

SUBJECT AREA TO BE ADDRESSED: Boarding and Disembarking.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.002, 310.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.007 RULE TITLE: Application Closure After 24 Months

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide instruction concerning application closure after 24 months.

SUBJECT AREA TO BE ADDRESSED: Application Closure After 24 Months.

SPECIFIC AUTHORITY: 490.004(4), 490.005(3) FS.

LAW IMPLEMENTED: 490.005(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.007 Application Closure After 24 Months.

(1) The Board shall close the application file of and issue a final order of denial to any applicant for licensure by examination who fails to pass the Examination for Professional Practice in Psychology and the Florida laws and rules

examination or who fails to submit evidence of completion of the postdoctoral, supervised experience within 24 months of the issuance of the Board's letter advising that the applicant has been approved for examination.

(2) The Board may grant an additional twelve (12) months to comply with the requirements of subsection (1) above, of up to 36 months, to any applicant who files a written request for extension and demonstrates that the applicant has made a good faith effort to comply but has failed to comply because of illness or unusual hardship.

Specific Authority 490.004(4), 490.005(3) FS. Law Implemented 490.005(3) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.008 RULE TITLE: Board Approval of Specialty Certifying Bodies

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Specialty Certifying Bodies.

SPECIFIC AUTHORITY: 490.0149, 490.004(4) FS.

LAW IMPLEMENTED: 490.0149 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.: 1B-24.001 RULE TITLES: General
1B-24.003 Records Retention Scheduling and Disposition

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for scheduling and disposing of public records. Updated guidelines reflect current best practices in

managing public records and ensuring their retention and secure disposition in accordance with public records provisions of Florida Statutes, Chapters 119 and 257.

SUMMARY: This amendment properly alphabetizes and clarifies existing definitions and adds or deletes definitions as needed; reorganizes certain sections to put like subjects together and provide better flow; clarifies requirements for disposition documentation; adds new language regarding methods of destruction; and provides improved language, grammar, and punctuation throughout.

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

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

SPECIFIC AUTHORITY: 119.021(2)(a), 257.14, 257.35(7), 257.36(6) FS.

LAW IMPLEMENTED: 119.021(2)(b)-(d), 257.35, 257.36 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, December 8, 2008, 2:00 p.m.

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

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: Jim Berberich, Program Manager, Information Resources Management, (850)245-6750. 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 RULES IS: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

PUBLIC RECORDS SCHEDULING AND DISPOSITIONING

1B-24.001 General.

(1) This chapter establishes standards and procedures for the scheduling and dispositioning of public records to promote economical and efficient management of records and to ensure that records of archival value under an agency's control are so

designated and ultimately transferred to the Florida State Archives or to a local records office, archives, or historical records repository.

(2) Each agency in the State of Florida is responsible for complying with the provisions of this chapter.

(3) For the purpose of this chapter:

(a) "Agency" means any state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.

(b) "Custodian" means the elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(c) "Disposition" means final actions taken with regard to public records that have met all retention requirements and are no longer needed for current government business as indicated in General Records Schedules or Records Retention Schedules. Disposition may include either destruction of public records or transfer of public records to the custody of another public agency such as the Florida State Archives or a local government archives or records repository. "Database Management System" means a set of software programs that controls the organization, storage, and retrieval of data (fields, records and files) in a database. ~~The system also controls the security and integrity of the database.~~

(d) "Division" means the Division of Library and Information Services of the Department of State.

(e) "Electronic records" means any information that is recorded in machine readable form. "Florida State Archives" means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the State and which have been accepted by the Division for deposit in its custody.

(f) "~~General Records Schedules~~" means ~~retention requirements issued by the Division to establish disposition standards for public records common to specified agencies within the State of Florida which state the minimum time such records are to be kept.~~ "Florida State Archives" means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the State and which have been accepted by the Division for transfer to deposit in its custody.

(g) "~~Electronic Records~~" means ~~any information that is recorded in machine readable form.~~ "General Records Schedules" means retention requirements established issued by the Division ~~to establish disposition standards~~ for public

records common to all agencies or specified types of agencies within the State of Florida indicating which state the minimum time such records must be kept.

(h) “Intermediate files” (processing files) are temporary electronic files used to create, correct, reorganize, update, or derive output from master data files. Intermediate files are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate files only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter. “Public Records” are those as defined in section 119.011, Florida Statutes.

(i) “Record (Master) Copy” means public records specifically designated by the custodian as the official record. “Public Records” are those as defined in Section 119.011, Florida Statutes and include records that are designated by statute as confidential or exempt from public disclosure.

(j)(i) “Duplicate (or Convenience) Records” means reproductions of record (master) copies, prepared simultaneously or separately, which are designated as not being the official copy. “Record (m)Master c)Copy” means public records specifically designated by the custodian as the official record.

(k) “Record sSeries” means a group of related public records documents arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use certain common characteristics. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.

(l) “Records Retention Schedule” means retention requirements established by the Division for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept a standard approved by the Division for the agency’s orderly retention, transfer, or disposition of public records taking into consideration their legal, fiscal, historical, and administrative values.

(m) “Retrospective conversion project” means the bulk microfilm or digital reformatting of existing backfiles; it does not refer to day-to-day scanning of current items conducted as part of daily workflow. “Records Management Liaison Officer” means an individual designated by the agency that serves as a contact person to the Division and is assigned responsibilities by the Custodian.

~~(n) “Intermediate Records” (Processing Files) are temporary records used to create, correct, reorganize, update, or derive output from master data files. Intermediate records are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate record only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter.~~

~~(o) “Supporting Documents” means public records assembled or created to be used in the preparation of other records which are needed to trace actions, steps, and decisions covered in the final or master record.~~

~~(p) “Drafts” are materials, which constitute precursors of governmental “records” and are not, in themselves, intended as final evidence of the knowledge to be recorded. Information in a form which is not intended to perpetuate, communicate, or formalize knowledge of some type and which is fully represented in the final product is a “draft” and not a “public record.”~~

Specific Authority 257.14, 257.35(7), 257.36(6) FS. Law Implemented 257.35, 257.36 FS. History—New 1-8-80, Formerly 1A-24.01, 1A-24.001, Repromulgated 3-23-93, Amended 2-20-01,

1B-24.003 Records Retention Scheduling and Dispositioning.

(1) The Division issues General Records Schedules which establish minimum retention requirements for record series common to all agencies or specified types of agencies based on the legal, fiscal, administrative, and historical value of those record series to the agencies and to the State of Florida.

~~(2)(1) For each record series not covered by General Records Schedules established by the Division, each Each agency shall submit to the Division a request for a records retention schedule on Department of State Form LS5E-105REff.1-091, “Request for Records Retention Schedule” which is hereby incorporated by reference and made part of this rule, for all records series. A copy of Form LS5E-105REff.1-091, effective, January 20091, may be obtained from the Division of Library and Information Services Bureau of Archives and Records Management, Department of State, Mail Station 9A, The Capitol, Tallahassee, Florida 32399-0250, or from the Division’s Records Management Web site at <http://dlis.dos.state.fl.us/RecordsManagers>. This schedule shall be developed to reflect the legal, fiscal, historical and administrative requirements of the agency for each record series The schedule shall designate whether the series constitutes a record (master) copy or duplicate. Form LS5E-105REff.1-01 is to be signed by the~~

custodian of the records, or his or her designee, and submitted to the Division for determination of official retention requirements.

(3) In completing Form LS5E-105REff.1-09, "Request for Records Retention Schedule," the agency shall consider the legal, fiscal, administrative, and historical value of each record series to the agency and to the State of Florida. The custodian of the records or his or her designee shall sign the Form LS5E-105REff.1-09 and submit it to the Division for determination of official retention requirements.

(4)(2) Retention and scheduling of intermediate files are not feasible due to their transitory nature; therefore, ~~and do not require~~ submission of Form LS5E-105REff.1-094, "Request for Records Retention Schedule" is not required for intermediate files.

(5)(3) Each Request for Records Retention Schedule is shall be ~~an~~ analyzed by the Division in the context of the submitting agency's statutory functions and authorities. Florida Statutes, administrative rules, operating procedures, applicable federal regulations, and other such sources shall be researched to assist in the Division's determination of the value and retention requirements of each record series a record's value.

(6)(4) The Division shall review Request for In addition, the Records Retention Schedule forms is reviewed to determine whether the records may merit transfer to further retention by the State in the Florida State Archives or to a local records office, archives, or historical records repository. This determination is based upon whether the records' enduring have significant legal, fiscal, administrative, and or historical information values (archival value) to merit such further retention. If the Division determines that the records may have archival value, an indication of such potential archival value shall be made on the Request for Records Retention Schedule form. The main objectives of this determination are to identify and ensure the preservation of preserve those records of archival value pertaining to the operation of government and to protect the rights and interests of the citizens of the state.

(5) In the event that records are of archival value, an indication is made on the Records Retention Schedule that such historical records are to be transferred to the Florida State Archives as part of the retention requirements.

(6) Local government records having archival value may be loaned to local historical records repositories for preservation provided they are maintained under the provisions of Chapter 119, Florida Statutes.

(7) The Division, with information submitted on Form LS5E-105REff.1-094, "Request for Records Retention Schedule" and its own research into the legal, fiscal, administrative, and historical and administrative value of the record series, shall create an official "Records Retention Schedule." Once the Division has approved an official Records Retention Schedule, the submitting agency shall adhere to the terms of that schedule for the record series

described therein. Once approved by the Division, the Records Retention Schedule becomes the official retention for the record series of the submitting agency.

(8) An approved Records Retention Schedule may later need to be revised based on new statutory, regulatory, or other requirements or agency needs. When changes are necessary, the agency shall submit a new Form LS5E-105REff.1-09, "Request for Records Retention Schedule" for the record series indicating the nature of the changes and the reason they are necessary. Revised Records Retention Schedules shall be processed in the manner specified in subsections 1B-24.003(2)-(8), F.A.C., above. After an agency has established an approved Records Retention Schedule in accordance with the foregoing procedures, it may become apparent that the schedule needs to be revised. When changes are necessary, the specific record series of the approved schedule shall be resubmitted by the agency, with an appropriate explanation for the revision. The approved Records Retention Schedule shall receive the next consecutive number.

(9) General Records Schedules are originated by the Division and are used by agencies designated by the Division. Utilization of General Records Schedules eliminates the need to comply with the provisions of subsection 1B-24.003(1), F.A.C. of this chapter.

(9)(a) Public records may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division. Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per Section 92.29, F.S., Photographic or electronic copies. Minimum standards for image reproduction shall be in accordance with Rules 1B-26.0021 and 1B-26.003, Florida Administrative Code. An electronic or microfilmed copy serving as the record (master) copy must be retained for the length indicated for the record (master) copy in the applicable retention schedule. An agency that designates an electronic or microfilmed copy as the record (master) copy may then designate the paper original as a duplicate and dispose of it in accordance with the retention requirement for duplicates in the applicable retention schedule unless another law, rule, or ordinance specifically requires its retention.

(b) Any state agency record series identified by either a General Records Schedule or approved Records Retention Schedule as having possible archival value shall not be destroyed without the approval of the Florida State Archives.

(c) Where a local government has formally established a records office, archives, or historical records repository, local government agencies within that jurisdiction may transfer records of archival value to that repository. An agency may also loan records to another governmental jurisdiction or to a non-government historical records repository or historical society provided an agreement is signed by both parties specifying the required conditions of the loan, including the

responsibilities of both parties for the management of public records in accordance with Chapter 119, Florida Statutes. The loaning agency shall remain the legal custodian and retain ultimate responsibility for the maintenance and preservation of the records, including ensuring accessibility to the records and non-disclosure of statutorily exempt or confidential information.

(d)(10) Prior to records disposition, agencies an agency must ensure that all retention requirements have been satisfied. For each record series being disposed of, agencies shall identify and document The minimum requirements for each records disposition is the identification and documentation of the following:

- 1.(a) Records retention sSchedule number;
- 2.(b) Item number;
- 3.(c) Record series title;
- 4.(d) The Inclusive dates of the records; and

5.(e) The Vvolume in cubic feet- for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form; and

6. Disposition action (manner of disposition) and date.

Agencies are not required to document the disposition of records with a retention of "Retain until obsolete, superseded or administrative value is lost" (OSA) except for records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with Rules 1B-26.0021 or 1B-26.003, Florida Administrative Code, where the microfilm or electronic version will serve as the record (master) copy.

A public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division. Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per Section 92.29, F.S. Minimum standards for image reproduction shall be in accordance with Rules 1B-26.0021 and 1B-26.003, Florida Administrative Code.

(10) Agencies shall ensure that all destruction of records is conducted in a manner that safeguards the interests of the state and the safety, security, and privacy of individuals. In destroying records containing information that is confidential or exempt from disclosure, agencies shall employ destruction methods that prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered. The agency shall specify the manner of destruction of such records when documenting disposition. Where possible, recycling following destruction is encouraged.

(a) For paper records containing information that is confidential or exempt from disclosure, appropriate destruction methods include burning in an industrial incineration facility, pulping, pulverizing, shredding, or macerating. High wet strength paper, paper mylar, durable-medium paper substitute,

or similar water repellent papers are not sufficiently destroyed by pulping and require other methods such as shredding or burning.

(b) For electronic records containing information that is confidential or exempt from disclosure, appropriate destruction methods include physical destruction of storage media such as by shredding, crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.

(c) For other non-paper media containing information that is confidential or exempt from disclosure, such as audio tape, video tape, microforms, photographic films, etc., appropriate destruction methods include pulverizing, shredding, and chemical decomposition/recycling.

(d) Agencies shall not bury confidential or exempt records since burying does not ensure complete destruction or unauthorized access.

(11) Each agency shall submit to the Division, once a year, a signed statement attesting to the agency's compliance with records management laws, rules, and procedures.

~~(12) Any record series identified, by either a General Records Schedule or approved Records Retention Schedule, indicating archival value cannot be destroyed without the approval of the Florida State Archives.~~

~~(12)(13) The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature regarding on statewide records management practices and program compliance.~~

Specific Authority 119.021(2)(a), 257.35(7), 257.36(6) FS. Law Implemented 119.021(2)(b)-(d), 257.35, 257.36 FS. History--New 2-20-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Judith Ring, Division of Library and Information Services, Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:

RULE TITLE:

9B-3.047

State Building Code Adopted

PURPOSE AND EFFECT: To address statutorily defined issues within the 2007 Edition of the Florida Building Code and establish March 1, 2009 as the effective date for that edition.

SUMMARY: Stakeholders have identified many issues within the 2007 Florida Building Code relating to internal conflict of the Code's provisions, conflict with the Florida Fire Prevention Code, provisions impacted by changes to law, and the other statutory grounds identified in Section 553.73(7), F.S. Additionally, by amendment to Chapter 9B-13, F.A.C., the Commission is enhancing energy conservation measures required by the Florida Energy Efficiency Code for Building Construction. This rule amendment adopts the 2007 Edition of the Florida Building Code as amended to address the foregoing, and delays its effective date until March 1, 2009. The specific text of amendments to the Code can be accessed at www.floridabuilding.org. If assistance is required locating amendments, please contact staff as indicated below.

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

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

SPECIFIC AUTHORITY: 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 10, 2008, 8:30 a.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites, 3705 Spectrum Boulevard, Tampa, Florida 33612

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2)(4) Effective March 1, 2009, the The Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, and amended by the Commission on December 10, 2008, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(3)(2) Modifications and Amendments. All proposed modifications to the selected base codes and amendments to the Florida Building Code shall be submitted on the form adopted by reference in subsection 9B-3.050(4), F.A.C., that must be completed in full prior to submittal. The text of the proposed modification or amendment must be provided in legislative format, with underlining indicating where new language is added to the existing provisions and strikeout indicating where existing language is deleted. Copies of the form may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(4) PROPOSED EFFECTIVE DATE MARCH 1, 2009.

Specific Authority 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, 3-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF COMMUNITY AFFAIRS**Division of Housing and Community Development**

RULE NO.: 9B-70.002
 RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE AND EFFECT: To include within the forms adopted by reference space for additional information required by previous amendment, add features to the forms to accommodate users, correct form numbers and more specifically identify internet location of forms.

SUMMARY: Forms are renumbered to reflect the rule in which they are adopted and functionally titled consistent with their use online; the internet location of the screens is more explicitly identified; effective date provided within the rule and on the forms themselves; and the forms provide a mechanism whereby incomplete work may be saved for completion at a later time.

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

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

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 10, 2008, 8:30 a.m. (or as soon thereafter as the matter is brought before the Commission in accordance with its agenda)

PLACE: Embassy Suites Hotel, 3075 Spectrum Boulevard, Tampa, Florida 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 ~~FBCED 2003-001~~ adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx. Applications shall be accompanied by an application fee of \$100.00.

Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, 481.311, 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

(a) through (3) No change.

(4) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens, Form 9B-70.002(4)(a) effective January 1, 2009 ~~FBCED 2003-002, Provider Registration~~, adopted herein by reference and available from the Building Code Information System at http://www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form 9B-70.002(4)(b) effective January 1, 2009 ~~FBCED 2003-003, Course Accreditation Application~~, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) through (g) No change.

(5) PROPOSED EFFECTIVE DATE MARCH 1, 2009.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07, 6-12-08, 3-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE NO.: 20-39.003
 RULE TITLE: Approved Boxes

PURPOSE AND EFFECT: Deleting provision requiring fiberboard honeycomb cells from approved cartons DOC-20-P and DOC-31-P.

SUMMARY: Deleting requirement for using fiberboard honeycomb cells from two approved containers.

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

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

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2008, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer and the official container number as designated in subsection (3) below shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (L x W x D)	Minimum Board Weights (actual weight may be heavier)*** Body	Minimum Board Weights (actual weight may be heavier)*** Cover
DOC-01-P	Singlewall	17 x 10 5/8 x 9 5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11 1/2 x 9 3/4	42-33-69	42-33-42
DOC-03-V	Singlewall	Oversized 17 x 12 x 9 3/4	42-33-69	42-33-42
DOC-04-PT	Tray style	17 x 10 5/8 x 9 5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss style	17 x 10 5/8 x 9 5/8**	42-33-42	33-33-33
DOC-06-VT	Tray style	17 x 11 1/2 x 9 3/4	42-33-42	42-33-42
DOC-07-VT	Tray style	Oversized 17 x 12 x 9 3/4	42-33-42	42-33-42
DOC-08-VB	Bliss style	Oversized 17 x 11 1/2 x 9 3/4	42-33-42	33-33-33

DOC-09-VB	Bliss style	17 × 12 × 9 3/4 Oversized	42-33-42	33-33-33
DOC-10-P	Doublewall	17 × 10 5/8 × 9 5/8 Partial telescope self-locking lid Tangerines and citrus hybrids only.**	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 × 10 5/8 × 10 1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray style	17 × 10 5/8 × 10 1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X style	17 × 10 5/8 × 10 1/8**	42-40-69	42-33-42
DOC-14-P††	Singlewall	15 7/8 × 10 5/8 × 6 Full Telescope**	42-33-42	42-33-42
DOC-15-PT††	Tray style	17 5/8 × 10 5/8 × 6 Full Telescope**	42-33-42	42-33-42
DOC-16-WP	Wood slat	16 1/8 × 10 5/8 × 10 5/8 End panels may be of material other than wood.**	Wood slat	Wirebound
DOC-17-WP	Wood slat	19 7/8 × 7 1/2 × 11 1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood slat	Wirebound
DOC-18-P	Singlewall	17 × 10 5/8 × 9 5/8**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 × 10 5/8 × 9 5/8**	45-33-45	42-33-42
DOC-20-XP††	Singlewall	17 × 10 5/8 × 10 1/8**	69-40-69	42-33-42
DOC-21-PT	Tray style	17 × 10 9/16 × 9 5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-40-69	42-33-42
DOC-22-P††	Singlewall	13 1/4 × 10 5/8 × 7 Full telescope**	42-33-42	42-33-42
DOC-23-VT	Tray style	17 × 12 × 9 5/8 End slotted with short end flaps. Oversized	69-33-42	42-33-42
DOC-24-P	Singlewall	17 × 10 5/8 × 9 5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	69-40-90	42-33-42
DOC-25-PT††	Tray style	16 1/8 × 10 5/8 × 6 Full Telescope**	42-33-42	42-33-42
DOC-26-P	Singlewall	18 1/4 × 12 1/2 × 11 3/4 Having three plastic trays per carton**	90-40-90	42-33-42
DOC-27-WV††	Collapsible wooden bin	46 × 38 × 21 Holds approximately 20 4/5 bu. equiv. units.	Wooden bin	None
DOC-28-P††	Singlewall	17 × 10 5/8 × 6 Full Telescope**	42-33-42	42-33-42
DOC-29-P	Singlewall	16 3/4 × 11 1/2 × 11 3/8	42-40-69	42-33-42

