

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.003	Renewal of Slot Machine Licenses
61D-14.005	Occupational License Requirements for Individual Persons
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.011	Occupational License and Fingerprint Fees
61D-14.041	Randomness Requirements and Game Play Auditing
61D-14.059	Slot Machine Licensee Personnel
61D-14.060	Business Entities, Internal Controls and Personnel Records
61D-14.075	Jackpot Payouts Not Paid Directly From the Slot Machine
61D-14.080	Retention, Storage and Destruction of Books, Records, and Documents
61D-14.081	Monthly Remittance Reports
61D-14.200	Educational or Training Facilities
61D-14.203	Certified Educational Facility License Application

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The amendment to Rule 61D-14.003, F.A.C., revises the qualification required for renewal of slot machine licenses. The amendment to Rule 61D-14.005, F.A.C., revises application forms related to slot machine individual occupational licensing and incorporates relevant forms by reference. The amendment to Rule 61D-14.006, F.A.C., revises the application form related to slot machine business entity occupational licensing and incorporates the form by reference. The amendment to Rule 61D-14.011, F.A.C., revises the license fee structure and clarifies language in the current rule. The amendment to Rule 61D-14.041, F.A.C., deletes the requirement for an internal slot machine random number generator. The amendment to Rule 61D-14.059, F.A.C., revises requirements for the drug testing program for licensed facilities. The amendment to Rule 61D-14.060, F.A.C., addresses requirements related to a business entity's internal controls. The amendment to Rule 61D-14.075, F.A.C., revises the verification check for machines with a jackpot. The amendment to Rule 61D-14.080, F.A.C., addresses the records retention schedule for tickets and

vouchers. The amendment to Rule 61D-14.081, F.A.C., revises language related to the calculation of slot machine revenue, revises forms relating to monthly remittance reports for slot operations and incorporates relevant forms by reference. Rule 61D-14.200, F.A.C., provides the requirements and procedures for licensure and operation of storage and maintenance facilities and educational, training, and testing facilities. Rule 61D-14.203, F.A.C., provides procedures to obtain licensure for certified educational facilities that intend to provide training and education services related to slot machine gaming in the state.

RULEMAKING AUTHORITY: 551.103(1), (2), (5), 551.109(2), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (g), (i), (2), 551.104(4), 551.105, 551.106(3), 551.107(4)(a), (d), 551.108, 551.109(2)(a), (b), 551.122, 849.15(2) FS.

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

DATE AND TIME: January 22, 2013, 10:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-9.009	Standard of Care for Office Surgery
64B8-9.0091	Requirement for Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirement for transfer agreements and to clarify the conditions under which a transfer agreement is necessary.

SUBJECT AREA TO BE ADDRESSED: Transfer agreements in office surgery settings.

RULEMAKING AUTHORITY: 458.309(1), (3), 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.069, 458.309(3), 458.331(1)(v), 458.351 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

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

RULEMAKING AUTHORITY: 509.032, 509.221 FS.

LAW IMPLEMENTED: 509.032, 509.035, 509.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133; Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-4.010 Sanitation and Safety Requirements.

(1) through (7) No change.

(8) Consumer Advisory. In addition to the consumer advisory provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., public food service establishments serving raw oysters shall display, on menus, placards, or other effective means, the following notice: "Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician."

(9)(8) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail request submitted at www.myfloridalicense.com/contactus to ~~call.center@dbpr.state.fl.us~~; by phone request to the department at (850)487-1395 or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.035, 509.221 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00, 2-27-05, 8-12-08, 6-13-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2012

Section II Proposed Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

PURPOSE AND EFFECT: To require public food service establishments serving raw oysters to display specific notice regarding risk of illness.

SUMMARY: Consumer advisory regarding risks associated with consumption of raw oysters.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: October 30, 2012

**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.023	Background Screening Requirements
65C-13.024	Pre-service Training
65C-13.025	Initial Licensing Procedures
65C-13.026	In-Service Training
65C-13.027	Changes During the Licensed Year
65C-13.028	Re-Licensing
65C-13.029	Licensed Out-of-Home Team Member Roles
65C-13.030	Standards for Licensed Out-of-Home Caregivers
65C-13.031	Terms of a License
65C-13.032	Capacity, Placement, and Over-Capacity Assessments
65C-13.033	Babysitting, Respite and Other Supervision
65C-13.034	Complaint Investigations and foster Care Referrals
65C-13.035	Administrative Actions, Appeals and Closures

PURPOSE AND EFFECT: This rule establishes licensing requirements for children placed in licensed family foster homes.

SUMMARY: The Department has amended several rules within Chapter 65C-13, Substitute Care of Children, to accomplish the following tasks: 1) make the rule language reflective of legislative changes, 2) add language to promote the role of foster parent as team member, 3) add language to outline foster parents' role in teaching life skills, engaging in child's schoolwork, and promoting educational success, and 4) resolve issues of ambiguity and simplify language. A summary of the rule changes are as follows:

Pre-Service Training: Adds language requiring prospective out-of-home caregivers to complete training regarding their role in the administration and monitoring of psychotropic medication and their role in the educational success and life skills development for children and youth in their care.

Continuing Education: Adds language to outline requirements for life skills and normalcy, extracurricular activities, and promoting educational success.

Licensed Out-of-Home Team Member Roles in the promotion of life skills: Adds language regarding the role of foster parents as valued and respected members of a child welfare team which supports children and youth in out-of-home care. Clarifies the foster parent's responsibility to promote educational success by working with each foster child each day on homework and reading skills, and ensuring that homework

is completed. Adds language requiring foster parents to support the child's efforts to learn to drive a car and to obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. Clarifies the expectation that foster families take children in their care on family vacations and trips whenever possible. Adds language requiring the child's case manager to be notified of overnight trips exceeding one night and that these trips must not interfere with family visitation schedules. Clarifies that background screening is not necessary for the child to participate in normal school or community activities, such as dating, school field trips, Cub Scouts campouts and activities with friends, families, school and church groups. Adds language to allow the child to attend overnight or planned outings if the activity is determined by the licensed out-of-home caregiver to be safe and appropriate.

Babysitting, Overnight Care, and Other Supervision Arrangements: Clarifies that babysitting does not have to occur in a licensed setting. Clarifies that babysitters do not have to be background screened. Clarifies that foster parents are allowed to select families or individuals who are well known to them to care for the children. Requires babysitters under age 16 to take an educational course on babysitting. Adds language to grant the local Community-Based Care lead agency the authority to approve the educational courses on babysitting.

Licensing: Adds language to allow foster homes to be licensed for up to three-years, in accordance with law.

Adds language to require all prospective and licensed out-of-home caregivers to complete a firearms safety acknowledgement form. Provides guidelines for participation in the Attestation Model for licensing. Provides guidance regarding Interstate Compact regulations and the relocation of a foster child to another state. Clarifies that annual health inspections are not required for family foster homes licensed for more than one year. Adds language to require five year background re-screenings to include fingerprint checks with the Federal Bureau of Investigation. Provides safety standards for hot water temperatures, well water safety, and doors leading to swimming pools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC is available by contacting Eleese Davis at the address or email listed below. The following is a summary of the SERC: No adverse impact on economic growth, private sector job creating or employment, or private sector investment. No adverse impact on business competitiveness or innovation. No increase in regulatory costs. No increased

spending of the Agency anticipated. No cost to other states, local governmental entities, small counties or small cities. No impact on state or local revenues.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of this rulemaking is to give more flexibility to licensed family foster homes so that foster children have more opportunities to participate in normal childhood activities. This rule will eliminate language that is duplicative, provide clarity, simplicity and ease of reference for all parties involved with licensed family foster homes in Florida.

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

RULEMAKING AUTHORITY: 39.012, 39.0121 FS.

LAW IMPLEMENTED: 39.0121, 409.175(5)(a)5. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eleese Davis, DCF Chief of Child Welfare Quality Assurance, Building 1, Room 302, 1317 Winewood Blvd., Tallahassee, Florida 32399, eleese_davis@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-13.023 Background Screening Requirements.

(1) The department shall conduct background screenings for all persons considered by the department for initial licensure or re-licensure as an out-of-home caregiver and all adult household members pursuant to Section 409.175, F.S. The five year re-screens for the relicensing process must include fingerprints. These screenings shall be completed before an applicant ~~is shall be~~ licensed as an out-of-home caregiver and before any children are placed in the home. Exemptions from background screening disqualification may be granted to potential licensed out-of-home caregivers for crimes or offenses based on covered by Sections 435.07(1) and (2), F.S., and according to the guidelines established under Sections 435.07(3) and (4), F.S. Failure to comply with any requirement for good moral character and background screening as described in this rule may be grounds for denial, suspension or revocation of an application or license. The supervising agency or the department has the discretion to request background screening for other individuals if there is reasonable belief that:

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

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

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

(2) These screenings shall, at a minimum, include fingerprinting; statewide criminal and juvenile records checks through the Florida Department of Law Enforcement; federal criminal records checks through the Federal Bureau of Investigation; local criminal record checks through local law enforcement agencies, and may include records of any responses to the home by law enforcement that did not result in criminal charges. Records checks through the department's Statewide Automated Child Welfare Information System (SACWIS) regarding child abuse and neglect investigations and civil court records checks regarding domestic violence complaints and orders of protection must also be included. If the applicant or any other adult household member has resided in any other state during over the past five years, requests for abuse and neglect histories must be made of those states, and the results of such requests included with the application packet. Only abuse and neglect reports in which the person being considered for licensure was named as the "caregiver responsible" for the abuse or neglect may be used for initial licensing decisions. If the person applying is or was a licensee of the department and was named in any capacity in three or more reports during a five year period, regardless of classification, those reports may be reviewed by the department for their relevancy as it relates to the licensing decision. All reports in which the person seeking licensure or re-licensure was named as the "caregiver responsible" must be considered for licensing purposes. For homes being considered for licensure for longer than one year under Section 409.175(6)(j), F.S., all abuse reports with any findings shall be considered.

(3) Each applicant and adult household member being screened shall sign an "Affidavit of Good Moral Character", CF 1649, August 2010 May 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, and a "Release of Information", CF-FSP 5090, August 2010 March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. Failure to comply with any requirement for good moral character and background screening as described in this rule is considered when determining whether to deny, suspend or revoke ~~may be grounds for denial, suspension or revocation of~~ an application or license.

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

(5) For children between the ages of twelve and eighteen, the background screening shall be limited to statewide criminal and juvenile records name checks through the Florida

Department of Law Enforcement and does not require fingerprinting. ~~Young Screening of young adults ages age 18 through 22 who are receiving services through Chapter 65C-31, F.A.C., and who have had no break in service provision are not required to be screened.~~

(6) The background screenings under this section shall ensure that no out-of-home caregiver licensed by the department and no person residing in a family foster home has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense prohibited under Section 435.04, F.S., or similar statutes of another jurisdiction at any time. When the individual who is being screened is a former dependent child under 23 years of age and the security background screening reveals a disqualifying offense which was committed during or prior to the time that the child was dependent, that offense shall not automatically affect the licensure of the out-of-home caregivers. Exemptions for disqualifying offenses may be sought under Section 435.07, F.S.

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

(8) Persons who are currently licensed as out-of-home caregiver and any adult household members shall be re-screened at least annually as a part of the application for re-licensing. Annual screening for re-licensure shall be limited to a local criminal records check, an abuse and neglect record check clearance through the Statewide Automated Child Welfare Information System, and may include records of any responses to the home by law enforcement that did not result in criminal charges; and any 911 calls to the home. The state criminal records checks and fingerprints shall be completed every five years through the Florida Department of Law Enforcement. The background screening of a prospective out-of-home caregiver shall ensure that any previous licensing, registration or certification as an out-of-home caregiver in Florida or in any other state or country is considered. Abuse and neglect reports in which the applicant was named in any capacity in three institutional reports, regardless of classification, over the past five years shall be reviewed for relevancy related to the licensing decision and will be considered ~~may be used~~ in determining whether to renew or

revoke the person's license. All reports with any findings are ~~may be~~ considered for the purposes of re-licensing a home for more than one year under Section 409.175(6)(j), F.S.

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

Rulemaking Specific Authority 39.012, 39.0121, 409.175 FS. Law Implemented 39.0121, 409.175(5)(a)5., 435.04 FS. History--New 4-6-08, Amended _____.

65C-13.024 Parent Preparation Pre-service Training.

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

(2) Parent preparation pre-service ~~Pre-service~~ training shall meet the requirements of Section 409.175(14)(b), F.S., and shall include training for out-of-home caregivers on decision-making related to the balance of normalcy for children in care and their safety. The parent preparation pre-service curriculum shall also include training related to the administration of psychotropic medication, the social and emotional development of children and youth, the role of mentors and other helpers, development of life skills for teens in foster care, and the foster parent's role in supporting and promoting the educational progress of the foster child. ~~As a prerequisite to licensure, potential licensed out of home caregivers who have swimming pools or whose homes are adjacent to bodies of water unprotected by a barrier of at least four feet will be required to complete a basic water safety course administered by the American Red Cross, YMCA or a trainer certified in water safety training. This requirement does not apply to homes with wading pools, which are temporary and portable pools with a depth of less than two feet. Standing water shall not remain in wading pools when not in use.~~

(3) Each parent preparation pre-service training class shall be led by a certified child protection professional according to Section 402.40(7), F.S., who has a bachelor's degree or a master's degree from an accredited college or university, and who has also successfully met any curriculum-specific requirements to train the department approved parent preparation pre-service training curriculum (e.g., curriculum trainer certification). Each parent preparation pre-service training class should include a licensed out-of-home caregiver as a co-facilitator; in addition, a young adult formerly in foster care must be invited to participate in one or more sessions of the training; this invitation would provide an opportunity for the to ensure that prospective out-of-home caregivers to may benefit from a the former foster youth's perspective.

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

(5) As a part of pre-service training the prospective out-of-home caregivers shall complete training regarding the administration and monitoring of psychotropic medication. The training shall consist of a review of the proper dosage of medication and the importance of monitoring for possible side effects and intended effects of the specific medications administered to the child.

(6)(5) The lead agency is authorized to approve the completion of individualized pre-service Individualized training may be completed with the approval of the lead agency. If individualized training is done, the certified child protection professional trainer is responsible for complying with the requirements set forth for parent preparation pre-service training in Section 409.175(14)(b), F.S., and the requirements set forth in Chapter 65C-13, Florida Administrative Code.

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

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

(9)(8) When prospective out-of-home caregivers an individual successfully complete the parent preparation completes pre-service training but do does not continue the licensing process, the supervising agency staff shall document the reason the process was discontinued on the Person Provider Page, under the Training Tab, in the State Automated Child Welfare Information System reason(s) the process was discontinued. Previously completed Parent preparation pre-service training is valid may be accepted towards licensure for up to five years from the date of verified curriculum completion. Previously licensed out-of-home caregivers who

have a break in service of eighteen months or less than one year, but who completed parent preparation pre-service training within the last five years have the option to apply to less than four years they prior to requesting renewal may be licensed without completing parent preparation pre-service training.

Rulemaking Specific Authority 409.175, 402.40(10) FS. Law Implemented 409.175, 402.40(7) FS. History—New 4-6-08, Amended

65C-13.025 Initial Licensing Procedures.

(1) General.

(a) Each applicant wishing to become a licensed out-of-home caregiver shall complete the “Application for License to Provide Out-of-Home Care for Dependent Children”, CF-FSP 5007, September March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. Parenting figures Married persons living together shall both be licensed sign the application. After completing training and the home study process, any person who requests an application either verbally or in writing shall be provided one.

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

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

(2) References.

(a) The applicant(s) shall provide the names There shall be a minimum of three personal references that are shall not be related to the applicant(s) being screened and that shall have known the applicant(s) for at least two years. Each of the three personal references must be able to attest to the applicant’s parenting skills. References are to be verified either verbally or in writing Reference inquiry responses may be obtained in writing from the individual(s) or documented by the supervising agency staff, based on conversations with the person giving the reference.

(b) The supervising agency staff shall make reasonable efforts to obtain references References shall be obtained from the adult children of each applicant. These references shall address the applicant’s suitability to become a licensed out-of-home caregiver. All unsuccessful attempts to solicit information shall be documented and the overall impact of the missing information considered as a part of the recommendation to license or not to license.

(c) The supervising agency shall obtain a current employment reference for each applicant. At a minimum, this reference shall include sufficient information to establish or

corroborate the applicant's current employment status. If current employment is less than two consecutive years in duration, secondary employment references shall be obtained. If the applicant is self-employed, a reference from a current customer or associate of the applicant shall meet this requirement. If an applicant is not currently employed a former employer or additional personal reference shall suffice.

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

(e) The supervising agency References shall obtain references be obtained from the childcare provider of any preschool age child residing in the home who is enrolled in a childcare program.

(f) References from two neighbors, or in the absence of neighbors, references from two community members shall also be obtained, including but not limited to the name and address of the neighbor or community member, how long he or she has known the applicant, and any concerns they may have about the applicant's suitability to become a licensed out-of-home caregiver.

(3) Verifications. (a) The applicant(s) shall provide the agency with proof of the following, if applicable; ~~his or her current marriage license or most recent divorce decree as applicable;~~ documentation of legal residency, driver's licenses, auto insurance coverage, financial capability and income, ~~child support verification,~~ and pet vaccinations.

