of the county in which the child resides~~. A parent must also submit the supporting documents showing the child's age and residential address which are required under Rule 6M-8.200, F.A.C.

(2) Reenrollment Application. If a parent wishes to change a student's VPK provider after a student has already attended a portion of VPK instruction that parent shall follow the requirements of Rule 6M-8.210, F.A.C.

(3) Parent Guide. ~~A coalition shall ensure each parent has~~ Each parent shall have the opportunity to review a copy of Form OEL-VPK 06, Voluntary Prekindergarten Parent Guide, which is incorporated by reference into Rule 6M-8.2011, F.A.C., and may be obtained as described in Rule 6M-8.900, F.A.C.

(4) Application Submission Location. An early learning coalition shall designate one or more locations throughout the coalition's service area where a parent may submit a Student Application and supporting documents to the coalition. A coalition may allow private or public school VPK providers to be application submission locations. If the coalition designates certain VPK providers as application submission locations, then the coalition, those designated VPK providers, and parents submitting applications to those designated VPK providers must follow the requirements of subsection (5) below.

(5) Alternative Application. Notwithstanding the processes established above, an early learning coalition may also permit a VPK provider to determine the preliminary eligibility of children applying to enroll in the provider's VPK classes on behalf of the coalition in accordance with the requirements of this paragraph. Providers permitted to make preliminary eligibility determinations under this paragraph must do so in accordance with the criteria and processes established in Rule 6M-8.200, F.A.C.

(a) Provider Eligibility. A VPK provider must apply annually to participate under this paragraph by submitting to the early learning coalition the completed and executed Form OEL-VPK 21 (Addendum to the Statewide Provider Agreement) dated March 2013 August 2012, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C. A VPK provider shall not participate under this paragraph except under an executed Form OEL-VPK 21. A VPK provider may not determine the preliminary eligibility of children for its VPK program until the VPK provider receives a fully executed Form OEL-VPK 21 from the coalition which has been signed by the VPK provider and its early learning coalition. Documentation demonstrating that the provider has met the eligibility requirements established under this rule may be required by the coalition; however, the coalition may not impose on the provider additional eligibility requirements not included in this rule.

1. The VPK provider must have delivered instruction in the VPK program during the most recent two program years.

2. The VPK provider must retain a prekindergarten director or designee who has attended a training session conducted by the coalition which instructs the provider on procedures for determining a child's preliminary eligibility for the VPK program, accepting an application and supporting documents on behalf of the coalition, and providing a parent with the form described in (3) above.

3. The VPK provider's most recent kindergarten readiness rate for each program type (school-year and/or summer) must meet the minimum kindergarten readiness rate established pursuant to Section 1002.69, F.S.

4. A VPK provider is not eligible to determine the preliminary eligibility of children under this rule if, during the previous 24 months, the provider:

a. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a student's attendance;

b. Failed to repay an overpayment by the required repayment date after the coalition discovered the overpayment and requested repayment;

c. Submitted a monthly attendance roster resulting in an overpayment that exceeded 20 percent of the payment for a

calendar month due to the provider's inaccurate reporting of a student's attendance;

d. Submitted a monthly attendance roster containing fraudulent reporting of a student's attendance; or

e. Failed to comply with the terms of the Form OEL-VPK 21.

5. A VPK provider which is licensed by the Department of Children and Family Services or a local licensing agency is not eligible to participate under this rule if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

6. A VPK provider which is not licensed by the Department of Children and Family Services or a local licensing agency, but which is accredited as described in Section 1002.55(3)b., F.S., is not eligible to participate under this rule if the provider's accreditation status has expired or been rescinded.

(b) Child Registration Procedures.

1. A parent who wishes to apply to enroll a child for the VPK program through a VPK provider authorized to make preliminary eligibility determinations under this paragraph must complete, sign, and submit to the VPK provider Part A of Form OEL-VPK 01. A parent must submit this form to the VPK provider with supporting documents of the child's age and residential address required under Rule 6M-8.200, F.A.C.