		<u>Used with or without Having</u> fiberboard honeycomb cells**		
DOC-30-P†††	Singlewall	17 × 10 × 6 15/16	90-40-90	42-33-42
		Corrugated, full telescope**		
DOC-31-P	Singlewall	16 11/16 × 11 8/16 × 11 14/16	69-40-42	42-33-42
		Corrugated with <u>or without</u> <u>use of</u> honeycomb dividers**		
DOC-32-OV†††	Triplewall-Bulk bin	46 1/2 × 38 × 36	69-33-69-33-69- 33-90	69-26-69
		Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.		
DOC-33-P	Singlewall	20 5/16 × 11 13/16 × 7	42-33-69	42-33-42
		Telescoping with two trays per carton**		
DOC-34-OV†††	Triplewall-Bulk bin	46 × 37 1/2 × 36	42-40-90-42-40- 90-40-90	42-26-69
		Octagonal with interlocking flaps. Holds approx. 28 4/5 bu. equiv.		
DOC-35-OV†††	Triplewall-Bulk bin	46 × 38 × 26 1/2	90-33-42-33-42- 33-90	69-26-69
		Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.		
DOC-36-P	Doublewall	23 5/8 × 15 5/8 × 7	42-36-33-26-42	
		Die cut platform tray, open top		
DOC-37-RV†††	Triplewall-Bulk bin	46 1/2 × 38 1/2 × 26 1/2	64-33-35-64-33- 96	35-26-35
		Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)		
DOC-38-P	Singlewall	16 3/4 × 11 1/2 × 10 3/8	99-33-90	42-33-69
		Telescoping, half-slotted, optional molded fiber spring cushion trays.**		
DOC-39-P	Doublewall	17 × 10 5/8 × 9 5/8	42-33-33-33-42	42-33-42
		Corrugated, half-slotted		
DOC-40-P	Doublewall	18 15/16 × 14 3/16 × 11 13/16	42-33-42-33-42	n/a
		One-piece, die cut		
DOC-41-P	Plastic	22 1/2 × 14 9/16 × 7 1/8	n/a	n/a
		One-piece, reusable/recyclable high-density polyethylene		
DOC-42-P†††	Singlewall	17 1/2 × 11 1/8 × 8 3/4	90-40-90	42-33-42
		Holding 2/3 of a standard 4/5 bu.		

		container, two-layer, full telescoping		
DOC-43-OV‡‡	Triplewall 1/2 bulk bin	38 1/4 x 23 3/4 x 25 1/4 Space-saver, octagon 1/2 bin holding appx. 10 1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. bagged	69-26-38-26-38-26-65	38-26-38
DOC-44-PT	Doublewall	22 1/8 x 14 11/16 x 6 3/8 B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17 1/8 x 10 5/8 x 10 3/8 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23 5/8 x 15 5/8 x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a
DOC-47-PT	Doublewall	14 1/2 x 11 3/8 x 6 5/16 2/5 bu, die-cut, open top, platform tray	33-69-33-69	n/a
DOC-48-PT	Doublewall	22 1/4 x 14 1/2 x 6 3/4 40 x 60 Euro Tray	42-33-42-34-42	n/a
DOC-49-RP	Plastic	22 1/4 x 14 1/2 x 10 3/4 Recyclable plastic container model RPC3	n/a	n/a
DOC-50-RP	Plastic	22 1/4 x 14 1/2 x 8 Recyclable plastic container model RPC2	n/a	n/a
DOC-51-P	Doublewall	22 1/8 x 14 11/16 x 3 13/16 2/5 bu, fully telescoping, singlewall lid and doublewall body; 200# b flute corrugated divider	42-40-42-40-42	42-33-56
DOC-52-PB	Doublewall	22 11/16 x 15 1/4 x 9 1/2 bagmaster Defor XD + vertical tray	42-33-57-33-69	n/a
DOC-53-RP	Plastic	22 7/16 x 14 1/2 x 11 1/16 reusable standard footprint container IFCO model 628	n/a	n/a
DOC-54-P	Doublewall	22 1/8 x 14 11/16 x 6 7/8 40 x 60 body, fully telescoping cover, c-flute	42-40-42-40-56	42-33-69
DOC-55-RP	Plastic	22 3/8 x 14 5/8 x 7 1/4 Recyclable crate model GP6419	n/a	n/a
DOC-56-RP	Plastic	22 3/8 x 14 5/8 x 9 7/8 Recyclable bagmaster crate model GP6425	n/a	n/a

** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of subsections 20-39.007(1), 20-39.008(1) and 20-39.009(1), F.A.C.

‡‡ Container does not conform to 4/5 bushel requirement of subsection 20-39.003(1), F.A.C.

*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory or manufacturer's test report shows that the

container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the first packinghouse using such container to acquire and provide records of such compression strength testing to the Department of Citrus prior to first use of the container. Each such container shall be identified by the placement of three asterisks (***) printed after the official container number on the bottom outside flap of the box body.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98, 2-20-01, 12-26-01, 4-27-03, 10-21-03, 3-22-05,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.731
 RULE TITLE: Revocation or Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to elaborate on the types of electronic communication and recording devices that subject an inmate or a visitor to suspension or revocation of visiting privileges.

SUMMARY: The proposed amendment to Rule 33-601.731 would place the components and accessories of electronic communication devices on the list of contraband subjecting inmates and visitors to revocation or suspension of visiting privileges. The amendment would add recording devices to the list of contraband requiring an automatic suspension of inmates' visiting privileges.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.731 Revocation or Suspension of Visiting Privileges.

- (1) No change.
- (2) Indefinite suspension of an inmate's visiting privileges shall be considered by the Institutional Classification Team (ICT) as a management tool when an inmate is found guilty of the following offenses:
 - (a) No change.

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges:-

(c) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

- (3) No change.
- (4) An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:

- (a) Intoxicating beverages,
- (b) ~~Cellular phone or~~ Recording devices, ~~or~~
- ~~(c) Pager.~~

- (5) through (8) No change.
- (9) Suspension of Visitor's Visiting Privileges.
- (a) A visitor's visiting privileges shall be revoked by the warden or designee when the visitor:

- 1. through 6. No change.
- 7. Is found in possession of or is found passing or attempting to pass to an inmate: a cellular telephone or other portable communication device, as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

- (b) through (c) No change.
- (10) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.044
 RULE TITLE: Organ Transplantation

PURPOSE AND EFFECT: The Agency is proposing to update the rule that defines organ transplantation reporting requirements found in Chapter 59C-1, F.A.C.

SUMMARY: The proposed rule is updated to reduce and clarify reporting requirements for organ transplants currently defined in subsection 59C-1.044(5), F.A.C.

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

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

SPECIFIC AUTHORITY: 408.15(8), 408.034(3), (5) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(h), (m) FS.

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

DATE AND TIME: Tuesday, December 9, 2008, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Calvin J. Vice, Sr., PhD, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)488-8762

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.044 Organ Transplantation.

(1) through (4) No change.

(5) Data Reporting Requirements. Facilities with organ transplantation programs shall submit data regarding each transplantation program to the agency or its designee as required by the Florida Center for Health Information and Policy Analysis and the appropriate local health council twice a year. The first submission shall be by August 1 of each year, and shall cover the period between January 1 through June 30 of the same calendar year. The second submission shall be by February 1 of each year, and shall cover the period between July 1 through December 31 of the preceding year. The following data shall be provided for each type of organ transplanted:

- ~~(a) The number of patients by county origin and by zip code.~~
- ~~(b) The average gross revenue per admission.~~
- ~~(c) The average length of stay.~~
- ~~(d) Mortality rates.~~

(6) through (11) No change.

Specific Authority 408.034(3), (5), 408.15(8) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(h), (m) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(x), 10-5.044, Amended 8-24-93, 12-13-94._____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Calvin J. Vice, Sr., PhD, Health Facilities Consultant

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-32.007
 RULE TITLE: Selected Exempt Service
 Extraordinary Payment Plan

PURPOSE AND EFFECT: Creates a new rule establishing the criteria to allow excluded Selected Exempt Service employees to be eligible to receive extraordinary pay.

SUMMARY: The rule allows excluded Selected Exempt Service employees to be eligible to receive extraordinary compensation; sets forth the eligibility requirements and procedures for such payments; allows the agency/department head the discretion to create and activate an agency-wide extraordinary payment plan.

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

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

SPECIFIC AUTHORITY: 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS.

LAW IMPLEMENTED: 110.201, 110.603 FS.

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

DATE AND TIME: December 10, 2008, 10:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950

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: Mr. Phil Spooner, phil.spooner@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Phil Spooner, Workforce Design and Compensation Manager, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-32.007 Selected Exempt Service Extraordinary Payment Plan.

Notwithstanding the provisions of subsection 60L-34.0031(3), F.A.C., an agency/department may propose, for Department approval, an agency-wide plan to compensate excluded Selected Exempt Service employees who are directed to work hours in excess of the contracted hours in the regular work period due to extraordinary circumstances or critical agency/department need subject to the following:

(1) The plan must be activated in writing by the agency/department head or designee and must document the critical agency/department need, or extraordinary circumstances which include danger or potential danger to life, physical or mental health of employees, clients, the public or other recipients of services provided by the agency which justify activation.

(2) Plan activation shall be contingent upon the availability of budget and revenue to fund the payments and shall include a beginning and ending date.

(3) Payment shall be made at the employee's straight time hourly regular rate of pay on an hour-for-hour basis for any hours worked in excess of the contracted hours during the regular work period.

(4) A record must be maintained of all hours worked and payments made in connection with each plan activation.

Specific Authority 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS. Law Implemented 110.201, 110.603 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Sharon D. Larson, Director of Human Resource Management, Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ms. Linda H. South, Secretary of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.0041
 RULE TITLE: One Year of Work Experience
 PURPOSE AND EFFECT: The Board proposes to promulgate the rule to set forth the documentation requirements regarding the one year of work experience required for licensure.

SUMMARY: The documentation requirements regarding the required one year of work experience for licensure will be stated in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Veloria Kelly, Division Director, at the address listed below.

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

SPECIFIC AUTHORITY: 473.304, 473.308(4) FS.

LAW IMPLEMENTED: 473.306, 473.308(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.0041 One Year of Work Experience.

If application for licensure is made after December 31, 2008, and the applicant has not applied for and been approved to take the licensure examination by January 1, 2009, the applicant must document one year of work experience as follows:

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) "Applicant." An applicant is a person who has met Florida's educational requirements for licensure and intends from the outset of the supervised experience to meet the supervised experience requirement for licensure.

(b) "Supervised" and "supervision:" the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished.

(c) “Supervisor.” A supervisor is either a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB).

(2) One year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The experience must either average at least twenty (20) hours a week over no more than one hundred and four (104) weeks or average no more than forty (40) hours a week over no more than fifty-two (52) weeks. Reasonable vacation time and sick leave or other required absences may be permitted. The supervisor, in her or his report to the Department, shall certify that the applicant rendered such services as are customarily performed by full-time, regularly employed staff employees for a minimum of 2,000 hours gained over a period of not less than fifty-two (52) or more than one hundred and four (104) weeks. The sequence of the experience is considered immaterial, that is, whether the experience was secured before or after taking the examination, or partly before the examination and partly after the examination, provided the two periods combined equal at least one year.

(3) The one year of work experience may be achieved by teaching accounting full time for one year at an accredited college or university, as defined in subsection 61H1-27.001(1), F.A.C., under the following conditions:

(a) Full-time teaching as described by the rules of the educational institution where the applicant taught will be accepted by the Board to be full-time teaching. However, in no case will less than twelve (12) semester hours, or the equivalent, be accepted by the Board as full-time teaching.

(b) If the applicant has not taught accounting full time for one year, credit will be allowed by the Board for teaching accounting less than full time on a pro rata basis based upon the number of semester or quarter hours required for full-time teaching at the educational institution where the applicant taught. However, in no case will an applicant receive credit for a full-time teaching year for teaching done in less than one academic year or more credit than one full-time teaching year for teaching done within one calendar year.

(c) Courses outside the fields of accounting and general business will not be counted toward full-time teaching.

(4) Documentation of the one year of work experience shall be made using the Certification of Work Experience form (DBPR FormCPA 32/Revised 9/08) which is hereby incorporated by reference, effective _____, a copy of which may be obtained from the Board office located at 240 NW 76th Drive, Suite A, Gainesville, FL 32607-6655.

Specific Authority 473.304(1), 473.308(4) FS. Law Implemented 473.308(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-710.210	Documents Incorporated by Reference
62-710.500	Registration and Notification
62-710.850	Management of Used Oil Filters
62-710.901	Forms

PURPOSE AND EFFECT: To delete Form 62-710.901(1), Application for Registration of Used Oil and Used Oil Filter Handlers, effective June 9, 2005, and incorporate Form 62-730.900(1)(b) “8700-12FL – Florida Notification of Regulated Waste Activity.”

SUMMARY: Form 62-730.900(1)(b) “8700-12FL – Florida Notification of Regulated Waste Activity” is being revised to include registration of handlers of used oil and used oil filters. The existing used oil registration form will be deleted.

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

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

SPECIFIC AUTHORITY: 403.704, 403.754, 403.760 FS.

LAW IMPLEMENTED: 403.704, 403.754, 403.760 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, December 12, 2008, 1:00 p.m.

PLACE: Room 609 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399

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 4 days before the workshop/meeting by

contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@dep.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 RULES IS: Julie Rainey, Environmental Manager, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399-3000, (850)245-8713, julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-710.210 Documents Incorporated by Reference.

(1) through (8) No change.

~~(9) EPA Form 8700-12 has been adopted by reference in Rule 62-730, F.A.C., and may be used when referred to in 40 C.F.R. Part 279.~~

Specific Authority 403.061, 403.704, 403.7545, 403.8055 FS Law Implemented 403.704, 403.7545 FS. History--New 6-8-95, Amended 12-23-96, 3-25-97, 6-9-05,_____.

62-710.500 Registration and Notification

(1) The following persons shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity," effective date _____, which is hereby adopted and incorporated by reference. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. ~~on DEP Form 62-710.901(1):~~

- (a) Used oil transporters and transfer facilities;
 - (b) Used oil processors;
 - (c) Used oil fuel marketers who sell used oil fuel; ~~and~~
 - (d) Used oil burners of off-specification used oil;
- (2) through (5) No change.

Specific Authority 403.061, 403.704 FS Law Implemented 403.704, 403.754, 403.760 FS. History--New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90, Formerly 17-710.500, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05,_____.

62-710.850 Management of Used Oil Filters.

(1) through (4)(b) No change.

(c) No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(2)(5). This report shall summarize the records kept pursuant to paragraph (a) of this subsection.

(5) No change.

Specific Authority 403.061, 403.704 FS Law Implemented 403.751, 403.754, 403.769 FS. History--New 6-8-95, Amended 12-23-96, 6-9-05,_____.

62-710.901 Forms.

The forms used by the Department in the used oil management program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. The forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Copies of forms may be obtained from a local District Office or by writing to the Used Oil Management Coordinator, MS 4555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399 2400.

(1) ~~[reserved] Application for Registration of Used Oil and Used Oil Filter Handlers, effective June 9, 2005.~~

(2) through (7) No change.

Specific Authority 120.53(1), 403.061, FS Law Implemented 403.754, 403.769 FS. History--New 12-23-96, Amended 6-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tim J. Bahr

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-730.150

General

62-730.171

Transfer Facilities

62-730.186

Universal Pharmaceutical Waste

62-730.900

Forms

PURPOSE AND EFFECT: To adopt a revised Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity."

SUMMARY: Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity." is being revised to include transfer facility notification and to clarify other reporting requirements.

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

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

SPECIFIC AUTHORITY: 403.704, 403.721, 403.7211 FS.

LAW IMPLEMENTED: 403.704, 403.721, 403.7211 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, December 12, 2008, 1:00 p.m.

PLACE: Room 609 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399

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 4 days before the workshop/meeting by contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@dep.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 RULES IS: Julie Rainey, Environmental Manager, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399, (850)245-8713, julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.150 General.

(1) No change.

(2)(a) All generators (except generators that are conditionally exempt pursuant to 40 CFR 261.5 [as adopted in subsection 62-730.030(1), F.A.C.]), all transporters, and all persons who own or operate a facility which treats, stores, or disposes of hazardous waste, must notify the Department using Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date April 22, 2007, which is hereby adopted and incorporated by reference, unless they have previously notified. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form. In addition, transporters are subject to the reporting requirements of Rule 62-730.170, F.A.C.

(b) All generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste, and everyone required to notify under Rule 62-730.181, F.A.C., shall notify the Department of all changes in status and shall use the "8700-12FL – Florida Notification of Regulated

Waste Activity," Form 62-730.900(1)(b), [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], ~~form~~ to do so. Changes in status include, but are not limited to: changes in the facility name, location, mailing address, business form, ownership or management control of the facility or its operations; ownership of the real property where the facility is located; facility contact person; type of regulated waste activity; going out of business; tax default; or petition for bankruptcy protection.

(3) through (7) No change.

Specific Authority 403.0611, 403.087, 403.704, 403.721, 403.7234, 403.8055 FS. Law Implemented 403.061, 403.0611, 403.091, 403.151, 403.704, 403.721, 403.722, 403.7222, 403.7234 FS. History—New 5-19-82, Amended 1-5-84, 7-5-85, 7-22-85, Formerly 17-30.15, Amended 5-5-86, Formerly 17-30.150, Amended 8-13-90, 10-14-92, 10-7-93, Formerly 17-730.150, Amended 1-5-95, 9-7-95, 10-10-02, 10-1-04, 1-29-06, 4-22-07, _____.

62-730.171 Transfer Facilities.

(1) No change.

(2)(a) The transporter who is owner or operator of a transfer facility which stores manifested shipments of hazardous waste for more than 24 hours but 10 days or less (hereinafter referred to as "the transfer facility") shall obtain an EPA/DEP identification number for each transfer facility location and notify the Department using Form 62-730.900(1)(b), ~~62-730.900(1)(e)~~, "8700-12FL – Florida Notification of Regulated Waste Activity," effective date _____ [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], ~~October 28, 2008, which is hereby adopted and incorporated by reference. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

(b) through (c) No change.

(d) The transfer facility shall annually submit updated information on Form 62-730.900(1)(b), ~~62-730.900(1)(e)~~, "8700-12FL – Florida Notification of Regulated Waste Activity," effective date October 28, 2008, which is adopted and incorporated by reference at paragraph 62-730.150(2)(a) ~~62-730.171(2)(a)~~, F.A.C.

(3)(a)1. No change.

2. Completed Form 62-730.900(1)(b), ~~62-730.900(1)(e)~~, "8700-12FL – Florida Notification of Regulated Waste Activity," effective date October 28, 2008, which is adopted and incorporated by reference at paragraph 62-730.150(2)(a), F.A.C., ~~62-730.171(2)(a)~~, F.A.C.

3. through (8) No change.

Specific Authority 403.0877, 403.704, 403.721 FS. Law Implemented 403.0877, 403.704, 403.721 FS. History—New 3-2-86, Amended 6-28-88, Formerly 17-30.171, Amended 8-13-90, 9-10-91, 10-14-92, Formerly 17-730.171, Amended 1-5-95, 1-29-06, 10-28-08,_____.

62-730.186 Universal Pharmaceutical Waste.

(1) through (5)(b) No change.

(6) A handler or a transporter of universal pharmaceutical waste shall notify the Department in writing and receive an EPA Identification Number before accumulating universal pharmaceutical waste, or offering such waste for transport, or transporting such waste, and shall use Form 62-730.900(1)(b), “8700-12FL, Florida Notification of Regulated Waste Activity,” effective date _____ April 22, 2007 [as adopted by reference in paragraph 62-730.150(2)(a) ~~62-730.150(2)(b)~~, F.A.C.] to do so. A handler or transporter of hazardous waste that has already notified the Department of its hazardous waste management activities and obtained an EPA Identification Number is not required to renotify under this section.

(7) through (13) No change.

Specific Authority 403.061, 403.151, 403.704, 403.72, 403.721 FS. Law Implemented 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS. History—New 4-22-07, Amended _____.

62-730.900 Forms.

Forms are listed here by form number. Copies of all forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In order to facilitate the initial submission of a complete application, applicants for hazardous waste permits are encouraged to use the Hazardous Waste Facility Permit Application Instructions, which provide guidance to the forms and assistance in assuring that the application complies with the provisions of 40 CFR Part 270 and this chapter.

(1) Notification Forms.

(a) Application for Transfer of a Permit, January 29, 2006. [Form number 62-730.900(1)(a)].

(b) 8700-12FL – Florida Notification of Regulated Waste Activity, _____ April 22, 2007. [Form number 62-730.900(1)(b)].

~~(c) 8700-12FL – Florida Notification of Regulated Waste Activity, October 28, 2008. [Form number 62-730.900(1)(c)].~~

(2) through (8) No change.

