

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of "Wintersweet" Certification Mark
RULE CHAPTER NO.: 20-114

RULE TITLES: Ownership, Permission Required for Use, General Restrictions and Standards on the Use of "Wintersweet" Mark, Use on Fruit, Containers and Merchandise Definitions, Withdrawal of License or Permission
RULE NOS.: 20-114.001, 20-114.002, 20-114.003, 20-114.004, 20-114.005, 20-114.006

PURPOSE AND EFFECT: Would provide guidelines for use of new "Wintersweet" certification mark on fresh Florida grapefruit.

SUBJECT AREA TO BE ADDRESSED: Guidelines and standards for "Wintersweet" certification mark.

SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15 FS.

LAW IMPLEMENTED: 601.101 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLES: General Provisions for Taking, Possession and Sale of Reptiles, Regulations Governing the Operation of Alligator Farms, Regulations Governing the Validation and Sale of Alligator Hides, Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands, Regulations Governing the Establishment of Alligator Management Programs on Private Lands
RULE NOS.: 39-25.002, 39-25.004, 39-25.021, 39-25.031, 39-25.032

Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale 39-25.042
Regulations Governing The Harvest of Alligators on Special-opportunity Alligator Hunt Areas 39-25.047
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts 39-25.052

PURPOSE AND EFFECT: The Florida Game and Fresh Water Fish Commission announces a public workshop for the purpose of rule development. This workshop will provide a forum for the public to provide input on revisions being considered to existing alligator management rules.

SUBJECT AREA TO BE ADDRESSED: Alligator management rules.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 10:00 a.m., Wednesday, June 23, 1999

PLACE: Sheraton Hotel, Salon C, 2900 S. W. 13th Street, Gainesville, Florida 32601, (352)377-4000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Harry J. Dutton, 620 S. Meridan Street, Tallahassee, Florida 32399-1600, (850)488-3831

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 calendar days before the workshop by contacting: Mr. Harry J. Dutton, 620 S. Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE CHAPTER TITLE: Fee Schedule
RULE CHAPTER NO.: 64B4-4

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter to consider possible amendments.

SUBJECT AREA TO BE ADDRESSED: Application, examination and initial active status license fee for licensure by examination; application fee for licensure by endorsement; biennial licensure fee; reactivation fee; renewal of inactive status fee; change of status fee; delinquency fee; continuing education provider application fee; examination review fee for applicants for licensure as a mental health counselor; examination review fee for applicants for licensures as a marriage and family therapist; initial licensure fee; provisional license application fee; registered intern registration fee and subsequent examination fee; registered intern biennial renewal fee.

SPECIFIC AUTHORITY: 455.217(2), 455.587(1), 455.564(2), 455.574(2), 455.587(1), 455.711, 491.004(5), 491.005, 491.007(1), 491.0085 FS.

LAW IMPLEMENTED: 455.217(2), 455.564(2), 455.574(2), 455.587(1), 455.711, 491.005, 491.006, 491.007(1), (3), 491.008, 491.0045(2)(a), 491.0046(2)(a), 491.0085(2) FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter, July 26, 1999

PLACE: The Embassy Suites, 5835 PG Lee Boulevard, Orlando, Florida 32822

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/ MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Exemption of Spouse of Member of Armed Forces from License Renewal Requirements 64B4-6.0013

RULE NO.:

PURPOSE: The Board proposes to promulgate a new rule which will set forth the requirements regarding a spouse's exemption from license renewal.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouse of member of armed forces from license renewal requirements.

SPECIFIC AUTHORITY: 455.507, 491.004 FS.

LAW IMPLEMENTED: 455.507 FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter, July 26, 1999

PLACE: The Embassy Suites, 5835 P. G. Lee Boulevard, Orlando, Florida 32822

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work,

Marriage and Family Therapy and Mental Health Counseling/ MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE CHAPTER TITLE: Definitions Applicable to Mental Health Counseling

RULE CHAPTER NO.:

64B4-31

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules within Chapter 64B4-31.

SUBJECT AREA TO BE ADDRESSED: Definition of a "Licensed Mental Health Counselor or the Equivalent Who Is a Qualified Supervisor"; Definition of "Research"; Treatment by a Mental Health Counselor.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.003(9), 491.005 FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter, July 26, 1999

PLACE: The Embassy Suites, 5835 P. G. Lee Boulevard, Orlando, Florida 32822

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/ MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Unit Dose Returns by In-patients

RULE NO.:

64B16-28.118

PURPOSE AND EFFECT: The Board proposes the development of an amendment to clarify the term "unit dose system."

SUBJECT AREA TO BE ADDRESSED: The clarification of the term "unit dose system."

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.016(1)(I) FS.

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

TIME AND DATE: 10:00 a.m., June 24, 1999

PLACE: Room 324, The Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32302

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.118 Unit Dose Returns by In-patients.

No pharmacist shall place into the stock of any pharmacy permittee any part of any prescription, compounded or dispensed, which is returned by a patient except under the following conditions:

(1) through (2) No change.

(3) A "unit dose system" to which this rule applies means a system wherein all individually sealed unit doses are physically connected as a unit. For purposes of this section, a product in an unopened, sealed, manufacturer's container is deemed to be a unit dose package.