(b) ~~The prospective out-of-home caregiver shall have read, completed and signed all documentation required for licensing as listed under paragraph (6)(b) of this section and shall be provided copies of all documents signed upon request.~~

(4) Employees, Relatives and Sub-Contractors as Licensed Out-of-Home Caregivers. Licensing of employees ~~Employees of the department, Region, County Sheriff's Offices, and Lead Agencies and their subcontracted providers or their relatives who desire to become~~ may choose to license employees as out-of-home caregivers is allowable as long as the following conditions are met:

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

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

(c) The lead agency responsible for submitting the licensing packet (traditional or attestation) to the department has a procedure approved by the Regional Licensing Authority, which requires the executive director or designee in upper level management of the lead agency to review and approve the submission of all such applications to the department.

(d) Attestation is an option for use during the initial licensure or re-licensing of a family foster home. The Community-Based Care (CBC) lead agency certifies that the

supporting documentation for the initial licensure or re-licensure of a family foster home is in compliance with state law and Florida Administrative Code. The CBC lead agency is responsible for the review and maintenance of the supporting documents for initial and re-licensure. The Department issues the license based on a notarized statement attesting that the licensure or re-licensure packet complies with state law and code.

(e) The notarized document, Attestation For Foster Home Licensure, CF-FSP 5357, October 2011, is incorporated by reference and available at www.dcf.state.fl.us/publications/ The Community-Based Care lead agency must also submit the completed Licensing Standards Checklist For 24-Hour Family Care, Cf-FSP 5358, September 2011, incorporated by reference and available at www.dcf.state.fl.us/publications/ the checklist must be signed by the supervising agency licensing counselor and supervisor.

(f) Community-Based Care agencies participating in the Attestation Model for licensure must enter into a Memorandum of Agreement with the Regional Licensing office. The Memorandum of Agreement, CF-FSO 5356, September 2011, incorporated by reference and available at www.dcf.state.fl.us/publications/.

(5) Initial Licensing Home Study. A staff person, certified pursuant to Section 402.40(7), F.S., from the supervising agency shall perform a thorough assessment of each prospective licensed out-of-home caregiver and document this assessment in a home study, which shall include, at a minimum:

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

(b) Pre-service Experience;

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

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

(c) Chronology of events. Include dates of home visits and persons interviewed;

(d) Home and Neighborhood:

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

2. A description of ~~how~~ the home ~~complies with safety requirements,~~ including location and verification of operating fire extinguishers ~~with current tag~~ and smoke detectors, storage

of medications, cleaning supplies, ~~and toxins and safety nets for trampolines.~~ The description shall also include the storage of alcoholic beverages, ~~weapons and ammunition,~~ location of burglar bars, fireplaces, handrails on stairways and space heaters, if applicable. All prospective, licensed out-of-home caregivers must complete The Fire Arms Acknowledgement form CF-FSP 5356, February 2012, incorporated by reference and available at www.dcf.state.fl.us/publications/.

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

(e) Animals. Provide a description ~~Description~~ of any household pets, exotic pets, or livestock residing on the premises. ~~The live stoek including~~ immunization of animals as verification as required by ~~according to~~ Section 828.30, F.S., shall be verified. Descriptions shall include observations of the their care, behavior, and/or maintenance and safety plan relating to each animal, and how they are maintained and secured. The applicant shall have measures in place to assure safety of ~~foster~~ children from any potentially dangerous animals and this information shall be documented in the home study, if applicable;

(f) Social History. A description of the following shall be included:

1. Background and Family History. Background and family history including place(s) of birth, description of family relationships during childhood and current state of family relationships, education, types of discipline used in the family, the family's willingness and ability to use appropriate discipline as described in the Partnership Plan for Children in Out-of-Home Care, family values, and any prior residences in or out of Florida.;

2. Marital Status and Other Significant Relationships.

3. Medical History. Medical history including physical, and mental health ~~and other~~ treatments for all household members shall be assessed. ~~This assessment shall include any explored, including~~ debilitating, communicable or progressive diseases or conditions. The ~~If there is a concern regarding the physical, mental or emotional health, such as debilitating or progressive diseases, of any member of the household and possible injurious effects on a child,~~ the applicant must supply recent medical and mental health reports and evaluations upon request of the supervising agency or department. ~~Department.~~ Health ~~The staff person completing the home study shall explore and document in the home study any health concerns relating to~~ of the applicant and household members, including any history of alcohol or other substance abuse, shall be documented in the home study. ~~This discussion should include the following:~~

a. Current smoking and alcohol use by household members;

b. Any history of alcohol or substance abuse.

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

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

5.6. Family Life. Document observations of family members' personalities and their interpersonal relationships. Describe family activities, hobbies and interests and civic involvement including how children placed in the home will participate in these activities, as well as family vacations. For each child living in the home, describe the child's school, grades, achievements and interests. Describe each child's relationship with the applicant and siblings in the home, as well as his or her feelings about ~~of~~ having a foster child in the home.;

~~6.7. Religion. Assess and document~~ Explore the family's attitudes regarding prohibitions against seeking medical treatment, celebrating holidays or birthdays, and respecting the religious beliefs of the child's family of origin. ~~discipline practices encouraged by their faith. Discuss the applicant's ability to meet the licensing standard for religious cooperation according to sub-subparagraph 65C-13.029(1)(g)11.d., F.A.C.; and~~

~~7.8. Child Care. Describe~~ child day care arrangements, including transportation to and from the child day care provider, if applicable.

(g) Transportation. Describe the family's plan for safely transporting children placed in the home ~~vehicles and who shall be the responsible drivers.~~ A description of each vehicle shall include its physical condition, the seating capacity and the number of seat belts. Seat belts or age and size appropriate safety seats shall be used when transporting children and shall comply with Section 316.613, F.S. ~~Children shall not be transported in the beds of pick-up trucks or on motorcycles.~~

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

(i) Financial Capacity and Income. ~~Describe and document~~ Discuss the applicant's current ability to meet the licensing standard for financial capacity and how the impact of capability as follows: The applicant shall demonstrate financial solvency by providing documentation of the household income and budget sufficient to meet the needs of the family. ~~The~~ the additional financial responsibilities stresses of fostering will be addressed, and how applicants intend to address that stress should also be explored;

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

1. Background Screening, pursuant to Rule 65C-13.023, F.A.C.;

2. Medical History, ~~and as set forth in subparagraph 65C-13.025(5)(f)3, F.A.C.;~~

3. ~~The~~ What responsibilities the applicant(s) will expect the other adults in the household they intend to have with children placed in the home, the foster child, i.e. transportation, supervision, care giving, and other responsibilities;

(k) ~~Background Screening. The results of all background screening made known to the supervising or lead agency shall be addressed for each individual in the home over twelve years of age. Any arrests, qualifying reports of abuse and findings of protective orders shall be explored and addressed in the study. Failure to comply with any requirements for good moral character and background screening by other adult household members as described in this rule may be grounds for denial, suspension or revocation of an application or license if the person does not leave the home or get an exemption. The supervising agency or the department has the discretion to request background screening for other individuals if there is reasonable belief that:~~

1. ~~The person may be a household member; or~~

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

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

(k)(~~t~~) Summary and Recommendations:

1. Characteristics of Applicant. The applicant shall demonstrate have demonstrated all of the following characteristics; to a degree that shall allow him or her to adequately provide licensed out of home services, as evidenced through interviews and observations with the family members, communication with references, and their participation in pre-service training and all information in the family foster home study:

a. A willingness to work with the supervising agency and all applicable parties including biological parents to work toward permanence for the foster child as established in the child's case permanency plan as established under Sections 39.01(52) and 39.6011(4), F.S.; and

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

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

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

4. ~~If not recommending denial of~~ licensure, the summary shall specify indicate the licensing standards the applicant is unable to meet and attach all supporting documentation, specific reasons for the recommendation and identify and address the standards the applicant is unable to meet. The department must notify make the applicant regarding aware of the appeal process.

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

(6) Application Packet Submission and Approval Process.

(a) The complete application packet shall be submitted in accordance with the traditional or Attestation Model for licensure to the regional licensing authority. A request for additional information shall be submitted by the ~~The~~ regional licensing authority shall request any additional information needed within ten working calendar days of receipt of the packet.

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

1. "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, September March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

2. "Release of Information", CF-FSP 5090, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

3. "Authorization for Release of Health and Medical Information for Prospective Foster or Adoptive Parents", CF-FSP 5230, October 2005, incorporated by reference and available at [www.dcf.state.fl.us/publications\(as needed\);](http://www.dcf.state.fl.us/publications(as needed);)

4. Licensing Home Study;

5. Proof of Income;

6. A Partnership Plan for Out-of-Home Care, CF-FSP 5226, June 2011, incorporated by reference and available at www.dcf.state.fl.us/publications. ~~Signed bilateral service agreement as specified in subsection 65C-30.001(11), F.A.C., between the supervising agency, lead agency and the potential licensed out-of-home caregiver. If the home is being licensed by a non-contracted agency, the agreement will be between the supervising agency and the potential licensed out-of-home caregiver;~~

7. Parent Preparation Pre-service training certificate;

8. Parent Preparation Pre-service biographical profile;

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

10. "Confidentiality Agreement", CF-FSP 5087, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

11. Verification of Criminal History Screening for applicant and all adult household members as specified in subsection 65C-13.023(2), F.A.C.; including:

a. ~~Signed and notarized affidavit of good moral character; "Affidavit of Good Moral Character", CF 1649, August 2010 May 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;~~

b. Local Law Enforcement check; ~~Check~~;

c. Civil Court records check; ~~as described in Rule 65C-13.023, F.A.C.~~;

d. Florida Department of Law Enforcement records check;

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

f. Abuse history background Record check through the Florida Safe Families Network (FSFN) department's Statewide Automated Child Welfare Information System (SACWIS).

g. Abuse registry checks for the previous five years members from any previous state of residence if the applicant or adult household members have resided in the State of Florida for less than five years the prospective parent(s) or other adult for the previous five years.

12. References ~~and inquiry responses~~, including:

a. Three personal references that speak to the prospective caregiver's prospective caregivers parenting skills;

b. Neighbor/Community references;

~~b.e.~~ Employment reference;

~~c.d.~~ References from adult children;

~~d.e.~~ School references on all school age children;

~~e.f.~~ Childcare references for all preschool children receiving in child care services arrangements;

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

13. Family Documents:

~~a. Current marriage certificates;~~

~~b. Copy of current divorce decree, if applicable;~~

~~c. Custody orders affecting applicant's children or other children the applicant may have custody of;~~

~~a.d.~~ Documentation of United States legal residency for applicants not born in the United States (United States citizenship is not required);

~~b.e.~~ Driver's license(s) and driving records for household members who may transport children;

~~c.f.~~ Vehicle insurance.

13.14. Family Foster Home Safety Documentation:

a. Satisfactory environmental health inspection report from the local health department;

b. Radon testing results (when applicable; ~~and as per Section 402.056(4), F.S.~~);

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

d. Floor plan;

e. Evacuation and disaster preparedness plans;

f. Documentation of pet ~~Pet~~ vaccinations (if applicable);-

g. Photographs of household members and pets.

(7) Unless otherwise outlined in an Attestation Memorandum of Agreement, CF-FSP 5356, September 2011, incorporated by reference and available at www.dcf.state.fl.us/publications/, the The regional licensing authority is responsible for ensuring that the licensing application packet is complete and that all licensing requirements are met and for the issuance of the license. The licensing packet shall contain documentation of a review by the lead agency and the department's regional licensing authority and a recommendation for approval or denial by the regional licensing authority.

(8) ~~If the family foster home is located in a region other than where the submitting supervising agency is located, the application packet shall be submitted to the regional licensing~~

authority where the prospective family foster home is located. The Regional licensing authority shall provide written notification of the outcome of the application to the supervising agency and licensing authority in the region where the supervising agency is licensed within fifteen working days of issuing the license or denial letter.

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

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

(10)(11) When the department determines that the application shall be denied, the department shall promptly notify the applicant and supervising agency by certified mail, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S.

(11)(12) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions, pursuant to Rule 65C-13.035, F.A.C.

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New 4-6-08, Amended _____.

65C-13.026 Continuing Education In-Service Training.

(1) ~~Newly licensed out-of-home caregivers shall complete in-service training regarding the provision of psychotherapeutic medications within 120 days of initial licensure. A briefing regarding the provision and monitoring of psychotherapeutic medication shall be provided to the licensed out-of-home caregiver at the time of placement of any child in the home who requires the administration of psychotherapeutic medication. The briefing shall consist of a review of the proper dosage of the medication, the possible side effects and intended effects of the specific medications administered to the child being placed. All training shall be offered through curricula approved by the supervising agency. Licensed out-of-home caregivers already providing care for children prescribed psychotherapeutic medicines at the time of promulgation of this rule shall be provided with the training or briefing within 90 days of promulgation, if the training or briefing has not already been provided and documented in the file.~~

(1)(2) Prior to the annual renewal of a traditional foster home license, each licensed out-of-home caregiver shall successfully complete at least eight hours of continuing

education approved in-service training. Foster homes that qualify for a three year license shall complete twenty-four hours of continuing education prior to the renewal of the license. Therapeutic and medical foster homes shall complete the number of continuing education hours required by the supervising agency. Licensed out-of-home caregivers shall be offered continuing education in-service training opportunities by their supervising agency. Continuing education Training opportunities shall be offered no less than quarterly and at times and places convenient to the licensed out-of-home caregiver. For those licensed out-of-home caregivers unable to attend, other methods shall be developed for satisfying this requirement. Continuing education In-service training materials shall be approved by the supervising agency prior to use. Documentation of completed continuing education training shall be documented on the provider training page maintained in Florida Safe Families Network the licensure file.

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

(3)(4) If the absence of the caregiver caregiver(s) during training would leave children without approved adult supervision, the supervising agency shall make arrangements provisions for child care ~~or shall reimburse the caregiver for child care expenses if it is not provided.~~

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New 4-6-08, Amended _____.

65C-13.027 Changes During the Licensed Year.

(1) General Requirements.

(a) The licensed out-of-home caregiver shall report law enforcement involvement with any household member; Law law enforcement involvement includes arrests, incidents of domestic violence, driving infractions and any local law enforcement response to the home over the course of the licensed year; In addition, the caregiver shall report a change in marital status; a change in household composition; a change of the physical address; changes in financial situation such as bankruptcy, repossessions and evictions; ~~or~~ a serious health issue such as a debilitating injury; or communicable disease regarding a household member; change in contact information; change in employment or significant change in work schedule to the supervising agency within forty-eight 48 business hours of the change occurring. The supervising agency shall notify the lead agency within twenty-four business hours of learning of any of these changes. Failure to do so may be reason to suspend, deny or revoke a license if the non-reported situation threatens the safety of any child in care or results in the non-conformity with licensing requirements stated in this rule.

~~(b) The following occurrences shall be reported by the licensed out-of-home caregiver to the supervising agency upon occurrence:~~

- ~~1. Change in marital status;~~
- ~~2. Change of home telephone number;~~
- ~~3. Change of mailing address;~~
- ~~4. Change of employment or significant change in work schedule prior to the event when possible;~~
- ~~5. Change in household composition.~~

~~(b)(e) The supervising agency shall assess the impact on the household immediately upon learning one of these events has occurred or is likely to occur. Changes in physical address, require re-licensing. As described in Rule 65C-13.028, F.A.C.~~

~~(d) All child protection investigators, case managers, and other service providers who frequent the household, are responsible for immediately notifying the supervising agency if during regular business hours or within 24 hours if after regular business hours of learning of law enforcement involvement with any household member; change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions, or a serious health issue such as a debilitating injury or communicable disease regarding a household member of a family foster home. The supervising agency shall notify the lead agency and licensing authority within 24 hours of learning of law enforcement involvement with any household member; a change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions or a serious health issue such as a debilitating injury or communicable disease regarding a household member of a family foster home.~~

~~(c)(e) All new household members shall be fingerprinted within five days of residence and those fingerprints shall be submitted to the Florida Department of Law Enforcement within five days of the receipt of the fingerprints by the supervising agency. All household members shall meet the requirements for background screening, as required in Rule 65C-13.023, F.A.C. and Sections 435.04 and 435.05, F.S.~~

(2) Change in Household Composition.

~~(a)(2) Marital Status. Reportable changes include marriage, separation, reconciliation, divorce or death of a spouse.~~

~~(b)(a) If a licensed out-of-home caregiver marries or reconciles with an unlicensed spouse, the unlicensed spouse shall complete an "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, September March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, submit fingerprints within five calendar days of residence for background screening, unless previously completed, attend parent preparation pre-service training, if not previously~~

completed ~~within~~ the last five years, and meet all licensing requirements. The unlicensed spouse shall have six months from the date of marriage or reconciliation to complete pre-service training. Failure to meet the licensing and background screening provisions of this rule which may threaten the safety of any child in care, or place the home in violation of the licensing standards in this rule, are grounds for denial, suspension or revocation of an application or license. During this evaluation period, and based on the satisfactory completion of background screening requirements and the established good moral character of the unlicensed spouse, the home remains licensed and previously placed children may remain in the home pending the outcome of the assessment. No, however, no new children shall be placed in the home until the application has been completed and approved.