Specific Authority 120.53, 403.061, 403.0611 FS. Law Implemented 120.52, 120.53, 120.55, 403.0611, 403.0875, 403.7234 FS. History—New 11-30-82, Amended 4-1-83, 5-5-83, 8-21-83, 3-1-84, 5-31-84, 9-17-84, 10-29-84, 2-11-85, Formerly 17-1.207(1), (3)-(6), Amended 2-6-86, 4-8-86, 9-23-87, Formerly 17-30.401, Amended 6-28-88, 12-12-88, Formerly 17-30.900, Amended 7-3-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.900, Amended 1-5-95, 10-10-02, 1-29-06, 4-22-07, 10-28-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim J. Bahr

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-737.400

Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices

62-737.900

Forms

PURPOSE AND EFFECT: To delete Form 62-737.900(1), Universal Waste Mercury-Containing Lamp and Device Transporter and Handler Registration Forms and Instructions, Effective 5-20-98, and incorporate Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity.”

SUMMARY: Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” is being revised to include registration of handlers and transporters of universal waste mercury lamps and devices. The existing mercury registration form will be deleted.

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

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

SPECIFIC AUTHORITY: 403.704, 403.7186, 403.721, FS.

LAW IMPLEMENTED: 403.704, 403.7186, 403.721 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, December 12, 2008, 1:00 p.m.

PLACE: Room 609 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399

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 4 days before the workshop/meeting by contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@dep.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: Julie Rainey, Environmental Manager, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee FL 32399-3000, (850)245-8713 or julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-737.400 Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices.

(1) through (3)(a)1. No change.

2. Before beginning operations and annually thereafter by March 1, a handler or a transporter of spent universal waste lamps or devices, excluding a person specified in paragraph 1. above, and the sponsor of a reverse distribution program shall register by notifying the Department, ~~using DEP Form 62-737.900(1),~~ of its intent to be a handler or transporter or to operate a reverse distribution program, and certifying that it has employee training procedures in place for the proper handling, emergency response, and containment and cleanup of its spent universal waste lamps or devices. This registration/notification shall be made by submitting a completed Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity," effective date _____, which is hereby adopted and incorporated by reference [this Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400]; and

3(a)3. through c. No change.

4. Within 60 days of receipt of a completed registration form (DEP Form ~~62-730.900(1)(b) [adopted by reference in subparagraph 62-737.400(3)(a)2., F.A.C.] 62-737.900(1)~~) and supporting material, including the registration fee if applicable, the Department shall review the form and supporting material and shall either:

4.a. through (b) No change.

1. Before meeting or exceeding an accumulation amount of 5,000 kilograms of lamps or devices, a generator, reverse distribution handler facility, or other handler shall notify the Department per 40 CFR 273.32(b) as adopted by reference under Rule 62-730.185, F.A.C., using DEP Form ~~62-730.900(1)(b) [adopted by reference in subparagraph 62-737.400(3)(a)2., F.A.C.], EPA Form 8700-12~~ and receive a DEP/EPA ID number;

(b)2. through (8) No change.

Specific Authority 403.061, 403.7186 FS Law Implemented 403.704, 403.7186, 403.721 FS. History-New 5-10-95, Amended 5-20-98,_____.

62-737.900 Forms.

The following forms are hereby adopted and incorporated by reference. The forms are listed by form number, title, and effective date. The forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-737.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Copies of the forms and instructions may be obtained by writing to the Hazardous Waste Management Section (MS 4555), Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) ~~[reserved] DEP Form 62-737.900(1), Universal Waste Mercury-Containing Lamp and Device Transporter and Handler Registration Form and Instructions. Effective 5/20/98.~~

(2) through (3) No change.

(4) ~~[reserved] EPA Form 8700-12, Notification of Regulated Waste Activity (and accompanying instructions). Effective 10/9/96.~~

(5) through (14) No change.

Specific Authority 403.061, 403.7186 FS Law Implemented 403.7186, 403.721 FS. History-New 5-10-95, Amended 5-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim J. Bahr
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the revised application form.

SUMMARY: The proposed rule amendment incorporates the revised application form into the forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

- (1) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (08/08 07/06).
- (2) through (32) No change.

Specific Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the licensure application in the application rule.

SUMMARY: The proposed rule amendment incorporates the revised application form into the Board's application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Executive Director ~~on forms approved by the Board and provided by the Department.~~ The application shall be made on Form DH-MQA 1000 (revised 08/08), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. The application must be accompanied by the application fee.

(2) through (9) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
 RULE TITLE: Requirements for Certification
 PURPOSE AND EFFECT: The purpose and effect is to add another approved certification body for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification.

SUMMARY: In this amendment another approved certification body for advanced registered nurse practitioners is added and it is clarified that the certification requirements include a current national certification.

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

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

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.
 LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-4.002 Requirements for Certification.
- (1) No change.
 - (2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.
 - (3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:
 - (a) through (e) No change.
 - (f) National Board for Certification of Hospice and Palliative Nurses.
 - (4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 210-11.23, Amended 3-19-87, 4-6-92, Formerly 210-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-13.003
 RULE TITLE: Continuing Psychological Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify the requirements for continuing psychological education credit.

SUMMARY: The requirements for continuing psychological education credit will be specified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.
 LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B19-13.003 Continuing Psychological Education Credit.
- (1) through (4) No change.
 - (5) Every six years, each licensee shall complete two (2) hours of continuing psychological education on domestic violence as defined in Section 741.28, F.S.; these two (2) hours shall be part of the forty (40) hours otherwise required for each biennial licensure renewal. The licensee shall maintain documentation to substantiate timely completion of these two (2) hours and make said documentation available upon request

~~Every third biennial licensure renewal period, two (2) of the forty (40) hours of continuing psychological education must be on domestic violence as defined in Section 741.28, F.S.~~

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-08, 5-26-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:

64E-11.002 Definitions

64E-11.013 Sanitation Certificates and Fees

PURPOSE AND EFFECT: County health departments have reported a financial deficit in the statewide food hygiene program for each of the last four complete fiscal years (2003-2004 through 2006-2007). The purpose of the proposed changes is to help the department recover the costs incurred in administering this program. The effect of the changes will be to help reduce the annual financial deficit the program faces. This proposal should close the deficit.

Another purpose of the proposed changes is to add new definitions and language related to the process of issuing sanitation certificates. The effect of those changes will be to better clarify the types of establishments that are impacted by the certificate and fee requirements of this rule and the process for issuing those certificates and charging those fees.

SUMMARY: The Department proposes to increase the annual fees for each existing category of food service establishment listed in paragraph 64E-11.013(3)(b), F.A.C. The proposed fee increase will range from \$5-\$25 per establishment or service provided for existing fee categories. Specific fees will also be established for certain caterers, mobile units, vending machines, and temporary events. New terms will be defined that describe the types of food establishments that will be charged fees under this rule; those terms include caterer, institution, other food service, residential facility, and sanitation certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The principal financial impact of this rule will come from program fees. It is estimated that approximately \$888,000 in fees will be generated. These fees include annual sanitation certificate fees, re-inspection fees,

and temporary event fees. Since this rule impacts food service operations at establishments such as schools, child care centers, other institutions, some churches, civic and fraternal organizations, and bar and lounges, the program fees will impact small businesses.

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

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 FS.

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

DATE AND TIME: December 8, 2008, 10:00 a.m.

PLACE: Room 225Q, 4042 Bald Cypress Way, Tallahassee, FL

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: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health. 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 RULES IS: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health, Bin #A08, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1710. Email address is Leslie_Harris@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-11.002 Definitions.

(1) through (4) No change.

(5) “Caterer” – A food service establishment listed under Section 381.0072, F.S., that prepares food at one location for delivery to and individual portion service at another location.

~~(6)(5)~~ “Civic” – Any organization, excluding Division of Blind Services, offering food service to the public; and

(a) Possesses tax exempt status under 501(c)(4); or

(b) Which has a chartered body of citizens, recognized by a municipality, whether for profit or not, that operates primarily to further the common good and general welfare of the people of the community.

~~(7)(6)~~ “Commissary” – A food service establishment or any other commercial establishment where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at, other locations.

~~(8)(7)~~ “Comminuted” – Fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

~~(9)(8)~~ “Corrosion-resistant” – Those materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions-of-use environment.

~~(10)(9)~~ “Easily cleanable” – Surfaces that are readily accessible and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods.

~~(11)(10)~~ “Easily movable” – Small equipment weighing 30 pounds or less; or mounted on casters, or provided with mechanical means of safely tilting for cleaning purposes; and has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for cleaning of the area.

~~(12)(11)~~ “Employee” – Any person working in or for a food service establishment who engages in food preparation or service, who transports food or food containers, or who comes in contact with any utensil or equipment.

~~(13)(12)~~ “Equipment” – All stoves, ranges, hoods, meatblocks, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, steam tables and similar items, other than utensils, used in the operation of a food service establishment.

~~(14)(13)~~ “Extensively remodeled” – For the purpose of this Chapter, the term extensively remodeled means structural changes to an existing establishment which costs in excess of 50 percent of the assessed value of the facility as determined by the county property appraiser.

~~(15)(14)~~ “Fixed food establishment” – A food service establishment which operates at a specific location and is connected to electrical, water, and sewage disposal systems.

~~(16)(15)~~ “Food” – Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

~~(17)(16)~~ “Food-contact surfaces” – Surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

~~(18)(17)~~ “Food preparation” – The manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and/or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

~~(19)(18)~~ “Fraternal” – An organization primarily operating for social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purposes for the benefit of its members, that offers food service to its members or the public at their facility, and possess a charter.

~~(20)(19)~~ “Garbage” – Food waste generated on premises that is not disposed of through the sewage disposal system. The term also includes solid waste such as discarded containers or wrappers that are contaminated with food waste.

~~(21)(20)~~ “Guest” – As it relates to churches, synagogues, or other not-for-profit religious organizations, an individual who is not a member of the religious organization; and

(a) Who does not regularly attend non-food service events at the religious organization; and

(b) Whose participation in a food service event is not contingent upon attending non-food service activities of the religious organization; and

(c) Who receives food service without cost or donation, excluding bake sales that are limited to non-potentially hazardous baked goods.

(d) This term does not include patrons of a soup kitchen or similar operation.

~~(22)(21)~~ “HACCP Plan” – A written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

~~(23)(22)~~ “Hermetically sealed container” – A container designed and intended to be secure against the entry of microorganisms to maintain the commercial sterility of its contents after processing.

~~(24)(23)~~ “Highly susceptible population” – A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults institutionalized or preschool age children in custodial care.

~~(25)(24)~~ “Hot water” – For the purposes of this chapter, hot water means a water temperature of 100 degrees Fahrenheit or above.

~~(26)(25)~~ “Indirect waste connection” – An indirect waste connection is a liquid waste pipe that is connected with the sewerage system through an air gap or air break.

~~(27)~~ “Institution” – A place that provides food service as that term is defined in Section 381.0072, F.S., established and operated to provide: care for persons who are destitute, disabled, mentally ill, or incarceration of prisoners and inmates; medical care or treatment; education; or services as part of a group care facility as that term is defined in Section 381.006(16), F.S. Examples of such places include state mental health facilities, substance abuse treatment facilities, jails or prisons, hospitals, schools, colleges and universities.

~~(28)(26)~~ “Kitchenware” – All multi-use utensils other than tableware.

~~(29)~~~~(27)~~ “Limited food service establishment” – Any establishment with a food service operation, so limited by the type and quantity of foods prepared and the equipment utilized, that it poses a lesser degree of risk to the public’s health, and, for the purpose of fees, requires less time to monitor. The term includes small seasonally operated concessions stands at schools, satellite kitchens that dispense catered meals and similar facilities.

~~(30)~~~~(28)~~ “Manager” – An individual who has direct authority, control or supervision over employees engaged in the storage, preparation, display and serving of food to the public.

~~(31)~~~~(29)~~ “Misbranded” – Food shall be considered to be misbranded:

(a) If in packaged form it lacks a label containing the name and place of business of the manufacturer, packer, or distributor; or an accurate statement of the contents; or

(b) If it is offered for sale under the name of another food; or

(c) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed and it is not.

~~(32)~~~~(30)~~ “Mobile food unit” – Any food service unit which is self-propelled or otherwise moveable from place to place and is self-sufficient for utilities, such as gas, water, electricity and liquid waste disposal, whose commissary is a DOH regulated food service establishment.

~~(33)~~ “Other Food Service” – Any food service establishment located at or operated by a church, synagogue, or other not for profit religious organization that advertises food or drink for public consumption, an adult day care center, or a prescribed pediatric extended care center.

~~(34)~~~~(31)~~ “Perishable food” – Any food of such type or in such condition as may spoil; provided, that foods which are in hermetically sealed containers processed by heat or other means to prevent spoilage and properly packaged, dehydrated, dry or powdered foods so low in moisture content as to retard development of microorganisms shall not be considered readily perishable.

~~(35)~~~~(32)~~ “Plumbing authority” – The local governing body, such as a county or city building inspection department which has adopted a plumbing code and has authority to interpret, inspect, and provide enforcement of plumbing standards.

~~(36)~~~~(33)~~ “Potentially hazardous food” – Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form:

(a) through (c) No change.

~~(37)~~~~(34)~~ “Premises” – The physical food service establishment and the contiguous land or property under the control of the manager, operator or owner.

~~(38)~~~~(35)~~ “Product thermometer” – A thermometer, thermocouple, thermistor or other device that when inserted into food indicates the temperature of the food. This term does not include non-product ambient temperature sensing devices.

~~(39)~~~~(36)~~ “Ready-to-eat food” – Food that is in a form that is edible without washing, cooking, or additional preparation by the establishment or the consumer and that is reasonably expected to be consumed in that form. This includes:

(a) through (d) No change.

~~(40)~~~~(37)~~ “Reconstitute” – The recombination of dehydrated food products with potable water or other suitable liquids.

~~(41)~~ “Residential Facility” – A food service establishment located at a community based residential facility as defined in Chapter 64E-12, F.A.C. For the purpose of issuing sanitation certificates and charging fees, this term does not apply to establishments that are residential in nature, but which are already specifically categorized in Section 381.0072, F.S., or this rule, such as hospitals, nursing homes, and detention facilities; nor does the term apply to public lodging establishments licensed under Chapter 509, F.S.

~~(42)~~ “Sanitation Certificate” – A license issued by the department to operate a food service establishment.

~~(43)~~~~(38)~~ “Safe materials” – Articles manufactured from or composed of materials that may not be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

~~(44)~~~~(39)~~ “Sanitize” – The effective treatment of clean surfaces of equipment and utensils by an approved process which provides enough accumulative heat or concentration of chemicals for enough time that when evaluated for efficacy, yields a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.

~~(45)~~~~(40)~~ “Snack” – A commercially pre-packaged non-potentially hazardous ready-to-eat-food item that is wrapped for individual consumption.

~~(46)~~~~(41)~~ “Sealed” – Free of cracks or other junctures or openings which permit the entry or passage of moisture.

~~(47)~~~~(42)~~ “Single-service articles” – Any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, then to be discarded.

~~(48)~~~~(43)~~ “Tableware” – Multi-use eating and drinking utensils.

~~(49)~~~~(44)~~ “Temporary food service event” – Any event offering food service on the premises of a food service establishment approved by the department. These events are at

a fixed location for a temporary period of time not to exceed any combination of 18 days within a calendar year and in conjunction with a single event or celebration.

(50)(45) "Theater" – A facility that shows motion pictures and offers food for consumption that is customarily served to the admittees of such theaters, such as popcorn, hot dogs, soft drinks, nachos and cheese, and pre-packaged snack items.

(51)(46) "Utensils" – Implements such as pots, pans, ladles or food containers used in the preparation, storage, transportation or serving of food.

(52)(47) "Vending machine" – Any self-service device which, upon insertion of coin or token, or by any other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each operation.

(53)(48) "Wholesome" – Food which is in sound condition, clean, free from adulteration and otherwise suitable for human consumption.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.22, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.009, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.022, Amended 3-15-98, 7-14-03, _____.

64E-11.013 Sanitation Certificates and Fees.

(1) Sanitation Certificate Required.

(a) All food service establishment sanitation certificates shall expire on September 30. Sanitation certificates ~~may be~~ issued for a period less than a calendar year ~~shall be so long as they are~~ prorated on a quarterly basis, in accordance with Section 381.0072(4), Florida Statutes. Certificates shall be posted in a conspicuous location in the establishment.

(b)1. Food service establishments containing multiple food operations housed in the same building, at the same location, under the same ownership and operation must function according to either one of the following:

a. Each food operation shall operate under the umbrella of the sanitation certificate issued to the main food service operation, in which case the sanitation certificate shall be posted in a conspicuous location at the main food service establishment, or

b. Each food operation shall be issued its own individual sanitation certificate, in which case each food service establishment shall post their own sanitation certificate in a conspicuous location in their establishment. The owner or operator of the food service establishment shall decide which of the sanitation certificate processes listed above, will be followed.

2. Food service establishments where multiple food operations are located in different buildings at the same location regardless of ownership shall each be issued their own

individual sanitation certificate, in which case each such food operation shall post their own sanitation certificate in a conspicuous location in their food service operation.

(2) Application and Renewal of Sanitation Certificates.

(a) through (b) No change.

(c) Prior to the renovation of a food service establishment, notification shall be provided to the department. This notification shall include construction schedules and details of the work to be completed. Prior to the construction or extensive remodeling of a food service establishment, or the conversion of a structure for use as a food service establishment, or remodeling which includes the addition or relocation of major equipment, plans of the facility and its operation shall be submitted to and approved by the department. Plans may be submitted by the owner, prospective operator or their designated representative. All plans shall comply with the requirements of this chapter. Plans shall be drawn to scale, describe the layout, construction, and general operation of the facility, equipment design and installation, the intended menu, and similar aspects of the facility's operation that relate to the requirements of this chapter. The department shall grant or deny approval of the plans in writing ~~within 30 days of receipt of a complete set of plans~~ pursuant to the provisions of Chapter 120, F.S. Approval or denial shall be based on whether or not the plans comply with the requirements of Section 381.0072, Florida Statutes, and the provisions of this chapter.

~~(d) Whenever construction plans are disapproved, a certificate is denied, suspended or revoked or the department takes similar action that affects the substantial interests of a food service establishment certificate holder, the department shall notify the certificate holder of their right to request a hearing on the matter. Notification shall be in writing, and it shall indicate that a hearing must be requested within 30 days of the certificate holder's receipt of the notice. The department shall grant or deny a hearing request within 10 days of receipt. All notices and hearings shall conform with the provisions of Chapter 120, F.S.~~

(d)(e) Before a certificate is issued to a newly constructed or extensively remodeled food service establishment, an inspection shall be made by a representative of the department for the determination of compliance with the requirements of this chapter and Section 381.0072, F.S.

(3) Fees.

(a) Fees shall be submitted to the department for certificates, as well as the provision of other required public health services at food service establishments. A food service establishment which applies for an annual certificate shall pay the full fee. ~~Fees for a~~ All other certificates, such as change of ownership, reinstatement after revocation of certificate or new establishments after the first quarter shall be prorated on a quarterly basis. Proration shall be based on the quarter the department receives an application for a Sanitation Certificate

to operate a food service establishment. For establishments that normally operate nine months or less out of the year, such as nine month schools, proration shall be based on the number of months the establishment normally operates during a year. Proration shall not apply to annual renewals of Sanitation Certificates.

(b) Except for establishments specifically exempted from fees in subsection (4), all food service establishments shall pay an annual or prorated fee to the department according to the following schedule:

Annual Sanitation Certificate Establishment;	Fee per Food Service Establishment;
	Total
1. Hospital	235.00 210.00
2. Nursing Home	235.00 210.00
3. Detention Facility	235.00 210.00
4. Bar/Lounge	180.00 160.00
5. Fraternal/Civic Organization	180.00 160.00
6. Movie Theater	180.00 160.00
7. School Cafeteria	
a. Operating for 9 months out of a year	150.00 130.00
b. Operating for more than 9 months	180.00 160.00
8. Residential Facility	125.00 110.00
9. Other Food Service	180.00 160.00
10. Child Care Center	100.00 85.00
11. Limited Food Service	100.00 85.00
12. Caterer	160.00
13. Mobile Food Unit	160.00
14. Vending Machine	85.00

(c)1.a. Food service establishments with multiple food operations housed in the same building, at the same location, under the same ownership and operation, which operate under the umbrella of the sanitation certificate of the main food service establishment (as addressed in (1)(b)1., of this rule), shall be assessed a single annual fee. That fee shall be assessed on the main food service establishment, it shall be the maximum allowed in Section 381.0072, F.S., which is \$300, and it shall cover the other food service facilities operating in that same building under the umbrella of the main food service establishment.

b. Food service establishments with multiple food operations housed in the same building, at the same location, under the same ownership and operation choosing not to operate under the umbrella of the sanitation certificate of the main food establishment (as addressed in subparagraph (1)(b)2., of this rule) shall be assessed separate annual fees for each food operation based on the category of establishments listed in subparagraph (b)1. above.

c. Food service establishments with multiple food operations located in different buildings at the same location, regardless of ownership, shall be assessed separate annual fees for each food operation based on the category of establishments listed in subparagraph (b)1. above.