(4) No change.

Specific Authority 465.005 FS. Law Implemented 465.016(1)(l) FS. History—New 11-10-80, Formerly 21S-1.36, 21S-1.036, Amended 7-31-91, Formerly 21S-28.118, 61F10-28.118, 59X-28.118, Amended.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Emergency Medical Services      RULE CHAPTER NO.: 64E-2

PURPOSE AND EFFECT: To revise section 64E-2.031, Florida Administrative Code and Department of Health Form 1896, February 1997, Prehospital Do Not Resuscitate Order, to grant immunity from civil liability and criminal prosecution to certain health care facilities and personnel for withdrawing or withholding cardiopulmonary resuscitation if presented with an order not to resuscitate. These health care facilities and personnel include: hospital emergency departments, nursing homes, assisted living facilities, hospices, home health agencies and adult family care homes. Note: This immunity already exists for emergency medical services systems and personnel.

SUBJECT AREA TO BE ADDRESSED: Do No Resuscitate Orders.

SPECIFIC AUTHORITY: 401.45 FS.

LAW IMPLEMENTED: 401.45, 765 FS.

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

TIME AND DATE: 10:00 a.m., June 21, 1999

PLACE: Hurston Building – South Tower, Conference Room C & D, 400 West Robinson Street, Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., June 23, 1999

PLACE: Bureau of Emergency Medical Services, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301, (850)487-6754

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLES:	RULE NOS.:
Definitions	65C-6.001
Certification	65C-6.002
Procedures for Funding	65C-6.003
Standards for Certification	65C-6.004
Evaluation	65C-6.006
Appeal Hearings	65C-6.007

PURPOSE AND EFFECT: The Office of the Governor and the Department of Children and Families, working cooperatively, have improved services to victims of domestic violence. Some of the improvements impact providers who manage domestic violence centers. These improved rules will ensure appropriate and adequate facilities are provided by each center that meets the certification standards.

SUBJECT AREA TO BE ADDRESSED: Domestic Violence.

SPECIFIC AUTHORITY: 415.603, 415.604, 415.605 FS.

LAW IMPLEMENTED: 415.603 FS.

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

TIME AND DATE: 9:00 a.m., June 18, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Trula Motta, Domestic Violence Analyst, 1317 Winewood Blvd., Building 8, Room 218, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-6.001 Definitions.

Specific Authority 39.903(2), 120.53 FS. Law Implemented 39.901 et seq. FS. History—New 5-13-79, Amended 12-4-79, 1-11-83, 12-3-85, Formerly 10A-8.02, 10A-8.002, 10M-48.001, Repealed.

(Substantial rewording of Rule 65C-6.002 follows. See Florida Administrative Code for present text.)

65C-6.002 Certification.

(1) Centers eligible for certification shall have as their primary mission, as evidenced in their organization's mission statement, the provision of services to victims of domestic violence, as defined in s. 741.28, F.S. Certification of a center shall be based upon compliance with all health, fire, public safety and program standards detailed herein, contained in statute, outlined in contract or required by county or municipal ordinances.

(2) A certified center is required, at a minimum, to provide all of the mandated services as outlined in s. 39.905(1)(c), Florida Statutes. When a center seeking certification is in a district with an existing center, the applicant shall be encouraged to subcontract with the existing center in order to avoid duplication of services. If sub-contracting is not an option, and the application for certification is successful, the department may choose to exempt the services of 24 hour hotline, community education and professional training as provided in s. 39.905(1)(c), F.S.

(a) Application for initial certification and annual certification thereafter shall be received by the district office in which the center operates. Certification is non-transferable and valid only for the corporation or public entity named in the department's letter of certification. A center may operate satellite centers at different locations. If the center wishes to change the location of service, or open additional service centers during an existing certification period, the provider must seek approval from the district office for an amendment of the certification letter. The department has the right to refuse to amend the certification. If the letter is not amended to include additional or new sites, the provider may not utilize departmental funds to operate those locations.

(b) Certification is for one year and may be denied, suspended or revoked for failure to comply with any of the requirements detailed in section (1) above. Suspension may be for up to six (6) months, while the center completes a corrective action plan intended to bring the center into compliance. However, the department shall suspend a center's certification without allowing a corrective action time period, or immediately revoke the centers' certification if the deficit discovered is determined to be dangerous to the health or safety of clients. No funds will be distributed during the suspension period or after revocation.

(c) At the department's discretion, a center may be allowed to retain its certification for a period of no more than 3 months while correcting any deficiencies. However, this option shall only be utilized in cases where the deficiencies noted do not pose a threat to the health or safety of the clients, and the center can continue service provision during the corrective action period.

(3) In addition to the requirements outlined in statute, the application for initial certification shall contain:

(a) A completed financial audit prepared by a CPA covering the previous eighteen (18) months operation as a domestic violence center.

(b) A business plan which details programmatic and financial activities for future operations. The plan must include an outline of projected revenues and expenditures for a minimum eighteen-month period.

(c) Documentation of 25% local match; either cash, in kind or a combination thereof.

(d) Documentation of community support, both programmatic and financial.