2. A VPK provider determining children's preliminary eligibility under this paragraph shall provide each parent with a copy of the Form OEL-VPK 06, Voluntary Prekindergarten Parent Guide, which is incorporated by reference in Rule 6M-8.2011, F.A.C., and which may be obtained as described in Rule 6M-8.900, F.A.C., upon parental submission of the completed and signed Part A of Form OEL-VPK 01. Within five (5) working days after a child's parent submits the completed and signed Part A of Form OEL-VPK 01, the provider shall complete Part B of the child's Form OEL-VPK 01, maintaining a copy of the completed form and any supporting documents for its records, and process Parts A and B of the completed Form OEL-VPK 01 and supporting documents, as follows:

a. If the child's Form OEL-VPK 01 is complete, signed, and submitted with the required supporting documents, the provider determines that the child appears preliminarily eligible for the VPK program, and the provider registers the child in one of the provider's VPK classes, then the VPK provider shall submit a child's Form OEL-VPK 01 and supporting documents to the coalition.

b. If the child's Form OEL-VPK 01 is not complete, not signed, or not submitted with the required supporting

documents, then the VPK provider shall return the form and supporting documents to the child's parent.

c. If the child's Form OEL-VPK 01 is complete, signed, and submitted with the required supporting documents, but the provider determines that the child does not appear to be preliminarily eligible for the VPK program, the provider shall return the child's Form OEL-VPK 01 and supporting documents to the child's parent and, in the designated area of Part B of Form OEL-VPK 01, shall notify the parent of the reasons(s) that the child does not appear to be eligible based on the provider's determination and refer the parent to the coalition.

3. A coalition shall determine whether each child registered in a class by a VPK provider meets the eligibility criteria established in Rule 6M-8.200, F.A.C. Within 30 days of submission of a child's Form OEL-VPK 01 and supporting documentation by a VPK provider, the coalition shall inform the VPK provider and/or parent, as detailed below ~~applicable~~, of the child's eligibility or ineligibility in writing.

a. If the coalition determines a child eligible and sends written notification prior to the start of the selected class, the notice shall inform the provider of the first date upon which the child is eligible to receive services.

b. If the coalition determines a child eligible, but the selected class begins before the coalition has provided written notification of the child's eligibility or ineligibility, the coalition's notification shall inform the provider and parent of the first date upon which the child is eligible to receive services and inform the parent that the child will not receive the full allotment of hours of VPK service.

c. If the coalition determines a child ineligible, the coalition's notification shall inform the provider and parent of the reason for the child's ineligibility.

~~4. Notwithstanding paragraph 6M-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child applying for enrollment in the VPK program through a VPK provider under this paragraph.~~

~~4.5-~~ A VPK provider may not deliver VPK instruction to a child registered in one of its VPK classes until the provider receives the final eligibility verification from a coalition as described in 3. above. Any instruction given prior to receiving final eligibility verification from the coalition shall be non-payable under Rules 6M-8.204 and 6M-8.205, F.A.C.

(c) Provider Prohibitions.

1. Preliminary Eligibility Determination After a VPK Class Has Started. A VPK provider participating under subsection (5) of this rule shall not determine the preliminary eligibility of a child whose parent is applying for enrollment in one of the VPK provider's classes that has already begun instruction, and instead shall direct the parent to the coalition for child registration.

2. Specialized Instructional Services Program. A VPK provider participating under subsection (5) of this rule shall not determine the preliminary eligibility of a child whose parent is applying to enroll the child in the Specialized Instructional Services Program, and instead shall direct the parent to the coalition for child registration.

3. Reenrollment Under This Rule. A VPK provider participating under subsection (5) of this rule shall not accept Form OEL-VPK 05 from a parent applying to reenroll a child in the VPK provider's VPK program or determine the preliminary eligibility of such a child for reenrollment. VPK providers shall direct parents applying to reenroll their children with a VPK provider to the coalition for child registration.

4. Payment for Participation Under This Rule Prohibited. A VPK provider may not accept compensation for participating under subsection (5) of this rule, accepting a student application or supporting documents on behalf of the coalition, distributing a Voluntary Prekindergarten Parent Guide, or determining the preliminary eligibility of a child under this rule.