2. Caterers, mobile food units, and vending machines that are located or operated at an establishment listed in Section 381.0072, F.S., shall be charged the fees listed in subparagraph (b)1. above when they are not operating under an existing Sanitation Certificate that has already been issued for the main food service establishment where they are located.

(d)(e) The following schedule of fees is established for plan reviews, food service worker training and testing, alcoholic beverage establishment sanitation inspections, reinspections, late renewals:

1. Plan review	\$40.00	35.00
per hour		
Public schools, colleges, and vocational teaching facilities are exempt from this fee.		
2. Food establishment worker training course (per person)		\$10.00
3. Sanitation inspection		
a. No change.		
b. No change.		
4. Reinspection	40.00	30.00
(for each reinspection after the first)		
5. Late renewal of certificate		\$25.00
6. Temporary event food service establishment		
a. Sponsor without an existing sanitation certificate		\$150
b. Vendor or booth at an establishment or location without an existing sanitation certificate		\$100

(e)(d) No change.
 (e) ~~For establishments with multiple food operations, a single fee shall be assessed based on the food activity which dominates the available work space of the facility.~~

(4) Exemptions. The following limited food service establishments are exempted from the fee requirements of this section:

- (a) No change.
- (b) Child care facilities and other institutions that serve only snacks, as that term is defined in Rule 64E-11.002, F.A.C., of this chapter, or that require individuals in attendance to bring their own meals to the facility, which do not require any food preparation.

Specific Authority 381.0072, 154.06 FS. Law Implemented 381.0072(2), 154.06 FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.024, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.038, Amended 3-15-98, 7-14-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Leslie Harris, Environmental Administrator, Bureau of
Community Environmental Health
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon
General, Department of Health
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 3, 2007, March 11, 2008

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-1.001 Definitions

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) is required to review administrative rules and advise agencies concerned of its findings. This charge applies to existing as well as proposed rules. JAPC notified the Bureau of Emergency Medical Services that subsection 64J-1.001(16), F.A.C., formerly subsection 64E-2.001(16), F.A.C., did not satisfy its objections when it replaced Rule 64E-2.032, F.A.C., which appeared to contravene the law implemented, Section 401.27, F.S., in certain parts. The purpose of this rule revision is to provide clarification for the EMS community regarding the Certificate of Public Convenience and Necessity (COPCN) requirement for licensure and satisfy JAPC's objections.

SUMMARY: The purpose of this rule is to strike the definition of "operate" and define "Certificate of Public Convenience and Necessity" to ensure consistency with the law implemented.

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

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

SPECIFIC AUTHORITY: 401.35 FS.

LAW IMPLEMENTED: 401.25(2)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 10, 2008, 9:30 a.m. – 11:00 a.m. Eastern Standard Time

PLACE: Southwood Office Complex – Betty Easley Meeting Rooms, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in.

Toll free conference number: (888)808-6959; Conference code: 1454440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Walker, Government Analyst II, Phone: (850)245-4440, ext. 2733; or email Lisa_Walker2@doh.state.fl.us. NOTE: If you have written comments that you wish to be added to the record please send them to Lisa Walker before the hearing so your comments may be read into the record

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-1.001 Definitions.

(1) through (3) No change.

(4) "Certificate of Public Convenience and Necessity" or COPCN means a writing permitting an applicant or licensee to provide services, not exceeding the authorization of their expected or actual license, for the benefit of the population of that county or the population of some geographic area thereof.

(4) through (15) renumbered (5) through (16) No change.

~~(16) Operate — For purposes of Section 401.25(2)(d), F.S., means performing services requiring licensure under Section 401.25(1), F.S., but does not include:~~

~~(a) Advertising the availability of services requiring licensure under Section 401.25(1), F.S., for a county in which the advertiser is a licensee;~~

~~(b) Proposing to engage in services requiring licensure under Section 401.25(1), F.S.;~~

~~(c) Interfacility transfer between two counties by a licensee possessing a Certificate of Public Convenience and Necessity from only one of the counties if the other county does not prohibit such transfer or transport;~~

~~(d) Transfer or transport by a licensee through, but not to or from, one or more counties;~~

~~(e) Transfer or transport by a licensee as part of a coordinated response to a disaster or a mass casualty incident;~~

~~(f) Transfer or transport by a licensee, after pickup of the patient not otherwise prohibited under Section 401.25(2)(d), F.S. and this rule, to an appropriate facility; or~~

~~(g) Transfer or transport by a licensee under an agreement sanctioned by the governing bodies of the affected counties.~~

(17) through (26) No change.

The proposed effective date is April 1, 2009.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05, 10-24-05, 4-22-07, Formerly 64E-2.001, Amended 4-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John C. Bixler, Bureau of EMS Chief, Florida Department of Health, 4052 Bald Cypress Way, C-18, Tallahassee, FL 32399-1738

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Surgeon General Ana Viamonte Ros, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008, Vol. 34/35 Under 64E-2, F.A.C. Notice of Correction reflecting conversion to 64J-1 published on October 24, 2008, Vol. 34/43

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-24.001	Definition of Terms
65C-24.002	Federal Funding Requirements
65C-24.003	Home Study Requirements
65C-24.004	Relative Caregiver Program Benefit Payments
65C-24.005	Legal Requirements
65C-24.006	Permanency Planning Requirements
65C-24.007	Placement Supervision
65C-24.008	Child Care
65C-24.009	Child Support Collection
65C-24.010	Eligibility Requirements
65C-24.011	Eligibility Process
65C-24.012	Determining the Amount of the Monthly Benefit Payment

PURPOSE AND EFFECT: To repeal duplicative administrative rules relating to requirements established for the Relative Caregiver Program, which are available Chapter 65C-28, F.A.C.

SUMMARY: This rule outlines the relative caregiver program requirements, including definition of terms, federal funding, home study, benefit payments, legal, permanency planning, placement supervision, child care, child support collection, eligibility, eligibility process, and amount of monthly benefit. These requirements are listed in Rule 65C-28.008, F.A.C., (Relative Caregiver Program Requirements), which became effective May 4, 2006.

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

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

SPECIFIC AUTHORITY: 39.012, 39.0121(10), 39.5085(2)(a), (d) FS.

LAW IMPLEMENTED: 39.5085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Mayo, 1317 Winewood Boulevard, Building 6, Floor 1, Tallahassee, Florida 32399, (850)922-0375

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-24.001 Definition of Terms.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.002 Federal Funding Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.003 Home Study Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.004 Relative Caregiver Program Benefit Payments.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.005 Legal Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.006 Permanency Planning Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.007 Placement Supervision.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.008 Child Care.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.009 Child Support Collection.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

65C-24.010 Eligibility Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

65C-24.011 Eligibility Process.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

65C-24.012 Determining the Amount of the Monthly Benefit Payment.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Julie Mayo

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2008

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-33.001	Definitions
65C-33.002	Certification for Child Protection Professionals
65C-33.003	Child Welfare Pre-Service Training
65C-33.004	Pre-Service Training Assessments
65C-33.005	Phase II of Child Welfare Training
65C-33.006	Performance Assessment
65C-33.007	Additional Requirements for Supervisor Certification
65C-33.008	Recertification
65C-33.009	Certificate Issuance
65C-33.010	Break in Service
65C-33.011	Waiver Process
65C-33.012	Child Welfare Trainer Certification
65C-33.013	“Supervising for Excellence” Trainer Certification

PURPOSE AND EFFECT: Child Welfare Training and Certification. The purpose of this rule is to carry out the provisions of Section 402.40, F.S. regarding child welfare training. This rule will set forth the minimum standards for a Child Welfare Professional training and certification process; continuing training requirements; supervisor training and

certification requirements; and trainer certification requirements. These minimum standards ensure that each participant has successfully attained the knowledge, skills and abilities necessary to competently carry out his or her work responsibilities.

SUMMARY: This rule establishes definitions of terms relating to the training and certification of child protection professionals and child welfare trainers. The proposed rule establishes the training and certification requirements for Child Protection Professionals and establishes the position classifications for Child Protection Professionals. The proposed rule establishes that certification must be obtained within one (1) year of the individual’s date of hire, or date of passing the post-test or waiver test, whichever is later. The proposed rule establishes that certification is required for certification designations, except for Specialists, QA Professionals and Field Trainers, for whom certification is optional. The proposed rule sets forth the pre-test, post-test and waiver test protocols. The proposed rule establishes guidelines for protected training caseloads, and requires that the employing agency develop a policy addressing the establishment of a training caseload range, specifying number and types of cases to be assigned to trainees for the first 30 calendar days following successful completion of pre-service training. The proposed rule requires that each agency utilize a standardized, “core” Performance Assessment for certification of each certification designation, developed by the department (2 components: Casework and Interpersonal Skills), to which each agency may add agency-specific elements which reflect the agency’s own System of Care and/or Quality Assurance measures. The proposed rule establishes the competencies to be demonstrated and evaluated in each of the Child Protection Professional position classifications in order to become certified, including additional requirements for supervisor certification. The proposed rule requires supervisors to complete a Performance Assessment and complete “Supervising for Excellence” training to be certified. The proposed rule sets forth the procedures for Performance Assessment test-case assignment and the criteria for serving as an Independent Evaluator. The proposed rule addresses break in service and waiver plan guidelines, by length of break in service. The proposed rule establishes guidelines for Individualized Training and Performance Plans. The proposed rule reinstates the Recertification process, and sets forth the requirements for recertification, which include obtaining and documenting 48 professional development (in-service) training hours every three (3) years. The proposed rule establishes the requirements that (a) no more than 25% of the required 48 professional development training hours may come from college or graduate-level courses in which the individual is enrolled as a degree-seeking or non-degree seeking student, and (b) no more than 50% of the mandatory 48 professional development training hours may be credited from trainings which are required by the department (including but not

limited to SACWIS/FSFN trainings). The proposed rule establishes Skillnet as the official tracking database system that shall be used by the department and all agencies to document training. The proposed rule establishes the protocol for certificate issuance upon an individual fulfilling the requirements for initial certification or recertification. The proposed rule establishes the waiver process to be followed when an individual, by virtue of his or her certification status, educational credentials or employment experience, meets certain minimum criteria. The proposed rule establishes that, for any individual meeting the criteria, the employing agency shall exercise sole discretion as to whether to authorize a waiver test (and subsequent waiver plan upon successful completion of the test), or require the entire pre-service training and post-test. The proposed rule requires that the waiver test, when given, be administered within five (5) business days of the individual's start date in the position into which he or she was hired. The proposed rule establishes the requirement that the waiver test may only be given once during any one period of employment. The proposed rule provides for "special and other circumstances" to be accommodated by the employing agency. The proposed rule establishes new criteria to be eligible for consideration to be a Child Welfare Trainer. The proposed rule establishes new certification criteria for Child Welfare Trainers, that within one year of the date of hire, each candidate shall complete. The proposed rule establishes new recertification requirements for Child Welfare Trainers in order to achieve recertification every three years. The proposed rule establishes new guidelines for certification to train the "Supervising for Excellence" curriculum.

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

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

SPECIFIC AUTHORITY: 402.40 FS.

LAW IMPLEMENTED: 402.40 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

HEARING 1

DATE AND TIME: December 9, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Children and Families, 201 W. Broward Boulevard, Room 510, Ft. Lauderdale, Florida 33301

HEARING 2

DATE AND TIME: December 11, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Children and Families, 401 W. Robinson Street, 10th Floor, Room 1006, Orlando, Florida 32801

HEARING 3

DATE AND TIME: December 17, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, 3rd Floor, Room 301, Tallahassee, Florida 32399

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: Julie Mayo at (850)922-0375 or julie_mayo@dcf.state.fl.us, or in writing to: Julie Mayo, 1317 Winewood Boulevard, Building 6, Floor 1, Tallahassee, Florida 32399. 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 RULES IS: Arlene Carey at (850)921-1928 or 1317 Winewood Boulevard, Building 6, Floor 1, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-33.001 Definitions.

(1) "Agency" refers to the Department, or any Sheriff's Office or Community-Based Care (CBC) provider under contract with the Department to provide core child protection or child welfare services, including protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care or adoption services.

(2) "Break in Service" refers to an interruption of an individual's continuous employment in a position requiring Child Protection Professional certification.

(3) "Certification" refers to the process whereby an individual must demonstrate the knowledge, skills, abilities, values and attitudes necessary to competently discharge the duties of a Florida Child Protection Professional, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements of his or her position classification. Unless accommodations are made by the employing agency to address an individual's special or other circumstances, each individual in a position requiring certification must be certified within one (1) year of the date of having successfully completed the post-test or the waiver test. Absent special circumstances, certification is valid for a period of no longer than three (3) years. Certification is a condition of employment in those positions requiring certification.

(4) "Certification Designation" refers to one of the ten Child Protection Professional categories in which an individual is eligible for certification, depending upon his or her position classification. Each position classification has a different training, testing and certification requirement, all of which are established by the Department:

(a) Child Protective Investigator:

(b) Child Protective Investigations Supervisor;

(c) Child Protective Investigations Specialist/Quality Assurance Professional/Field Trainer;

(d) Child Protection Case Manager;

(e) Child Protection Case Management Supervisor;

(f) Child Protection Case Management Specialist/Quality Assurance Professional/Field Trainer;

(g) Child Protection Licensing Counselor;

(h) Child Protection Licensing Supervisor;

(i) Child Protection Licensing Specialist/Quality Assurance Professional/Field Trainer;

(j) Child Welfare Trainer.

(5) “Certification Plan” refers to an individualized, time-limited written contract between the Trainee or Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which, at the discretion of the employing agency, may be developed when the need for such a plan is indicated by the individual’s job performance; the individual’s inability to fulfill all training and certification requirements as necessary; or as a result of the agency’s accommodation of the individual’s special or other circumstances.

(6) “Certified Florida Child Protection Professional” or “Certified” refers to the designation earned by an individual who has met the criteria for Florida certification as a Child Protective Investigations Professional, a Child Protection Case Management Professional, or a Child Protection Licensing Professional, by demonstrating the knowledge, skills abilities, values and attitudes necessary to competently discharge the duties of his or her position classification, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements necessary for certification as a Florida Child Protection Professional.

(7) “Child Protection/Child Welfare Services” or “Child Protection Services” as defined in subsection 65C-30.001(21), F.A.C., means “core child protection programs such as protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care, or adoption services.”

(8) “Child Protective Investigations Professional” means a Department or designated sheriff’s office or contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of investigations of reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(61), F.S.

(9) “Child Protection Professional” refers to any Department or designated sheriff’s office or contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of child protection services

such as protective investigations, protective supervision, post-placement supervision, foster care, licensing and other out-of-home care or adoption services.

(10) “Child Welfare Pre-Service Training Program” refers to “Phase I,” the multi-faceted child welfare pre-service curriculum, the primary component of which is classroom instruction. The Pre-Service Training Program may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all Phase I pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

(11) “Child Protection Case Management Professional” refers to any Department or designated contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of child protection services such as protective supervision, post-placement supervision, foster care, licensing and other out-of-home care, or adoption services.

(12) “Classroom Instruction” refers to one of the facets of the State of Florida Child Protection Professional Pre-Service Training Program, the other facets of which may include opportunities for on-line learning as well as supervised, agency-specific field activities. Classroom instruction involves the delivery and facilitation of approved, mandatory child welfare curricula by at least one Certified Child Welfare Trainer in the classroom at all times.

(13) “Core Competency Elements,” or “Core Competencies,” as described in Section 402.40(5)(a), F.S., refer to the range of fundamental and essential knowledge, skills, abilities, values and attitudes as determined by the Department, that every Child Protection Professional must achieve, demonstrate and maintain in order to competently perform his or her work responsibilities. These competencies are posted on the Training Academy website.

(14) “Department” refers to the Florida Department of Children and Families.

(15) “Field Activities” or “Field Training” refers to one type of experiential learning which may be included in the State of Florida Child Welfare Pre-Service Training Program. When agency-designed field activities are included as part of a trainee’s pre-service training experience, the trainee must be accompanied by and under the direct and constant supervision of a Certified Child Protection Professional; the activities can take place in the field (e.g. accompanying certified staff on home visits or to court), or in the trainee’s unit (e.g., reviewing documentation in a case record).

(16) “Independent Evaluator” refers to an individual, in addition to a Child Protection Professional’s supervisor, who is responsible for reviewing and impartially evaluating the casework and interpersonal skills portions of the Performance

Assessment of a Child Protection Professional who is a candidate for certification. The independent evaluator is "independent" in the sense that he or she is not in the candidate's direct line of supervision within the employing agency. Examples of those individuals outside of a candidate's chain of command, who may serve as independent evaluators include Certified Child Protection Professionals such as: Child Protection Supervisors, Program Specialists, Quality Assurance staff, Child Welfare Trainers and Training Managers.

(17) "In-Service Training" (see "Professional Development Training").

(18) "Intern" refers to an undergraduate or graduate college student undergoing supervised, practical training in the field of social work, child welfare/child protection, or similar human services field.

(19) "Interpersonal Skills Evaluation" refers to that portion of the Performance Assessment wherein a meeting between the Child Protection Professional and a client, family, or other party is observed by the individual's supervisor and an independent evaluator (either together or separately), in order to assess the individual's competence in interacting with others in a professional manner.

(20) "On-Line Learning" refers to one type of learning experience, provided via a computer, which may be included in the State of Florida Child Welfare Pre-Service Training Program.

(21) "Performance Assessment/Skills Demonstration" refers to the competency-based performance evaluation which is conducted on one of the cases assigned to each Child Protection Professional for which the individual has primary case responsibility, in order to help measure the knowledge, skills, abilities, values and attitudes he or she demonstrates on the job. The Performance Assessment is the skills demonstration component of the certification process, the successful completion of which is required for certification of staff in the position classifications of Protective Investigations, Case Management and Licensing. The two-part assessment is considered to be the culmination of the "Phase II" portion of the Child Protection Professional Certification process, and is designed to assess both casework and interpersonal skills. Absent special or other circumstances, the "window" period during which all portions of a candidate's initial Performance Assessment must be completed extends from no sooner than 6 months from the date of the candidate's successful completion of the waiver or post-test, to no later than 9 months from the date of the individual's waiver or post-test.

(22) "Performance Improvement Plan" refers to an individualized, time-limited written contract between the individual, his or her supervisor, that supervisor's supervisor, and a Certified Child Welfare Trainer (as well as any other appropriate individuals), which, at the discretion of the employing agency, may be developed when the individual has

failed to successfully carry out his or her job responsibilities or has otherwise failed to meet the agency's job performance expectations, absent special or other circumstances accommodated by the employing agency.

(23) "Phase I" refers to the "Child Welfare Pre-Service Training Program," the multi-faceted child protection pre-service curriculum, the primary component of which is classroom instruction. Phase I may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

(24) "Phase II" refers to the period of time between an individual's successful completion of the pre-service requirements and successful completion of the Performance Assessment/Skills Demonstration. At the beginning of Phase II, the Child Protection Professional is given a caseload and other duties, and, under close supervision, is guided through the process of learning how to competently manage the responsibilities of his or her position. Phase II is performance-driven in that it examines the degree to which, with supervision and support, the Child Protection Professional is able to transfer the knowledge, skills, abilities, values and attitudes developed during the pre-service training to actual casework application. Phase II culminates with the Performance Assessment/Skills Demonstration, the successful completion of which leads to initial certification when all other agency requirements are met.

(25) "Position Classification" in Child Protection refers to such categories of Child Protection Professionals as Protective Investigations, Case Management, and Licensing.

(26) "Post-Test" refers to the competency-based, criterion-referenced, proctored, written or on-line test which is administered at the conclusion of the State of Florida Child Welfare Pre-Service Training Program classroom curriculum. The post-test is designed both to measure the level of each trainee's basic knowledge of Florida child protection laws, principles and policies, and to gauge each individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanency and well-being needs of a child. Upon successful completion of the post-test, the trainee may progress to Phase II, and assume the role and responsibilities of a Child Protection Professional.

(27) "Pre-Service" is an abbreviated name for the "Child Welfare Pre-Service Training Program," and refers to "Phase I," the multi-faceted child welfare pre-service curriculum, the primary component of which is classroom instruction. The Pre-Service Training Program may also include opportunities for on-line learning as well as supervised, agency-specific field

activities. Program participants must successfully complete all pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

(28) “Pre-Test” refers to the written or on-line test which is administered at the commencement of the Pre-Service training curriculum. The pre-test is designed to record baseline data on each trainee’s basic understanding of child protection issues prior to training, and to provide the trainee with an opportunity to gain familiarity with the testing instrument as well as some of the curriculum course content.

(29) “Primary case responsibility” refers to the principal or foremost person, unit or geographical area assigned to perform child welfare/child protection services for a specific child or family case. Neither interns nor trainees shall carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(30) “Professional Development Plan” (please see “Recertification Plan”).