(e) Documentation of local need and the identified statewide needs assessment as required by s. 39.905(1)(i), F.S. The need for each mandated service must be detailed with supporting documentation included.

(f) A plan that illustrates the manner in which proposed services will be integrated with existing resources for domestic violence victims. Inter-agency agreements are strongly encouraged.

(g) When there is an existing certified service center within the service area, the application shall include an explanation as to why subcontracting to provide the additional services is not feasible.

(4) The department shall evaluate each center annually for compliance with all standards. The department has the right to enter and inspect the premises of certified domestic violence centers or those requesting certification at any reasonable hour. Information received by the department concerning client identity is confidential and may not be disclosed without the written consent of the client to whom the records or information pertains.

Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History--New 5-13-79, Amended 12-4-79, 12-13-85, Formerly 10A-8.03, Amended 6-22-87, Formerly 10A-8.003, 10M-48.002, Amended \_\_\_\_\_.

(Substantial rewording of Rule 65C-6.003 follows. See Florida Administrative Code for present text.)

65C-6.003 Procedures for Funding.

(1) An application for funding with instructions for completion and all other pertinent information will be made available to certified domestic violence centers by each district office annually during the normal funding cycle.

(2) Certification does not ensure funding, and newly certified centers without previous funding from the department must notify the department by January 1, of their intention to apply for funding for the pending fiscal year. Upon request an application will be sent to the certified center from their local district office during the normal funding cycle. If there is an existing center(s) in the same district, the existing center (s)

may submit to the department a letter of adverse economic impact for consideration prior to the department's decision on funding the new center.

(3) When there is more than one certified and funded center in the district, the department shall bring together the centers to allow each the opportunity to provide input into the funding decision process. However, the department shall make the final determination on funding allocations.

(4) Funding shall be contingent upon satisfaction of all certification and funding requirements set forth herein and in statute. Failure to maintain the standards set out in these rules and in statute shall constitute grounds for revocation of certification and funding. If certification is suspended or revoked, funding shall also be suspended or revoked.

(5) Pursuant to s. 741.01(2), F.S., and s. 39.905(7)(a), F.S., all funds to the district from the Domestic Violence Trust Fund will be distributed through an allocation formula that incorporates population, a rural factor and sales of marriage licenses.

(6) Final approval of application and award of funds shall be made by the district administrator and executed through the state contracting process.

Specific Authority 39.903, 39.905 FS. Law Implemented 39.903 FS. History—New 5-13-79, Amended 12-4-79, 11-1-83, 12-13-85, Formerly 10A-8.04, Amended 6-22-87, Formerly 10A-8.004, 10M-48.003, Amended \_\_\_\_\_.

(Substantial rewording of Rule 65C-6.004 follows. See Florida Administrative Code for present text.)

65C-6.004 Standards for Certification.

(1) Administrative Components:

(a) Each domestic violence center shall manage its financial affairs in accordance with the Government Auditing Standards issued by the Comptroller General of the United States. Each center shall retain all financial records, supporting documents, client files and statistical records for a period of five (5) years after termination of a contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings. The department shall make the final determination as to what constitutes a satisfactory resolution of audit findings.

(b) Each center seeking certification shall develop its own manual on administrative operations, which includes all of the organization's fiscal policies.

(c) The center shall maintain current, accurate and complete case records in compliance with contract requirements and these rules. The records must be maintained in such form as to permit evaluation of the program's services by authorized department personnel.

(d) Domestic violence centers shall employ direct service staff that are trained in the field of domestic violence. Qualifications for other positions within the program may be determined by the center.

1. Minimal paid domestic violence center staffing shall consist of one full-time administrator or director, and one full-time counselor and one full or part-time bookkeeper.

2. Staffing must include at a minimum a social worker or like professional with an undergraduate degree in a human services area and who has training in the power and control dynamics of domestic violence, or a person with four years of direct service experience in the field of domestic violence. This person shall provide regular scheduled in-service training to the center staff, and any sub-contractees.

3. Staff can be salaried or volunteer or a combination thereof.

4. In order to ensure the health and welfare of center clients all staff shall receive a minimum of 24 hours of training each year, which shall be documented in their personnel file.

(e) Each center shall establish written intake policies and procedures that identify who is eligible for services and how those services are accessed.

1. Services will not be denied to any person because of national origin or spoken language, religion, age or disability. Prospective clients that do not meet the admission criteria must be informed of their ineligibility and provided with referrals to programs and services that can provide assistance.

(f) Each center shall develop a manual detailing all programmatic procedures for center operation. The manual shall incorporate organizational policies on the provision of each mandated service and other day to day operational guidelines for staff.

(g) Each center shall ensure all staff comply with s.39.908, F.S., which prohibits the disclosure of any information regarding center clients without their express written consent.

(h) Each center must maintain a current and accurate list of all advocates who work, paid or unpaid, at the center and meet the requirements for domestic violence advocate privilege according to s. 90.5036, F.S. Documentation of the mandated 30 hours of training for privilege must be maintained in each staff's personnel file.

(i) Each center shall have written safety procedures, including a plan for natural disasters such as hurricanes or fires that may require relocation of the clients, and all staff shall receive yearly in-service training on implementing those procedures.

