

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Admission of Animals for Exhibition	5C-4
RULE TITLES:	RULE NOS.:
General Requirements and Limitations	5C-4.001
Definitions	5C-4.0015
Applications, Cards, Forms, Other Official Documents Required and Fees	5C-4.0016
General Requirements, Exemptions and Limitations	5C-4.0017
Cattle or Bison	5C-4.002
Swine	5C-4.003
Poultry, Domestic Fowl and Ratites	5C-4.004
Goats or Sheep	5C-4.005
Horses	5C-4.008

**PURPOSE AND EFFECT:** The purpose and effect of the rule changes are to update and specify identification, testing and documentation requirements for exhibition of animals in Florida.

**SUBJECT AREA TO BE ADDRESSED:** The proposed modifications in this rule are to delineate new, and streamline old, requirements for exhibition of animals in Florida.

**SPECIFIC AUTHORITY:** 585.002(4), 585.08(2)(a), 585.145(1), (2) FS.

**LAW IMPLEMENTED:** 585.08(2)(a), 585.08(3), 585.145, 585.145(1), (2) FS.

**IF REQUESTED 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., December 27, 2005

**PLACE:** Department of Agriculture and Consumer Services, Division of Animal Industry, Conference Rm. 316, 407 S. Calhoun St., Tallahassee, FL 32399-0800

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Dr. William C. Jeter, Chief, Bureau of Animal Disease Control, Div. of Animal Industry, Rm. 332, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900; Fax: 410-0957

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5C-4.001 General Requirements and Limitations.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 7-1-71, 8-7-77, 9-30-80, Formerly 5C-4.01, Amended 4-17-89, 1-19-95, 6-4-95, Repealed \_\_\_\_\_.

5C-4.0015 Definitions.

For the purposes of this Chapter the following definitions shall apply:

(1) Accredited Veterinarian. A ~~licensed~~ veterinarian licensed in the state of origin and accredited by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) who has been approved to perform certain functions of the federal and cooperative federal-state-federal programs by the Deputy Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 161 (2004) (1993).

(2) Animal or Domestic Animal. The term shall include any animals which are raised for private use or commercial purposes, to include but not be limited to, any animal referred to as livestock or grazing animals such as horse, mule, ass, burro, zebra or other Equidae; any cattle such as bull, steer, ox, cow, heifer, calf, or bovine animal; any goat, sheep, swine, cervidae or other hoofed animal; any domestic cat or dog, reptile or amphibian; any avian such as ratites, poultry, or other domesticated bird or fowl; or any beast, or wild or game animals, for the purpose to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of Florida. This term shall include:

- (a) ~~Livestock including grazing animals, such as cattle, horses, sheep, swine, goats, and other hoofed animals;~~
- (b) ~~Ratites, limited to ostriches, emus, and rheas;~~
- (c) ~~Domesticated fowl which are propagated or maintained for commercial, exhibition, or breeding purposes, or as pets; and~~
- (d) ~~Wild or game animals which may threaten the agricultural interests of the state.~~

(3) Authorized Representative Department. An employee of the state or federal government, or a licensed veterinarian accredited by the USDA, who is authorized to conduct animal disease control and eradication activities Department who is authorized to perform animal health regulatory activities regarding the prevention, control, and eradication of certain infectious or communicable diseases of animals.

(4) Commercial Production Swine. Swine that have been subjected to and found negative on an annual brucellosis and pseudorabies test and have been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine and so recognized by state animal health officials. ~~Exhibition. An assembly of animals for the purpose of competition or public presentation including but not limited to fairs, shows, and rodeo events.~~

(5) Group. One or more animals maintained on the same premises or in direct contact with one another.

(6) Horse. Any horse, mule, ass, zebra or other equidae.

(7) Isolation. Separation of individual animals by a physical barrier in a manner that assures one animal does not have access to the body, excrement, or discharges of another animal; does not share a building with a common ventilation system; and is not within ten feet of another animal.

(8) Market Class. An exhibition class consisting of finished fed animals that all go where all animals in the class go directly to slaughter immediately following the exhibition.

(9) Official Certificate of Veterinary Inspection (OCVI). A legible record or certificate made on an official form from the state of origin or from the USDA, issued and signed by veterinarians licensed and accredited in the state of origin for the purpose of certifying the official individual identification, test requirements, and health status of specific animals for movement, exhibition, and other designated purposes. An official form approved by the senior chief animal health official of the state of origin or an equivalent form from the USDA, which is a complete and legible certificate issued by a veterinarian who is licensed and accredited in the state of origin.

(10) Official Individual Identification. A form of unique individual animal identification including, but not limited to:

(a) Official Eartags. Must be tamper-resistant/tamper evident, approved by APHIS, capable of providing a unique identification number for each animal, and capable of being recorded in a central repository. Such eartags must conform to one of the following number systems:

1. National Uniform Eartagging System;
2. Animal identification number (AIN);
3. Premises-based numbering system; or
4. Any other numbering system approved by APHIS;

(b) Ear, tail-web or flank tattoos, using the National Uniform Tag Code number assigned by APHIS to the state of origin; breed registration tattoos when accompanied by breed registration papers; or an official brand when accompanied by a brand registration certificate;

(c) Official leg or wing bands for poultry;

(d) Color digital images or notarized color photographs of the animal, signed by a state-licensed, USDA-accredited veterinarian; or

(e) Implanted electronic chips that conform to ISO standards with a unique number that is recorded in a single, central database.

~~(11)~~(10) Official Test. A test conducted by a method approved by Department rules for the specific disease and animal species.

(12) Poultry or Domestic Fowl. Chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites and waterfowl or any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

~~(13)~~(11) Segregated. To maintain a the maintenance of one group of animals separate from so as to prevent physical contact with another group of animals in such a manner as to prevent physical contact between animals of the two groups.

~~(12) Materials. Title 9 C.F.R. 161 (1994) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New 1-19-95, Amended 6-4-95,\_\_\_\_\_.

5C-4.0016 Applications, Cards, Forms, Other Official Documents Required and Fees.

(1) USDA. VS Form 10-11. An official USDA, APHIS, VS form required for submitting samples and reporting results of EIA tests.

(2) Division.

(a) Official Certificates of Veterinary Inspection (OCVI). These certificates are provided only to Florida-licensed and USDA-accredited veterinarians and may be obtained as provided in subsection 5C-4.0016(3), F.A.C. Depending on species and purpose (sale or movement), the following are Florida-recognized OCVis:

1. Official Certificate of Veterinary Inspection, DACS-09000; for use with all species, in association with movement or sale. Cost is \$65 per book of 25 certificates.

2. Official Equine Certificate of Veterinary Inspection, DACS-09002; for use with equine, in association with movement or sale. Cost is \$65 per book of 25 certificates.

3. Official Avian Certificate of Veterinary Inspection, DACS-09023; for use with avian/poultry, in association with movement or sale. Cost is \$100 per 100 certificates.

4. Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and other Non-Livestock Species, DACS-09086; for use with companion and non-livestock animals in association with interstate movement. Cost is \$65 per package of 25 certificates.

(b) Equine Interstate Passport Card, DACS-09207, is an official card provided by the Department to the horse owner, which certifies the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Equine Certificate of Veterinary Inspection for interstate movement for exhibition purposes in states which accept the card. The document is valid for six (6) months provided the conditions in paragraphs 5C-3.003(5)(a)-(f), F.A.C., are met. The Equine Interstate Passport Card is not acceptable for change of ownership purposes. It may be applied for by submitting an Application for Equine Interstate Passport Card.

DACS-09219, to the Division with the associated fee of \$15.00 for the first equine and \$5.00 for each additional equine on the same application. Copies may be obtained as provided in subsection 5C-4.0016(3), F.A.C.

(c) Negative EIA Test Verification Card, DACS-09160, is an official document provided by the Department to the horse owner to show proof of a negative EIA test within the previous 12 months, for purposes other than change of ownership. The document is valid for 12 months from the date the blood was drawn and is renewable annually with an associated fee of \$5.00 per application (Card). The Negative EIA Test Verification Card may be applied for by submitting the Application for Negative EIA Test Verification Card DACS-09206. Copies may be obtained as provided in subsection 5C-18.0011(4), F.A.C.

(d) Equine Event Extension(A Permit), DACS-09051, an official document provided by the Department to the horse owner, which certifies the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Certificate of Veterinary Inspection. The document is valid for six (6) months provided the conditions in paragraphs 5C-3.003(5)(a)-(f), F.A.C., are met. It may be applied for by submitting the Application for Equine Event Extension, DACS-09078, to the Division as referred to in subsection 5C-3.003(5), F.A.C., with the associated fee of \$10.00 for the first equine and \$5.00 for each additional equine on the application; copies of which may be obtained as provided in subsection 5C-3.0011(4), F.A.C.

(3) Forms. VS Form 10-11 (APR 90), and previous versions accepted by USDA, APHIS, VS, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328, Official Certificate of Veterinary Inspection, DACS-09000 Rev. 07/03; Official Equine Certificate of Veterinary Inspection, DACS-09002 Rev. 10/05; Official Avian Certificate of Veterinary Inspection, DACS-09023 Rev. 12/03; and Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and other Non-Livestock Species, DACS-09086 Rev. 10/05, Equine Event Extension(A Permit), DACS-09051 Rev. 10/05, Application for Equine Event Extension, DACS-09078 Rev. 10/05, Equine Interstate Passport Card, DACS-09207 Rev. 08/04, Application for Equine Interstate Passport Card, DACS-09219 Rev. 10/05, Negative EIA Test Verification Card, DACS-09160 Rev. 06/05, and Application for Negative EIA Test Verification Card DACS-09206 Rev. 10/05, and previous versions, are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS, Law Implemented 585.08(2)(a), 585.145(1), (2) FS, History—New

5C-4.0017 General Requirements, Exemptions and Limitations.

(1) Official Certificate of Veterinary Inspection (OCVI) Required. All animals presented for exhibition purposes in Florida, unless specifically exempted, must be accompanied by an OCVI issued by a veterinarian accredited in the state of origin.

(a) The OCVI must be complete including the breed, sex, and registration number, and the official individual identification of each animal.

(b) Results of a specific test requirement or herd accreditation, certification or validation number for each animal must be recorded on the OCVI with the date of the test or herd accreditation, certification or validation.

(2) Expiration of Required OCVI.

(a) For Florida-origin animals an OCVI is valid for 90 days from the date of issue; or until the expiration date of any required tests, whichever is the earliest date.

(b) For animals imported into Florida for exhibition purposes only, the OCVI is valid for 30 days, except that, for equine imported into Florida using a current Equine Interstate Passport Card, DACS-09207, or equivalent of the state of origin signed by the State Veterinarian or chief animal health official, the OCVI will be extended to the date of expiration of the Equine Interstate Passport Card or its equivalent of the state of origin.

(3) Exemption to Required OCVI. An OCVI is not required for animals originating in Florida and entered in market classes provided that animals are segregated from other animals and the pens are occupied only by the animals in a market class. Pens used for market classes must not be reused until after cleaning and disinfecting.

(4) Inspection Required. Prior to immediate acceptance at an exhibition, all animals presented for exhibition must be visually inspected by an authorized representative for:

(a) The required official individual identification of the animal; and

(b) Clinical signs of disease including, but not limited to, caseous lymphadenitis, blisters/ulcers around the mouth, nostrils, coronary band, pinkeye, pox, scabies, lice, ringworm, atrophic rhinitis, or multiple warts that are clearly visible; and

(c) Evidence of compliance with animal tests and OCVI requirements, where required.

(5) Animals Rejected for Exhibition.

(a) Any animal in non-compliance with animal tests and OCVI requirements, or

(b) Any animal not meeting the official individual identification requirements, or

(c) Any animal which is suspected of having or showing clinical signs of dangerous transmissible, contagious or infectious disease on visual inspection, or any animal which is known to be exposed to such diseases must be:

1. Immediately withdrawn from exhibition and returned to the place of origin, or

2. Examined by a Florida-licensed and USDA-accredited veterinarian at the owner's expense within 24 hours, who certifies by a signed, written statement, that the animal is free of dangerous transmissible, contagious or infectious disease and pests.

(6) Forms. Equine Interstate Passport Card, DACS-09207 Rev. 08/04, is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New \_\_\_\_\_.

5C-4.002 Cattle or Bison.

(1) OCVI Required.

(a) Florida-origin c~~Cattle or bison moved~~ for exhibition must be accompanied by an OCVI dated not more than 90 days prior to exhibition presentation and must be accompanied by evidence of completion of the test requirements or certifications listed in subsection 5C-4.002(2), F.A.C.

(b) Animals imported from other states for exhibition must be accompanied by an OCVI dated not more than 30 days prior to exhibition.

(2) Test or Certification Required.

(a) Tuberculosis.

1. Florida-origin c~~Cattle or bison~~ may be entered for exhibition without a tuberculin test ~~provided the OCVI identifies the cattle as originating from a Tuberculosis-Free State as defined in subsection 5C-7.016(3), F.A.C., an Accredited Tuberculosis-Free Herd, as defined in subsection 5C-7.016(1), F.A.C., or a herd not under quarantine in a Modified Accredited Tuberculosis State, as defined in subsection 5C-7.016(23), F.A.C. When accredited, the herd accreditation number must be recorded on the OCVI.~~

2. Imported dairy ~~Other~~ cattle may be entered for exhibition provided they ~~cattle originate from a herd not under quarantine and~~ have a negative caudal fold tuberculin skin test within 30 days prior to the date of the exhibition; except that, dairy cattle from Accredited Tuberculosis-Free Herds originating in Tuberculosis-Free States, are exempt from this test requirement.

3. Imported beef cattle or bison may be entered for exhibition without a negative caudal fold tuberculin skin test provided they originate from Accredited Tuberculosis-Free States or Herds. Otherwise, they must meet the requirements in subparagraph 5C-4.002(2)(a)2., F.A.C. A positive test on any animal in a designated group, disqualifies all animals of the group from exhibition.

(b) Brucellosis.

1. Test Required. Cattle or bison, six (6) months of age or older, must have evidence of a negative brucellosis test within 30 days prior to the date of exhibition. Vaccination Required. All female dairy cattle four months of age or older born after January 1, 1984 must be officially calfhood vaccinated.

2. Test Required. Cattle from herds not under quarantine in Class A Areas must have evidence of a negative brucellosis test within 30 days prior to the date of exhibition.

23. Exemption from Required Brucellosis Test.

a. ~~Steers and spayed heifers; and are exempt from the brucellosis test requirement.~~

b. ~~Cattle or bison identified on the OCVI as originating from a Certified Brucellosis-Free Herd, as defined in Rule 5C-6.002, F.A.C., or a Brucellosis Class Free State or Area, as defined in subparagraph 5C-6.0031(4)(c)3., F.A.C., are exempt from the brucellosis test requirement. which w~~When certified, the herd certification number must be recorded on the OCVI; the OCVI must show the certified herd number and the date of the last herd certification test; and-

c. Cattle or bison from non-quarantined herds originating from Class A State or Areas are exempt from brucellosis test requirements provided that the cattle are:

1. ~~u~~Under 18 months of age; ~~or~~

2. ~~Official calfhood vaccinates of beef breeds under 24 months of age; or~~

3. ~~Official calfhood vaccinates of dairy breeds under 20 months of age; and~~

4. ~~Not parturient or post parturient.~~

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 7-25-66, 11-15-67, 1-1-70, 7-1-71, 9-1-72, 8-7-77, 8-8-79, 9-30-80, 6-26-83, Formerly 5C-4.02, Amended 4-17-89, 1-19-95, \_\_\_\_\_.

5C-4.003 Swine.

(1) OCVI Required.

(a) ~~All breeding~~ Swine for exhibition must be accompanied by an OCVI dated not more than 90 days prior to presentation for exhibition and must be accompanied by evidence of completion of the test requirements or certifications listed in subsection 5C-4.003(2), F.A.C.

(b) Swine imported for exhibition must be accompanied by an OCVI dated not more than 30 days prior to presentation for exhibition.

(2) Tests or Certification Required for Breeding Swine.

(a) Brucellosis.

1. ~~All breeding~~ Swine over six (6) months of age or older entered for exhibition, excluding barrows and gilts in market classes, must originate from a Validated Brucellosis-Free Herd, as defined in Rule 5C-6.008, F.A.C., or must be recorded negative to an official brucellosis test for brucellosis within 30 days prior to of the date of the exhibition, or

2. Originate from a Validated Brucellosis-Free Swine herd as defined in 9 CFR § 78.1, or

3. Originate from a Commercial Production Swine Herd as defined in subsection 5C-4.0015(4), F.A.C. When validated, the validated herd number must be on the OCVI.

(b) ~~Pseudorabies. All breeding and pet swine over six (6) months of age or older entered for exhibition, excluding barrows and gilts in market classes, must originate from a Qualified Pseudorabies Free Herd as defined in subsection 5C-21.005(2), F.A.C., or be negative to an official pseudorabies test for pseudorabies within 30 days prior to the date of exhibition, or~~

1. Originate from a Qualified Pseudorabies-Free Herd as defined in 9 CFR § 85, or When qualified, the qualified herd number must be recorded on the OCVI.

2. Originate from an Approved Commercial Production Swine Herd.

(3) Exemptions. Swine for exhibition as "market class" swine are exempt from the OCVI requirement provided that all swine in the class go directly to slaughter following the exhibition.

(4)(3) Isolation. Breeding swine returning to the farm from exhibitions must be isolated from other swine at least 30 days before being returned to the herd. Breeding swine for exhibition must be maintained in isolation between exhibitions or move directly between exhibitions.

(4) Materials. 9 CFR § 78 (2004) and § 85 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 3-21-64, 6-20-68, 1-1-71, 3-1-72, Formerly 5C-4.03, Amended 4-17-89, 1-19-95,\_\_\_\_\_.

5C-4.004 Poultry, Domestic Fowl and Ratites.

(1) OCVI Required. An OCVI is required for domestic fowl and ratites for movement into Florida, but not specifically for exhibition. However, domestic fowl and ratites presented for exhibition without an OCVI, must be inspected as provided in subsection 5C-4.0017(4), F.A.C.

(2) Test or Certification Required. All domestic fowl and ratites entered for exhibition must originate from Pullorum-Typhoid Clean flocks or hatcheries, as provided defined in 9 CFR § 145 (2004) and § 147 (2004) Rule 5C-16.008, F.A.C., or have a negative pullorum-typhoid test within 90 days prior to exhibition.

(3) Materials. 9 CFR § 145 (2004) and § 147 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 4-20-67, 4-18-84, 4-4-85, Formerly 5C-4.04, Amended 6-21-87, 4-17-89, 1-19-95, 6-4-95,\_\_\_\_\_.

5C-4.005 Goats or Sheep.

(1) OCVI Required.

(a) Florida-origin gGoats or sheep presented for exhibition in Florida must be accompanied by an OCVI dated not more than 90 days prior to presentation.

(b) Goats or sheep imported into Florida for exhibition must be accompanied by an OCVI completed within 30 days prior to exhibition evidence of completion of the test requirements or certifications listed in subsection 5C-4.005(2), F.A.C.

(2) Identification. All goats or sheep entered for exhibition purposes must have an official individual identification in accordance with the National Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, June 1, 2005. Test or Certification Required.

(a) Tuberculosis. All goats over six months of age must have a negative tuberculin test within 90 days prior to exhibition or must originate from an Accredited Tuberculosis Free Herd, as defined in subsection 5C-7.016(1), F.A.C. When accredited, the accredited herd number must be recorded on the OCVI.

(b) Brucellosis. All goats over six months of age must be negative to a brucellosis test within 90 days prior to exhibition or must originate from a Certified Brucellosis-Free Herd. A Certified Brucellosis-Free Goat Herd is a herd which meets the requirements for a Certified Brucellosis-Free Herd as set forth in Rule 5C-6.002, F.A.C. When certified, the certified herd number must be recorded on the OCVI.

(3) Tests or Certification Required.

(a) Tuberculosis Test. All dairy goats six (6) months of age or older imported for exhibition purposes must originate from an Accredited Tuberculosis-Free Herd, or have had a negative caudal fold tuberculosis test within 90 days prior to exhibition. When originating from accredited tuberculosis-free herds, the OCVI must show the accredited herd number and the date of the last herd accreditation test.

(b) Brucellosis Test. All dairy goats six (6) months of age or older imported for exhibition purposes must originate from a Certified Brucellosis-Free Herd, or have had a negative brucellosis test within 90 days prior to exhibition. When originating from a certified brucellosis-free herd, the OCVI must show the certified herd number and the date of the last herd certification test.

(c) Exemption From Test Requirements. There are no tuberculosis or brucellosis test requirements for meat type goats or Florida-origin dairy goats.

(4) Materials. National Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, June 1, 2005, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New 11-4-76, Formerly 5C-4.05, Amended 4-17-89, 1-19-95, 6-4-95, \_\_\_\_\_.

5C-4.008 Horses.

(1) OCVI Required. An OCVI or an Equine Interstate Passport Card, DACS-09207, or equivalent of the state of origin, signed by the State Veterinarian or chief animal health official, is required for horses for movement into Florida, but not specifically for exhibition.

(2) Test or Certification Required. All horses presented for exhibition must be accompanied by evidence of a negative official test for equine infectious anemia (EIA), conducted within 12 months prior to exhibition. The negative EIA test must be reported on:

(a) An original owner’s copy of a VS Form 10-11;

(b) A laboratory certified copy of a VS form 10-11;

(c) A legible photocopy of a VS Form 10-11;

(d) An Equine Interstate Passport Card, DACS-09207, or equivalent of the state of origin signed by the State Veterinarian or chief animal health official; which may be applied for by submitting the Application for Equine Interstate Passport Card, DACS-09219 as provided in subsection 5C-4.008(4), F.A.C.;

(e) A Negative EIA Test Verification Card, DACS-09160, or equivalent of the state of origin signed by the State Veterinarian or chief animal health official; which may be applied for by submitting the Application for Negative EIA Test Verification Card, DACS-09206 as provided in subsection 5C-4.008(4), F.A.C., or

(f) A Department-approved electronic EIA form containing clear, color digital images.

~~(3)(a)~~ Exemption to Test Requirement. A foal under six (6) months of age accompanied by its dam which has met the EIA test requirement is not required to have an EIA test.

~~(b) The EIA test must be reported on VS Form 10-11 (Apr 90) and must be:~~

~~1. An original copy of the official test record; or~~

~~2. A copy of the original test record, certified by the laboratory which conducted the test; or~~

~~3. A notarized copy of the original test record.~~

~~(c) A horse not accompanied by an EIA test record as required by subsection 5C-4.008(2), F.A.C. or which does not correspond to the description on VS Form 10-11 (Apr 90) will be prohibited from exhibition.~~

~~Equine Event Extension. An OCVI is required for horses moving interstate to equine events. Upon written request to the Division, the expiration of a Florida Equine OCVI will be extended for up to six months provided that:~~

~~(a) The purpose is solely to allow routine movement to equine events such as horse shows or meets, races, trail rides, or fox hunts in the states of Georgia and Alabama; and~~

~~1. Florida, Georgia, and Alabama have mutually agreed to recognize such extensions by the other two states; and~~

~~2. The Equine OCVI is complete; and~~

~~3. The new expiration date will not be later than the expiration date of the EIA test.~~

~~(b) This Equine Event Extension does not supersede or replace the requirements of any given event.~~

~~(c) A new Equine Event Extension will not be issued for an owner, owner's agent, or horse which has been the subject of an Equine Event Extension which the Department has cancelled.~~

~~(4)(d) Forms. VS Form 10-11 (APR April 90), and previous versions accepted by USDA, APHIS, VS, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328. Application for Equine Interstate Passport Card, DACS-09219 Rev. 10/05, Equine Interstate Passport Card, DACS-09207 Rev. 08/04, Application for Negative EIA Test Verification Card, DACS-09206 Rev. 10/05, and Negative EIA Test Verification Card, DACS-09160 Rev. 06/05, and previous versions, are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800.~~

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(3), 585.145 FS. History—New 1-19-95, Amended 6-4-95, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Implementation of Florida’s System of School

Improvement and Accountability 6A-1.09981

PURPOSE AND EFFECT: The purpose of the rule development is to review the current school grading calculation to explore the inclusion of other criteria and/or make current criteria more rigorous. The effect will be a rule which continues to measure the progress of students and schools in the state.

SUBJECT AREA TO BE ADDRESSED: School improvement and accountability.

SPECIFIC AUTHORITY: 1001.02, 1008.22, 1008.33, 1008.345 FS.

LAW IMPLEMENTED: 1003.63, 1008.33, 1008.34, 1000.03, 1001.42, 1008.345, 1008.36 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: 2:00 p.m. – 4:00 p.m., January 5, 2006

PLACE: 325 West Gaines Street, Room 1703, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Hanna Skandera, Deputy Commissioner for Accountability, Research and Measurement, Department 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: General Requirements for Adult General Education Program

RULE NO.: 6A-6.014

PURPOSE AND EFFECT: The purpose of this rule development is to determine what changes to assessment instruments must be made to align with the National Reporting System for adult education. The effect will be updated assessment instruments to properly assess adult speakers of other languages.

SUBJECT AREA TO BE ADDRESSED: Assessment instruments for adult education students.

SPECIFIC AUTHORITY: 1011.80(10), 1008.405 FS.

LAW IMPLEMENTED: 1008.405 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nancy Cordill, Director, Career and Technical Adult Education, Adult Migrant and Apprenticeship Programs, 325 West Gaines Street, Suite 714, Tallahassee, Florida, (850)245-9898

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Basic Skills Requirements for Postsecondary Career Certificate Education

RULE NO.: 6A-10.040

PURPOSE AND EFFECT: The purpose of this rule development is to align the rule with Section 1004.91, Florida Statutes, and to update the list of assessment instruments available. The effect will be a rule which is consistent with implementing statute.

SUBJECT AREA TO BE ADDRESSED: Assessment instruments for career education programs.

SPECIFIC AUTHORITY: 1004.91(1) FS.

LAW IMPLEMENTED: 1004.91 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nancy Cordill, Director, Career and Technical Adult Education, Adult Migrant and Apprenticeship Programs, 325 West Gaines Street, Suite 714, Tallahassee, Florida, (850)245-9898

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Definition of Terms

RULE NO.: 6E-1.003

PURPOSE AND EFFECT: The purpose of the amendment is to add the terms "Address of Record" and "Costs" to the terms defined for use within the rules.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(1)(b) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 FS.

A RULE DEVELOPMENT WORKSHOP WAS NOTICED ON NOVEMBER 18, 2005 IN THE FLORIDA ADMINISTRATIVE WEEKLY VOL. 31, NO. 46 TO BE HELD ON NOVEMBER 30, 2005.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Approved Applicant Status  
 RULE NO.: 6E-2.001  
 PURPOSE AND EFFECT: This rule is being amended to clarify the criteria and process for approved applicant status.  
 SUBJECT AREA TO BE ADDRESSED: Approved applicant status.  
 SPECIFIC AUTHORITY: 1005.31(2), (3) FS.  
 LAW IMPLEMENTED: 1005.31(2), (3), (4) FS.  
 A RULE DEVELOPMENT WORKSHOP WAS NOTICED ON NOVEMBER 18, 2005 IN THE FLORIDA ADMINISTRATIVE WEEKLY VOL. 31, NO. 46 TO BE HELD ON NOVEMBER 30, 2005.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Institutional Licensure  
 RULE NO.: 6E-2.002  
 PURPOSE AND EFFECT: This rule is being amended to clarify the criteria and process for Institutional Licensure.  
 SUBJECT AREA TO BE ADDRESSED: Institutional Licensure.  
 SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3) FS.  
 LAW IMPLEMENTED: 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS.  
 A RULE DEVELOPMENT WORKSHOP WAS NOTICED ON NOVEMBER 18, 2005 IN THE FLORIDA ADMINISTRATIVE WEEKLY VOL. 31, NO. 46 TO BE HELD ON NOVEMBER 30, 2005.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Standards for Licensure  
 RULE NO.: 6E-2.004

PURPOSE AND EFFECT: This rule is being amended to clarify Placement Improvement Plans and Retention Improvement Plans.  
 SUBJECT AREA TO BE ADDRESSED: Placement Improvement Plans and Retention Improvement Plans.  
 SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.  
 LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.  
 A RULE DEVELOPMENT WORKSHOP WAS NOTICED ON NOVEMBER 18, 2005 IN THE FLORIDA ADMINISTRATIVE WEEKLY VOL. 31, NO. 46 TO BE HELD ON NOVEMBER 30, 2005.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Actions Against A Licensee: Penalties  
 RULE NO.: 6E-2.0061  
 PURPOSE AND EFFECT: This rule is being amended to add grounds for disciplinary action, add the exemption for the disciplinary process from the investigation to the 10 days after the finding of probable cause, add the range that can be imposed for an administrative fine, notify institutions of costs as well as the time limit for paying the administrative fine and costs. Additionally, the citation process will be added designating the violations to which a citation can be issued.  
 SUBJECT AREA TO BE ADDRESSED: Actions Against A Licensee: Penalties.  
 SPECIFIC AUTHORITY: 1005.32(7), 1005.31(1)(b), 1005.38(6), (8) FS.  
 LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 FS.  
 A RULE DEVELOPMENT WORKSHOP WAS NOTICED ON NOVEMBER 18, 2005 IN THE FLORIDA ADMINISTRATIVE WEEKLY VOL. 31, NO. 46 TO BE HELD ON NOVEMBER 30, 2005.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.



**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Definitions	40E-1.021
Publication of Notice of Agency Decision or Intended Agency Decision	40E-1.5095
Point of Entry Into Proceedings	40E-1.511
Application Procedures for Conceptual Approval, Individual and General Permits	40E-1.603
Publication and Requests for Notification of Permit Applications or Notices of Intent	40E-1.6058
Consideration of Intended Agency Decision on Permit Applications	40E-1.6065
Notification of Transfer of Interest in Real Property	40E-1.6105
Transfer of Environmental Resource, Surface Water Management, or Water Use Permit	40E-1.6107
Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern	40E-1.615
Forms and Instructions	40E-1.659

**PURPOSE AND EFFECT:** The proposed amendments incorporate provisions to allow delivery and receipt of documents through electronic media.

**SUBJECT AREA TO BE ADDRESSED:** Rules currently providing for delivery and/or receipt of documents.

**SPECIFIC AUTHORITY:** 120.53, 120.53(1), 120.54(5), 218.075, 373.044, 373.113, 373.413, 373.4136, 380.051 FS.

**LAW IMPLEMENTED:** 120.53, 120.53(1), 120.54(5), 120.54(17), 120.57, 120.60, 120.60(3), 218.075, 373.083, 373.107, 373.109, 373.113, 373.116, 373.171, 373.229, 373.309, 373.413, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.422, 373.426, 373.429, 373.436, 380.051 FS.

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

**TIME AND DATE:** 2:00 p.m. – 4:00 p.m., January 6, 2006

**PLACE:** South Florida Water Management District, Bill Storch Room, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence

upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronda Wise, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone (800)432-2045, extension 6500 or (561)682-6500 (internet: [rwise@sfwmd.gov](mailto:rwise@sfwmd.gov)).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.021 Definitions.

When used in this chapter, Chapters 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C.:

(1) “E-Permitting website” means the District’s web address for e-permitting at \_\_\_\_\_.

(2) “Electronic filing” means filing or submission of an Environmental Resource, Surface Water Management Permit or Consumptive Use Permit Application; Response to Request for Additional Information; or Request for Permit Transfer at the District's e-permitting website. Electronic filing is available to applicants who have executed Electronic Transaction Agreement Form No. \_\_\_\_\_. Electronic filing is governed by the provisions of Chapter 668, F.S., and the Electronic Transaction Agreement. If the applicant or sender of electronic data inhibits the ability of the District to store or print the electronic data, it shall not be considered filed with or received by the District. Filings received by the District after 5:00 p.m. shall be deemed filed on the next regular business day.

(3) “Electronic mail” means an electronic or computer file that is transmitted between two or more telecommunications devices; computers; computer networks, regardless of whether the network is a local, regional, or global network; or electronic devices capable of receiving electronic messages, regardless of whether the message is converted to hard copy format after receipt, viewed upon transmission, or stored for later retrieval. Electronic mail received after 5:00 p.m. shall be deemed received on the next regular business day.

(4) “Electronic record” means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, Florida Statutes.

(5) “Electronic signature” means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.

(6) “Electronic Transaction Agreement” means Form No. \_\_\_\_\_, which is incorporated by reference in Rule 40E-1.659, F.A.C. The electronic transaction agreement is a legally

binding contract between the applicant and the District and evidences the applicant's acceptance of the terms and conditions of the agreement.

Specific Authority 373.044, 373.113 FS. Law Implemented 668.50 FS. History—New \_\_\_\_\_.

40E-1.5095 Publication of Notice of Agency Decision or Intended Agency Decision.

In cases where a project is determined to be of heightened public concern, or where there is the likelihood of a request for an administrative hearing, where the proposed activity is potentially harmful to the water resources of the District or contrary to the overall objectives of Chapter 373, F.S., as outlined in Section 373.016, F.S., or if objection(s) to the application has been received, the District shall publish, or require the permit applicant to publish notice of agency decision or intended agency decision in the Florida Administrative Weekly or newspapers of general circulation in the area affected by such decisions as required by Chapter 50, F.S., and shall post notice and send by regular United States mail ~~mail~~ or electronic mail copies of its notice to applicants and interested groups. Such publication may be used as evidence of constructive and sufficient notice.

Specific Authority 120.54(5), 373.413 FS. Law Implemented 120.54(5), 373.413 FS. History—New 7-2-98, Amended 6-12-00, \_\_\_\_\_.

40E-1.511 Point of Entry Into Proceedings.

Procedures regarding point of entry into proceedings determining substantial interests and mediation are set forth in the Uniform Rules of Procedure Rule 28-106.111, F.A.C. The following exceptions are applied in combination with the applicable Uniform Rules of Procedure.

(1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

- (b) No change.
- (2) through (3) No change.

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53(1), 120.54(17), 120.57, 373.113 FS. History—New 9-3-81, Amended 7-26-87, 5-11-93, 10-3-95, 7-2-98, 6-12-00, \_\_\_\_\_.

40E-1.603 Application Procedures for Conceptual Approval, Individual and General Permits.

- (1) (a) through (e) No change.
- (2) No change.
- (3)(a) through (d) No change.

(e) Noticed general permits under Chapter 40E-400, F.A.C., may be utilized by the applicant 30 days after the District receives the notice of intent, unless a notice that the project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail ~~mailed~~ by the District within 30 days, in accordance with Rule 40E-400.211,

F.A.C. If notice that the proposed project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail ~~mailed~~ by the District to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit if the requested activity is not covered by the noticed general permit rule.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.417, 373.421, 373.422 FS. History—New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, \_\_\_\_\_.

40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent.

(1) ~~Written~~ Notice of Receipt of Permit Application or Notice of Intent.

(a) Persons who wish to be notified in writing or by electronic mail of any permit application or notice of intent which affects a designated geographic area shall notify the District in writing or by electronic mail and shall specify their area of interest by county. Requests must be renewed every 6 months. The District shall provide ~~written~~ notice in writing or by electronic mail of receipt of application or notice of intent to all persons who have filed in the preceding 6 months a written or electronic request for notification of any application or notice of intent affecting the designated geographic area in which the proposed activity is to occur.

~~(b) Notices of intent for general permits shall be posted in the District Service Center responsible for reviewing the notice of intent.~~

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

(4) Persons who wish to be advised of the proposed agency action regarding a particular permit application shall file a written or electronic request for further notice within 14 days of receipt of the notice of application.

(5) The governing board may charge a subscription fee for information requested in accordance with this section to any person who has filed a written or electronic request for notification of any pending applications, pursuant to Rule 40E-1.125, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53(1), 120.60(3) FS. History—New 10-3-95, Amended 7-2-98, 6-12-00, \_\_\_\_\_.

40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

- (1) No change.
- (2) The Governing Board shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or individual water use permit application at its next available regularly scheduled regulatory meeting following the mailing or electronic mailing

of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) No change.

(4) Because the Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the Governing Board. If the Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail by regular United States mail or electronic mail a notice of the final agency action to all persons who were notified of the intended agency decision.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.107, 373.109, 373.116 FS. History–New 7-2-98, Amended 6-12-00, \_\_\_\_\_.

40E-1.6105 Notification of Transfer of Interest in Real Property.

Within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, or electronically at the District's e-permitting website, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer. Notification of a transfer shall not constitute a permit transfer pursuant to Rule 40E-1.6107, F.A.C.

Specific Authority 373.044, 373.113, FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436 FS. History–New 5-11-93, Amended \_\_\_\_\_.

40E-1.6107 Transfer of Environmental Resource, Surface Water Management, or Water Use Permit.

(1) To transfer an environmental resource, surface water management, or water use permit, the permittee, in addition to satisfying the applicable provisions in Rules 40E-2.351 and 40E-4.351, F.A.C., must provide information required in Rule 40E-1.6105, F.A.C., and file a together with a written statement from the proposed transferee in writing or at the District's e-permitting website that it has reviewed the District permit and project design and will be bound by all terms and conditions of the permit, including all compliance requirements, for the duration of the permit.

(2) through (4) No change.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436 FS. History–New 5-11-93, Amended 10-3-95, \_\_\_\_\_.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) No change.

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

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

(d) If the applicant waives the time limits required by Chapter 120 and Section 380.051, F.S., as set forth in Rule 9J-19.007, F.A.C., the District shall delay initiation of substantive review until ~~written~~ notice is received by electronic mail at the District's e-permitting website or in writing from the Permit Coordinator indicating that substantive review should begin, as provided in subsection 9J-19.007(3) (Coordination of Time for Sufficiency Review), F.A.C. If the applicant does not waive the time limits, the District shall begin substantive review when the Coordinated Review Application is complete.

(e) through (f) No change.

Specific Authority 373.044, 373.113, 380.051 FS. Law Implemented 380.051 FS. History–New 9-22-87, Amended 10-3-95, \_\_\_\_\_.

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells]
0188-QMON	8-03	Quarterly Report of Monitoring Requirements

0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps	0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops			
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received	0889	9-04	Certification of Waiver of Permit Application Processing Fee
0195	6-91	Public Water Supply Well Information and Classification	0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0196	10-89	Water Well Inspection Scheduling Card			
0299	1-90	Water Use Permit No.			
0444	8-95	Application for a Standard General Permit for Incidental Site Activities	0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)	0942	8-95	Surface Water Management General Permit No.
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer	0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)	0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0645-G60	8-03	Table A Descriptions of Wells			
0645-G61-1	8-03	Table B Description of Surface Water Pumps			
0645-G61-2	8-03	Table C Description of Culverts	0970	8-95	Applicant Transmittal Form for Requested Additional Information
0645-G65	8-03	Table D Crop Information			
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities	0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use			
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)	0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0645-G71	8-03	Table I Water Treatment Method and Losses	0973	8-95	Above Ground Impoundment Inspection/Certification Report
0645-G72	8-03	Table J Aquifer Storage and Recovery	0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0645-G73	8-03	Table K Water Supply System Interconnections	0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
0779	5-92	Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/Application for a Works of the District Permit	1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance
0830	4-94	Special Use Application and License	1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification			

1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
1109	8-03	Water Use General Permit
_____	_____	<u>Electronic Transaction Agreement</u>

(2) (a) through (g) No change.

Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04,\_\_\_\_\_.

**ELECTRONIC TRANSACTION AGREEMENT**

By creating this account for the electronic submission of permit applications and compliance data, you agree to the following terms and conditions for conducting such electronic transactions. By creating an account, you are not required to conduct future transactions electronically. If you do not agree with the following terms and conditions, then you will need to apply for a permit by paper and physically submit responses to requests for additional information and compliance data.

**a. Payment Required Upfront**

Electronic payment is required at the time of submittal of the electronic permit application. Electronic payment shall be made by electronic transfer of funds, Visa or Mastercard. The electronic application shall not be deemed received by the District until the electronic payment is received.

**b. Required Information**

All required fields of the application must be filled in to submit an electronic permit application or compliance data.

**c. Receipt of Application or Compliance Data**

An electronic transaction will not be completed until the electronic permit application or compliance data is received by the District in a manner capable of being stored and printed by the District. If you inhibit the ability of the District to store or print the electronic application or compliance data or if there is an error in its transmission, then the submittal will not be

considered to have been received by the District. Upon submittal, the District will send you a submittal confirmation number. The District recommends that you keep the submittal confirmation number until you receive a receipt of application. Upon the District’s successful receipt of the electronic application or compliance data, the District will send you a receipt with a summary of the information received by the District (including the permit application number where appropriate). The District recommends that you keep the receipt for future communications with the District.

**d. District’s Business Hours**

The District’s regular business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, Submittals received after the District’s regular business hours will be deemed received on the District’s next regular business day.

**e. Errors in Submittals**

By electing to submit a permit application or compliance data electronically, you are responsible for any delay, disruption, or interruption of the electronic signals and readability of the document, and accept the full risk that the District may not receive the submittal or may receive the submittal with errors.

You are responsible for preventing and correcting all errors in your submittal. Please note that both before and after submitting an application, response to request for additional information, compliance data, or other submittal, you will have an opportunity to review a summary of the information and data. After receiving the submittal confirmation, the District strongly recommends that you print out and review the summary of your submittal to ensure that all the submitted information and data is correct. You must promptly notify the District of all errors in your submittal.

**f. Change in Address Information**

You are responsible for promptly notifying the District of any changes to your telephone number, mailing address, or e-mail address. If you fail to notify the District of changes in your telephone number or addresses and the District is unable to contact you, then your permit application may become subject to denial.