~~(c)(b) The supervising agency will update the home study summary, including interviews with all children in the home, verification of satisfactory background screening, and verification of income and expenses, and submit to notify the lead agency and the department within 30 days of any marriage or reconciliation. Once all licensing requirements have been met, the supervising agency shall update the home study summary and submit a request to the licensing authority for the issuance of a new license.~~

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

~~(d) In cases of separation, divorce or death of a spouse, the supervising agency shall update the family home study summary and assess its impact upon the children placed in the home. The home study summary update shall include interviews with the children, if age appropriate, verification of income and expenses and the remaining caregiver's plan to meet all financial obligations. The updated home study shall be submitted to filed with the licensing authority within forty-five 30 calendar days for issuance of an amended license of notice from the licensed out-of-home caregiver.~~

(3) Change in Household Composition.

~~(a) If the new household member lived outside the county of residence during the previous five years, local law enforcement checks shall also include all counties of prior residence in addition to the local records check completed in the current county of residence. For any new household~~

~~member who resided in another state for any period of time during the last five years, abuse and neglect history checks shall be requested of the state(s) and the results documented.~~

~~(e)(b) New Household Member. When new members join the household, the supervising agency shall update the home study summary, and address the changes in sleeping arrangements and submit to the lead agency within thirty days.~~

~~(f)(e) Once all licensing requirements have been met, the supervising agency shall update the home study summary and submit a request to the licensing authority for the issuance of a new license. The licensed out-of-home caregivers have the responsibility to notify the supervising agency of any individual expected to have unsupervised contact with the foster child except in situations where the child is participating in appropriate social and extracurricular activities according to their age and developmental level.~~

~~(g)(4) Change of Location. A license is issued for a specific location and is not transferable. A licensed out-of-home caregiver shall notify the supervising agency no less than thirty days prior to the expected date of the relocation. The supervising agency shall complete a relocation packet for submission to the licensing authority for issuance of a license closure form indicating that the licensed out-of-home caregiver was in good standing at the time of the relocation.~~

~~(h) Within Region.~~

~~1. Changing location within the region shall require an a supplemental "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, September March 2007, available at www.dcf.state.fl.us/publications/; an updated home study which contains a description of the home and neighborhood, school changes, sleeping arrangements, a satisfactory environmental health inspection of the new residence, the current floor plan, disaster plan, home emergency evacuation plan, fire inspection where required by local zoning laws and radon testing where, if applicable. A provisional license may be issued prior to the health inspection after the supervising agency licensing counselor conducts a safety assessment of the new location. This provisional license will should expire within 90 days of issuance by the licensing authority. No new children shall be placed in a home that is provisionally licensed.~~

~~2. The supervising agency licensing counselor shall obtain all required documentation and submit it to the lead agency and licensing authority for review, in order for issuance of a standard regular license to be issued.~~

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

~~4. The home study summary shall be updated to reflect all changes that occurred as a result of the move within 30 calendar days of occupancy by the licensed out-of-home caregiver.~~

~~3.5. The supervising agency shall complete at At least one home visit shall be made as part of the updated licensing home study.~~

~~4.6. If approved, an amended license shall be issued with an effective date of the previous home's date of closure and shall expire on the same date as the previous license.~~

~~5.7. If There may be circumstances in which the conditions of the new home do not allow recommendation for licensure of the new home is not recommended If this occurs, and there are dependent children currently placed in the home, the primary case manager worker shall immediately begin assessing alternative the process of alternative placement options.~~

~~(i) Between Regions.~~

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

~~a. The supervising agency shall assist the licensed out-of-home caregiver in finding a supervising agency in the new region, where he or she plans to relocate.~~

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

~~c. The supervising agency, lead agency, licensed out-of-home caregiver, contracted provider, case manager services worker and child welfare legal services must determine whether permanency planning will be affected and whether any children currently placed in the home should be placed elsewhere or move with their current licensed out-of-home caregivers.~~

~~d. If the plan is to allow the child(ren) to move with the current licensed out-of-home caregiver(s), it is the responsibility of the children's primary services worker to secure written agreement of the receiving services worker to provide courtesy supervision and to arrange for a safety assessment of the home within seventy-two hours of occupancy.~~

~~2. The current supervising agency shall send the new supervising agency a complete copy of the licensing file to include the new contact information for the out-of-home caregiver inform the current region licensing authority in writing of the impending move and request that the complete licensing file be sent to the new region's licensing authority.~~

~~3. The new supervising agency accepting responsibility for licensing the foster family home will provide a contact name and telephone number to the licensed out-of-home caregivers immediately upon notification of the relocation to begin the licensing process acceptance of responsibility for the~~

~~licensing process in the new region. The home study and complete application packet should be sent to the new licensing authority within sixty days of commencement. Prior to submission of the home study and application packet, the home remains unlicensed but a provisional may be issued after the safety assessment is completed and received by the new licensing authority and prior to the inspection by the county health department.~~

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

5. Prior to submission of the home study and application packet, the new home remains unlicensed but a provisional license may be issued after the safety assessment is completed and received by the new licensing authority and prior to the inspection by the county health department.

~~6.4. The new regional region licensing authority shall request any additional documentation legally required to ensure that all minimum standards and out-of-home caregiver expectations are met within ten working days of receipt of the application packet. If no additional information is legally required, the new license shall be issued within ten working days of receipt of the complete application packet. No additional children will be placed in the home until the new licensing authority signs the new license is signed.~~

~~5. The new licensing authority shall send a copy of the new license to the former region. The former region will then close the licensing file.~~

7.6. If the decision is made to deny the new application, the licensing authority will notify the applicant and supervising agency by certified mail within five working days of the decision to deny, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S. If there are any dependent children that moved with the caregiver from the former region the licensing authority will notify the new supervising agency within twenty-four hours of the decision to deny the application. The new supervising agency shall notify the former supervising agency and the contracted service provider responsible for courtesy supervision within twenty-four hours of receiving the notice. All And all possible placement options, the possible risk to the children and their best interest shall be considered and a decision made regarding their placement within twenty-four hours of receipt of the notification. The removal and placement of the children is the responsibility of the former supervising agency and the contracted service provider with primary responsibility for supervision of the children.

(j) Out of State. The same process as outlined for a change in region is to be followed. However, if the children are to move out of state with the licensed out-of-home caregiver, the

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

(k) Between supervising agencies.

1. A currently licensed out-of-home caregiver wishing to change providers shall file an "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, ~~September~~ ~~March~~ 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, with the desired supervising agency.

2. The desired supervising agency shall:

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

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

c. Notify the sending agency and the department of the determination.

d. If the family is found to be inappropriate, the department shall make the family aware of the appeal process.

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

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

5. If the request to change providers occurs during the licensure year, the new supervising agency need only submit an “Application for License to Provide Out-of-Home Care for Dependent Children” CF-FSP 5007, September March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, and letter of acceptance in accordance with the regional licensing submission process to the licensing authority. The licensing authority will issue an amended license to reflect the new supervising agency for the remainder of the established licensure year. The new supervising agency assumes all responsibility for the annual re-licensure activities.

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended _____.

65C-13.028 Re-Licensing.

(1) Requirements, General:

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

(b) Out-Individuals wishing to re-license as out-of-home caregivers requesting to be re-licensed shall Complete the “Application for License to Provide Out-of-Home Care for Dependent Children”, CF-FSP 5007, September March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. Persons Married persons living together in a caretaking role shall both sign the application. Any licensed out-of-home caregiver that requests an application either verbally or in writing for re-licensure shall be provided one.

~~(c) If the supervising agency has reason to believe that the licensed out of home caregiver’s past performance indicates that he or she would not be a successful candidate for continued licensure, the applicant shall be advised prior to completion of the application renewal process. If the applicant wishes to proceed with the re-licensure process they may do so.~~

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

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

1. Request an environmental inspection from the local health department. The request shall be made 60 days in advance of the home’s re-licensing due date to facilitate the receipt of a satisfactory environmental health inspection report prior to the expiration of the license. In the event the home is

issued a three year license, an annual inspection will not be required; however, the home will be inspected at the time the three year license expires.

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

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

~~(f)(g)~~ References.

~~1-~~ The supervising agency responsible for completing the re-licensing home study shall obtain and review information about the home from the-“Case Manager’s Services Worker’s Review of the Licensed Out-of-Home Caregiver’s Performance”, CF-FSP 5223, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, for the case managers services workers who have supervised children in the home during the previous licensing year.

~~2. The supervising agency shall also obtain and review two community reference checks, using the “Quality of Licensed Caregiver’s Home: Community Input” form CF-FSP 5225, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. These references shall be from professionals in the community who are familiar with the licensee’s performance during the year. These may include Guardians Ad Litem, school personnel, child care providers, medical professionals, social service providers, or mental health therapists.~~

~~(g)(h)~~ The supervising agency shall obtain from the case managers the completed Exit Interview with Foster Child about Foster Parents form, CF-FSP 5353, June 2011, incorporated by reference and available at www.dcf.state.fl.us/publications/. and review exit interviews from This form must be completed when children over the age of five who exit the home following a placement of thirty days or more, as described in Rule 65C-28.017, F.A.C. The supervising agency will review the exit interviews and must address issues raised in the exit interviews in the relicensing summary. The re-licensing packet must contain exit interviews. If exit interviews are not provided with the re-licensing packet, the proper administrator of the lead agency shall be notified. The “Re-licensing Summary” must address issues raised in the exit interviews or efforts made to obtain the exit interviews.

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

~~1- A Completed “Re-licensing Summary for Licensed Homes for Dependent Children”, CF FSP 5027, section B, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;~~

~~1.2-~~ Documentation of at least eight hours of in-service training;

~~2.3-~~ Updated driver's license, driving record, and auto insurance coverage information as applicable.

(2) Re-licensing Procedures.

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

(b) The supervising agency shall review and discuss ~~the~~ The Partnership Plan for Children in Out-of-Home Care, CF-FSP 5226, June 2011, incorporated by reference and available at www.dcf.state.fl.us/publications/ bilateral service agreement with the applicants and obtain their signatures, indicating their agreement to abide by the agreement.

(c) The licensing counselor shall inspect the entire premises of the home, including all interior and exterior areas, for continued compliance with initial the licensing standards, pursuant to Rule 65C-13.025, F.A.C. ~~Safety requirements as listed in subparagraph 65C-13.030(5)(h)6., F.A.C., for storage of guns and other weapons, cleaning supplies, toxins and alcoholic beverages shall be observed and any concerns addressed in a corrective action plan prior to re-licensure.~~

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

(e) Fire drill logs shall be reviewed and discussed to ensure continued compliance with initial licensing standards, ~~as detailed in subparagraph 65C-13.030(5)(i)5., F.A.C.~~ The evacuation plan and disaster preparedness plan shall be reviewed and discussed.

(3) Re-licensing Home Study. As a part of the re-licensing application packet, the supervising agency shall make a thorough evaluation of each licensed out-of-home caregiver and document this evaluation in a re-licensing home study, which shall include, at a minimum:

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

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

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

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

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

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

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

(h) Discipline. Description of how the licensed out-of-home caregiver has managed behavior handled ~~any~~ behavioral problems with children placed in the home; ~~Discipline practices used by the applicant with all children in the home;~~

(i) Family life;

1. Documentation of the licensed out-of-home caregiver's support and integration of ~~fo~~ster children into the family. The licensed out-of-home caregiver shall attend such as attendance at and involvement with children's activities, transport children transportation to school, and social events, medical appointments and include them in other family activities, hobbies, or extracurricular interests each foster child has been involved in; Describe the licensed out-of-home caregiver's attentiveness to the provision of clothing and allowances to the children in their care.

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

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

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

(j) Child care. Assess and document ~~The supervising agency shall ensure that child care providers are licensed and all babysitters have been screened in accordance with Rule 65C-13.033, F.A.C., and approved by the supervising agency. Document~~ the current arrangements for child day care and

needs or after school care; If both parents work, the level and amount of supervision being provided by the applicant shall be explored;

(k) Transportation Safety.

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

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

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

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

(m)(n) Safety. Assess and document continuing Documentation of compliance with initial licensing standards as they relate to the safety of the home; ~~Discussions with applicants regarding disaster preparedness plan, evacuation plans, the Bilateral service agreement, medication logs, and fire drills shall be held and documented;~~

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

1. All required background screening; ~~Background Screening pursuant to Rule 65C-13.023, F.A.C.;~~

2. Medical History that may impact the care and safety of the child; ~~as set forth in subparagraph 65C-13.025(5)(f)3., F.A.C.;~~

3. Role in the family and involvement with the child; ~~What responsibilities they intend to have with the foster child such as transportation, supervision and care giving;~~

(o)(p) Background Screening. The results of all background screening information shall be obtained, reviewed and assessed for each individual in the home who is older than twelve years of age; ~~Local law enforcement checks shall be completed prior to the one year expiration date of the existing results. Any arrests, qualifying abuse reports under Section 39.302(7), F.S., or findings of protective orders shall be addressed in the study completed by the supervising agency.~~

~~The supervising agency or the department has the discretion to request background screening for any individual if there is a reasonable belief that:~~

~~1. The individual may be a household member; or~~

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

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

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

(q)(r) Youth Exit Interviews. An exit interview with every child ages five through eighteen who lived in the home for 30 days or longer must be conducted and assessed; ~~according to Rule 65C-28.017, F.A.C.;~~

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

(s)(t) Investigations, Special Condition Family Foster Home Referrals, Concerns or Complaints. A summary assessment of investigations and special condition foster care referrals, incident reports unusual incidents, accidents and complaints received during the previous licensing license ~~period must be included;~~ year and any concerns received from staff or others;

(t)(u) Summary. All forms and information obtained as a part of the relicensing process shall be summarized in a written narrative. ~~The licensing counselor shall summarize all information obtained from the "Services Worker's Review of Licensed Out-of-Home Caregiver's Performance" forms, CF FSP 5223, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/, exit interviews of children, licensing complaints, foster care referrals or abuse reports, the "Quality of Licensed Caregiver's Home: Community Input" form, CF FSP 5225, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/, and any unusual incidents, accidents, arrests or involvement with law enforcement and their impact on the ability of the licensed out-of-home caregivers to provide a safe and nurturing environment for children placed in their care. The narrative should include the characteristics type of children for whom the family is most appropriate, including number of children, age, gender, special~~

needs and behaviors. A summary of the family’s ability to continue the provision of foster care services shall be completed and encompass the following:

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

2. An on-going training/continuing education needs assessment. If continued licensure is recommended the licensing counselor shall provide a description of the type of children for whom the family appears most appropriate including number of children, age, gender, behaviors and special needs.

3. If continued re-licensure licensure is not recommended, the summary shall address the specific statutory reasons for the recommendation and identify the standards the applicant is unable to meet. The applicant must be made aware of the appeal process by the licensing authority department. Attempts must be made to assist the licensed out-of-home caregiver in overcoming identified deficiencies.

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

(4) Re-licensing Application Packet. All relicensing documentation shall be submitted using either the Attestation Model or traditional model for relicensing, provided to the licensing authority when requesting re-licensure of a family foster home:

(a) “Application for License to Provide Out of Home Care for Dependent Children”, CF-FSP 5007, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/;

(b) Re-licensing Standards Checklist;

(c) Re-licensing Home Study;

(d) “Re-licensing Summary for Licensed Homes for Dependent Children” CF-FSP 5027, sections A and B, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/;

(e) Signed bilateral service agreement;

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

(g) “Quality of Licensed Caregiver’s Home: Community Input,” forms, CF-FSP 5225, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/;

(h) “Services Worker’s Review of Licensed Out-of-Home Caregiver’s Performance”, CF-FSP 5223, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/;

(i) Youth exit interview forms;

(j) Copies of driver’s license and validation of vehicle insurance;

(k) Satisfactory environmental health inspection report from the local health department ;

(l) Radon testing results (if applicable);

(m) Evacuation and disaster preparedness plans;

(n) Pet vaccinations (if applicable);

(o) Criminal and Abuse/Neglect History Screening:

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

2. Local law enforcement records checks as specified in subsection 65C-13.023(2), F.A.C.;

3. FDLE records checks (if applicable);

4. Civil Court Record Checks as described in Rule 65C-13.023, F.A.C.;

(p) Any licensing deficiencies shall be corrected prior to recommending re-licensure;

(5) Re-Licensing Process.

(a) The completed application packet, as described in subsection 65C-13.028(4), F.A.C., shall be submitted by the supervising agency to the licensing authority no less than thirty days prior to expiration of the current license.

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

(b)(c) If approved, Once a complete re-licensing application packet is received and the licensing authority determines that the applicant can ensure the safety and well-being of children, a license shall be issued to the applicant no later than ten working days from receipt of the complete re-licensing packet.

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

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

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

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

~~(g)(h)~~ If the licensing authority denies the application for re-licensure, and Unless the applicant does not voluntarily withdraw ~~withdraws~~ the application, the licensing authority department shall proceed with formal actions pursuant to Rule 65C-13.035, F.A.C.