(6) Notwithstanding sub-subparagraph 6M-8.202(1)(c)2.e., F.A.C., a coalition may use Part B of Form OEL-VPK 01 as a certificate of eligibility.

(7) Access to Provider Profiles. Whether a parent registers a child directly through the coalition or through the alternative application process described in subsection (5), each parent shall have the opportunity to access early learning coalition is responsible for ensuring that each parent has access to the profile of each VPK provider operating within the county where the child is being enrolled. To make informed decisions about VPK providers, a parent may:

(a) Contact the local Child Care Resource and Referral (CCR&R) office to receive a customized list of VPK providers in the area that meet the needs of the family, as well as information about child care, School Readiness and other community resources at (866)357-3239 (TTY: 711).

(b) Visit the Department of Children and Families (DCF) website www.myflorida.com/childcare/provider to view inspection reports for licensed VPK providers in the area.

(c) Contact the early learning coalition that provides early learning support services in the community for more information on VPK programs or to request a copy of the profile of each VPK provider in the county.

Rulemaking Authority 1002.75(2)(a), 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.201, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-6.045 Payment Methodology for Services in
Facilities Not Publicly Owned and Publicly
Operated (Facilities Formerly Known as
ICF/DD Facilities)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 125, June 27, 2013 issue of the Florida Administrative Register.

A checklist was prepared by the Agency to determine the need for a SERC. Based upon this information at the time of the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:
61G20-1.001 Florida Building Code Adopted

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rule in Vol. 39, No. 98, May 20, 2013, issue of the Florida Administrative Register.

The date and time for the rule development workshop is: August 22, 2013, 3:00 p.m. or as soon as thereafter as the matter comes before the Florida Building Commission in accordance with its agenda, which may entail further consideration on subsequent days.

The location is:

Hilton Fort Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Blvd, Fort Lauderdale, Florida 33304

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on July 10, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Omni Amelia Resort. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-221).

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0075: Miscellaneous Criteria

67-48.010: Terms and Conditions of SAIL Loans

67-48.0105: Sale, Transfer or Refinancing of a SAIL Development

NOTICE IS HEREBY GIVEN that on July 10, 2013, the Florida Housing Finance Corporation, received a petition for waiver from Woodcreek Apartments, LTD. of subsections 67-48.010(15), 67-48.0105(5), 67-48.0105(6) and 67-48.0075(5), Florida Administrative Code, to seek a permanent waiver or variance from the repayment of the required proportionate amount of the SAIL, if any, and for the payment of a non-refundable renegotiation fee of ½ of 1% percent of the outstanding principal balance of the SAIL. The petitioner also requests a temporary waiver of payment of any outstanding arrearages to the Corporation, its legal counsel, Servicer or any agent or assignee of the Corporation for past due issues applicable to the development team and that the payments set forth in 15(a) above, if any, shall continue to be treated as a deferred accrual and not be accelerated for payment and made a requirement for refinancing of the first mortgage.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on

the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: RULE TITLE:

73C-1.001: Definitions and Forms

NOTICE IS HEREBY GIVEN that on June 27, 2013, the Florida Department of Economic Opportunity received a petition for RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Chapter 73C-1, Black Business Loan Program, subsection 73C-1.001(6), F.A.C., which defines the annual “application period” as May 1 through June 1 (or the next business day). The applicant seeks a variance from the application deadline for 2013-2014 so it can file an application for certification to receive funds to participate in the Black Business Loan Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128 or miriam.snipes@deo.myflorida.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, Florida's Turnpike Enterprise announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 6, 2013, Open House 5:30 p.m. - 6:30 p.m.; Formal Presentation 6:30 p.m.

PLACE: Reception Palace Ballrooms, 14375 SW 42nd Street (Bird Road), Miami, Florida 33175 (In the event that severe weather or other unforeseen conditions cause the hearing to be postponed, it will be held on the alternate date of Thursday, August 22, 2013 at the same time and place.)

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The project involves widening of the Florida's Turnpike from SW 104th Street (Killian Parkway) to Bird Road (Financial Project ID Numbers: 415051-1 and 427146-1). Other improvements include the addition of express lanes and interchange modifications within the project limits.