(2) Program Component:

(a) The minimum services a center must provide for full certification are:

1. Information and Referral: The provision to domestic violence victims or individuals assisting domestic violence victims of information about and referrals to services and resources according to individual needs.

2. Counseling: Providing information on the dynamics of domestic violence; doing an assessment of risk with safety planning; and engaging in other supportive activities with victims of domestic violence. The service may utilize a professional or peer model of counseling.

3. Emergency Shelter for 24 Hours or More: Temporary emergency safe housing of domestic violence victims and their dependents.

4. Hotline: The provision of crisis counseling and information and referral on a 24 hour per day, seven days a week basis by center staff, paid or unpaid. The use of answering devices or commercial telephone answering services to cover the crisis line is not permitted.

5. Child Assessments: Evaluation of the basic needs of children served by the program, and the referral of children to services if needed. Service includes a screening for child abuse and an assessment of risk.

6. Case Management: The provision of a client needs assessment, development of a service plan, and the coordination of services and follow-up. Case management plans must include a written safety plan signed by the client. One on one case management shall be provided to residents in shelter for 72 hours or more and to non-residents after three counseling sessions.

7. Community Education: Presentation to the public, both in person and through the media, of information on the incidence, and dynamics of domestic violence.

8. Professional Training: Provision of domestic violence training to law enforcement personnel, other professionals and paraprofessionals.

(b) The department may exempt the 24 hour hotline, professional training and community education certification requirements from certain centers where those requirements are already being met by another center in the area, pursuant to s. 39.905(1)(c), F.S. Centers with such certification must provide all of the other remaining services detailed herein.

(c) Each center shall maintain a comprehensive, up to date data base of information and referral resources, and all staff that provide counseling and hotline services shall be trained to provide referrals to community resources. The database shall be available for use by staff and volunteers and for review by departmental staff during the monitoring process.

(d) Each center shall provide counseling services to victims of domestic violence and their dependents:

1. Counseling services shall be provided or supervised by persons who meet the qualifications outlined in this Chapter.

2. Non-resident counseling clients, seen on a face to face basis, shall have a case record developed, which includes identification data, dates of contact and services provided.

(e) Individual case records of shelter residents shall be maintained on a current basis and shall include at a minimum:

1. Identification data including name, age, ethnicity and other relevant information for the client and any dependents;

2. A needs assessment for any child dependents;

3. Case history;

4. Case management plan that includes a written needs assessment, a service plan that addresses goals and objectives, a safety plan signed by the adult client indicating participation in the development of the plan and documentation of all services received while in the shelter;

5. Signed release of liability forms and release of information forms;

6 Exit interview and

7. Follow up status if available.

(f) Domestic violence center staff shall develop procedures for regularly scheduled staff meetings for the purpose of evaluating their progress in assisting clients with meeting their objectives.

(g) To ensure the health and safety of clients counseling staff shall be available on site at the shelter minimally between the hours of 8:00 A.M. and 10:00 P.M. with on call counseling staff available between 10:00 P.M. and 8:00 A.M.

(h) Counseling services may incorporate advocacy services such as intervening with the various social and legal agencies on behalf of the client, accompanying the client to court hearings and providing interpretation services.

(i) Counseling services may be based on the educational peer-counseling model. Individuals who need mental health counseling services may be served through referral to an outside provider.

(j) Each center shall provide temporary emergency shelter for more than 24 hours.

1. Domestic violence centers shall be staffed 24 hours a day by paid or trained volunteer staff. Failure to do so may result in immediate suspension or revocation of certification.

2. The need for shelter shall be determined by the need for safety to prevent physical harm.

3. Each shelter resident shall be provided with an individual counselor.

(k) Each center shall provide 24-hour hotline services. All staff and volunteers answering hotline calls shall be trained in crisis counseling, safety planning and providing information and referral services. Specific written procedures shall be developed to coordinate the provision of services to each caller. The hotline shall be covered 24 hours a day by trained staff or volunteers.

(l) All children in shelter for 72 hours or more will be provided with an assessment of their needs and referral to services when necessary. This assessment minimally will include an evaluation of medical needs; a screening for child abuse; and for behavioral issues that necessitate referral to interventions.

(m) Each center shall provide case management services to assure the coordination of service provision.

1. Each shelter resident housed 72 hours or more, and each non-resident client, who has received three (3) or more separate counseling sessions, shall have a case management plan developed.

2. The case management plan shall include the provision of an individualized need assessment and a detailed service plan. The plan shall also include a safety plan for the adult client and for each child who is capable of carrying out a safety plan.

(n) Each center shall provide community education to promote community awareness of the incidence, causes and prevention strategies of domestic violence. Community education shall be presented both face to face and through the utilization of the various media.

(o) Domestic violence center staff shall participate in community task forces, interagency councils and other organizational groups whose efforts are intended to improve services for the victims of domestic violence.

(p) Each center shall offer professional training to law enforcement personnel and other professionals that come into contact with the victims of domestic violence as part of their work.

(q) Providers may elect to provide additional services, which will benefit the people to be served. Examples of such services are:

1. Transportation: The provision of travel for clients to or from the shelter or community providers, or to conduct any business necessary for the completion of their case management objectives.