~~(h)(i)~~ Licensed out-of-home caregivers meeting the criteria of Section 409.175(6)(j), F.S., may be issued a license for longer than one year, but no longer than a three years ~~year~~ period of time. During the three-year period the licensing counselor shall annually conduct a minimum of one face to face visit in the home ~~on an annual basis~~. The licensing agency shall obtain submit information local law enforcement screenings, abuse registry checks, FBI and FDLE clearance based on the five year renewal date and other documentation outlined in this section and submit it to the licensing authority with a statement certifying that the family continues to meet all licensing requirements annually. A review of all required re-licensing information shall be conducted at the end of every three year licensing period. The annual review of a three-year license shall include:

(6) Three-Year License. Section 409.175, Florida Statutes, and 65C-13.028(5)(i), Florida Administrative Code, grant the authority to licensing agents to issue a license for up to three years to a family foster home (this does not include medical or therapeutic foster homes) meeting specific criteria. A family foster home shall meet the following criteria to be considered for a three year license:

(a) The family has been licensed for three years or longer.

(b) The family has not been the subject of a report of child abuse or neglect or foster care referral with findings of maltreatment and is recommended by the assigned Child-Placing Agency and the lead agency for a three-year license.

(c) The family has not been placed on a performance improvement plan/corrective action plan.

(d) The family has clear background checks.

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

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

(g) Trends in placement and disruptions will be considered and used in the decision as to whether to issue a three-year license.

(7) Documentation. A brief, yet concise summary will replace the Re-licensing Summary for Licensed Homes for Dependent Children. This summary must address all changes that have occurred in the household during the licensing year

and allow foster parents to discuss any issues, concerns or triumphs they experienced during the licensing period. The summary shall include:

(a) Youth exit interviews and case manager reviews will be included in the summary.

(b) Documentation of at least eight hours (annually) of in-service training;

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

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

(e) Pet vaccinations;

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

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

(h) The annual health inspection is waived for three-year licensed homes and only occurs at the expiration of the three year licensing period. Family foster homes that are dependent upon well water for drinking, cooking and bathing, must have their water tested anytime during the licensure period if contamination is suspect, such as during inclement weather.

~~1. A "Re-licensing Summary for Licensed Homes for Dependent Children", CF FSP 5027, Sections A and B, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/;~~

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

~~3. Updated verification of water safety training if appropriate;~~

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

~~5. "Affidavit of Compliance: Background Screening Requirements", CF FSP 5218, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/; and according to Section 409.175(6)(c), F.S.;~~

~~6. "Services Worker's Review of Licensed Out Of Home Caregiver's Performance", CF FSP 5223, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/;~~

~~7. Youth exit interviews as set forth in Rule 65C-28.017, F.A.C.;~~

~~8. Updated documentation of driver's license(s) and vehicle insurance if applicable;~~

~~9. Updated evacuation and disaster preparedness plan if changes in layout of the home or means of egress have occurred.~~

10. Pet vaccinations (if applicable); and

11. An ~~“Application for License to Provide Out-of-Home Care for Dependent Children”~~ CF FSP 5007, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/.

~~(8)(6)~~ Applicants Previously Licensed or Approved in another State, or Region.

(a) If the applicants were licensed previously in another state or outside the region in which they are seeking licensure, the supervising agency shall make a written request to the previous licensing agency for a reference, copies of the initial and previous last licensing studies, closing summaries, information about any complaints, foster care referrals, or concerns expressed regarding the prospective family’s parenting ability, reason for closure, and the results of their background screening and abuse history check.

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

(c) Applicants who have previously completed a departmentally approved pre-service training curriculum in the past five years, and who can provide proof of completion, shall not be required to complete pre-service training. Applicants who completed pre-service training in another state may be exempt from pre-service training if the curriculum is the same as an approved version of pre-service training offered in Florida. Supervising agencies ~~shall may~~ submit a copy of the curriculum to the licensing authority department for review and approval if the ~~pre-service training~~ previously completed training is not an approved curriculum in Florida.

~~(9)(7)~~ Re-opening of Previously Licensed Out-of-Home Caregivers within the Region.

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

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

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

(d) Required background screening for For previously licensed out-of-home caregivers shall be completed no more than ninety days prior to the submission of the application that wish to reopen and submit an application within ninety days from closure, the supervising agency is allowed to utilize the prior background screening results. In addition, the re-licensing procedures shall be followed in accordance with the Re-licensing Procedures in Rule 65C-13.028, F.A.C.

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

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

~~(g) When the department determines that the application shall be denied, the department shall consult with child welfare legal services to determine the appropriate course of action. If the decision is made to deny the application, the applicant and supervising agency must be notified by certified mail within five working days of the decision to deny, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant’s right of appeal pursuant to Chapter 120, F.S.~~

~~(g)(H) If the licensing authority denies the application for re-licensure and the applicant does not voluntarily withdraw the application, the licensing authority shall proceed with formal actions. Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.035, F.A.C.~~

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 4-6-08, Amended _____.

65C-13.029 Licensed Out-of-Home Team Member Roles.

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

(a) The licensed out-of-home caregiver is a valued and respected member of a team that supports children and youth in out-of home care. The team consists of the professionals representing the department, the lead agency, the licensing authority or supervising agency, the case manager, caregiver, and other professionals with responsibility for the welfare of children in care. With support from the team, caregivers have primary responsibility for the care, nurture and development of a child in his or her home. They have a voice in the case plan and as to the decisions made by the team and other professionals with responsibility for the welfare of children in their care. They are recognized partners in ensuring that children are safe, loved, and nurtured when they are in department custody. As part of the team, the caregiver is authorized by the department to promote normalcy for the child to the fullest extent possible, and to ensure that the child is allowed to participate in age-appropriate activities at home, in school and in the community. The caregiver advocates for and supports the child in order to minimize trauma to the greatest degree possible, including trauma stemming from the transition from and to their home and other placements. As part

of the team, the caregiver supports the child in maintaining progress in school or exceeding past performance when possible. The caregiver helps the child to acquire life and social skills consistent with their age and maturity level. With support from the team, the caregiver ensures that the child receives appropriate health, dental and mental health care as needed, and works with families, where permitted by the court, to promote visitation and the safe return of children to their families care. Caregivers are encouraged to share their perspectives with team members and the courts with respect to the best interest of the child(ren) in their care.

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

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

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

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

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

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

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

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

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

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

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

6.5. Licensed out-of-home caregivers shall keep records of school reports;:-

7.6. Licensed out-of-home caregivers shall never make negative statements about a child's family and shall work to preserve the child's cultural history and family connections;:-

8.7. Licensed out-of-home caregivers should work in partnership with the child's case manager services worker in maintaining awards, legal documents, special recognitions, family photos, and other items that will help the child maintain a sense of his or her identity and connections.

(h) Licensed out-of-home caregivers shall allow children and their legal family, including siblings, to communicate by mail and by telephone in accordance with the child's case plan and in keeping with the directions of the court.

(i) Licensed out-of-home caregivers shall not open the child's mail, monitor telephone conversations or otherwise interfere with free communication with the legal family, except as necessary to comply with the directions of the court.

(j) Licensed out-of-home caregiver shall provide children opportunities in the home and through life skills classes and other organized activities to learn and practice skills needed for independent living, such as food preparation, money management, consumer awareness, personal hygiene and appearance, housekeeping and care of personal belongings, accessing health care services, transportation, job seeking, education, study skills and interpersonal relationship building or other skills provided for in the child's independent living skills plan.

(k) The licensed out-of-home caregiver shall support the child's efforts to learn to drive a car and obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver, case manager and legal parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out-of-home caregiver must pay for a car, or insurance on behalf of the youth in their care.

(l) Licensed out-of-home caregivers shall be knowledgeable of the Americans with Disabilities Act and shall treat foster children with disabilities with respect and include them in activities to the extent that they are able.

(m) As part of the licensed out-of-home caregiver's responsibility for promoting educational success, the caregiver will work with each foster child each day on homework and reading skills, and ensure that homework is completed.

(n) Family Care Activities and Daily living tasks.

1. Daily living tasks.

a.1. Licensed out-of-home care providers are expected to provide supervision, structure and daily activities designed to promote the individual physical, social, intellectual, spiritual, and emotional development of the children in their home according to each child's age and developmental level.

~~b.2-~~ Licensed out-of-home care providers shall assist the children in performing tasks and developing skills; ~~that which~~ will promote their independence and the ability to care for themselves.

~~c.3-~~ Licensed out-of-home caregivers will help children in their care maintain a sense of their past and a record of their present.

~~d.4-~~ Children in Licensed out-of-home care will be encouraged by the licensed providers out-of-home caregiver expect children in care to assume household chores reasonable for their age and ability but not to exceed those expected of their own children.

~~e.5-~~ Children in out-of-home care shall be provided information as appropriate to their age and maturity level, concerning drug and alcohol use and abuse, teen sexuality issues, runaway prevention, health services, community involvement, knowledge of available resources, and in identifying legal issues. These opportunities shall not be withheld as a form of discipline.

~~f.6-~~ Children in ~~licensed~~ out-of-home care shall be encouraged and assisted in participating in activities such as having his or her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after-school organizations or clubs; and participating in community events. Children shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as they are not identified as ~~dependent foster~~ children. Confidentiality requirements for department records shall not restrict the children's participation in customary activities appropriate for the child's age and developmental level.

~~g.7-~~ Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out-of-home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. ~~The case manager services worker shall be available for consultation and must be notified of the activity. The child's case manager must be notified of overnight trips exceeding one night. These trips must not interfere with visitation schedules. Background screening is not necessary for participation in normal school or community activities and outings, such as school field trips, dating, scout campouts and activities with friends, families, school and church groups.~~

~~h.8-~~ Licensed out-of-home caregivers shall be as diligent in determining approval for such events as he or she would for his or her own children. Licensed out-of-home caregivers shall use their parenting skills to familiarize themselves with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity safely and appropriately.

~~i.9-~~ The licensed out-of-home caregiver ~~is expected to may~~ allow ~~foster~~ children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions. The licensed out-of-home caregiver's familiarity with the child and the circumstances in which the child shall be unsupervised shall be the primary factors in the decision-making. The licensed out-of-home caregiver is ultimately responsible for the supervision of the child. Therefore the licensed out-of-home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.

~~j.10-~~ The licensed out-of-home caregiver shall have knowledge of where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving an outing or overnight activity. The licensed out-of-home caregivers ~~shall should~~ meet the adult who will be supervising prior to allowing the child to spend the night away from their licensed placement or exercise the same reasonable and prudent decision-making they would use in making this decision for their own children. Overnight trips exceeding one night must be approved by the child's ~~case manager services worker~~ and must not interfere with visitation schedules.

~~k.11-~~ The licensed out of home caregiver shall be sensitive to the parent's input regarding the types of activities in which the child can participate and the parents must be included, when practicable, in the decision making process. For children who are not legally free for adoption, legal parents input should be included in the decision making process.

~~a-~~ ~~Background checks for dating and outings, such as school field trips, Cub Scout campouts, and activities with friends, families, school and church groups, are not necessary for participation in normal school or community activities.~~

~~2.b-~~ Food and Nutrition.

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

~~b.(H)~~ Licensed out-of-home caregivers are expected to provide for any special dietary needs of ~~foster~~ children placed in their home. The licensed out of home caregiver shall be sensitive to the parent's input regarding special dietary needs.

~~c.(HH)~~ Licensed out-of-home caregivers shall not withhold food as a means of discipline or punishment.

~~3.e-~~ Clothing and Personal Belongings.

~~a.(F)~~ All children ~~are to should~~ be provided with their own clean, well-fitting, attractive clothing appropriate to their age, ~~gender sex~~ and individual needs, in keeping with community standards and appropriate to the season.

~~b.(H)~~ Each child must be provided towels, washcloths, and toiletry items such as toothbrushes, combs, and hairbrushes.

~~c.(HH)~~ All children must be allowed to bring, retain and acquire personal belongings while in care. Licensed out-of-home caregivers must help each child protect and preserve possessions, which are important to the child.

~~d.(IV)~~ Licensed out-of-home caregivers shall keep an inventory of ~~all~~ belongings the child brought to the home as well as those purchased or subsequently obtained for the child. When the child leaves the family home the licensed out-of-home caregiver must send along with him all serviceable clothing and personal belongings bought for, earned or given to the child. This includes any toys, bicycles, radios, or other things that are the child's personal belongings.

~~4.d.~~ Religion and ethnic heritage. A licensed out-of-home caregiver shall cooperate with the child's case manager services worker in arranging opportunities for a child to participate in the faith of his or her choice or that is requested by the child's family. The child's licensed out of home caregiver services worker shall coordinate appropriate arrangements for the child's attendance at religious activities in partnership with the child's case manager licensed out-of-home caregiver. ~~An applicant whose religious belief precludes the use of a licensed medical professional shall not be licensed.~~

5.e. Discipline.

a.(H) Licensed out-of-home caregivers shall discipline children with kindness, consistency, and understanding, and with the purpose of helping the child develop responsibility and self-control.

b.(H) Licensed out-of-home caregivers shall use positive methods of discipline. Acceptable methods of discipline are reinforcing acceptable behavior, expressing verbal disappointment of the child's behavior, loss of privileges, grounding, restricting the child to the house or yard, or sending the child out of the room and away from the family activity; and redirecting the child's activity.

c.(H) Licensed out-of-home caregivers shall not subject children to cruel, severe, or unusual forms of discipline.

d.(IV) Licensed out-of-home caregivers shall not use corporal punishments of any kind.

e.(V) Licensed out-of-home caregivers shall not delegate discipline or permit punishment of a child by another child or by another an-adult not in a caregiver role.

f.(VI) Licensed out-of-home caregivers shall not withhold meals, clothing, allowance or shelter as a form of discipline.

g.(VII) Licensed out-of-home caregivers shall not ridicule or punish a child for bed-wetting or other lapses in toileting.

h.(VIII) No child shall be mechanically restrained or locked in any enclosure, room, closet, bathroom or area of the house or premises, for any reason.

i.(IX) Licensed out-of-home caregivers shall not threaten a child with removal ~~from the home~~, or with a report to authorities or prohibit visitation with family and significant others as consequences for unacceptable behavior ~~and shall not prohibit visitation with family and significant others as punishment~~.

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

6.f. Health Care.

a.(H) Licensed out-of-home caregivers are responsible for ensuring the child has routine medical, vision and dental care. The case manager services worker shall promptly provide licensed out-of-home caregivers with the child's prescription medication and information regarding any medical, vision and dental interventions necessary for the child's health and well-being. Licensed out-of-home caregivers shall keep accurate records of the administering of all medications, including psychotropic medications, and of medical treatment and interventions.

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

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

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

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

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

8.g. Medicine.

a.(H) Licensed out-of-home caregivers are responsible for administering and documenting giving medication ~~as prescribed for the child. The amount, date and time the medication is administered to the child shall be documented and kept with the child's resource record and for recording the exact amount of any medication prescribed.~~

b.(H) No child shall be given prescription medication without a physician's prescription or medication prescribed to another person.

9.h. Resource Records. The child's resource record shall be maintained by the licensed out of home care giver as set forth in paragraph 65C 30.011(5)(a), F.A.C.

10.i. Education. Licensed out-of-home caregivers shall work in partnership with the child's case manager services worker to address the child's educational needs and to allow

for the continuation of school attendance ~~as per subsection 65C-30.011(7), F.A.C.~~ To further promote visibility within the community, children in care may not be home schooled.

~~11.j.~~ Allowances. Children in licensed out-of-home care shall receive an allowance, ~~in accordance with the bilateral service agreement.~~ The licensed out-of-home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities. Allowances are not to be withheld as a form of discipline. ~~The services worker shall check with the child during each home visit to verify that the child received the allowance, and the information shall be noted in the visitation report.~~

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

(a) Licensed out-of-home caregivers must work cooperatively with the case manager ~~services worker~~ as a member of a treatment team in seeking counseling, other professional services and in preparing and implementing the case plan for each child.

(b) Licensed out-of-home caregivers must provide pertinent information for judicial review hearings and administrative review conferences for children placed in their home.

(c) Licensed out-of-home caregivers shall work in partnership with the case manager services worker to maintain child resource records in a secure manner, which ensures confidentiality for the child and the child's parents as defined in paragraph 65C-30.011(4)(a), F.A.C., and in conjunction with the child's services worker.

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

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

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

~~(e)(g)~~ Licensed out-of-home caregivers shall only allow the child to be moved from the home by a child protective investigator or department, lead agency or case management ~~supervising~~ agency staff member, after seeing proof of identification.

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

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

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

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

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

~~(m)~~ Licensed out of home caregivers shall allow children and their legal family, including siblings, to communicate by mail and by telephone in accordance with the child's case plan and in keeping with the directions of the court.

~~(n)~~ Licensed out of home caregivers shall not open the child's mail, monitor telephone conversations or otherwise interfere with free communication with the legal family, except as necessary to comply with the directions of the court.

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

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

~~(q)~~ The licensed out-of-home caregiver shall provide children opportunities in the home and through life skills classes and other organized activities to learn and practice skills needed for independent living, such as food preparation, money management, consumer awareness, personal hygiene and appearance, housekeeping and care of personal belongings, accessing health care services, transportation, job seeking, education, study skills and interpersonal relationship building or other skills provided for in the child's independent living skills plan.