The hearing is being held to allow interested persons an opportunity to express their views concerning the proposed improvements to this section of Florida's Turnpike.

A copy of the agenda may be obtained by contacting: Mr. Craig Bostic, P.E., Florida's Turnpike Enterprise, P.O. Box 613069, Ocoee, Florida 34761 or by email at craig.bostic@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: Mr. Craig Bostic at (407)264-3480 or by email at craig.bostic@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Mr. Craig Bostic, P.E., at (407)264-3480 or by e-mail at craig.bostic@dot.state.fl.us.

FLORIDA PAROLE COMMISSION

The Florida Parole Commission announces a workshop to which all persons are invited.

DATE AND TIME: July 19, 2013 10:30 a.m.

PLACE: 4070 Esplanade Way, #180G, Tallahassee, FL 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Objective Parole Guidelines.

A copy of the agenda may be obtained by contacting: Sarah Rumph.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Sarah Rumph. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Sarah Rumph, (850)488-4460.

REGIONAL PLANNING COUNCILS

Apalachee Regional Planning Council

The Apalachee Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 25, 2013, 10:30 a.m. ET.

PLACE: Holiday Inn and Suites, 2725 Graves Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the

review of any local plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, arpc1@fairpoint.net, (850)674-4571.

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District, Agricultural Advisory Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 30, 2013, 1:30 p.m.

PLACE: Best Western Daytona, 2620 W. International Speedway Blvd., Daytona Beach, FL 32114.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the Central Florida Water Initiative, Statewide Environmental Resource Permit (SWERP) applicable to agriculture, agricultural water supply planning, and other topics will be discussed.

A copy of the agenda may be obtained by contacting: Vince Singleton, (386)329-4197 or vsingleton@sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vince Singleton, (386)329-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

The Board of Architecture and Interior Design announces a public meeting to which all persons are invited.

DATE AND TIME: August 5, 2013, 9:00 a.m.

PLACE: Hilton Orlando Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, Florida 32821.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Architectural Interiors Group 2013-016272

Randall S. Baker 2013-016394
Land Art Landscape Architecture

John Bannick 2012-028013
JOHNVARR Construction Consulting, Inc.

CJ Design & Build 2012-027465
Christopher D. Johnson

Joanna Whitaker Dickinson 2012-027987
JOCO Design, Inc.

Exantus Construction 2012-032305
Luckner Exantus

Fran Murphy Interiors, Inc. 2011-053495

Irby Engineering & Construction, Inc. 2012-034855
Julian B. Irby

Lamar Design, Inc. 2012-027592
Thomas R. Lamar, II

Luis Pons Design Labs 2012-048641
Luis Pons

Anatoly D. Lunin 2012-029956

Mosby-Smith Engineering, Inc. 2012-030852
Randy L. Mosby

Stewart W. Munroe 2012-004163
SWM Design Group

Petersen Design Studio 2012-025832
Tyler S. Petersen

Michael D. Stewart 2013-011822
Atlas Design & Engineering, Inc.

Trend Design + Build 2012-032853
Trend Corp.

Troy Dean Interiors
Troy D. Ippolito

A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309; (850)402-1570.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 25, 2013, 9:00 a.m.

PLACE: FMHRC, 2915 State Road 590, Suite 18, Clearwater, Florida 33759. To attend the workshop by telephone, please call (888)909-7654 and enter pass code 128126 when prompted.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop is designed to give the Operations Committee an opportunity to meet and discuss operational issues including, but not limited to, operational policies, employment policies, administrative policies, and the day-to-day operation of the Florida Mobile Home Relocation Corporation's main office. Each person who decides to appeal any decision made with respect to any matter considered at the meeting is advised that such person will need a record of the proceedings and, accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

A copy of the agenda may be obtained by contacting: Vicky Krentz at (888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Vicky Krentz at (888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Vicky Krentz, Executive Director, FMHRC, P. O. Box 7848, Clearwater, FL, 33765, (888)862-7010, vicky@fmhrc.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 26, 2013, 10:00 a.m.