2. Children's Programs: The provision of supervised children's activities that allow children to receive support and better understanding of their experiences, and provide them with basic safety planning skills.

3. Batterers' Intervention Programs: The provision of a certified batterers intervention program to perpetrators of domestic violence.

4. Transitional Housing: The provision of temporary housing for a limited period of time with the goal of accruing the finances necessary to obtain a permanent residence.

### (3) Physical Plant

(a) Each center, its shelter, offices and any facilities maintained by sub-contractees for service provision shall meet county and municipal building code enforcement requirements as authorized in Chapter 162, F.S., and s. 166.0415, F.S.

1. Each center must have an annual fire inspection, which conforms to fire safety standards as determined by the local municipality, county or special district with fire safety responsibility as defined in s. 633.025, Florida Statutes.

2. Each center must have an annual sanitation inspection through their local municipal, county health department or special district agency.

(b) For initial certification only, certificate of approval signed by local authorized zoning, building, and electrical agencies, based upon inspections not more than sixty (60) days prior to the date of filing shall be attached to the application. Those centers, shelters, and subcontractor's buildings which have pre-established schedules with local regulatory agencies for annual re-inspection may submit written documentation of the results of such inspection held within the past calendar year.

(c) Failure to satisfy and maintain health and fire standards, as referenced in this section shall result in suspension or revocation of certification. The department shall allow a limited period of time for corrective action before suspension or revocation if the failing is considered minor and easily remedied.

(d) The center shall be equipped with telephones for client use.

(e) Each domestic violence center shall take precautionary measures to ensure the physical safety of residents. For example, all outside doors shall remain locked from the outside at all times, all windows shall be secured against entry; outside and entrance way lighting shall be in place; and playground equipment shall be routinely checked for safety. If an outside playground area is made available for the children, fencing must secure the safety of the area. If the playground is in view of the public, privacy fencing must be used. The center shall have sprinklers or smoke alarms in each client bedroom and in all hallways. In addition, the center shall have written procedures that address safety issues.

(f) Center outreach offices and shelters must be accessible to clients in wheel chairs. Accommodations must be made for the hearing impaired both over the hotline and on telephones for client use within the shelter.

Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History—New 5-13-79, Amended 12-4-79, 11-1-83, 12-13-85, Formerly 10A-8.05, Amended 6-22-87, Formerly 10A-8.005, 10M-48.004, Amended \_\_\_\_\_.

### 65C-6.006 Evaluation.

(1) Each funded domestic violence center shall be evaluated at least ~~semi~~-annually by an on-site monitoring visit conducted by the District ~~Family Safety and Preservation Aging and Adult Services~~ Program Office and other authorized representatives of the department. The annual monitoring pursuant to s. 39.903(1)(d), F.S. shall evaluate:

(a) The center's achievement of objectives, and program outcomes as detailed in the center's contract with the department.

(b) The center's continued compliance with minimum administrative, programmatic, and physical plant standards for certification as stated in Section 39.905, F.S., and these rules. ~~HRSM Program—Marriage License Fee Trust Fund;~~

(c) Client satisfaction with the services as determined through a review of ~~evaluation forms completed by each client when leaving the center~~, client satisfaction surveys, client interviews or other means which would maintain client confidentiality;

(d) The ~~primary~~ domestic violence center's monitoring of the execution of any subcontract in order to assure compliance with all applicable provisions of Sections 39.901-908, F.S., and these rules. ~~HRSM 55-6, Spouse Abuse Program Marriage License Fee Trust Fund;~~

(2) No change.

(3) No center shall be approved for funding without written documentation that all departmental standards have been met by said center and any subcontractee of the center. This document shall include a written report of the on-site evaluation conducted by the department assuring satisfaction of all certification and operational requirements, ~~or a departmentally approved corrective action plan for those items found to be deficient at the time of certification, conducted by the Aging and Adult Services district Staff.~~

Specific Authority 39.903 FS. Law Implemented 39.903 FS. History--New 5-13-79, Amended 12-4-79, 12-13-85, Formerly 10A-8.07, 10A-8.007, 10M-48.006, Amended.

65C-6.007 Appeal Hearings.

Specific Authority 120.53(1)(b),(c) FS. Law Implemented 120.53(1)(b),(c), 120.57 FS. History--New 5-13-79, Amended 12-3-85, Formerly 10A-8.09, 10A-8.009, 10M-48.007, Repealed.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Children's Mental Health Services	65E-30
RULE TITLES:	RULE NOS.:
Applicability	65E-30.001
Definitions	65E-30.002
Sliding Fee Scale	65E-30.003
Assessment Standards	65E-30.004
Service Plan Criteria	65E-30.005
Case Management Criteria	65E-30.006

PURPOSE AND EFFECT: The Mental Health Program Office proposes rules to implement the "Comprehensive Child and Adolescent Mental Health Services Act." The effect will be statewide implementation of: a sliding fee scale for families with net incomes of 100-200% of the Federal Poverty Level Guidelines and procedures for implementing the fee scale; children's mental health assessment standards; criteria for determining when a child receiving mental health services under the Act must have an individualized service plan; and criteria that define the target population of children served under this Act who shall be offered case management.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed at the public workshop include: applicability of the rule; definitions of terms used in the rule; a statewide

sliding fee scale for families between 100-200 percent of the Federal Poverty Level Guidelines and procedures for implementing the fee scale; standards for mental health assessments for children; criteria for which children must have an individualized service plan developed for them; and criteria for which children must be offered case management services.