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

~~(s)~~ The licensed out of home caregiver shall support the child's efforts to learn to drive a car, obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities for driver's education are not available through the school district, the licensed out of home caregiver, services worker and legal parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out-of-home caregiver must pay for a car, or insurance on behalf of the youth in their care.

(3) Responsibilities of the Licensed Out-of-Home Caregivers to the Child's Family.

(a) Licensed out-of-home caregivers must present a positive image of and demonstrate respect for the child's own family and must agree to maintain a working relationship with the child's family members as indicated in the child's case plan.

(b) Licensed out-of-home caregivers must participate in planning and facilitating visits for the child with his parents and family members as indicated in the case plan.

(c) Licensed out-of-home caregivers must allow children and their family members to communicate by mail and telephone in accordance with the child's case plan.

(d) Licensed out-of-home caregivers must share as many parenting experiences as possible with the child's legal family, i.e.; participating in school conferences and activities, transporting the child to medical appointments, buying clothing, and attending social activities ~~birthday parties~~.

(e) Licensed out-of-home caregivers must never be openly critical of the child's legal family to the child or to others. Negative experiences and feelings should be shared with the case manager services worker in a private setting and any indication of abuse and/or neglect shall be reported to the Florida Abuse Hotline.

(f) Licensed out-of-home caregivers must willingly share information about the child, his development, school progress, behavior, and any significant happenings with the case manager services worker and with the child's legal family.

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

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

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

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

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

~~(e) At the time of re-licensure the licensed out of home caregivers must include the entire family in evaluating the impact that licensed out of home care has had on their family. This joint evaluation will result in a decision to either continue providing foster care, emergency shelter care or group care or a decision that the family will not continue to provide care.~~

~~(4)(5) Responsibilities of the Licensed Out-of-Home Caregivers to the Licensing Authority Department and Supervising Agency.~~

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

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

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

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

~~(e) Licensed out of home caregivers must sign a "Child Service Agreement", CF FSP 5227, October 2005 incorporated by reference and available at www.def.state.fl.us/publications/, for each child placed in their home.~~

~~(f) If the licensed out of home caregivers provide emergency shelter care, they must sign the "Civil Rights Certificate", CF 707, October 2005 incorporated by reference and available at www.def.state.fl.us/publications/. These homes are generally paid a monthly subsidy for remaining open on a 24-hour basis. The amount of the subsidy payment should be included in the agreement to provide shelter care.~~

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

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

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

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

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

~~1. A child requires hospitalization or emergency medical treatment;~~

~~2. A child dies;~~

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

~~4. Any other life threatening situation occurs.~~

~~(a)(4) When a foster child age 12 or older is believed to be missing, within four hours the licensed out-of-home caregiver shall also notify law enforcement and request that a missing child report be opened and obtain the case number, inspect the child's belongings to determine what items are missing and~~

assist the child's case manager ~~services worker~~ in efforts to locate the child. Children age 11 or younger should always be immediately reported to local law enforcement as missing.

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

~~(c)(n)~~ Licensed out-of-home caregivers shall be knowledgeable of the provisions of the federal Multiethnic Placement Act, which prohibits delay in the placement of a child on the basis of race, culture or ethnicity and the Americans with Disabilities Act.

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

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

~~(q)~~ Licensed out of home caregivers must treat department, supervising agency and lead agency staff, a child's family, the Guardian Ad Litem, and other professionals with respect and courtesy.

~~(r)~~ Licensed out-of-home caregivers must complete the "Licensed Out-of-Home Caregiver's Review of Services Worker's Performance", CF FSP 5224, March 2007, incorporated by reference and available at www.def.state.fl.us/publications/, regarding children's services workers who have supervised children in the home 30 days or more.

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

~~(e)(t)~~ Licensed out-of-home caregivers shall keep confidential all information about the child and the child's family. Discussing this information shall be limited to a licensing authority ~~departmental~~ or agency staff member, Guardian Ad Litem, or other authorized professional working with the child

~~(u)~~ Licensed out-of-home caregivers shall be knowledgeable of the Americans with Disabilities Act and shall treat foster children with disabilities with respect and include them in activities to the extent that they are able.

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

~~(5)(6)~~ Responsibilities of the Supervising Lead Agency and the licensing authority Department to the Licensed Out-of-Home Caregiver and Children in Care.

~~(a)~~ The ~~lead agency or~~ supervising agency will provide and coordinate training opportunities for licensed out-of-home caregivers. Licensed out-of-home caregivers shall be provided with information concerning the Multiethnic Placement Act and the Americans with Disabilities Act.

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

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

~~2. Provide appropriate care for the child.~~

~~(c)~~ The supervising agency shall provide the child resource record, ~~as defined in paragraph 65C-30.011(4)(a), F.A.C., must be compiled into a packet of information on each child and be given to the licensed out-of-home caregiver at the time of placement or within 72 hours of the placement.~~

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

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

~~(f)~~ The ~~services worker~~ will visit with the licensed out-of-home caregivers in accordance with paragraph 65C-13.028(2)(a), F.A.C., and the children in their care at least every thirty days in accordance with subsection 65C-30.007(5), F.A.C.

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

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

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

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

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

~~(m) The services worker will coordinate with the licensed out-of-home caregiver in making an appointment for the initial Child Health Check Up as defined in subsection 65C-30.001(17), F.A.C., if not previously accomplished. When a child is placed in any setting in shelter status, the screening must be completed within seventy-two hours of entering shelter. The services worker will make appointments for follow-up treatment if the need for this is identified during screening and will coordinate with the licensed out-of-home caregiver in arranging transportation.~~

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

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

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

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

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

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

~~(t) Education. When children are placed in licensed out of home care as a result of abuse or neglect, they must receive the services needed to meet their assessed academic needs, provide for educational continuity, and support their continued attachment to their legal parents and identified community. The following conditions must be met in order to ensure that children receive appropriate services to meet their educational needs and preserve their principle attachments:~~

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

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

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

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

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

~~Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended _____.~~

~~65C-13.030 Standards for Licensed Out-of-Home Caregivers.~~

~~(1) General Requirements.~~

~~(a) There shall Generally, there should be no more than five children in a licensed home, including the licensed out-of-home caregiver's family's own children unless an over capacity waiver has been approved.~~

~~(b) There shall be no more than two children under the age of two years in a home, including the licensed out-of-home caregiver's children unless a waiver has been approved.~~

~~(c) There shall be no more than two children placed in a therapeutic family Therapeutic foster home unless a waiver has been approved homes are limited to the placement of two children.~~

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

~~(e) Each licensed out of home caregiver applicant shall sign a Bilateral Service Agreement as defined in subsection 65C-30.001(11), F.A.C. The agreement shall be reviewed, and discussed with a licensing counselor prior to initial licensure and again at each re-licensure. The document must be signed by a representative from the supervising agency and the potential or licensed out-of-home caregiver.~~

~~(2) Utilization of Foster Home.~~

~~(d)(a)~~ Placement of a child in a home licensed by the Agency for Persons with Disabilities shall be approved by the Agency for Persons with Disabilities prior to placement. A home licensed by the Agency for Persons with Disabilities may be utilized for placement of children eligible for both programs without obtaining a separate license if the child is receiving Supplemental Security Income (SSI).

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

1. Licensed out-of-home caregivers ~~contracting that have contracted~~ with a lead agency are authorized by Section 409.1671(5)(b), F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302(7), F.S., ~~and may be dually licensed if they choose to do so and meet the requirements for licensing.~~ A dually licensed ~~family foster home~~ cannot provide care for more than five children, including biological, foster, and adopted children. Therapeutic or Medical ~~Family Foster Home shall~~ Homes can not be dually licensed.

2. All licensing standards and requirements for family foster homes and family day care homes shall be met and maintained.

3. Licensed out-of-home caregivers shall limit their operation as a Family Day Care Home as follows:

a. Hours of operation shall only occur between 6:00 a.m. and 7:00 p.m.;

b. Based on the premise that the foster care maintenance assistance is for the care of a foster child for a twenty-four hour period and includes the provision of daily supervision for the foster child, the out-of-home caregiver shall not be paid both the foster care board rate and child care subsidy for the same child;

c. A family foster home providing child care under this section shall be inspected a minimum of twice per year, once by daycare licensing staff and once by the supervising agency's licensing specialist. The inspection is to assess the impact of the child care operation on the fostering experience;

d. Where family foster homes are also licensed as a Family Day Care Home, the department shall make every effort to coordinate inspections with a licensing counselor from the child-care licensing program; and

e. Complaint investigations shall be conducted in conjunction with a representative from child care licensing.

~~(3)~~ Emergency Shelter Family Foster Homes.

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

~~(e)~~ A family foster home may designate a certain number of beds for the purpose of shelter care as well as foster care. ~~(b)~~ Emergency shelter care providers shall maintain a shelter log for the child that documents the child's name, date of birth, and prescribed medications; the name of the child's services worker; and the dates the child entered and exited provider's care.

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

~~(2)(4)~~ Personal Standards.

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

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

(c) A licensed out of-of-home caregiver shall not operate the home as an adult boarding or rooming home or an adult daycare facility.

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

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

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

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

~~(h)~~ Screening. Screening of licensed out-of-home caregivers and other household members shall meet the screening requirements set forth in Rule 65C-13.023, F.A.C.

~~(3)(5)~~ Physical Environment.

(a) The home shall be inspected by a representative of the environmental health office of the local public health department and receive a satisfactory inspection result for water supply, food holding temperature, plumbing, vermin and vector control, sewage, and garbage and rubbish disposal, prior to initial licensing and annually prior to re-licensing.

1. Water Supply. When water is accessible to those in care, the water temperature shall not exceed 120 degrees Fahrenheit to avoid scalding. Adequate hot water shall be provided at a minimum of 100 degrees Fahrenheit.

a. Routine Testing. Licensed out-of-home caregivers not served by a municipal water supply shall test the water and submit bacteriological water test results to the local county health department:

- (I) Before license approval;
- (II) At least every 12 months;
- (III) Upon relocation;
- (IV) Before having the well placed in service after construction, repair, or modification; or
- (V) After an emergency situation, such as a flood, that may introduce contaminants to the system.

b. Test results must be negative for bacteriological contamination.

c. Positive test results require the facility to use potable water from a source approved by law for the purpose of drinking, cooking, and oral contact, until test results are negative. In addition, wells that test positive shall be disinfected, flushed, and tested for bacterial contamination.

d. Laboratory test results must be submitted to the local county health department, in writing, by the testing laboratory.

e. Testing can be obtained through the local county health department or a certified independent laboratory.

2. Food Holding Temperature. Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above. Refrigeration units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed by the licensed out-of-home caregiver and any inspector.

3. Vector Control.

a. Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches, and other vectors and vermin on the premises. Effective measures shall include any method or device or the application of any substance to prevent, destroy, repel, mitigate, curb, control any pest in, on, or under the structure or lawn.

b. The creation, maintenance, or causing of any condition capable of causing vectors and vermin will not be permitted. The home shall be effectively maintained rodent-proof and rodent free. All outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent, to prevent entry of insects, rodents, or other vectors and vermin.

4. Sewage. Any home not on a municipal sewage system and having an onsite sewage treatment and disposal system or septic tank, shall meet applicable standards in Chapter 64E-6, Florida Administrative Code.

5. Garbage and Rubbish Disposal. All garbage, trash, and rubbish from the kitchen area shall be collected daily and placed in garbage receptacles. Garbage or trash containing diapers or any odor-causing agent shall also be collected daily and placed in garbage receptacles. Garbage or trash consisting only of paper items must be collected weekly and placed in garbage receptacles. Garbage shall be removed from garbage

receptacles frequently enough to prevent a sanitary nuisance, as defined in Chapter 386, F.S. Wet garbage shall be collected and stored in impermeable, leak proof, fly tight containers pending disposal. All containers, storage areas and, surrounding premises shall be kept clean ~~of vectors and vermin.~~

(b) Family foster homes located in counties designated by the Department of Community Affairs Florida Radon Protection Map Categories as “intermediate” or “Elevated Radon Potential” areas shall be tested to determine the level of indoor radon as required in Section 404.056, F.S. Radon levels shall be at a level which does not affect the safety and well-being of children in the homes. Re-testing of licensed family foster homes for radon gas shall take place as required in Section 404.056, F.S.

~~(b)~~(e) Outdoor Area.

1. The exterior of the home and premises shall be free from objects, materials, and conditions which constitute a danger to children. All garbage and trash shall be covered and removed regularly. There shall not be large, potentially dangerous items stored in the safe outdoor play area such as old refrigerators, stacks of lumber and unregistered vehicles or boats.

2. The home shall have a safe outdoor play area on the property or within reasonable walking distance. All outdoor play equipment shall be kept in good repair. If the home is located on a busy street, there shall be a safety plan for supervision.

~~(c)~~(d) Water Safety and Supervision.

1. Children shall be supervised visually at all times when they are in close proximity to any body of water. Children shall never be left alone with access ~~Access~~ to swimming pools and bodies of water ~~shall be restricted when supervision is not available and children shall never be left to swim alone.~~

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

3. Wading pools shall be set up and maintained according to the manufacturer’s instructions. Wading pools shall be emptied and stored when not in use and shall be filled with clean water before each use.

4. All pools above or in ground shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd’s hook of sufficient length to cover the area.

~~(d)~~(e) In Ground Swimming Pools.

1. Swimming pools shall have a barrier on all sides at least four feet high. The barrier ~~may~~ shall consist of ~~the~~ a house plus a fence on the remaining ~~three~~ sides or a ~~four-sided~~ fence enclosing the pool. If a wall of a dwelling serves as part of the barrier, it must not contain any door or window that opens to provide access to the swimming pool.

2. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or ~~another~~ ~~other~~ lock that is not accessible to children. Any exterior door leading from the house to the pool area shall have two of the safety features.

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

4. Swimming pools shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd's hook of sufficient length to cover the area.

~~(e)4. Above Ground Pools ground pools with steps or ladders shall have them secured, locked, or removed when the pool is not in use.~~

1. If the sides of an above ground pool are four feet tall, they may be used as the barrier for that pool.

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

~~3.5-~~ If the pool cannot be emptied after each use, the pool shall have a working pump and filtering system.

~~4.6-~~ Hot tubs and spas shall be required to have a safety cover that is locked when not in use.

~~7. Swimming pools shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd's hook of sufficient length to cover the area.~~

(f) Other Bodies of Water.

1. Children shall be in line of sight supervision at all times when in the proximity of any body of water.

2. Children who are placed in a licensed home that is adjacent to any body of water shall be instructed in water safety regardless of age or swimming capability.

~~(g)(f)~~ Interior Environment.

1. The home shall have sufficient space and furnishings and be accessible to all members of the family.

2. Each child shall be provided with adequate storage space for personal belongings and a designated space for hanging clothes in or near the bedroom occupied by the child.

3. Bath and toilet facilities shall be clean and in good working order with a door for privacy.

4. The door of each bathroom shall have a lock that may be opened from the outside in an emergency.

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

6. Each family foster home shall have a working telephone in the home that is and accessible at all times. Emergency telephone numbers shall be displayed prominently in the home, posted by the telephone. Licensed out-of-home caregivers shall immediately notify the supervising agency if their telephone number changes.

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

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

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

~~10. Rooms used by children shall be clean and well lit, for activities such as homework, board games, and other educational or recreational opportunities.~~

~~11. Homes shall be free of tobacco smoke. When children are present, rooms shall be free of tobacco smoke.~~

~~(h)(g)~~ Sleeping Arrangements.

~~1. All sleeping areas shall be in bedrooms separate from the public areas of the house. Children's bedrooms Bedrooms shall have adequate space for the number of children sleeping in the room. A minimum of forty square feet per child is required. Homes that are licensed prior to the promulgation of this rule shall be exempt from this requirement.~~

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

3. Each child shall be provided with a clean, comfortable, permanent bed and mattress of ~~their his or her~~ own. The bed shall be of sufficient size to comfortably accommodate the child.

4. Infants shall have their own crib which shall be maintained in good and safe condition and have a clean and comfortable mattress that fits snugly in the crib frame. Cribs shall not have drop sides or be placed close to windows with curtains or cords in which the child might become entangled.

5. Bunk beds shall be safe and sturdy. Bunk beds shall be equipped with safety rails on the upper tier for a child under the age of ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. Beds shall not be bunked higher than two tiers.

6. A licensed out-of-home caregiver shall provide each ~~foster~~ child with clean linens. A ~~foster~~ child shall not be required to sleep on linens soiled by urine or excrement. Waterproof mattress covers should be provided for all beds and cribs of children experiencing enuresis or encopresis. Plastic garbage bags must not be used as mattress covers.

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

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

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

10. Children may not share a bed.

11. Children over thirty-six ~~36~~ months of age shall may not share a bedroom with a child of the opposite sex unless efforts are being made to maintain a sibling group. In instances where efforts are being made to maintain a sibling group or

maintain a viable placement, the foster family, licensing agent and case manager shall work together in determining arrangements for the safety and best interests of the children involved. Rationale for any decision made for children over the age of thirty-six months to share a bedroom shall be documented in Florida Safe Families Network.