PLACE: The Clarion Inn & Suites, 20967 US Hwy 19 N, Clearwater, Florida 33765. To attend the meeting by telephone, please call (888)909-7654 and enter pass code 128126 when prompted.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will address official business of the Florida Mobile Home Relocation Corporation which will include, among other matters, a review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use and such other business as may come before the Board. The Board will also take action on a recommendation of its Grievance Committee related to a written grievance previously filed by Asset Management Acceptance Corp. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Vicky Krentz at (888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Vicky Krentz at (888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Vicky Krentz, Executive Director, FMHRC, P. O. Box 7848, Clearwater, FL, 33765, (888)862-7010. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such person will need a record of the proceedings and, accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Clean Boating Partnership announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 31, 2013, 9:30 a.m. – 4:00 p.m.

PLACE: Secret Woods Nature Center, 2701 W State Road 84, Dania Beach, FL 33312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Clean Marina Compliance Assistance and Clean Vessel Act Grant Program Workshop for new and existing marine and freshwater marinas, boatyards, and retailers. Participants can learn about marina safety measures, permitting, regulations, and best management practices. Participants can also learn how to qualify for designation as a clean facility and how to apply for grant funding to install and operate a pumpout at their facility.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS 30, Tallahassee, FL 32399; Brenda.Leonard@dep.state.fl.us, (850)245-2847.

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

For more information, you may contact: Brenda Leonard.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 1, 2013, 9:30 a.m. – 12:00 p.m.

PLACE: Fern Forest Nature Center, 201 Lyons Road, Coconut Creek, FL 33063.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to review discussion items and recommendations concerning the Department of Environmental Protection's Clean Marina Program and Clean Vessel Act Program.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS 30, Tallahassee, FL 32399; Brenda.Leonard@dep.state.fl.us, (850)245-2847.

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

For more information, you may contact: Brenda Leonard.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES Refugee Services

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

DATE AND TIME: Thursday, July 25, 2013, 4:45 p.m.

PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 5, Room 202, Tallahassee, FL 32399-0700.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Title: Reply Opening and Review of Mandatory Requirements for the Technical Assistance for Ethnic Community-Based Organizations (ECBOs) in Duval County (ITN# 05K13BS1).

Description: As provided for in Sections 2.5 and 2.9 of this ITN which was published to the Vendor Bid System (VBS) on June 5, 2013. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>. The purpose of the Reply Opening and Review of Mandatory Requirements is to ensure that prospective Vendors have complied with all Mandatory Requirements as required in Section 5.1 in order to be considered for selection under this ITN.

A copy of the agenda may be obtained by contacting: Holly_Merrick@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Pamela Thornton, email Pamela_Thornton@dcf.state.fl.us or call (850)717-4567. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Holly_Merrick@dcf.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: August 8, 2013, 9:00 a.m. – 11:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, 4200 George J. Bean Parkway, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Housing Finance Corporation received \$10 million in non-recurring grant funds appropriated by the 2013

Legislature for housing for persons with developmental disabilities as defined in Section 393.063, Florida Statutes. The workshop will be held to discuss and take public and stakeholder comments concerning Florida Housing's proposed approach for a competitive application process to distribute this grant funding. The legislation calls for the funding to be used for new construction and renovation of existing housing units, including community residential homes as defined in Section 419.001, Florida Statutes. Additionally funding must be awarded to private nonprofit organizations whose primary mission includes serving persons with developmental disabilities.

A copy of the agenda may be obtained by contacting: Jean Salmonsens at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jean Salmonsens at (850)488-4197.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2013, 6:30 p.m. – 8:30p.m.

PLACE: Paramount Plaza Hotel, Ballroom A/B; 2900 SW 13th Street, Gainesville, FL 32608.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The purpose of this public meeting is to review and discuss possible options for developing rules to minimize the risk of chronic wasting disease (CWD) being brought into Florida. The meeting will begin with a presentation by Commission staff to share information on stakeholder outreach efforts and possible alternative solutions for minimizing the risk of CWD being brought in through the importation of live cervids (deer). Commission staff will be available to discuss options and answer questions.

A copy of the agenda may be obtained by contacting: Curtis Brown at 620 S. Meridian, Tallahassee, FL 32399, (850)617-9490.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Curtis Brown at (850)617-9490.