(31) “Professional Development Training” (also known as “In-Service Training”), refers to all relevant training in which a Certified Child Protection Professional participates in order to help develop or enhance his or her core competencies on an on-going basis. Each Certified Child Protection Professional must successfully complete 48 Professional Development training hours every three (3) years in order to be eligible for recertification.

(32) “Provisional Certification” refers to the certification status of a Certified Child Protection Professional whose most recent certification has expired as a result of the individual not having met the Professional Development training (or other) requirements for recertification. Provisional Certification may not exceed 60 days from the date of the expiration of the individual’s most recent certification. While provisionally certified, the individual may carry a caseload and continue to perform his or her job responsibilities, but must complete all requirements for recertification addressed in the Professional Development Plan within the specified time frame (no later than 60 days from the date of expiration of the individual’s most recent certification), or be removed from any position requiring certification.

(33) “Recertification” refers to the process whereby the certification of a currently Certified Child Protective Investigations Professional or Child Protection Case Management Professional must be renewed every three (3) years, based upon the individual’s continuing ability to satisfy on-going training requirements, and meet both the demands of

the job and the expectations of the employing agency. Unless accommodations are made by the employing agency to address an individual’s special or other circumstances, each individual in a position requiring certification must either be recertified within three (3) years of the date of the most recent (current) certification, or enter into a Recertification Plan.

(34) “Recertification Plan” refers to an individualized, time-limited written contract between the Certified Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which shall be developed when the Certified Child Protection Professional has failed to complete the required 48 Professional Development training hours as required for recertification, absent special or other circumstances accommodated by the employing agency. The agency-designed Recertification Plan must identify the roles and responsibilities of all plan participants, must address the training, activities and other action steps necessary in order for the Child Protection Professional to achieve recertification, and must include a specific time frame for successful completion of all activities. During this period of time, the individual is “provisionally certified.”

(35) “Remedial Training Plan” refers to an individualized, time-limited written contract between the trainee, his or her supervisor, and a Certified Child Welfare Trainer, which shall be developed when the trainee has failed to successfully complete his or her first attempt of the post-test, absent special or other circumstances accommodated by the employing agency.

(36) “Secondary case responsibility” refers to the designation of a person, unit or geographical area assigned by the supervisor to perform child welfare/child protection services for a specific child or family case in a minor capacity or to a lesser degree than that which maintains the “primary” case responsibility, in cases such as out of town inquiry (OTI), out of county, and courtesy supervision. Neither interns nor trainees shall carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(37) “Special or Other Circumstances” refer to those instances in which an individual may be on approved, extended medical or family leave, or when an individual cannot assume full or partial responsibility for a caseload, or is unable to be involved as required in pre-service or professional development (in-service) training due to unforeseen conditions which may limit the individual’s ability to perform some or all required job functions. The nature and extent of any accommodation of special or other circumstances is at the sole discretion of the employing agency.

(38) “Supervising for Excellence” refers to the Department-approved curriculum required of supervisors as part of their certification process; an individual’s participation in this course is subsequent to successful completion of all certification activities, including the Performance Assessment.

(39) “Trainee” means a participant in the State of Florida Child Welfare Pre-Service Training Program. A trainee remains in this status during the entire period of time he or she is in the pre-service training; during this time, the trainee may only assist Child Protection staff in the performance of their job duties, if he or she is accompanied by and under the direct and constant supervision of a Certified Child Protection Professional. Upon successful completion of the post-test, the trainee is eligible to progress to Phase II, and may assume the role and responsibilities of a Child Protection Professional.

(40) “Training Academy” refers to The Child Welfare Training Academy, which is responsible for the training and certification of Child Welfare Trainers, and for the administration of the State of Florida’s Child Protection Professional Certification Program. The mission of the Training Academy is to ensure that Child Welfare Trainers have the skills and supports necessary to help provide Child Protection Professionals with the knowledge, skills, abilities, values and attitudes needed to make decisions that provide Florida children with safe and permanent homes.

(41) “Training Case Load” refers to the reduced number of cases assigned to each Child Protection Professional after having successfully completed the pre-service curriculum and passing the post-test.

(42) “Waiver Plan” refers to an individualized, written contract between the Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which, when the waiver process is implemented, must be developed within five (5) business days of the individual having passed the waiver test. The “Waiver Plan” must address any identified training or activities needed by the Child Protection Professional in order to fulfill certification (or recertification) requirements, must assign responsibilities to each party, and must include specific time frames for completion.

(43) “Waiver Process” refers to the procedure whereby an individual who meets the minimum educational and experiential criteria of a Child Protection Professional may be eligible, at the discretion of the employing agency, to take a “Waiver Test” and enter into an individualized “Waiver Plan,” usually in lieu of requiring that the individual participate in all of the pre-service training and post-test requirements of Phase I. There is no waiver procedure for any part of Phase II, the Performance Assessment/Skills Demonstration portion of the certification process; similarly, there is no waiver procedure for the 48 hours of professional development (in-service) training required every three (3) years for recertification.

(44) “Waiver Test” refers to the competency-based, criterion-referenced, proctored, written or on-line test which, at the discretion of the employing agency, may be administered to an individual whose credentials and qualifications meet the minimum educational and experiential criteria of a Child Protection Professional as outlined in Rule 65C-33.011, F.A.C. The waiver test is designed to measure the level of the individual’s basic knowledge of Florida child protection laws, principles and policies, and to assess the individual’s ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanence and well-being needs of a child. The waiver test must be administered within five (5) business days of the individual’s start date in the position into which he or she was hired.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.002 Certification for Child Protection Professionals.

(1) It is the responsibility of each employing agency to ensure the integrity of the training and certification process, by ensuring compliance with this Rule and by establishing agency policies that reflect the fact that child protection certification is a condition of employment for those positions requiring certification.

(2)(a) It is the supervisor’s responsibility to support the evolving capacity of each individual under his or her supervision to effectively and competently carry out his or her job responsibilities.

(b) On an on-going basis, the supervisor must assess the individual’s level of job-related knowledge, skills, abilities, values and attitudes, and must identify, arrange for, or provide additional assistance as necessary to help enhance the individual’s overall development as a proficient Child Protection Professional.

(3) Absent special or other circumstances, every Child Protection Professional is required to be certified within one (1) year of the date of having successfully completed either the post-test or the waiver test for his or her position classification. Unless accommodations are made by the employing agency to address an individual’s special or other circumstances, certification is valid for a period of no longer than three (3) years.

(a) At the discretion of the employing agency, arrangements may be made to accommodate an individual’s special or other circumstances in those cases in which the individual is unable to assume full or partial responsibility for a caseload, or fulfill the attendance requirements of pre-service or in-service training due to a medical, personal, family, or other situation.

(b)1. Accommodation includes extending the individual's pre-service or in-service training period, approving limited additional time within which the individual can become certified or recertified, or effecting such other accommodation as is reasonable based upon the individual's situation.

2. At the discretion of the employing agency, accommodation of an individual's special or other circumstances may be restricted to a specified time frame, or may extend until such time as the individual is able to fully resume his or her regular duties; the individual no longer occupies a position requiring certification; the individual is no longer employed by the agency; or the agency can no longer provide the accommodation.

(c) On a case-by-case basis, and at the discretion of the employing agency, individuals affected by special or other circumstances, as well as those not similarly affected, may be required by the employing agency to enter into a Certification Plan.

1. The agency-designed Certification Plan must identify the roles and responsibilities of all plan participants, and must set forth specific training and other job performance requirements which must be met in order for the Trainee or Child Protection Professional to achieve certification. The plan must address each of the necessary steps, and must include a specific time frame (not to exceed 60 days from one year after the individual's having successfully completed the post-test or the waiver test) within which the individual must satisfy the training and other job performance requirements in order to achieve certification, or be removed from any position requiring such certification. It is the responsibility of the employing agency to help ensure that the Trainee or Child Protection Professional has access to the resources and supports necessary for his or her successful completion of the certification process.

2. A Certification Plan is not required for every Trainee or Child Protection Professional; it is applicable only in those cases where, in the judgment of the employing agency, compelling circumstances exist that warrant accommodations such as supplementary or remedial training, additional time allowance(s) for the fulfillment of certification requirements, or any other special considerations to be afforded the individual in order to provide him or her with every possible opportunity for success.

(4) Certification is based upon successful completion of both the pre-service curriculum component and the Performance Assessment element of the State of Florida's Child Protection Professional Certification Program.

(5) Each type of Child Protection Certification has a different training, testing and certification requirement, all of which are established by the Department.

(6) There are ten types of certification designations for Child Protection Professionals:

(a) Child Protective Investigator;

(b) Child Protective Investigations Supervisor;

(c) Child Protective Investigations Specialist/Quality Assurance Professional/Field Trainer;

(d) Child Protection Case Manager;

(e) Child Protection Case Management Supervisor;

(f) Child Protection Case Management Specialist/Quality Assurance Professional/Field Trainer;

(g) Child Protection Licensing Counselor;

(h) Child Protection Licensing Supervisor;

(j) Child Protection Licensing Specialist/Quality Assurance Professional/Field Trainer;

(j) Child Welfare Trainer.

(7) Other types of certification designations may be authorized by the Department of Children and Families.

(8) As determined by the Department, each certification type shall be indicative of core competencies achieved within the job responsibilities of each respective position classification and be so designated.

(9) Certification is a requirement for individuals in the following positions:

(a) Child Protective Investigator;

(b) Child Protective Investigations Supervisor;

(c) Child Protection Case Manager;

(d) Child Protection Case Management Supervisor;

(e) Child Protection Licensing Counselor;

(f) Child Protection Licensing Supervisor;

(g) Child Welfare Trainer.

(10) Certification is optional for individuals in the following positions, at the discretion of the employing agency:

(a) Child Protective Investigations Specialist; Quality Assurance Professional; Field Trainer;

(b) Child Protection Case Management Specialist; Quality Assurance Professional; Field Trainer;

(c) Child Protection Licensing Specialist; Quality Assurance Professional; Field Trainer;

(11) The employing agency is responsible for ensuring that all certification requirements are met within the specified time frame for those positions requiring certification.

(a) To be certified, each Child Protection Professional candidate must meet the training and certification requirements for his or her position classification (Protective Investigations; Case Management; Licensing; Child Welfare Trainer) and certification designation (e.g., Protective Investigator; Supervisor) within one (1) year of the date of hire, or the date of having successfully completed the waiver or post-test for the position, whichever is later, absent special or other circumstances accommodated by the employing agency.

(b) Prior to successfully completing the waiver or post-test, the individual is considered to be a trainee, and, as such, under no circumstances shall he or she carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits,

perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

(12) In those instances in which an individual, by virtue of promotion or other means of transfer into another position is actively, concurrently certified in more than one position classification (Protective Investigations; Case Management; Licensing) or more than one certification designation (e.g., Protective Investigator; Supervisor), the individual may hold two such certifications simultaneously until recertification, upon which he or she may be recertified in only the one position classification and the one certification designation in which he or she is currently employed.

(13) The employing agency is responsible for the internal tracking and documentation of all trainings, certification activities and certification status of every Child Protection Professional employed by the agency.

(a) The official tracking system that shall be used by the Department and all agencies to document training is SkillNET (or other Department-approved tracking database).

(b) All training, testing and certification information must be current and maintained in SkillNET (or other Department-approved tracking database).

1. The training entity is responsible for entering and maintaining pre-service course and testing information in the SkillNET (or other Department-approved tracking database) system.

2. The Office of Family Safety is responsible for verifying certification information in the SkillNET (or other Department-approved tracking database) system, prior to certificate issuance.

(14)(a) Upon any of the following: an individual's loss of or inability to achieve certification; promotion, demotion or transfer to a position not requiring certification; termination from the position or agency; or other such status-changing event, the employing agency Training Manager or designee shall notify the Training Academy in writing of the individual's status within three (3) business days of the effective date of the event.

(b) Within two (2) business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

Specific Authority 402.40, 39.0121 FS, Law Implemented 402.40 FS, History-New _____.

65C-33.003 Child Welfare Pre-Service Training.

(1) The Department-approved State of Florida Child Welfare Pre-Service Training Program curriculum is primarily comprised of classroom instruction, but may also include opportunities for on-line learning as well as agency-specific field activities.

(2) The pre-service classroom instruction involves the delivery and facilitation of approved, mandatory child welfare/child protection curricula by at least one Certified Child Welfare Trainer in the classroom at all times.

(a) At the discretion of the training entity, some pre-service classes may include guest speakers as subject matter experts regarding relevant topics; however, although agency or area-specific information may be added to the curriculum, nothing in the existing, Department-approved curriculum may be deleted or revised.

(b)1. Pre-service classroom instruction may be observed by individuals involved in the administration, delivery, design, or oversight of pre-service training for purposes of assessing the effectiveness of training delivery, or evaluating the need for enhancement of curriculum design.

2. Although classroom observation shall not require prior authorization from the agency training entity, no more than two (2) individuals shall observe the same class session at any one time, and the observer(s) shall neither disrupt the class nor interact with the trainer(s) or class participants at any time while the class is in session.

(3) There is a 100% mandatory attendance requirement for all pre-service classroom instruction, absent special or other circumstances documented and accommodated by the employing agency or the training entity.

(a) It is the responsibility of the employing agency to ensure that each trainee attends and completes all of the pre-service classroom, on-line and field instruction pertinent to and required for his or her position classification (Child Protective Investigations or Child Protection Case Management).

(b) Any missed training classes, modules or material must be completed by the trainee prior to the trainee being eligible to take the post-test.

(4) The training entity is responsible for establishing and implementing a code of conduct for class participants to follow during all pre-service classroom instruction. This code of conduct shall, at a minimum, address trainee punctuality; courtesy and professionalism in the classroom; and respect for others' opinions.

(5) On-line Learning. When opportunities for on-line learning are included as part of the pre-service training, certain approved course content may be presented in a web-based format, enabling each participant to assimilate the information at an individual pace, thereby helping to meet the unique needs and accommodate the different learning styles of each trainee.

(6) Field Activities. As the classroom training experience helps introduce trainees to basic competencies, various supervised, agency-specific field activities, when included as part of the pre-service training, can help illustrate and augment classroom training content as well as any available and accessible on-line learning opportunities, by providing each

trainee with a forum within which to observe, question and practice on-the-job application of the concepts learned in classroom training, while under guidance.

(a) It is the responsibility of the employing agency to ensure that, if field activities are provided to trainees during the pre-service training, the activities are overseen/supervised and reviewed by Certified Child Protection Professionals such as Supervisors, Specialists, Quality Assurance Professionals, Field Trainers, or other certified individuals performing similar functions or having similar responsibilities within the employing agency.

(b) At the discretion of the supervisor, field activities may include opportunities for the trainee to shadow or be mentored by experienced certified staff, and may take place in the agency unit or in the field, as long as the trainee is accompanied by and under the direct and constant supervision of a Certified Child Protection Professional at all times.

(7) Each trainee must successfully complete all pre-service training requirements for his or her position classification prior to taking the post-test.

(8) Under no circumstances shall any trainee carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

(9) Interns.

(a) Interns may be utilized to assist Child Protection staff in the performance of their job duties, however, every intern must be accompanied by and under the direct and constant supervision of a Certified Child Protection Professional at all times.

(b) At the discretion of the agency, an intern may be required to attend pre-service training, fulfill the same on-line and field training requirements, and be expected to conduct himself or herself in the same responsible manner as other trainees employed by the agency.

1. Any intern who attends the pre-service training will remain in trainee status for the duration of the pre-service training. As a trainee, under no circumstances shall an intern carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

2. The agency shall develop a policy addressing, at a minimum, the scope, limitations and required supervision of interns who have successfully completed the pre-service training, with regard to such issues as case assignments, caseload size, continuity of service provision to families, and child safety.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.004 Pre-Service Training Assessments.

(1) Pre-Test.

(a) The training entity is responsible for the administration of the pre-test. Individuals who may take the pre-test as part of the pre-service training curriculum include those persons hired by the employing agency in a Child Protection Professional position, as well as interns working with the agency in a paraprofessional capacity.

(b) The pre-test shall not be authorized to be used as a study guide, as preparation for the post-test, or for any other purpose(s) for which it has not been validated and approved. An individual may take the pre-test only once during any one period of employment.

(c) The training entity is responsible for the scoring and dissemination of the results of the pre-test. The employing agency may have access to the trainee's pre-test score for purposes of performance evaluation, however, the pre-test score is not to be used for any type of pre-employment screening or for any other purpose(s) for which it has not been validated.

(2) Post-Test.

(a)1. The training entity is responsible for the administration of the post-test, and for ensuring that there is adequate and appropriate technical support available at or within close proximity to the testing site, in the event of emergencies.

2. Disruptions During Testing.

a. Should equipment failure, building disruption, or other unforeseen circumstance occur during the course of the administration of the post-test, and should the failure affect one, several, or all participants involved in taking the test, arrangements shall be made by the training entity to re-administer the post-test as soon as practical to those participants affected by the disruption.

b. The re-administration of the post-test to the affected participant(s) must be conducted in a manner consistent with the time and proctoring standards followed in the initial post-test administration, ensuring that all participants are treated fairly and provided with equal opportunities for successful post-test completion.

c. For issues not addressed above which arise during the administration of the post-test, the trainer/test proctor shall contact the Training Academy for immediate guidance. The Training Academy shall keep a record of these issues/requests detailing the date and time of the call; the name, title and agency of the caller; the nature of the issue; and the resolution provided by the Academy. A copy of this log will be provided to the Department on a quarterly basis, or as requested.

(b) Prior to administering the post-test, the training entity is responsible for verifying each trainee's eligibility to take the post-test, by ensuring that every trainee has satisfactorily completed all pre-service training requirements, including all classroom instruction as well as any required on-line courses and applicable field activities for his or her position classification.

(c) The training entity is responsible for addressing and accommodating the special testing needs of a trainee, by prior discussion with the trainee and the supervisor, in order to determine if reasonable accommodation is warranted and able to be afforded the trainee, while ensuring that all pre-service participants are treated fairly and provided with equal opportunities for successful post-test completion.

(d)1. The training entity is responsible for the scoring and dissemination of the results of the post-test.

2.a. Post-test scores are confidential; other than the employee, the only individuals or agencies who may have access to an employee's post-test score without the employee's prior written consent are the training entity and the Training Academy.

b. Upon conclusion of the post-test, the employee shall be provided with his or her score; however, the employee's supervisor shall be notified only as to whether or not the employee passed the post-test and, if not, whether or not the trainee is eligible to retake the post-test once, by virtue of his or her score.

(3) Post-Test (First Attempt).

(a) A trainee must achieve the minimum established passing score or higher on the post-test in order to progress to Phase II.

(b) At the discretion of the employing agency, any trainee who scores one to four points below the minimum passing score on the first attempt of the post-test may either take the post-test one (1) additional time, or be removed from the position no later than ten (10) business days of receipt of the post-test results.

1. If re-taking the post-test, the re-test must be administered no later than 15 business days following the date of the initial post-test, absent special or other circumstances accommodated by the employing agency or the training entity.

2.a. Prior to scheduling a re-take of the post-test, a Remedial Training Plan must be developed between the trainer, the trainee, and his or her supervisor, to address the trainee's area(s) of deficiency on the post-test and a plan for remediation.

b. The agency-designed Remedial Training Plan must identify the roles and responsibilities of all plan participants, must address the trainee's area(s) of deficiency on the post-test, and must include a schedule of dates and times during which specific portions of the pre-service curriculum (as well as any other relevant training materials) will be reviewed with the trainee in an effort to ensure that the individual is provided

with access to all of the resources and supports available to help increase the likelihood of successful completion of the re-take of the post-test.

(c)1. At the discretion of the employing agency, any trainee who scores five or more points below the established minimum passing score on the first attempt of the post-test may either take the entire pre-service training again during the next training cycle, or be removed from the position no later than ten (10) business days after receipt of the post-test results.

2. If retaking the entire pre-service training, the trainee shall remain in trainee status, and therefore shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case while in trainee status.

(4) Post-Test (Second Attempt):

(a) For those trainees re-taking the post-test, the employing agency shall make arrangements for the second attempt of the post-test to be administered within 15 business days following the date of the initial post-test, absent special or other circumstances accommodated by the employing agency or the training entity.

(b)1. At the discretion of the employing agency, any trainee who fails to achieve the minimum passing score on the second attempt of the post-test must either take the entire pre-service training again during the next training cycle, or be removed from the position within ten (10) business days after receipt of the post-test results.

2. If re-taking the entire pre-service training, the trainee shall remain in trainee status, and therefore shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case while in trainee status.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.005 Phase II of Child Welfare Training.

(1) A trainee must successfully complete all of the required pre-service training and pass the post-test in order to progress to Phase II as a Child Protection Professional.