12. Children over the age of twelve months shall not share a bedroom with an adult. The only exception to this would be if one of the children sharing a bedroom reaches his or her eighteenth birthday and the out-of-home caregiver and the supervising agency approve this sleeping arrangement. This exception applies only to the circumstances described above and not to any new placements in the home.

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

14. Children over the age of twelve months may share a bedroom with an adult when it is deemed to be medically necessary. A doctor's note shall be placed in the licensing file of the ~~department and the~~ supervising agency. For children transitioning past their first birthday exceptions may be approved in consultation with the child's case manager and the licensing agency.

(i)(h) Family Foster Home Safety.

1. The licensed out-of-home caregiver shall make every effort to identify and immediately correct any hazard to the safety of ~~foster~~ children while in the home.

2. All poisonous chemicals shall be in a locked location. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for poisonous chemicals. Cleaning materials shall be made inaccessible to children.

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

4. All medications shall be stored in a location that is locked and inaccessible to children. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for medications.

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

6. Storage of guns shall comply with the requirements of CF-FSP 5343, Acknowledgement of Firearms Safety Requirements, effective February 2012 ~~March 2010~~, which is hereby incorporated by reference and available online at www.dcf.state.fl.us/publications/. A copy of the form is also available upon request by contacting the Office of Family Safety at 1317 Winewood Boulevard, Tallahassee, Florida 32399- If an agency receives a public records request after the promulgation of this rule, identifying information such as number of guns owned, or place of storage of guns, must be redacted.

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

(j)(f) Fire Safety.

1. The home shall be safe from fire hazards. All combustible items shall be stored away from sources of heat. Exits, stairways and hallways shall be free of obstacles that would hamper an emergency evacuation. The home shall have at least two exits. All doors with locks shall be capable of being opened from the inside.

2. All equipment such as heating and cooling units, washers, dryers, refrigeration systems, stoves and hoods shall be properly installed, vented and maintained.

3. Each bedroom shall have two means of exit in case of emergency. Bedrooms above ground level must have a means of escape that will allow for safe exit. If the child's bedroom home is equipped with burglar bars, the caregiver shall demonstrate that the burglar bars can be released to allow exit. A key placed near a window does not qualify as an approved emergency release method. Age appropriate training on opening of the burglar bars shall be provided to each child upon placement.

4. The licensed out-of-home caregiver shall have an evacuation plan posted in a conspicuous place in the home. The plan shall specifically provide for the safe exit of children who are incapable of understanding the plan or participating in drills. This plan should be shared with all children as appropriate to their age and level of understanding upon placement in the home.

5. Fire drills shall be conducted a minimum of two times a year. The licensed out-of-home caregiver shall maintain a log of fire drills conducted, including the date, beginning and ending time, specific location and participants' names.

6. Each floor in the home shall have a fully charged, unexpired 2A10BC fire extinguisher. One of the fire extinguishers shall be adjacent to the kitchen. There shall also be at least one operating smoke alarm on each floor. There shall be a smoke alarm in each bedroom area.

7. The home shall not be heated by un-vented gas fired space heaters or oil heaters unless they are equipped with an oxygen depletion sensor and the home has a carbon monoxide alarm. All gas-fired devices shall be equipped with an automatic pilot gas shut-off control. All electrical wiring shall meet required building codes.

8. All fireplaces, space heaters, steam radiators, and hot surfaces shall be shielded against accidental contact. Access by children under six years of age shall be restricted by a barrier.

9. Extension cords shall not extend from one room to another with the exception of situations involving emergency loss of power due to a natural or manmade disaster. Multiple electric outlet adapters shall not be used for more than two extensions at one time.

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

(k)(g) Transportation Safety.

2. The licensed out-of-home caregiver shall have all vehicles insured. The licensed out-of-home caregiver shall not allow ~~foster~~ children to be transported by any person not possessing a valid driver's license or auto insurance. 1. The licensed out-of-home caregiver shall have transportation available twenty-four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children as required under Section 316.613(1)(a), F.S. Vehicles shall be smoke-free when ~~foster~~ children are being transported. The licensed out-of-home caregiver shall have the ability to safely transport the number of children in his or her care.

3. The licensed out-of-home caregiver shall not have driving violations less than five years old ~~on file with the Department of Motor Vehicles~~, which relate to driving under the influence of alcohol, or drugs on file with the Department of Highway Safety and Motor Vehicles. A copy of the licensed out-of-home caregiver's driving record shall be provided to the licensing authority at the time of initial licensure and at each re-licensure.

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

(l)(k) Disaster Plans.

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

2. The plan shall include where the family intends to go and information as to how the family may be reached and must be shared with the supervising agency.

Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 7-21-10,_____.

65C-13.031 Terms of a License.

(1) It is unlawful for any person to make a willful or intentional misstatement on any license application or other document filed in connection with an application for a license. An applicant who makes such willful or intentional misstatements shall have his or her license denied or revoked.

(2) The regional licensing authority shall request in writing any additional information legally required for the purposes of making a licensing determination; within ten working days of receipt of an application packet. The regional licensing authority shall ~~and either~~ grant or deny an initial license application within ten working days of receipt of a complete application packet.

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

(4) A license is issued to specific caregivers for a specific location and is not transferable to any other person or location. Offices, conference rooms and other non home-like settings are not appropriate for licensing or placement of children in care.

(5) The license shall reflect the name of the licensee, the licensee's physical address, city and county, the name of the supervising agency and the license number along with its beginning and expiration dates. ~~The approved capacity and any limitations placed on the licensed out-of-home caregiver shall be displayed.~~ An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.

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

(a) Has maintained ~~Maintained~~ a license with the licensing authority ~~department~~ for three consecutive years;

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

(c) Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.

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

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

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

(10) Provisional License.

(a) Provisional licenses are non-renewable and the duration shall not exceed twelve months. ~~Provisional licenses shall not be issued without the submission of a~~ corrective action ~~written~~ plan to the licensing authority identifying the deficiencies and time frames for correcting the deficiencies prior to the expiration of the provisional license.

(b) No license shall be issued if there is a failure to comply with background screening requirements of Rule 65C-13.023, F.A.C.

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

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

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

~~(d)(f)~~ A provisional license may be suspended if periodic inspection made by the supervising agency indicates insufficient progress has been made toward corrective action plan compliance.

(11) License Modifications.

(a) Modifications shall be made to a license at the request of the licensed out-of-home caregiver or as a result of corrective measures.

(b) Modifications which alter information set forth on the existing license shall result in the issuance of a new license. This new license shall be titled "Amended License" and shall expire on the same date as on the existing license.

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

~~(d) A licensed out-of-home caregiver that relocates within a region shall retain the same license number.~~

(12) Record Confidentiality. Any information made confidential by Section 409.175(16), F.S., shall be exempt from release unless otherwise ordered by the court. This confidentiality also applies to records maintained by community-based care providers pursuant to Section 119.011(2), F.S.

(13) File Retention.

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

1. All initial and subsequent licensing documentation;

2. Complaint investigation information;

3. Waivers; and

4. Other additional documentation obtained regarding the licensed home.

(b) Supervising agencies shall maintain a file on every active licensed ~~family foster~~ home. The file shall include, at a minimum, all initial and subsequent licensing documentation as well as all other licensing related activities including documentation of background screening requirements. These files must be maintained in a secure location and when requested, be made available for monitoring or auditing purposes.

(c) An electronic version of the licensing file shall be maintained by the supervising agency in the electronic filing cabinet located in Florida Safe Families Network. The supervising agency in partnership with the lead agency shall develop a policy that addresses the destruction of paper files; this policy must be reviewed and approved by regional licensing administrator.

~~(d)(e)~~ Files of prospective licensed out-of-home caregivers who do not become licensed shall be retained by the supervising agency for a period of five years.

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

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

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended _____.

65C-13.032 Capacity, Placement, and Over-Capacity Assessments and Waivers.

(1) Capacity.

(a) A recommendation shall be made by the supervising agency for the licensed capacity in each family foster home based on:

1. An evaluation of the skills, experience and support network of the prospective licensed out-of-home caregiver;
2. The physical space in the home; and
3. The needs of the children served.

(b) The total number of children in the home shall not exceed five children, including the out-of-home caregiver's own children, unless the home is being licensed as a child specific license for a sibling group larger than five. There shall be no more than two infants under twenty-four months in a licensed foster home, including the out-of-home caregiver's family's own legal children.

(2) Placement. The total number of children placed in each family foster home shall be based on the recommendation of the supervising agency, using the following criteria:

- (a) The needs of each child in care;

(b) The ability of the licensed out-of-home ~~caregiver(s)~~ caregiver to meet the individual needs of each child, including any of the out-of-home caregiver's own adoptive or legal children living in the home;

(c) The amount of safe space;

(d) The ratio of active and appropriate adult supervision to the number of children; and

(e) The background, experience, and skill of the licensed out-of-home caregivers.

(3) Approval of Over-Capacity Assessments for Over Five Children or More than Two Infants.

(a) Assessment approvals for ~~more than the rule of five children or no more than two infants~~ under twenty-four months shall be given prior to placement by the supervisor in writing or via electronic method for the following situations and shall be approved personally and in writing the next business day by the Regional Administrator or the Chief Executive Officer for the Community-Based Care Lead Agency or their designee. The following circumstances require an assessment:

1. To accommodate a sibling group. This may be a sibling group with some of the children already in the home as well as a sibling group being placed for the first time;

2. To accommodate a child or sibling group needing placement who has previously lived in the home;

3. To allow a teen parent in ~~substitute~~ care to have his or her child or children placed in the same home.

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

(b) ~~If the total number of children in a family foster home will exceed the rule of five or exceed two infants under twenty four months, including the family's own children. The~~ the assessment of each child in the home and of the child being placed in the home shall be completed by the placement staff services worker and approved in writing by the services worker's supervisor prior to the placement.

1. The assessment shall include:

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

b. A clear, concise explanation of why the over-capacity waiver exception should be approved including the reason it has been determined that this is the most appropriate available placement;

c. A description of any special services or support systems which may be necessary to assure the well-being of the child ~~or children~~ being placed;

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

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

f. Placement needs and risk factors for children who have been sexually victimized or who are sexually aggressive;

g. Verification that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement; and

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

2. ~~General~~ Requirements for the Assessment.

a. ~~The placement staff services worker~~ shall provide to the case manager licensing counselor a copy of the completed assessment within five working days of the child's placement.

b. The written and approved assessment shall be placed in the licensing file of the out-of-home caregiver.

c. The licensing counselor shall conduct a home visit with the licensed out-of-home caregiver within seven calendar days of a child's placement to ensure that all appropriate services identified by the ~~case manager services worker~~ are in place to support the out-of-home caregiver.

(4) ~~General~~ Over-Capacity Waiver and Age Differential Approvals.

(a) Written approval of the waiver shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded. The wavier and shall be approved by the supervisor in writing or via electronic method and shall be approved personally and in writing the next business day by the Regional Administrator or ~~his or her designee in upper level management~~ or the Chief Executive Officer for the Community-Based Care Lead Agency or their his or her designee, in upper level management.

(b) An initial approval shall not exceed thirty calendar days except when the approval is used to accommodate a sibling group larger than five or with more than two infants siblings under 24 months of age.

~~(e) Subsequent approvals for the same child or children may be approved in writing for a ninety day extension.~~

~~(c)(d)~~ The approval for the over-capacity waiver home shall automatically expire when the total number of children in the home is at or below the licensed capacity.

~~(d)(e)~~ An approval may be issued for one hundred eighty calendar days if it is issued to accommodate a sibling group larger than five or more than two infants under 24 months of age. Subsequent approvals may be approved for a one hundred eighty-day extension.

~~(e)(f)~~ All child placements shall be recorded in the Florida Safe Families Network the Statewide Automated Child Welfare Information System (SACWIS) by the supervising agency within forty-eight hours of placement. When such a placement causes a home to exceed a total of five children, the approval shall be

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175(3)(a), 409.175(5)(a)4., 409.175(5)(b) FS. History--New 4-6-08, Amended _____.

65C-13.033 Babysitting, Overnight Care, and Other Supervision Arrangements Respite and Other Supervision.

(1) All persons who provide respite care in their own homes shall be licensed and attend pre-service training pursuant to Section 409.175, F.S. Respite providers already licensed without having been through pre-service training shall be excluded from the requirement for training under this rule.

~~(2) All persons providing respite care in the family foster home where the child is placed shall be screened pursuant to Rule 65C-13.023, F.A.C. Training in the pre-service program for these respite providers shall be strongly encouraged. If a respite care provider is unable to attend the pre-service training, he or she shall receive an orientation that includes the protocol for handling emergencies, confidentiality, the department's discipline policy and an overview of the pre-service curriculum addressing discipline and behaviors of foster children. The licensing counselor shall document this orientation.~~

~~(2)(3) All respite care providers shall be furnished with written information on the children in their care including:~~

~~(a) Telephone numbers for the case manager services worker in case of an emergency;~~

~~(b) Medical authorization and instructions on seeking medical care;~~

~~(c) Medications, instructions for administering, and the log for recording proper administration of the medications;~~

~~(d) Physician's name and telephone number;~~

~~(e) School;~~

~~(f) Medicaid number; and~~

~~(g) Medical, physical or behavioral concerns.~~

~~(3)(4) A licensed out-of-home caregiver is entitled to paid respite. Six hours or more shall constitute a paid respite day. Each licensed out-of-home caregiver is entitled to a minimum of twelve paid respite days per year.~~

~~(4)(5) Supervising agency approval shall be obtained prior to the respite period if reimbursement is sought.~~

~~(5)(6) Babysitting and Other Short Term Home Based Care.~~

~~(a) Babysitters shall be at least sixteen years of age or older except for youth age 14-15 who have completed a recognized babysitting course. The local Community-Based Care lead agency has the authority to approve the educational course on babysitting and shall be screened by securing a Florida Department of Law Enforcement name check, a child abuse and neglect records check through the Statewide Automated Child Welfare Information System, and a local criminal check.~~

(b) The licensed out-of-home caregiver is responsible for ensuring that individuals providing babysitting are suitable and appropriate for the age, developmental level and behaviors of the children.

(c) The licensed out-of-home caregiver is responsible for ensuring babysitters receive an orientation that covers protocol for handling emergencies, including telephone numbers for the licensed out-of-home caregiver, case manager services worker and physician. The discipline policy and confidentiality policy shall be clearly explained.

~~(d) A youth aged sixteen or older who is the licensed out of home caregiver's legal child, a relative or neighbor, and whom the licensed out of home caregiver knows to be of sufficient reliability and maturity may baby sit foster children. The length of time depends on the maturity and needs of the foster child(ren) and the maturity of the babysitter.~~

~~(d)(e) Babysitting by sixteen to eighteen year olds will not include more than three children. Babysitting does not have to occur in a licensed setting.~~

~~(f) A procedure shall be established for a time limit in which the licensed out of home caregiver will contact the babysitter periodically during his or her absence. Babysitting is limited to less than twenty-four hours in duration.~~

~~(g) Foster children shall not be permitted to provide supervision to children in the home.~~

~~(6) Overnights. In order to afford the child every opportunity for social development, recreation, and normal life experiences, the child may attend overnight or planned outings if the activity is determined by the licensed out-of-home caregiver to be safe and appropriate.~~

~~(7) Other overnight care.~~

~~(a) Families should be expected to take children in their care on family vacations and trips whenever possible.~~

~~(b) The following procedures apply when the parent must be absent overnight and the child cannot reasonably accompany them.~~

~~1. Foster parents will be allowed to select families or individuals who are well known to them to care for the children.~~

~~2. Except in emergency circumstances, the adults in these families must have criminal and child abuse background checks including finger printing. In emergency circumstances, the CBC or designee will perform a local criminal abuse background check and a child abuse background check within 24 hours of the family or individual taking responsibility for the child(ren). A full background screening will be initiated the next business day. Foster parents are strongly encouraged to identify and screen multiple persons to provide care in emergency situations.~~

~~4. The CBC shall develop a process for approving these supervision arrangements and the case manager will be informed of the arrangements.3. The foster parent will certify~~

to the CBC or CBC designee that the home is safe and free from hazards considering the unique circumstances of the child.

(8) General Provisions. All care providers shall be furnished with written information on the children in their care including:

(a) Telephone numbers for the case manager in case of an emergency;

(b) Medical authorization and instructions on seeking medical care;

(c) Medications, instructions for administering, and the log for recording proper administration of the medications;

(d) Physicians' name and telephone number(s);

(e) School;

(f) Medicaid number; and

(g) Medical, physical or behavioral concerns

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended _____.

65C-13.034 Foster Care Referrals and Investigations Complaint and Foster Care Referrals.