GRIMAIL CRAWFORD, INC.

The Florida Department of Transportation announces a hearing to which all persons are invited.

DATE AND TIME: July 18, 2013, 5:00 p.m. – 6:00 p.m. CDT

PLACE: Cokesbury Church, 5725 North Ninth Avenue, Pensacola, FL 32504.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT) invites you to attend an informal public hearing concerning proposed intersection improvements to State Road (S.R.) 742 (Creighton Road) at S.R. 289 (9th Avenue) and S.R. 296 (Bayou Boulevard) at 12th Avenue in Escambia County. The purpose of the meeting is to afford interested persons an opportunity to express their views concerning the project. The meeting will be conducted in an open house format, a formal presentation is scheduled. FDOT representatives will be available to discuss the project, answer questions, and receive comments.

A copy of the agenda may be obtained by contacting: The department's General Consultant Project Manager, Howard Hodge, P.E., 1369 South Railroad Avenue, Suite D, Chipley, Florida, 32428, (850)638-3363 or via email at hhodge@panhandlegroup.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Howard Hodge at the information listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

Section VI
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

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

NONE

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

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BDC03-13/14 Werner-Boyce Salt Springs State Park-Day Use
Area

NOTICE OF INVITATION TO BID

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BID NO. BDC03-13/14

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered Contractors licensed to work in the jurisdiction for the project listed below.

PROJECT NAME: Werner-Boyce Salt Springs State Park-Day Use Area, Phases II and III.

SCOPE OF WORK: The Contractor shall provide the necessary labor, materials, equipment, supervision and building permits required for construction of the parking lot, restroom including ramp and stairs, and boardwalk for the Day Use Area, Phases II and III. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S., the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$825,000.00

PARK LOCATION: Werner-Boyce Salt Springs State Park, 9120 Old Post Road, Port Richey, Florida 34668, Pasco County.

PROJECT MANAGER: Don Page, Bureau of Design & Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, telephone number: (850)488-5372, extension 104, fax number (850)488-3665.

INSTRUCTIONS: Documents for this bid will be available for download on Friday, July 12, 2013. Any firm desiring a Project Manual for this project may obtain directions by emailing susan.maynard@dep.state.fl.us and

mike.renard@dep.state.fl.us. If preferred, a Compact Disk (CD) containing the plans and specifications can be obtained by calling the Contracts Section at (850)488-5372 or emailing the addresses above.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633 Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) prior to the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 - June 30) of odd numbered years in accordance with 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, August 13, 2013 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 4:00 p.m. (ET), Tuesday, August 20, 2013 unless extended by the Department for good cause.

NOTICE OF RIGHTS; Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, fax (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

FLORIDA WORKERS' COMPENSATION JOINT
UNDERWRITING ASSOCIATION, INC (FWCJUA)

Notice of Request for Proposals for Actuarial Services

The FWCJUA, a single-line insurer of workers compensation and employers liability coverage in Florida, will issue an RFP for Actuarial Services on July 12, 2013, for the purpose of engaging a reputable actuarial firm to advise and assist the FWCJUA with actuarial matters, to include analyses related to ratemaking, reserving, deficit elimination plans, loss ratio selection, loss payout patterns, reinsurance proposals, and premium dividend proposals. The FWCJUA is not a state agency; and thus, the RFP process is not governed by the contracting procedures applicable to state agencies set forth by Florida law. Interested parties may obtain a copy of the FWCJUA's RFP for Actuarial Services on or after July 12, 2013, from the FWCJUA's website, <http://www.fwcjua.com>. Responses to the RFP will be due no later than 12:00 p.m., Eastern Time, August 12, 2013.

Section XII
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE
BOWLING GREEN, FLORIDA

The Department of Environmental Protection has determined that the City of Bowling Green's proposed projects to rehabilitate and /or replace sections of the City's wastewater collection system and to rehabilitate and/or upgrade existing wastewater treatment facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$1,817,846. The project is expected to qualify for a State Revolving Fund grant and loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8372.

Section XIII
Index to Rules Filed During Preceding
Week

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