(2)(a) Upon successful completion of either the waiver test, or the pre-service training requirements and the post-test, each Child Protection Professional shall be granted caseload protection for 30 calendar days, during which time a training caseload of a reduced number of investigations (for Child Protective Investigators), a reduced number of cases (for Child Protection Case Managers), or a reduced number of foster family home studies (for Child Protection Licensing Counselors) will be provided to the new Child Protection Professional.

(b) The employing agency shall develop a policy which addresses the establishment of a training caseload range (pursuant to the following guidelines), specifying both the maximum number as well as the type of investigations, cases, or home studies to which a new Child Protection Professional may be assigned as either primary or secondary worker within 30 calendar days of having passed the post-test.

1. The training caseload for Child Protective Investigators should be limited to no more than two (2) open, active investigations at any time; the number of children on the training caseload should not exceed ten (10).

2. The training caseload for Child Protection Case Managers should be limited to no more than five (5) open, active cases at any time; the number of children on the training caseload should not exceed ten (10).

3. The training caseload for Child Protection Licensing Counselors should be limited to no more than three (3) open, active home studies at any time; the number of licensed foster homes on the training caseload should not exceed five (5).

(3) After the 30 calendar day period of caseload protection, the caseload of a new Child Protection Professional may be increased gradually over time, based upon the ongoing assessment of the individual's developing knowledge, skills, abilities, values and attitudes, by the Supervisor, Specialist, Trainer, or other certified individual performing similar functions or having similar responsibilities within the employing agency.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.006 Performance Assessment.

(1) The employing agency is responsible for the administration, tracking and oversight of the Performance Assessment.

(2) Every agency shall utilize the core standardized, competency-based skills evaluation instrument ("Performance Assessment") developed by the Department, in order to address core competency elements by objectively assessing and measuring each candidate's proficiency in executing identified key activities essential to and representative of the responsibilities and duties of the individual's position, when performed as mandated by statute, rule and policy within required time frames.

(3)(a) Each component of the Performance Assessment is designed to address those fundamental competency elements pertinent to the job responsibilities of each respective position classification (Protective Investigations; Case Management; Licensing), and each Child Protection Professional shall be evaluated in terms of the primary function(s) of the position which he or she occupies.

(b) Although every agency must utilize the standard Performance Assessment developed by the Department, each agency may incorporate into the Performance Assessment additional components which reflect the agency's own System of Care or Quality Assurance measures.

1. These additions must not change the core elements of the Assessment, and although they may be more prescriptive than statute, rule and Department policy, they may not be less so.

2. The agency-specific additions to the core Performance Assessment are not required to be forwarded to the Office of Family Safety for approval prior to use.

(4) There are two portions of the core Performance Assessment; the first is the casework portion, which includes an evaluation of actual case documents, and the second is the interpersonal skills portion, which includes an evaluation of a professional interaction.

(5)(a) There is no requirement as to which component of the Performance Assessment is evaluated first, the casework or the interpersonal skills portion, provided that all evaluations of each component are completed within the established "window" period.

(b) Absent special or other circumstances, the "window" period during which all portions of a candidate's initial Performance Assessment must be completed extends from no sooner than 6 months from the date of the candidate's successful completion of the waiver or post-test, to no later than 9 months from the date of the individual's waiver or post-test.

(6) Each Child Protection Professional shall have two (2) opportunities to successfully complete all portions of the Performance Assessment.

(7) Each portion of the Performance Assessment shall be evaluated by the candidate's immediate supervisor (if certified) and an independent evaluator.

(a) If the candidate's immediate supervisor is not yet certified, he or she may not conduct an evaluation of either portion of the Performance Assessment; a supervisor who is certified in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing) must conduct the evaluation.

(b) Each agency shall establish a protocol within the following parameters for determining who shall serve as independent evaluators, and how assessments are to be assigned to those individuals serving as independent evaluators:

1. In order for an individual to serve as an independent evaluator, he or she must:

a. Be a Certified Child Welfare Trainer, or

b. Be a Certified Child Protection Professional, whose most recent certification is in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing), and

who is currently employed as a Supervisor, Specialist, Quality Assurance Professional, Field Trainer, or higher level position within the same program area as that of the candidate when possible (Protective Investigations; Case Management; Adoptions; Licensing).

2. The independent evaluator may be an individual from within the same employing agency as that of the candidate, or from another agency which performs the same or substantially similar child welfare/child protection work, provided that the individual meets the above criteria as an independent evaluator.

3. Under no circumstances shall an independent evaluator conduct an assessment of any candidate within his or her chain of command, or of any candidate with whom there may exist a personal relationship or conflict of interest.

4. Absent special or other circumstances, the same independent evaluator shall be responsible for evaluating a candidate's Performance Assessment in its entirety, including both the Casework and Interpersonal portions, as well as any agency-specific additions to the assessment.

(8) Casework Component of the Performance Assessment.

(a) Each employing agency will establish a protocol for determining how to select a case to be identified for the casework component of the Performance Assessment, within the guidelines set forth for each candidate's position classification and certification designation.

(b)1. The Performance Assessment enables child protection professionals to demonstrate their skills consistent with the specific tasks their job requires. Each individual shall complete the casework component of the Performance Assessment that is most representative of or most closely matches his or her job responsibilities.

2. In those situations where an individual works in a "mixed" unit and performs several job functions, or works in a highly specialized unit and performs a very specific or limited job function, the individual will meet with his or her supervisor in order to determine which casework component of the Performance Assessment would be the most appropriate.

(c)1. All documents, completed forms and information in the electronic SACWIS record of the case (FSFN) must be printed out and placed into the case file to be evaluated, prior to the scheduled starting date of the supervisor's evaluation.

2. No documents may be added to, removed from, or changed within the printed case file once the Performance Assessment has begun.

(d) Absent special or other circumstances accommodated by the employing agency, the supervisor must begin his or her evaluation of the casework portion of the assessment no sooner than six (6) months from the date of the candidate's successful completion of the waiver or post-test, and must conclude his or her evaluation within 10 business days of having the completed case file provided to him or her by the candidate.

(e) An independent evaluation of the casework portion of the Performance Assessment may be conducted only after the initial evaluation has been completed by the candidate's immediate supervisor.

1. The results of the supervisor's evaluation and rating of the casework portion of the Performance Assessment shall not be shared with the candidate, the independent evaluator or any other party prior to the independent evaluator having completed his or her evaluation.

2. Upon completion of his or her evaluation, the supervisor will provide the case file to the independent evaluator, regardless of the results of the supervisor's evaluation.

(f) The independent evaluator has 10 business days from the date he or she has been provided with the completed case file to conclude his or her evaluation of the candidate's work products.

(9) Casework Component of the Performance Assessment for Child Protective Investigator candidates:

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision.

(c) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(d)1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protective Investigator candidate:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. On-site, face-to-face visits as required (home; school; field);

II. Frequency of visits/contact with child, caregivers, and birth parent(s) as required, and as consistent with risk;

III. Level of intervention is consistent with risk;

IV. Thorough assessment of safety and on-going risk factors at each home visit/contact;

V. Safety Plan (if applicable), addresses all identified safety concerns;

VI. Background records checks (as required);

VII. Relevant collateral contacts as required.

b. Documentation, to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (if applicable to the case being evaluated and completed solely by the candidate), meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Home Study for relative or non-relative placement (if applicable) is of such quality that it: includes enough relevant information to support appropriate decision making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. Child Safety Assessment (Initial) and Risk Assessment (On-going): Includes complete information on all family/household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family/household members and other significant individuals, addresses all safety and risk factors as appropriate, and includes all applicable background checks completed within required time frames. The initial and on-going assessment of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-making, to include:

I. Both reasonable efforts and removal/placement activities were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in the Early Services Intervention/Case Transfer Staffing and other required staffings as appropriate; and that the information provided to receiving unit was timely, accurate and complete;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable;

IV. Appropriate findings and case disposition.

(10) Casework Component of the Performance Assessment for Child Protective Investigations Professionals (Supervisor, Specialist, Quality Assurance Professional and Field Trainer candidates).

(a) A Supervisor, Specialist, Quality Assurance Professional or Field Trainer candidate shall conduct an analysis of the casework of a Child Protective Investigator.

(b) The candidate shall conduct his or her analysis on a case which is to be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.

(c) The case shall be an open or closed judicial case with findings, which was staffed and referred for on-going case management service provision, and which has/had been open for a sufficient amount of time to enable the primary investigator on the case to have completed an initial and updated Child Safety Assessment, a Predisposition Study/Report (or similar document, containing similar information), and a Home Study (if applicable).

(d) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under supervision.

(e)1. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria is required for successful completion of the casework component of the Performance Assessment by a Child Protective Investigations Supervisor, Specialist, Quality Assurance Professional or Field Trainer candidate;

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. On-site, face-to-face visits as required (home; school; field);

II. Frequency of visits/contact with child, caregivers, and birth parent(s) as required, and as consistent with risk;

III. Level of intervention is consistent with risk;

IV. Thorough assessment of safety and on-going risk factors at each home visit/contact;

V. Safety Plan (if applicable), addresses all identified safety concerns;

VI. Background records checks (as required);

VII. Relevant collateral contacts as required.

b. Documentation to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Home Study for relative or non-relative placement (if applicable to the case) is of such quality that it: includes enough relevant information to support appropriate decision making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment to include:

I. Child Safety Assessment (Initial) and Risk Assessment (On-going): Includes complete information on all family/household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family/household members and other significant individuals, addresses all safety and risk factors as appropriate, and includes all applicable background checks completed within required time frames. The initial and on-going assessment of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Both reasonable efforts and removal/placement activities were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in the Early Services Intervention/Case Transfer Staffing and other required staffings as appropriate; and that the information provided to receiving unit was timely, accurate and complete;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable;

IV. Appropriate findings and case disposition.

(f)1. For Child Protective Investigator Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification.

2. A Child Protective Investigator Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protective Investigations Specialist, Quality Assurance Professional, or Field Trainer candidates.

(11) Casework Component of the Performance Assessment for Child Protection Case Manager candidates.

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision, and to which the candidate was assigned at the time of or shortly after the Early Services Intervention/Case Transfer Staffing, and for which the candidate has primary responsibility.

(c) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, foster parent or prospective adoptive parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(d) I. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protection Case Manager candidate:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. Home visits (announced/unannounced) as required;

II. Frequency of visits/contact with child, caregivers and birth parent(s), as required;

III. Quality of engagement of child and parents during visits/contact;

IV. Level of supervision or other intervention is consistent with risk;

V. Thorough assessment of safety and on-going risk factors at each home visit/contact;

VI. Safety Plan (if applicable), addresses all identified safety concerns;

VII. Background records checks (as required);

VIII. Contacts are purposeful and address case plan goal appropriateness as well as progress/degree of compliance of all parties.

b. Documentation, to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated and completed solely by the candidate, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Case Plan meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; the goal is current and appropriate for the case; services are relevant and accessible; tasks are

achievable and individualized; desired outcomes are measurable; and the case plan has been updated when appropriate;

VI. The Judicial Review Social Study Report meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; and the document includes all attachments and assurances as required;

VII. The material included in the Home Study for relative or non-relative placement, if applicable (or either the Adoptive Home Study, or Child Study, as applicable for Adoption Case Managers), is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; background checks completed within required time frames; addresses all safety and risk factors as appropriate; and includes all applicable.

c. Assessment, to include:

I. The initial Family Assessment (and updated Family Assessment, if applicable), includes complete information on all family and household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames. The initial and on-going assessments of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Placement activities (if required), considered the needs of the child, engaged the family (when appropriate), and were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in both internal (agency) and external (e.g., IEP) staffings as appropriate;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable.

IV. The case goal is current, appropriate and achievable.

(12) Casework Component of the Performance Assessment for Child Protection Case Management Professionals (Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates).

(a) A Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate shall conduct an analysis of the casework of a Case Manager.

(b) The candidate will conduct his or her analysis on a case which shall be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.

(c) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision, and to which a Case Manager was assigned at the time of or shortly after the Early Services Intervention/Case Transfer Staffing, and for which a Case Manager continues to have primary responsibility.

(d) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(e) I. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria, is required for successful completion of the casework component of the Performance Assessment by a Child Protection Case Management Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate:

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. Home visits (announced/unannounced) as required;

II. Frequency of visits/contact with child, caregivers and birth parent(s), as required;

III. Quality of engagement of child and parents during visits/contact;

IV. Level of supervision or other intervention is consistent with risk;

V. Thorough assessment of safety and on-going risk factors at each home visit/contact;

VI. Safety Plan (if applicable), addresses all identified safety concerns;

VII. Background records checks (as required);

VIII. Contacts are purposeful and address case plan goal appropriateness as well as progress/degree of compliance of all parties.

b. Documentation, to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Case Plan meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; the goal is current and appropriate for the case; services are relevant and accessible; tasks are achievable and individualized; desired outcomes are measurable; and the case plan has been updated when appropriate;

VI. The Judicial Review Social Study Report meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; and the document includes all attachments and assurances as required;

VII. The material included in the Home Study for relative or non-relative placement, if applicable (or either the Adoptive Home Study, or Child Study, as applicable for Adoption Case Managers), is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. The initial Family Assessment (and updated Family Assessment, if applicable), includes complete information on all family and household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family and appropriate

decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames. The initial and on-going assessments of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Placement activities (if required), considered the needs of the child, engaged the family (when appropriate), and were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in both internal (agency) and external (e.g., IEP) staffings as appropriate;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable.

IV. The case goal is current, appropriate and achievable.

(f)1. For Child Protection Case Management Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protection Case Management Specialist, Quality Assurance Professional, or Field Trainer candidates.

2. A Child Protection Case Management Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training.

(13) Casework Component of the Performance Assessment for Child Protection Licensing Counselor candidates.

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be that of an actively-licensed foster home for which the candidate completed both the licensing checklist and the licensing home study, and for which the candidate has primary responsibility.

(c)1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protection Licensing Professional:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. Home visits as required;

II. Frequency of visits with licensed caregivers as required;

III. Thorough assessment of safety and on-going risk factors at each home visit/contact;

IV. Safety Plan (if applicable), addresses all identified safety concerns;

V. Background records checks (as required);

VI. Contacts are purposeful and address placement and foster home compliance issues.

b. Documentation, to include:

I. Case record contents are well-organized, and easy to understand;

II. All foster family demographic information in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Licensing Checklist and the Licensing Home Study include complete information on all family and household members and other relevant individuals. The material in the Home Study is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. The initial assessment of the prospective foster family and home as well as the on-going assessment of the licensed family and home both address potential immediate safety and long-term risks to children (which includes present and emerging dangers, foster child vulnerability, and caregiver protective capacity implications), and the information is updated with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs in both the Licensing Checklist and the Licensing Home Study provides accurate and relevant information for licensing/placement purposes, as well as for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention (if applicable) was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Licensing/relicensing decisions were made in accordance with statute, rule and child safety factors;

II. The strengths of the foster family were matched to the needs of the child when possible;

III. Case documentation/activity reflects that there was preparation for and participation in staffings or other agency mechanisms for ensuring that relevant information was reviewed and shared between affected parties (e.g., exit interviews; meeting with case managers who had placed children in the home, etc.);

IV. Case documentation reflects that there was coordination with other individuals or entities in order to help enhance timely service provision or to address concerns.

(14) Casework Component of the Performance Assessment for Child Protection Licensing Professionals (Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates).

(a) A Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate shall conduct an analysis of the casework of a Licensing Counselor.

(b) The candidate will conduct his or her analysis on a case which shall be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.

(c) The case shall be that of an actively-licensed foster home for which a Licensing Counselor completed the licensing study, and for which a Licensing Counselor has primary responsibility.

(d)1. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria, is required for successful completion of the casework component of the Performance Assessment by a Child Protection Licensing Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate:

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. Home visits as required;

II. Frequency of visits with licensed caregivers as required;

III. Thorough assessment of safety and on-going risk factors at each home visit/contact;

IV. Safety Plan (if applicable), addresses all identified safety concerns;

V. Background records checks (as required);

VI. Contacts are purposeful and address placement and foster home compliance issues.

b. Documentation, to include:

I. Case record contents are well-organized, and easy to understand;

II. All foster family demographic information in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Licensing Checklist and the Licensing Home Study include complete information on all family/household members and other relevant individuals. The material in the Home Study is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. The initial assessment of the prospective foster family and home as well as the on-going assessment of the licensed family and home both address potential immediate safety and

long-term risks to children (which includes present and emerging dangers, foster child vulnerability, and caregiver protective capacity implications), and the information is updated with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs in both the Licensing Checklist and the Licensing Home Study provides accurate and relevant information for licensing/placement purposes, as well as for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention (if applicable) was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Licensing/relicensing decisions were made in accordance with statute, rule and child safety factors;

II. The strengths of the foster family were matched to the needs of the child when possible;

III. Case documentation/activity reflects that there was preparation for and participation in staffings or other agency mechanisms for ensuring that relevant information was reviewed and shared between affected parties (e.g., exit interviews; meeting with case managers who had placed children in the home, etc.);

IV. Case documentation reflects that there was coordination with other individuals or entities in order to help enhance timely service provision or to address concerns.

(e)1. For Child Protection Licensing Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protection Licensing Specialist, Quality Assurance Professional, or Field Trainer candidates.

2. A Child Protection Licensing Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training.

(15) Interpersonal Skills Component of the Performance Assessment.

(a) It is the responsibility of the candidate to select the interaction(s) for the interpersonal skills evaluation(s) and to schedule the observation(s). Each interaction may take place in any setting in which the candidate typically engages in a professional interaction with others as part of his or her job.

1. For Child Protective Investigator, Child Protection Case Manager, and Child Protection Licensing Counselor candidates, the interpersonal skills evaluation(s) may be scheduled in a client or family home, in the candidate's office, or in any other professional setting.

2. For Supervisor, Specialist, Quality Assurance Professional and Field Trainer candidates, the interpersonal skills evaluations may be scheduled in the office or field, where the candidate interacts with staff, peers, or other professionals.

(b) The interpersonal skills evaluation(s) may be scheduled any time after the Performance Assessment "window" period opens, from no sooner than six (6) months from the date of the candidate's hire into the position, or successful completion of the waiver or post-test (whichever is later), to no later than nine (9) months from the date of the candidate's hire into the position, or successful completion of the waiver or post-test, whichever is later.

(c)1. There is no requirement that the supervisor and the independent evaluator observe separate interactions, although they may do so, based upon such factors as scheduling availability and sensitivity to the needs of clients and families.

2. If the supervisor and independent evaluator observe separate interactions, the supervisor's observation must be completed prior to the independent evaluator conducting his or her evaluation.

(d) For all candidates for certification, the professional interaction shall be evaluated in terms of each of the following minimum applicable key activities, which must be demonstrated in a manner consistent with generally accepted standards of professional conduct:

1. Demonstration of advanced preparation for the interaction;

2. Performance of introduction(s);

3. Knowledge and explanation of the purpose of the visit/interaction;

4. Ability to maintain an objective, professional approach;

5. Ability to engage children (as appropriate for age and developmental level) and caregivers/family members in discussion and planning;

6. Ability to communicate professionally with all visit/meeting participants;

7. Demonstration of active listening skills;

8. Ability to maintain the focus of the interaction;

9. Ability to appropriately respond to unexpected events as necessary;

10. Ability to verbalize participants' strengths and needs;

11. Demonstration of knowledge about and ability to offer service/provider alternatives to children and families;

12. Ability to conduct closing activities at conclusion of interaction.

(16) Completion of the Performance Assessment.

(a) All initial and subsequently attempted Performance Assessment activities and evaluations must be concluded no later than 12 months from the date the individual was hired into the position, or passed the waiver or post-test (whichever is later), by which time the individual shall have either achieved Child Protection Professional certification or shall be removed from any position requiring such certification.

(b)1. All portions of the Performance Assessment, including any agency-designed and agency-required additional components, must be successfully completed in order for the Child Protection Professional to fulfill the minimum performance standards required for initial certification as a Child Protection Professional.

2. Successful completion requires that both the individual's supervisor and the assigned independent evaluator concur that the candidate effectively demonstrated the knowledge, skills, abilities, values and attitudes necessary for the competent performance of the duties required by his or her position.

(c) At such time as the independent evaluator has completed both the casework and interpersonal evaluations, he or she and the supervisor shall meet to review and discuss their findings, prior to meeting with the candidate to present the results.

1. If both the Independent Evaluator and the candidate's supervisor agree that the individual successfully completed all portions of the Performance Assessment, the candidate has met the standard for initial certification as a Child Protection Professional, and the necessary paperwork shall be completed per the process set forth in Rule 65C-33.009, F.A.C., in order for the candidate to be issued his or her certificate.

2. If both the Independent Evaluator and the candidate's supervisor agree that the individual did not successfully complete all portions of the Performance Assessment (including any agency-designed additional components), the candidate may engage in one (1) more attempt to demonstrate those skill areas which he or she did not pass the first time during the initial assessment.

a. If a candidate passes only one portion of the Performance Assessment (either the Casework or the Interpersonal Skills portion), it is not necessary for the candidate to take the entire assessment again; he or she will only need to re-take the failed portion of the assessment.