**g. E-mail Correspondence Regarding Application or Compliance Data**

Any e-mail correspondence regarding your application, including, but not limited to, submittal of additional information, must be addressed to: \_\_\_\_\_. Any e-mail correspondence regarding your submittal of compliance data must be addressed to: \_\_\_\_\_.

**h. Electronic Signature**

Electronic signatures are legally valid and recognized by law. Typing in your name in the signature block and clicking “submit” is the electronic equivalent of signing your name. When more than one signature is required on an application, the person electronically submitting the application must attach a PDF of the scanned application form page containing the other required handwritten signatures.

i. Public Records

Anything submitted or saved on the District's E-Permitting website is subject to the public records law in Chapter 119, Florida Statutes, and therefore made available to the public and media upon request.

j. Acceptance

The terms and conditions of the permit application comprise a legally binding contract between the Applicant and the District. If you do not accept these terms, you may not submit or file electronically.

To accept these terms, simply click "I accept." Clicking "I accept" is the equivalent of signing your name.

I accept

I do not accept

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Definitions	40E-4.021
Content of Permit Applications	40E-4.101
Duration of Permits	40E-4.321
General Conditions	40E-4.381

PURPOSE AND EFFECT: The proposed amendments incorporate provisions to allow delivery and receipt of documents through electronic media.

SUBJECT AREA TO BE ADDRESSED: Rules currently providing for delivery and/or receipt of documents.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.044, 373.113, 373.116, 373.171, 373.229, 373.413, 373.416, 373.419, 373.421, 373.422, 373.426, 668.50 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., January 6, 2006

PLACE: South Florida Water Management District, Bill Storch Room, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561) 682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronda Wise, South Florida Water Management District, Post Office Box 24680,

West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6500 or (561)682-6500 (internet: [wise@sfwmd.gov](mailto:wise@sfwmd.gov)).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.021 Definitions.

When used in this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(1) through (11) No change.

(12) "E-Permitting website" means the District's web address for e-permitting at \_\_\_\_\_.

(13) "Electronic filing" means filing or submission of an Environmental Resource, Surface Water Management Permit or Consumptive Use Permit Application; Response to Request for Additional Information; or Request for Permit Transfer at the District's e-permitting website. Electronic filing is available to applicants who have executed Electronic Transaction Agreement Form No. \_\_\_\_\_. Electronic filing is governed by the provisions of Chapter 668, F.S., and the Electronic Transaction Agreement. If the applicant or sender of electronic data inhibits the ability of the District to store or print the electronic data, it shall not be considered filed with or received by the District. Filings received by the District after 5:00 p.m. shall be deemed filed on the next regular business day.

(14) "Electronic mail" means an electronic or computer file that is transmitted between two or more telecommunications devices; computers; computer networks, regardless of whether the network is a local, regional, or global network; or electronic devices capable of receiving electronic messages, regardless of whether the message is converted to hard copy format after receipt, viewed upon transmission, or stored for later retrieval. Electronic mail received after 5:00 p.m. shall be deemed received on the next regular business day.

(15) "Electronic record" means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, Florida Statutes.

(16) "Electronic signature" means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.

(17) "Electronic Transaction Agreement" means Form No. \_\_\_\_\_, which is incorporated by reference in Rule 40E-1.659, F.A.C. The electronic transaction agreement is a legally binding contract between the applicant and the District and evidences the applicant's acceptance of the terms and conditions of the agreement.

(18)(12) "Embedment" means the placement of transmission or distribution lines, pipes or cables into the bottoms of waters of the State by minimal displacement of

bottom material and without the creation of a trench, or trough, through the use of techniques such as plowing-in, weighing-in, or non-trenching jets.

~~(19)(13)~~ “Endangered species” means those animal species which are listed as endangered in Rule 68A-27.003, F.A.C., and those plant species which are listed in 50 Code of Federal Regulations 17.12, when such plants are found to be located in a wetland or other surface water.

~~(20)(14)~~ “Entrenchment” means the placement of transmission or distribution lines, pipes or cables into the bottoms of waters of the State by the creation of a defined trench, or trough, through the use of such devices as clamshells, dredges, trenching jets, or other devices which produce similar results.

~~(21)(15)~~ “Environmental resource permit” means a conceptual approval, individual or general permit for a surface water management system issued pursuant to Part IV, Chapter 373, F.S. Environmental resource permit also means a conceptual or individual permit for the establishment and operation of a mitigation bank.

~~(22)(16)~~ “Estuary” means a semi-enclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

~~(23)(17)~~ “Filling” means the deposition, by any means, of materials in surface waters or wetlands, as delineated by Section 373.4211, F.S.

~~(24)(18)~~ “General Permit” means a no notice, noticed or standard general environmental resource permit issued by District staff. However, staff recommendations for denial of noticed or standard general permit applications shall be considered by the Governing Board.

~~(25)(19)~~ “Impoundment” means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth’s surface and having a discernible shoreline.

~~(26)(20)~~ “Incidental site activities” means those certain site activities in uplands which may be conducted in conjunction with the work proposed in an environmental resource permit application such as: land clearing in uplands; minimal earthwork, lake construction; road subgrade construction; foundation construction; utility installation; fence installation; construction trailer installation; unconnected drainage facility construction; or other similar activities.

~~(27)(21)~~ “Individual Permit” means an environmental resource permit issued by the District Governing Board.

~~(28)(22)~~ “Isolated Wetland” means any wetland without a direct hydrologic connection to a lake, stream, estuary, or marine water.

~~(29)(23)~~ “Lagoon” means a naturally existing coastal zone depression which is below mean high water and which has permanent or ephemeral communications with the sea, but which is protected from the sea by some type of naturally existing barrier.

~~(30)(24)~~ “Listed Species” means those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., and those plant species listed in 50 Code of Federal Regulations 17.12.

~~(31)(25)~~ “Maintenance” or “Repairs” means remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, or appurtenant work or works, but excludes routine custodial maintenance.

~~(32)(26)~~ “Operation Permit” means a permit issued by the District authorizing the operation and maintenance of a surface water management system in accordance with the terms and conditions of the permit.

~~(33)(27)~~ “Other Surface Waters” means surface waters as described and delineated pursuant to Rule 62-340.600, F.A.C., as ratified by Section 373.4211, F.S., other than wetlands.

~~(34)~~ “Posting” means placing notice on the District’s website or on one of the District’s official posting bulletin boards.

~~(35)(28)~~ “Riprap” means a sustaining wall made to reduce the force of waves and to protect the shore from erosion and consists of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

~~(36)(29)~~ “Species of Special Concern” means those animal species listed in Rule 68A-27.005, F.A.C.

~~(37)(30)~~ “State Water Quality Standards” means water quality standards adopted pursuant to Chapter 403, F.S.

~~(38)(31)~~ “Stormwater Management System” means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

~~(39)(32)~~ “Surface Water Management Permit” means a permit issued pursuant to Chapter 40E-4 or 40E-40, F.A.C., prior to October 3, 1995, or that is grandfathered pursuant to Sections 373.414(11)-(16), F.S.

~~(40)(33)~~ “Surface Water Management System” or “System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms “surface water management system” or “system” includes areas of dredging or filling as defined by Section 373.403(13) and (14), F.S., respectively.

~~(41)~~~~(34)~~ “Threatened Species” means those animal species listed in Rule 68A-27.004, F.A.C., and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12.

~~(42)~~~~(35)~~ “Total Land Area” means land holdings under common ownership which are contiguous or land holdings which are served by common surface water management facilities.

~~(43)~~~~(36)~~ “Vertical Seawall” is a seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with sloping riprap covering the waterward face to the mean high water line shall not be considered a vertical seawall.

~~(44)~~~~(37)~~ “Watershed” means the land area which contributes to the flow of water into a receiving body of water.

~~(45)~~~~(38)~~ “Wetlands” means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptation, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands is delineated pursuant to Rules 62-340.100 through 62-340.550, F.A.C., as ratified by Section 373.4211, F.S.

~~(46)~~~~(39)~~ “Wetland Resource Permit” means a permit issued pursuant to Chapter 62-312, F.A.C., prior to October 3, 1995, or that is grandfathered pursuant to Sections 373.414(11)-(16), F.S.

~~(47)~~~~(40)~~ “Works” means all artificial structures, including but not limited to ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.019, 373.403-443, 403.031, ~~668.50~~, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96,\_\_\_\_\_.

40E-4.101 Content of Permit Applications.

(1) Applications for permits required by this chapter shall be filed with the District Service Center which will review the application as set forth in Rule 40E-1.6025, F.A.C., or filed electronically at the District's e-permitting website. The application shall contain:

- (a) No change.
- (b) One original and four copies of Joint Water Management District/Department of Environmental Protection/U.S. Army Corps of Engineers Environmental Resource Permit Application Form No. 0971 and five copies of drawings, calculations, environmental information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed. This information must include at a minimum: flood protection, water quality, environmental impacts, proposed mitigation, water supply, and water conservation elements. Applicants who file an application electronically are not required to submit copies.

(2) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03,\_\_\_\_\_.

40E-4.321 Duration of Permits.

- (1) (a) through (e) No change.
- (2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

- (b) No changes
- (3) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00,\_\_\_\_\_.

40E-4.381 General Conditions.

- (1) (a) through (f) No change.
- (g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (f) above, has submitted a Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by



the District in accordance with Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District—April 2003," accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District—April 2003," prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District by electronic mail at the District's e-permitting website or in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(k) through (o) No change.

(p) The permittee shall notify the District by electronic mail at the District's e-permitting website or in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(q) through (r) No change.

(s) The permittee shall immediately notify the District by electronic mail at the District's e-permitting website or in writing of any previously submitted information that is later discovered to be inaccurate.

(2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, 4-14-03, 9-16-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: To incorporate by reference an Agreement of the Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program. Miami-Dade County will be delegated authority to review and issue environmental resource permits in uplands and wetlands within the designated boundaries of delegation within the County. Authority for compliance and enforcement of these projects will also be delegated. Projects that are within CERP project boundaries, include sovereign submerged lands, and certain other activities will not be delegated to the County and will remain with the Department of Environmental Protection or the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE AGREEMENT IS: Damon Meiers, P.E., Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561) 682-6876 (internet: dmeiers@sfwmd.gov).

For procedural questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(l) “Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County (\_\_\_\_\_ (date) \_\_\_\_\_)”.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES: RULE NOS.:

Processing Procedures for Noticed General Permits 40E-400.211  
 General Permit for Minor Activities 40E-400.475

PURPOSE AND EFFECT: The proposed amendments incorporate provisions to allow delivery and receipt of documents through electronic media.

SUBJECT AREA TO BE ADDRESSED: Rules currently providing for delivery and/or receipt of documents.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.109, 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., January 6, 2006

PLACE: South Florida Water Management District, Bill Storch Room, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronda Wise, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6500 or (561)682-6500 (internet: rwise@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.211 Processing Procedures for Noticed General Permits.

(1) through (2) No change.

(3) If the District determines that the system does not qualify for a noticed general permit, the District shall so notify the applicant by regular United States mailing or electronic mail a notification within 30 days of receiving Form No. 0980. For the purposes of this subsection, District mailing or electronic mailing of notification shall be deemed to occur when the notice is sent electronically or is properly addressed, stamped, and deposited in the United States mail, and the postmark date shall be the date of mailing. When the District notifies the applicant that the system does not qualify for a noticed general permit due to an error or omission in the original notice to the District, the applicant shall have 60 days from the date of the notification to amend the notice to use the general permit and submit additional information to correct such error or omission. If the applicant amends the notice to use a noticed general permit and submits additional information correcting the error or omission within the 60 day time limit, no additional application fee will be required for the noticed general permit. If the District does not mail the notice informing the applicant that the system does not qualify for a noticed general permit within 30 days of receipt of the original notice to use the general permit, or receipt of amended notice to use the general permit, the applicant may conduct the activity authorized by the noticed general permit, except as otherwise provided in Rules 40E-400.475 and 40E-400.500, F.A.C.

(4) through (9) No change.

(10) At the time that the District has received the notice of intent, it will provide public notice that the notice of intent has been filed. Such public notice shall be sent by regular United States mail or electronic mail to those people who have previously filed a written or electronic request for notification

of pending applications within the affected area. The notice of intent for a noticed general permit shall be posted in the District Service Center responsible for reviewing the notice of intent.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 7-2-98, \_\_\_\_\_.

40E-400.475 General Permit for Minor Activities.

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

(2)(a) through (f) No change.

(3) Persons wishing to qualify for this general permit must file a written or electronic request at the District's e-permitting website, describing the proposed activities and providing plans and other information necessary to evaluate the potential for adverse impacts from the proposed activities. Any persons proposing a system described in paragraph (1)(f) above, shall submit tax parcel information or other documentation, sufficient to establish that the property is not part of a tract of land that was divided into two or more parcels after July 1, 1994. The District will provide ~~written~~ notification in writing or by electronic mail to the applicant whether the proposed activity qualifies for this general permit within 30 days of submittal of the written or electronic request. The proposed activity may not commence until the District has provided ~~written~~ notice in writing or by electronic mail that the applicant qualifies for the general permit.

(4) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Definitions RULE NO.: 59C-1.002

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines terms used in Rule 59C-1, F.A.C. due to recent statutory changes. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that defines terms used in Chapter 59C-1, F.A.C.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(1)(a), 408.036(1)-(3), 408.037(1), 408.039(2), 651.118 FS

IF REQUESTED IN WRITING AND DEEMED NECESSARY 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. (EST), January 10, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.002 Definitions.

(1) "Acute care bed" means a patient accommodation or space licensed by the agency pursuant to Chapter 395, Part I, F.S., and regulated under Rule 59C-1.038, F.A.C. Acute care beds exclude neonatal intensive care beds, comprehensive medical rehabilitation beds, beds used to provide mental health services as defined under subsection (29) of this section, ~~hospital inpatient psychiatric beds, hospital inpatient substance abuse beds,~~ beds in distinct part skilled nursing units, and beds in long term care hospitals licensed pursuant to Chapter 395, Part I, F.S.

(2) "Applicant" means any individual, partnership, corporation, or governmental entity which has filed an application for a Certificate of Need or Certificate of Need Exemption with the agency.

(3) "Application" means the forms supplied by the agency to an applicant which are to be completed in order to be eligible to be considered for a Certificate of Need in the case of comparative and expedited Certificate of Need reviews pursuant to Section 408.036(1) or (2), F.S. or a written communication requesting exemption to Certificate of Need review pursuant to Section 408.036(3), F.S. and Rule 59C-1.005, F.A.C.

(4) No change.

(5) "Batching cycle" means the grouping for comparative review of Certificate of Need applications submitted for beds, services or programs having a like Certificate of Need need methodology or licensing category in the same planning horizon and the same applicable service planning area, district, service area, or subdistrict.

(6) through (11) No change.

(12) "Comprehensive medical rehabilitation inpatient beds" means beds designated for the exclusive use for comprehensive medical rehabilitation inpatient services regulated under Rule 59C-1.005 and Rule 59C-1.039, F.A.C.

(13) "Conversion from one type of health care facility to another" means the reclassification of one licensed facility type to another licensed facility type, including reclassification from a general acute care hospital to a long term care hospital or specialty hospital, or from a long term care hospital or specialty hospital to a general acute care hospital, or from a general acute care hospital to a long term care hospital or specialty hospital provided the specialty hospital is not subject to Section 395.003(9), F.A.C.

(14) "Conversion of beds" means the reclassification of licensed beds from one category to another, for facilities licensed under Chapter 395, F.S., including conversion to or from acute care beds, neonatal intensive care beds, beds that provide hospital mental health services ~~inpatient psychiatric beds~~, comprehensive medical rehabilitation beds, ~~hospital inpatient substance abuse beds~~, distinct part skilled nursing facility beds, or beds in a long term care hospital; and, for facilities licensed under Chapter 400, Part I, F.S., conversion to or from sheltered beds and community beds.

(15) No change.

(16) "Established program" means a program for the provision of a Certificate of Need regulated institutional health service which has a valid Certificate of Need or Certificate of Need Exemption for the program or existed prior to the requirement for a Certificate of Need or Certificate of Need Exemption and has been continuously in operation, and has performed at least one institutional health service.

(17) "Exemption" means the Certificate of Need review process by which a proposal that would otherwise require a batched or expedited review ~~certificate of need review~~ may proceed without such a review ~~certificate of need~~.

(18) through (21) No change.

(22) "Hospital inpatient psychiatric beds" means beds designated for the exclusive use of hospital inpatient psychiatric services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.040, F.A.C.

(23) "Hospital inpatient substance abuse beds" means beds designated for the exclusive use of hospital inpatient substance abuse services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.041, F.A.C.

(24) through (27) No change.

(28) "Long term care hospital" means a hospital licensed under Chapter 395, ~~Part I, F.S.~~, which meets the requirements of 42 (C.F.R.) Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations (1994), and seeks exclusion from the acute care Medicare prospective payment system for inpatient hospital services.

(29) through (31) No change.

(32) "Nursing home" means a health care facility licensed under Chapter 400, Part II, F.S.

(33) through (35) No change.

(36) "Sheltered nursing home beds" mean nursing home beds configured into a nursing home facility licensed pursuant to Chapter 400, Part II, F.S., which are located within a continuing care retirement community certified under Chapter 651, F.S., for which a certificate of need has been issued as sheltered beds, and which are regulated under Rule 59C-1.037, F.A.C.

(37) "State Agency Action Report" means the single written document prepared by the agency after reviewing a Certificate of Need comparative or expedited application, or applications where more than 1 Certificate of Need application

is accepted by the agency in the same batching cycle, which sets forth the evaluation of the agency with respect to the application or applications.

(38) No change.

(39) "Substantial change in health services" means:

(a) The offering by a health care facility, through conversion of beds or other means, of a new institutional health service or a health service which has not been offered on a continuing basis by or on behalf of the health care facility within the 12-month period prior to the time such service would be offered, excluding obstetrical services; or

~~(b) The designation of acute care beds in a health care facility as beds regulated under Rule 59C-1.036, F.A.C., or the redesignation of such beds back to acute care beds; or~~

~~(b)(e)~~ The conversion of a general acute care or specialty hospital licensed under Chapter 395, ~~Part I, F.S.~~, to a long term care hospital.

(40) "Termination of an inpatient health service" means the cessation of a health service which currently requires a Certificate of Need or Certificate of Need Exemption. It does not include the temporary cessation of a service lasting 6 months or less.

<sup>1</sup>(41) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such service include, but are not limited to, pediatric cardiac catheterization, pediatric open heart surgery, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The types of tertiary services to be regulated under the Certificate of Need Program in addition to those listed in Florida Statutes include:

- (a) Heart transplantation;
- (b) Kidney transplantation;
- (c) Liver transplantation;
- (d) Bone marrow transplantation;
- (e) Lung transplantation;
- (f) Pancreas and islet cells transplantation; and
- (g) Heart/lung transplantation;
- (h) Adult open heart surgery;
- (i) Long term care hospitals. ~~Neonatal and pediatric cardiac and vascular surgery; and~~

~~(j) Pediatric oncology and hematology. In order to determine whether services should be added or deleted, the listing shall be reviewed annually by the agency.~~

(42) through (43) No change.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.033(1)(a), 408.036(1), (2), (3), 408.037(1), 408.039(1), (2), 651.118 FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Filed See F.A.W. Vol. 3 No. 10, March 11, 1977, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 7-29-82, 12-23-82, Formerly 10-5.02, Amended 11-17-87, 12-5-90, 1-31-91, 1-1-92, Formerly 10-5.002, Amended 12-14-92, 2-27-94, 6-23-94, 10-18-95, 10-8-97, 12-12-00.

<sup>1</sup>Note.— Health services not defined as Tertiary in (41) shall be reviewable pursuant to Section 408.0361(2), F.S.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Penalties

RULE NO.: 59C-1.021

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for noncompliance with conditions placed on a Certificate of Need (CON) or Certificate of Need Exemption. The amendment adds a formula to be used in calculating the dollar amount of the fine for noncompliance.

SUBJECT AREA TO BE ADDRESSED: Revisions the rule that to assessment of administrative fines for failure to comply with conditions placed on a Certificate of Need (CON) or Certificate of Need Exemption.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.040(1)(b),(1)(d), (2)(a), 408.061(6), 408.08(2), 408.044 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: 2:00 p.m. (EST), January 10, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to Comply with Certificate of Need or Certificate of Need Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with certificate of need or certificate of need exemption conditions. Providers who are not in compliance with certificate of need or certificate of need exemption conditions may be subject to a fine pursuant to paragraph 408.040(1)(d), Florida Statutes shall be fined. Failure to report

compliance with any condition upon which the issuance of the certificate of need or certificate of need exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the certificate of need office with a report on its compliance with conditions set forth on the Certificate of need or certificate of need exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance. Fines for non-compliance with an indigent care condition may be assessed using the following formula unless the provider profited from that non-compliance in an amount that exceeded the fine amount calculated for any given reporting year:

CAGP = the service condition agreed to by certificate of need or certificate of need exemption holder

ACTP = the actual percentage of service provided by the certificate of need or the certificate of need exemption holder during the reporting year

FAMT = dollar amount of the fine

FAMT = \$365,000 x (CAGP – ACTP) / CAGP

Indigent care includes charity care and Medicaid. Charity care is defined, for purposes of condition compliance, as the portion of the facility charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a facility by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve months preceding the determination is less than or equal to 200 percent of the federal poverty level unless the amount of charges due from the patient exceed 25 percent of the annual family income. However, in no case shall the facility charges for a patient whose family income exceed four times the federal poverty level for a family of four be considered charity. Medicaid patient days is defined, for purposes of condition compliance, as the patient days reimbursed by Medicaid.

(b) A provider who profited from its non-compliance in an amount that exceeds the fine amount calculated under the formula in paragraph (3)(a) of this rule may be assessed the fine calculated in paragraph (3)(a) plus the profit derived from non-compliance but the total fine shall not exceed \$365,000.

(c) Mitigating factors to be considered before assessing a fine may include but are not limited to the following:

1. The CON or CON exemption holder’s history of condition compliance.

2. The CON or CON exemption holder’s overall indigent care service.

3 The CON or CON exemption holder’s level of indigent care relative to all other similar providers in the relevant planning area.

4. The conditioned facility showing an operating loss or negative total margin on its most recent audited financial statement.

(3)(b) renumbered (d) No change.

(4) No change.

Specific Authority 408.15(8), 408.034(6)(5) FS. Law Implemented 408.040(1)(b), (d), (2)(a), 408.061(6), 408.08(2), 408.044 FS. History--New 7-25-89. Amended 12-13-04, Formerly 10-5.021, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Hospice Programs  
 RULE NO.: 59C-1.0355

PURPOSE AND EFFECT: The agency intends to amend the rule used in certificate of need (CON) review of proposals to establish hospice programs. The proposed rule amendments amends projects subject to review, the definitions used in the current rule, the hospice service areas, the review criteria, and the hospice utilization reporting requirements. A preliminary draft of the rule is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Definitions used in the hospice rule, the review criteria, and hospice utilization reporting.

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.034(3), 408.036(1)(b)(d)(e), 408.043(2) FS.

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

TIME AND DATE: 2:00 p.m. (EST), January 11, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0355 Hospice Programs

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), paragraphs 408.036(1) (d) and (e), and subsection 408.043(2), Florida Statutes. It is the intent of the agency to ensure the availability of hospice programs as defined in this rule to all persons requesting and eligible for hospice services, regardless of ability to pay. This rule regulates the establishment of new hospice programs and the construction of freestanding inpatient hospice facilities as defined in this rule, and a change in licensed bed capacity of a

freestanding inpatient hospice facility. A separate certificate of need application shall be submitted for each service area defined in this rule. Projects for new hospice programs will not be comparatively reviewed with projects for free standing inpatient hospice facilities.

(2) Definitions.

(a) “Admission.” Consistent with Section 400.6095(2), Florida Statutes, a person is considered admitted to a hospice following a physician’s diagnosis and prognosis of a terminal illness and upon the person’s expressed request and informed consent. For the purposes of utilization reporting, a person may be counted as an admission one time. Any readmission may not be counted by the same hospice program.

(a) through (c) renumbered (b) through (d) No change.

~~(e)(4)~~ “Fixed Need Pool.” The fixed need pool defined in Rule subsection 59C-1.002(20), Florida Administrative Code. The agency shall publish a fixed need pool for hospice programs twice a year.

~~(f)(e)~~ “Freestanding Inpatient Hospice Facility.” For purposes of this rule, a facility that houses inpatient beds licensed exclusively to the hospice ~~program~~ but does not house any inpatient beds licensed to a hospital or nursing home.

(g) “Hospice.” A corporation eligible for licensure as a hospice consistent with the provisions in Chapter 400, Part VI, Florida Statutes. Hospices are licensed to serve a specified county or group of counties, and may provide hospice programs in one or more of the service areas defined in this rule. A hospice licensed to serve any county in a service area may serve all other counties in that area without further certificate of need approval.

~~(h)(4)~~ “Hospice Program.” A program provided by a hospice in a service area defined in this rule ~~described in subsections 400.601(2), 400.602(5), 400.609, and 400.6095(1), Florida Statutes, that provides a continuum of palliative and supportive care for the terminally ill patient and his family.~~ As provided in Section 400.609, Florida Statutes, a hospice program includes a continuum of palliative and supportive care for the terminally ill patient and their family. Hospice programs ~~services~~ must be available 24 hours a day, 7 days a week, and must be available to all terminally ill persons and their families within the service area, and available without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.

~~(i)(g)~~ “Inpatient Bed.” Inpatient beds located in a freestanding inpatient hospice facility, a hospital, or a nursing home and available for hospice inpatient care. Inpatient beds located in a freestanding inpatient hospice facility are licensed to the hospice. Inpatient hospice beds in a hospital are licensed to the hospital, and remain licensed as acute care beds; inpatient hospice beds in a nursing home are licensed to the nursing home, and remain licensed as skilled nursing beds.

~~(h)~~ “Local Health Council.” The council referenced in Section 408.033(1), Florida Statutes.

(j) “New Patient.” A patient admitted to a hospice program for the first time.

(2)(i) renumbered (k) No change.

~~(l)(j)~~ “Residential Facility.” For purposes of this rule, a facility operated by a licensed hospice program to provide a residence for hospice patients, as defined in Section 400.601(5)(4), F.S. A residential facility is not subject to regulation under this rule. Provided, however, that a proposal to convert such a residence to a freestanding inpatient hospice facility is subject to regulation under this rule.

~~(m)(k)~~ “Service Area.” The geographic area consisting of a specified county or counties, as follows:

1. Service Area 1 consists of Escambia, Okaloosa, Santa Rosa, and Walton Counties.
2. Service Area 2A consists of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.
3. Service Area 2B consists of Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.
4. Service Area 3A consists of ~~Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, and Lafayette, Levy, Putnam, Suwannee, and Union~~ Counties.
5. Service Area 3B consists of Marion County.
6. Service Area 3C consists of Citrus County.
7. Service Area 3D consists of Hernando County.
8. Service Area 3E consists of Lake and Sumter Counties.
9. Service Area 3F consists of Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, and Union Counties.
10. Service Area 3G consists of Putnam County.

(k)9. through 27. renumbered (m)11. through 29. No change.

(n) “Service Area of Residence.” The service area in which the patient is located at the time of hospice admission.

~~(o)(l)~~ “Terminally Ill.” As defined in subsection 400.601(10)(9), Florida Statutes, terminally ill refers to a medical prognosis that a patient's life expectancy is 1 year or less if the illness runs its normal course.

(3) General Provisions.

(a) Quality of Care. Hospices ~~programs~~ shall comply with the standards for ~~program~~ licensure described in Chapter 400, Part VI, Florida Statutes, and Chapter 59A-2, Florida Administrative Code. Applicants proposing to establish a new hospice program shall demonstrate how they will meet the standards.

(b) Conformance with Statutory Review Criteria. A certificate of need for the establishment of a new hospice program, or construction of a freestanding inpatient hospice facility, or change in licensed bed capacity of a freestanding inpatient hospice facility, shall not be approved unless the applicant meets the applicable review criteria in sections 408.035 and 408.043(2), F.S., and the standards and need determination criteria set forth in this rule. Notification to the

agency of a change in licensed bed capacity of a freestanding inpatient hospice facility is required under Section 480.036(5), F.S. Applications to establish a new hospice program shall not be approved in the absence of a numeric need indicated by the formula in paragraph (4)(a) of this rule, unless other criteria in this rule and in Sections 408.035 and 408.043(2), F.S., outweigh the lack of a numeric need.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program for a service area is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) > 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of  $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$U65C = (u65c/CT) \times PT$$

$$65C = (65c/CT) \times PT$$

$$U65NC = (u65nc/CT) \times PT$$

$$65NC = (65nc/CT) \times PT$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

“Current” deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health’s ~~and Rehabilitative Services~~<sup>1</sup> Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

“Projected” deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health’s ~~and Rehabilitative Services~~<sup>2</sup> Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates published by the Office of the Governor at least 3 months prior to publication of the fixed need pool.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (\text{Hu65c}/\text{Tu65c})$$

$$P2 = (\text{H65c}/\text{T65c})$$

$$P3 = (\text{Hu65nc}/\text{Tu65nc})$$

$$P4 = (\text{H65nc}/\text{T65nc})$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (9) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection ~~(8)~~<sup>(9)</sup> of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(b) Licensed Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve a new hospice program for a service area unless each hospice program serving that area has been licensed and operational for at least 2 years as of 3 weeks prior to publication of the fixed need pool.

(c) Approved Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve another hospice program for any service area that has an approved hospice program that is not yet licensed.

(d) Approval Under Special Circumstances. In the absence of numeric need identified in paragraph (4)(a), and in context with other applicable statutory and rule criteria, the agency may approve an additional hospice program for a service area under the circumstances described in subparagraph 1. or 2.:

1. ~~An~~ the applicant ~~must~~ demonstrates that circumstances exist to justify the approval of a new hospice program for that service area. Evidence submitted by the applicant must document one or more of the following:

~~a.1.~~ a.1. That a specific terminally ill population is not being served in the service area.

~~b.2.~~ b.2. That a county or counties within the service area of a licensed hospice program are not being served.

~~c.3.~~ c.3. That there are persons referred to hospice programs who are not being admitted within 48 hours (excluding cases where a later admission date has been requested); ~~or—The applicant shall indicate the number of such persons.~~

2. The area is served by a single hospice program.

(e) Preferences for a New Hospice Program. The agency shall give preference to an applicant meeting one or more of the criteria specified in subparagraphs 1. through 5.:

1. Preference shall be given to an applicant who has a commitment to serve populations with unmet needs.

2. Preference shall be given to an applicant who proposes to provide services beyond the required core services listed in 42 CFR part 418, subpart D. ~~the inpatient care component of the hospice program through contractual arrangements with existing health care facilities, unless the applicant demonstrates a more cost-efficient alternative.~~

~~3. Preference shall be given to an applicant who has a commitment to serve patients who do not have primary caregivers at home; the homeless; and patients with AIDS.~~

~~(4)(e)4.~~ renumbered 3. No change.

~~5. Preference shall be given to an applicant who proposes to provide services that are not specifically covered by private insurance, Medicaid, or Medicare.~~

(5) Consistency with Plans. An applicant for a new hospice program shall provide evidence in the application that the proposal is consistent with the needs of the community ~~and other criteria contained in local health council plans and the State Health Plan~~. The application for a new hospice program shall include letters from health organizations, social services organizations, and other entities within the proposed service area that endorse the applicant's development of a hospice program. The applicant shall provide evidence of its ability to obtain contractual arrangements for inpatient services in acute care hospitals and/or skilled nursing facilities in the service area.

(6) Required Program Description. An applicant for a new hospice program shall provide a detailed program description in its certificate of need application, including:

(a) Proposed staffing, including use of volunteers.



(b) Expected sources of patient referrals.

(c) Projected number of admissions, by payer type, including Medicare, Medicaid, private insurance, self-pay, and indigent care patients for the first 2 years of operation.

(d) Projected number of admissions, by type of terminal illness, for the first 2 years of operation.

(e) Projected number of admissions by two age groups, under 65 and 65 or older, for the first 2 years of operation.

(f) Identification of the services that will be provided directly by hospice staff and volunteers and those that will be provided through contractual arrangements.

(g) Proposed arrangements for providing inpatient care (e.g., construction of a freestanding inpatient hospice facility; contractual arrangements for dedicated or renovated space in hospitals or nursing homes).

(h) Proposed number of inpatient beds that will be located in a freestanding inpatient hospice facility, in hospitals, and in nursing homes.

(i) Circumstances under which a patient would be admitted to an inpatient bed.

(j) Provisions for serving persons without primary caregivers at home and the homeless.

(k) Arrangements for the provision of bereavement services.

(l) Proposed community education activities concerning hospice programs.

(m) Fundraising activities.

(7) Construction of a Freestanding Inpatient Hospice Facility. The agency will not normally approve a proposal for construction of a freestanding inpatient hospice facility unless the applicant demonstrates that the freestanding facility will be more cost-efficient than contractual arrangements with existing hospitals or nursing homes in the service area. The applicant must be in conformance with applicable physical plant requirements for a freestanding inpatient hospice facility. In addition to demonstrating that the project is more cost-efficient than contracting for inpatient beds in a hospital or nursing home, the application shall include the following:

(a) A description of any advantages that the hospice program will achieve by constructing and operating its own inpatient beds.

(b) Existing contractual arrangements for inpatient care at hospitals and nursing homes; ~~or, in the case of a proposed new hospice program, contacts made with hospitals and nursing homes regarding contractual arrangements for inpatient care.~~

(c) Anticipated sources of funds for the construction.

(d) If the freestanding hospice will be located with another separately licensed healthcare facility such as a hospital, skilled nursing facility or assisted living facility, the applicant must include evidence of compliance with Rule 58A-2.025, Florida Administrative Code Physical Plant Requirement for an Inpatient Facility.

(e) Programs applying to establish additional freestanding inpatient hospice facilities within a service area shall demonstrate that adding beds to the existing inpatient hospice facility or facilities is not a more cost effective option.

~~(8) Change in Licensed Bed Capacity of a Freestanding Inpatient Hospice Facility. A hospice program proposing to change the licensed bed capacity of its freestanding inpatient hospice facility shall indicate in its application:~~

~~(a) The annual occupancy rate for the freestanding inpatient hospice facility beds for the most recent 12-month period preceding the application submission.~~

~~(b) The extent to which the number of contracted beds in hospitals and nursing homes will be modified as a result of the change in licensed capacity of the freestanding inpatient hospice facility.~~

~~(8)(9) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year. A hospice program licensed to operate in multiple service areas shall provided a separate utilization report for each service area in which it is licensed. The July report shall indicate the number of new patients admitted during the 6-month period composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall indicate the number of new patients admitted during the 6-month period composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. Semi-annual utilization reports shall include the following information: detail shall also be provided.~~

(a) The number of new patients admitted by zip code for each quarter of the reporting period. For the number of new patients admitted by zip code, the following details shall be provided:

1. The quarterly 6-month total of admissions under age 65 and age 65 and over for the diagnosis listed; by type of diagnosis (e.g., cancer, AIDS):

a. Cancer;

b. Illness due to Acquired Immune Deficiency Syndrome (AIDS);

c. Chronic Obstructive Pulmonary Disease (COPD);

d. End-Stage Renal Disease (ESRD);

e. Congestive Heart Failure;

f. Other;

2. The number of admissions during each of the 6 months covered by the report, by zip code service area of residence.

(b) The census on the first day of each month of the reporting period and For the patient census on April 1 or October 1, as applicable, the number of patients receiving hospice care in:

- 1. A private home.
- 2. An adult congregate living facility.
- 3. A hospice residential unit.
- 4. A nursing home, in contracted skilled nursing beds.
- 5. A hospital, in contracted acute care beds.
- 6. A freestanding hospice facility or unit, in licensed hospice beds.

(c) The number of patient days for each quarter of the reporting period. For the number of patient days the following details shall be given:

- 1. Number of patient days by diagnosis list in subsection (8)(a)1. of this rule.
- 2. Number of patient days by location diagnosis list in subsection (8)(b) of this rule.

(d) Payer type for the reporting period. For the payer type the following details shall be given:

- 1. Number of patients by payer type:
  - a. Medicare
  - b. Medicaid
  - c. Third party insurance
  - d. Sliding fee scale
  - e. Self-pay
  - f. Charitable
  - g. Non-billable;

~~(9)(10)~~ Grandfathering Provisions. A hospice program licensed as of the effective date of this rule is authorized to continue to serve all counties in the service area where its principal place of business is located. A hospice program whose certificate of need or current license permits hospice services in a county or counties in an adjacent service area may continue to serve those adjacent counties. Any expansion to provide service to other counties in an adjacent service area is subject to regulation under this rule.

Specific Authority 408.15(8), 408.034~~(6)(3) and (5)~~ FS. Law Implemented 408.034(3), 408.035, 408.036(1)(c),(e),(f), 408.043(2), 400.606(4), (5) FS. History—New 4-17-95, Amended 7-30-95,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Definitions	61D-11.001
Prohibitions	61D-11.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend or repeal various sections of these rules to conform to a Final Order of the Division of Administrative Hearings declaring various sections of these rules invalid.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are definitions of terms and prohibitions contained in rules declared to be invalid.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4) FS.

LAW IMPLEMENTED: 849.086 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. – 11:00 a.m., January 5, 2006  
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fee Schedule	61G18-12

PURPOSE AND EFFECT: The Board proposes to review the rule chapter to determine whether a new fee rule is needed.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule would set a fee for reinstatement of a null and void license.  
SPECIFIC AUTHORITY: 474.206, 455.219, 474.2065 FS.

LAW IMPLEMENTED: 474.2065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 61G19-5.002

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary in response to Chapter 2005-147, Laws of Florida, relating to building safety.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to set forth new guidelines addressing violations and penalties relating to licensee requirements under the Florida Building Code.

SPECIFIC AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-5.002 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.569 and 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION RECOMMENDED RANGE OF PENALTY

(a) through (t) No change.

(u) Failing to lawfully execute the duties and responsibilities specified in this part and in Sections 553.73, 553.781, 553.79 and 553.791, F.S. and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,000.

(2)(v) Performing building code inspection services under s. 553.791, F.S., without satisfying the insurance requirements of said section.

(u)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine

(u)2. After the first offense, a minimum of one year's probation to revocation or denial of licensure, and a fine of up to \$3,000 depending on the underlying offense and the magnitude of the violation.

(v)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,000.

(v)2. After the first offense, a minimum of one year's probation to revocation or denial of license, and a fine of up to \$3,000 depending on the underlying offense and the magnitude of the violation.

(3) through (5) No change.

Specific Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History--New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Fishwater Fish and Wildlife**

RULE TITLE: Use of Tracked Vehicles in the South Region  
PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures related to registration and inspection of tracked vehicles used in the South Region during the 2006 calendar year.  
SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the requirements for tracked vehicles, their inspection, registration and transfer of registrations.  
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

RULE NO.: 68A-11.005

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
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 LATER ANNOUNCED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Col. Julie Jones, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE RULE BEING DEVELOPED IS NOT AVAILABLE AT THIS TIME. FUTURE DRAFTS OF THE PROPOSED RULES MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLES: Approval Procedures  
Credit for Reinsurance

RULE NOS.: 690-144.002  
690-144.005

PURPOSE AND EFFECT: Update and change form numbers; Updates and changes name of Bureau to Financial Oversight; Adopts the NAIC model forms for 2005.

SUBJECT AREA TO BE ADDRESSED: Change in form numbers and adoption of NAIC model forms for 2005.

SPECIFIC AUTHORITY: 624.308, 624.610(14) FS.  
LAW IMPLEMENTED: 624.307(1), (2), (3), (5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 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: 9:30 a.m., January 5, 2006  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claude Mueller, Property & Casualty Financial Oversight, Office of Insurance Regulation, E-mail: claude.mueller@fldfs.com.  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Reasonable Degree of Competition  
RULE NO.: 690-170.020

Criteria – Monroe County  
PURPOSE AND EFFECT: To establish criteria to be utilized by the Office of Insurance Regulation to determine whether a reasonable degree of competition exists for personal lines residential policies in Monroe County.

SUBJECT AREA TO BE ADDRESSED: Criteria for determining a reasonable degree of competition.

SPECIFIC AUTHORITY: 624.308(1), 627.351(6)(d)4. FS.  
LAW IMPLEMENTED: 627.351(6)(d)4. 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: 2:00 p.m., December 28, 2005.  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ray Spudeck, Business Development and Market Research, Office of Insurance Regulation, E-mail: ray.spudeck@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM THE CONTACT PERSON WHEN AVAILABLE.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLES:	RULE NOS.:
Title Insurance Rates	69O-186.003
Premium Schedule Applicable to "Truth in Lending" and Other Endorsements	69O-186.005
Title Insurance Limited to Coverage of Real Property	69O-186.007

PURPOSE AND EFFECT: Chapter 2005-154, Section 4, Laws of Florida, requires the Office to approve the title insurance form and corresponding rate for the insurance described in Section 624.608(2), U.C.C. title insurance. The rule to be developed will be responsive to that statutory mandate. The Office is soliciting input from the industry and the public, as required by Chapter 120, F.S., to assist it in approving the form and setting the rate.

SUBJECT AREA TO BE ADDRESSED: U.C.C. Title Insurance.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.777, 627.782, 627.7825 FS.