SPECIFIC AUTHORITY: 394.493(2), 394.495(3), 394.496(5), 394.497(2) FS.

LAW IMPLEMENTED: 394.490-.497 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE BY AN AFFECTED PERSON, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 8:30 a.m. – 11:30 a.m., Eastern Daylight Time, Tuesday, June 22, 1999

PLACE: Department of Children and Family Services, Winewood Office Center, Building 4, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Evelyn Shelley, Senior Management Analyst II, Children's Mental Health, Mental Health Program Office, Department of Children and Family Services, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-30.001 Applicability.

This chapter shall apply only to those mental health services provided under a contract with the department for children in the target populations specified in Chapter 394, Part III, F.S.

Specific Authority 394.490-.497 FS. Law Implemented 394.490-.497 FS. History--New.

65E-30.002 Definitions.

(1) Definitions: For purposes of this chapter:

(a) "Child" means a person under the age of 18 and includes the term "adolescent" as defined in Chapter 394, Part III, Florida Statutes.

(b) "Case management" means those activities described in ss. 394.497(1).

(c) "Contract" means a formal written agreement or purchase order executed between the department and an individual or organization for the procurement of children's mental health services. The term includes performance contracts, rate contracts, and purchase orders.

(d) "Department" means the Department of Children and Family Services.

(e) "Family" means the person or persons who care for and nurture the child and define themselves as the child's family.



(f) “Fee” means a charge to the parent as partial or total reimbursement to the provider for the cost of services, except where prohibited or limited by state or federal law.

(g) “Parent” means the parent, guardian, adult custodian, or adult relative who has a legal responsibility to support and care for the child.

(h) “Provider” means an individual or organization providing mental health services to children in the target populations under a contract with the department.

(i) “Sliding fee scale” means the uniform schedule in this chapter that determines the amount of mental health service costs the parent is responsible for paying based on family size and net family income.

Specific Authority 394.490-497 FS. Law Implemented 394.490-497 FS. History—New

#### 65E-30.003 Sliding Fee Scale.

(1) Applicability: This section shall apply only to those mental health services provided under a contract with the department for children in the target populations specified in Chapter 394, Part III, F.S., whose net family income is 100 to 200 percent of the Federal Poverty Guidelines.

#### (2) Provider responsibilities:

(a) The provider shall have written procedures for determining net family income and assessing, billing and collecting fees, under this rule.

(b) The provider shall submit its procedures to the department’s district mental health office annually for review and approval to assure consistency with this section.

(c) The provider shall inform the parent of the provisions of s. 394.493, F.S., and Section 65E-30.003, F.A.C.

(d) The provider shall explain to the parent the provider’s approved procedures for determining net family income and assessing, billing and collecting fees, and shall offer the parent a copy of those procedures.

(e) The provider shall discuss the fee procedures with the parent before services are provided to the child, except when crisis stabilization services are needed. For crisis stabilization services, the provider shall discuss fee procedures with the parent as soon as possible after the child’s condition has been stabilized.

#### (f) The provider’s fee procedures shall address:

1. The provider’s process for determining net family income as it compares to a percentage of the current Federal Poverty Guidelines

2. The parent’s rights and responsibilities regarding payment of fees

3. Availability of extended payment plans

4. Appeal procedures

5. Billing and collection procedures.

(g) The provider shall offer the parent assistance in completing the application for Florida KidCare and provide descriptive information about the various Florida KidCare programs available from the Department.

(h) The provider shall offer the parent information about the range and costs of available services that are clinically appropriate for the child’s condition.

(i) For families who have a net family income of 100 to 200 percent of the Federal Poverty Guidelines, the provider shall apply the sliding fee scale in this section, except for those services paid for by Medicaid, Florida KidCare, or employer or private insurance.

(j) The provider and the department shall negotiate a plan for using the fees collected under this section to expand children’s mental health services within the district. The negotiated plan shall be included as a special provision in the provider’s contract with the department.

(3) Families applying for department funding for residential mental health services for their child under s. 394.4781, F.S., shall provide documentation to the department’s district mental health office, from either Florida KidCare, Medicaid, or a provider, that verifies the net family income is below 200 percent of the Federal Poverty Guidelines. Families with incomes above 200 percent of the Federal Poverty Guidelines will be offered a listing of residential programs with which the district contracts for services.

#### (4) Liability for fees:

(a) The child shall not be held liable for fees owed.

(b) Liens shall not be filed in a child’s name.

(c) For mental health services provided after the child’s eighteenth birthday, the parent shall not be obligated to pay fees assessed under this section based on family income, unless a court order provides otherwise.

(d) When a child is adjudicated dependent or delinquent and placed in the custody of the state or is being placed for adoption, the child’s parent shall be assessed fees unless or until parental rights are terminated.