(1) ~~The licensing authority department maintains responsibility for ensuring appropriate follow-up actions are taken on all foster care referrals and investigations. The supervising agency shall ensure that all licensed out-of-home caregivers are notified of foster care referrals. Licensed out-of-home caregivers shall be notified of investigations by the child protective investigator he investigation of all complaints and foster care referrals alleging licensing violations.~~

(2) ~~The licensing authority, department, lead agency and supervising agency have the right to inspect the entire premises of the licensed out-of-home caregiver at any reasonable time.~~

(3) ~~Foster Care Referrals. Upon receipt of a foster care referral by the child protection investigation unit, the foster care referral shall be immediately forwarded to the appropriate licensing staff. If the foster care referral is regarding a family foster home, the referral shall be immediately forwarded by the child protection investigator to the supervising agency. If the foster care referral is regarding a residential group home, the foster care referral shall be immediately forwarded by the child protection investigator to the regional licensing authority. The licensing staff receiving the foster care referral shall, receiving a regulatory complaint investigation, the child protection investigator shall:~~

(a) ~~Respond to the foster care referral and document any needed actions within twenty-four hours. Immediately notify the licensing staff from the department if during regular business hours and if after hours, the next business day.~~

(b) ~~If licensing violations are found which do not pose an immediate threat to the health, safety or well-being of the child, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be~~

~~developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the licensing authority. Immediately notify the lead agency and the supervising agency if during regular business hours and if after hours, the next business day.~~

(c) ~~If there are concerns regarding abuse or neglect, a call shall be made to the Abuse Hotline. Immediately notify the placement unit, or on-call placement unit if after hours.~~

(4) ~~Investigations. When the supervising agency or regional licensing authority is notified of an investigation a staffing shall be coordinated according to local protocol. If licensing violations are found which do not pose an immediate threat to the health, safety or well-being of the child, the supervising agency or regional licensing authority shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency or regional licensing authority in conjunction with the licenses out-of-home caregivers or residential group home managers and shall be approved by the licensing authority. The supervising agency staff responsible for conducting the investigation will review the file and may consult with the department's licensing staff for technical assistance if needed.~~

(5) ~~The department licensing staff shall be responsible for developing and maintaining a comprehensive procedure for tracking all institutional reports.~~

(6) ~~The department licensing staff shall work in cooperation with the lead agency and supervising agency to ensure a thorough investigation is conducted. All contacts shall be thoroughly documented. Complaint investigations and foster care referrals shall be initiated within twenty-four hours of receipt by the supervising agency's licensing unit unless otherwise authorized by the department licensing authority. Foster care referrals will be received and assigned according to Rule 65C-29.006, F.A.C. The supervising agency licensing staff member assigned to the referral will interview the child or children listed as subjects of the referral and visit the family foster home or emergency shelter home within twenty four hours of receipt of the referral by the licensing unit unless a staffing is held with the licensing unit supervisor and a determination is made and documented in the licensing file, that a home visit is not necessary. If a home visit is not made, the licensing staff responsible for the referral will contact the licensed out-of-home caregiver to discuss the referral within twenty four hours of receipt of the referral. The licensing staff member responsible for the referral will complete the assessment of the referral within five working days of receipt of the referral by the licensing unit. The results of the assessment and any necessary corrective action plan will be documented in the licensing file and a copy forwarded to the licensing authority within seven working days of receipt of the referral by the licensing unit of the supervising agency.~~

~~(7) Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect shall be investigated jointly with the Child Protective Investigator whenever possible. The focus of the licensing counselor's investigation or assessment is limited to violations of licensing standards pursuant to Section 409.175, F.S. and Chapter 65C-13, F.A.C.~~

~~(8) Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect, closed with verified or some indicators of abuse or neglect, shall have a staffing conducted with the following persons: department licensing staff, supervising and lead agency staff, the case manager, the protective investigator, and any other parties with pertinent information relating to the case or complaint. This staffing shall be held prior to the closure of the report. Upon completion of the investigation, the protective investigator shall notify all pertinent parties to arrange a suitable time and place to convene the staffing. Complaints against a licensed out-of-home caregiver not meeting the criteria for child abuse or neglect may be staffed.~~

~~(9) Within seven working days of the staffing a complaint investigation the supervising agency's licensing staff shall forward the results of the complaint and any necessary corrective action plan to the licensing authority.~~

~~(10) Corrective action plans shall be developed and monitored in conjunction with the supervising agency. Corrective action plans shall be in writing and identify specific dates by which corrective measures shall be completed. The written corrective action plan shall also state that failure to comply with the corrective measures within the time frames identified may result in administrative action including suspension, revocation or denial of the license.~~

~~(11) The supervising agency's licensing staff shall thoroughly document the complaint investigation or foster care referral assessment information in the licensing file. The supervising agency shall give written notification to the licensed out-of-home caregivers and the department of the outcome of the investigation as it relates to the licensing violations, and, if appropriate a corrective action plan.~~

~~(12) All complaint investigations or foster care referrals shall be completed within five working days of the receipt of the complaint unless otherwise authorized by the licensing authority.~~

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 4-6-08, Amended _____.

65C-13.035 Administrative Actions, Appeals and Closures.

(1) General Information. All licensing action negatively impacting an out-of-home caregiver, including a denial, suspension or revocation, is subject to the procedures set forth

in Section 120.60, F.S. The department is the licensing authority for all family foster homes and has final authority for approval, denial or suspension of any license.

(2) Documentation Requirements Prior to Administrative Action.

(a) Before making a determination that a license shall be denied, suspended or revoked, the following shall be documented in the licensing file:

1. All qualifying abuse reports and all reports of licensing violations and the outcome of the investigation;

2. List of all deficiencies or conditions, other than abuse or neglect of the children, which compromise the safety or well-being of the children;

3. The length of time and frequency of the noncompliance with the licensing requirements or deficiencies in caring for children;

4. The date of written notification to the licensee as to the deficiency and time given to the licensee to correct the deficiency;

5. The licensing staff's efforts to help the licensee come into compliance;

6. Barriers, if any, which prohibit the licensee from correcting the deficiencies;

7. All license revocations and denials shall comply with requirements of Chapter 120, F.S.; and

8. All documentation shall be reviewed with the department's legal counsel. The notice of revocation or denial shall not be sent to the out-of-home caregiver without approval of both the department's legal counsel and the licensing authority.

~~(3)(2) Denial of Initial Licensure.~~

(a) The ~~licensing authority department~~ shall have ninety days following receipt of a complete application packet to grant or deny the application in accordance with Section 120.60, F.S.

(b) If the supervising agency determines that the applicant should not be licensed, the applicant shall be notified in writing within ten working days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S. The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in writing in the licensing file.

(c) If the applicant does not withdraw the application, the supervising agency shall provide to the ~~licensing authority department~~ sufficient information to support the recommendation of the denial. When the ~~licensing authority department~~ determines that the license should be denied, ~~they~~ it shall notify the applicant in writing within ten working days of the decision, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S.

~~(4)(3)~~ Administrative Action for Existing Family Foster Homes.

(a) If licensing violations are found such that the child’s physical, mental, or emotional health is significantly impaired or is in danger of being significantly impaired, the licensing counselor shall consult with his or her supervisor and the child’s case manager services worker for an immediate review of the safety of any children placed in the home and a call shall be made to the Abuse Hotline.

~~(b) Foster Care Referrals regarding concerns about the care provided in a licensed foster home, group home or emergency shelter which do not meet the criteria for acceptance of a report of abuse, neglect or abandonment, such as the use of corporal punishment not resulting in marks, bruises or injury shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located for assessment by the supervising agency’s licensing staff. Foster Care Referrals or Special Conditions reports involving Child on Child Sexual Abuse allegations must be handled according to Rule 65C-29.007, F.A.C. If it is determined that child on child sexual abuse has occurred or if the report is closed with “some indicators”, meaning that there is credible evidence, which does not meet the evidentiary requirements, to support that the specific injury, harm or threatened harm was the result of abuse or neglect, of child on child sexual abuse the following must occur:~~

~~1. The services worker, supervising agency licensing staff and the licensed out-of-home caregiver must cooperatively develop a plan on how to manage the sexually aggressive child that is preventative in nature, but includes the child in family living;~~

~~2. The services worker must ensure that a child who sexually abuses or victimizes other children is the youngest child placed in the home, giving consideration also to other children’s vulnerabilities such as mental and physical handicaps, etc., and document assessment and actions taken in the child’s case file and the licensing file; and~~

~~3. The supervising agency staff in consultation with the department’s licensing staff, the child’s services worker and others involved in the child’s case plan shall determine if the sexually aggressive child will remain in the home and under what conditions, or if another placement is necessary and document the decision making process in the children’s case files and the licensing file.~~

~~(b)(e)~~ If licensing violations are found which do not pose an immediate threat to the health, safety or welfare of the children, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the licensing authority department.

~~(c)(d)~~ Written notification shall be sent to the licensed out-of-home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the license being suspended, denied, or revoked. The approved corrective action plan shall be put in writing by the supervising agency and signed by hand delivered or sent by certified mail, return receipt requested, to the licensed out-of-home caregiver. ~~The signed return receipt shall be placed in the licensing file.~~

~~(d)(e)~~ Corrective action plans are created shall be prepared for a licensed out-of-home caregivers caregiver who appears to have the ability to understand and correct the infraction. Corrective action plans are not created for licensed out-of-home caregivers do not apply to a caregiver who have has developed a pattern of deficiencies that has not been rectified by prior attempts at corrective action. In these cases, the supervising agency shall work with the licensing authority, the department’s legal counsel and lead agency to determine whether action should be taken to suspend, deny or revoke the license.

~~(e)(f)~~ Failure of the licensed out-of-home caregiver to timely comply with the corrective action plan may result in suspension, denial of re-licensure, or revocation of the license.

~~(f)(g)~~ The licensed out-of-home caregiver shall be given notice if the supervising agency determines that it cannot recommend re-licensure.

~~(g)(h)~~ If the licensed out-of-home caregiver disagrees with the supervising agency’s recommendation, he or she may still request renewal of the license. The supervising agency shall accept the application and refer the licensed out-of-home caregiver’s file to the licensing authority department with a recommendation for denial.

~~(h)(i)~~ A decision to revoke, suspend, or deny further licensure is made after a review is done in conjunction with the department’s legal counsel, supervising and lead agencies. Written notification by certified mail shall be provided to the licensee. The notice shall include the statutory and rule violations that were found, shall advise of the action to be taken, and the right to challenge the action through an administrative proceeding as provided in Chapter 120, F.S.

~~(4) Documentation Requirements Prior to Administrative Action:~~

~~Before making a determination that a license shall be denied, suspended or revoked, the following shall be documented in the licensing file:~~

~~(a) All qualifying abuse reports and all reports of licensing violations and the outcome of the investigation(s);~~

~~(b) List of all deficiencies or conditions, other than abuse or neglect of the children, which compromise the safety or well-being of the children;~~

~~(c) The length of time and frequency of the noncompliance with the licensing requirements or deficiencies in caring for children;~~

~~(d) The date of written notification to the licensee as to the deficiency and time given to the licensee to correct the deficiency;~~

~~(e) The licensing staff's efforts to help the licensee to come into compliance;~~

~~(f) Barriers, if any, which prohibit the licensee from correcting the deficiencies;~~

~~(g) All license revocations and denials shall comply with requirements of Chapter 120, F.S.; and~~

~~(h) All documentation shall be reviewed with the department's legal counsel. The notice of revocation or denial shall not be sent to the out of home caregiver without approval of both the department's legal counsel and the licensing authority.~~

(5) Voluntary Closures.

(a) The supervising agency shall conduct an exit interview with licensed out-of-home caregivers who are closing. This interview is an opportunity to explore any recommendations for improvement that the licensed out-of-home caregiver may be willing to share.

(b) The supervising agency shall document the reason for closure and whether re-licensing would be recommended.

(c) If re-licensing would not be recommended, the licensing file shall clearly document the reasons re-licensing is not appropriate.

(d) If the closure is voluntary and in lieu of revocation or denial of a license, the supervising agency shall document the reason for the denial.

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 4-6-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sallie Bond
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2012

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.007 RULE TITLE: Standards of Practice

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 24, of the June

15, 2012, issue of the Florida Administrative Weekly. The change is in response to public hearings held on the rule on August 3, 2012, in Tampa, Florida; on October 11, 2012, in Deerfield Beach, Florida; and on November 29, 2012, in Orlando, Florida. The Board considered the testimony of the parties at the hearings and determined that the following changes are appropriate.

1. Subsection (2)(b) shall now read as follows:

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the team has been gathered and immediately prior to the initiation of any procedure, the team will pause and the physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. If the surgery/procedure is performed in a facility licensed pursuant to Chapter 395, F.S., or a level II or III surgery/procedure is performed in an office surgery setting, the physician(s) performing the procedure and another Florida licensed health care practitioner shall verbally and simultaneously confirm the patient's identification, the intended procedure and the correct surgical/procedure site prior to making any incision or initiating the procedure. The medical record shall specifically reflect when this confirmation procedure was completed and which personnel on the team confirmed each item. ~~This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.~~

2. The proposed amendments to paragraph (2)(c) as published in Vol. 38, No. 24, of the Florida Administrative Weekly shall remain the same.

3. The proposed subsection (2)(e) shall now read as follows:

(e) At any time after the pause is completed, but before the procedure is initiated, if the physician(s) leave(s) the room where the procedure is being performed, upon his or her return, the pause set forth in paragraph (b) above must be performed again.

4. Section 458.331(1)(v), F.S., shall be added to the Rulemaking Authority.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.007 RULE TITLE: Standards of Practice

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 40, October 1, 2012 issue of the Florida Administrative Register.

The change is in response to a public hearing held on the rule on November 29, 2012, in Orlando, Florida. The Board considered the testimony of the parties at the hearing and determined that the following changes are appropriate.

1. In subsection (2)(a), the word "arthrocentesis" shall be deleted from the proposed language.

2. The word "MOHS" shall be corrected to "Mohs."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 6, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Trejolie Desserts located in Tampa. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment under a different ownership for use by customers only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us.

Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 20, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, Section 6-402.11, 2001 FDA Food Code, Paragraph 61C-1.004(1)(a), Florida Administrative Code, and Section 5-203.13, 2001 FDA Food Code from Fat Boys BBQ located in St. Cloud. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees and that each establishment have at least one service sink for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share mop sink and bathroom facilities with an adjacent business for use by both customers and employees.

The Petition for this variance was published in Vol. 38/77 on November 26, 2012. The Order for this Petition was signed on December 03, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms and mop sink located within the Hitching Post are maintained in a clean and sanitary manner and have hot and cold running water under pressure. The bathroom handwash sink must have soap, approved hand drying devices and be available during all hours of operation. The Petitioner shall also ensure directional signage is installed in the establishment clearly stating the location of the bathrooms. If the ownership of the Hitching Post changes, an updated, signed agreement for use of the bathroom facilities and mop sink is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 20, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Brooklyn Boys located in Keystone Heights. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 38/77 on November 26, 2012. The Order for this Petition was signed on December 03, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Shannon's Hair, Nails and Tan are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Shannon's Hair, Nails and Tan changes, an updated, signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Indian River State College announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2013, 10:00 a.m.

PLACE: Treasure Coast Public Safety Training Complex, 4600 Kirby Loop Road, Fort Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting for the Region XI Council will provide updates on training classes and any other issues involving the Region.

A copy of the agenda may be obtained by contacting: Lawrence Lawson, (772)462-7952.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

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

DATE AND TIME: Monday, January 7, 2013, 10:30 a.m.

PLACE: Murray E. Nelson Government & Cultural Center, 102050 Overseas Highway, Key Largo, FL 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any Generally Consistent Comprehensive Plan Amendment Review received prior to the meeting; Generally Consistent Comprehensive Plan Amendment reviews for Hialeah and Marathon (Proposed) and Davie and Pompano Beach (Adopted); Any Generally Inconsistent Comprehensive Plan Amendment Review received prior to the meeting; Meeting on monthly Council business; Executive Committee Conference Call is scheduled on Wednesday at 2:00 p.m., one week prior to the Council Meeting to which all persons are invited. Call in number (888)670-3525, Conference Code 2488435943 then #. Council Executive Committee and subcommittees may meet periodically before and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of such committee meetings should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

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: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: (954)985-4416.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency For Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 23, 2013, 12:00 p.m. – 3:00 p.m. (EST)

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room B, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of this meeting is to have a dialogue between the Medicaid managed care plans, behavioral health providers, Advocates, and Stakeholders.

The purpose of the discussion will be to identify ways to enhance the provision of behavioral health services to Medicaid recipients in managed care.

Please take note that this meeting is not affiliated with the Statewide Medicaid Managed Care implementation.

A copy of the agenda may be obtained by contacting: Dawn Rosier by email at Dawn.Rosier@ahca.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dawn Rosier by email at Dawn.Rosier@ahca.myflorida.com or (850)412-4314. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Dawn Rosier by email at Dawn.Rosier@ahca.myflorida.com or (850)412-4314.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

The Board of Accountancy announces public meetings to which all persons are invited.

DATES AND TIMES: Thursday, February 7, 2013, Probable Cause, 9:00 p.m.; Friday, February 8, 2013, Board meeting, 9:00 a.m. until all business is concluded.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Government Analyst II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: June Carroll. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: June Carroll.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Air Resource Management announces a hearing to which all persons are invited.