LAW IMPLEMENTED: 624.307(1), 624.608, 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845, 697.04(1) 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: 9:30 a.m., December 28, 2005  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lee Roddenberry, Director, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: lee.roddenberry@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

**Section II  
Proposed Rules**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Definitions  
RULE NO.: 59G-1.010

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the following definitions, which are applicable to the Florida Medicaid program, in accordance with Sections 409.901 through 409.9201, F.S.: abuse; active treatment plan; administrative sanctions; audit; bribe, kickback, or illegal solicitations; erroneous payment; investigation; lock-in; monitor; overpayment; peer; peer review; peer review committee; and recipient. The effect will be to update the definitions in Rule 59G-1.010, F.A.C.

SUMMARY: The purpose of this rule amendment is to update the definitions, which are applicable to the Florida Medicaid program, in accordance with Sections 409.901 through 409.9201, F.S. The effect will be to update the definitions in Rule 59G-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.901-9201 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: 2:00 p.m., Tuesday, January 3, 2006  
PLACE: Agency for Health Care Administration, 2727 Mahan Blvd., Bldg. 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelly Bennett, Medicaid Services, 2727 Mahan Drive, Mail Stop 6, Tallahassee, Florida 32308-5407, (850)921-1802

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-1.010 Definitions.

The following definitions are applicable to all ~~sections~~ Sections of Chapter 59G, F.A.C., unless specifically stated otherwise in one of those ~~sections~~ Sections. These definitions do not apply to any Agency for Health Care Administration (Agency), Medicaid program rules other than those in Chapter 59G, F.A.C.:

(1) "Abuse" is as defined in Section 409.913(1)(a), F.S., and includes ~~means~~ provider practices that are inconsistent with sound fiscal, business, or professional practices and result in an unnecessary cost to the Medicaid program, or in reimbursement for medical or allied care, goods, or services that are not medically necessary or that fail to meet professionally recognized standards for health care. It includes, but is not limited to, any unintentional violation of federal or state laws, regulations, rules, policies, directives or agreements relating to the Medicaid program. ~~It also includes, or~~ misutilization, whether intentional or inadvertent, including inappropriate prescribing, dispensing, or otherwise furnishing drugs or other medical or allied care, goods, or services by a provider. It also includes recipient practices that result in unnecessary cost to the Medicaid program.

(2) "Active treatment plan" means ~~an individually~~ written plan of care or service implementation plan specific to an individual and which sets ~~setting~~ forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapeutic interventions necessary for an individual to reach those goals or objectives. As applied to the community behavioral ~~mental~~ health program, developmentally disabled recipients in the nursing home program, and intermediate care facility for the ~~mentally retarded/~~ developmentally disabled program, an active treatment plan focuses on treatment and services to address mental illness or ~~mental retardation or other~~ developmental disabilities.

(3) through (7) No change.

(8) "Administrative sanctions" means the disincentives set forth in subsections 409.913(13), (14), (15), and (16), F.S. and Rule 59G-9.070, F.A.C. ~~termination from the Medicaid program, suspension from the Medicaid program, a monetary fine, or any other penalty permitted by law other than a criminal penalty~~

(9) through (21) No change.

(22) "Audit" means:

(a) an examination of "records for audit" supporting amounts reported in the annual cost report or in order to determine the correctness and propriety of the report; or

(b) an analysis of documentation prepared in accordance with Medicaid policy and procedures ~~"records for audit"~~ supporting a provider's claim activity for a recipient's goods or services during a period of time year or less of claims activity in order to determine whether Medicaid payments are or were due and the amounts thereof; ~~with claim activity for each separate year constituting a separate audit.~~

~~The term "audit" also comprehends discussions and interviews related to said examination or analysis. Also see "records for audit."~~

(23) through (28) No change.

(29) "Bribe, Kickback, or Illegal Solicitation" means:

(a) Knowingly and willfully soliciting or receiving any remuneration directly or indirectly, overtly or covertly, in cash or in kind, from any person in return for:

1. Referring or taking an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the Medicaid or other health care program unless such arrangement has been made with or approved by the Agency department, or

2. Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any good, facility, service or item for which payment may be made in whole or in part under the Medicaid program or other health care program unless such arrangement has been made with or approved by the Agency department.

(b) Knowingly or willfully offering or paying any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to:

1. Refer or take an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the Medicaid program or other health care program, unless such arrangement has been made with or approved by the Agency department, or

2. Purchase, lease, order, arrange for any recommended purchase, lease, or order of any good, facility, service or item for which payment may be made in whole or in part under the Medicaid program or other health care program, unless such arrangement has been made with or approved by the Agency department.

(30) through (78) No change.

(79) "Erroneous Payment" means a payment made to a Medicaid recipient, provider, or other person to which he is not entitled and which is caused by intentional or inadvertent error by the recipient, provider, or other person, ~~or is payment for a claim which is false, fictitious, fraudulent, or willfully misrepresented, or is payment for a claim for medical or allied care, goods, or services furnished as the result of illegal solicitation.~~

(80) through (133) No change.

(134) "Investigation" See Audit." means the activities to determine whether there exist issues of non-compliance with the laws, rules or policies governing the Medicaid Program, and other laws under which the Agency has authority.

(135) through (141) No change.

(142) "Lock-in" means the restriction of a Medicaid recipient to a single ~~primary care~~ provider or ~~prepaid~~ health plan that who is enrolled or under contract with the Agency agency and that who agrees to be responsible for the provision or authorization of ~~all primary care and patient management~~ services for that recipient.

(143) through (171) No change.

(172) "Monitor" means to perform an audit. See "Audit." evaluation of a provider's practice.

(173) through (190) No change.

(191) "Overpayment" is as set forth in Section 409.913, F.S. means a payment to any recipient, provider, or other person for medical or allied care, goods or services furnished to a recipient to which the recipient, the provider, or the other person is not entitled as determined by the Medicaid program, and which:

(a) Is not caused by intentional or inadvertent error by the recipient, the provider, or the other person;

(b) Is not payment for a claim for medical or allied care, goods, or services furnished as the result of illegal solicitation, and;

(c) Is caused solely by an error on the part of the Department.

(192) though (196) No change.

(197) "Peer" means a person who has equal professional status with a Medicaid provider of a specific type or specialty. Where a person with equal professional status is not reasonably available, a peer includes a person with substantially similar professional status.

(198) "Peer review" means an evaluation of the professional practices of a Medicaid provider by a peer or peers of the provider in order to assess the necessity, appropriateness, and quality of care furnished as such care is compared to that customarily furnished by the provider's peers and to recognized health care standards. A peer reviewer may be employed or contracted by the Agency to provide medical or allied consulting services.

(199) "Peer review committee" means a committee of a provider's peers that has contracted with the Agency department to review and report on the professional practices of the provider at the Agency's department direction.

(200) though (241) No change.

(242) "Recipient" or "Medicaid recipient" means any individual whom the Agency department, Department of Children and Families or the Social Security Administration on behalf of the Department of Children and Families, determines is eligible, pursuant to federal and state law, to receive medical or allied care, goods, or services for which the Agency department may make payments under the Medicaid program and is enrolled in the Medicaid program. For the purposes of determining third party liability, the term includes an individual formerly determined to be eligible for Medicaid, an individual who has received medical assistance under the Medicaid program, or an individual on whose behalf Medicaid has become obligated.

(243) through (307) No change.

Specific Authority 409.919 FS. Law Implemented 409.901- 409.9201 409.920 FS. History--New 4-29-93, Formerly 10P-1.010, Amended 6-24-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelly Bennett

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE TITLES:	RULE NOS.:
Definitions	60E-1.001
Central, Non-Profit Agency ("CNA")	60E-1.003
Employment Centers	60E-1.004
Procurement Requirements and Procedures	60E-1.005

PURPOSE AND EFFECT: To update the rules identified to reflect current practices and procedures regarding purchases made by state offices from the central, non-profit agency.

SUMMARY: The amendments amend the rules to reflect the current practices and procedures regarding purchases made by state offices from the central, non-profit agency. Also, the amendments both eliminate language that is unnecessary to implement any department program and clarify the duties and responsibilities of the Department as provided therein.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(1)(g), 287.042(3), 287.042(12), 413.035(1), 413.035(2), 413.036(1) FS.

LAW IMPLEMENTED: 287.042, 413.035, 413.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, garciaa@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

60E-1.001 Definitions.

(1) Fiscal Year means the twelve month period beginning on July 1 of each year.

(2) Blind means an individual having central visual acuity of 20/200 or less in the better eye with correcting glasses or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.

~~(3) Other Severely Handicapped~~ — means any person (other than a blind person) who is so severely incapacitated by any physical or mental disability that he cannot engage in normal competitive employment because of such disability.

~~(a) Some specific categories of severely handicapped persons as defined above include those disabled by the following:~~

- ~~1. Spinal cord injury;~~
- ~~2. Deafness;~~
- ~~3. Muscular dystrophy (adults);~~
- ~~4. Multiple sclerosis;~~
- ~~5. Developmental disabilities or neurological disorders;~~
- ~~6. Severe orthopedic handicaps;~~
- ~~7. Multiple disabilities;~~
- ~~8. Severe personality or behavioral disorders, including psychosis and neurosis;~~
- ~~9. Severe pulmonary disease;~~
- ~~10. Severe cardiac disorders.~~

The foregoing represent examples only, and should not be considered exclusive.

~~(b) Capability for normal competitive employment shall be determined from information developed by an ongoing placement program conducted by the workshop. Such placement programs shall include at least a pre-admission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with appropriate community services for the placement in such employment of any of its workers who may qualify for such placement.~~

~~(1)(4) Central, Non-Profit Agency ("CNA")~~ – means an agency organized under the laws of Florida, operated in the interest of the blind, or other severely handicapped, the net income of which does not accrue in whole, or in part, to the benefit of any shareholder or other individual, and designated by the Department Commission to facilitate the distribution (by direct allocation, or other means) of orders of the State for commodities and services on the procurement list of employment centers among workshops for the blind, or employment centers workshops for other severely handicapped, and to assist the Department Commission in administering these regulations.

~~(2) Department~~ – means the Florida Department of Management Services.

~~(3)(5) Purchasing Ordering Office~~ – means the state office any activity in an entity of the State, including political subdivisions, such as a county, municipality, or school district, that places orders for the procurement of any commodity or service.

~~(4)(6) Employment Centers Workshops~~ – means a workshop for the blind or other severely handicapped person geographically located in the State of Florida or a workshop for other severely handicapped geographically located in the State of Florida, as appropriate.

Specific Authority 413.035, 413.036 FS. Law Implemented 413.033(2), (3)(c), (6), 413.034, 413.035, 413.036 FS. History—New 10-12-81, Formerly 13G-1.01, Amended 2-22-89, Formerly 13G-1.001, Amended 12-31-95,

60E-1.003 Central, Non-Profit Agency (“CNA”).

~~(1) A CNA Central, non-profit agency designated to represent blind and other severely handicapped under the provisions of subsection 60E-1.001(3), F.A.C., of these rules— A central, non-profit agency may be designated to represent the employment centers workshops for the blind and other severely handicapped.~~

~~(2) The following shall be responsibilities of the CNA central, non-profit agency.~~

~~(a) Represent employment centers workshops in dealing with the Department or other state agencies or political subdivisions Commission under the Act.~~

~~(b) Evaluate the qualifications and capabilities of employment centers workshops and provide the Department Commission with pertinent data concerning employment centers workshops, their status as qualified non-profit entities agencies, the quality of the products they manufacture and plan to make available for sale to state agencies or political subdivisions, their manufacturing or service capabilities, and other information required by the Department Commission.~~

~~(c) Provide the Department with its current Recommend to the Commission with appropriate justification including recommended prices for suitable commodities or services for procurement from its employment centers workshops.~~

~~(d) Maintain an internet website providing, at a minimum, a listing of its network of employment centers and a listing of all commodities and services offered by each employment center.~~

~~(e) Distribute within the policy guidelines of the Commission (by direct allocation, or any other means) orders from State purchasing activities among its workshops.~~

~~(f) Maintain all the necessary records and data on its employment centers to enable the Department to properly review and audit all employment center purchase activities workshops to enable it to allocate orders equitably.~~

~~(g) Supervise its employment centers workshops to ensure insure contract compliance in production of a commodity or performance of a service.~~

~~(h) As market conditions change, recommend to the Department price changes for commodities or services provided by its employment centers and provide with appropriate justification for the recommended change(s) assigned commodities or services on the procurement list.~~



(h) Monitor and inspect the activities of its employment centers workshop to ensure ~~insure~~ compliance with the Act and applicable appropriate regulations.

(i) Provide the Department with full and complete access to all purchasing office records as required by the Department. Enter, as required, into contracts with State procuring activities for the furnishing of commodities or services provided by the workshops.

(j) Make commodities and services offered by its employment centers available to eligible users through the MyFloridaMarketplace procurement system. ~~Submit to the Commission a comprehensive annual report for each fiscal year concerning the operations of its workshops under the Act, including significant accomplishments and development, and such other details as the central, non-profit agency considers appropriate or the Commission may request. This report will be submitted by September 30 of the fiscal year ending the preceding June 30.~~

(3) The CNA shall not engage in the following actions –

(a) Enter into nondisclosure agreements or contracts which prohibit employees or associates of the CNA from meeting with, discussing or providing information requested by the Department or its authorized representatives.

(b) Require that employment centers join or become a member of any industry or trade association as a condition of being part of the CNA's network of employment centers.

(4)(3) Assignment of commodity or service –

(a) Any employment center may propose a commodity or service to the CNA for consideration for addition to the procurement list. ~~The workshop first proposing a commodity or service through the central, non-profit agency for addition to the procurement list shall have priority on its assignment unless workshops for the blind exercise a priority.~~

(b) Subject to approval by the Department, the CNA shall assign commodities or services to employment centers based on the ability of the employment centers to produce the commodity or provide the service. ~~Within thirty (30) days after notification by the Commission or sixty (60) days upon approval by the Commission, that the central, non-profit agency has proposed a commodity for addition to the procurement list, the workshops for the blind through the central, non-profit agency shall notify the Commission of their intention to exercise or waive their priority on the proposed commodity.~~

(c) The employment center approved by the Department to provide a particular commodity or service shall be placed on the procurement list within 60 days after it is approved to make available the commodities or services it offers for purchase by purchasing offices. ~~The Commission shall assign commodities or services to workshops for the other severely handicapped based on paragraphs (a) and (b) of this section.~~

(d) If the Department determines that an employment center a workshop cannot provide the commodities or services assigned, the Department ~~The workshop~~ proposing a commodity or service shall complete action to place it on the procurement list within nine months after assignment. ~~If within nine months the workshop has not completed action, the Commission may reassign the commodity or service to another employment center workshop capable of providing producing the commodity or performing the service. Priority on reassignment will be determined by the order in which the workshop proposed the commodity or service for addition to the procurement list, the first proponent having the highest priority.~~

(5)(4) Distribution of orders – The CNA central, non-profit agency shall distribute orders from Purchasing Offices the State, only to employment centers workshops which the Department Commission has approved to produce the specific commodity or to perform the particular service. ~~When the Department Commission has approved two or more employment centers workshops to produce a specific commodity, or perform a particular service, the CNA central, non-profit agency shall distribute orders among those employment centers workshops in a fair and equitable manner.~~

(5) Fees – The fees the central, non-profit agency shall charge for facilitating participation of workshops under the Act shall not exceed the rates approved by the Commission.

(6) Priority over correctional work program – When Purchasing Offices buy In the purchase by ordering offices of any product or service pursuant to the Act, priority shall be given accorded to the products and services designated by the Department Commission and offered by employment centers workshops for the blind or employment centers workshops for the other severely handicapped over any requirement to purchase from the Corporation operating the correctional work programs under Chapter 946, Florida Statutes, unless such priority is waived by the Department Commission through the CNA central, non-profit agency.

(7) Waiver of priority – Within thirty (30) days after notification by the Corporation operating the correctional work programs, that the Corporation has proposed a commodity or service to be produced by correctional work programs and offered for purchase to Purchasing Offices ordering offices, the CNA central, non-profit agency shall notify the Corporation of its intention to exercise or waive the priority on the proposed commodity or service.

(a) The CNA central, non-profit agency may waive priority on a proposed commodity or service if the Corporation operating the correctional work programs was the State of Florida government contractor within the most recent three-year period; or if a similar commodity or service is currently being produced or provided by the correctional work programs.

(b) The Corporation operating the correctional work programs need not request waiver of priority when a proposed commodity only involves a change of color or size of an item which is part of a sequence of identical items and that are which is currently provided being produced by the correctional work programs under an existing contract.

(c) Priority may be exercised by the Department Commission, through the CNA central, non-profit agency, if a proposed or similar commodity or service is currently on the Department's Commission's procurement list; or if a qualified employment center workshop is in the process of adding a same or similar commodity or service to the Commission's procurement list.

Specific Authority 413.035, 413.036 FS. Law Implemented 413.033(3), (4), 413.035, 413.036 FS. History—New 10-12-81, Formerly 13G-1.03, Amended 2-22-89, Formerly 13G-1.003, Amended 12-31-95, \_\_\_\_\_.

60E-1.004 Employment Centers Workshops.

(1) Procedures for qualifications of employment centers workshops –

(a) To qualify for participation under the Act, an employment center must a workshop shall submit to the Commission, through the central, non-profit agency, the following documents, transmitted by a letter signed by an officer of the corporation:

1. Be certified as an accredited nonprofit employment center as provided in Section 413.031(1), Florida Statutes. A legible copy (preferably a photocopy) of the articles of incorporation showing the date of filing and the signature of an appropriate state official.

2. Apply to the CNA to provide the commodities or contractual services under the Act. A copy of the by-laws certified by an officer of the corporation.

(i) The application shall be standardized in form, created and furnished by the CNA, and shall be subject to approval by the Department before used.

3. A copy of the Internal Revenue Service certificate indicating that the corporation has been accepted as a non-profit agency for taxation purposes.

4. Evidence that the workshop meets the criteria for determining non-profit status under the provisions of Section 196.195, Florida Statutes, and is registered and in good standing as a charitable organization under the provisions of Chapter 496, Florida Statutes.

(b) The Department Commission shall review the documents submitted; and determine whether the employment center is eligible to if they are acceptable, notify the workshop through the central, non-profit agency of the workshop's eligibility to participate under the Act.

(c) To maintain its qualifications under the Act, each workshop authorized to produce a commodity or provide service under the Act shall complete an annual workshop

certification and submit a signed copy to the Commission through its central, non-profit agency by August 15 for the fiscal year ending the preceding June 30.

(2) Responsibilities—

(a) Each employment center workshop participating under the Act shall:

1. Maintain current certification as an employment center;

2. Furnish commodities or services in strict accordance with Purchase Office the allocation and State orders.

3. Make its records available for inspection at any reasonable time.

3. Maintain records of direct labor hours performed in the workshop by each worker.

4. Submit the appropriate annual workshop certification to the Commission through its central, non-profit agency by August 15 for the fiscal year ending the preceding June 30.

5. Comply with applicable occupational health and safety standards prescribed by the Secretary of Labor.

6. Maintain a file on each blind individual which includes a written report prepared by a licensed physician reflecting visual acuity and field of vision of each eye with and without glasses.

7. Maintain a file on each blind and other severely handicapped individual which includes reports of preadmission evaluation, and annual re-evaluations of the individual's capability for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate the work potential, interest, aptitudes and abilities of handicapped persons.

8. Maintain an ongoing placement program that includes staff assigned evaluation duties and liaison responsibilities with appropriate community services, such as the State Division of Vocational Rehabilitation, and other; and list with one or more of these services those individuals whose most recent evaluations show them to be capable of normal competitive employment.

(b) Each workshop for other severely handicapped participating under the Act shall, in addition to the requirements of paragraph (a) of this section, maintain a file for each other severely handicapped individual which includes a written report prepared by a licensed physician, psychiatrist, or qualified psychologist, reflecting the nature and extent of the disability or disabilities that cause such persons to qualify as severely handicapped; or a statement from one of the following state or federal agencies indicating that the individual has been determined, according to the criteria provided by Rule 60E-1.001(3), F.A.C., as being disabled and eligible for services by the agency:

Division of Vocational Rehabilitation, Department of Labor and Employment Security

Division of Developmental Services, Department of Children and Family Services

Division of Blind Services, Department of Labor and Employment Security

Adult Mental Health Services, Department of Children and Family Services

Social Security Administration

~~(3) Purchase of raw materials — Workshops shall seek broad competition in the purchase of raw materials and components used in the commodities and services provided the State under the Act. Workshops shall inform the commission before entering into multiyear contracts for raw materials or components used in the commodities and services provided the State under the Act.~~

(4) The CNA shall ensure employment centers comply with all governing laws and regulations regarding commodities or contractual services offered pursuant to the Act. Failure by an employment center to comply with all governing laws or regulations may result in the employment center being suspended or removed from the procurement list. Production of commodities — In the production of commodities under the Act, a workshop shall make an appreciable contribution to the reforming of raw materials or the assembly of components or a combination thereof.

~~(5) Violations — Any alleged violations of these regulations by a workshop shall be investigated by the central, non-profit agency which shall notify the workshop concerned and afford it an opportunity to submit a statement of facts and evidence. The central, non-profit agency shall report its findings to the Commission, together with its recommendations, including a recommendation regarding whether allocations to workshops concerned should be suspended for a period of time. In reviewing a case, the Commission may request the submission of additional evidence or may hold a hearing on the matter. Pending a decision by the Commission, the central, non-profit agency may be directed by the Commission to temporarily suspend allocations to the workshop.~~

Specific Authority 413.035, 413.036 FS. Law Implemented 413.035, 413.036 FS. History—New 10-12-81, Formerly 13G-1.04, 13G-1.004, Amended 12-31-95, 7-9-97, \_\_\_\_\_.

#### 60E-1.005 Procurement Requirements and Procedures.

~~(1) Ordering offices to obtain procurement list — Purchasing Offices Ordering offices shall obtain employment center commodities and services as designated on the procurement list maintained electronically by from the CNA central, non-profit agency.~~

(2) Purchases In the purchase by ordering offices of commodities and services by Purchasing Offices from on the procurement list, purchasing offices are exempt from the competitive bidding requirements of Chapter 287, Part I, Florida Statutes, or other applicable local ordinances.

(3) Allocation and orders –

(a) Allocation is the action to be taken by the CNA a central, non-profit agency to designate the employment center(s) workshop(s) that will produce definite quantities of commodities or perform specific services upon receipt of an order.

(b) Purchase orders for employment center commodities or services shall contain for:

1. Commodities: Name, commodity number, quantity, unit price, and place and time of delivery.

2. Services: Type and location of service required, latest specification, work to be performed, estimated volume, and time for completion.

(c) Purchasing Offices Ordering offices shall issue purchase orders providing with sufficient time for the CNA central, non-profit agency to reply, for the order(s) to be placed, and for the employment center workshop to produce the commodity or provide the service. (See paragraph (h) of 60E-1.005(3), F.A.C.)

(d) If a commodity or service is available from both an employment center and under a state term contract, the agency or eligible user may purchase such commodity or service from whichever of the two procurement options provides the greatest value to the agency or eligible user. In the purchase by an ordering office of any commodity or service listed on the procurement list, priority shall be accorded, over any other requirement to purchase from any other non-profit corporation, to workshops for the blind or workshops for the other severely handicapped unless such priority is waived by the central, non-profit agency.

(e) The CNA central, non-profit agency shall make allocations to the appropriate employment center workshops upon receipt of an order from the Purchasing Office ordering office.

(f) When a purchase order provides a delivery schedule which cannot be met, the central, non-profit agency shall request a revision, which the ordering office should grant, if feasible, or the central, non-profit agency shall issue a purchase exception authorizing procurement from commercial sources as provided in subsection 60E-1.005(3), F.A.C.

(g) As to commodities or services offered by employment centers on the The procurement list, the list shall provide state for each the amount of commodities or services lead time necessary for the employment center to provide the commodities or complete performance of the services listed. If there are changes in the amount of lead time required to provide a commodity or service, the procurement list shall be duly updated by the CNA purchase of materials, production or preparation and delivery or completion.

(h) The CNA central, non-profit agency shall keep the Purchasing Office ordering office informed of any changes in the lead time experienced by its employment centers workshop(s) in order to keep to a minimum requests for extensions once an order is placed by the ordering office.

Where, due to unusual conditions, an order does not provide sufficient lead time, the ~~CNA central, non-profit agency~~ may request an extension of the delivery or completion date which should be granted, if feasible. If extension of delivery or completion date is not feasible, the ordering office shall first notify the ~~CNA central, non-profit agency~~, and request the ~~CNA central, non-profit agency~~ to reallocate or to issue a purchase exception authorizing procurement from commercial sources as provided in subsection 60E-1.005(3), F.A.C.

(i) Delays by employment centers in providing commodities or services should be immediately reported by the employment center to the Purchasing Office. If the CNA or employment center reports a delay, the Purchasing Office may proceed to procure those commodities or services from another provider of those commodities or services. Repeated delays by an employment center in providing designated commodities or services may result in the employment center being removed from the procurement list by the Department.

(4) Certification of exceptions –

~~(a) If the CNA, for whatever reason, cannot provide the commodities or services requested from the procurement list via a purchase order, the CNA will so notify the requesting agency or political subdivision, in writing, and the Department of its determination within one week of receiving the purchase order. Thereafter, the purchasing office may procure such commodities or services as provided in Chapter 287, Florida Statutes. The central, non-profit agency shall certify to an ordering office to permit procurement from commercial sources in accordance with provisions of Chapter 287, Part I, Florida Statutes, or other applicable local ordinances, commodities or services on the procurement list when both of the following conditions are met:~~

~~1. The workshop cannot furnish a commodity or service within the period specified; and~~

~~2. The commodity or service is available from commercial sources in the quantities and at an earlier time than it is available from the workshop(s).~~

~~(b) The central, non-profit agency may similarly issue a certification as in paragraph (a) above when the quantity involved is not sufficient for economical production or provision by the workshop(s).~~

~~(c) When the conditions in subparagraph 60E-1.005(a)1. or 2., F.A.C., are met, the central, non profit agency shall provide such certification promptly and shall specify the quantities and delivery period covered by the certification, and shall notify the Commission of its action.~~

(5) Prices –

(a) The prices included in the procurement list are fair market prices established by the ~~Department Commission~~.

(b) Prices for commodities include delivery costs (FOB destination), and include packaging, packing and marking as shown on the procurement list.

(c) Price changes for commodities shall apply to all orders placed on or after the effective date of the change.

(6) Shipping and packing –

(a) Commodities shall be shipped freight prepaid (FOB destination). Delivery is accomplished when a shipment is received and accepted by the purchasing agency. Time of delivery is the date the shipment is received.

(b) Standard pack information is stated in item descriptions. In ascending order, standard pack is given in multiples of the unit of issue contained within the inner wrap(s) and the outer shipping container pack.

(7) Payments to be made within thirty (30) days – Payments for products or services of the blind or other severely handicapped shall be made within thirty (30) days after receipt of shipment and a correct invoice or voucher, whichever is later.

(8) Adjustment and cancellation of orders – When the ~~CNA central, non-profit agency~~ or an employment center a workshop fails to comply with the terms of a purchase State order, the purchasing ordering office shall make reasonable every efforts to negotiate adjustments before taking action to cancel the order. When a purchase State order is cancelled for failure to comply with its terms, the ~~CNA central, non-profit agency~~ shall be notified, and if practicable, requested to reallocate the order. The ~~CNA central, non-profit agency~~ shall notify the ~~Department Commission~~ of any cancellation of an order and the reason therefor.

(9) Correspondence and inquiries – Routine correspondence or inquiries by purchasing offices concerning deliveries of commodities being shipped from or performance of services by blind or other severely handicapped employment centers workshops shall be directed to ~~with~~ the ~~CNA central, non-profit agency~~.

(10) Quality of merchandise and services produced or provided by employment centers workshops –

(a) Commodities furnished under State specification by blind or other severely handicapped employment centers workshops shall be manufactured in strict compliance with such specifications. Where no specifications exist, commodities produced shall be of the highest quality and equal to similar items available on the commercial market. Commodities shall be inspected utilizing nationally recognized test methods and procedures for sampling and inspection.

(b) Services provided by blind or other severely handicapped employment centers workshops shall be performed in accordance with State specifications and standards. Where no State specification or standard exists, the services shall be performed in accordance with good commercial practices.

(11) Quality complaints -- When the quality of a commodity or service received from blind or other severely handicapped employment centers workshops is not considered satisfactory, the purchasing office ~~by the using activity, the~~

~~activity shall address complaints to the CNA central, non-profit agency. In those instances where quality problems cannot be resolved by the employment center workshop and the CNA central, non-profit agency, the Department Commission shall be advised and, if in fact, the quality of the commodity or service is determined by the Department to be unsatisfactory, the CNA Commission shall discontinue to offer that commodity or service until a replacement, approved as satisfactory by the Department, is allocated to an employment center issue a notice of certification in accordance with Section 60E-1.005(4) of these rules.~~

(12) Specification changes –

~~(a) Specifications cited in the procurement list may be periodically revised undergo a series of changes, indicated by revision dates, to keep the list current with industry changes and agency needs. The most recent Since it is not feasible to show the latest revision of the procurement list shall be maintained on the CNA's website as provided in paragraph 60E-1.003(2)(d), F.A.C., above. Upon request by the CNA, the Department current on the publication date, only the basic specification is referenced in the procurement list. Procurement agencies shall provide notify the CNA with central, non-profit agency of the latest applicable commodity or service specification.~~

~~(b) Determinations regarding creation of new commodity numbers shall be recommended by the CNA to the Department. The Department shall be responsible for determining whether adding the new commodity number is necessary or if the commodity already falls under an existing number. If the Department determines that assignment of a new commodity is warranted, it shall assign such number and notify the CNA of such designation, and that CNA shall, in turn, When a State department or agency is changing the design or construction of a commodity on a procurement list that involves the assignment of a new commodity number, the Commission and the central, non-profit agency shall be notified of the contemplated change prior to its effective date, and be permitted to incorporate such change in its listed products.~~

(13) Deletion of items from the Procurement List –

~~(a) When the CNA determines that deletion of a commodity or service from its procurement list is warranted, it shall notify the Department and coordinate such deletion with the Department.~~

~~(b) Upon deletion, unless waived by the Department, employment centers will be required to complete production of any outstanding orders for commodities.~~

~~(c) For services currently being provided, the CNA shall notify both the Department and corresponding purchasing office of its intent to discontinue performance of the services at least 90 days in advance of the date the CNA will remove the service from the procurement list.~~

(d) The Department may remove an item from the procurement list without a request from the CNA if the Department determines that none of the employment centers participating in the program are capable of providing the commodity or service.

Specific Authority 413.035, 413.036 FS. Law Implemented 413.035, 413.036 FS. History–New 10-12-81, Formerly 13G-1.05, Amended 2-22-89, Formerly 13G-1.005, Amended 12-31-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anthony W. Garcia, Department of Management Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fred Springer, Director of State Purchasing, Department of Management Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Temporary Cardroom Employee	
Occupational License	61D-11.010
Tournaments	61D-11.027

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal will be to eliminate the Division's rules regarding issuance of temporary cardroom employee occupational licenses and the conduct of poker tournaments. Temporary licenses are obsolete since the Division issues permanent licenses upon receipt of a completed application. Rule 61D-11.027 is being repealed in order to conform to a DOAH Final Order which held various provisions of the rule invalid.

SUMMARY: Elimination of Rules 61D-11.010 and 61D-11.027, .

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

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

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (6) FS.  
LAW IMPLEMENTED: 849.086 FS.

IF REQUESTED IN WRITING 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: 9:00 a.m. – 10:00 a.m., January 5, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule repeal may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.010 Temporary Cardroom Employee Occupational License.

Specific Authority 550.0251(12), 849.086(4), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 6-2-98, Repealed.

61D-11.027 Tournaments.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 5-9-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Schedule of Fees  
 PURPOSE AND EFFECT: To add an Engineer Endorsement Fee.

SUMMARY: An Engineer Endorsement Fee is added.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), (7), 471.011, 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G15-24.001 Schedule of Fees.
  - (1) No change.
  - (2) Engineering Fees (individuals and firms):
    - (a) through (o) No change.
    - (p) Engineer Endorsement Fee: \$100.00.
  - (3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), (7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Solicitation  
 PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule and add new guidelines.  
 SUMMARY: The proposed rule amendment amends and further clarifies the definition of what is impermissible solicitation.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 460.413(1)(l), 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(l) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.002 Solicitation.

(1) No change.

(2) A chiropractor, or an employee or agent of a chiropractor, shall not conduct impermissible solicitation of solicit, in person or otherwise, a prospective patient with whom a chiropractor has no family or prior professional relationship, when a significant motive for such solicitation is the chiropractor's pecuniary gain. A chiropractor shall not permit employees or agents of the chiropractor to solicit in the chiropractor's behalf. A chiropractor shall not enter into an agreement, charge, or collect a fee for professional services obtained in violation of this rule. The term "solicit" includes contact in person or by telephone.

(a) Solicitation of a prospective patient involved in an accident or disaster within 30 days of the accident or disaster constitutes impermissible solicitation.

(b)(a) A written communication to a prospective patient constitutes impermissible solicitation soliciting if:

1. through 3. No change.

(c)(b) No change.

(d) A telephone communication or telemarketing campaign constitutes impermissible solicitation if it includes:

1. Fraud, or the use of threats, intimidation, undue influence, or profane or obscene language in telephone communication;

2. Repeated calls that annoy, harass, or abuse the person at the called number. For puposes of this rule, return call(s) to a called number wherein the previous call(s) were routed to an answering machine or voice mail are not considered repeated calls;

3. Calling a person who has previously stated that he or she does not wish to receive a telephone call made by or on behalf of the seller whose chiropractic goods or services are being offered. Every seller of chiropractic goods or services must maintain a "do not call" phone number list in compliance with 16 C.F.R. §310.4(b)(iii)(B) and 47 C.F.R. §64.1200(c)(2);

4. Calling a prospective patient at any time other than between 8:00 a.m. and 8:00 p.m. local time Monday through Saturday of the prospective patient;

5. Requirements for an immediate response from the prospective patient to any offer made during the solicitation;

6. A failure to first disclose at the beginning of the phone call the solicitor's identity and the chiropractor, the chiropractor's license number, and practice on whose behalf the solicitation is being made, the purpose of the call, a statement of the chiropractic goods or services being sold; and that no purchase or payment is necessary to participate in a promotion if a promotion is offered;

7. A failure to recite the disclaimer required by Section 456.062, Florida Statutes, when offering a free, discounted fee or reduced fee service, examination, or treatment;

8. Representations that the solicitation is approved or endorsed by the Board of Chiropractic Medicine;

9. Communications with prospective patients in a way that invade the privacy of the prospective patient, or interfere with an existing doctor/patient relationship; or

10. Communications with prospective patients otherwise prohibited by Chapters 456 and 460, Florida Statutes, or otherwise prohibited by rule or law.

(e) A record of the telephone numbers called and the script(s) used by a solicitor shall be maintained by the chiropractor for two years from the date of last use.

(f) Nothing contained in this rule is intended to authorize any chiropractor to conduct telephone solicitation in violation of Section 817.234(8)(a), (b) or (c), Florida Statutes, or Section 456.072(1)(x), Florida Statutes.

(3) No change.

Specific Authority 460.413(1)(l), 460.405 FS. Law Implemented 460.413(1)(l) FS. History--New 1-10-80, Formerly 21D-15.02, Amended 6-24-93, Formerly 21D-15.002, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.002, Amended 7-12-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE:

RULE NO.:

Temporary License

64B10-11.013

PURPOSE, EFFECT AND SUMMARY: Rule 64B10-11.013, F.A.C., no longer requires ratification by the board to determine eligibility for temporary license.

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

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

SPECIFIC AUTHORITY: 468.1685(1)(2) FS.

LAW IMPLEMENTED: 468.1705(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA,4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.013 Temporary License.

The determination of eligibility for temporary licensure shall be made by a committee appointed by the Chairman, ~~and shall be ratified by the Board at its next meeting.~~

Specific Authority 468.1685(1)(2) FS. Law Implemented 468.1705(4) FS. History--New 4-22-87, Amended 12-3-90, Formerly 21Z-11.013, 61G12-11.013, 59T-11.013, Amended 10-12-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety Program**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Protective Investigations	65C-10
RULE TITLES:	RULE NOS.:
Definitions	65C-10.001
Reports of Child Abuse and Neglect	65C-10.002
Child Protective Investigations	65C-10.003
Medical Screening and Medical Examination of Children Alleged to be Abused or Neglected	65C-10.004
Institutional Child Protective Investigations	65C-10.005
Criminal and Abuse History Checks	65C-10.006

PURPOSE, EFFECT AND SUMMARY: This rule will be replaced with proposed Rule Chapter 65C-29, F.A.C., Protective Investigations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 39.012, 415.514 FS.

LAW IMPLEMENTED: 39.401, 39.402(1), (2), (3), 415.505, 415.504(4)(c) FS.

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

TIMES AND DATE: 11:00 a.m. – 12:00 noon and 1:00 p.m. – 2:30 p.m., January 6, 2006

PLACE: Building 4, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nelson Simmons, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-0375

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-10.001 Definitions.

Specific Authority 415.514 FS. Law Implemented 415.503, 39.01, 39.012 FS. History--New 7-14-91, Amended 7-6-92, 10-26-93, Formerly 10M-29.002, Repealed.

65C-10.002 Reports of Child Abuse and Neglect.

Specific Authority 415.514 FS. Law Implemented 415.502, 415.504, 415.505 FS. History--New 7-14-91, Amended 7-6-92, 10-26-93, Formerly 10M-20.003, Repealed.

65C-10.003 Child Protective Investigations.

Specific Authority 39.012, 415.514 FS. Law Implemented 415.505, 415.504(4)(c), 39.401, 39.402(1), (2), (3) FS. History--New 7-14-91, Amended 7-6-92, 10-26-93, Formerly 10M-29.004, Repealed.

65C-10.004 Medical Screening and Medical Examination of Children Alleged to be Abused or Neglected.

Specific Authority 415.514 FS. Law Implemented 415.504, 415.5055, 415.507, 39.407 FS. History--New 7-14-91, 7-6-92, 10-26-93, Formerly 10M-29.005, Repealed.

65C-10.005 Institutional Child Protective Investigations.

Specific Authority 415.514 FS. Law Implemented 415.505(1), (2)(a)-(d) FS. History--New 7-14-91, Amended 7-6-92, 10-26-93, Formerly 10M-29.007, Repealed.

65C-10.006 Criminal and Abuse History Checks.

Specific Authority 415.514 FS. Law Implemented 415.509(1)(a)3. FS. History--New 7-14-91, Amended 7-6-92, 10-26-93, Formerly 10M-29.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nelson Simmons

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2005



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO. / RULE NOS. containing items like Protective Supervision, Definitions, Ongoing Assessment and Documentation, etc.

PURPOSE, EFFECT AND SUMMARY: This rule will be replaced with proposed Rule Chapter 65C-30, F.A.C. General Child Welfare Provisions and proposed Rule Chapter 65C-28, F.A.C., Out-of-Home Care.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 39.012, 409.026(8), 415.514 FS.

LAW IMPLEMENTED: 39.01, 39.403(2), 39.409(2), 39.41(1)(a), 39.441(2), 39.442(2)(a)1., 409.145(1), (2), 415.503, 415.504, 415.505(1)(f), 827.04 FS.

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

TIMES AND DATE: 11:00 a.m. – 12:00 noon and 1:00 p.m. – 2:30 p.m., January 6, 2006

PLACE: Building 4, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Leon, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)488-8762

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-11.001 Definitions.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.01, 39.403(2), 39.409(2), 39.41(1)(a), 39.441(2), 39.442(2)(a)1., 409.145(1), (2), 415.503, 415.504, 415.505(1)(f), 827.04 FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.008, Repealed.

65C-11.002 Ongoing Assessment and Documentation Requirements.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.403(2), 39.409(2), 39.41(1)(a), 39.441(2), 39.442(2)(a)1., 409.145(1), (2), 415.505(1)(f) FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.023, Repealed.

65C-11.003 Relative Placements.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.401(3)(a), 39.41(1)(a)1., 2., 3., 7., 409.145(1), (2), 415.505(1)(f) FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.032, Repealed.

65C-11.004 Non-Relative Placements.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.41(1)(a)1., 7., 409.145(1), (2), 409.175(9), (10), 415.505(1)(f) FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.033, Repealed.

65C-11.005 Termination of Supervision.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.403(2), 39.409(2), 39.41(1)(a), 39.41(8), 39.441(2), 39.442(2)(a)1., 39.442(7), 409.145(1), (2), 415.505(1)(f) FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.040, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nelson Simmons

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO. / RULE NOS. containing items like Emergency Shelter Care, Definitions, Health Screenings and Assessments, etc.

PURPOSE, EFFECT AND SUMMARY: This rule will be replaced with proposed Rule Chapter 65C-29, F.A.C., Protective Investigations and proposed Rule Chapter 65C-30, F.A.C., General Child Welfare Provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 39.012, 409.026(8), 415.514 FS.  
 LAW IMPLEMENTED: 39.01, 39.40(3), (4), 39.402, 39.403(2)(b), 39.404(3), 39.407, 39.408, 409.145(1)(d), (2)(a), 409.165(1), 409.175(2), 415.503, 415.505(1)(f)3. FS.  
 IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIMES AND DATE: 11:00 a.m. – 12:00 noon and 1:00 p.m. – 2:30 p.m., January 6, 2006  
 PLACE: Building 4, 1317 Winewood Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nelson Simmons, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-0375

THE FULL TEXT OF THE PROPOSED RULES IS:

**65C-12.001 Definitions.**

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.01, 39.40(3), (4), 39.402, 39.403(2)(b), 39.404(3), 39.407, 39.408, 409.145(1)(d), (2)(a), 409.165(1), 409.175(2), 415.503, 415.505(1)(f)3. FS. History–New 5-26-92, Formerly 10M-41.004, Repealed.