(5) Exclusions from liability for fees assessed under this chapter:

(a) The adoptive parent of a child adopted through the department or its agents as a special needs adoption, consistent with s. 409.166, F.S.

(b) The parent of a child, for those mental health services identified in the child’s Family Support Plan under Part C, Early Intervention, or individualized educational plan as a special education or related services, pursuant to Public Law 101-476, the Individuals with Disabilities Education Act.

(6) Children’s Mental Health Sliding Fee Scale: The family shall be charged a fee in the form of a graduated co-payment, according to the monthly net family income as determined by the provider’s approved fee procedures and according to the type of service provided, as follows:

SLIDING FEE (CO-PAYMENT) SCALE

POVERTY LEVEL:	100-125%	126-150%	151-175%	176-200%	UNIT
<b>NON-RESIDENTIAL SERVICES:</b>					
Respite care	\$1	\$2	\$3	\$4	Hour
Case management	\$2	\$3	\$4	\$5	Hour
Psychotropic medications	\$3	\$4	\$5	\$6	Prescription
Community support:	\$5	\$6	\$7	\$8	
Assessment					Hour
Individual therapy					Hour
Family/group therapy					Hour
Day treatment					4-hour day
Crisis support					Hour
Supported employment					Hour
Supported housing					Hour
Intervention					Hour
In-home, on-site					Hour
Intensive case mgmt					Hour
Medication monitoring					1/4 Hour
Prescription 3					
Maximum total monthly co-pay for non-residential services provided for a child	\$60	\$80	\$100	\$120	Month
<b>RESIDENTIAL SERVICES:</b>					
Therapeutic foster care	\$15	\$20	\$25	\$30	Day
Therapeutic group care					
Residential treatment center					
Inpatient hospitalization					
Crisis stabilization unit					
Maximum total monthly co-pay for residential services provided for a child	\$120	\$160	\$200	\$240	Month

Specific Authority 394.493(2) FS. Law Implemented 394.493 FS. History—New \_\_\_\_\_.

65E-30.004 Assessment Standards.

(1) For purposes of this chapter, “assessment” means a professional interpretation of the nature of the problems of the child and family, the family issues that may impact the problems, additional factors that contribute to the problems, and the assets, strengths, and resources of the child and family. Assessments are conducted for the purpose of making decisions regarding meeting the child’s needs for mental health services and the family’s needs for support services. Assessments may include evaluation and screening of: physical and mental health for purposes of identifying medical and psychiatric problems; psychological functioning, as

determined through a battery of psychological tests; intelligence and academic achievement; social and behavioral functioning; and family functioning. The assessment for academic achievement is the financial responsibility of the school district. Assessments shall always include a face-to-face interview with the child and with the family.

(2) The assessment shall be conducted only by a person specified in ss. 394.495(3), F.S., and within the boundaries of the person’s professional training, experience and competence. Assessments performed by persons authorized by s. 394.495(3)(c), F.S., must be co-signed by the supervising professional as defined in s. 394.495(3)(c), F.S.

(3) The provider shall seek to clarify the reasons for and factors leading to the referral, and respond to the expectations of the referral source, including expected timeframes for receiving the assessment report, and to the expectations of the child and the family.

(4) The assessment shall be conducted in the least restrictive, most family-centered setting consistent with the child's clinical needs and legal status.

(5) The assessment process shall be responsive to the child's level of functioning, developmental stage, culture, language, age, gender, sexual orientation, and special medical or developmental needs, and sensitive to family issues.

(6) The provider shall seek only such information as necessary to respond to the reasons for referral, except that the assessment report shall include a discussion of:

(a) The issues, preferences and goals presented by the child and family.

(b) The strengths, resources and existing support systems of the child and family.

(c) The child, family and provider's perception of environmental factors in the family, school, and community that may help or hinder the child's problems.

(d) The past history and current nature, duration, frequency and severity of the problems of the child, and the circumstances in which the problems occur.

(e) Identification of agencies and programs with whom the child is currently involved.

(f) Identification of past and current mental health services and other health and social services provided the child and family, and the provider's and the family's perception of which services were effective or ineffective and why.

(g) Recommendations for the most individualized, family-centered, and least restrictive type of mental health and related services that would meet the child's treatment needs. Assessment reports shall not include recommendations for specifically named programs or providers.

(h) Recommendations for the kinds of informal services and supports that should be provided for the child and family.

(7) For children referred by the Department's Family Safety program, in addition to the requirements of (6) above, the assessment report shall also be tailored to assist the referring counselor in decisions regarding permanency planning for the children being assessed.

(8) The person making the referral shall assemble and give to the mental health assessment provider copies of any existing, relevant and known diagnostic, academic, psychological, psychosocial, or behavioral evaluations, and the provider shall integrate these findings into the assessment report. The assessment process shall not repeat any types of evaluations known to the provider that were completed within the past 12 months, unless clinically indicated. The provider

shall coordinate with other agencies, including the school district, to avoid duplication of assessments and to avoid asking for duplicative information from the family.

(9) If an assessment is needed of the child's academic achievement, the provider shall request the school district to provide this assessment, and with appropriate consent, incorporate the findings into the provider's assessment report.