I. On the casework portion of the Performance Assessment, each of the written work products and criteria included in one standard (e.g., Documentation) must be passed in order to have passed that standard.

II. All standards must be passed in order to successfully complete the casework portion of the Performance Assessment.

III. Any standard(s) not passed may be attempted a second time in a re-take of the Casework portion of the Performance Assessment.

b. Inasmuch as a candidate's second Performance Assessment casework attempt shall not be conducted on the same case as previously evaluated, the employing agency will have established a protocol for random case selection for re-takes of any standards of the Casework component of the Performance Assessment.

c. Should a second attempt at the Interpersonal Skills portion of the Performance Assessment be necessary, the second attempt shall be observed during a professional interaction between the candidate and different participants than those observed in the first attempt.

I. As in the initial attempt, it is the responsibility of the candidate to select the interaction(s) for the Interpersonal Skills evaluation(s) and to schedule the observation(s); there is no requirement that the supervisor and the independent evaluator observe separate interactions, however they may do so.

II. If, during the first attempt of the Interpersonal Skills evaluation, the Supervisor and the Independent Evaluator observed different interactions, and only one of them failed the candidate, both the Supervisor and the Independent Evaluator must evaluate the second attempted interaction.

d. Absent special or other circumstances, the employing agency shall make arrangements for the second attempt of the failed portion(s) of the Performance Assessment to be conducted within 30 calendar days following the date on which the initial Performance Assessment was failed.

e. At the beginning of the 30 calendar day period prior to the individual's second attempt, the candidate, his or her Supervisor, and a Certified Child Welfare Trainer may, at the discretion of the employing agency, enter into a Certification Plan to identify the areas of deficiency and develop the strategy for remediation.

3.a. The employing agency shall have established a protocol for the resolution of differences which arise in the event that, after a review of their findings, the Independent Evaluator and the candidate's Supervisor differ in their perspective on whether or not the candidate successfully completed all portions of the Performance Assessment.

b. Such agency protocol may include convening a review panel, consisting of agency executive staff, to evaluate the same work products or skills assessed during the initial evaluation; or some similar resolution process, the decision made by which is binding.

4. Absent special or other circumstances, the independent evaluator for the individual's second Assessment attempt shall be the same individual who served as Independent Evaluator for the candidate's first attempt of the Performance Assessment.

(17) Absent special or other circumstances, should the Child Protection Professional fail to successfully complete the second Performance Assessment attempt (either portion), the employing agency shall do one of the following:

(a) Afford the individual the opportunity to enter into a one time, time-limited Performance Improvement Plan (“PIP”) with his or her immediate and next level Supervisor, a Certified Child Welfare Trainer, and the Independent Evaluator, in order to best decide on a plan of action, which may, at the discretion of the employing agency, include one final Performance Assessment attempt.

1. The time frame for completion of the Performance Improvement Plan (including, if applicable, the individual’s one final Performance Assessment attempt), shall be no longer than 60 calendar days from the date the individual failed the second attempted Performance Assessment, or 12 months from the date of having successfully completed the waiver or post-test, whichever occurs first, absent special or other circumstances accommodated by the employing agency.

2. There are no second Performance Improvement Plans applicable under this section.

(b)1. Terminate the individual from the agency, or remove the individual from any position requiring Child Protection Certification no later than ten (10) business days from the date of receipt of the results of the second failed Performance Assessment, absent special or other circumstances accommodated by the employing agency.

2. If special or other circumstances exist, it is up to the sole discretion of the employing agency as to the accommodation, if any, to be extended to the individual, within these guidelines:

a. Under no circumstances shall any individual in one of the Child Protection Professional positions of Protective Investigator, Case Manager or Licensing Counselor, who has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

b. Similarly, under no circumstances shall any individual in one of the Child Protection Professional positions of Supervisor, Specialist, Quality Assurance Professional, or Field Trainer, who has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, be responsible for any assessment of risk, any oversight or approval of the work of others, or otherwise provide oversight of any investigation, child, family or case.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History–New _____.

65C-33.007 Additional Requirements for Supervisor Certification.

(1) Absent special or other circumstances accommodated by the employing agency, each Child Protection Professional who occupies a supervisory position must meet all of the training and certification requirements to become certified as a Supervisor in that position classification (Protective Investigations; Case Management; Licensing) within one year of hire into the supervisory position, or within one year of passing the waiver or post-test for the position, whichever is later.

(2) In order to achieve certification as a Child Protection Professional Supervisor, each candidate occupying a supervisory position must:

(a)1. Successfully complete both the Casework and Interpersonal Skills portions of the Performance Assessment applicable to his or her position classification (Protective Investigations; Case Management; Licensing), developed for Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates, as described in Rule 65C-33.006, F.A.C.:

2. Should the individual fail to successfully complete both portions of the Performance Assessment, the process to be followed is set forth in subparagraph 65C-33.006(16)(c)2., F.A.C.

(b) Successfully complete the child welfare “Supervising for Excellence” or other Department-approved supervisory curriculum.

1. Absent special or other circumstances, successful completion of the child welfare “Supervising for Excellence” curriculum is achieved by the individual attending and participating in all sessions of the course, completing all assignments, and completing and presenting the project component as required by the curriculum. All missed classes shall be made up by the individual prior to the conclusion of the course.

2.a. At the discretion of the employing agency, should the candidate fail to successfully complete the child welfare “Supervising for Excellence” or other Department-approved curriculum, the agency shall either:

b. Afford the individual the opportunity to enter into a one-time, time-limited Certification Plan with his or her immediate and next level Supervisor, a Certified Child Welfare Trainer, and any other interested parties, in order to help identify the issue(s) and develop a specific plan for remediation which may, at the discretion of the employing agency, include one final attempt to successfully complete the child welfare “Supervising for Excellence” curriculum.

I. The time frame for completion of the Certification Plan (including, if applicable, the individual’s one final “Supervising for Excellence” attempt), shall be no longer than 60 calendar days from the date the individual failed to successfully complete the first attempted “Supervising for

Excellence” curriculum, or within one (1) year of hire into the supervisory position, or within one (1) year of passing the waiver or post-test for the supervisory position, whichever is later, absent special or other circumstances accommodated by the employing agency.

II. There are no additional Certification Plans applicable under this section.

(b) Remove the individual from any position requiring supervisory Child Protection Certification no later than ten (10) business days from the date the candidate failed to successfully complete the child welfare “Supervising for Excellence” curriculum, absent special or other circumstances accommodated by the employing agency.

1. If special or other circumstances exist, it is up to the sole discretion of the employing agency as to the accommodation, if any, to be extended to the individual, within these guidelines.

2. Under no circumstances shall any individual who has failed to achieve certification as a Supervisor due to two or more unsuccessful attempts to successfully complete the child welfare “Supervising for Excellence” curriculum be responsible for any assessment of risk, any approval of the work of others, or otherwise provide oversight of any investigation, child, family or case.

(c) Terminate the individual from the agency within ten (10) business days of notice to the individual that the requirements of certification have not been met within the required period of time.

(3) Within 30 calendar days of a Child Protection Professional having successfully completed the supervisory certification process, the employing agency Training Manager or designee shall forward to the Office of Family Safety a completed Department-generated “Request for Certificate” form, attesting to the fact that the individual successfully completed all requirements necessary for certification as a Child Protective Investigator Supervisor, a Child Protection Case Management Supervisor, or a Child Protection Licensing Supervisor.

(4) The complete process to be followed for the request and issuance of all certificates is set forth in Rule 65C-33.009, F.A.C.

(5) The recertification requirements for a Child Protection Professional Supervisor and the implications of not achieving timely recertification are identical to those for any other Certified Child Protection Professional, as set forth in Rule 65C-33.008, F.A.C.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.008 Recertification.

(1) Certification is a condition of employment for those positions requiring certification.

(2) In order to achieve recertification, it is required that every Certified Child Protection Professional continue to fulfill his or her job requirements and participate in a minimum of 48 hours of professional development (“in-service”) training every three (3) years from the date of his or her most recent certification, in order to help enhance professional growth and development on an on-going basis, and as the means by which to fulfill the training requirements for recertification. Unless accommodations are made by the employing agency to address an individual’s special or other circumstances, each individual in a position requiring certification must be recertified within three (3) years of the date of the most recent certification.

(3) The employing agency shall ensure that obtaining recertification every three (3) years through the fulfillment of job requirements and documented professional development training is included as a performance standard for each Certified Child Protection Professional, and that each individual employed in a position requiring certification is made aware of the ramifications of not meeting the requirement.

(4)(a) It is the responsibility of the employing agency to ensure that each Certified Child Protection Professional is notified of and encouraged to attend and participate in a variety of professional development training opportunities in order to help enhance each individual’s professional evolution on an on-going basis, as well as to meet recertification requirements.

(b) An individual may not be recertified in more than one position classification (Protective Investigations; Case Management; Licensing) or in more than one certification designation (e.g., Protective Investigator; Supervisor) at the same time. In those instances in which an individual, by virtue of transferring, promoting, or being hired into another position requiring certification, is actively, concurrently certified in more than one position classification or certification designation, and meets the requirements for recertification, the individual’s recertification shall only be granted in his or her current position classification and current certification designation.

(5) The employing agency is responsible for verifying attendance and maintaining documentation of each individual’s professional development training hours.

(6) The Department will not review or approve professional development (“in-service”) training courses.

(7) It is the responsibility of the employing agency to validate professional development training course content as to subject relevance, with regard to each individual’s position classification, job requirements, and identified or observed needs.

(8) Although there are no specific course requirements for the mandatory 48 hours of professional development training, employing agencies shall provide or make available training opportunities which address a wide variety of core competency elements (e.g., ethics, interpersonal skills, conflict resolution,

law and policy issues, cultural diversity, and case practice-related processes) in order to help expand the knowledge, proficiency and awareness of each Certified Child Protection Professional.

(a) Professional development training hours may be obtained by attending relevant workshops, conferences, other trainings, or participating in pertinent on-line learning opportunities approved by the employing agency. In some cases whereby individuals are pursuing undergraduate or graduate degrees, certain courses may be pre-approved by the employing agency to count as a portion of the individual's professional development training hours, as long as the course and the degree sought are relevant to the individual's current position classification (Protective Investigations; Case Management; Licensing).

1. Professional development training hours garnered through agency-approved, successfully completed college or graduate-level courses shall be credited as the number of total credit hours for the course; for example, a three (3) credit-hour course shall be credited as three (3) professional development training hours toward recertification.

2. No more than 25% of the required 48 professional development training hours may come from college or graduate-level courses in which the individual is enrolled as a degree-seeking or non-degree seeking student.

(b) No individual may take the pre-test, post-test or waiver test in lieu of all or any part of the required 48 hours of professional development training hours.

(c) No individual may attend pre-service classes that he or she previously attended as part of the pre-service curriculum or waiver plan in order to obtain any professional development ("in-service") training hours.

1. Pre-service curriculum courses that are new, or in which the individual has not previously participated (including relevant on-line instruction that may be a new part of the pre-service curriculum, but was not included in the individual's previous pre-service experience) may be considered as professional development training hours which count toward meeting the requirement for recertification.

2.a. Training provided by the Department on updated statutory, administrative code and policy requirements may be considered as professional development training hours which count toward meeting the requirement for recertification.

b. In order to help promote each individual's professional development, enhancement of skills and assimilation of information beyond that which is routinely required as part of each individual's job function, no more than 50% of the mandatory 48 professional development training hours may be credited from trainings which are required by the Department.

(9) The employing agency is responsible for the tracking of all professional development trainings, activities and recertification information for every Certified Child Protection Professional employed by the agency.

(a) The official tracking system that shall be used by the Department and all agencies to document training is SkillNET, or other Department-approved tracking database.

(b) Each individual shall enter and regularly maintain all professional development training information in SkillNET, or other Department-approved tracking database.

(10) Every Supervisor of a Certified Child Protection Professional shall ensure, prior to the expiration of the individual's certification, that his or her professional development training hours are appropriate and sufficient to meet job performance expectations and recertification requirements.

(a) Absent accommodated special or other circumstances, when professional development training or other identified requirements for recertification are not met, the Certified Child Protection Professional whose certification has expired may, at the discretion of the employing agency:

1. Enter into a Recertification Plan with his or her Supervisor and a Certified Child Welfare Trainer, in order to identify available courses and specific time frames for satisfactorily meeting the requirement, as well as to help ensure that the individual has access to the resources and supports necessary to do so. The formulation of a Recertification Plan is applicable in those cases where, in the judgment of the employing agency, compelling circumstances exist that warrant the allowance of limited additional time for the fulfillment of recertification requirements to be afforded the individual in order to provide every possible opportunity for his or her successful completion of the recertification process within the prescribed time frame.

a. The agency-designed Recertification Plan must identify the roles and responsibilities of all plan participants, must address each of the training, activities, and other steps necessary in order for the Child Protection Professional to satisfy the job performance requirements and achieve recertification, and must include a specific time frame (not to exceed 60 days from the date of expiration of the individual's most recent certification) within which the individual must either complete all requirements for recertification, be removed from any position requiring certification, or be terminated from the agency (absent any special or other circumstances accommodated by the employing agency).

b. A copy of the Recertification Plan will be placed into the individual's personnel file, and a copy will be sent to the employing agency's Training Manager or designee, who will provide one copy each to the Training Academy and the Office of Family Safety.

c. There is a limited process for "provisional certification." the informal certification status of the individual during the period of time between entering into the Recertification Plan and the 60th day after the date of expiration of the individual's most recent certification. While provisionally certified (for a period not to exceed 60 days), the individual may carry a

caseload and continue to perform his or her job responsibilities, but must complete all of the trainings and other recertification activities identified in the Recertification Plan within the specified time frame, or be removed from any position requiring certification.

2. Be removed from the position within ten (10) business days of notice to the individual by the employing agency that the requirements of recertification have not been met within the required period of time.

(11)(a) Upon any of the following: an individual's loss of or inability to achieve certification; promotion, demotion or transfer to a position not requiring certification; termination from the position or agency; or other such status-changing event, the employing agency Training Manager or designee shall notify the Training Academy in writing of the individual's status within three (3) business days of the effective date of the event.

(b) Within two (2) business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

(12) For any individual whose certification expired prior to June 24, 2005, his or her certification status is not active, unless recertification requirements were met and documented prior to the expiration date of his or her most recent certificate.

(a) If recertification requirements were not met prior to the expiration date of the most recent certificate, the individual is not certified, and as such, must successfully complete either the waiver test or the pre-service curriculum (including the post-test) and the Performance Assessment, as well as any other certification requirements in order to obtain initial certification. Absent special or other circumstances accommodated by the employing agency, any individual to whom this is applicable shall successfully complete all initial certification requirements and become certified in his or her current position classification no later than one (1) year from the date of having passed the waiver or post-test (whichever is later).

(b) Should an individual covered under this section fail to successfully complete any portion of the initial certification process (including the waiver or post-test, the casework or interpersonal portions of the Performance Assessment), the appropriate steps shall be followed, as set forth in the applicable sections of this Rule.

(13) For any individual whose most recent certification expired between June 24, 2005 and the effective date of this Rule, his or her certification status is active until January 1, 2010, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before January 1, 2010, the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

(14) For any individual whose most recent certification date was between June 24, 2005 and January 1, 2007, his or her certification status is active until January 1, 2010, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before January 1, 2010, the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

(15) For any individual whose most recent certification date was after January 1, 2007, his or her certification status is active for three (3) years from the date of the certificate, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before the expiration date of the individual's certificate, or three (3) years from the date of the certificate (if there is no expiration date), the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.009 Certificate Issuance.

(1) Within 30 calendar days after any Child Protection Professional has successfully completed all requirements of the certification or recertification process, the employing agency

Training Manager or designee shall forward to the Office of Family Safety a completed and signed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for certification or recertification.

(a) The completed "Request for Certificate" form shall include:

1. The date of the request;
2. The name of the employing agency;
3. The individual's full name;
4. The name of the individual's supervisor;
5. The name of the employing agency's Training Manager or designee;

6. The effective date of the individual's certification/recertification;

7. The individual's position classification (Child Protective Investigations; Child Protection Case Management; Child Protection Licensing);

8. The individual's certification designation (Professional; Supervisor; Specialist; QA Professional; Field Trainer); and

9. The signature of the individual, his or her Supervisor, the Program Administrator or agency head, and the employing agency's Training Manager or designee.

(b) The signed, completed "Request for Certificate" form may be faxed, mailed, or sent by electronic mail by the employing agency's Training Manager or designee to the Office of Family Safety.

(2) Within 30 calendar days from the date of receipt of the signed, completed "Request for Certificate" by the Office of Family Safety, an electronic certificate will be issued for the individual named on the request form, and will be sent via electronic mail to the Training Academy for forwarding to the individual's employing agency.

(a) In order to issue a certificate, the name of the individual on the "Request for Certificate" form must be the same name as that which is listed in the SkillNET or other Department-approved tracking system for that individual.

(b) In those cases where an individual's name may have changed during the employment or certification period, it is the responsibility of the employing agency to ensure that the individual's current and correct name is reflected in the SkillNET or other Department-approved tracking system, and is identical to the name on the "Request for Certificate," prior to sending the request to the Office of Family Safety.

(3) Within 15 calendar days from the date of receipt of the electronic certificate by the Training Academy, the electronic certificate and congratulatory letter will be forwarded via electronic mail by the Academy to the employing agency's Training Manager or designee, to be printed and provided to the newly-certified Child Protection Professional.

(4) All issues or questions about a Child Protection Professional's certification or recertification status shall come to the Office of Family Safety through the employing agency's Training Manager or designee.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.010 Break in Service.

(1) A break in service is considered to have occurred when there has been any departure from continuous employment within one agency in a position requiring Child Protection Professional certification.

(2) Inasmuch as there is no break in service in any instance in which the individual remains employed by the agency, arrangements to approve accommodation of an individual's special or other circumstance(s) may be made and documented on a case-by-case basis at the discretion of the employing agency.

(3) It is at the sole discretion of the employing agency as to whether to authorize the waiver process or require the Pre-service curriculum for individuals meeting the following criteria; the agency may be more prescriptive than the following guidelines, but may not be less so.

(4)(a) A break in service for a period of less than three (3) months; same position classification:

(b) For a currently Certified Child Protection Professional who experiences a break in service for a period of less than three (3) months and is subsequently hired into the same position classification and certification designation as that in which the current certification is held, no waiver test or waiver plan is required, but may be authorized at the discretion of the employing agency.

(5) A break in service for any period up to two (2) years; same position classification:

(a)1. For a currently Certified Child Protection Professional who experiences a break in service for a period of more than three (3) months but less than two (2) years, and who is subsequently hired into the same position classification as that in which the current certification is held, the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training.

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training or obtained his or her certification. In addition, the waiver plan shall address the requirement that all professional development training hours and recertification activities for the individual's position classification be completed prior to the expiration of the

individual's current certification or within one (1) year of the individual passing the waiver test, whichever occurs first. If the individual is hired into a new certification designation, the waiver plan shall address the fact that all certification activities for the individual's new certification designation must be completed within one (1) year of the individual passing the waiver test.

(b)1. For a previously certified Child Protection Professional whose certification has expired, and who is subsequently hired into the same position classification as that in which certification was obtained, the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training or obtained his or her certification. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification, and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(c)1. For a Child Protection Professional who successfully completed pre-service training (including having passed the post-test), but whose break in service occurred prior to the individual being able to achieve certification, and he or she is subsequently hired into the same position classification as the track in which he or she participated in both the pre-service training and post-test (e.g., Case Management or Investigations), the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position

classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(6) A break in service for any period up to two (2) years; different position classification:

(a)1. For a currently Certified Child Protection Professional who is subsequently hired into a different position classification than that in which certification was obtained (e.g., Investigations to Case Management), the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend all pre-service classes in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(b)1. For a previously certified Child Protection Professional whose certification has expired, and who is subsequently hired into a different position classification as that in which certification was obtained, the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend all pre-service classes in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(c)1. For a Child Protection Professional who successfully completed pre-service training (including having passed the post-test), but whose break in service occurred prior to the individual being able to achieve certification, and he or she is subsequently hired into a different position classification as the track in which he or she participated in both the pre-service training and post-test (e.g., Protective Investigations; Case Management; Licensing) the employing agency may authorize

the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including having to successfully complete the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend all pre-service classes and participate in all pre-service activities in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(7) A break in service for a period of two (2) years to three (3) years:

(a) Regardless of certification status or the position classification into which the individual is hired, any individual with a break in service for a period of two (2) to three (3) years shall only be authorized to take a waiver test if it can be determined from documentation that the individual engaged in recent, relevant education or employment during a majority of the period of broken service. If the individual cannot meet this criterion, he or she must participate in the entire pre-service training (including the post-test) for the position classification into which he or she is hired.