**65C-12.002 Health Screenings and Assessments.**

Specific Authority 39.012 FS. Law Implemented 39.407 FS. History–New 5-26-92, Formerly 10M-41.007, Repealed.

**65C-12.003 Medical Treatment.**

Specific Authority 39.012 FS. Law Implemented 39.407 FS. History–New 5-26-92, Amended 12-25-96, Formerly 10M-41.008, Repealed.

**65C-12.004 Ongoing Health Care.**

Specific Authority 39.012 FS. Law Implemented 39.407 FS. History–New 5-26-92, Amended 12-25-96, Formerly 10M-41.009, Repealed.

**65C-12.005 Medicaid Eligibility Procedures.**

Specific Authority 409.026(8) FS. Law Implemented 409.903(4) FS. History–New 5-26-92, Formerly 10M-41.010, Repealed.

**65C-12.006 Mental Health and Substance Abuse Services for Children.**

Specific Authority 39.012 FS. Law Implemented 39.407 FS. History–New 5-26-92, Formerly 10M-41.011, Repealed.

**65C-12.007 Placement Procedures.**

Specific Authority 39.012, 415.514 FS. Law Implemented 39.402, 415.504(4)(c)1.i., 415.505(1)(b)10., 415.508 FS. History–New 5-26-92, Formerly 10M-41.013, Repealed.

**65C-12.008 Case Supervision Responsibilities.**

Specific Authority 39.012, 409.026(8) FS. Law Implemented 39.402, 409.145(1)(d), (2)(a), 409.165(1) FS. History–New 5-26-92, Amended 12-25-96, Formerly 10M-41.015, Repealed.

**65C-12.009 Voluntary Placements.**

Specific Authority 39.012, 415.514, FS. Law Implemented 39.403(2)(b), 415.505(1)(f)3. FS. History–New 5-26-92, Formerly 10M-41.019, Repealed.

**65C-12.010 Central Placement Authority.**

Specific Authority 409.026(8) FS. Law Implemented 409.145(1)(d), (2)(a), 409.165(1) FS. History–New 5-26-92, Formerly 10M-41.029, Repealed.

**65C-12.011 Shelter Audits.**

Specific Authority 409.026(8) FS. Law Implemented 409.145(1)(d), (2)(a), 409.165(1) FS. History–New 5-26-92, Formerly 10M-41.022, Repealed.

**65C-12.012 Monitoring of Emergency Shelters.**

Specific Authority 409.026(8) FS. Law Implemented 409.145(1)(d),(2)(a), 409.165(1) FS. History–New 5-26-92, Amended 12-25-96, Formerly 10M-41.024, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Nelson Simmons

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety Program**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Out-of-Home Care	65C-28
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	65C-28.001
Visitation	65C-28.002
Medical Treatment	65C-28.003
Placement Matching Requirements	65C-28.004
Changing Placements	65C-28.005
Permanency Staffings	65C-28.006
Voluntary Licensed Out-of-Home Care	65C-28.007
Relative Caregiver Program Requirements	65C-28.008
Adolescent Services	65C-28.009
Minor Parents in the Custody of the Department	65C-28.010
Criminal, Delinquency and Abuse/Neglect History Checks for Relative and Non-Relative Placements	65C-28.011
Home Studies for Relative and Non-Relative Placements	65C-28.012
Indian Child Welfare Act	65C-28.013
Behavioral Health Services	65C-28.014
Residential Mental Health Treatment	65C-28.015
Psychotropic Medications	65C-28.016
Exit Interviews	65C-28.017

PURPOSE AND EFFECT: This rule outlines the procedures that the Department and contracted agencies will use in providing protective supervision to dependent children in licensed and unlicensed out-of-home care.

SUMMARY: All aspects of out-of-home care that are unique to dependent children who are placed out of the home.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 39.012, 39.0121, 409.175 FS.

LAW IMPLEMENTED: 39.01, 39.4085, 39.521, 39.601, 39.701, 409.175 FS.

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

TIMES AND DATE: 11:00 a.m. – 12:00 noon and 1:00 p.m. – 2:30 p.m., January 6, 2006

PLACE: Building 4, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nelson Simmons, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-0375

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 65C-28.001 Definitions.

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

Specific Authority 39.012, 39.0121(3), (6), (7), (12), (13), 39.407(1), 39.5085(2)(a), 39.5085(2)(d), 39.4781(3)(c), 409.401 FS. Law Implemented 39.001, 39.01, 39.012, 39.401(3), 39.407, 39.601, 39.407, 39.5085, 39.521, 39.701, 39.4.9082, 409.165(1), 409.401 FS. History–New \_\_\_\_\_.

#### 65C-28.002 Visitation.

(1) Visitation between a Child in Out-of-Home Care and Parents. Visitation between the child and the child's parents shall occur in accordance with court orders setting such visitation as reflected in the case plan. If at any time, the safety of the child precludes visitation, the visitation shall be suspended and the department or contracted service provider shall immediately request a court hearing to address the issue. Visitation between a child and parents may only be limited or terminated by order of the court, which shall be reflected in the case plan. Supervised visitation shall always be considered prior to making a recommendation for no visitation or unsupervised visitation. There shall be a specific reason provided to the court for recommending no visitation, less than monthly visitation or only supervised visitation.

(a) Minimally, monthly visitation between the child and parents shall be recommended to the court consistent with the case goal unless it is deemed not feasible or not in the best interest of one or more of the children concerned.

(b) If monthly visitation between the child and parents is not recommended to the court, the court shall be advised of the reasons for the recommendation. When there is a recommendation of no visitation or less than monthly visitation

because it is not in the best interest of the child, the court shall be provided documentation of the reason. This documentation shall also be recorded in the case file.

(c) If the court orders particular locations, times, or conditions for visits, such orders shall be followed until modified by the court.

(d) If the court does not order particular locations, times, or conditions for visits, the Services Worker shall ensure that all visits between children and parents occur in a neutral and protected setting. To the extent possible, visitation shall occur in a home-like setting and, unless unavoidable, not in an institutional setting or office. However, the safety of the children being visited shall always be the primary consideration.

(e) Visitation between a child in out-of-home care and the child's parents may be arranged by the caregiver if the caregiver is willing and able and the court approves. If the caregiver is unwilling or unable to assume this responsibility, visitation between the child in out-of-home care and that child's parents shall be arranged and supervised by the Services Worker, other designated staff, a visitation center or a court approved third party, unless the court has approved unsupervised visitation.

(2) Visitation among Siblings. The Services Worker shall ensure that separated siblings under supervision maintain contact unless the visitation would compromise the safety or well-being of either child. Sibling visitation shall only be limited or terminated by order of the court, which shall be reflected in the case plan.

(a) Weekly visitation between separated siblings shall be recommended to the court unless it is deemed not feasible or not in the best interest of one or more of the children concerned.

(b) If weekly visitation between separated siblings is not recommended to the court, the court shall be advised of the reasons for the recommendation. When there is a recommendation of no visitation or less than weekly visitation because it is not in the best interest of the child, the court shall be provided documentation of those reasons. Whenever no visitation or less than weekly visitation is recommended, the reasons shall be documented in the case file.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.001(1)(k), 39.402(9), 39.4085(15), (16), (20), 39.4086(2)(g), 39.504(3)(b)5., 39.506(6), 39.521(1)(d)2., 39.521(3)(b)1., 39.521(3)(d), 39.701(6)(a)7., 39.701(7)(e), 39.701(8)(d), 39.811(7)(b), 39.822(1) FS. History–New \_\_\_\_\_.

#### 65C-28.003 Medical Treatment.

(1) If a child in out-of-home care appears to be suffering from illness or injury requiring medical intervention, the Services Worker or the caregiver shall take the child to the child's health care provider for a health care screening or treatment. If there is a medical emergency or an urgent need for medical attention, the child shall be taken to the nearest available health care provider or hospital. See subsections

65C-28.004(9) and (11), F.A.C., regarding requirements when placing children with special medical needs or communicable diseases.

(2) Ongoing health care and treatment provision shall include physical, dental and vision examinations as required by Chapter 59G-4, F.A.C., "Medicaid Services". If a child is Medicaid eligible, these services shall be obtained through Medicaid providers. If a child is not Medicaid eligible, these services shall still be provided.

(3) The parents shall remain financially responsible for the medical care and treatment of a child in out-of-home care when that medical care and treatment is not covered by Medicaid. For children who are not covered by Medicaid but have private insurance coverage, the Services Worker and the caregiver shall cooperate with the child's health insurance provider in identifying medical providers that will accept the insurance coverage. Unless the child is Medicaid eligible, the parent is responsible for payment in all situations in which the child receives a medical examination or treatment, irrespective of the parent's consent to such examination or treatment. However, the inability or failure of the parent to meet this payment responsibility shall not delay the receipt of a medical exam or treatment. The financial responsibility of the parent ends when parental rights are terminated.

(4) Whenever possible, the caregiver, in cooperation with the parent shall select a primary health care provider who accepts Medicaid and is an enrolled Medicaid provider. When the county public health clinic is the child's primary health care provider, the Services Worker shall assist the caregiver in transferring the child's care to the county public health clinic nearest to the caregiver's residence.

(5) The Services Worker and licensed caregivers shall receive training in regard to and comply with the federal Health Insurance Portability and Accountability Act (HIPAA), which provides procedures regarding the management and protection of personal health information. The Services Worker shall inform relative and non-relative caregivers regarding the requirements of HIPAA.

(6) Required Actions to Gain Medical Consent at Time of Removal. At the time of removal, the Child Protective Investigator (CPI) shall ask the parents to provide written consent for ordinary medical treatment or medication. If the parent is unable or unwilling to give such consent, then the Child Welfare Legal Services attorney shall ask at the shelter hearing for a blanket court order authorizing the custodian, as named in the order, to give consent for ordinary medical treatment and medication on an ongoing basis. No consent is needed for treatment or medication rendered in the event of an emergency as documented by the attending physician.

(7) Consent for Medical Care of Children in Out-of-Home Care when Parental Rights Have Not Been Terminated. There are three types of medical care and treatment; each of which requires its own method to obtain consent for medical

treatment. This may include a relative or non-relative who has been granted custody by the court. The attending physician shall determine the type of care needed.

(a) Ordinary Medical Care and Treatment. After a child is adjudicated dependent, the contracted service provider may delegate authority to consent to ordinary medical care and treatment to the out-of-home caregiver if the child remains in the custody of the department. A court order placing the child in out-of-home care should specify individuals who are authorized to consent to ordinary medical care and treatment for the child.

(b) Extraordinary Medical Care and Treatment. If the health care provider determines that an illness or injury requires medical treatment beyond ordinary medical care and treatment, but is not an emergency, the express and informed consent of the child's parent for the treatment shall be sought. If a parent provides express and informed consent for any extraordinary medical procedure, the form and content of the consent shall be as directed by the prescribing health care professional.

1. If the parent is unavailable, unable, or unwilling to provide informed consent for the proposed medical care, to ensure that the medical care is obtained, the CPI or Services Worker shall seek and obtain an order of the court authorizing the treatment prior to the treatment being rendered. The prescribing health care professional will be directed by Section 394.459(3) F.S., in the form and content of the express and informed consent. In cases when the child is prescribed psychotropic medications the procedures established in Section 39.407(3), F.S., will be followed.

2. If a court order is required to obtain authorization for any extraordinary medical procedure, the following information, at a minimum, shall be included in the request for a court order:

a. Present diagnosis and known past medical interventions for the treatment of this condition;

b. A statement that the prescribing health care professional has reviewed all medical information concerning the child that has been provided;

c. The name and requested administration range for any medication requested;

d. A statement recommending the proposed procedure signed by the attending physician.

e. An analysis of the risks and benefits of the prescribed treatment for the particular child;

f. Alternatives to the treatment being recommended and the rationale for selecting the particular treatment recommended; and

g. Interventions other than the extraordinary medical care and treatment that are or shall be ongoing in conjunction with the care and treatment.

(c) Emergency Medical Care and Treatment. Although parents shall be involved whenever possible, obtaining consent is not required for emergency care and treatment. If the emergency care and treatment is provided without parental consent, the CPI or Services Worker shall ensure the parent and the guardian ad litem, if appointed, are notified as soon as possible after the treatment is administered. The child's case file shall contain a statement signed by the attending physician that the situation was an emergency and the care was needed to ensure the child's health or physical well-being. The case file shall also contain documentation that the parent and guardian ad litem, if appointed, were notified as soon as possible after the treatment was administered. All attempts to notify parents shall be documented in the child's case file.

(8) Consent For Medical Care for Children in the Custody of the Department when Parental Rights Have Been Terminated.

(a) Ordinary and Emergency Medical Care and Treatment. When a child is placed in the custody of the department following the termination of parental rights, the department or contracted service provider shall provide consent for ordinary medical care or emergency care of the child. The Service Worker shall provide documentation of their consent for the ordinary medical condition and document in the child's case file. When a child has received emergency medical care or treatment, the child's case file shall contain a statement signed by the attending physician that the situation was an emergency and the care was needed to ensure the child's health or physical well-being.

(b) Extraordinary Medical Care and Treatment. When a child is placed in the custody of the department following the termination of parental rights, the department or contracted service provider shall not provide consent for extraordinary medical care or treatment. Authorization for the extraordinary medical care or treatment shall be obtained by the department or contracted service provider from the court. Notification to the parent is not required when parental rights have been terminated; however, the guardian ad litem, if appointed, shall be notified.

(9) Consent For Children in the Custody of Relatives or Non-Relatives when Parental Rights Have Been Terminated. The ability of the relative or non-relative to provide consent to treatment when the child is placed in the custody of the relative or non-relative and the parental rights of the child have been terminated shall be as determined in the court order placing the child with the relative or non-relative.

(10) Required Documentation for Medical Care and Treatment.

(a) During the initial removal or no later than the first court proceeding thereafter, the CPI or Services Worker shall request the following information from the child's parents, family members or health care providers: medical history of

the child; medical history of the child's family and medical consents from the child's parent or guardian. This information shall be used in developing the Child's Resource Record.

(b) All actions taken to obtain medical history and parental consent for medical screening, treatment, medications or immunizations shall be documented in the child's case file. If parental consent is received, a copy of the "Consent for Treatment and Release of Medical Information", CF FSP 4006, September 2000, which is incorporated by reference, shall be placed in the child's case file and a copy provided to the caregiver for placement in the Child's Resource Record.

(c) A copy of any court orders authorizing treatment shall be included in the case file, and a second copy provided to the caregiver for placement in the Child's Resource Record.

Specific Authority 39.012, 39.0121(6),(12),(13), 39.407(1), 743.064, 743.0645 FS. Law Implemented 39.407 FS. History--New

#### 65C-28.004 Placement Matching Requirements.

(1) The most appropriate available out-of-home placement shall be chosen after analyzing the child's age, sex, sibling status, special physical, educational, emotional and developmental needs, alleged type of abuse, neglect or abandonment, community ties and school placement. In making a placement with a relative or non-relative, the Services Worker shall consider whether the caregiver would be a suitable adoptive parent if reunification is not successful and the caregiver would wish to adopt the child. For children who are not U.S. citizens, see subsection 65C-30.007(17), F.A.C., for the actions required to promote the establishment of the child's legal immigrant status under specified circumstances.

(2) Multiethnic Placement Act of 1994, P.L. 103-3821, and the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, P.L. 104-108. These federal laws require that every placement decision for children in the care or custody of the department be made without regard to the race, ethnicity, color, or national origin of the child or the adult with whom the child is to be placed. The selection and placement of a child into an initial or subsequent licensed foster care placement shall not be delayed or denied on the basis of the race, color, or national origin of the caregiver or the child.

(3) The McKinney-Vento Homeless Assistance Act requires that all homeless children, including children placed in an emergency shelter and continuing in out-of-home care while awaiting foster care placement, to have equal access to the same free, appropriate public education as other children. This requires that efforts be made to continue the child's education in the school of origin for the duration of the removal episode unless the child is placed in another school district or out-of-state. The Child Protective Investigator (CPI) at time of removal or Services Worker following case opening shall arrange for this continuation by contacting the school of origin and notify it of the need for transportation services to and from the school.

(a) Efforts shall be made to continue the child's attendance in the school of origin whether the placement in shelter occurs between academic years or during an academic year.

(b) Continuing efforts shall be made to maintain the child's attendance at the school of origin for the remainder of the academic year if the child is subsequently placed by the court in foster care or in a relative or non-relative placement during an academic year.

(5) In the case of an American Indian or Alaskan Native child, placement shall comply with the provisions of the federal Indian Child Welfare Act including the placement preferences mandated in the Act and working in partnership with the child's tribe in exploring appropriate placement options. If there is an existing written agreement between the Department and the child's tribe, compliance with the placement guidelines established in that agreement will be maintained, except upon mutual written consent of the Department and the tribe to deviate from the established guidelines (See Rule 65C-28.013, F.A.C.).

(6) These principles apply to both initial placements and to any subsequent placements of the child.

(7) When the case plan goal is reunification, the child shall be placed in a setting in as close proximity as possible to the caregiver with whom reunification is planned.

(8) When a concurrent case plan is in effect, the child shall be placed in a setting where the caregivers are willing to both assist the biological family in successfully completing required tasks, which shall allow for the safe return of the child to his or her home, and be willing to provide a long-term, permanent and stable living arrangement in the event that reunification is not achieved. In the event that reunification is not an option, all efforts shall be made to find an adoptive placement for the child as expeditiously as possible if adoption is the goal of the case plan.

(9) Placement of Children with Special Physical, Medical, Emotional, Educational or Developmental Needs. When an assessment identifies that the child has special physical, medical, developmental, educational or emotional needs, the child shall be placed in an environment that is the most appropriate and least-restrictive setting where those needs can be met.

(a) A child's special physical, medical, developmental, educational or emotional needs shall be determined, as necessary, through discussions with a parent of the child; results of the Child Health Check-up; results of the Comprehensive Behavioral Health Assessment (CBHA); Children's Multidisciplinary Assessment Team (CMAT); Individual Educational Plan (IEP), a psychiatric or mental health assessment or observation of the child by the caregiver, Services Worker, teacher or other professional.

(b) Whenever a special need is suspected, the child's parents and the guardian ad litem shall be notified as soon as possible.

(c) When a special need is recognized prior to placement outside of the home, the person making the placement shall describe to the placement unit the special needs of the child that shall be met by the placement.

(d) Whenever a special need is suspected, the CPI at time of removal or Services Worker following case opening shall take steps within three working days to address the need. Actions that shall be taken include, as appropriate:

1. If the suspected special need is a mental health or substance abuse related disorder, determine if the child has had a CBHA within the last year. If the child has not had a CBHA within the preceding twelve months and the disorder suspected is a mental health or substance related disorder as defined in the DSM-IV-R, ensure that a referral for a CBHA is made within three working days of notification of the suspected need.

2. If the special need suspected is not a mental health or substance abuse related disorder, ensure that an appointment is made to screen the child by his or her primary care physician or appropriate medical personnel for determination of the child's needs. If an educational need, ensure that a referral is made to the child's school for further assessment.

3. If the child is suspected or identified as having a medical special need, the child shall be referred to the local CMAT. The Services Worker or other designated staff shall coordinate with the Medical Foster Care program in the local area regarding arrangements necessary to meet the child's needs. Services shall be coordinated and provided in accordance with the Medical Foster Care Statewide Operational Plan. This plan is an inter-agency agreement between the Department of Children and Families, Department of Health's Children's Medical Services program and the Agency for Health Care Administration.

4. If the child is suspected or identified as having a developmental delay or condition, any documentation to support the need for developmental services shall be obtained and eligibility for developmental services shall be applied for as soon as the need is recognized.

5. If there is any potential that a child may qualify for social security survivor benefits, social security disability benefits or Supplemental Security Income due to disability, the CPI or Services Worker shall ensure that an application is made for the benefits on behalf of the child.

6. Encourage and provide necessary support to the caregiver in participating in the assessment or medical evaluation process.

(e) When a disability is determined, the person making the placement shall:

1. Provide the results of the assessment or medical examination to the placement authority as soon as possible for review of placement options;

2. Coordinate the transfer of information between the caregiver, the physician, and the placement unit; and

3. Arrange any change in placement for the child necessitated by the determination.

(10) Placement of Children with Special Educational Needs.

(a) If a child is identified in any assessment or suspected of having special education needs, the Services Worker shall ensure that the child's school has been notified of the known or suspected educational need.

(b) If, prior to entry in out-of-home care, a child has been determined to have such needs, the CPI or Services Worker, as appropriate, shall inform the child's school officials that the child has entered out-of-home care.

(c) A surrogate parent is required to be appointed by the district school superintendent for a child with special educational needs as set forth in Rule 6A-6.0333, F.A.C. Placement of the child shall take into account the caregiver's willingness and ability to participate in the child's educational plan. A surrogate parent is appointed by the district school superintendent, or for children served through contract in a special program, by the individual specified in the contract. The Services Worker shall refer the child for appointment of a surrogate parent by the child's school when the need for a surrogate parent is identified. The following conditions apply when determining if there is a need for a surrogate parent appointment:

1. Students with disabilities who are living with relatives may be represented in educational meetings by the relative and a surrogate parent is not required.

2. Students with disabilities living in family foster homes do not require a surrogate parent if it can be shown that the foster parent has sufficient knowledge of the child's educational needs. Licensed out-of-home caregivers meet the definition of "parent" under Section 1000.21, F.S.

3. Students with disabilities living in group-care settings or with non-licensed non-relatives require a surrogate parent. The operators and staff of group care facilities other than family foster homes may not serve as surrogate parents.

4. Services Workers and other department or contracted service provider staff shall not serve as surrogate parents for children whom they serve.

(11) Placement of Children with Communicable Diseases.

(a) The preferred out-of-home placement for a child with a communicable disease who is exhibiting symptoms related to such disease is with a relative or non-relative or in a licensed out-of-home setting with caregivers specifically trained for such purpose.

(b) When it is necessary for infants born of mothers suspected or known to have communicable diseases to undergo medical treatment or testing immediately after birth, the department or contracted service provider shall obtain either parental consent or a court order in an expeditious manner, to allow the medical treatment to go forward. If a court order will

be necessary, Child Welfare Legal Services shall be contacted immediately after the birth in order to expedite court involvement.

(c) When a child who has such a disease and is asymptomatic but exhibiting behaviors likely to increase the risk of transmission of the disease to others, such as biting, spitting or the exchange of blood or semen, the child shall be placed, whenever possible, in a home where no other children are present, until the child is medically cleared or the child's behavior no longer poses a threat.

(d) Confidentiality of Records. The following written statement shall be provided to the caregiver or provider: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law."

(12) Placement of Children Who Are Victims of Sexual Abuse.

(a) When a child is a known victim of sexual abuse and needs to be placed, the CPI or Services Worker shall ensure that the following safeguards are implemented:

1. The caregiver is given detailed and complete information. This information shall include, but is not limited to, the date of the sexual abuse incident(s), the type of abuse, the nature and history of the child's relationship to the perpetrator, a brief narrative of the event, the type of treatment the child received and the outcome of the treatment.

2. The caregiver is able to access a Services Worker or other contracted service provider employee if assistance is required.

3. In partnership with the caregiver, the CPI or Services Worker shall outline a plan of care to handle any special management issues identified in the child's history and assessment. It is important that the plan be preventive and protective in nature and include strategies for providing a safe environment for all of the children living in the caregiver's home. The plan of care shall include the following:

a. Placing the sexually abused child in a private bedroom until the child becomes better known to the caregivers unless the child's treatment provider indicates a private bedroom is not appropriate;

b. Limiting access to the child's bedroom by establishing and enforcing ground rules regarding who is allowed to visit whose bedroom and under what conditions;

c. Establishing rules regarding bathroom use, including that one family member at a time uses the bathroom with the door fully closed, unless a child requires assistance or cannot use the bathroom by his or her self;

d. Establishing an age appropriate dress code that outlines the type of clothing acceptable, where such clothing is acceptable and with whom present, such as not walking around the house in underwear; and

e. Establishing reasonable guidelines concerning appropriate physical boundaries, the manner and extent of the expression of affection between the child and others as well as guidelines with respect to which persons may be left alone together, and under what circumstances.

(b) When placing a child who has been a victim of sexual abuse in out-of-home care, a written safety plan shall be completed by the person making the placement and the out-of-home caregivers, and signed by the same.

(c) If any child in out-of-home care has been identified as being a victim of sexual abuse, but has not had a clinical consultation with a professional trained in treating child sexual abuse, a referral shall be initiated by the person making the placement or his or her supervisor within three working days of the child being so identified. The consultation shall address the treatment, service and placement needs of the child and shall yield a written report to be included in the child's file.

(13) Placement of Children Who Are Alleged Juvenile Sexual Offenders, Exhibiting Sexually Inappropriate Behaviors Or Who Are Sexually Reactive.

(a) When it is necessary to place a child who is an alleged juvenile sexual offender and is exhibiting or has exhibited sexually inappropriate behaviors, or who is sexually reactive, the person making the placement shall:

1. Complete the case transfer forms or gather like information, including information related to the child's abuse history; previous assessments or evaluations; support services; forensic/disclosure interviews; placement recommendations, and complete and detailed information regarding the child's own sexual behavior.

2. Ensure that the child is the youngest child placed in the home unless the placement is a treatment facility with adequate video monitoring. When matching a child exhibiting sexually abusive or reactive behaviors to a substitute care placement, consideration shall also be given to factors that increase the vulnerability of other children living in the home, such as mental and/or emotional disability, physical disability, chronic illness and physical size.

3. Provide the caregivers with written detailed and complete information regarding the circumstances surrounding the child's abusive/reactive behavior so that they can avoid any unwitting replication of those circumstances. Information given to caregivers shall include, but is not limited to, the dates of all known incidents; the nature of the relationship between the child and victim; the types of behavior exhibited; a brief narrative outlining the event; the types of treatment provided and treatment outcomes.

4. Ensure that the caregiver has access to a CPI or Services Worker or other contracted service provider employee during night and weekend hours in the event emergency assistance is required.

5. In partnership with the caregiver, outline a written safety plan to handle any special issues identified in the child's history and assessment. The safety plan shall be preventive in nature and be signed by the Services Worker and the caregiver. The safety plan shall include the following:

a. Placing a child who has exhibited sexually abusive or reactive behaviors in a private bedroom unless the placement is a facility with adequate video monitoring;

b. Limiting access to the child's bedroom;

c. Establishing rules regarding bathroom use;

d. Establishing a dress code; and

e. Establishing reasonable guidelines concerning the manner and extent of the expression of affection between the child and others, as well as guidelines with respect to which persons may be left alone together and under what circumstances.

(b) If any child in need of or currently in out-of-home care has been identified as being sexually abusive toward others, but has not had a clinical consultation with a professional trained in the assessment of juveniles who exhibit sexually inappropriate behaviors, a referral to a clinician with such qualifications shall be initiated by the Services Worker within three working days of the child being so identified.

(c) If an incident of either sexual assault, seduction, sexual exploitation or of child-on-child sexual abuse occurs in out-of-home care, a safety plan shall immediately be developed. The safety plan shall be preventive in nature and be signed by the Services Worker and the caregiver.

1. Consideration shall be given to the safety of all children residing in the placement.

2. If any child remains in the home, the Services Worker and any assigned therapists shall determine if immediate services are needed to stabilize or support the child involved or the placement in which he or she lives.

3. Both the alleged offender and victim shall, within three working days of the child being so identified, be referred to the appropriate mental health provider for assessment if they do not already have therapists. Any alleged offender who has a therapist, but has not been assessed by a clinician qualified to assess juveniles exhibiting sexually inappropriate behaviors, shall be referred to such a qualified clinician within three working days of being notified of the incident.

(14) Therapeutic Foster Care. The Services Worker shall contact the Single Point of Access (SPOA) in the district/region or zone for consultation in accessing services and treatment at levels appropriate to the severity of the child's condition, which includes possible placement in a therapeutic foster care setting.



(15) Specialized therapeutic foster care. The referral guidelines for specialized therapeutic foster care are contained in the current edition of the Community Mental Health Services Coverage and Limitations Handbook, which is incorporated by reference in Rule 59G-4.080, F.A.C.

(16) Medicaid Fair Hearing Requirements: These hearings are available for children and families who have been denied Medicaid funded services. The current edition of the Medicaid Community Behavioral Health Services Coverage and Limitations Handbook addresses Fair Hearing Notices. Refer to Rules 65-2.042-65-2.069, F.A.C. regarding the conduct of hearings.

Specific Authority 39.012, 39.0121(6), (12), (13), 39.5075(8) FS. Law Implemented 39.001(1)(d),(m), 39.01(7), (17), (48), (63), (67), (71), 39.407, 39.4085(6), (7), (9), (10), (17), (23), 39.5075 FS. History–New \_\_\_\_\_.

#### 65C-28.005 Changing Placements.

(1) Except in emergency situations or when ordered by the court, licensed out-of-home caregivers and the Guardian ad Litem or Attorney ad Litem, if appointed, shall be given at least two weeks notice prior to moving a child from one out-of-home placement to another.

(2) The Services Worker shall prepare the child for a move and support the child during the re-placement process. The Services Worker shall:

(a) Assess the suitability of the placement as set forth in Rule 65C-28.004, F.A.C.:

(b) Ensure that the new caregivers, if relative or non-relative, have met all of the requirements of Rules 65C-28.011 and 65C-28.012, F.A.C.:

(c) Prior to the change in placement, inform the child, family, child's attorney, as well as the guardian ad litem or attorney ad litem, if appointed, of the move and the reasons a placement change is necessary.

(3) The Services Worker shall provide supportive services to the caregiver where the child is residing to avoid a change in placement when possible. When a placement is in danger of disrupting, the Services Worker shall urge the caregiver to wait, when appropriate, to request removal of the child until:

(a) There is an appropriate break in the school year and

(b) An appropriate alternative placement can be located.

(4) The caregiver at the new placement shall be prepared and informed prior to placement of the child and shall be given needed supports to strengthen and maintain the child's placement. Out-of-home caregivers shall be given all relevant information about the child in their care while maintaining confidentiality requirements. Specifically, the Services Worker shall:

(a) Inform the caregiver of all identified needs of the child and of the need to obtain services for those needs;

(b) Inform the caregiver about available programs that may provide financial and medical assistance for the child;

(c) Provide the caregiver with counseling and information regarding the dependency process and support services available in the community;

(d) Review with the licensed caregivers their roles and responsibilities according to the Bilateral Service Agreement; and

(e) Provide to the caregiver the Child's Resource Record. The Child's Resource Record from the previous placement(s) shall be reviewed with the caregiver upon the child's new placement. The Services Worker shall discuss with the caregiver the caregiver's role in maintaining and updating the Child's Resource Record.

(f) Notify parents whose whereabouts are known when the child is moved to another placement.

Specific Authority 39.012, 39.0121(3), (12), (13), 409.165(3) FS. Law Implemented 39.0132(4), 39.407(5), 39.522, 409.145(6) FS. History–New \_\_\_\_\_.

#### 65C-28.006 Permanency Staffings.

(1) Permanency staffings shall be held:

(a) When preparing for a permanency hearing; and

(b) As the department or contracted service provider deems necessary.

(2) When there are concurrent goals, an early decision making evaluation shall be part of each permanency staffing.

(3) At a minimum, the following persons shall be invited, at least five working days in advance, to attend:

(a) Child Welfare Legal Services (CWLS) attorney;

(b) Child's out-of-home caregiver;

(c) Guardian ad litem and attorney ad litem, if appointed;

(d) Child's surrogate parent if one is appointed;

(e) Appropriate case management staff including the child's Services Worker and his or her supervisor;

(f) The school foster care liaison or other appropriate school representative;

(g) Other service providers who are involved with the family and are determined by the Services Worker to have information pertinent to the issue of permanency;

(h) The child's parents, if available; and

(i) The child, depending on his or her age, maturity level, and ability to effectively participate in the staffing, as determined by the Services Worker.

(4) If a parent, his or her attorney or the Guardian ad Litem, if appointed, does not attend the permanency staffing, the department or contracted service provider shall hold other conferences, meetings or staffings where these parties shall be provided an opportunity to participate in the case planning process with other stakeholders. The case documentation shall provide evidence that such opportunities have been provided.

(5) If a child is able to understand the purpose of the meeting and could actively participate but does not attend the permanency staffing, the department or contracted service provider shall hold other conferences, meetings or staffings

where the child is provided an opportunity to participate in development and discussions regarding the permanency plan. The case documentation shall provide evidence such opportunities have been provided.

(6) The standard for recommending the child's reunification with the parents shall be based on whether the parents have substantially complied with the case plan and whether the adjudicated risk of harm to the child has been remediated to the extent the child can safely return home. At any time it is determined this standard has been met, regardless of the time since the previous permanency hearing or other court hearing, the Services Worker shall notify the CWLS attorney who shall take the matter before the court.

(7) Follow-up actions from the staffing shall be documented and placed in the child's record. The child's Services Worker and supervisor shall ensure that all follow up tasks are completed and the recommendations from the staffing, details of all services provided since the last review and any recommended changes of goal are recorded in the Judicial Review Social Study Report (JRSSR) and reported to the court.

(8) Staffings shall occur with sufficient time to write a comprehensive JRSSR draft, which shall be provided to CWLS at least ten working days prior to the judicial review hearing. CWLS shall review the draft report for legal sufficiency and, if corrections are necessary, return the draft report to the Services Worker who shall make all necessary corrections. Corrections to the JRSSR shall be completed with sufficient time to provide copies to all parties at least seventy-two hours prior to the hearing.

Specific Authority 39.012, 39.0121(12), (13) FS. Law Implemented 39.407(5)(g)3., 39.521(1)(b)3., 39.521(1)(c), 39.521(3)(d) FS. History—New \_\_\_\_\_.

#### 65C-28.007 Voluntary Licensed Out-of-Home Care.

##### (1) Voluntary Licensed Placement.

(a) Before accepting a voluntary placement, the Services Worker shall conduct a thorough assessment of the circumstances.

1. The assessment shall include identification of the family's strengths and weaknesses, an evaluation of whether the family's current situation is temporary in nature and shall provide a basis upon which a mutual decision regarding the child's short-term placement out of the home can be made.

2. A history of the family shall be reviewed, including prior abuse reports and prior out of home episodes, prior to considering a voluntary placement.

3. A child shall not be accepted for voluntary placement unless current circumstances clearly indicate a out-of-home care placement of three months or less is anticipated and no dependency issue exists.

(b) The Services Worker shall begin immediately to identify available social, physical health, mental health, educational, and other support services within the community that would enable the parent, guardian or relative to adequately provide for the child's care.

(c) The Services Worker shall, prior to considering placement in out-of-home care, assist the family in using and coordinating available services effectively, including the identification of relatives able to care for the child.

(d) The Services Worker shall provide for the child's educational stability by determining if the child should remain in his or her current school during the time of the placement.

(2) Voluntary Medical Out-of-Home Care. If a child's medical condition is such that the parent is unable to provide or arrange for necessary care for the child and the department or contracted service provider has determined the child would benefit from out-of-home care, the parent may apply for voluntary placement in licensed medical out-of-home care. Voluntary placement is contingent upon:

(a) The child having medical needs identified and medical foster care recommended by the Children's Multidisciplinary Assessment Team (CMAT). Once medical foster care has been recommended, the Services Worker shall coordinate with the Medical Foster Care program in the local area regarding arrangements necessary to meet the child's needs; and

(b) Vacancies in existing medical foster homes and the capacity of an available home to meet the needs of the child as determined by the medical out-of-home care program.

(3) Return of Child. When a parent or other legal custodian requests in writing the return of a child in voluntary licensed placement, the child shall be immediately released once it has been verified the person requesting custody of the child:

(a) Is the same person who placed the child into voluntary placement or is a person authorized by the person who placed the child into voluntary placement to receive custody of the child; and

(b) Appears to present no risk of harm to the child. If there appears to be a threat, the Services Worker shall take the steps necessary to protect the child. The Services Worker shall immediately report allegations to the Florida Abuse Hotline.

(4) Voluntary Placement Agreement. When the child is placed into licensed out-of-home care voluntarily, the parent, legal guardian or relative requesting the placement and the department or contracted service provider shall enter into a written voluntary placement agreement, which at a minimum shall specify:

(a) The child's date of birth;

(b) The rights, obligations and responsibilities of the parent, relatives, legal guardian, child, and the department or contracted service provider during the time the child is in placement, including the parent's child support responsibilities;

(c) The conditions under which the agreement would be breached, modified, or terminated; and

(d) The parent's, legal guardian's or relative's right to revoke the agreement and to request that the child be returned home or be placed in the home of a relative.

(5) Timeframes for voluntary licensed out-of-home length of stay.

(a) A child voluntarily placed may not remain in out-of-home care on a voluntary basis beyond ninety days unless the District/Region or Zone Program Administrator, Lead Agency Executive Director or a designee has determined the specific circumstances of a child or family necessitates continued placement beyond three months and has given written authorization for continuance. However, a child may not remain voluntary placed beyond 180 days.

(b) If a child placed voluntarily remains in care beyond ninety days, a judicial hearing shall take place within the first 180 days and the resulting court order shall include a judicial determination that the continued placement is in the child's best interest and that reasonable efforts have been made to reunify the family. This judicial determination shall occur within 180 days of the voluntary service agreement.

(6) Requests for Court Action. When parents, legal guardian or relative who requested the placement request their child be returned to them from a voluntary out-of-home care placement, the child shall be released unless the department or contracted service provider seeks relief from the court. If the department or contracted service provider opposes or otherwise objects to the release of the child or reunification of the family, a judicial determination at a shelter detention hearing shall be obtained.

Specific Authority 39.012, 39.0121(12), (13) FS. Law Implemented 39.01(14)(c), 39.402(15), 39.701(3)(f) FS. History--New

#### 65C-28.008 Relative Caregiver Program Requirements.

(1) In order for a relative caregiver to receive a monthly Relative Caregiver Program (RCP) payment, the requirements of Section 39.5085, F.S., shall be met.

(a) Prior to recommending to the court the placement of the child with the relative, a caregiver home study shall be completed in accordance with Section 39.521(2)(r), F.S. When a request for a referral for a RCP payment is made in regard to a child in a closed long-term custody case, if a home study has already been performed on the placement, another one is not required. The following requirements apply regarding the need for a home study:

1. When long-term custody has been granted and supervision of the case has been terminated, a Services Worker in the geographic area where the child and caregiver reside shall be assigned by the contracted service provider to complete a home study, if required, and provide to the

Economic Self-Sufficiency Program (ESS) the information necessary to determine whether or not the caregiver is eligible for the RCP payment.

2. If the current placement was made prior to October 1998 and the caregiver has been granted long-term custody of the child and a home study has already been performed in conjunction with the child's placement, a new home study is not required, regardless of the form or content of the home study.

3. However, in placements made prior to October 1998, if a home study has not been performed on the caregiver's home, whether or not long-term custody has been granted, a home study shall be performed by the child's Services Worker within thirty days following a request by the caregiver or a referral of the caregiver to the contracted service provider by ESS.

4. If the current placement was made after October 1998 and a home study was performed in conjunction with the placement, a new home study is not required.

5. A copy of a home study performed in conjunction with the placement of the child in the caregiver's home is required to verify that a home study was conducted; otherwise, a current home study shall be performed to establish eligibility.

(b) The child shall be adjudicated dependent and be in the court-ordered temporary legal custody of the relative pursuant to Section 39.521, F.S., or in the court-ordered long-term custody of the relative pursuant to Section 39.622, F.S. For children in long-term custody, it is not necessary that the court continue supervision by the department or contracted service provider or that the court retain jurisdiction.

(c) The child shall live in an approved home of an adult relative who meets a specified degree of relationship to the parent or stepparent of the child by blood or marriage. If the parent or stepparent of the child is not related to the caregiver or is not within the required degree of relationship, the child must be a half-sibling of another child who is related to the caregiver and both children shall have been court ordered into the same placement.

1. Half-sibling eligibility shall meet the following requirements:

a. The eligibility of a half-sibling who is not related to the caregiver remains in effect only as long as the half-sibling who is related to the caregiver remains in the court-ordered custody of the caregiver. When the half-sibling who is related to the caregiver becomes eighteen years of age or for any reason leaves the legal custody of the caregiver, the half-sibling who is unrelated to the caregiver loses eligibility.

b. It is not necessary that the half-sibling who is related to the caregiver be receiving the RCP payment in order for the half-sibling who is unrelated to the caregiver to receive the RCP payment.

2. Termination of marriage for the parent or other relatives affects eligibility as follows:

a. The termination of the marriage of a stepparent from the parent due to death or divorce shall not disqualify relatives of the ex-stepparent as eligible caregivers if they are within the required degree of relationship to the ex-stepparent. The ex-stepparent shall be considered to be within the required degree of relationship to the parent and shall be eligible for the RCP payment if all other eligibility factors are met.

b. The termination of the marriage of a non-blood relative to a blood relative due to death or divorce shall not disqualify the non-blood relative as an eligible caregiver if the blood relative to whom he or she was married is, or was when living, within the required degree of relationship to the blood relative.

(d) The child shall live in a home where neither parent resides. If the parent is in the home thirty consecutive days or longer, the child's eligibility for the RCP payment ends. However, a relative may receive the RCP payment for a minor parent who is in his or her care, as well as for that minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements.

(e) The child shall reside in the state of Florida. Children who move out-of-state or are placed out-of-state with a relative caregiver, are not eligible for a RCP payment. A child placed with a relative in Florida by another state is not eligible for the RCP payment.