DATE AND TIME: January 16, 2013, 11:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, 2600 Blairstone Road, Room 195, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 40 CFR 51.102, the Department of Environmental Protection (DEP) announces the opportunity for the public to request a hearing or offer comments on its proposal to submit documentation to the U.S. Environmental Protection Agency (EPA) confirming that Florida complies with the requirements of section 110(a)(2) of the Clean Air Act with respect to implementation of the 2010 revised National Ambient Air Quality Standard for nitrogen dioxide (NO₂). A public hearing will be held, if requested, at the date, time, and place given above. It is not necessary that the hearing be held or attended in order for persons to comment on DEP's proposed submittal to EPA. Any request for a public hearing must be submitted by letter or e-mail to Marnie Brynes at Department of Environmental Protection, Division of Air Resource Management, 2600 Blairstone Road, MS 5500, Tallahassee, Florida 32399-2400, or marnie.brynes@dep.state.fl.us, and received no later than January 14, 2013. Any comments must be submitted by letter or e-mail to Chad Stevens at the above address or chad.r.stevens@dep.state.fl.us, with a copy to Ms. Brynes, and received no later than January 14, 2013. If no request for a public hearing is received, the hearing will be cancelled, and notice of the cancellation will be posted at <http://sharepoint.dep.state.fl.us/PublicNotices/default.aspx>.

Persons may also contact Ms. Brynes at (850)717-9029 to find out if the hearing has been cancelled. The materials comprising DEP's proposed submittal to EPA are accessible from the above website by clicking on the January 16 hearing link. The materials may also be inspected during normal business hours at the DEP, Division of Air Resource Management office, Bob Martinez Center, 2600 Blairstone Road, Tallahassee, Florida, or accessed with the aid of any DEP District Air Section or DEP-approved local air pollution control office.

A copy of the agenda may be obtained by contacting: Chad Stevens by letter or e-mail, or by calling (850)717-9089.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Marnie Brynes at (850)717-9029 or marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: February 13, 2013, 10:00 a.m. till no later than 11:30 a.m.

PLACE: 2600 Blair Stone Road, the Bob Martinez Center, Room 535, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop to present the Department's recommendations and receive public comment on the intended use of available funds in the Clean Water State Revolving Fund (CWSRF) Program during Fiscal Year (FY) 2013; and, a hearing to manage the FY 2013 CWSRF priority list of projects to be funded under Chapter 62-503, Florida Administrative Code (F.A.C.). The funds, totaling approximately \$434 million, include the Federal Clean Water Act appropriations, State matching funds, proceeds from the sale of bonds, interest income, loan repayments, balances carried forward from FY 2012, and fees. The funds may be used to finance wastewater, stormwater or non-point source preconstruction and/or construction projects through direct loans, under State Revolving Fund Rule, Chapter 62-503, F.A.C., to cover the administrative costs of the program, and to fund other water quality purposes within the Department. \$168 million was obligated at a hearing held by the department on July 11, 2012, leaving approximately \$266 million available for allocation at this hearing. Eligible projects will be ranked and listed on the Priority List in accordance with Chapter 62-503.600, F.A.C. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

A copy of the agenda may be obtained by contacting: Gary Powell, Department of Environmental Protection, Water Facilities Funding Program, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400; (850)245-8383, or gary.powell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Gary Powell of the Water Facilities Funding Program at (850)245-8358. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

For more information, you may contact Tim Banks, P.E. Administrator, Water Facilities Funding Program, (850)245-8358 or timothy.banks@dep.state.fl.us.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Department of Health, Board of Occupational Therapy announces a meeting which the public may attend.

DATE & TIME: January 7, 2013, 9:00 a.m. E.S.T. or soon thereafter.

SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: "Notice of Change" – Telephone Conference Call: (888)670-3525. After dialing the meet me number, when prompted, insert the participant code 4389078941 followed by the # sign in order to join the meeting.

A copy of the agenda may be obtained by writing to the Board of Occupational Therapy, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255, by visiting our website at <http://doh.state.fl.us/mqa/dietetics/index.html>, or by calling the board office at (850)245-4373 ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board/council office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling (800)955-8770 (voice) or (800) 955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Department of Health, Board of Respiratory Care announces a General Business Meeting to which all persons are invited.

DATE & TIME: October 11, 2013, 8:30 a.m. E.S.T. or soon thereafter

PLACE: Renaissance at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

A copy of the agenda may be obtained by writing to the Department of Health, Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, by calling the board office at (850)245-4373, ext 3476 or by visiting our website at www.doh.state.fl.us/mqa.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling (800)955-8770 (voice) or (800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-2.010: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

The Department of Health announces a workshop to which all persons are invited.

DATE AND TIME: December 21, 2012, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Health, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida 32399

The meeting is now also available via conference call by dialing toll free phone number: (888)387-8686, enter pass code: 2062357.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Notice of Development of Rulemaking with Workshop was published in the Florida Administrative Register on December 4, 2012 to hear comments on Rule 64J-2.010, Apportionment of Trauma Centers within a Trauma Service Area (TSA). The meeting is also available via conference call by dialing toll free phone number: (888)387-8686, enter pass code: 2062357.

A copy of the agenda may be obtained by contacting: Lisa Vanderwerf-Hourigan, 4052 Bald Cypress Way, Bin #A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2776; facsimile (850)488-2512.

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: Lisa Vanderwerf-Hourigan, 4052 Bald Cypress Way, Bin #A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2776; facsimile (850)488-2512. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Lisa Vanderwerf-Hourigan.

CITRUS COUNTY HOSPITAL BOARD OF TRUSTEES

The Citrus County Hospital Board announces a hearing to which all persons are invited.

DATE AND TIME: January 3, 2013, 5:15 p.m. ET

PLACE: Citrus County Board of County Commissioner’s chambers, 110 N. Apopka Avenue, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing held pursuant to Section 155.40(5)(a) for the purpose of public input from all interested persons and/or entities regarding the potential sale or lease of the public hospital owned by the Citrus County Hospital Board.

A copy of the agenda may be obtained by contacting: Citrus County Hospital Board at (352)341-2245 or Office of the General Counsel at (352)726-5111.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Citrus County Hospital Board at (352)341-2245 or Office of the General Counsel at (352)726-5111. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Citrus County Hospital Board at (352)341-2245 or Office of the General Counsel at (352)726-5111.

ENTERPRISE FLORIDA, INC.

The Enterprise Florida, Inc., Executive Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2013, 9:30 a.m.

PLACE: Enterprise Florida Headquarters, 800 North Magnolia Avenue, Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

A copy of the agenda may be obtained by contacting: Michele Miller, mmiller@eflora.com, or (407)956-5636.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Michele Miller, mmiller@eflora.com or (407)956-5636. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Michele Miller, mmiller@eflorida.com or (407)956-5636.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has issued an order disposing of the petition for declaratory statement filed by Home Rolled, Inc. DS 2012-046 on December 12, 2012. The following is a summary of the agency's disposition of the petition:

On June 4, 2012, the Division received a Petition for Declaratory Statement in which the Petitioner, Home Rolled, Inc., requests clarification as to whether unadulterated and unprocessed whole leaf tobacco with the stem intact sold to end consumers will be subject to the taxes and surcharges on Tobacco Products by the State of Florida. The Petitioner is substantially affected by the statutory provisions cited and has standing to seek this declaratory statement. Chapter 210, Florida Statutes, sets out the taxing regime upon tobacco products within the State of Florida. The Petitioner also requests clarification as to whether the Petitioner will need to be licensed as a Distributor, Retailer, Retail Tobacco Products Dealer, or some combination thereof. The Division has jurisdiction over this matter pursuant to Sections 120.565, 210.10, Florida Statutes, and is responsible for the application and enforcement of Chapter 210, Florida Statutes, specifically Sections 210.01 and 210.015, Florida Statutes. On December 12, 2012 the Division hereby grants the Petitioner's requests as to whether unadulterated and unprocessed whole leaf tobacco leaves with stem intact will be subject to the taxes and surcharges on Tobacco Products by the State of Florida. Whole "raw" tobacco leaves with the stem intact, which have not been fermented or otherwise treated in any way do not fall within the definition of "Tobacco products" as found in § 210.25(11), Florida Statutes, therefore they are not subject to the surcharges set forth within Part II of Chapter 210. Petitioners purported business would require licensure as a retail tobacco products dealer under § 569.003(1)(a), Florida Statutes, since, from the facts given by Petitioner, sales would be made to the ultimate consumers. However, insufficient facts are available to determine the proper premises to be licensed for Petitioner. More specific data would be needed concerning Petitioner's business model and operations to determine the proper premises to hold the retail tobacco products dealer license.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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

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

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

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

NONE

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

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

University of Florida

Project: UF-394 PK Yonge Phase II Middle & High School Wing (PK Campus)

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-394 PK Yonge Phase II Middle & High School Wing (PK Campus)

In 2008, PK Yonge contracted with Fielding Nair International to help program the entire campus based on BRPH Architects master plan. This step has completed the conceptual drawings and layouts for the entire campus replacement. This project includes the completion of design documents for the middle and high school building Phase II of the master plan, created during the above mentioned conceptual planning. The project consists of the demolition of some existing facilities to make space for the new two story approximately 75,000 GSF facility that will provide new teaching space for middle and high school.

The estimated construction budget is approximately \$14,900,000.00, including (site improvements, underground utilities, other). The project will be delivered using the Construction Manager At-Risk method. Platinum LEED (Leadership in Energy and Environmental Design) certification for schools by the U.S. Green Building Council is a mandatory Minimum.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection and structural engineering subconsultants for this project and will be provided as a part of Basic Services.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be

properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant and all engineering and landscape architecture consultants from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards,

standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time, Friday, January 18, 2013. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
 232 Stadium / P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: 352-273-4000; Fax: 352-273-4034
 Internet: www.facilities.ufl.edu

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

Public Announcement of Professional Services

PUBLIC ANNOUNCEMENT OF PROFESSIONAL SERVICES FOR ENVIRONMENTAL HEALTH & SAFETY SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate in ranking order, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for EH&S Services

1. Reynolds, Smith and Hills, Inc.
2. Terracon Consultants, Inc.
3. Geosyntec Consultants

AJAX BUILDING CORPORATION

INVITATION TO PREQUALIFY:

Prequalification notices for furnishing all labor and material and performing all work necessary and incidental to the completion of Liberty City Health Clinic will be received by Ajax Building Corporation at their office at 25166 Marion Ave, Suite 116, Punta Gorda, FL 33950; office, (941)575-5177, fax, (941)575-5135, email jderocker@ajaxbuilding.com. Scope Includes: Sitework (Asphalt, Hardscape outside of Building Perimeter, Site Striping & Signage) & Utilities (Storm, Sanitary, water mains & fire line); Landscaping; Chain Link Fencing; Concrete related to Foundations & Slab On Grade; Masonry; Structural Steel, Pipe & Tube Railings, & Misc. Metals; Decorative Metal Fence & Gates; Millwork; Metal Roofing; Doors & Hardware; Overhead Doors; Glass & Glazing, Aluminum Entrances & Storefront; Drywall/Framing/Insulation & Stucco; Hard Tile, Carpet & VCT; Acoustical Ceilings; Painting, Joint

Sealants & Coatings; Operable Partitions; Toilet & Bath Accessories; Toilet Partitions; Aluminum Canopies; Plumbing; HVAC with Controls; and Electrical with Communications. Project is expected to commence on 02/08/13 and be substantially complete on 10/08/13. Only bidders meeting prequalification criteria may bid and must provide all pre-qual forms and accompanying data by 01/09/13. Bidders meeting qualification requirements will be notified by 01/16/13. Interested bidders may view and download the Bidder Qualification Questionnaire from the Ajax Building Corporation website at the following address: <http://www.ajaxbuilding.com/pdf/Bidder%20Prequal%20Questionnaire%20--%202010-06-29.pdf>. Any questions can be directed to Jeff DeRocker. No bid documents will be distributed within seven (7) days of date of bid receipt; each bid must be accompanied by a Bid Bond, certified check or cashier’s check in the amount not less than five percent (5%) of the total amount of the base bid. No bids may be withdrawn after the scheduled closing time for receipt of same for a period of sixty (60) days. A Mandatory Pre-Bid online meeting will be scheduled to review and discuss the bid documents. Ajax Building Corporation will notify all pre-qualified bidders when this meeting is scheduled. Interested bidders must contact Ajax thru e-mail with contact information by 01/09/13. Ajax Building Corporation reserves the right to reject any and all bids received and to waive any and all informalities or irregularities in regard thereto. MBE/WBE and local participation is strongly encouraged. Dates are subject to change.

DAYTONA STATE COLLEGE

Professional Design Services

RFQ #13-519

Pursuant to the provisions of Section 287.055, Florida Statutes, the “Consultants’ Competitive Negotiations Act”, Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring professional design services.

The project consists of the design of a new 2.5 million gallon Thermal Storage Tank for the Daytona Beach Campus Energy Plant including site & parking improvements. The scope of work will include developing all documents for mechanical, site, water retention/drainage, tank design and construction administration. The total project budget is \$3 million inclusive of all fees and furnishings.

Firms or individuals with experience in designing thermal energy storage and desiring to qualify for consideration must submit proposals no later than 2:00 p.m. on January 9, 2013, to the Facilities Planning Department, Daytona State College,

Building 540/Room 112, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting nielseb@daytonastate.edu or by visiting our website at <http://www.daytonastate.edu/fp/proposals.html>.

Section XII Miscellaneous

DEPARTMENT OF STATE

Division of Library and Information Services

GUIDELINES AND APPLICATIONS AVAILABLE FOR PUBLIC LIBRARY CONSTRUCTION GRANTS

Grant application forms and guidelines are available for the Public Library Construction Grant Program. The grant application deadline is April 1, 2013.

Completed applications must be mailed to the address below. They must be on file with the Division of Library and Information Services or postmarked on or before the application due date. Mail completed applications to: Grant Programs, Bureau of Library Development, Division of Library and Information Services, Room 206, 500 South Bronough Street, Tallahassee, FL 32399-0250.

Guidelines and forms are available on the Division of Library and Information Services website at <http://info.florida.gov/bld/grants/Construction/Construction.html> or by mail from the address above.

If you have additional questions about this program, please contact: Marian Deeney, Library Program Administrator, by email at mdeeney@dos.state.fl.us, by phone at (850)245-6620 or by fax at (850)245-6643.

STATE BOARD OF ADMINISTRATION

Maximum Statutory Adjusted Capacity for Mandatory FHCF Coverage, Maximum Statutory Coverage for Optional Coverages, and Aggregate Retention for the 2013 Contract Year

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida, as required by Section 215.555(18)(d), F.S., for the Florida Hurricane Catastrophe Fund (FHCF) Reimbursement Contract Year commencing on June 1, 2013, of the maximum statutory adjusted capacity for the mandatory coverage, the maximum statutory coverage for any optional coverage, and the aggregate fund retention used to calculate individual insurers' retention multiples. As provided in Section 215.555(4)(c)1., F.S., the maximum statutory adjusted capacity for the mandatory coverage is \$17 billion. As provided in Section 215.555(17)(d)9.f., F.S., the maximum statutory coverage for the optional TICL coverage is \$2 billion. The aggregate fund retention used to calculate individual insurers' retention multiples is \$7.213 billion.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Resource Management

NOTICE OF INTENT TO GRANT A WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for arsenic pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of the operations of the Peace River Manasota Regional Water Supply Authority ("Authority") Aquifer Storage and Recovery (ASR) Well System Wellfield 1 and Wellfield 2 located at 8998 SW County Road 769 in DeSoto County, Florida. The wellfields inject potable water, which has received full treatment from the on-site water treatment plant, into Class G-II ground water for storage and subsequent recovery during dry periods. Injected water will meet all drinking water standards including arsenic. The exemption is necessary because arsenic above the ground water standard has been detected in recovered ground water from Authority-owned ASR wells. Ground water monitoring demonstrates that this is not occurring outside the boundaries of property owned or controlled by the Authority. All recovered water is blended or treated to ensure all drinking

water standards are met prior to distribution. The exemption is granted for the duration of the Authority's Underground Injection Control Operation Permit Number 0136595-014-UO. The applicant must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must also mail a copy of the petition to the applicant, Mr. Patrick J. Lehman, P. E., Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 (contact Joseph Haberfeld, P.G., at (850) 245-8655), or at the Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926 (contact Rommy Lahera-Aument, P.G., at (813)632-7600).

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Siting Coordination Office
 NOTICE OF INTENT TO ISSUE PROPOSED
 MODIFICATION OF TRANSMISSION LINE
 CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Transmission Line Conditions of Certification issued pursuant

to the Florida Transmission Line Siting Act, Chapter 403.52, et seq., Florida Statutes, concerning: Progress Energy Florida and Tampa Electric Company Lake Agnes Gifford Transmission Line Siting Application No. 07-16A, OGC Case No. 12-1309. On July 6, 2012, the Department received an application to modify the Conditions of Certification for the Lake Agnes Gifford 230 kV Transmission line from Progress Energy Florida for their portion of the certified line pursuant to Section 403.5315(2)(c), Florida Statutes, to realign the certified corridor in two areas along State Road 429 to extend around Florida Department of Transportation's SR429 retention ponds. A copy of the proposed modification may be obtained by contacting Cindy Mulkey, Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.5315(2)(b), Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the

date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850) 245-2161. This public notice fulfills the requirements of 15 CFR 930.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