(b) Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend, as applicable, those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training, or that the individual attend those pre-service classes and participate in those pre-service activities in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification or recertification activities for the individual's position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(8) A break in service for a period of over three (3) years:

(a) Regardless of certification status, prior education or previous experience, any individual with a break in service for a period of over three (3) years shall not be authorized to take a waiver test, and must successfully complete all pre-service requirements of the position classification into which he or she is hired, as would any other trainee.

(b) As a trainee, the individual shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.011 Waiver Process.

(1) The waiver process is the procedure by which individuals who already meet certain educational and experiential criteria as Child Protection Professionals pursuant to this Rule and as determined by the employing agency, may be eligible to take a waiver test and enter into an individualized waiver plan in lieu of participating in all of the training, activities and post-test requirements of the pre-service curriculum.

(2) The employing agency is responsible for the administration and oversight of the waiver process, including authorization of the waiver test and development of the individualized waiver plan.

(3) In order to exercise the waiver process option, the individual must meet the minimum educational and experiential criteria as set forth by the employing agency, must pass the waiver test upon the first and only attempt, and must enter into a Waiver Plan with his or her Supervisor and a Certified Child Welfare Trainer, prior to the assignment of any cases.

(4) The Waiver Test.

(a) The waiver test is designed both to measure the level of the individual's basic knowledge of Florida child protection laws, principles and policies, and to assess the individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanence and well-being needs of a child.

(b) The waiver test must be administered within five (5) business days of the individual's start date in the position into which he or she was hired.

(c) The employing agency shall maintain written documentation of the individual's applicable educational and employment experience as verification of the employee's eligibility to take the waiver test.

(d) Although an individual may qualify to be given a waiver test by virtue of his or her certification status, educational credentials or employment experience, the employing agency shall exercise sole discretion as to whether to authorize a waiver test (and subsequent waiver plan upon

successful completion of the test), or require the entire pre-service training and post-test for any individual meeting the following criteria:

1.a. A currently Certified Child Protection Professional who experiences no break in service, and who has been hired or otherwise appointed into a different position classification than that in which the current certification is held (e.g., Protective Investigations to Case Management).

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

2.a. A currently Certified Child Protection Professional who experiences a break in service for a period of up to 3 months and who is subsequently hired into the same position classification and certification designation as that in which the current certification is held.

b. Although no waiver test is required in this instance for the individual to be able to resume his or her duties, one may be authorized at the discretion of the employing agency.

3.a. A currently Certified Child Protection Professional who experiences a break in service for a period of three (3) months to two (2) years, and who is subsequently hired into the same position classification and certification designation as that in which the current certification is held.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training or obtained his or her certification. In addition, the waiver plan shall address the requirement that all professional development training hours and recertification activities for the individual's position classification be completed prior to the expiration of the individual's current certification or within one (1) year of the individual passing the waiver test, whichever occurs first.

4.a. A currently Certified Child Protection Professional who experiences a break in service for any period up to two (2) years, and who is subsequently hired into a different position classification (e.g., Protective Investigations to Case Management) or a different certification designation in the same or other position classification (e.g., Case Manager to Supervisor).

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification or new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

5.a. A previously Certified Child Protection Professional in any position classification or certification designation, whose certification has expired, and who experiences a break in service for any period up to two (2) years, and who is subsequently hired into a position requiring Child Protection Professional certification.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training, or participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification or new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

6.a. A Child Protection Professional in any position classification, who, after having successfully completed the pre-service training (including having passed the post-test), but prior to having achieved certification, experiences a break in service for any period up to two (2) years.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training, or participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

7.a. A Child Protection Professional (or similarly-titled individual) who has gained relevant child welfare/child protection experience for the one (1) year period immediately preceding the individual's date of hire, through comparable employment as a licensed or certified Child Protection (or similar) Professional in another state.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include the requirement that the individual participate in those pre-service classes and activities in which Florida legislation, policies, procedures and practices are reviewed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification be completed within one (1) year of the individual passing the waiver test.

8. A Child Protection Professional in any certification status and in any position classification, who experiences a break in service for a period of over two (2), but less than three (3) years.

a. The waiver process may only be authorized in this instance if it can be established and documented that the individual was actively engaged in relevant training, education or employment for the majority of the period of broken service.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual (as applicable) participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training, or participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(9)(a) Regardless of certification status, prior education or previous experience, any individual with a break in service for a period of more than three (3) years shall not be authorized to take a waiver test, and must complete all pre-service requirements as would any other trainee, including passing the post-test.

(b) As such, the individual shall not carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(10)(a) Any individual, including an intern, who meets the educational and experiential criteria established by the employing agency, and for whom it can be established and documented by the employing agency that he or she was actively engaged in relevant training, education or employment in child welfare/child protection, human services, investigations or law enforcement for the one (1) year period immediately preceding the individual's hire.

(b) Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which Florida legislation and policies, along with child welfare/child protection procedures and practices are reviewed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification be completed within one (1) year of the individual passing the waiver test.

(11) An individual may take the waiver test only once during any one period of employment.

(a) An individual authorized to take the waiver test must pass the test on the first attempt; there are no subsequent re-take attempts of a failed waiver test.

(b) If the individual fails the waiver test, no waiver plan is developed, and the individual must participate in the pre-service training in trainee status, regardless of any prior education or previous experience. As such, the individual shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training (including having passed the post-test).

(12) The Waiver Plan. The employing agency is responsible for ensuring that within five (5) business days of having passed the waiver test, the Child Protection Professional meets with his or her supervisor and a Certified Child Welfare Trainer in order to enter into and sign an agency-designed, individualized Waiver Plan, which must specifically include a review of each of the following:

(a) Any identified pre-service and in-service classes, on-line instruction, field activities, or other specific training needed by the Child Protection Professional, with specific time frames for completion, in order to enhance or update current knowledge;

(b) Performance Assessment criteria, time frames and expectations (if applicable);

(c) Certification (or recertification) requirements, as applicable; and

(d) Roles, tasks, responsibilities and time frames assigned to each party, in order to help ensure that the Child Protection Professional has access to the resources and supports necessary for his or her successful completion of Phase II and the certification (or recertification) process.

(13)(a) As part of any waiver plan, the employing agency may require that any individual participate in additional trainings and activities, regardless of certification status, education or experience. These additional requirements depend upon such factors as the type, length and degree of the individual's previous child welfare/child protection experience; the individual's prior employment history; duration of the individual's break in service (if applicable); and changes in law, policy and practice which may have occurred during the individual's break in service.

(b) Beginning caseload size shall be based upon information in the individual's waiver plan as well as the Supervisor's assessment of the individual's knowledge, skills, abilities, values and attitudes as they relate to child welfare/child protection and job performance.

(14) Regardless of certification status, or any prior education or previous experience, until such time as the waiver plan has been executed, the Child Protection Professional who has passed the waiver test shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

(a) The Child Protection Professional who passes the waiver test is not required to be given a protected training caseload for 30 days following the test, but may be given such a protected caseload, at the discretion of the Supervisor.

(b) In determining beginning caseload size, the supervisor shall also consider the type, length and degree of the individual's previous child welfare or other applicable experience, as well as the duration of the individual's break in service, if applicable, including any changes in law, policy and practice which may have occurred during the break in service and for which the individual may need specific training.

(14) There is no waiver procedure for either the Performance Assessment portion of the certification process, or for the 48 professional development training hours required every three (3) years for recertification.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.012 Child Welfare Trainer Certification.

(1) In order to ensure that Child Welfare Trainers have the proficiency and support necessary to help provide Child Protection Professionals with the knowledge, skills, abilities, values and attitudes needed to make decisions that provide Florida children with safe and permanent homes, every trainer of the State of Florida Child Welfare Pre-Service Training

Program curriculum shall be certified by the Department-approved Training Academy under contract at that time.

(2) The Child Welfare Training Academy is responsible for the training and certification of Child Welfare Trainers and the administration of the State of Florida's Child Protection Professional Certification Program.

(a) In order to eligible to apply for consideration to be a Child Welfare Trainer, the following requirements must be met:

1. The candidate must have been previously certified as a Child Welfare Trainer in the state of Florida; or

2. The candidate must have passed the State of Florida Child Welfare Pre-Service Training post-test (or waiver test); and

3. The candidate must be a Florida Certified Child Protection Professional, with two (2) or more years of experience; or

4.a. The candidate must have two (2) years of child welfare/child protection experience, or two (2) years of verifiable, comparable criminal child abuse/neglect related experience.

b. At the discretion of the Training Academy, any candidate who is not a Florida Certified Child Protection Professional at the time of hire may be required to successfully complete both the casework and interpersonal skills portions of the Performance Assessment for Field Trainers in the individual's area of expertise (Protective Investigations; Case Management; Licensing) prior to achieving certification as a Child Welfare Trainer.

(b) In order to achieve Child Welfare Trainer certification, within one (1) year of the date of hire as a Child Welfare Trainer, the candidate:

1. Shall successfully complete all Train-the-Trainer course requirements mandated by the Training Academy within specified time frames; and

2. Shall be proficient in the use of the SACWIS system of record (FSFN), and be able to demonstrate proficiency in training the FSFN system; and

3. Shall successfully complete at least one mandatory observation of his or her classroom training skills by a Certified Academy Training Manager or Master Trainer, utilizing a standardized observation rating tool.

(c) Unless accommodations are made by the employing agency to address an individual's special or other circumstances. Each individual in a position requiring certification must be recertified within three (3) years of the date of the most recent certification.

(d) In order to achieve recertification, every Certified Child Welfare Trainer shall:

1. Continue to successfully fulfill the job requirements;

2.a. Participate in a minimum of 48 hours of professional development (“in-service”) training every three (3) years from the date of his or her most recent trainer certification;

b. Same professional development training to be verified and tracked by the employing agency, documented in the SkillNET or other Department-approved tracking system by the individual, and overseen by the Training Academy.

3. Successfully complete at least two (2) mandatory, separate observations of his or her classroom training skills, one by a Certified Academy Training Manager or Master Trainer, and one by a training peer (from the same or different agency), utilizing the standardized observation rating tool;

4.a. Successfully complete at least one (1) mandatory observation of a training peer (from the same or different agency), utilizing the standardized observation rating tool.

b. Although classroom observation shall not require prior authorization from the agency training entity, no more than two (2) individuals shall observe the same class session at any one time, and the observer(s) shall neither disrupt the class nor interact with the trainer(s) or class participants at any time while the class is in session.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History–New _____.

65C-33.013 “Supervising for Excellence” Trainer Certification.

(1) It is not required that a trainer of the “Supervising for Excellence” curriculum be a Florida Certified Child Welfare Trainer.

(2)(a) In order to be certified to train the “Supervising for Excellence” curriculum, an individual shall have at least one (1) year of prior child welfare/child protection supervisory experience, and shall have successfully completed the Train-the-Trainer course provided by the Training Academy.

(b) This criteria does not preclude an agency from contracting with a credentialed expert trainer to train some portions of the “Supervising for Excellence” curriculum, provided that a trainer certified by the Training Academy to train “Supervising for Excellence” or other Department-approved curriculum is present at all times during the training.

(3) Every trainer who currently trains the “Supervising for Excellence” curriculum shall become certified by the Training Academy within nine (9) months of the effective date of this Rule, by either the successful completion of the Training Academy’s Train-the-Trainer course, or by meeting the requirements of subsection (5) below.

(4) Any trainer who was issued a Certificate of Completion during the 2006 “Supervising for Excellence” Train-the-Trainer pilot may submit a copy of that certificate to the Training Academy for certification to train the “Supervising for Excellence” curriculum.

(5) Any trainer who has the required prior supervisory experience and who has been certified by an entity other than the Training Academy may request Academy certification to train “Supervising for Excellence,” by submitting to the Academy documented verification of his or her experience and credentials.

(6)(a) The Department may approve other supervisory training curricula, which shall, at a minimum, contain the same elements as those trained in “Supervising for Excellence.”

(b) In order to request approval of other training curricula, said curricula as well as trainer credentials must be submitted to the Department. The trainer shall have been approved to train the substitute curriculum by the entity responsible for the development of the curriculum, and the trainer shall have at least one (1) year of prior child welfare/child protection supervisory experience.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Arlene Carey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007, Vol. 33, No. 41

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-163.0075	Term and Evidence of Insurance
69O-163.009	Determination of Reasonableness of Benefits in Relation to Premium Charge
69O-163.011	Credit Disability Insurance Rates

PURPOSE AND EFFECT: Credit Life and Credit Disability Insurance is being amended to address the statutory changes contained in House Bill 343, which the Governor approved on May 28, 2008. The bill removes the fifty thousand dollar (\$50,000) for credit life, but did not remove the ten (10) year limit that is still contained in Section 627.681, Florida Statutes. Similarly, the bill removed the ten (10) year limit for credit disability, but did not remove the fifty thousand dollar limit (\$50,000) that is still contained in Section 627.679, Florida Statutes.

SUMMARY: Credit Life and Credit Disability Insurance is being amended to address the statutory changes contained in House Bill 343, which the Governor approved on May 28, 2008.

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

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

SPECIFIC AUTHORITY: 627.678, 627.6785 FS.

LAW IMPLEMENTED: 627.681, 627.682 FS.

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

DATE AND TIME: December 11, 2008, 2:30 p.m.

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-163.0075 Term and Evidence of Insurance.

~~The term of insurance and evidence of insurance shall not exceed ten years subject to the following limitations:~~

~~(1) Credit life insurance shall not exceed ten years from the date of issue and provide coverage for at least 5 years or the term of the loan if the loan is for less than 5 years;~~

~~(2) Credit disability insurance shall provide for monthly payments which are the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.681, 627.6785(3), 627.681(3) FS. History—New 2-11-03, Formerly 4-163.0075, Amended.

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

(1) Section 627.682, Florida Statutes, requires that benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:

- (a) 55% for credit life insurance, and
- (b) 50% for credit disability insurance.

(2) Use of rates not greater than those contained in Rules 690-163.010 and 690-163.011, F.A.C., (“prima facie rates”) shall be deemed premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a satisfactory filing with the Office ~~showing to the Director~~ that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio.

(3) If an actual rate is greater than the prima facie rates, the actual rate may not exceed the prima facie rates plus the difference between:

- (a) Claims which may be reasonably expected, and
- (b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.

(4) When some rates are based on subsection (1) above and others on the prima facie rate, the expected loss ratios of statewide business must meet the minimum loss ratio standard in subsection (1) above.

(5) Nonstandard Coverage. If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 690-163.010 and 690-163.011, F.A.C., the insurer shall make a filing to demonstrate to the satisfaction of the Office ~~Director~~ that the premium rates to be charged for such restricted coverage comply with subsection (1) above or, are less than or equal to rates which are actuarially equivalent to the prima facie rates.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History—New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, 2-11-03, Formerly 4-163.009, Amended.

690-163.011 Credit Disability Insurance Rates.

(1) Credit disability insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than in paragraphs (a) and (b). Paragraphs (c), (d) and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) If premiums are payable on a single-premium basis for the duration of the coverage:

TABLE I

No. of months in which indebtedness is repayable	14-Day Non-Retroactive	30-Day Non-Retroactive	7-Day Retroactive	14-Day Retroactive	30-Day Retroactive
6 or less	\$0.81	\$0.36	\$1.47	\$1.30	\$1.05
7-12	1.13	0.72	1.76	1.58	1.36
13-18	1.46	1.08	2.05	1.87	1.67
19-24	1.78	1.44	2.34	2.16	1.97
25-30	2.11	1.80	2.64	2.45	2.28
31-36	2.43	2.16	2.93	2.74	2.58
37-48	2.84	2.70	3.34	3.10	2.97
49-60	3.16	2.97	3.69	3.38	3.28
61-72*	3.43	3.27	3.97	3.62	3.53
73-84*	3.61	3.47	4.18	3.79	3.70
85-96*	3.76	3.64	4.34	3.92	3.84
97-108*	3.86	3.75	4.46	4.01	3.94
109-120*	3.95	3.85	4.55	4.09	4.02
<u>Per month for terms exceeding 120 months</u>	<u>.0303</u>	<u>.0296</u>	<u>.0348</u>	<u>.0313</u>	<u>.0308</u>

*Maximum benefit is 60 monthly payments.

(b) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured indebtedness, these premiums shall be computed according to the formula: $OP_n = (20XSP_n) / (n + 1)$ using a rate no less than the 24 month rate in Table I above. A company may submit a different formula for approval which produces rates actuarially equivalent to the single premium rates in Table I:

Where

SP_n = Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I). The Single Premium Rate shall not be less than the 19-24 month rate for the appropriate coverage.

OP = Monthly Outstanding Balance Premium Rate per n \$1,000.

n = Original repayment period, in months.

(c) Coverage which provides a constant maximum indemnity for a given period of time shall use rates no greater than those rates which are actuarially equivalent to the rates in paragraph (a) or (b).

(d) If the coverages provided are other than those described in this subsection (1), rates for such coverages shall be actuarially equivalent to the rates provided in paragraph (a), (b) or (c).

(e) Joint coverage rates shall be no greater than 175% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit disability insurance may be either a term specified rate or may be a single composite term rate applicable to all insured loans.

(2) The premium rates in subsection (1) shall apply to policies providing credit disability insurance to be issued with or without evidence of insurability, to be offered to all eligible debtors, and containing:

(a)1. No provision excluding or denying a claim for disability resulting from pre-existing conditions, except for those conditions for which the insured debtor received medical advice, diagnosis, or treatment within six months preceding the effective date of the debtor's coverage, and which caused loss within the 6 months following the effective date of coverage;

2. Disability commencing after 6 months following the effective date of coverage resulting from the condition shall be covered.

3. Coverage with no pre-existing provision limitation shall result in an additional premium of 10% of the amounts shown in subsection (1), above.

(b) No other provision which excludes or restricts liability in the event of disability caused in a specific manner, except that it may contain provisions excluding or restricting coverage for intentionally self-inflicted injuries and normal pregnancy.

(c) No provision which requires that the debtor be employed more than thirty (30) hours per week in order to be eligible for insurance coverage.

(d) No age restrictions, or only age restrictions making ineligible for coverage debtors 66 or over at the time the indebtedness is incurred.

(e) However, coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age 66.

(f) A daily benefit equal in amount to one-thirtieth of the monthly benefit payable under the policy for the indebtedness.

(g)1. A definition of "disability" which provides that during the first 12 months of disability the insured shall be unable to perform the duties of his occupation at the time the

disability occurred, and thereafter the duties of any occupation for which the insured is reasonably fitted by education, training or experience.

2. This paragraph shall not apply to lump sum disability coverage.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History—New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended 2-11-03, Formerly 4-163.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.142
RULE TITLE: Responsibilities and Duties – Records, Reports, Advertising, Applications

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. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) through (4) No change.

(5) Business license application: In accordance with Section 482.071(1), F.S., the following information shall be submitted on, attached to, and made a part of the Department’s pest control business license application form, DACS 13605, Pest Control Business License Application, Rev. 09/08 3/02, which is hereby adopted and incorporated by reference and is available on the department’s website under the header “Forms” at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>.

(a) through (i) No change.

(6) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.021(21), 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, 7-23-08, 9-17-08, 9-17-08, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-13.0041
RULE TITLE: Thermal Efficiency Standards Adopted

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. 34, No. 31, August 1, 2008 issue of the Florida Administrative Weekly.

The Commission voted to further modify the proposed reference document building on the change published in Vol. 34, No. 31, August 1, 2008 issue of the Florida Administrative Weekly, realigning criteria of Chapter 13 of the Florida Building Code, Building, and Chapter 11 of the Florida Building Code, Residential, to fit within the revised code structure created by the Commission at its May, 2008, meeting in its effort to make the energy code provisions 15 percent more stringent than the energy provisions previously in effect. Changes include the following:

1. The commercial building compliance method B was expanded to cover building renovations, replacement of mechanical building systems, change of occupancy type for older buildings, shell buildings at first permit, and limited and special use buildings. Also, a new Form 400B-08 was adopted for this method.

2. Changes such as adding omitted references to appendices, adding omitted scoping criteria, options and figures from the 2004 code, fixing minimum duct R-values on tables, fixing a gas water heater minimum to reflect the national standard, making definitions and code text internally consistent, incorporating a code clarification into the code and general cleanup are made to resolve conflicts within the updated code.

3. Updates were made to the computer programs EnergyGauge Summit Fla/Com and EnergyGauge USA Fla/Res (2008) to make them 15 percent more stringent than the 2007 code and to add or delete provisions to make them consistent with relevant energy provisions of the Florida Building Code.

9B-13.0041 Thermal Efficiency Standards Adopted.

Proposed Effective Date March 1, 2009 ~~December 31, 2008~~.

(1) The Florida Energy Efficiency Code for Building Construction, 2007 Edition (the Code), is hereby adopted by reference. The Florida Building Commission shall revise, update and maintain the Code.