(f) Failure by the relative caregiver, without good cause, to cooperate with the Child Support Enforcement Program in regard to a child shall terminate that child's eligibility to receive the RCP payment while in that placement.

1. If a child is not eligible for the payment due to the relative's lack of cooperation, the child remains eligible for Medicaid and other services necessary to ensure his or her safety and well-being.

2. If a child is not eligible due to the relative caregiver's lack of cooperation, eligibility for the RCP payment for other children in the same placement is not affected if the relative caregiver is cooperating with the Child Support Enforcement Program in regard to those children.

(g) Once all of the preceding eligibility requirements in this section are met, the eligibility requirements of the ESS cash assistance programs in Chapters 65A-1 and 65A-4, F.A.C., applicable to "child only cases" in the Temporary Cash Assistance Program (TCA) shall be met, with the following exceptions:

1. The basic monthly payment schedule (not including Medicaid, family support services, flexible funds utilized in accordance with Section 409.165, F.S., subsidized child-care and other services that may be available through the department or contracted service provider or other local, state or federal programs), derived from the age of the child, shall be established based on funding made available for this benefit through legislative appropriation;

2. Financial eligibility is based on a comparison of the income and assets of the child to the benefit payment standard for the child's age. The difference between the RCP payment standard for the child's age and the income of the child is the amount of the payment; and

3. Each child applying for or receiving the RCP payment is a filing unit of one and only the child's income and assets are considered in establishing or maintaining eligibility. In this regard, a child receiving a Supplemental Security Income grant is ineligible for a RCP payment.

(h) When a relative caregiver is approved as a guardian pursuant to Section 39.621, F.S., or Chapter 744, F.S., subsequent to an adjudication of dependency, completion of a home study and placement by the court with the relative, continuing eligibility for the RCP benefits shall not be affected.

(i) A child receiving a RCP payment shall not simultaneously receive a TCA grant.

(2) In addition to monitoring, evaluating and assessing services and progress of the case plan and keeping the court informed through periodic judicial reviews, the Child Protective Investigator (CPI) at time of initial placement or Services Worker at time of a change in placement is responsible for the following steps of the RCP payment eligibility process:

(a) Informing the relative caregiver in writing, at the time of the child's placement, of the financial assistance options, including the RCP payment and TCA grant;

(b) Immediately providing a referral to the Economic Self-Sufficiency Services program to apply for a TCA grant if the relative caregiver indicates a desire to apply;

(c) Completing a caregiver home study within thirty days after the Early Service Intervention staffing, unless the home study has already been completed by the Child Protective Investigator;

(d) Completing court preparation;

(e) Notifying the Economic Self-Sufficiency Services eligibility office in writing immediately when a child in the home of a relative caregiver becomes potentially eligible for the RCP payment and the relative has indicated a desire to apply for the payment. This notification shall be made whether or not the caregiver is already receiving a TCA payment;

(f) Petitioning the court, as appropriate, for court ordered long-term custody to the relative, or legal guardianship by the relative, and termination of supervision once the child has been in the court ordered custody of the relative caregiver for a minimum of six months; and

(g) Notifying the Economic Self-Sufficiency Services eligibility office without delay when the Services Worker becomes aware of changes in the active case of a child in the home of a relative that may impact the RCP payment. At a minimum, this notification shall be made when:

1. The child is adopted;

2. The child reaches the age of eighteen;

3. The child's age changes, resulting in a change to a new age group;

4. The child leaves the relative caregiver's home;

5. The child has an increase or decrease in unearned income;

6. The child begins receiving Supplemental Security Income payments; or

7. The parent resides in the relative caregiver's home for over thirty days.

(3) The Economic Self-Sufficiency Public Assistance Specialist shall be responsible for performing the following tasks related to providing information regarding the RCP and determining eligibility:

(a) Inform all persons caring for children who are relatives about the RCP and allow them to indicate an interest in applying;

(b) Explain the options associated with the RCP to the applicant;

(c) Determine the child's initial and ongoing eligibility for the RCP payment and Medicaid;

(d) Determine continuing eligibility for the child's monthly RCP benefits, including Medicaid, through complete reviews, and scheduled and unscheduled partial reviews;

(e) Communicate with the Services Worker as necessary and providing updates on the status of the eligibility case; and

(f) When the request for Relative Caregiver payments is originated at the Economic Self-Sufficiency office, the Public Assistance Specialist shall provide written notification to the Services Worker, within ten working days. This notification shall be documented in the case file.

(4) As provided in subsection 65C-30.007(15), F.A.C., when supervision of a child has been terminated due to court ordered long-term custody to the relative, any documentation required for the relative or child to receive services needed in support of the placement shall be provided.

Specific Authority 39.012, 39.0121(7), (10), (12), (13), 39.5085(2)(a) FS. Law Implemented 39.001(1)(i), 39.01(50), 39.4085(7), (23), 39.5085(2)(a),(b)(e),(g), 39.5085(2)(9), 39.521(1)(b)3., 39.521(1)(d)7., 39.521(2)(r), 39.521(2)(r)7., 39.621(3)(a), 39.622, 414.045(1)(b)5.b, 414.095(2)(a)2., 414.095(7), 414.095(10)(e) FS. History—New \_\_\_\_\_.

#### 65C-28.009 Adolescent Services.

(1) Independent Living services and life skills services include a comprehensive array of services available to adolescents in the custody of the department and young adults who were in the custody of the department at the time of their eighteenth birthday. Independent living services consist of pre-independent living services, life skills services, and subsidized independent living (SIL) services for children in the custody of the department. Children in the custody of the department who are receiving independent living services remain subject to the requirements of case plans and judicial reviews until permanency is established. Aftercare Support Services, the Road-to-Independence Scholarship and

Transitional Support Services are available for young adults who were in the custody of the department on their eighteenth birthday.

(a) Older children in foster care who have disabilities or mental health needs shall be provided with an equal opportunity to participate in the continuum of independent living services. Though a youth who has a physical, emotional or learning disability may need additional support, he or she still is eligible for all independent living services from the program.

(b) To ensure the equal participation of these youth, the Services Worker shall identify older foster children with disabilities or mental health needs and assist them with reasonable accommodations for their disabilities.

(2) Children age thirteen up to age eighteen are eligible for independent living services from the time of placement in shelter status with the department.

(3) Goal Setting. Beginning at age fourteen, upon entering ninth grade or upon entering licensed out-of-home care past the age of fourteen, whichever occurs first, each child in licensed out-of-home care, with the assistance of his or her foster parents and the Services Worker, shall set early achievement and career goals for the child's post secondary educational and work experience as required in Section 409.1451(3)(b)1., F.S.

(a) The process shall be child-centered, and any staffings related to the child's post secondary or career goals, shall include the child, and shall be held in a time and place convenient to the child, taking into account the child's school and work schedule.

(b) If the child is enrolled in the Exceptional Student Education program, such goal setting shall be coordinated with the school and agree with the Individual Educational Plan transitional plan.

(c) The case plan shall be written simply and clearly in English and, if English is not the principal language of the child, to the extent possible a copy of the case plan shall be prepared in the language of the child.

(4) Independent Living Staffings. Staffings for children age 13 and older who are in an out-of-home placements are held periodically to develop plans for meeting the identified needs of these children.

(a) Every Independent Living staffing shall, at a minimum, address the following topics:

1. The child's educational and work goals, including the child's progress and any obstacles the child is facing.

2. What life skills the child needs and the child's progress toward developing already identified skills.

3. The SIL program, including program requirements and benefits

4. The Road to Independence program, including program requirements and benefits, the tuition fee exemption, and the Bright Futures Program.

5. Permanency arrangements, including the child's wishes regarding adoption.

6. For children age 17, the child's plans for living arrangement after age 18 and the life skills services that may need to be continued past age 18, and

7. Any other identified obstacles and needs the child has with regard to Independent Living.

(b) Every Independent Living staffing shall meet the following requirements:

1. The Services Worker shall attend the staffing. The Services Worker's supervisor, Child Welfare Legal Services (CWLS), the child, the child's caregiver, the child's guardian ad litem, and the child's attorney, if the child is so represented, shall be invited to attend the staffing. The independent living service provider and any other individuals significant to and familiar with the child, including family members likely to be involved with the child after the child leaves foster care shall also be invited.

2. The child shall be encouraged to invite any adults who are important in the child's life;

3. The staffing shall be conducted in and with a language the youth can understand or, if needed, through a translator, and the process shall be child-centered.

4. The staffing shall be held in a time and place convenient to the child, taking into account the child's school and work schedule.

5. The Services Worker shall be responsible for inviting the child's guardian ad litem and attorney ad litem to the staffing.

6. Information from the pre-Independent Living life skills assessment and all Independent Living staffings shall be included in the written report submitted to the court for each judicial review.

(5) Pre-Independent Living (Age 13 but not yet 15 years of age).

(a) These services include but are not limited to life skills training, educational field trips and conferences.

(b) Each child in the custody of the department shall be referred for independent living services thirty days prior to his or her thirteenth birthday. A child placed in the custody of the department after his or her thirteenth birthday shall be referred within thirty days after the court enters an order placing the child in the custody of the department.

(c) Each child in the custody of the department shall receive a pre-independent living assessment within thirty days after his or her thirteenth birthday. A child placed in the custody of the department after his or her thirteenth birthday shall be assessed within sixty days after the court enters an order placing the child in the custody of the department.

1. The assessment for a child thirteen to fifteen years of age shall be conducted through the use of a pre-independent living assessment tool; review of the file; review of other assessments and evaluations, including educational,

psychological and psychiatric evaluations; personal observation and interviews with any person who is familiar with the child and can be helpful in the assessment process.

2. The Services Worker shall discuss the results of the assessment with the child and caregiver and shall use the results to determine the training and services needed for the child to begin learning skills necessary for success and self-sufficiency in the future.

3. The pre-independent living assessment shall be used to determine the child's strengths and needs. The Services Worker shall ensure that the child's identified needs are met. Life skills can be taught through instruction and interaction with the out-of-home caregivers or group-care staff through contracted services, referrals to community providers, one-on-one coaching and group learning sessions. The child may also be able to learn some of the needed skills in the public school curriculum.

4. For every needed skill, the Services Worker shall document in the child's case file who is to help the child develop that skill and the timeframe in which the child will receive the training. It is the responsibility of the Services Worker to ensure the child receives all needed life skills training.

(d) Children in out-of-home care shall be fully informed when making decisions about educational options, including high school participation choices and college or vocational school entrance requirements. Possible rewards and consequences of the available options shall be presented to the child.

1. The Services Worker shall encourage the child to choose and achieve realistic goals.

2. The Services Worker shall discuss with the child his or her potential limitations, including physical, emotional, and behavioral limitations. The child shall not be told that a career or educational option is unavailable unless an explanation is given and ways to overcome perceived obstacles are explored.

(e) During contacts with the child time shall be dedicated to evaluating progress in learning the skills identified through the assessment process as well as to educate the child and the caregiver about available independent living services.

(f) Staffing. In addition, the department shall conduct an annual staffing for children who are thirteen and fourteen years of age and meet the requirements for these staffings as contained in Section 409.1451(4)(a), F.S.

(6) Life Skills Services (Age 15 but not yet 18 years of age).

(a) Life skills services include but are not limited to, independent living skills training including training to develop banking and budgeting skills; parenting skills; educational support; employment training and counseling.

(b) Life skills services shall be designed to meet the child's needs as identified in the independent living skills assessment. A child with developmental disabilities, mental health needs or other special needs shall be identified and services shall be tailored to meet the child's needs.

(c) A referral for life skills services shall be submitted within thirty days of a child's fifteenth birthday and an age appropriate independent living skills assessment completed within thirty days after the child's fifteenth birthday. If the child is fifteen years of age or older when placed in the custody of the department, a referral and an independent living skills assessment shall be submitted within thirty days after the court enters an order placing the child in the custody of the department. If a child was previously referred for independent living services only an additional independent living skills assessment shall be completed and submitted.

(d) The results of the assessment shall be discussed with the child and caregiver and be used to determine the training and services needed for the child to continue learning skills necessary for successful transition to adulthood.

(e) The independent living assessment shall be used to measure life skills development progress for a child who was administered a pre-independent living assessment and also to determine each child's strengths and needs. The Services Worker shall ensure that the child's identified needs are met. The needed skills may be taught through instruction and interaction with the out-of-home caregivers or group-care staff, through contracted services, referrals to community providers, one-on-one coaching and group learning sessions. The child may also be able to learn some of the needed skills in the public school curriculum. For every needed skill, the Services Worker shall document in the child's case file who is to help the child develop that skill and the timeframe in which the child will receive the training. It is the responsibility of the Services Worker to ensure the child receives all needed Section life skills training.

(f) Staffing. Pursuant to Section 409.1451(4)(b), F.S., the department shall conduct a staffing at least once every six months for each child in licensed out-of-home care who has reached fifteen years of age but is not yet eighteen years of age.

(g) Assessment at Seventeen Years Old. Pursuant to Section 409.1451(4)(b), F.S., during the month following his or her seventeenth birthday, each child in licensed out-of-home care shall be provided an independent living assessment, separate and distinct from the previous independent living assessment, to determine the child's skills and ability to live independently and become self-sufficient regardless of his or her permanency goal. Based on the results of this assessment, expedited and age appropriate services and training shall be provided in order for the child to develop the necessary skills and abilities prior to his or her 18th birthday. This final assessment shall be used to measure life skill development progress.

1. The assessment for a child seventeen years of age shall be conducted through the use of an independent living assessment tool; review of the file; review of other assessments and evaluations, including educational, psychological and psychiatric evaluations; personal observation and interviews with any person who is familiar with the child and can be helpful in the assessment process.

2. Based on the results of this assessment, the Services Worker, in conjunction with the youth, shall update the life skills plan to ensure that the youth receives all skills training needed before the child's 18th birthday.

3. If, based on the results, the child will most likely need additional life skills training and services after age 18, the Services Worker shall include a staff member from the unit handling post-emancipation services in order to ensure a smooth continuum of services.

(h) Information from the independent living life skills assessment and all staffings, be included in the written report submitted to the court for each judicial review.

(i) The case plan for children in out-of-home care who are age sixteen and seventeen shall include appropriate independent living and transitional services and shall be filed with the court and served on all parties.

(7) Subsidized Independent Living (SIL) (Age 16 but not yet 18 years of age).

(a) Subsidized Independent Living provides an opportunity for teenagers in foster care to receive a subsidy and other supports from the department in order to live in a setting that is not required to be licensed. Participants learn to pay their own bills and live on a budget while still under the supervision of a contracted service provider and the courts.

(b) Youth Eligibility for Subsidized Independent Living. In order to be approved to live in a subsidized living arrangement, a youth must meet the following criteria as required by Section 409.1451, F.S.:

1. Age. Must be 16 or 17 years of age and not yet reached their 18th birthday (Section 409.1451(4)(c)2., F.S.). At minimum, the youth's parents and the court must be notified that a placement in Subsidized Independent Living has been made. It must be noted that, in some cases, the department or Community-Based Care (CBC) agency may choose to gain approval from the court or the youth's parents prior to placement in Subsidized Independent Living and while this is acceptable, it is not required under law or these guidelines.

2. Legal Status. Must be adjudicated dependent, as defined in Chapter 39, F.S. and have been in custody of the department, at least 6 months prior to entering subsidized independent living, with a goal of either adoption, long-term licensed care or independent living (Section 409.1451(4)(c)2.a., F.S.). The 6 months in department custody do not have to be immediately preceding placement in SIL and can accumulate over the youth's lifetime.

(c) According to Section 409.1451(4)(c)2.b., F.S., the youth must be able to demonstrate independent living skills. The following criteria are ways that the youth can demonstrate these skills, but exceptions to some of these criteria may be allowed by the District Administrator, Chief Executive Officer of the Community-Based Care agency (CEO of the CBC) or Independent Living Coordinator with approval of the District Administrator or CEO of the CBC with consideration of the youth's safety and best interests:

1. Employment or Extra-curricular activities. Must be employed at least part-time earning a minimum of \$100.00 per month or be involved in extra-curricular activities as deemed appropriate by the Independent Living Coordinator. These extra-curricular activities may include but not be limited to: participation on sports teams, cheerleading squads, school bands, internships, school advisory boards or any other beneficial activity that would be important to the youth's personal development but would also limit the youth's ability to obtain employment.

2. Savings. Must have sufficient earned savings or other means to pay move-in and first month's living expenses, until the first subsidy check arrives. The youth may submit a statement that includes the projected move-in cost and proof of available resources to meet these costs.

3. Education. Must be enrolled in a full-time educational program. Full-time is defined as: regular attendance at high school, at least 12 credit hours per semester at an accredited college or university, or full time as defined by the GED/Vocational Technical program which the youth is attending.

4. Grades. Must maintain a 2.0 grade point average on a 4.0 scale or equivalent in school or educational program. For vocational schools, GED programs or other educational programs that do not award grade points a statement must be received from an instructor or administrator that confirms sufficient progress in the program.

5. Assessment. Assessment of Skills by completion of curriculum determined by the independent living coordinator. Should indicate that living in an unlicensed setting with minimal supervision is potentially viable. The youth must be able to articulate and demonstrate their ability to perform certain skills as determined by the Independent Living Coordinator.

6. Behavior. Participants in the Subsidized Independent Living program are expected to exhibit responsible behavior. Prospective participants who have displayed irresponsible behavior, such as running away from home, committing violent acts toward others, delinquencies, or property crimes, within six months of requesting entrance into the Subsidized Independent Living program must be strictly evaluated to determine whether SIL placement is in their best interest and if they are at risk of exhibiting future irresponsible behaviors. Letters of reference from school, mental health personnel,

foster parents, Services Workers and Department of Juvenile Justice should be requested if there is a history of irresponsible behavior.

7. Staffing/Approval. Staffing and approval by the department or CBC independent living coordinator. The coordinator must approve the youth's living arrangement, including the cost and selection of a roommate, if applicable. The safety of the youth is a paramount consideration. Youth and Services Worker must attend the staffing which the independent living coordinator chairs. The Services Worker must invite the youth's parent (if parental rights are still intact and at the youth's discretion) to the staffing and any other persons involved or important to the youth, such as guardian ad litem, teachers, therapists, relatives and mentors.

(d) Dependent youth in custody of the department with disabilities are eligible for this program and may not be deemed ineligible from this program on the basis of the disability, according to the Americans with Disabilities Act of 1990, Title II. Though a youth with a disability may need additional supports from other organizations or agencies such as Developmental Services, Mental Health or Vocational Rehabilitation, the youth is still eligible for any and all services offered in the independent living program, including subsidized independent living. Reasonable accommodations must be provided to insure that each youth has access to the services provided by the program. Transitional staffings should be initiated by the Services Worker, with the Agency for Persons with Disabilities, adult and children's mental health services or other programs, on dual clients on or before the youth's 17th birthday. If the youth requires continued supported living, a written plan must be in place by the youth's 18th birthday in order to transition youth from foster care and/or SIL to another supported living program.

(e) Program Instructions.

1. Parental Notification. The Services Worker, at minimum, must notify the parents of any youth placed in a subsidized independent living arrangement no longer than ten days after the placement has been made, unless parental rights have been terminated. It is preferred that this notification is in writing, but, at minimum, any attempts at notification must be entered into the HomeSafenet chronological notes. The Services Worker must NOT reveal the youth's physical address to the parent unless written permission is provided by the youth.

2. Subsidized Independent Living Agreement. A written agreement must be developed between the youth and the department or CBC prior to the beginning of SIL. The agreement must be reviewed and updated annually, but more frequently as needed. The agreement must include, at a minimum:

a. A description of the youth's educational program, school or college, including start date, ending date and educational goals.



b. The youth's responsibilities, including and not limited to regular attendance and/or completion of life skills training, submission of payment stubs from work monthly or report from an official conducting the youth's extracurricular activities that verifies continued involvement, and verification of school attendance.

c. The department or CBC's responsibilities, including and not limited to regular staffings, frequent Services Worker contacts, provision of life skills training, counseling, and therapy.

d. Requirements for continued eligibility in the SIL arrangement.

e. A target date for discharge and the completion of the goals and objectives in the case plan.

f. An acknowledgement that this placement is in the youth's best interest and that safety concerns have been addressed. In addition, to prevent the independent living program from losing community support, gaining a poor public image and possibly losing statutory authority, the youth must be informed in writing by the Independent Living Coordinator of the consequences of behavior that violates the law or community standards. Program participants have a responsibility beyond themselves, extending to the department and to fellow program participants.

g. A full explanation of the consequences of the youth's non-compliance with the Subsidized Independent Living requirements.

3. Case Plan. Independent living arrangements established for a youth must be part of the case plan, including the goals and objectives leading to the total independence of the youth from department supervision.

a. The case plan must be reviewed and updated, at a minimum, on an annual basis.

b. The case plan must include, but is not limited to:

i. A description of the youth's skills and a plan for learning additional skills as identified in the independent living assessment.

ii. Documentation of proposed services by the department, such as educational and employment-related assistance, counseling, therapy, skills training, and services of other agencies, including the type of service, nature, and frequency of contact.

iii. A description of behaviors the youth has exhibited that indicate an ability to be responsible and a plan for developing additional, responsible behaviors such as increasing decision-making skills.

iv. Documentation that the youth understands the specific consequences of his or her conduct in the independent living program.

v. A plan for maintaining or developing personal support relationships with family members, other adults, friends, and community support groups, among others as appropriate.

4. Frequency and Purpose of Services Worker Contact.

a. During the first three months the youth is living in a SIL arrangement, the Services Worker and the participant must have at least two contacts per week. At least one of these contacts must be in the residence of the youth. These contacts must be used to assess the participant's strengths and needs in maintaining oneself in the living arrangement. The Services Worker must maintain weekly contact with the Independent Living Coordinator during the first three months as to the youth's progress in adjusting to their subsidized independent living arrangement. After the first three months, the Services Worker must maintain contact with the independent living coordinator at a minimum of once a month. Note: The youth's assigned Services Worker may be assisted in making these contacts by other Services Workers within the CBC agency, independent living staff, and/or courtesy supervision workers.

b. After the first three months the number of contacts that the Services Worker has with the youth may be reduced, but only if the youth is progressing satisfactorily. However, these contacts must not be less than once per month and must be in the residence of the youth. The number of contacts must be increased if the youth demonstrates the need for more supervision.

c. The HomeSafenet chronological notes must describe, at minimum, the issues discussed, any safety factors addressed and progress made during the contacts between the Services Worker and the youth. This record can be used to measure progress, identify resources, and establish a clear understanding of the areas where the youth and the Services Worker are concentrating their efforts.

5. Periodic Review.

a. Since 16- and 17-year-old youths in a subsidized independent living arrangement are still in the legal custody of the department, their cases are subject to regular six-month judicial reviews.

b. Staffings should be scheduled around the youth's school, work and extra-curricular activity schedule. The youth may invite anyone the he/she chooses to the staffing such as, but not limited to, guardian ad litem, personal friend, potential roommate, relative, employer or teacher.

6. Financial Supports.

a. Independent Living Board Rate Payment (Subsidy). Payments must be drawn from out-of-home care, room and board state funds. The subsidy check may be mailed directly to the youth, or it may be sent to staff so that the youth can report to his/her Services Worker or the coordinator at the time the check is picked up.

b. Clothing Allowance. Youth in SIL will continue to receive the annual clothing allowance from the out-of-home care budget in addition to the monthly subsidy payment.

7. Budgeting for Subsidized Independent Living.

a. The independent living coordinator, the Services Worker and the youth must work together to determine a fair and reasonable budget for living independently. The youth

must maintain the budget on a month-to-month basis. Suitable lodging must be located and funds for rent and utility deposits, phone deposits, etc. must be put aside in preparation for the youth's move into the living arrangement. The first month's living expenses and move-in expenses are the responsibility of the youth. The youth may obtain move-in costs either through savings by earned income, unearned income or by any other legal methods including gifts by relatives or other concerned parties. However, the youth must also be able to demonstrate the ability to budget and meet on-going monthly financial obligations.

b. The Services Worker must provide assistance in locating a safe and stable living arrangement that will be affordable based on the youth's financial situation. The location of the placement must be easily accessible to school, work and other needed resources.

c. Youth may be assisted in accessing any community resource that might help in arranging their utility deposits.

d. A youth may chose to live alone, with a roommate (non-cohabitation) in a college dormitory, or rent a room from a family. The Services Worker must assess the living arrangement and present a report to the independent living coordinator for approval. Each individual's situation must be considered when determining the budget with the youth and the amount of the subsidy check. The factors in #2 above must also be considered as well as background checks.

e. For all household members or frequent visitors ages 12 through 26, a delinquency records check through the Florida Department of Law Enforcement and the Florida Department of Juvenile Justice. In addition, the following background checks must conducted for any household members age 12 and over:

i. A local criminal records check through local police and sheriff's offices.

ii. A state criminal records check through the Florida Department of Law Enforcement.

iii. An inquiry to the Florida Child Abuse Hotline.

#### 8. Monthly Subsidy Rate Determination.

a. The amount of the monthly subsidy should be determined on an individual basis, considering the cost-of-living and the youth's monthly expenses. The maximum amount of the youth's board rate is based on what an individual can earn working a 40-hour week at federal minimum wage. The department or CBCs have discretion in the amount of the subsidy rate based on budget considerations within the agency providing services for the youth.

b. Program Incentives. Subject to the availability of funds, the department or CBCs have the option of providing financial incentives in addition to the monthly subsidy amount. Incentives may be based upon attendance at skills training or other required monthly meetings, timely submission of

payment stubs, participation on youth advisory boards, public speaking promoting the program, etc., with each incentive adding \$10-50 to the base amount.

#### 9. Out-of-State Supervision of a Youth in SIL.

a. Some youth in custody of the department, under the Jurisdiction of Florida courts, reside in foster or group homes in other states. These youth must be given the same opportunities to participate in the Subsidized Independent Living program as youth that reside in state as long as they meet eligibility criteria. Although it is rare for a youth under 18 to attend college, arrangements may be made for a youth to attend college in another state and still receive a subsidy check and/or other services and supports from the department.

b. Some states offer courtesy supervision through the independent living program. Other options might be to ask the college for staff or volunteer assistance, or to contract with a provider in that state to provide supervision.

c. For a youth under the age of 18, attendance at a college exempts the youth from the Interstate Compact for the Placement of Children (ICPC). However, if a youth needs supervision, submit ICPC form 100A and check the "other" box under "type of care" and write in "College ILP." A cover letter should explain that the judge and/or the department would appreciate arrangements for supervision.

(8) Permanency Planning for Older Adolescents. The Services Worker shall, concurrent with delivery of independent living services, continue efforts to locate and achieve placement with a permanent family until the child reaches age eighteen. In cases in which the child has made the decision not to pursue adoption, the decision shall be revisited at least twice per year to determine the child's needs and preferences. In all cases, whether the child has made the decision to be adopted or not, the Services Worker shall assist the child in making connections within the community and establishing relationships. Connections with adults may be established in foster care placements, at school, through extra-curricular activities with mentors, coaches, youth leaders, instructors and others. The Services Worker shall assist each child exiting the foster care system to establish a lifelong connection with a committed adult.

(9) Children Becoming Eighteen Years of Age. The Services Worker or independent living staff shall ensure that a child in the custody of the department is counseled as to the options available to him or her upon reaching his or her eighteenth birthday.

(a) Special Judicial Review. A judicial review hearing shall be held within ninety days after a child's seventeenth birthday and shall meet the requirements contained in Sections 39.701(6)(a) and (b), F.S. In addition, pursuant to Section 39.013(8), F.S., a hearing shall be conducted within the month that begins the six-month period before the child's eighteenth birthday to review the child's progress while in the custody of the department. A plan for the child's transition to adulthood

shall be outlined in writing and details discussed during these reviews. The transition plan shall be filed with the court and served on all parties.

(b) Staffing at Seventeen Years Old. Within thirty days prior to the Special Judicial Review a staffing shall be conducted to notify the child of the options available upon reaching his or her eighteenth birthday and to discuss the child's plans.

1. Planning shall take place to ensure that the child has a place to live and a source of income, whether earned or unearned, sufficient enough to meet his or her needs upon attaining his or her eighteenth birthday. Potential problems shall be identified early in the process to avoid disruptions from occurring in the child's education, employment and social environments.

2. If the child desires or intends to live with a family member upon reaching his or her eighteenth birthday, the Services Worker shall assist the child in planning for a safe and smooth transition. The services worker shall seek court approval through CWLS when necessary to allow contact with family members while the child remains under supervision.

(c) Assessment. During the month following his or her seventeenth birthday, each child in licensed out-of-home care shall be provided an independent living assessment.

(d) Written Notification. In conjunction with the special judicial review and staffing, each child in the custody of the department shall be notified in writing of the options available to him or her upon reaching eighteen years of age, including but not limited to the Road to Independence Program, continued court jurisdiction to age nineteen and the ability to reside in a licensed foster home. The notification shall be written in such a way that the child is able to easily understand it.

(e) The department or contracted service provider shall assist the child in making application for the Road to Independence Scholarship and/or transition support services/aftercare support services no later than ninety days prior to his or her eighteenth birthday.

Specific Authority 39.012, 39.0121(7), (13), 409.1451(2)(a), 409.1451(8) FS. Law Implemented 39.001(1)(i),(j), 39.621(3)(d), 39.624, 39.701(6)(a)-(c), 409.1451(1)-(5) FS. History—New \_\_\_\_\_.

#### 65C-28.010 Minor Parents in the Custody of the Department.

(1) When a minor child in the custody of the department becomes a parent or enters licensed care with his or her own child, the parent and child shall reside together in the same placement unless the younger child's safety is at substantial risk in such placement or there is no foster home or facility available to house both. A petition for adjudication of dependency shall not be filed for the younger child unless there are grounds for dependency of that child independent of the

minor parent's dependency. See subsection 65C-30.016(4), F.A.C., regarding assistance to be provided to the minor parent or expectant parent.

(2) In the event that the minor parent's child is not dependent, the cost of care of the child of a minor parent can be included in the maintenance payment for the minor parent. There shall be one payment that is enhanced to include the child's needs. If the minor parent is Title IV-E eligible, the total payment is Title IV-E reimbursable.

(3) If the minor parent is in the SIL Program and the minor parent's child lives with the parent, the parent is not eligible to receive an additional subsidy for the child. However, the Services Worker shall assist the minor parent in applying for other assistance for which the parent or child may be eligible.

(4) If any person, including a departmental staff person or a contracted service provider, has reason to believe that the minor parent has abused, neglected, or abandoned his or her child, the departmental staff person or contracted service provider shall make a report to the Florida Abuse Hotline. If the Florida Abuse Hotline receives a report regarding a child in this situation, the report shall be investigated as any other report of abuse, neglect, or abandonment. The departmental staff person or contracted service provider shall cooperate with the Child Protective Investigator assigned to investigate the report.

(5) Minor parents in the custody of the department, including those who are expectant mothers and fathers, shall be provided with an equal opportunity to participate in the continuum of independent living services. The Services Worker shall provide information to the minor parent on appropriate services needed to ensure appropriate care for the care of the minor parent's child and the stability of the living arrangement. As a minor parent approaches discharge from foster care at age 18, the Services Worker shall assist the minor parent by providing information on educational services available upon exit from foster care.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 409.165(1) FS. History—New \_\_\_\_\_.

#### 65C-28.011 Criminal, Delinquency and Abuse/Neglect History Checks for Relative and Non-Relative Placements.

(1) Criminal, delinquency and abuse/neglect history check activities shall be performed when a child is initially placed with, remains with or has a planned placement with a relative or non-relative. Less extensive criminal, delinquency and abuse/neglect history check activities are required when a child is initially released to, remains with or has a planned release to a parent. The court shall be informed of all results, including the disposition of all criminal offenses that are received regarding any proposed or existing relative or non-relative placement and any proposed or existing release to a parent.

(a) Except for emergency placements or releases made under exigent circumstances, approval for sheltering a child in non-licensed care shall be sought from the court prior to the placement.

(b) Unless placement is being made in a licensed substitute care home or facility, all relatives and non-relatives with whom a child is placed are considered to be persons who are not licensed as shelter or out-of-home caregivers for purposes of caring for the child in question. Any relatives or non-relatives who become licensed as shelter or foster parents must meet the licensing requirements of Chapter 65C-13, F.A.C., including the criminal, delinquency and abuse/neglect history check requirements for licensed caregivers.

(c) The criminal offenses that may disqualify a potential relative or non-relative caregiver are contained in Sections 435.045 and 435.04, F.S., and are clarified in subsection 65C-28.011(6), F.A.C.

(d) The application of information gathered in an abuse/neglect records check in determining the appropriateness of a placement is contained in Sections 39.301 and 39.302, F.S., and is clarified in subsection 65C-28.011(6), F.A.C.

(2) Emergency Placements Under Exigent Circumstances.

(a) There are three situations in which emergency placements are made with relatives or non-relatives under exigent circumstances and it is anticipated that a placement will be made within seventy-two hours:

1. Following the emergency removal of a child from his or her home or from another location where the child resides prior to departmental involvement. This removal of the child initiates a removal episode;

2. Following the change of placement of a child from a location where the child was previously placed and where the child remains under supervision. Since the child is already in an out-of-home placement, a change of placement is being made. The change in placement is part of the existing removal episode and does not initiate a new removal episode; and

3. Following the emergency removal of a child from a location where the child was previously placed and where the child has achieved permanency through court ordered long-term custody to the caregiver. Since the child has achieved permanency, this initiates a new removal episode.

(b) Whenever placement with a relative or non-relative is to be made under exigent circumstances, the required criminal, delinquency and abuse/neglect history checks shall be initiated without undue delay to avoid placing the child elsewhere in the interim. Prior to making such an emergency placement under exigent circumstances, the following criminal, delinquency and abuse/neglect history check s, including receipt and consideration of the results of the checks, are required:

1. For all persons who are either household members or who are known to be frequent visitors to the home there shall be an abuse/neglect records check through the department's information system containing statewide abuse/neglect records.

2. Additionally, the following checks shall be performed for specified persons based on his or her role in the household and his or her age:

a. For all household members and frequent visitors age twelve or older, a local criminal records check through local police and sheriff's offices.

b. For all household members or frequent visitors ages 12 through 26, a delinquency records check through the Florida Department of Juvenile Justice.

c. For all household members and paramours age twelve or older, a state criminal records check through the Florida Department of Law Enforcement.

d. For all persons who are age eighteen or older who are household members, a name check through the National Crime Information Center (NCIC) is also required. If the child is placed in the home the fingerprints of these persons shall be submitted to the Florida Department of Law Enforcement the next business day but no later than within ten calendar days of the name check.

e. For household members age twelve and older and frequent visitors age eighteen or older who are known to have resided in another state, an attempt shall be made to gather criminal history information from that state.

(3) Continued Placement and Recommendation for Court Ordered Custody. Any criminal, delinquency and abuse/neglect history check results received subsequent to placing a child shall be considered in regard to the child's safety and shall be provided to the court.

(4) Planned Placements. If a relative or non-relative placement is planned, and there are no exigent circumstances requiring an emergency placement within seventy-two hours, court approval shall be received prior to making the placement. Prior to recommending the placement to the court, all criminal, delinquency and abuse/neglect history check activities required for emergency placements under exigent circumstances shall be performed, with the exception of name checks through NCIC being made prior to the submission of fingerprints. Prior to making a recommendation to the court, the fingerprint results shall be received and considered for all persons required to undergo a criminal, delinquency and abuse/neglect history check.

(5) Release of a Child to a Parent. Prior to recommending to the court that a child be released to a parent, the parent, household members, frequent visitors and any paramours of household members at the home shall undergo all criminal, delinquency and abuse/neglect history checks s that are required for placement with relatives and non-relatives, with the exception of national criminal history checks.

(6) Criminal, Delinquency and Abuse/Neglect History Check Results. The department or contracted service provider shall not make or recommend a relative or non-relative placement if the results of criminal, delinquency and abuse/neglect history checks indicate that the child's safety may be jeopardized in the placement.

(a) Results of Abuse/Neglect Records Check. The results of an abuse/neglect records check indicating that a person is named in some capacity in an abuse/neglect report shall not be used to deny placement in the home where that person resides unless that person is identified as a caregiver responsible for the abuse, neglect or abandonment alleged in the report.

(b) Disqualifying Criminal Offenses. For placements with relatives or non-relatives, there are criminal offenses that disqualify these persons for placement of the child. For releases to a child's parent, there are no offenses that automatically disqualify the parent regardless, of whether the offense was committed by the parent, a household member, a frequent visitor or a paramour of a household member. For releases to parents, prior to the release, information obtained from the criminal, delinquency and abuse/neglect history checks shall be provided by the Services Worker or Child Welfare Legal Services attorney to the court, which shall make the final decision regarding the placement decision when the results of the checks raise concerns about the safety of the child.

1. A relative or non-relative home is disqualified as a placement option when a criminal records check reveals any of the following felony convictions, including a plea of nolo contendere or guilty, regardless of adjudication, for any of the individuals checked in regard to the home. The home shall be disqualified under the following circumstances:

a. The home is disqualified in any case in which a criminal records check reveals a felony conviction, including a plea of nolo contendere or guilty, regardless of adjudication, for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the felony was committed at any time. This includes, but is not limited to, felony offenses prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

I. Section 782.04, F.S., relating to murder;

II. Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child;

III. Section 794.011, F.S., relating to sexual battery;

IV. Former Section 794.041, F.S., relating to prohibited act of persons in familial or custodial authority;

V. Section 796.03, F.S., relating to procuring a person under the age of eighteen for prostitution;

VI. Section 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of persons less than sixteen years of age;

VII. Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child;

VIII. Section 827.04(3), F.S., relating to the impregnation of a child under the age of sixteen by a person over the age of twenty-one;

IX. Former Section 827.05, F.S., relating to negligent treatment of children;

X. Section 827.071, F.S., relating to sexual performance by a child;

XI. Section 847.0135, F.S., relating to computer pornography;

XII. Section 847.0145, F.S., relating to selling or buying minors; and

XIII. Sections 741.28-31, F.S., relating to domestic violence.

b. The home is disqualified in any case in which a criminal records check reveals a felony conviction, including a plea of nolo contendere or guilty, regardless of adjudication, for physical assault, battery, or a drug-related offense, if the department or contracted service provider finds that, within the past five years, a court of competent jurisdiction has determined that the felony was committed. This includes, but is not limited to, felony offenses prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

I. Section 784.021, F.S., relating to aggravated assault;

II. Section 784.045, F.S., relating to aggravated battery;

III. Section 893.13, F.S., relating to prohibited acts (drug abuse); and

IV. Section 893.149, F.S., relating to the unlawful possession of listed chemicals;

2. If results of the criminal, delinquency and abuse/neglect history checks that disqualify a home are received after a child has already been placed in the relative's or non-relative's home, the child shall be immediately removed. The court shall be informed of the disqualification and of the child's removal without delay.

3. Criminal Offenses – General.

a. For any criminal or delinquency records check results revealing any felony or misdemeanor offense that does not automatically disqualify a relative or non-relative home as a placement alternative or a parental home for release of the child, the department or contracted service provider shall determine whether the child may safely be placed in the relative or non-relative home or released to the parent without prior court approval. If so, the court shall be informed of the results at the shelter hearing or at a hearing scheduled in regard to the placement or release.

b. Whenever criminal history or delinquency record information that does not automatically disqualify a home is received following the placement of a child, the court shall, within seventy-two hours of receipt of the results, be informed of the criminal history and delinquency record check results including all available information on the disposition of all offenses.

(7) Criminal, Delinquency and Abuse/Neglect History Checks on Additional Persons Subsequent to Placement in a Relative's or Non-Relative's Home. The following criminal, delinquency and abuse/neglect history checks, as specified in subsection 65C-28.011(1), F.A.C., are required for new household members, frequent visitors or paramours of any household members if they have not otherwise received the checks within the previous twelve months and there has been no break in service for over ninety days. The court shall be informed of the results within seventy-two hours of their receipt:

(a) A local criminal records check, a child abuse/neglect records check and a delinquency records check are required on new household members, frequent visitors or paramours of any household members.

(b) A state criminal records check is required on new household members or paramours of any household members.

(c) A federal criminal records check, including a name check followed by submission of fingerprints to the Florida Department of Law Enforcement, is required for any new household members eighteen years of age or older.

(8) Out-of-State Placements and Releases. Any out-of-state placement or release shall have the prior authorization of the court and of the Interstate Compact on the Placement of Children (ICPC).

Specific Authority 39.012 FS. Law Implemented 39.401(3), 39.521(2)(r)2. FS. History-New \_\_\_\_\_.

65C-28.012 Home Studies for Relative and Non-Relative Placements.

(1) For each non-licensed placement, a home study shall be completed by the Services Worker or Child Protective Investigator within thirty days following the placement of the child in the caregiver's home. In all instances a home study shall be completed and provided to all parties to the case within seventy-two hours prior to the disposition hearing, as required by Section 39.521(1)(a), F.S. A home study shall be initiated in the following circumstances:

(a) A child remains with a non-licensed, non-parental caregiver for more than fifteen working days beyond the Early Service Intervention staffing unless there is a planned change of placement that will occur before the child has been in the current placement for thirty days;

(b) A child remains with a non- licensed, non- parental caregiver past the date of adjudication of dependency; or

(c) A child is in licensed or non-licensed care and a potential alternative non-licensed caregiver is identified.

(2) The home study shall be completed according to Section 39.521, F.S., filed with the court as part of the predisposition study and served on all parties. A recommendation shall be made to the court based on the results of the home study.