Specific Authority 394.495(3) FS. Law Implemented 394.495 FS. History--New \_\_\_\_\_.

#### 65E-30.005 Service Plan Criteria.

(1) Each child who meets the criteria for mental health case management of 65E-30.006, F.A.C., shall have an individualized service plan.

(2) When a child is receiving mental health services under this chapter and services through another program of the department, the children's mental health case manager shall work with the other program to use a single service planning process and develop a single service plan, to the extent allowable by law.

(3) When a child is receiving mental health services under this chapter and services from another department or agency, the children's mental health case manager shall coordinate service planning with the other department or agency and avoid duplication to the extent possible.

(4) The service plan shall be reviewed, and revised as needed, at least every 90 days or at any time:

(a) The child changes custody status;

(b) The child moves into or out of a foster home, group living situation, or residential treatment program;

(c) The child changes educational placement;

(d) The child experiences a significant change affecting the child's life and support system, such as the death, divorce or debilitating illness of a parent, or a family's loss of employment or housing; or,

(e) The family requests a review.

Specific Authority 394.496(5) FS. Law Implemented 394.496 FS. History--New \_\_\_\_\_.

#### 65E-30.006 Case Management Criteria.

(1) Case management provided pursuant to this chapter shall ensure continuity of case management services for the child and family, and shall not duplicate case management functions.

(2) Within available case management resources, case management shall be made available to the parent or legal custodian of a child who meets at least one of the following criteria:

(a) The child is in an out-of-home placement for the primary purpose of receiving mental health treatment and such placement has been approved in compliance with Section 394.4781, F.S. Case managers for children in such placements shall be located in the child's home community in order to

work with the child’s family and school, advocate for the child’s return to the community as soon as clinically appropriate, and manage discharge planning. Case managers for children in such placements shall not have an employment, contractual or any other financial relationship with the residential provider that creates a real or perceived conflict of interest.

(b) The child has been approved in compliance with Section 394.4781, F.S., for a placement in a residential mental health treatment program and is awaiting such placement.

(c) The child has a serious emotional disturbance or mental illness as defined in s. 394.492, F.S., and requires services from two or more programs or service providers.

(d) The child has an emotional disturbance or is experiencing an acute mental or emotional crisis, as these conditions are defined in s. 394.492, F.S., requires services from two or more programs or service providers, and has one or more of the following risk factors:

1. The child has been physically or sexually abused or neglected or has been exposed to domestic violence.

2. The child meets the department’s criteria for a special needs adoption.

3. The child has had multiple out-of-home placements.

4. The child has had two or more admissions to a crisis stabilization unit or inpatient psychiatric unit in the past six months.

5. The family or the department believes that case management services will enhance the likelihood that the child can remain in the home and community.

6. The child has a chronic and serious physical illness, is infected with human immunodeficiency virus, or is substance dependent.

7. The parent or legal custodian has been identified to the provider as having a serious mental illness, a developmental disability, a chronic and serious physical illness, or substance dependence.

8. The family is homeless.

9. The department’s utilization management process has determined that the child meets the established criteria of high utilization of mental health services and has referred the child for case management.

(3) Nothing in this rule shall prohibit the department from offering case management for any other child receiving mental health services provided under Chapter 394, F.S.

Specific Authority 394.497(2) FS. Law Implemented 394.497 FS. History—New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Forestry

RULE TITLES:	RULE NOS.:
Definitions	5I-2.003
Open Burning Not Allowed	5I-2.004
Open Burning Allowed	5I-2.006

**PURPOSE AND EFFECT:** The purpose of the rule development is to amend Rule Chapter 5I-2 sections 5I-2.003, 5I-2.004, and 5I-2.006 in order to simplify and clarify the open burning rules and procedures. Additionally the duties, responsibilities, benefits and re-certification process of the Florida Prescribed Burn Manager Program are included in this revision.

**SUMMARY:** The proposed rule development deletes definitions that are no longer necessary, and adds some new definitions to further clarify the rule. Defines under what conditions the Division can withhold authorizations when public health and safety are threatened. The proposed rule separates and defines the obligations of individuals (Certified and Un-Certified) requesting authorization to burn from the Division of Forestry. The proposed rule includes what a prescribed burn prescription must contain in order to be approved, it also defines the change in open burning hours based on whether the person is a Certified Prescribed Burn Manager or a burner without this certification. The language of the proposed rule has been simplified to facilitate the understanding of all Floridians.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Not necessary because there are no anticipated additional costs associated with this change.

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

**SPECIFIC AUTHORITY:** 570.07(23), (28), 590.026(4) FS. (590.026(4) FS., has been changed to 590.125(3)(e) during the 1999 legislative session)

**LAW IMPLEMENTED:** 570.07(28), 570.548, 590.02(1)(b), 590.026 (590.026 FS., has been changed to 590.125(3) in the 1999 legislative session), 590.12 (590.12 FS., has been changed to 590.125(2)) FS.

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

**TIME AND DATE:** 10:00 a.m., June 23, 1999

**PLACE:** Doyle Conner Building, George Eyster IV Auditorium, 3125 Conner Blvd, Tallahassee, FL 32399-1650