(a) The home study shall include a visit to the home and an interview with the proposed adult caregivers, as well as a criminal, delinquency and abuse/neglect history check as specified in Rule 65C-28.011, F.A.C. In addition, a determination shall be made and documented regarding the child's feelings on the placement if the child is of sufficient maturity, understanding, and experience to reliably express such feelings concerning placement in this home.

(b) In fulfilling the requirements of Section 39.521, F.S., a summary of the results of the home study shall be prepared, which shall include the recommendation to be made to the court. This summary includes the following categories, each of which shall be summarized:

1. Whether each proposed caregiver understands and is able to meet the child's need for protection.

2. Whether each proposed caregiver understands the child's need for care and permanency and can provide long-term permanency if needed.

3. Whether each proposed caregiver has been informed regarding rights and responsibilities in the dependency process.

4. Whether each proposed caregiver will provide adequate and nurturing care and can ensure an adequate and safe home.

5. Whether each proposed caregiver has a history free of child abuse and free of a criminal record.

6. Whether each proposed caregiver is financially able to care for the child to determine if the caregiver's financial situation is marginal or tenuous so he or she would be totally dependent on financial assistance to care for the child.

7. Whether each proposed caregiver has been counseled on available support in the community.

8. Whether or not the placement is to be recommended and an explanation of the decision.

(3) If the recommendation in the home study is unfavorable, the child is in the placement and is at imminent risk, the department or contracted service provider shall request an emergency hearing to inform the court of the findings and make a recommendation for an alternate placement. If it is determined the child is not at imminent risk, a hearing to inform the court shall be scheduled as soon as possible.

(4) If the child is not in the home where the home study was completed and the proposed caregiver is not selected, he or she shall be verbally so advised by the Services Worker within five working days.

(5) Regardless of the result of the caregiver home study or the department or contracted service provider's recommendation, the placement shall be made or continued if the court so orders.

(6) If a child is placed in the custody of a relative pursuant to order of the court after the department or contracted service provider recommends against such placement, the relative shall be allowed to participate in the Relative Caregiver Program in the same manner as if the department or contracted service provider had approved the home study.

(7) When a child has been placed in the custody of a relative or non-relative by the court against the recommendation of the department or contracted service provider, the Services Worker shall immediately notify his or her supervisor of the court's determination. The supervisor shall schedule a staffing to be held within three working days to discuss the reasons for the negative home study and to develop a plan of action and services for the family with whom the child is placed that shall address the child's safety needs.

(8) When a child has been placed in a relative or non-relative home subsequent to a home study being performed for the placement of other children in the home, an updated home study addressing issues surrounding placement of an additional child in the home shall be prepared and provided to the court in conjunction with a recommendation regarding the appropriateness of the child's placement.

Specific Authority 39.012, 39.0121(12),(13) FS, Law Implemented 39.001(1)(i), 39.5085(2)(b), 39.521(2)(r),(3)(b), 39.522(1) FS, History--New \_\_\_\_\_.

#### 65C-28.013 Indian Child Welfare Act.

The Indian Child Welfare Act of 1978 ("ICWA"), is federal legislation found in 25 U.S.C., 1901 et seq., that governs child custody proceedings involving American Indian or Alaskan Native children as defined by the Act. See the definition of Indian Child Welfare Act in Rule 65C-30.001, F.A.C.

(1) The department or sheriff's office Child Protective Investigator shall determine at the onset of each child protective investigation if the children are American Indian or Alaskan Native children as defined by the Act. If a child involved in a child protective investigation is identified as being eligible for the protections of the Indian Child Welfare Act, all legal proceedings and case planning activities shall be in compliance with the provisions of the Act and with any existing written Tribal Agreements between the Department and the child's tribe.

(2) The child's parent or Indian Custodian and his or her tribe shall be noticed of all legal and case planning activities. If the child's tribe is unknown, notice shall be provided to the Secretary of the Interior through the Bureau of Indian Affairs, Eastern Regional Office.

(a) Letters of inquiry and notification and all legal and other notification to the tribe shall be in writing and sent by registered mail, return receipt.

(b) Any correspondence to or from the tribe shall be made a part of the court record and the child's eligibility for the protections of the Indian Child Welfare Act shall be included in all findings and orders of the court.

(3) The criteria for enrollment in a tribe is established by the individual tribe and its decision is conclusive. The child's tribe has the right to intervene in the proceedings at any time and may request that jurisdiction in the case be transferred the tribal court.

(4) If the tribe does not respond to written notification that an Indian child is the subject of an investigation, the Services Worker shall continue efforts to communicate with the tribe. Additional letters shall be sent registered and "return receipt" to the Secretary of the Interior through the Bureau of Indian Affairs Office located in the geographic region of the United States in which the child's tribe is located. Cases in which American Indian ancestry has been reported shall be handled as ICWA cases until shown to be otherwise.

(5) If the tribe does not assume legal jurisdiction, the tribe shall continue to receive notice of all judicial hearings and case planning reviews and to be kept informed of significant changes in the status of the case. The tribe has a right to examine all reports or other documents filed with the court.

(6) If the tribe assumes legal jurisdiction, all case file documents (except the name of the reporter of the abuse, abandonment or neglect) and the child shall be released to the tribe.

(7) If the tribe assumes jurisdiction in the case the American Indian or Alaskan Native children may remain eligible for services such as referrals to child protection teams or for certain economic services.

(8) Remedial or rehabilitative efforts to effect reunification shall be by active efforts. Any party seeking placement of an American Indian child in out-of-home care or the termination of parental rights shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family including community services and culturally appropriate programs and that these efforts have proved unsuccessful.

(9) Placement of an American Indian child shall be made in accordance with the placement preferences outlined in the Act. Attempts to place a child in accordance with the placement preferences outlined in the Act, and any failure to do so, shall be documented in the case file and in HomeSafenet. The placement preferences apply upon each move of the child while in out-of-home care.

(10) In any adoptive placement of an Indian child, the Indian Child Welfare Act shall govern the order of placement preference. While the Indian Child Welfare Act gives a placement preference, it allows each tribe to establish a

different order of preference by resolution. The Act lists the placement preference for adoption of an Indian child in the following order:

(a) A member of the child's extended family (as determined by the child's tribe);

(b) Other members of the Indian child's tribe; or

(c) Other Indian families.

(11) In order for an Indian child to be placed in out-of-home care, there shall be a judicial determination, supported by clear and convincing evidence, including the testimony of a qualified expert witness in the cultural practices of the child's tribe, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(12) Some tribes do not support adoption of an Indian child. Termination of parental rights requires a judicial determination, supported by evidence beyond a reasonable doubt, including the testimony of a qualified expert witness in the cultural practices of the child's tribe, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Legal notification requirements and other provisions of the Act including placement preferences continue to apply following termination of parental rights.

(13) Notification, process and service for all legal proceedings including termination of parental rights shall be in accordance with the provisions of the Act.

(14) All casework activity related to compliance with the provisions of the Indian Child Welfare Act shall be documented in the child's case file.

(15) The Services Worker shall consult with Child Welfare Legal Services regarding issues related to compliance with the provisions of the Indian Child Welfare Act.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.4085(12), (23) FS. History—New \_\_\_\_\_.

#### 65C-28.014 Behavioral Health Services.

(1) Comprehensive Behavioral Health Assessment (CBHA).The CBHA referral guidelines are contained in the current edition of the Medicaid Community Mental Health Services Coverage and Limitations Handbook, which is incorporated by reference in Rule 59G-4.080, F.A.C. The Handbook provides guidelines for providing the CBHA to children ages zero through five and six through seventeen.

(2) A child shall be referred for a CBHA:

(a) When a child is in shelter status, the Services Worker or Child Protective Investigator (CPI), as appropriate, shall refer the child for a CBHA if this assessment was not conducted prior to case transfer; or

(b) If a child is already in out-of-home care and is exhibiting emotional or behavioral issues that might result, or may have already resulted, in the child losing his or her placement, the Services Worker may refer the child for a

CBHA to assist in determining services that would allow the child to maintain his or her placement. This may be done if a CBHA has not been conducted on the child within the past year; and

(c) The child has been determined to be Medicaid enrolled.

(3) The Services Worker shall refer the child and family for all services identified through a CBHA. The Services Worker has the primary responsibility throughout the case for coordinating, managing, and monitoring all aspects of the child's care and treatment.

(4) The mental health service needs identified through the CBHA will be considered when developing the child's case plan.

(5) The planned services shall be implemented within thirty days of identification of the need. If services are not initiated within thirty days, the Services Worker shall document reasons in the case file as to why services were not initiated. The Services Worker shall ensure that the services begin as soon as possible.

(6) If the child is also served by the Department of Juvenile Justice (DJJ), the CPI or Services Worker shall document attempts to coordinate planning and service delivery with DJJ staff.

(7) When service needs are identified, children shall be referred whenever possible to community mental health providers who are enrolled as Medicaid providers.

(8) When the Services Worker determines that a Behavioral Health Multidisciplinary Team is needed due to the significant behavior issues of the child, the Services Worker shall convene a meeting of the team. The team shall:

(a) Review all referrals for services to ensure that the child and family receive essential services to assist them in meeting the permanency goals as well as ensuring the child's safety and well-being;

(b) Provide recommendations for changes in the case plan. This information is to be placed into the Judicial Review Social Study Report (JRSSR) at least three weeks prior to each judicial review; and

(c) When the Behavioral Health Multidisciplinary Team includes private practice clinicians, the department or contracted service provider shall coordinate with Children's Mental Health program to develop a protocol that addresses the use of electronic technology to coordinate information sharing on cases and the use of conference calls. When feasible, staffings shall be held at the offices of the private clinician.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.4085(4), (6),(7), 39.601(1)(d), 39.9082, 409.165(1) FS. History—New \_\_\_\_\_.

#### 65C-28.015 Residential Mental Health Treatment.

(1) Initial Consideration of Need for Residential Treatment.



(a) Residential mental health treatment is provided to a child for the specific purpose of addressing their mental health needs through observation, diagnosis and treatment in a therapeutic setting, which includes therapeutic foster homes and residential treatment centers as defined in Section 394.67, F.S. Residential mental health treatment shall not be used for emergency placements or to provide secure shelter for the child. If the child is in acute psychiatric crisis, the child shall be referred to the crisis stabilization unit for emergency screening and stabilization.

(b) The department and contracted service providers shall comply with the requirements of Section 39.407, F.S., and Florida Rules of Juvenile Procedure 8.350 when pursuing placement of a child into a residential treatment center, as defined in Section 394.67, F.S.

(c) The department or contracted service provider shall establish procedures that outline the process of how determinations to pursue residential mental health treatment for children are made, to include criteria for Suitability Assessment referrals, per Section 39.407, F.S., and the provision of behavioral health assessments and services to children during that process.

(2) If the Qualified Evaluator finds that the child needs residential treatment and an appropriate placement is not immediately available, the Single Point of Access (SPOA) shall place the child on the priority services list and ensure that a behavioral health case manager is assigned to work with the Services Worker in providing appropriate behavioral health services until an appropriate placement is available.

(3) Out-of-State Placements.

(a) The department or contracted service providers shall not approve or participate in funding out-of-state placements for behavioral health treatment of children, unless these placements meet all of the following conditions:

1. The case plan goal is for the child to join a family who resides in the other state;

2. The home study on the out-of-state home has been completed and the move of the child out-of-state has been approved by the Interstate Compact on the Placement of Children; and

3. The District/Region or Zone Administrator or Lead Agency Executive Director has provided prior written approval of the placement.

(b) When a placement is made pursuant to this paragraph, the district/region or zone Children's Mental Health program office shall be notified promptly.

(4) Reviews and Reports of Children in Residential Treatment Centers. The department or each contracted service provider shall establish systems to ensure that reports required by Section 39.407(5), F.S., and Florida Rules of Juvenile Procedure 8.350 are prepared and distributed timely and that all requirements for filing with the court are met.

Specific Authority 39.012, 39.0121(13), 394.4781(3)(c), (5), 394.479 Article X (b), F.S., Law Implemented 39.407(5)(a)3., 394.4781, 394.4785, 394.479, 394.495 F.S. History—New \_\_\_\_\_.

65C-28.016 Psychotropic Medications.

(1) Behavioral health services shall be provided to children in out-of-home care as a need is identified through a behavioral health assessment. These services may include the provision of psychotropic medications as ordered by the child's prescribing physician.

(2) The "Psychotropic Medication Treatment Plan" CF-FSP 5291, October 2005, incorporated by reference, will be used to document express and informed consent from the child's parent or legal guardian provided to the prescribing physician.

(3) The department or contracted service provider shall establish operating procedures to ensure that any use of psychotropic medications is individualized, monitored and informed.

(4) The following steps, at a minimum, shall be taken to facilitate the proper provision of express and informed consent of parents or guardians to the prescribing physician or to obtain court orders, when needed, to authorize the department to provide psychotropic medications to children in out-of-home care. Express and Informed consent is defined in Section 394.455(9), F.S., and described in Section 394.459(3), F.S.

(a) To facilitate express and informed consent, the Services Worker shall:

1. Attempt to contact a parent or guardian by phone as soon as feasibly possible upon learning of the recommendation for psychotropic medications by a prescribing physician.

2. Send all written information concerning the prescription to the parent's last know address.

3. Document all phone calls and written communication to the child's parent or legal guardian to ensure parental awareness of the need to provide express and informed consent for the prescription of psychotropic medications.

4. Facilitate transportation arrangements to appointments and/or telephone calls between the child's parent and the prescribing physician.

(b) When express and informed consent cannot be obtained from the child's parents, the case worker shall submit to Child Welfare Legal Services a request for court authorization to provide psychotropic medications within 12 working hours of receipt of the prescription from the prescribing physician. This request shall be accompanied by all other required documentation including:

1. The "Psychotropic Medication Treatment Plan", CE-FSP 5291, as the physicians signed medical report as required by Section 39.407(3)(c), F.S.

2. A report generated by the Services Worker delineating.

a. The efforts made by the Services Worker to help the physician obtain express and informed consent from the child's parents AND

b. Other treatments considered or recommended for the child.

(5) All JRSSRs will include documentation of the effectiveness of all psychotropic medications and any medication changes not otherwise reported.

(6) Unless the parental rights have been terminated, the child's parents must be notified of all treatment team meetings. The child's case manager will ensure that meetings are held when the child's parents can attend and facilitate their attendance.

(7) The child's Services Worker will ensure that any other behavioral health services that are identified in behavioral health assessments have been integrated into the child's case plan and treatment plan.

(8) In cases where a Medicaid targeted Case Manager has been assigned to a child, they may assist the child's Services Worker in functions listed above.

Specific Authority 39.407(3)(g) FS. Law Implemented 39.407(3) FS. History--New \_\_\_\_\_.

65C-28.017 Exit Interviews.

(1) The Services Worker shall conduct an exit interview with every child age five and older up until the eighteenth birthday who leaves a licensed out-of-home care placement if the child has resided in that placement for thirty days or more.

(a) The interview shall be conducted within five days of the child's exit from the licensed out-of-home care placement.

(b) If the child alleges abuse, neglect or any maltreatment during the exit interview, the interviewer shall make an immediate report to the Florida Abuse Hotline.

(c) If the child reports issues relating to the quality of care that do not rise to the level of abuse, neglect, or maltreatment, the interviewer shall report these issues to the licensing unit responsible for licensing the out-of-home caregiver or group care facility.

(2) The information gathered during the interview shall be dependent on the age of the child. The interviewer's observations and any information to explain the child's responses shall be recorded on the interview form.

(a) For children ages five through eight, a response shall be requested to the following:

1. I felt happy in this foster home.
2. I was given plenty of food in this foster home.
3. I had enough clothing that fit me to wear in this foster home.
4. I was taken care of in this foster home when I was sick or had an accident.

5. When I asked, I got to call my:

- a. Counselor;
- b. Guardian ad Litem;
- c. Others.

6. I was punished fairly when I did something that I was not supposed to do. An explanation shall be requested.

7. I was satisfied with this foster home.

8. I felt safe in this foster home.

(b) For children ages nine to eighteen a response shall be requested to the following:

1. I felt comfortable in this foster home.
2. I was treated with respect by the foster parents.
3. I was given plenty of food in this foster home.
4. I had enough clothing in my size to wear in this foster home.

5. I was taken care of in this foster home when I was sick or had an accident.

6. When I asked, I was allowed to call my:

- a. Counselor;
- b. Guardian ad Litem;
- c. Others.

7. I was disciplined fairly when I did something that I was not supposed to do. An explanation shall be requested.

8. Overall, I was satisfied with the care that I got in this foster home.

9. Overall, I felt safe in this foster home.

(3) When needed as a result of safety or quality of care issue raised by the child, the department or contracted service provider shall develop a corrective action plan. The type of plan can range from providing more intense supervision, support, or training for the caregiver to a more formal corrective action plan or a recommendation for revocation of the license, if appropriate.

(4) When corrective action is necessary, written follow-up shall be due within ninety days.

(5) The completed interview form, department or contracted service provider response, if any, and follow-up tasks shall be handled as follows:

(a) The completed interview form, department or contracted service provider response, if any, and record of follow-up shall be placed in the child's case record;

(b) A copy of the completed interview form shall be provided to licensing staff and placed in the out-of-home caregiver's licensing file;

(c) A copy of the completed interview form, department or contracted service provider response, if any, and record of follow-up shall be sent to the District/Region or Zone Program Administrator or Lead Agency Executive Director; and

(d) A summary of exit interviews conducted shall be sent to the Department's Office of Family Safety as requested by that office.

Specific Authority 39.012, 39.0121(13), 409.1676(10) FS. Law Implemented 409.165(1) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Maria Leon

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2005  
DATES NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004 and February 4, 2005

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Leon, (850)488-8762, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety Program**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Protective Investigations	65C-29
RULE TITLES:	RULE NOS.:
Definitions	65C-29.001
Reports of Child Abuse, Neglect or Abandonment	65C-29.002
Child Protective Investigations	65C-29.003
Institutional Child Protective Investigations	65C-29.004
Children Denied Shelter (Lockouts)	65C-29.005
Foster Care Referrals	65C-29.006
Child-on-Child Sexual Abuse	65C-29.007
Initial Health Care Assessment and Medical Examination of Children Alleged to be Abused, Neglected or Abandoned	65C-29.008
Criminal, Juvenile and Abuse/Neglect History Checks	65C-29.009
False Reports	65C-29.010
Out-of-Town Inquiries	65C-29.011
Transfer of Child Protective Investigations Within and Between Districts	65C-29.012
Reasonable Efforts to Locate	65C-29.013
High Risk Tracking and Review	65C-29.014

65C-29.001 Definitions.

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

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012 FS. History—New\_\_\_\_\_.

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

(1) The department shall maintain an automated master file for all calls received by the Florida Abuse Hotline for screening. This file shall contain relevant information on all calls received concerning a child and be maintained in the department’s automated system of record.

(2) The telephone number from which a call to the Florida Abuse Hotline is placed (Caller ID) is displayed at the onset of each call received by the Florida Abuse Hotline. This number shall be entered into the report of abuse, neglect or abandonment and become part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to Section 39.202, F.S. This number may be used in the following circumstances:

(a) The department, designee or sheriff’s office who responds to reports of child maltreatment shall not call the number provided by Caller ID to verify that the report was made from that number or to make inquiries about the content of the report. If the telephone number provided by Caller ID is the same as provided by the reporter, telephone contact with the reporter is appropriate.

(b) If the caller is a child who is self-reporting abuse, neglect or abandonment and the child’s immediate location is not known, the department employee or agent may verify the location by using the Caller ID information.

(c) If all means to locate any child victim and attempts to contact the reporter at the telephone number provided by the reporter are unsuccessful, contacting the reporter at the telephone number provided by Caller ID is appropriate. The purpose of this is to obtain additional information that would allow the child and or family to be located and seen.

(3) The Florida Abuse Hotline shall operate twenty-four hours a day, seven days a week to receive and assess allegations of child abuse, neglect or abandonment to determine if the allegations meet statutory criteria to accept a report for investigation. Allegations may be received via the toll free telephone number, fax, in writing or through telecommunication devices for the deaf.

PURPOSE AND EFFECT: This rule outlines the procedures that the Department and contracted agencies will use in performing child protective investigations.

SUMMARY: Protective Investigations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 39.012, 39.0121 FS.

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

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

TIMES AND DATE: 11:00 a.m. – 12:00 noon and 1:00 p.m. – 2:30 p.m., January 6, 2006

PLACE: Building 4, 1317 Winewood Boulevard, Tallahassee, Florida

(a) Professionally mandated reporters are required under Chapter 39, F.S. to provide their names to the Florida Abuse Hotline when making a report of alleged child maltreatment. A report shall be accepted if it meets statutory criteria for acceptance even if the reporters wish to remain anonymous.

(b) Non-professionally mandated reporters are not required to provide their names for the acceptance of a report.

(4) The Florida Abuse Hotline shall only release information regarding reports to child protective investigation staff after verifying that they are authorized to receive the information. Verification of authority to receive the information will be granted based on the social security number of the staff receiving such information.

(a) The Florida Abuse Hotline shall conduct record checks for out-of-state agencies conducting an investigation after verification of identity. The out-of-state request information shall be documented by the Florida Abuse Hotline counselor and submitted to the Florida Abuse Hotline supervisor for handling.

(b) The Florida Abuse Hotline shall only provide information about the existence or non-existence of a report of child abuse, neglect or abandonment and the findings. The out-of-state investigator shall be referred to the investigations office for more detailed information.

(5) Criteria for Acceptance of a Report.

(a) Professional staff at the department's Florida Abuse Hotline shall determine if the allegation received meets the statutory definition of child abuse, neglect, abandonment or harm. Any allegation that meets one of these definitions shall be accepted for protective investigation pursuant to Part III of Chapter 39, F.S.

1. The child alleged as being abused, neglected or abandoned must be under the age of 18 years and must be a resident of Florida or located in Florida at the time of the allegation. Any allegation that meets the definition of abuse, neglect, abandonment or harm shall be accepted for protective investigation. When children suffer adverse consequences from physical or psychological injury or damage, harm or threat of harm is an element of abuse, neglect or abandonment. A report shall not be accepted on an unborn or stillborn child.

a. If the victim and alleged perpetrator live out-of-state but are visiting Florida together, and the harm occurred in Florida during the current visit, a report shall be accepted provided the victim and alleged perpetrator are in Florida at the time of the call.

b. If the victim and alleged perpetrator live out-of-state but are visiting Florida at the time of the call and the abuse, neglect or abandonment occurred in another state, or in the past in Florida, the Florida Abuse Hotline shall assess the information to determine if reasonable cause exists at the time of the call to suspect threatened harm. If this exists, a report shall be accepted provided the victim and alleged perpetrator are in Florida at the time of the call.

c. If the victim and alleged perpetrator live in Florida, but the victim is temporarily out of state at the time of the call and the abuse, neglect or abandonment occurred in Florida, a report shall be accepted.

2. The alleged perpetrator must be a caregiver, which is defined as a parent, legal custodian, an adult household member, or other person responsible for a child's welfare. In instances where the alleged perpetrator's exact relationship to the child cannot be ascertained, a report shall be accepted.

3. There must be reasonable cause to suspect that the alleged victim is a victim of abuse, neglect or abandonment, or at risk of harm, as defined in Section 39.01, F.S., and that the alleged perpetrator is a caregiver as defined in Section 39.01, F.S.

a. The Florida Abuse Hotline shall attempt to establish that the alleged perpetrator is a person in a caregiver relationship to the victim even if the exact identity of the alleged perpetrator is unknown.

b. A child may be named as a perpetrator only if the child is an employee of a private school, public or private child day care center, institution, facility or agency as identified in Section 39.01(47), F.S., or is the parent of the victim.

(b) In instances where the Florida Abuse Hotline accepts an abuse report, but the child protective investigator determines that the allegations or facts do not meet the criteria for a report as specified in subparagraphs (5)(a)1.-3. above, the child protective investigator shall close the report as "No Jurisdiction", after review and approval by the child protective investigator supervisor.

(c) Calls to the Florida Abuse Hotline concerning child-on-child abuse in an institution or in the home do not meet the definition of abuse. The call may be accepted as a report of neglect if it is alleged that staff, parent, guardian, adult household member or any other person responsible for a child's welfare failed to supervise the children properly.

(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department when they meet the criteria established in Section 39.01(7), F.S.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the Florida Abuse Hotline shall accept a report; electronically transfer the call to the appropriate law enforcement agency office and forward a written facsimile report of the allegation to the appropriate sheriff's office within twenty-four hours after the initial report is made to the Florida Abuse Hotline. These reports shall be kept separate from reports of abuse, neglect or abandonment by a caregiver.

3. When the alleged juvenile sexual offender is thirteen years of age or older, the Florida Abuse Hotline shall document the information, electronically transfer the call to the appropriate sheriff's office, and forward a written facsimile

report of the allegation to the appropriate sheriff's office within twenty-four hours after the initial report to the Florida Abuse Hotline.

(e) Reports involving abandoned newborn infants shall be accepted by the Florida Abuse hotline for investigation if the reporter alleges abuse, neglect or abandonment. If the report is of an abandoned newborn infant as described in Section 383.50, F.S. and does not include allegations of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the Florida Abuse Hotline shall not accept a report.

1. If the call meets the criteria for an abandoned newborn infant under Section 383.50, F.S., the Florida Abuse Hotline shall provide the caller with the name of a licensed child-placing agency from a list of licensed child-placing agencies eligible and required to accept physical custody and to place an abandoned newborn infant under Section 383.50, F.S.

(f) There shall be a means of locating and identifying the alleged victim.

1. Unacceptable means to locate shall include the following:

a. A Post Office box;

b. A cell phone or pay phone; and

c. Third party information where the caller identifies a means to locate others who know of the child's location.

2. If the reporter is a child who is self-reporting and no other means to locate the child is provided, the Hotline shall accept the report and document that the Caller ID is the only means to locate.

(6) When a report is being accepted, the Florida Abuse Hotline counselor shall ask all reporters to provide the following information:

(a) Information regarding subjects of the report including name, race, sex, date of birth, social security number, ethnicity, school, employment, address, phone number and/or other acceptable means to locate the victim if the address is not known;

(b) The relationship between the victim and the alleged perpetrator;

(c) Names and contact information for any person who can provide assistance to the child or additional information about the family's circumstances;

(d) The type of maltreatment alleged and the nature and extent of harm suffered by the victim, including when the incident occurred or whether it is a chronic, ongoing situation;

(e) Any known history of abuse, neglect or abandonment of persons named in the report;

(f) The risk of continued maltreatment and whether the alleged perpetrator continues to have access to the victim;

(g) Current condition of the child;

(h) Other children in the environment; and

(i) The name and occupation of the reporter, relationship between the child and the reporter, contact information for the reporter, and any other information the reporter believes will be of assistance.

(7) The Florida Abuse Hotline shall process and document all allegations received.

(a) The Florida Abuse Hotline counselor shall inform the caller whether the information provided meets the statutory requirements for a report.

1. The Florida Abuse Hotline counselor shall search for prior reports to determine if the current allegations have been reported in the past.

2. The Florida Abuse Hotline professional staff shall determine if the caller is reporting the exact same incident as that contained in a prior closed report. If the current allegations do not offer new information, additional subjects, new evidence, or additional allegations or incidents, the professional staff shall consult with a supervisor or call floor manager to determine whether a new report shall not be generated.

(b) The Florida Abuse Hotline shall search the statewide automated child welfare information system to determine if the victim, alleged perpetrator, or other subjects of the report have any history of abuse, neglect or abandonment or service provision. At the time of notification of the report to district staff.

1. The Florida Abuse Hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports at the time of notification of the report to child protective investigation staff.

(c) The Florida Abuse Hotline counselor shall identify all allegations of maltreatment and document supportive information in the report and shall also identify each allegation of maltreatment with a code in the statewide automated child welfare information system.

(d) The Florida Abuse Hotline counselor shall determine the initial response priority for commencement of each report as either immediate or within twenty-four hours. If it appears that the immediate safety or well-being of a child is endangered; that the family may flee; that the child will be unavailable for purposes of conducting a child protective investigation; or that the facts otherwise so warrant, the initial response priority shall be immediate. The child protective investigations supervisor has the authority to change the initial response priority if information shows a greater or lesser risk to the child than previously known.

(e) Information accepted as a report, including Special Condition Reports, shall be entered into the statewide automated child welfare information system as an initial abuse.

neglect or abandonment report, additional investigation report, or supplemental report and a number shall be assigned to that report.

1. Additional Reports: Additional reports are those which contain new information about one or more subjects of an existing report.

a. An additional report includes any of the following:

i. A new alleged perpetrator in the same household;

ii. A new victim;

iii. A new subject in the same household;

iv. A new maltreatment;

v. A new incident of the same maltreatment; or

vi. New information that requires an immediate response.

b. If any of the following apply, a new report shall be entered:

i. The existing report is closed or more than 30 days old;

ii. The existing report has a disposition date; or

iii. The new information involves a different household from the existing report, or

iv. A child victim died due to alleged abuse, neglect or abandonment during investigation of an open report and the initial report is not on abuse, neglect, or abandonment causing the death.

2. Supplemental Reports: Supplemental reports are enhancements to a report that has already been received or is under investigation. No new allegations or subjects are reported. Such a report gives additional details.

a. The new information received must involve the same alleged perpetrator, same victim, same maltreatment(s), and same incident.

b. A supplemental report may be added even if there is a disposition date or findings for the existing report provided the initial report is not more than 60 days old.

3. The following shall not be treated as Additional or Supplemental Reports:

a. One report is institutional and the other is in a family setting;

b. One report has a child victim of abuse, neglect or abandonment and the other report has an adult victim;

c. One report is a Special Conditions Report and the other is a report of abuse, neglect or abandonment;

i. Additional allegations of abuse, neglect or abandonment discovered by the investigator during the course of an investigation do not need to be called to the Florida Abuse Hotline as an additional report.

ii. These allegations shall be added by the investigator and noted in the abuse report. This includes the discovery of maltreatment after the commencement of a special condition referral excluding child-on-child sexual abuse reports. If maltreatment is discovered by the child protective investigator

assessing a Child-on-Child Sexual Abuse report, these allegations shall be provided to the Florida Abuse Hotline to generate a new report.

d. Child-on-Child Sexual Abuse reports may only be sequenced as supplemental with the same or similar allegations; or

(e) A child death allegedly due to abuse, neglect or abandonment occurring during an active investigation requires child protection staff to call the Florida Abuse Hotline immediately and shall not add a new maltreatment type to the existing report.

1. A child death report shall not be merged with any other reports alleging abuse, neglect or abandonment that did not cause the death.

(f) The abuse, neglect or abandonment report shall be assigned to the appropriate county for investigation based on the following:

1. If there is no open report, the new report shall be assigned to the county where the child is located at the time of the call.

2. If there is an open report, any additional reports shall be assigned to the same county as the open report, regardless of the current location of the child.

a. If the child is in a different county than the county assigned the open report and the additional report has an immediate response priority, the Florida Abuse Hotline shall notify the on-call investigator in the county in which the child is located.

b. If the child is in a different county than the county assigned for the open report and the additional report has a twenty-four hour response priority, the report shall be assigned to the county assigned to the initial report. The county assigned to the initial report shall be responsible for requesting an OTI from the county where the child is located.

3. If the Florida Abuse Hotline makes an error in report assignment, it shall reassign the report to the correct county based upon the above criteria.

a. If the assigned county determines that the report should have been assigned to another county, and the reason is not due to Florida Abuse Hotline error, the assigned county is responsible for transferring the report to the appropriate county.

(g) When a report involving the medical neglect of an infant or child with a life-threatening condition is received, the Florida Abuse Hotline shall attempt to obtain the following information:

1. Name and address of the hospital in which the infant or child is located;

2. Names and addresses of the child and parents and the child's date of birth;

3. Whether the child is in immediate danger;

4. Specific information as to the nature and extent of the child's condition and suspected medical neglect; and

5. Name, address, and telephone number of the person making the report; the source of that person's information (first hand or otherwise), and the relationship of that person to the child.

(h) The following do not constitute reports of abuse, neglect or abandonment but callers shall be given appropriate community referral information if available:

1. Allegations of harm perpetrated by a person not responsible for the child's welfare. If these are received by the Florida Abuse Hotline, the caller shall be electronically transferred to the appropriate sheriff's office if the incident occurred in Florida. If the incident occurred outside of Florida, the caller shall be referred to the abuse reporting agency for that state;

2. Complaints of withholding or misuse of child support which do not allege child abuse, neglect or abandonment;

3. Disputes concerning custody of a child in which there is no reasonable cause to suspect abuse, neglect or abandonment;

4. Complaints concerning infants or children in automobiles who are not in legally required child restraint devices;

5. Requests for service that may require action, such as:

a. Transportation needs;

b. Need for food or food stamps;

c. Need for housing;

d. Day care needs;

e. Need for employment or public assistance;

f. Need for job training or education;

g. Need for help with utilities or rent;

h. Need for homemaker or housekeeper services; or

i. Adult family members in need of services.

6. Complaints concerning children running away from parents or legal custodians; persistently disobeying reasonable and lawful demands of parents or legal custodians; and being out of control. These include situations in which the parent, legal custodian or caretaker has locked an older child out of the home due to these behaviors or is refusing to pick up a child who has been placed in a facility for those behaviors;

7. Complaints concerning licensing violations, such as overcrowding, poor sanitation, inadequate staffing ratios, and lack of a fire sprinkler system;

8. Requests from a hospital to have a home "checked" before a child is released;

9. Requests from a hospital to the department to grant permission to treat a child due to the hospital's inability to contact the child's parent, custodian or legal guardian;

10. Complaints concerning head lice when no harm has occurred;

11. Complaints that a child is not attending school. These complaints shall be directed to the local school board;

12. Allegations of harm or threatened harm to a child who is residing or located in another state at the time of the report, unless the child is a resident of Florida and the child is expected to return to Florida. If the incident occurred in Florida, the call shall be electronically transferred by the Florida Abuse Hotline to the appropriate county sheriff's office in Florida where the alleged incident occurred;

13. If the allegation concerns known or suspected child abuse, abandonment, or neglect which occurred out-of-state and the alleged perpetrator and the alleged child victim live out-of-state, the Florida Abuse Hotline shall not accept the call for investigation, but shall refer the caller to the appropriate abuse reporting agency in the state where the child resides;

14. Requests from child protective investigators for Out-of-Town Inquiries or Child Protective Investigation Transfers;

15. Calls from service workers regarding the placement disruption of a child in out of home care, whether the child is in a licensed, relative or non-relative placement. However, if the placement disruption is as a result of an incident of child abuse, neglect or abandonment by the placement caregiver, a report of child maltreatment shall be accepted by the Florida Abuse Hotline;

16. Calls from service workers regarding a family's failure to comply with the conditions of the voluntary or court ordered case plan, unless such failure has resulted in a new incident of abuse or neglect. This includes calls involving post-placement supervision case management issues;

17.a. 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 a child not being fed the food he or she likes and use of corporal punishment not resulting in marks, bruises or injury.

b. The Foster Care Referral information shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located.

18. Calls concerning a married minor;

19. Calls concerning emancipated minors.

(8) Upon receipt of a call concerning a child death, the Florida Abuse Hotline staff shall:

(a) Determine whether the allegation meets statutory requirements for accepting a report due to abuse, neglect or abandonment;

(b) Not merge death reports with any report alleging abuse, neglect or abandonment that did not cause the death;

1. If there is an open report with allegations of abuse, neglect or abandonment and the new information is that the child died due to the previously reported abuse, neglect or abandonment, the Florida Abuse Hotline shall enter an additional report.

2. If there is an open report and the new allegation of the death by abuse, neglect or abandonment is unrelated to any of the allegations in the open report, the Florida Abuse Hotline shall enter a new initial report.

3. If there is an open report about the death and the caller provides allegations unrelated to the death, the Florida Abuse Hotline shall enter a new initial report.

4. If there is an open report about the death and the caller provides no new allegations regarding the death or any other abuse, neglect or abandonment, the Florida Abuse Hotline shall enter a supplemental report.

5. If the reporter indicates that the child death has been previously reported and investigated and a prior is found on the previously reported death and investigation, a report shall not be accepted.

(c) Enter the maltreatment type of Abuse or Neglect, as well as any other maltreatment type or description (e.g., Abandonment) that indicates how the child is suspected to have died as a result of abuse, neglect or abandonment.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201 FS. History—New \_\_\_\_\_.

#### 65C-29.003 Child Protective Investigations.

(1) Upon receiving a report of child abuse, neglect or abandonment, the Florida Abuse Hotline shall determine if the report requires a child protective investigation. If the report is accepted, the child protective investigator shall comply with the response priority as determined by the Florida Abuse Hotline to either respond immediately or no later than twenty-four hours from the time the report was accepted at the Florida Abuse Hotline.

(a) The child protective investigator supervisor may downgrade an immediate response only if circumstances so warrant and which shall be documented in the Statewide Automated Child Welfare Information System (SACWIS).

(b) Commencement of the investigation is the first attempt to complete an onsite visit for the purpose of making a face-to-face contact with the child victim of the report within twenty-four hours of acceptance of the report by the Florida Abuse Hotline, as defined in subsections 65C-30.001(27) and (82), F.A.C.

1. In instances in which a report is received on a child that is a resident of Florida and the alleged maltreatment occurred in Florida, but the child is temporarily out of state, the investigation can be commenced by contacting the child welfare agency responsible for child abuse or neglect investigations in the state where the child is temporarily located. The purpose of the contact is to request a timely face-to-face interview with the child in order to ascertain his or her safety, and to determine when the child is expected to return to Florida.

2. When the family cannot be located at the time of the initial onsite visit, the child protective investigator shall follow the requirements of Rule 65C-29.012, F.A.C.

(2) If the report received involves the death of a child as a result of abuse, neglect or abandonment, the child protective investigator shall follow the requirements contained in Rule 65C-30.021, F.A.C.

(3) Investigative Requirements. For every report received, the following actions shall be completed.

(a) A review of all prior reports and services records available for all subjects of the report prior to the commencement of the investigation.

1. If the review of the prior reports indicates the existence of a prior that contains allegations of the same incident contained in the new initial report, and the new report does not offer new information, additional subjects, new evidence, or additional allegations or incidents, the child protective investigator shall submit the new report for supervisory review and approval to close the report as a duplicate of the prior report.

2. If the supervisor approves closure of the new report as a duplicate of the prior report, the child protective investigator or their supervisor shall document the decision to close the report as a duplicate, the number of the prior report, and the rationale that led to the determination of the duplicate report designation.

3. If the investigator learns that any child subject of the report is in an adoptive placement or finalized adoption, the child protective investigator shall consult with the adoption placement or post-adoption services worker for purposes of assessment of child safety and identification of service needs for child and family.

(b) On-site visits and face-to-face interviews with the child, other siblings, other children in the home and family shall be unannounced unless it is determined by the department, designee, the sheriff's office or contract service provider that an unannounced visit would threaten the safety of the child;

(c) The children shall be observed in every reported case of abuse, neglect or abandonment. The child protective investigator shall be sensitive to issues arising from a child's age and developmental stage, ethnicity and gender. A description of the physical, developmental and behavioral observations of the child shall be documented in the child's case file.

(d) If the child is temporarily out of state at the time that the report is received, and the child protective investigator has contacted the child welfare agency responsible for child abuse or neglect investigations in the state where the child is temporarily located for the purpose of requesting a timely face-to-face interview with the child, the child protective



investigator shall enter the time and date that the child was seen by the out of state agency in the automated child welfare information system.

1. The results of the child's interview by the out of state agency shall be documented in the statewide automated state child welfare information system.

(e) If the parent, adult household member or other person responsible for the child does not allow access to the child, the child protective investigator shall seek assistance from law enforcement and if necessary seek an order of the court through the Child Welfare Legal Services attorney;

(f) The composition of the family or household shall be determined, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household. If a household member cannot be located, the name and demographic information of the household member shall not be deleted from the abuse report or case file;

(g) A description of the physical condition of the child's household shall be documented in the statewide automated child welfare information system.

1. If in the process of assessing the physical condition of the household, it is determined that there is a need to remove physical evidence from the home, other than a child taken into protective custody, the investigator shall request local law enforcement to initiate a criminal investigation.

(h) The child protective investigator shall, in every investigation, interview the parents and adult household members. Any person alleged to have abused, neglected or abandoned the child shall be interviewed. The alleged perpetrator shall be informed of the allegations in the report, and of the department's authority for investigating the report. The child protective investigator shall not identify the reporter, or provide information that may identify the reporter;

(i) Upon commencement of the investigation, the child protective investigator shall inform all subjects of the report as well as the parent, guardian, legal custodian or other person responsible for the child's welfare, including an adult household member of the information specified in Section 39.301(5), F.S. including the following:

1. That a report has been received by the Florida Abuse Hotline alleging child abuse, neglect or abandonment;

2. The names of the investigators and identifying credentials;

3. The purpose of the investigation;

4. The right to review the department's records 60 days after the commencement of the investigation, with the exception of reporter information, and anytime thereafter prior to the destruction of the record;

5. The right to have an attorney present during any interviews; however, the department, its designee or sheriff's office may proceed with other inquiries to determine the safety of the child and the veracity of the report;

6. General information about outcomes and services related to the department's, its designee or sheriff's office response and investigation that would assist the family to better understand what they may expect from the investigation;

7. The commitment of the department or sheriff's office to the safety of the child and the involvement of the family to the fullest extent possible in decisions regarding service planning and provision; and

8. The right of the parent or legal custodian to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

(j) Records checks, to include criminal histories with local law enforcement and the Florida Crime Information Center, on all subjects and household members of the report shall be assessed by the investigator and the supervisor for the impact that the history may have on immediate and long term child safety. See Rule 65C-29.009, F.A.C., for additional details.

1. Criminal background checks must be requested within seventy-two hours upon identifying household members or additional subjects of the report.

2. The investigator shall make inquiries of child welfare systems in other states within seventy-two hours of (Florida and other states, as appropriate) within seventy-two hours of suspicion a household member or additional subject of the report might have a history of referral or involvement.

(k) If the department or sheriff's office or contracted service provider determines that a child requires immediate or long-term protection through medical or other health care; or homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program or the Intensive Crisis Counseling Program, such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents or legal custodians to exercise judgment. Such factors may include the caregivers' young age or history of substance abuse or domestic violence;

(l) If the department or sheriff's office determines the need to engage ongoing services, whether these services are voluntary or court ordered, an Early Service Intervention (ESI) staffing shall be requested by the child protective investigator and their supervisor, pursuant to the requirements of Rule 65C-30.002, F.A.C.

(m) The parents or legal custodians shall be informed of the right to refuse services, as well as the responsibility of the department or sheriff's office to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department or sheriff's office deems that the child's

need for protection so requires, the department or sheriff's office shall take the child into protective custody or petition the court alleging the child to be dependent:

(n) Contact the reporter to validate allegations as received from the Florida Abuse Hotline. This includes clarification and further detailed information regarding the report allegation narrative information and the names, relationships and means to locate other persons that may have further information on the child and family;

(o) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected;

(p) The nature and extent of present or prior injuries, abuse, or neglect;

(q) Any evidence thereof; and

(r) A determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

(5) For every child abuse, neglect or abandonment report, the child protective investigator shall assess the safety of each child in the family using the statewide, automated tool in the statewide automated child welfare information system.

(6) Based on the information obtained from available sources, the child protective investigator shall submit the automated assessment tool within forty-eight hours from the time the first child victim is seen and, if needed, develop a safety plan.

(a) The purpose of conducting the assessment within forty-eight hours from the time the first child victim is seen is to determine whether a safety plan is necessary. A safety plan shall identify the immediate and long-term action that will keep the child safe from harm when a threatening situation is present in the child's home, as specified in Section 39.301(14), F.S.. This includes, but is not limited to, the safety actions to be taken by the child, parent(s), legal guardian, the department, local sheriff's office, services worker or other identified party.

1. The safety plan may include taking the child into custody or providing the family with assistance and oversight by a service provider to make necessary changes to ensure the safety of the child.

a. If the child is taken into custody and placed in out-of-home care, and the identity or location of a parent or prospective parent is unknown, a diligent search shall be initiated by the child protective investigator making the placement, pursuant to the requirements outlined in Rule 65C-30.003, F.A.C.

b. If the child is taken into custody and placed in out-of-home care, the child protective investigator shall comply with the identification of children requirements outlined in Rule 65C-30.004, F.A.C., unless otherwise negotiated at the ESI staffing.

c. If the child is taken into custody and placed in out-of-home care, the child protective investigator shall comply with the placement responsibilities outlined in Rule 65C-30.011, F.A.C., and as negotiated at the ESI staffing.

d. If the child is taken into custody, the child protective investigator shall complete the Emergency Intake Form (attached), in order to identify any current medical information/needs of the child that are known by the parent, guardian or legal custodian.

e. The child protective investigator shall determine if, with the provision of appropriate and available early intervention or prevention, including services provided in the home, the child could safely remain at home. If at any time it is determined the child's safety and well-being are in danger, the child shall be removed from the home location and placed where he or she is no longer considered to be in danger. The department, sheriff's office and contracted services provider, shall comply with the requirements for tiered services protocol, as outlined in Rule 65C-30.009, F.A.C., in order to make this determination.

f. In order to consider the provision of voluntary protective supervision to a child and their family, the child protective investigator shall comply with the requirements for voluntary protective services, as outlined in Rule 65C-30.010, F.A.C.

2. The injunction process under Section 39.504, F.S. or Section 741.30, F.S., may be used as a safety action to remove a perpetrator of domestic violence from the home when the presence of the perpetrator of domestic violence in the home poses an immediate safety threat to the child.

(b) Supervisors must review all child protective assessments and assure that safety plans are in place when needed, and that the plan appropriately addresses the identified safety threats. This review shall be completed within seventy-two hours from the time the automated assessment tool is submitted to the supervisor for review.

1. The supervisor shall provide feedback to the child protective investigator within twenty-four hours after completion of the supervisory review.

2. If the supervisor determines that the report meets the criteria for a second party review, the supervisor shall refer the automated investigative file for second party review within twenty-four hours of such determination.

(c) A second party review is required if:

1. The caregiver is responsible for the death or serious injury of another child and/or any two of the following conditions exist:

a. Child victim is age four or younger or nonverbal;

b. There are prior reports involving any of the subjects of the current report, regardless of finding;

2. There is a current report of actual serious or severe injury, neglect, or threatened harm.

(d) The second party reviewer has seventy-two hours from receipt of the automated assessment tool to complete the second party review.

1. The second party reviewer shall provide feedback to the child protective investigator supervisor within twenty-four hours after completion of the second party review.

(e) The statewide automated child welfare information system shall be updated after initial assessment and automated investigative file re-submitted for supervisory review and second party review under the following circumstances:

1. After initial contact with the child or any other subject of the report, when the initial contact occurs after the initial submission of the Child Safety Assessment.

2. At any stage of the investigation when a determination is being made whether or not to remove the child from the home;

3. As often as necessary to ensure the child's safety;

4. As new information is received which may have an impact on child safety;

5. When the circumstances change within the child's environment at times other than required under this section;

6. Prior to the development of a recommendation to the court for disposition in cases being considered for judicial action; and

7. Prior to closure of the investigation in the statewide automated child welfare information system.

(7) Safety plans, as documented in the statewide automated child welfare information system, shall be reassessed, updated and resubmitted to the child protective investigator supervisor for review and approval immediately upon learning during the course of an investigation that:

(a) The immediate safety or well being of a child is endangered;

(b) The family is likely to flee;

(c) A child died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in Section 827.03, F.S.; or

(e) A child is a victim of sexual battery or of sexual abuse.

(8) The allegation matrix, as referenced in Rule 65C-3.001, F.A.C., shall be used by the child protective investigator during the investigation. The allegation matrix serves the following purposes:

(a) Defines each specific type of abuse, neglect or abandonment;

(b) Guides child protective investigators in determining whether abuse, neglect or abandonment has occurred;

(c) Helps to ensure that all factors are considered when assessing specific types of maltreatment;

(d) Assists with assessing the nature and severity of a reported injury or harm;

(e) Assists with assessing if a substantial likelihood of immediate injury or harm exists;

(f) Assists with assessing the probability of further harm; and

(g) Assists in the determination that the necessary evidence exists to support the findings of the report.

(9) The child protective investigator supervisor shall ensure that relevant collateral contacts are made and that the protective investigator documents the contacts in the automated investigative file.

(10) The investigation shall be completed within 60 days.

(11) The child protective investigator and their supervisor may elect to conduct an onsite investigation rather than an enhanced investigation if the following criteria are met:

(a) For the current report, there is obvious compelling evidence that no maltreatment occurred;

(b) There are no prior reports containing some indicators or verified findings of abuse, neglect or abandonment with respect to any subject of the report or other individuals in the home. Any prior reports in which an adult in the home was a victim of abuse, neglect or abandonment before becoming an adult does not exclude a report otherwise meeting the criteria of the law;

(c) The current report concerns an incident of abuse that is alleged to have occurred two or more years prior to the date of the report, and there are no other indicators of risk to any child in the home at this time; and

(d) For the current report, there is no allegation involving:

1. Serious physical abuse;

2. Sexual abuse;

3. Domestic violence;

4. Substance abuse;

5. Substance exposure;

6. Medical neglect;

7. A child younger than 3 years of age; or

8. A child who is disabled or lacks communication skills;

(12) The determination that a report does not require an enhanced onsite child protective investigation shall be approved in writing and documented in the automated investigative file by the supervisor and shall include documentation specifying why additional investigative activities are not necessary.

(13) A report that meets the criteria for an on-site investigation is not precluded from further investigative activities. At any time it is determined that additional investigative activities are necessary for the safety of the child, such activities shall be conducted.

(14) The training provided to staff members who conduct child protective investigations shall include instruction on the use of the injunction process under Section 39.504, F.S. or Section 741.30, F.S., which may be used to remove a perpetrator of domestic violence from the home.

(15) When a protective investigation determines that a custodial or a non-custodial parent has abused, neglected or abandoned his or her child, the department or sheriff's office shall take whatever actions are necessary to ensure the child's immediate and long-term safety.

(a) In instances where the non-custodial parent is found to be responsible for the abuse, neglect or abandonment, staff shall evaluate the custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse, neglect or abandonment. If it is determined that the custodial parent is not willing or does not have the capacity to protect the child, the child protective investigator shall take the necessary actions to ensure the immediate and long term safety of the child.

(b) In instances where the custodial parent is found to be responsible for the abuse, neglect or abandonment, staff shall evaluate the non-custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse, neglect or abandonment.

1. The determination of the non-custodial parent's ability to ensure the safety of the child shall, at a minimum, include an assessment of the non-custodial parent's home, ability to protect the child from the custodial parent, prior abuse and neglect history and related services, local law enforcement call history and FCIC criminal history and its implications on child safety.

2. If the safety of the child cannot be assured while in the care of the custodial parent and it is determined that the non-custodial parent can ensure the safety of the child, the child shall be released to the non-custodial parent. An emergency hearing to request a change of primary residence shall be held within twenty-four hours of release of the child to the non-custodial parent.

(c) If it is determined that the non-custodial parent requires court ordered assistance to assure the child's safety, the department, its designees or the sheriff's office shall take the following actions:

1. Gather and review all available documentation concerning previous court orders, visitation arrangements, domestic violence orders, stipulations and all other official documents in order to gain insight into the current circumstances. These documents shall be reviewed with the Child Welfare Legal Service attorney and a plan of action shall be developed;

2. Through the Child Welfare Legal Services attorney (CWLS) or State Attorney or Attorney General providing the CWLS function, petition the dependency court to take immediate action to supersede existing orders, require supervised visitation, and take other appropriate action;

3. Provide additional voluntary services to the non-custodial parent as appropriate to ensure mitigation of risks and immediate and long-term child safety and permanency. This includes services to the custodial parent, when the child has been released to the non-custodial parent, if appropriate.

4. It is the department's or sheriff's office responsibility to ensure child safety without regard to the parents' marital status or the existence of prior, or contemporaneous, dissolution of marriage actions.

(16) The child protective investigator shall determine in all investigations whether a child is an American Indian child or Alaskan Native child. When it is determined that the child is an American Indian child or Alaskan Native child, the child protective investigator shall comply with the provisions of the Indian Child Welfare Act codified at 25 U. S. C. s. 1901 et seq.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.301, 39.202, 39.303, 39.30 FS. History--New \_\_\_\_\_.

#### 65C-29.004 Institutional Child Protective Investigations.

(1) The department or the sheriff's office shall conduct a child protective investigation of each report of institutional child abuse, neglect or abandonment, as defined in Sections 39.01(31) and (47), F.S.

(2)(a) If the institutional report involves a DJJ facility or institution, the child protective investigator shall comply with the investigations of abuse or neglect in DJJ program requirements pursuant to the Inter-Agency Agreement Between the Florida Department of Juvenile Justice and Florida Department of Children and Families, dated August 9, 2005.

(b) The department and sheriff's offices shall develop local protocols for the implementation of the Inter-Agency Agreement.

(3) Upon receipt of such report, the child protective investigator shall commence the investigation within the timeframes established by the Florida Abuse Hotline pursuant to Section 39.201(5), F.S. If the report has been assigned an immediate initial response by the Florida Abuse Hotline it may be downgraded to a 24-hour response, if approved by the immediate supervisor. Approval shall be based on a determination that the child is not currently being harmed or at risk of harm. The rationale for the change shall be approved by the supervisor and documented in the statewide automated child welfare information system.

(4) Upon receipt of such report, the child protective investigator shall provide the following notifications:

(a) Immediate oral notification to the appropriate law enforcement agency;

(b) Immediate oral notification to the appropriate state attorney's office and provide a written report within 3 days of commencement, or as specified by county protocol;

(c) Immediate oral notification to the agency responsible for the licensing, contract management and/or regulatory oversight of the institution which shall not exceed one working day after receipt of the report;

(d) If the institution is exempt from licensing under Section 409.176, F.S., the Florida Association of Christian Child Caring Agencies (FACCCA) shall be notified;

(e) If the institution is a Department of Juvenile Justice contracted facility or a Department of Juvenile Justice operated facility, immediate notification to the Department of Juvenile Justice Office shall be made, in accordance with local protocols implementing the Department of Juvenile Justice and Department of Children and Families Inter-Agency Agreement;

(f) If the institution is a residential child caring facility, as defined in Section 409.175 and Section 409.176, F.S., the facility's superintendent or their designee shall be notified upon initial contact at the institution;

(g) If the institution is a child caring facility, as defined in Section 402.302, F.S., notify the agency responsible for licensing and/or regulatory oversight. Upon initial contact at the facility, the child protective investigator shall verify the name of the licensing or regulatory agency and obtain a contact number for such agency;

(h) Notify the appropriate Florida Local Advocacy Committee within 48 hours of report commencement. If unsure which Local Advocacy Committee shall be notified, contact the appropriate district or zone client relations coordinator to obtain such information;

(i) If the facility is exempt from licensing, as specified under Section 409.176 and Section 402.316, F.S., notify the owner or operator of the facility;

(j) Notify the child's parent, non-custodial parent when known, or legal guardian of the receipt of the report and ongoing investigation;

(k) Notify the child's Guardian Ad Litem of the receipt of the report and ongoing investigation; and

(l) If the child victim is in an out-of-home placement, the investigator shall assist the child's services worker regarding notification and investigative findings by ensuring timely communication of the report and findings with the services worker and addressing any questions or concerns expressed by the child's parents.

(5) For each institutional report it receives, the department or sheriff's office shall:

(a) Conduct an on-site face-to-face contact with the alleged victim. For the purpose of an institutional investigation, an on-site visit refers to contact with the child victim at the institution where the alleged abuse, neglect or abandonment occurred. If the child is no longer located at the institution or facility, the on-site visit will occur where the

child is located at the time the report is received. The onsite visit shall be unannounced unless it is determined that an unannounced visit would threaten the safety of the child.

1.a. For institutional reports where the alleged child victim is no longer located at the institution or facility, the child protective investigation shall be transferred to the county where the institution or facility is located immediately upon completion of the face-to-face contact with the alleged victim and their family.

b. The child protective investigator shall complete all the required documentation in the automated investigative file regarding the commencement of the investigation, contact with the child and family, assessment of the child institutional safety factors and the child and family services needs prior to the transfer of the child protective investigation to the county where the institution or facility resides.

2. For institutional reports where there are multiple alleged victims, the investigator, upon completing an assessment, shall add to the automated investigative file only the names and related demographic information of those additional child victims for whom there has been a determination of some indication or verified findings.

3. If the allegations involve an employee of a private school, public or private child care center, a face-to-face visit with the child and his or her parent or legal custodian shall take place at the child's residence. The child protective investigator shall ensure that the parent or legal custodian shall not return the child to a potentially dangerous situation.

4. If the parent or institution denies the child protective investigator access to the alleged victim, the investigator shall immediately contact a Child Welfare Legal Services attorney in order to seek court authorization to gain access to the alleged victim.

5. It shall be determined if any other children are potentially at risk due to the alleged abuse, neglect or abandonment.

a. If the investigator has determined that there are other children in the institution that are potentially at risk due to the allegations in the report, the name, date of birth, social security number, sex and race of those children shall be added to the automated investigative file. All other related information shall be documented in the automated investigative file.

b. If the results of the investigation, including the nature of the abuse, neglect or abandonment and associated findings, indicate a threat of harm to other children in the institutional employee's own household, the child protective investigator shall immediately contact the Florida Abuse Hotline for the purpose of reporting the information to the Florida Abuse Hotline for screening.

6. Determine the nature and extent of the alleged maltreatment. If as a result of the allegations the child has been examined by either the institution's medical staff or any other medical professional, the investigator shall consult with such

medical staff and obtain a copy of the medical records generated as a result of such examination. In accordance with Section 39.303, F.S., the child shall be referred for consultation or evaluation to the Child Protection Team if the child meets the criteria for such referral.

7. Determine the identity of the person responsible for the maltreatment, including the name, address, social security number, sex and race. In instances where the alleged institutional caregiver responsible for the abuse, neglect or abandonment is not identified at the time that the Florida Abuse Hotline accepts the report, the investigator, upon completing a determination of findings, shall record the name of the institutional employee determined to be responsible for the abuse, neglect or abandonment.

a. Identify individual culpability.

b. Identify institutional culpability (disciplinary/control/other practices that present risk or harm to the children).

8. Advise the alleged responsible caregiver of his or her right to be represented by an attorney or be accompanied by another person at his or her own expense.

9. The person or attorney shall execute an affidavit of understanding, agreeing to comply with the confidentiality requirements of Section 39.202, F.S.

10. The absence of an attorney or other person shall not prevent the department or sheriff's office from proceeding with the investigation.

11. Determine the immediate and long-term risk to the child subject of the report, including other children in the institution or facility who are potentially at risk of harm or threatened harm.

12. Complete the initial section of the automated assessment tool within forty-eight hours of initial contact with the victim.

13. Complete a prior abuse, neglect or abandonment history check, including foster care referrals, on the alleged victim, the alleged caregiver responsible, and the facility or institution.

14. Address the facility's/institution's history of compliance with recommendations or agreed upon safety plans as a result of prior reports and/or foster care referrals.

15.a. Address implications of prior history based on total number of reports and/or foster care referrals received; the span of time between reports and/or foster care referrals; the number of report and/or foster care referrals sources; patterns illustrated across reports and/or foster care referrals; common victims and target children.

b. If the report involves a licensed foster home, group home or emergency shelter, the child protective investigator shall review the licensing file for the documentation of the licensing staff's response, assessment and disposition of foster care referrals that may have been received on the institution.

16. Complete a criminal records check on the alleged victim and the alleged caregiver responsible.

17. Complete all relevant collateral contacts with persons who may have information regarding the issues being addressed in the investigation.

18. Determine the immediate safety actions necessary to protect the child from further abuse, neglect or abandonment.

(b) Immediate safety actions shall be taken if any of the following conditions are present:

1. A caregiver has harmed a child or made credible threats to harm a child and continues to have access to the child;

2. A child has been targeted by another child or children in the facility for physical or sexual assault and an employee or provider with knowledge of this has failed to take reasonable measures to ensure the child's safety;

3. A child has a serious medical condition requiring treatment and has been denied access to treatment; or

4. Regular safety measures of the facility are insufficient to ensure that a child is not harmed.

(c) Identify the specific safety actions to be taken, when and by whom. These may include one or more of the following actions:

1. Recommend limiting facility operations to the certification, contractual or regulatory agency;

2. Recommend periodic, unannounced visits on-site by one or more of the certification, contractual or regulatory authorities to monitor progress and compliance;

3. Recommend a change in facility administration to the certification, contractual or regulatory agency;

4. Recommend daily monitoring onsite by one or more of the certification, contractual or regulatory agencies;

5. Removal of a child or all children from a facility; and

6. Recommend closure of the facility by one or more of the certification, contractual or regulatory agencies.

7. Restrict the institutional employee's access to the child or other clients, as warranted, in accordance with Section 39.302(2)(a), F.S.

(d) Discuss the safety plan with the employee, provider/operator and licensing or regulatory oversight agency in order to ensure cooperation and coordination.

(e) Document the agreed upon plan in the Child Safety Assessment (Initial).

(f) Provide a copy of the safety plan to all appropriate parties.

(g) Determine the corrective actions necessary to remove the conditions that led to the abuse, neglect or abandonment.

(h) Determine the family's need for services in order to deal with the maltreatment.

1. Discuss report findings with the child's parent or legal custodian and the child's guardian ad litem, if appointed.

2. Advise the child's parent or legal custodian and the child's guardian ad litem, if appointed of the community resources available to help the child and family cope with the maltreatment.

3. Discuss the report findings and the child's parent or legal custodian need for services with the child's services worker and guardian ad litem if the child is under the supervision of the department, a community-based care provider or the Department of Juvenile Justice.

4.a. Request a specialized investigation of the provider/facility. The type of specialized investigation and the composition of the specialized investigation team shall be determined based on the case-specific needs.

b. Provide written recommendations for a corrective action plan to the licensing or regulatory unit responsible for oversight of the institution.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.302 FS. History--New \_\_\_\_\_.

#### 65C-29.005 Children Denied Shelter (Lockouts).

(1) The child protective investigator shall comply with the Children Denied Shelter (Lockouts) requirements pursuant to the Inter-Agency Agreement Between the Florida Department of Juvenile Justice and Florida Department of Children and Families, dated August 9, 2005.

(2) The department and sheriff's offices shall develop local protocols for the implementation of the Inter-Agency Agreement.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201, 39.301 FS. History--New \_\_\_\_\_.

#### 65C-29.006 Foster Care Referrals.

(1) A foster care referral does not meet the criteria for a child abuse and neglect report. However, in instances in which during the course of the assessment of the foster care referral, there is indication that child maltreatment may have occurred, the responder shall contact the Florida Abuse Hotline for the purpose of reporting the suspected maltreatment.

(2) Upon receipt of the Foster Care Referral by the child protective investigation unit where the child is located, the foster care referral shall be immediately forwarded to the licensing unit responsible for the licensing of the foster home, group home or emergency shelter for documentation and response.

(a) The foster care referral shall be forwarded to the licensing unit supervisor by the child protective investigations unit supervisor.

(b) In instances in which the foster care referral is received during a weekend or holiday, the on-call child protective investigator shall consult with their supervisor and the licensing supervisor to determine if a response by the licensing unit staff by the next business day is appropriate. If it is determined that the concerns documented in the referral warrants a response sooner than the next business day, the

on-call child protective investigator shall make an initial response prior to the assignment of the foster care referral to the licensing unit on the next business day.

(c)1. Once the foster care referral is forwarded to the appropriate licensing unit by the receiving child protective investigations unit, the child protective investigator supervisor will document the date, time and name of the licensing unit supervisor accepting the foster care referral for response.

2. Such documentation will be made in the chronological notes section of the statewide automated child welfare information system.

(d) The child protective investigator supervisor shall close the foster care referral in the statewide automated child welfare information system upon completion of the required documentation.

(2) The licensing unit staff assigned shall respond to the foster care referral within twenty-four hours of receipt of the referral by the licensing unit and complete their assessment within five working days from response.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201 FS. History--New \_\_\_\_\_.

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

(1) Child protective investigators shall respond to all reports of child on child sexual abuse.

(a) Unless the facts otherwise so warrant, the department shall respond to reports alleging juvenile sexual abuse within 24 hours after acceptance of the report by the Florida Abuse Hotline.

(b) If the sexual offender is a sibling or has on-going access to the victim the department will respond immediately.

(2) Assessment elements to be considered in determining a need for services and case planning include, but are not limited to:

(a) Offense characteristics – the victim is substantially younger than the offender rather than peer age; the victim is known to the offender; the use of coercion, violence, and bribes by the offender; there are elements of secrecy involved; there are multiple victims; the number of abusive incidents; there is history of non-sexual aggravated assault.

(b) Child Maltreatment history – the offender has a history of sexual victimization, physical abuse, neglect, or family/domestic violence.

(c) Social and Interpersonal Skill and Relationships – the offender's family has a history of instability; there is a history of physical or emotional separation from one or both parents; the offender has inadequate social skills, poor peer relationships, and/or is socially isolated.

(d) Sexual Knowledge and Experience – the offender has knowledge of advanced sexual practices and/or exposure to pornography.

(e) Academic and Cognitive Functioning – the offender has academic difficulties, reduced empathy and blames the victim.

(f) Mental Health Issues – the offender has a history of impulse control problems, anxiety, depression, suicidal ideation, and/or substance abuse.

(3) Referrals for services will not be initiated when, in the determination of the protective investigator, the reported incident contains elements of normal sexual exploration that is voluntary, spontaneous, and typically involves same-age children. These “play” incidents typically involve gender role exploration in looking at, and touching each other’s bodies without modeling adult sexual experiences.

(4) Referrals for services will be initiated when sexual behaviors are documented to be repetitive, unresponsive to adult intervention and supervision, equivalent to adult criminal violations, pervasive – occurring across time and situations, and highly diverse – consisting of a wide array of developmentally unexpected sexual acts.

(5) Case planning and determination of treatment needs are to be conducted through a multi-disciplinary staffing approach involving child protective investigative staff, law enforcement, representatives of the child protection team of the Department of Health or Children Advocacy Centers, and community based care providers under contract with the department to provide ameliorative and treatment services as appropriate.

(6) The child protective investigator or sheriff’s investigator will document the assessment, treatment needs, and case plan, if needed in the statewide automated child welfare information system within thirty days of acceptance of the report by the Florida Abuse Hotline.

(7) A services worker will be identified through the staffing process who will be responsible for periodically reassessing and revising the treatment needs, treatment objectives, and required interventions.

(8) The department may pursue a child protective investigation when the facts otherwise so warrant as in the case of a caregiver’s failure to provide adequate supervision to prevent a child-on-child sexual abuse incident or when disclosure indicates caregiver to victim sexual abuse was the antecedent to the child-on-child sexual abuse.

(9) In those situations where the caregiver does not agree with the multidisciplinary staffing recommendations for further assessment or treatment for the juvenile sexual offender the services worker will refer the family for mediation or arbitration, if available.

(a) If the family or caregiver refuses to participate in mediation or arbitration, the child protective investigator will notify the appropriate law enforcement agency of the caregiver’s failure to comply for consideration of legal charges against the offender.

(b) The child protective investigator will also staff the case with Child Welfare Legal Services for consideration of filing a petition for dependency based on medical neglect.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.307 FS. History–New \_\_\_\_\_.

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

(1) An initial health care assessment by a licensed health care professional will be completed for every child entering emergency shelter care within within seventy-two hours of removal. See Rule 65C-28.003, F.A.C., regarding medical consent requirements when a child is removed from his or her home.

(2) If, during the child protective investigation, a medical examination is needed to determine the existence of abuse, neglect or abandonment, the child protective investigator shall attempt to obtain consent from the parent, the legal guardian or the legal custodian of the child.

(3) In all cases in which a medical examination is required the following alternatives are listed in descending order of preference:

(a) A physician from the Child Protection Team (CPT);

(b) A pediatrician; and

(c) An emergency room physician.

(4) The child protective investigator shall seek an ex parte court order for medical examination if a physician or hospital staff will not examine the child upon request.

(5) A referral to the CPT is required for reports involving allegations specified in Sections 39.303(2)(a)-(h), F.S.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.304 FS. History–New \_\_\_\_\_.

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

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

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

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

(c) The department’s statewide automated child welfare system shall be checked for prior and/or current department, sheriff’s office or community-based care involvement with all subjects of the report.

(2) For each initial and additional abuse or neglect report received, the child protective investigator shall request a local call history check from local law enforcement on all subjects of the report, household members and frequent visitors within 24



hours of receiving the available demographic information. State criminal history and delinquency record checks are not a substitute for local law enforcement call history checks.

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

(b) The child protective investigator shall conduct a check of the Department of Corrections records parents, legal custodians, caregivers, frequent visitors and any other persons residing in the household.

(3) For any persons residing in the household or additional subjects of the report that were not included in the initial or additional abuse or neglect report, within twenty-four hours of the person becoming known, the child protective investigator shall:

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

(b) Perform a check of the department's statewide automated child welfare system for prior and/or current department, sheriff's office or community-based care involvement with these persons.

(c) Request a local criminal history check from local law enforcement.

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

(5) When a child is taken into protective custody and placed with a relative or non-relative caregiver, the investigator shall conduct the required criminal history and delinquency record check requirements for relative, and non-relative placement requirements under Rule 65C-28.011, F.A.C., prior to placement.

Specific Authority 39.401, 39.0121 FS. Law Implemented 39.01, 39.012, 39.301 FS. History--New \_\_\_\_\_.

#### 65C-29.010 False Reports.

(1) When a child protective investigator suspects that a false report has been made, as defined in Section 39.01(27), F.S., he or she shall advise the reporter of the potential administrative fines, civil and criminal penalties that may result if a false report has been made.

(a) The child protective investigator shall provide the alleged perpetrator and others involved in the report with written information regarding false reporting and their rights under Sections 39.205 and 39.206, F.S.

(b) The chronological notes in the automated investigative file shall contain documentation of any evidence establishing the suspicion of false report, advice to the falsely alleged perpetrator, delivery of the brochure, consultation with district

legal counsel, documentation of each factor considered, consent of the alleged perpetrator and referral to law enforcement.

(2) In determining whether a report has been filed maliciously, the department shall consider the following where applicable. It shall not be necessary for all factors to be considered or present in each case in order to determine that a report constitutes a false report.

(a) Has the preponderance of the facts alleged in the report been determined to be untrue?

(b) Has the reporter admitted that the report is untrue or that it is a false report?

(c) Have criminal charges been filed for false reporting?

(d) Has the reporter made contradictory statements?

(e) Have prior reports by this reporter been determined to be false or to have no indicators of abuse, neglect or abandonment?

(f) Have statements been made during the investigation, which indicate retaliation against another person?

(g) Is there a history of disputes?

(h) Are custody issues being decided concurrently with the report?

(i) Is the reported information patently false relative to what is observable?

(j) Is information provided by an individual who witnessed the reporting of false information or to whom the reporter admitted to false reporting?

(k) Is there likelihood of personal or financial gain for the reporter?

(l) Is there any other relevant information from neighbors, relatives, professionals or other persons?

(3) Child protective investigators and child protective investigator supervisors shall, in consultation with the Child Welfare Legal Services attorney, evaluate and document the reasons they suspect that a false report has been made, and notify the appropriate law enforcement agency.

(4) Referrals of false reports to law enforcement shall include:

(a) The report number;

(b) All factors that were considered in the determination that the report constitutes a false report;

(c) The audio recording of the call to the Florida Abuse Hotline;

(d) The identification of the physical location from where the call originated;

(e) The identification of the reporter of the false report; and

(f) The identity of the victim.

(5) The department or sheriff's office shall comply with the provisions of Section 39.205(6), F.S., for any subsequent reports received on the children in the family believed to be falsely reported to the Florida Abuse Hotline.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.206 FS. History—New \_\_\_\_\_.

65C-29.011 Out-of-Town Inquiries.

(1) Out-of-town inquiries (OTIs) include:

(a) Requests for interviews of subjects of reports of abuse, neglect or abandonment found in one county when other subjects are in another county;

(b) Requests for intra-state home studies for relative/non-relative emergency placements, and;

(c) Requests for background checks.

(2) Any request made on behalf of children that lawfully requires the initiation of interstate compact for placement of children procedures are not eligible to utilize the OTI process.

(3) OTIs may be initiated by a child protective investigator, child protective investigations supervisor, the court, or out-of-state social service agency.

(a) Intra-state OTI requests shall be initiated by the child protective investigations supervisor. Child protective investigators may initiate a request for an OTI during an after-hours emergency situation.

(b) Inter-state OTI requests may be initiated by the child protective investigator or child protective investigations supervisor.

(4)(a) The request for the OTI shall be initiated by the sending unit supervisor, to the receiving unit supervisor, via telephone, fax or e-mail.

(b) Immediately upon initiating the request for the OTI, the sending unit investigator or supervisor shall document in the automated investigative file the contact with the receiving unit's supervisor, as well as the specific actions required to be completed through the OTI.

(5) The OTI investigator shall be assigned to the automated report immediately upon receipt of the OTI request. OTIs shall be commenced within twenty-four hours of the receipt of the request.

(a) If the OTI request is for the purpose of making an initial contact with the child victim, the OTI investigator shall ensure that an on-site contact with the child victim is attempted within twenty-four hours of the report received date and time.

(b) In instances in which an additional report is received with an immediate response priority and the child victim is located in a county other than the assigned county, the OTI investigator, upon notification by the Florida abuse Hotline, shall immediately attempt an onsite contact with the child victim.

(6)(a) OTIs shall be completed within five working days of the receipt of the OTI request, unless otherwise agreed upon between the sending unit and the receiving unit supervisors.

(b) Upon completion of the requested actions, the OTI child protective investigator shall document all requested information in the chronological notes section of the automated

investigative file, as well as complete any other appropriate documentation in the statewide automated child welfare information system.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History—New \_\_\_\_\_.

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

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

(a) Prior to initiating the request for transfer, the sending unit supervisor shall ensure that all automated investigative file documentation requirements are completed and updated in the statewide automated information system, including subject demographics and addresses, report commencement time, date and time subject seen and relevant safety factors.

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

(2) The transfer shall be executed in the statewide automated information system within twenty-four hours of the request for transfer.

(a) If the receiving unit supervisor refuses to accept the request for transfer, the receiving unit supervisor shall immediately document the reasons for the refusal in the chronological section of the automated investigative file.

(b) Any disagreements regarding the acceptance of a transfer within or between districts shall be referred directly to the district administrators or their designees for resolution within twenty-four hours of refusal of transfer request.

(c) The resolution shall be documented in the chronological section of the automated investigative file.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History—New \_\_\_\_\_.

65C-29.013 Reasonable Efforts to Locate.

(1)(a) The child protective investigator shall make reasonable efforts to locate a family when the family cannot be located at the time of the initial visit.

(b) Reasonable efforts include both face-to-face, on-site contact procedures and the identification and use of written records and electronic data elements to help locate a family.

(2) Investigative Response:

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

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

1.a. The child protective investigator will re-contact the reporter, if known, and other collateral contacts to try to determine if the family has recently moved or has fled to avoid the abuse investigation.

b. If the reporter is anonymous, and the child protective investigator has exhausted all possible means to locate the child, as required in subsection (3), Investigative Search Requirements, the child protective investigator, after approval by the supervisor, shall use the caller ID number in the abuse report to contact the reporter for the purpose of locating the child.

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

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

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

b. Sufficient rationale to support conducting a legal staffing includes:

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

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

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

### (3) Investigative Search Guidelines.

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

1. Neighbors to verify if the family has moved and possible location of family's new residence.

2. Landlords or leasing agents.

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

4. Parents' last known employer.

5. Florida Telephone Directory 'New Listing' records.

6. Utility company billing and new service records.

7. United States Postal Service for 'Change of Address' information.

8. District School Board for 'Transfer of School Records' information and emergency contact numbers for family.

9. FCIC and local law enforcement checks.

10. Local County jails.

11. Department of Highway Safety and Motor Vehicle's "Driver and Vehicle Information Database".

12. Florida Department of Revenue for "Directory of New Hire" employment registration and Child Support Enforcement "State Parent Locator Service".

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

14. Department of Corrections website search for active supervision and local Probation Office of jurisdiction.

15. Area pawn shops transaction database.

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

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

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

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

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

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

5. Upon the issuance of the Take into Custody Order for the child who is the subject of an abuse investigation but whose whereabouts are unknown, the requirements to report the child as missing, as outlined in Rule 65C-30.119, F.A.C., shall be initiated and completed by the child protective investigator.

6. In those cases where a Take into Custody Order has been issued for a child who is the subject of an abuse investigation but whose whereabouts are unknown the case shall be staffed for transfer from child protective investigations to ongoing services for the purpose of ensuring continuing efforts to locate the child and other activities related to missing children, as specified in Rule 65C-30.119, F.A.C.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.402, 39.503 FS. History—New\_\_\_\_\_.

#### 65C-29.014 High Risk Tracking and Review.

(1) A child protective investigation shall be considered “high risk” when it involves a child under the age of five years and contains at least one factor from each of the categories 1. and 2. below. Cases with children over the age of five years may be designated as part of the high-risk review system when unusually high-risk circumstances are present:

##### (a) Child Factors:

1. The child has a serious physical injury, or exhibits indicators of serious emotional harm, which is suspected or confirmed as having been caused by physical or sexual abuse;

2. A child has been seriously neglected, resulting in physical harm;

3. The caretaker refuses or fails to obtain medical/psychological treatment, thereby placing the child in serious jeopardy.

##### (b) Caretaker Factors:

1. History of previous serious abuse to a child; or a child fatality; or permanent planning services; or termination of parental rights with no evidence of subsequent reduction of risk factors;

2. Caretaker not able or willing to protect child from risk, including possible abuse perpetrator's access to child;

3. Caretaker has a diagnosis of chronic or acute and debilitating mental illness;

4. Caretaker exhibits acute or chronic intellectual, personality, and emotional or behavioral handicap;

5. Caretakers have a history of significant domestic violence;

6. Caretaker has a significant documented drug or alcohol problem.

#### (2) High Risk Tracking and Review (Red Flag Screening):

(a) Red Flag Screenings begin in the investigative and assessment stages of a report's intervention.

(b) Red flag Screenings shall be conducted by the department or sheriff's office on a regularly scheduled basis. Each department or sheriff's office shall develop a procedure for referring reports for screening and for subsequent review as appropriate. Steps shall include:

1. The initial screening shall involve the child protective investigator, child protective investigator supervisor and appropriate services staff when the family is under supervision who will identify the red flag elements and dynamics of the case and will arrange for a red flag designation of the report and a red flag review per department, sheriff's office and contracted service provider procedures.

2. If the case is transferred at an Early Services Intervention (ESI) staffing prior to the identification of red flag elements, the child protective investigator will be responsible to update the automated assessment tool, identifying and documenting all red flag elements and communicating such to the services worker.

3. The child protective investigator, child protective investigator supervisor and contracted services provider supervisor shall screen the automated assessment tool after it has been updated and completed to assure that ongoing oversight is provided based on the red flag designation.

4.a. The red flag screening and subsequent red flag reviews will include discussion of the presenting issues of the investigation, the subjects involved, case synopsis, risk factors, investigative and case activity recommendations and permanency issues. Tracking of these screenings and reviews can be done using a department approved checklist.

b. Red Flag designation may be removed at a red flag review based on mitigation of risk factors and increased parental protective capacities.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History—New\_\_\_\_\_.



Emergency Intake Form

Date and Time: \_\_\_\_\_

County: \_\_\_\_\_

Child's Name: \_\_\_\_\_

Birth date: \_\_\_ / \_\_\_ / \_\_\_

Child's Physician Contact Information		
Name		
Address		
Phone Number		

Are siblings also in foster care? \_\_\_ Yes \_\_\_ No If yes, Sibling's names and ages: \_\_\_\_\_

Parents/Caregivers Names: \_\_\_\_\_

Reasons for Removal:

\_\_\_ Suspected Physical Abuse \_\_\_ Suspected Neglect \_\_\_ Father Incarcerated

\_\_\_ Suspected Sexual Abuse \_\_\_ Mother Incarcerated \_\_\_ Other \_\_\_\_\_

Any known allergies: \_\_\_ Yes \_\_\_ No If yes, List Allergies: \_\_\_\_\_

\_\_\_\_\_

Any known physical or emotional problems: \_\_\_ Yes \_\_\_ No If yes, List problems: \_\_\_\_\_

\_\_\_\_\_

Any special dietary needs/formulas: \_\_\_ Yes \_\_\_ No If yes, List needs \_\_\_\_\_

\_\_\_\_\_

Medications	Reason for taking Medication	Dosage	Length of Time on Medication	Giving to Shelter/Foster Parent
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Medical Equipment/Information Accompanying Child:

Eyeglasses       Medication       Medical Equipment

Immunization Records       Newborn Discharge Summary

Where is the child being taken:

Temporary shelter    Relative of Family    Temporary foster home    Friend of Family    Other \_\_\_\_\_

Contact name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

Name/Title of Person completed form: \_\_\_\_\_ Phone Number: \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Maria Leon  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Patricia Badland  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: November 23, 2005  
 DATES NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: December 17, 2004 and February 4,  
 2005

**DEPARTMENT OF CHILDREN AND FAMILY  
 SERVICES**

**Family Safety Program**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Child Welfare Provisions	65C-30
RULE TITLES:	RULE NOS.:
Definitions	65C-30.001
Early Service Intervention and Case Transfer	65C-30.002
Diligent Search	65C-30.003
Identification of Children	65C-30.004
Family Assessment	65C-30.005
Case Planning	65C-30.006
Case Management Responsibilities	65C-30.007
Services Worker Responsibilities to Parents	65C-30.008
Tiered Services Protocol	65C-30.009
Voluntary Protective Services	65C-30.010
Placement Responsibilities of the Services Worker or Child Protective Investigator	65C-30.011
Permanency Goal Selection	65C-30.012
Judicial Reviews and Court Reports	65C-30.013
Post-Placement Supervision and Services	65C-30.014
New Reports Received, Removal and Placement of Children	65C-30.015
New Children in Families Under Supervision	65C-30.016
Coordination of Services for Youth Involved with the Department of Juvenile Justice	65C-30.017
Out-of-County Services	65C-30.018
Missing Children	65C-30.019
Child Deaths	65C-30.020
Child Death Reviews	65C-30.021
Termination of Services	65C-30.022

PURPOSE AND EFFECT: The purpose of this rule is to provide definitions, procedures, and requirements that relate to child protective services. It has the effect of consolidating duplicate child protective services requirements that currently appear in several separate Rule chapters.

SUMMARY: This rule includes all general procedures and practice requirements common to all Child Welfare Rules authorized by Section 39.021, Florida Statutes, from protective investigations through post-placement supervision and termination of supervision. The subject matter also covers issues common to both in-home and out-of-home protective supervision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 39.012, 39.0121 FS.

LAW IMPLEMENTED: Chapter 39 FS.

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

TIMES AND DATE: 11:00 a.m. – 12:00 noon and 1:00 p.m. – 2:30 p.m., January 6, 2006

PLACE: Building 4, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nelson Simmons, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-0375

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-30.001 Definitions.

(1) “Abuse, Neglect or Abandonment” means harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of the parent or other person responsible for the child's welfare. It includes those acts defined or described in Sections 39.01(1), (2), and (45), and 827.03, F.S.

(2) “Additional Investigation Report” means a report to the Florida Abuse Hotline, by the same or different reporter, made within thirty days after the date the initial report is received and containing information about one or more subjects of an open report, which adds:

(a) New allegations of maltreatment;

(b) New incidents of the same maltreatment contained in the initial report;

(c) Additional victims or alleged perpetrators if they relate to the initial report;

(d) New information alleging that the immediate safety or well-being of the child is threatened thereby changing the investigation response time from a 24-hour response to an immediate response.

(3) “Adoption Exchange System (AES)”, means the department’s statewide information system of children receiving adoption services, and families seeking to adopt special needs children. The system enables adoption counselors and home finders statewide to seek matches on certain traits between prospective families and children. The data base also provides a source for measurement of some adoption performance and outcome indicators and populates the department’s public internet search of children available for adoption.

(4) “Adult Household Member” means a person 18 years of age or older who is present in the home on a permanent basis or who is present on a regular or established basis for either a long or short duration and who is in a position of familial authority or perceived by the child as in a position of familial authority.

(5) “Allegation” means a statement by a reporter to the Florida Abuse Hotline that child abuse, neglect or abandonment is known or suspected.

(6) “Allegation Matrix” means a document that defines specific types of abuse, neglect or abandonment; guides staff in determining whether abuse, neglect or abandonment has occurred; and assists in ensuring that all factors are considered when assessing each type of maltreatment. The allegation matrix as set forth in Children and Families Operating Procedure No. 175-28 is attached hereto and incorporated by reference herein.

(7) “American Indian or Alaskan Native Child” means any unmarried person who is under age eighteen and is either a member of a federally recognized American Indian tribe or Alaskan village or who is eligible for membership in a federally recognized American Indian tribe or Alaskan village, and who is the biological child of a member of such an American Indian tribe or Alaskan village.

(8) “Application packet” means the entire set of completed documents required by the child-placing agency that are provided to the department for review when requesting the issuance of a license as a licensed out-of-home caregiver.

(9) “Babysitting” means the temporary (less than twenty-four hours) and periodic in home care of children by someone other than the foster parent or a licensed child care provider.

(10) “Behavioral Health Multidisciplinary Team” means the group of people brought together by the Services Worker to plan and coordinate behavioral health and related services. Examples of team members are: the child, unless clinically contraindicated; the child’s parents or legal guardian and other caregiver; the Services Worker; the child’s therapists and behavioral analyst; the child’s educational surrogate parent, the guardian ad litem, and other professionals based on the needs of the child and family.

(11) “Bi-Lateral Service Agreement” means a written agreement between licensed out-of-home caregivers and the supervising agency representative that specifies each party’s duties and responsibilities to children served and to the department and/or child-placing agency.

(12) “Case” means a group of one or more persons who are associated with one another and for whom the department provides services and arranges the provision of services.

(13) “Case File” means all information for a case contained in the department’s statewide automated child welfare information system (SACWIS), i.e., HomeSafenet, as well as the supporting paper documentation gathered during

provision of services to that family. The “case file” may also refer to a duplicate, paper copy of the electronic case file and the supporting paper documentation. The department’s SACWIS is the primary record for each investigation and case.

(14) “Case Transfer” means the process of engaging the services of another child welfare service provider for a child/family currently receiving services from a different agency, or transferring a case to a child welfare services provider after an investigation has determined the need for ongoing services.

(15) “Case Transfer Staffing” means the meeting between child welfare stakeholders that establishes the protective, treatment, and ameliorative services necessary to safeguard and ensure the child’s safety, permanency and well-being.

(16) “Child Health Check-up” means a child health check-up as defined in Rule 59G-4.080, F.A.C. This screening shall take place within 72 hours of initial removal unless the child is returned to the home from which he or she was removed within 72 hours of removal. This includes a child removed from his or her home who was placed with relatives or non-relatives in an unlicensed setting. Additional check-ups shall be repeated in accordance with the Medicaid periodicity schedule.

(16) “Child Exhibiting Sexually Inappropriate Behaviors” means a child having demonstrated some action found under the terms and definitions of an alleged juvenile sexual offender, but without an established pattern of behavior sufficient to define the child as an alleged juvenile sexual offender.

(17) “Child-on-Child Sexual Abuse” refers to any sexual behavior between children twelve years or younger, which occurs without consent, without equality, or as a result of coercion, as defined in Section 39.01(7)(b)1.-3, F.S.

(18) “Child-Placing Agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to Chapter 63, F.S., that places or arranges for the placement of a child in a family foster home, residential child caring agency, or approved adoptive home, and provides any of the necessary adoptive services listed under subsection 65C-15.001(2), F.A.C., or any corporation or agency under contract with the department as a Lead Agency.

(19) “Child Protection/Child Welfare Services” or “Child Protection Services” means core child protection programs, such as protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care, or adoption services.

(20) “Child Protective Investigator (CPI)” means an authorized agent in a professional position within the department or designated sheriff’s office with the authority and responsibility of investigating reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(58), F.S.



(21) “Child Welfare Legal Services (CWLS)” means the unit of the department or a contracted entity that provides legal counsel and representation for the department or contracted service providers in child dependency proceedings.

(22) “Child’s Resource Record” means a standardized record developed and maintained for every child entering out-of-home care that contains copies of the basic legal, demographic, educational, medical and psychological information pertaining to a specific child. The Child’s Resource Record (CRR) shall be housed where the child is placed and shall accompany the child to every health encounter and shall be updated as events occur. All information in the CRR shall be recorded in the department’s statewide automated child welfare information system.

(23) “Child’s Well-Being” refers to whether a child’s emotional, developmental, educational, social, physical and mental health needs are being consistently met.

(24) “Children’s Multidisciplinary Assessment Team (CMAT)” means an inter-agency coordinated effort of Medicaid in the Agency for Health Care Administration; Family Safety Program and the Developmental Disabilities Program of the Department of Children and Families; and Children’s Medical Services in the Department of Health. The CMAT makes recommendations for medically necessary services for children birth to twenty-one who are medically complex or medically fragile.

(25) “Client Information System (CIS)” means the department’s legacy statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and case management functions. The CIS is the state’s primary record for each historical investigation and case. Information in CIS will continue to be accessed until all family safety historical data is maintained through the department’s SACWIS.

(26) “Collateral Contacts” means face to face, telephonic or written communication with those persons who provide relevant information for a child protection investigation but who are not subjects of the reports. These persons include school personnel, service providers, neighbors, other relatives and any other significant person in the child’s life or in the caregiver’s life.

(27) “Commencement” means the date and time that the investigator attempted or achieved a face-to-face contact with the child victim by actually visiting the site where the victim was reportedly located.

(28) “Communicable Disease” means any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or indirectly,

including tuberculosis (TB), human immunodeficiency virus (HIV), hepatitis and other sexually transmitted diseases (STDs).

(29) “Community-Based Care” means the system of care for the provision of all child welfare services - with the exception of child protective investigations. The delivery model is utilization of privatized contractors that determine the needs and develop the resources for the community being served.

(30) “Comprehensive Behavioral Health Assessment (CBHA)” means an in-depth and detailed assessment of the child’s emotional, social, behavioral, and developmental functioning within the family home, school, and community as well as the clinical setting performed by a licensed clinician.

(31) “Concurrent Case Planning” means working toward a primary permanency goal while at the same time establishing an alternative permanency goal for the child to be utilized in the event reunification does not occur within a time period that is reasonable with the child’s sense of time.

(32) “Consent for Medical Treatment” or “Informed Consent for Medical Treatment” means consent voluntarily given after a conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment and the alternative treatments available.

(33) “Consular post” means any consulate-general, consulate, vice-consulate or consular agency of a foreign country.

(34) “Contracted Provider” means any licensed child-placing agency that has entered into a contract with the department for the purposes of recruitment, training, evaluation and/or supervision of licensed out-of-home caregivers.

(35) “Contracted Service Provider” means a private agency that has entered into a contract with the department or with a community-based care lead agency to provide supervision of and services to dependent children and children who are at risk of abuse, neglect, or abandonment.

(36) “County of jurisdiction” means the county where the court of jurisdiction is located or, in cases of voluntary supervision, the county where the voluntary supervision agreement was signed.

(37) “Court Ordered Supervision” means the court has ordered the department or contracted service provider to supervise the child and family over a period of time to ensure the family is stable; that they comply with the court ordered case plan and that interim status reports are submitted to the court every six months throughout the dependency process.

(38) “Criminal, delinquency and abuse/neglect history check” means the act of assessing the background of persons through a criminal records check pursuant to Section 435.045, F.S., in accordance with “screening” in Section 409.175(2),

F.S., and criminal, juvenile and abuse/neglect history checks as described in Section 39.401(3), F.S., and Section 39.521(2)(r), F.S.

(39) "Critical Junctures" refers to those times during an investigation or services case when fundamental decisions are being made for the child or children, or when critical events are occurring in the investigation or services case. Critical junctures may include the following:

(a) Prior to court hearings (adjudicatory, dispositional, review);

(b) At the birth or death of a sibling or the addition of a new family member, including paramours;

(c) Before changing the case plan to include unsupervised visits;

(d) At case transfer between Services Workers;

(e) At receipt of a new CPI referral or report of domestic violence in the home;

(f) Before a child is returned home from substitute care;

(g) Before the case is closed or dismissal of court jurisdiction is recommended;

(h) When the case is no longer designated as high risk;

(i) As needed, based on professional judgment.

(40) "District/Region" and "Zone" means a geographical area through which the department and community-based care providers plan and administer their programs.

(41) "Early Decision Making" means making an evaluation of the case as soon as appropriate to determine both a primary and concurrent goal.

(42) "Early Service Intervention" means the engagement of an agency or Service Worker following an interagency staffing and prior to completion of the investigation and disposition of the report to provide necessary services and supports to the family.

(43) "Emergency Medical Care and Treatment" means care or treatment of a child who has been injured or is suffering from an acute illness, disease, or condition if, within a reasonable degree of medical certainty, delay in initiation or provision of medical care or treatment would endanger the health or physical well-being of the child.

(44) Evidence means any and all materials, documents, legally admissible statements, first party observations and specific facts that are relevant to prove and support specific allegations of abuse, neglect or abandonment.

(45) "Exigent Circumstances" means situations in which a criminal, delinquency and abuse/neglect history check is required as it is anticipated that a child will be placed with a relative or non-relative within 72 hours.

(46) "Extended Family Member" in cases involving American Indian or Alaskan Native children, means those persons established by the tribal law or custom of the American Indian or Alaskan Native child's tribe to be extended family members or, in the absence of such law or custom, a

person who is at least eighteen years of age and who is the child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin or stepparent.

(47) "Extraordinary Medical Care and Treatment" means care or treatment of a child that is outside of the routine medical and dental care included in the definition of ordinary medical care and treatment, such as any invasive procedures. This includes surgery, drawing blood, anesthesia, administration of psychotropic medications, and any other procedures not considered routine and ordinary by objective professional standards of medical care for children.

(48) "Family Assessment" means a documented evaluation at the initiation of services and every six months thereafter, of the family in regard to the need for services throughout the life of the case. This is a joint effort between the Services Worker and the family to identify and analyze the family strengths and resources, risk to the child; case goals; and service needs for the child and family. Such assessment is a collaborative effort between the Services Worker and the child, if developmentally appropriate, the child's family members, the caregiver, the guardian ad litem, and all relevant service providers.

(49) "Family foster home" or "foster home" means "foster home" as defined in Section 409.175, F.S. These are licensed settings as defined under "license" in Section 409.175, F.S.

(50) "Family Preservation Services" means services provided to families, primarily in the home. Examples are counseling and therapeutic services, as well as the provision of goods or services designed to prevent the removal of a child due to abuse, neglect, or abandonment, or to stabilize an out-of-home placement.

(51) "Family Team Conferencing" means the process that enables families to solve problems by focusing on the family's strengths as well as on the family's underlying needs. The process is highly individualized and relies heavily on input and cooperation from the family, the family's support system, and community resources. Families are active participants in the process of assessing their own needs, developing an action plan, setting goals, and setting time frames.

(52) "Finding" means the investigative determination that there is credible evidence to support or refute the allegations for each child maltreatment reported for investigation.

(53) "Florida Abuse Hotline" means the department's central abuse reporting center, which receives and processes reports of known or suspected child abuse, neglect or abandonment 24 hours a day, seven days a week.

(54) Florida Model Approach to Partnerships in Parenting" (MAPP) means the uniform, statewide, pre-service training provided to prospective out-of-home caregivers and adoptive parents in accordance with Section 409.175(14)(b), F.S.

(55) "Foster Care Referrals" refer to calls to the Florida Abuse Hotline regarding concerns about the care provided in a licensed foster home, group home or emergency shelter that do not meet the criteria for acceptance of a report of abuse, neglect or abandonment.

(56) "Group care facility" or "licensed group care facility" means "residential child-caring agency" as defined in Section 409.175, F.S. These are licensed settings as defined under "license" in Section 409.175, F.S.

(57) "Guardianship" means a legally established relationship between a child and adult who is appointed to protect the child's best interests and to provide the child's care, welfare, education, discipline, maintenance, and support.

(58) "High Risk Tracking and Review" means a process intended to identify situations in a timely manner whereby substantive risk factors are present that could affect a child's safety. The process helps assure close monitoring and oversight activities are in place so that casework activities can be adjusted as necessary when and if changes occur. These cases are identified through a Red Flag Screening. See subsections 65C-30.001(107) and (108), F.A.C.

(59) "Home study" means the written documentation of an on-site assessment completed prior to the child's placement that is meant to evaluate the caregiver's capacity to provide a safe, stable and supportive home environment, and to determine if the physical environment is safe and can meet the child's needs.

(60) "Household" means a common residence shared by two or more individuals, whether related or not.

(61) "Household Member" means any person who resides in a household, including the caregiver and other family members residing in the home. Household members are any additional relatives or persons residing in the home, visitors expected to stay an indefinite length of time, college students expected to return to the home or anyone having unsupervised contact with the children in the home.

(62) "Independent Living Services" means services to assist older children in foster care and young adults who were formerly in foster care obtain life skills and education for independent living and employment, have a quality of life appropriate for their age, and assume personal responsibility for becoming self-sufficient adults.

(63) "Indian Child Welfare Act (ICWA)", Public Law 95-608 (1978), 92 Stat. 3069, 25 U.S.C., 1901 et seq) means the federal act that governs child custody proceedings involving American Indian or Alaskan Native children in state courts. ICWA protects the best interests of American Indian and Alaskan Native children, preserves the integrity of Indian families and promotes the stability and security of Indian tribes and families by establishing minimum federal standards for the removal of American Indian or Alaskan Native children from their families; placing Indian children in out-of-home care or in

adoptive homes that will reflect the unique values of Indian culture; and by providing assistance to Indian tribes in the operation of child and family service programs.

(64) "Indian Child's Tribe" or "Indian Tribe" means any American Indian tribe, band, nation, or other organized group or community of Indians, recognized as eligible for the services provided to Indians by the Secretary, United States Department of the Interior, Bureau of Indian Affairs, because of their status as Indians, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act [42 USCS §1602(c)]. It does not include Indian or native tribes from foreign nations.

(65) "Indian Custodian" means any American Indian or Alaskan Native who has legal custody of an American Indian or Alaskan Native child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

(66) "Individual Educational Plan (IEP)" refers to a written assessment statement for a child with a disability or special education needs that is developed and implemented in accordance with Section 602(14) of H.R. 1350, the "Individuals with Disabilities Education Improvement Act of 2004 (IDEA). The IEP identifies treatment and educational objectives in measurable terms.

(67) "In-Home Services" means services provided while a child remains in his or her own home and includes those cases where a child was removed, but has now been returned to the home of his or her parent or guardian.

(68) "Interim Child Welfare Services Information System (ICWSIS)", means the department's automated system containing invoice data pertaining to services provided to children under the department's supervision. The ICWSIS is the state's primary audit record for client specific expenditures until such time that the system's functionality is subsumed by SACWIS.

(69) "Interstate Compact" or "Interstate Compact on the Placement of Children (ICPC)" is a uniform law that was enacted verbatim into statutory law in all fifty states, the District of Columbia and the U.S. Virgin Islands. It establishes a contract among the states and jurisdictions that ensures orderly procedures for the interstate placement and post-placement supervision of children and fixes responsibilities for those involved in placing the child.

(70) "Investigative Search" means making inquiries of written records and electronic databases to locate subjects of a report when reasonable efforts to locate the family have been expended, but failed to locate the family.

(71) "Lead Agency" means an "eligible lead community-based provider" as defined in Section 409.1671(1)(e), F.S. The functions of a lead agency include:

(a) Organize and manage a network of service providers;

(b) Provide case management for any children/families referred;

(c) Purchase/provide all necessary services to ensure permanency;

(d) Maintain and report required client and performance data; and

(e) Assume and manage financial risk (capped budget for all required services).

(72) "Licensed family foster home" means "family foster home" as defined under Rule 65C-30.001, F.A.C.

(73) "Licensed Out-Of-Home Caregiver" means any person licensed under Section 409.175, F.S. to provide twenty-four hour care. This term also refers to foster parents.

(74) "Licensing Authority" means the Department of Children and Families.

(75) "Licensing Service Agreement" means a written agreement signed by licensed out-of-home caregivers that specifies duties and responsibilities over children served.

(76) "Long-term licensed custody" means the court approved placement of a child in the long-term custody of a foster parent as described in Section 39.623, F.S.

(77) "Maltreatment" means a specific type of injury or harm, which pursuant to the departmental procedure, as incorporated by the department allegation matrix, is the term used as an inclusive description for all forms of abuse and neglect. The statement made by a reporter to the central abuse hotline of a suspected specific harm or threatened harm to a child is referenced in the report as a maltreatment.

(78) "Medicaid" means "Medicaid" as defined in Rule 59G-1.010, F.A.C.

(79) "Medical Neglect" means the failure to provide adequate medical care in the context of the definition of "neglect" found at Section 39.01, F.S. It includes the withholding of medically indicated treatment from a disabled child with a life threatening condition.

(80) "Missing Child Emergency" means situations that require immediate actions when a child appears to be missing. Situations that require immediate action are circumstances where the child's age (i.e., being under thirteen years of age), physical or mental incapacity, or a developmental or behavioral challenge renders the situation more dangerous than it would be for a child with more maturity or resources; where the child is with others who may endanger his or her welfare; where the child is known or believed to be in a life-threatening situation; where the child is missing under circumstances inconsistent with established behaviors; or where there is any other reason to believe that the child is in a dangerous situation.

(81) "Missing Child Tracking System" means an automated data base for storing and transmitting information on missing children.

(82) "No Jurisdiction" refers to a designation given to abuse reports that have been accepted by the Florida Abuse Hotline, but the CPI determines that the department or sheriff's

office does not have the authority to investigate because the allegations and or facts surrounding the report do not meet statutory criteria, including, but not limited to:

(a) The alleged perpetrator is a public school official acting in an official capacity;

(b) The alleged perpetrator is a staff member in a general hospital, while acting in an official capacity (excluding a psychiatric ward);

(c) The alleged perpetrator is a law enforcement officer or employee of a jail, municipal or county detention facilities, Juvenile Bootcamp Facility, or Department of Corrections, while acting in an official capacity;

(d) The alleged perpetrator is a non-caregiver;

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

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

(83) "Non-relative" or "non-relative caregiver" means a stepparent, prospective parent or any other person who does not meet the definition of a relative and who is not being paid as a licensed foster or shelter parent for purposes of caring for a child in his or her custody.

(84) "On-Site Visit" means a face-to-face visit with the child or other subjects of the report at their reported location, and any other face-to-face visits conducted at sites other than the CPI or Service Worker office locations.

(a) For all child protective investigations, an on-site visit refers to a visit to the child victim's location, in order to attempt a face-to-face contact with the child. The purpose of the face-to-face contact is to address the alleged maltreatment allegations and assess for, and ensure, the child's safety. The date and time that the face-to-face contact is completed, as defined, is referred to in the Statewide Automated Child Welfare Information System as the "victim seen" date and time.

(b) For the purpose of an institutional report, an on-site visit refers to a face-to-face contact with the child victim at the institution or facility where the alleged abuse, neglect or abandonment occurred. If the child is no longer located at the institution or facility, the on-site visit will occur where the child is located at the time the report is received.

(85) "Ordinary Medical Care and Treatment" means ordinary and necessary medical and dental examinations and treatments. Included in this definition are blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-child care. This does not include surgery, general anesthesia, provision of psychotropic medications, any invasive procedures or other extraordinary medical care and treatment as defined in this rule.

(86) “Out-of-County Services” means supervision services provided by a Services Worker in a county other than the county where jurisdiction is located.

(87) “Out-of-Home Care” means the placement of a child in licensed and non-licensed settings, arranged and supervised by the department or contracted service provider, outside of the home of the parent.

(88) “Out-of-Town Inquiry (OTI)” means a one time, non-recurring request for assistance that originates from intrastate, interstate or authorized international sources. Requests for assistance may include but are not limited to activities that are part of abuse, neglect or abandonment investigations, intra-state home studies relating to relative and non-relative placements and criminal, delinquency and abuse/neglect history checks.

(89) “Owner” means the person or corporation who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

(90) “Permanency” means achieving a permanent home for a child through reunification, adoption, guardianship, long term custody (to a relative or non-relative), or another permanent planned living arrangement.

(91) “Permanency goal” means the case plan goal that is established to ensure the child will receive a permanent, safe and stable setting to grow up in. The permanency goals are reunification, adoption, permanent guardianship of a dependent child, placement with a fit and willing relative or another planned permanent living arrangement.

(92) “Permanency Hearing” means a judicial review hearing designed to reach a decision about the permanent living arrangement for a child with a family. The permanency hearing shall occur no later than 12 months after the date the child was placed in shelter care; subsequent permanency hearings will occur at least every 12 months thereafter, or earlier as set by the court.

(93) “Permanency Plan” means the judicially recognized arrangement to establish the placement intended to continue until the child reaches the age of majority and is not disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interests of the child.

(94) “Permanency Staffing” refers to a case review meeting prior to each permanency hearing for the purpose of permanency goal planning for a child. The permanency staffings are to assess progress and barriers toward the achievement of the permanency plan; document reasonable efforts to finalize the permanency plan; determine if there are any case plan changes necessary; and develop recommendations for the next judicial review.

(95) “Personal Profile” means the documents from MAPP training that provide the participant’s personal history and are considered in assessing his or her suitability as a licensed out-of-home caregiver.

(96) “Placement” means the supervised placement of a child in a setting outside the child’s own home.

(97) “Placement For Adoption” or “To Place For Adoption” means all actions by any person or agency participating in the process of a person surrendering a child for adoption and the prospective parents receiving and adopting the child.

(98) “Post-Placement Supervision” means services provided to children and families upon reunification, which aim to support and preserve the family unit during the transition period.

(99) “Primarily Lives and Works Outside Of Florida” means anyone who does not meet the definition of “primary residence and place of employment in Florida.”

(100) “Primary Residence And Place Of Employment In Florida” means a person lives and works in this state at least six months of the year and intends to do so for the foreseeable future or military personnel who designate Florida as their place of residence in accordance with the Soldiers’ and Sailors’ Civil Relief Act of 1940.

(101) “Primary Worker” means the Services Worker in the county of legal jurisdiction who has primary responsibility for:

(a) An ongoing services case.

(b) An ongoing services case involving a child and/or a family that has relocated to Florida through the Interstate Compact on the Placement of Children (ICPC) from another member state.

(c) Children who have relocated to Florida from a U.S. territory or a foreign country which are not members of the Interstate Compact on the Placement of Children.

(d) A voluntary supervision case. This is the Services Worker who has primary responsibility for the case in the county where the case was created or in the county where jurisdiction has been transferred.

(e) Cases supervised in a county other than the county where the case originated. It is the Services Worker from the “sending county” who is also the worker from the “county of jurisdiction”.

(102) “Psychotropic Medication” means any medication prescribed with the primary intent to stabilize or improve mood, mental status, behavioral symptomatology, or mental illness.

(103) “Qualified Evaluator” means a psychiatrist or a psychologist licensed in Florida with at least three years experience in the diagnosis and treatment of serious emotional disturbances in children as set forth in Section 39.407(5)(b), F.S.

(104) “Reasonable Effort to Locate” means that the overall efforts of a child protective investigative unit or sheriff’s office have been sufficiently thorough to allow for case closure despite the inability to locate the family within sixty days of receipt of the report. Reasonable efforts to locate include, but are not limited to, contacts to locate the child through the

school system, Economic Self Sufficiency records, additional contacts with the reporter or others named in the report, telephone or city directory checks and criminal history checks.

(105) "Receiving County" means the county to which a child or family is relocating or has relocated while supervision and services continue.

(106) "Receiving Unit" means the staff in a child protective investigations unit to which a request for an out-of-town inquiry (OTI) or a report transfer is made.

(107) "Red Flag Case Review" means a decision making process at critical junctures during the life of a case. It involves an expanded review process that includes all staff who have managed the case and persons external to the department, contracted service providers and Sheriff offices who have information pertinent to the decision being made. These persons can include relatives, service providers, schools, medical personnel and the family.

(108) "Red Flag Screening" means an internal staffing to determine whether or not a case shall be designated for Red Flag Case Review. This staffing, which occurs during the assessment and definition stage of the case, includes the Protective Investigator, the supervisor, other staff indicated by the current case manager required by the departmental district/region or zone, contracted service provider or Sheriff's office, and a district operational administrator.

(109) "Relative caregiver" means a person who meets the definition of a relative and who is not being paid as a licensed foster or shelter parent for purposes of caring for a child in his or her custody.

(110) "Relative Caregiver Program (RCP)" means a program that provides a monthly payment to a non-licensed relative caregiver who is caring full-time for an eligible dependent child in accordance with Section 39.5085(2), F.S.

(111) "Release" means a child is put in the physical custody of a parent in accordance with Section 39.401(3), F.S. or with Section 39.521(1)(b)3., F.S..

(112) "Removal Episode" means the entire period of time a child is in out-of-home care, beginning with the child's removal from his or her primary residence and ends when permanency is achieved, the child becomes eighteen years old, the child is emancipated by marriage or a court order or the child dies. A new removal episode begins with each reentry into care.

(113) "Report" or "Hotline Report" means an allegation to the Florida Abuse Hotline alleging knowledge or a suspicion that a child has been abused, neglected, or abandoned by a parent, guardian, adult household member or other person responsible for a child's welfare.

(114) "Residential Treatment Center" means "Residential treatment center for children and adolescents" as set forth in Section 394.67, F.S.

(115) "Respite Care" means the temporary, (over twenty-four hours) intermittent care of a foster child by an individual other than the child's out-of-home caregiver regardless of whether the respite provider is paid by the agency.

(116) "Reunification" means the safe return of a child who has been placed in out-of-home care to his or her parent as described in "reunification services" in Section 39.01, F.S.

(117) "Safety Plan" means the course of action that is determined necessary to ensure the safety and well being of a child and is jointly developed by a CPI and/or a services worker and the family. The plan may include, but is not limited to, family preservation services, in home supervision, or removal of the child or alleged perpetrator. The safety plan shall:

(a) Be agreed upon by the child's parent or other legal custodian and the CPI or services worker.

(b) Be signed by the parents or other legal custodian and the CPI or services worker.

(c) Contain specific tasks to be performed by the family or caretaker of the child and the CPI or services worker.

(d) Be documented in the investigative and case files, and

(e) Address both immediate and long-term protection planning.

(118) "Second Party Review" means an administrative review of the automated assessment tool and investigative file by a person other than the investigator's immediate supervisor necessitated by high risk factors as indicated in the automated assessment tool. The purpose of the review is to review the decisions of the supervisor and either validate the recommended course of action or determine the need for alternative or additional action.

(119) "Sending County" means the county of jurisdiction that makes a request for supervision or continuation of voluntary supervision to a receiving county when a child or family receiving services is relocating or has relocated to another county.

(120) "Sending Unit" means the staff in a child protective investigations unit initiating a request for an out-of-town inquiry (OTI) or a report transfer to another unit.

(121) "Services Worker" means an individual who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children and families under supervision.

(122) "Sexually Reactive Child" means a child who, as a consequence of having been sexually abused, may be sexually preoccupied, or engaging in identified sexualized behaviors with or without a defined pattern, and thereby demonstrates some level of risk to others.

(123) "Shelter Status" means the legal status that begins when the child is taken into protective custody of the department and ceases when the court grants custody to a parent, or, after disposition of the petition for dependency, the

court orders the child released to a parent or placed in the temporary custody of the department, a relative, or a non-relative.

(124) “Siblings” mean children who share at least one parent.

(125) “Single Point of Access (SPOA)” means the person or entity designated by the local Children’s Mental Health program office as the primary point of contact within a specific geographic area to assist the Services Worker in accessing behavioral health services for children in the care or custody of the department.

(126) “Special Condition Referrals” means requests brought to the attention of the department that require a response by the department or the investigating sheriff. These requests do not constitute willful abuse, neglect, or abandonment, but they may result in additional allegations of maltreatment and/or the need to shelter a child upon response. These include the following situations when the caregiver:

(a) Has been or is about to be incarcerated and plans must be made for the child’s immediate care;

(b) Has been or is about to be hospitalized and plans must be made for the child’s immediate care;

(c) Has died and plans must be made for the child’s immediate care; or

(d) Is having difficulty caring for a child to the degree that it appears very likely that without intervention, abuse, neglect, or abandonment will occur.

(127) “Specialized Therapeutic Foster Care” means intensive mental health treatment provided in specially recruited foster homes. The program is designed to provide the supervision and intensity of programming required to support children with moderate to severe emotional or behavioral problems and to avoid the need for admission to an inpatient psychiatric hospital or residential treatment center.

(128) “Statewide automated child welfare information system (SACWIS)” (i.e., HomeSafenet), means the department’s statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and related child safety assessments and safety actions or plans and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and some case management functions, including the Child’s Resource Record. The SACWIS is the state’s primary record for each investigation and case and all documentation requirements of the system shall be met.

(129) “Subject of a Report” means any person named in an abuse, neglect or abandonment report.

(130) “Subsidized Independent Living” means a living arrangement that allows a child in foster care, who has reached 16 years of age but is not yet 18 years of age, to live

independently of the daily care and supervision of an adult in a setting that is not required to be licensed under Section 409.175, F.S.

(131) “Suitable” or “Suitability” for residential treatment means a determination by a Qualified Evaluator that a child with an emotional disturbance as defined in Section 394.492(5), F.S., or a serious emotional disturbance as defined in Section 394.492(6), F.S., meets each of the statutory criteria for placement in a residential treatment center.

(132) “Supervising Agency” means any licensed child-placing agency that oversees and supports a family foster home and assists applicants in the licensing process.

(133) “Supplemental Report” means a report, whether by the same or another reporter pertaining to the same incident as that currently under investigation, which involves the same subjects and same alleged maltreatments, but improves upon what is already known, such as providing a better address, corrected spelling of names, or other collateral contacts. These reports do not require additional investigative activity.

(134) “Surrogate Parent” refers to surrogate parents as defined in Rule 6A-6.0333, F.A.C.

(135) “Temporary Cash Assistance Program (TCA)” refers to the public assistance program under Rule 65A-1.203, F.A.C.

(136) “Termination Summary” means a written document that explains the reason for agency involvement, progress toward problem resolution, risk reduction, and the rationale for recommending case closure.

(137) “Therapeutic Foster Care” means a program that provides mental health services for children with emotional and behavioral disturbances living in a family foster home. Each home is managed by trained foster parents who provide specialized care for children needing a therapeutic setting. The child and family receive support services as necessary.

(138) “Threatened Harm” means a behavior that is not accidental, and which is likely to result in harm to the child.

(139) “Tribal Agreement” means a formal written agreement between the Department and a federally recognized American Indian tribe that guides interaction between the department and the tribe in matters pertaining to child welfare, including child protective investigations and proceedings involving American Indian and Alaskan Native children in state courts.

(140) “Voluntary licensed placement” means placement of a child in licensed out-of-home care when a parent or legal guardian requests the assistance of the department or contracted service provider in planning for the temporary care and supervision of a child.

(141) “Voluntary Protective Services (VPS)” means the family has consented to accept services and supervision aimed at stabilizing the family, with the understanding that court action may be taken if the family fails to cooperate in fulfilling the requirements of the voluntary case plan.

(142) "Waiver" means a documented approval, prior to placement, that authorizes exceptions to the licensed capacity and the total number of children or infants to be cared for in a family foster home.

Specific Authority 39.012, 39.012(3), (6), (7), (12), (13), 39.407(1), 39.5085(2)(a), 39.5085(2)(d), 63, 394.4781(3)(c), 409.401, 409.175 FS. Law Implemented 39.001, 39.01, 39.012, 39.401(3), 39.407, 39.601, 39.407, 39.5085, 39.521, 39.701, 394.9082, 409.145(1), 409.165(1), 409.401, 409.175 FS. History—New \_\_\_\_\_.

#### 65C-30.002 Early Service Intervention and Case Transfer.

(1) An Early Service Intervention (ESI) staffing shall be held within 72 hours after the need for services is identified by the Child Protective Investigator (CPI) and his or her supervisor or, if weekly ESI staffings are held, during the next scheduled weekly staffing following the identification of the need for services. Identifying a need for services might occur at any point while the report is being investigated.

(a) The CPI or child protective investigator supervisor (CPIS) shall present the case at the ESI staffing. In all cases involving an American Indian or Alaskan Native child in which the potential outcome is a dependency action, the parent(s) or Indian Custodian and the child's tribe shall be notified of the staffing and encouraged to participate.

(b) The ESI staffing shall:

1. Address the identification of needed services so services can be accessed timely.

2. Identify needed up-front services to maximize opportunities for success of the services and treatment plan for the child and family;

3. Promote family preservation and prevent unnecessary placement in out-of-home care;

4. Identify and document the roles and responsibilities of involved staff;

5. Ensure a smooth transition from one component of the child protection/child welfare system to another; and

6. Provide a mechanism for sharing information gathered by one component of the child protection/child welfare system with the other component(s).

(c) Participants at the ESI staffing shall sign the agreements on the roles and responsibilities of the staff and providers involved in the case. Responsibility for the completion of the pre-disposition study is determined at the local level and during the ESI staffing. Copies of agreements shall be made for all parties to the case and the original signed agreement shall be maintained in the child's case file.

(d) At the ESI staffing, the CPI shall provide:

1. An up-to-date automated investigative file including chronological notes;

2. The name and location of child's school and/or child care provider, if available;

3. Name and location of child's medical provider(s) and any health information, if available;

4. The results of diligent search efforts, i.e., the identification of potential relative or non-relative placement resources and, if removal of the child was necessary, an explanation of all efforts made to place the child with a relative or non-relative;

5. The child's date and location of birth if the child is under court ordered supervision, if available;

6. A photograph of child that was removed or will be placed under court ordered supervision, if available.

7. Fingerprints of child placed in out-of-home care, if available;

8. The status of the inquiry into whether the child may have Native American heritage;

9. The results of criminal, delinquency and abuse/neglect history checks performed on a relative or non-relative caregiver;

10. Any court or other documents related to shelter;

11. Any recommendations for expedited up-front services;

12. Evidence of establishment of the case in the department's statewide automated child welfare information system; and

13. Any other documentation agreed upon between the department staff or sheriff's office performing the investigation and the contracted service provider.

(e) After the ESI staffing, the CPI shall continue to:

1. Complete the remaining investigative tasks;

2. Assist the Child Welfare Legal Services (CWLS) attorney with filing of the shelter and dependency petitions and provide witness testimony;

3. Provide CWLS with information regarding the child's immigration status to determine whether the department or contracted services provider will need to pursue Special Immigrant Juvenile Status (SIJS) for the child, and whether an early evaluation of the long-term likelihood of reunification is a viable option. See subsection 65C-30.007(17), F.A.C., for actions required to establish a child's SIJS.

4. Provide CWLS with information regarding the possibility of Native American heritage so that an evaluation can be made as to whether or not the Indian Child Welfare Act is triggered.

5. Complete all referrals to the Child Protection Team (CPT), provide services worker with CPT findings, and forward all other written information that is pertinent to the child protection process.

6. Provide written documentation for completion of identified sections of the pre-disposition study;

7. Attend court hearings as necessary to provide testimony regarding the case; and

8. Perform any tasks mutually agreed upon during the ESI staffing.

(f) There shall be no discrimination against a child based on the child's immigration status.



(g) After the ESI staffing, the Services Worker shall:

1. Provide or arrange for expedited up-front services such as family preservation services, visitation and/or medical care;
  2. Compile assessment(s) from the CPI;
  3. Conduct or refer for additional assessment(s);
  4. Obtain a Comprehensive Behavioral Health Assessment and a health check-up for a child who enters out-of-home care, unless already completed by the CPI per local agreements;
  5. Engage family in development of case plan, document efforts to mutually negotiate activities and tasks contained in the plan and make all indicated referrals and implement the tasks as scheduled;
  6. Identify alternative sources or funding for medical, dental, vision and psychological services for the child, if the child does not have legal immigration status.
  7. As requested, coordinate with the CPI regarding the compiling and submission of the pre-disposition study.
  8. Participate in all court hearings; and
  9. Provide information requested by the CPI necessary for completing the automated assessment tool.
- (h) The Services Worker shall schedule subsequent staffings or meetings to obtain information not available at previous meetings.

(2) Case Transfer.

(a) When a change in contracted service providers is needed, a case transfer staffing shall be scheduled.

1. The referring Services Worker shall arrange the transfer staffing with the staff in the receiving county, provide detailed information about the case, and document the transfer staffing in the case file.

2. The referring Services Worker shall retain responsibility for the case until the transfer is documented in the child's case file.

(b) For requirements relating to transfers of supervisory responsibility to another county, see Out-of-County Services, Rule 65C-30.018, F.A.C.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.4085(7), (12), (13), (14), 39.521(1)(b)1.-3., 39.521(1)(d)4., 39.522(1) FS. History—New \_\_\_\_\_.

65C-30.003 Diligent Search.

(1) When a child is under court ordered in-home supervision, the Services Worker shall initiate diligent search to identify and locate any absent parent and any relatives who would be willing and able to care for the child.

(2) When a child is placed in out-of-home care, if the identity or location of a parent or prospective parent is unknown, a diligent search shall be initiated by the Child Protective Investigator (CPI) or Services Worker making the placement. If the child remains in out-of-home care following closure of an investigation by a CPI, the Services Worker shall continue diligent search activities.

(3) The diligent search shall include, at a minimum, all inquiries required in Sections 39.502(8)-(9) and 39.503(5)-(6), F.S.

(4) Other Diligent Search Activities.

(a) When a child is removed from the physical custody of his or her parent or guardian, the services worker shall make diligent efforts to locate an adult relative, legal custodian or other appropriate adult willing and able to care for the child. After an initial search has been deemed sufficient, these activities are no longer required. An affidavit of diligent search must be included in the predisposition report. A description of the efforts made to locate the child's relatives or prospective placement resource shall determine whether diligent efforts were made.

(b) When the diligent search involves an American Indian or Alaskan Native child, documentation of written correspondence with the child's tribe and to the Secretary of the Interior through the Eastern Regional Office of the Bureau of Indian Affairs shall be documented in the case file and included in the court record.

(c) When the diligent search involves a child who is not a U.S. citizen and has been removed from his or her parents or who is an unaccompanied minor, the Services Worker shall take actions specified in subsection 65C-30.007(17), F.A.C., to ensure that all requirements of Section 39.5075, F.S. are met. This assists in determining whether there is a parent or other relatives in the child's country of origin who should be considered as a placement option. This information shall be documented in the case file and included in the court record.

Specific Authority 39.012, 39.0121(12), (13), 39.5075(8) FS. Law Implemented: 39.01(22), 39.502(8), (9), (10), 39.503(5), (6), (7), (8), 39.5075, 39.521(1)(d)8.a., b. FS. History—New \_\_\_\_\_.

65C-30.004 Identification of Children.

(1) Photographing of Children.

(a) Children to be photographed:

1. All children under court ordered in-home supervision shall be photographed within fifteen days after the case has been staffed and transferred to a service unit.

2. All children placed in out-of-home care shall be photographed within seventy-two hours of the beginning of a removal episode.

3. Upon return to care, any child on runaway status shall have his or her photograph taken immediately. The exception to this requirement is when concerns a child's appearance has not significantly changed since a prior photograph was taken.

4. All children and sibling groups available for adoption who are required to be registered on the Adoption Exchange System.

(b) The child's identity shall be verified by the Child Protective Investigator, Services Worker, or other staff person familiar with the child. The photograph and identifying information shall be maintained in the statewide photo database.

(c) Photographs shall be updated as follows:

1. For children fifty-nine months or less of age, every six months; and

2. For all other children, annually.

(2) Fingerprinting of Children.

(a) The fingerprints of each child placed in out-of-home care shall be obtained within fifteen days after initial placement. The record of the fingerprints shall be maintained in the child's case file.

(b) Fingerprints are not required for children under in-home supervision.

(3) Birth Verification of Children

(a) All children under court ordered in-home supervision shall have documentation of birth verification within fifteen days after the case has been staffed and transferred to a services unit.

(b) All children entering out-of-home care shall have documentation of verification of the child's birth within fifteen days from initial placement. Refer to paragraph 65C-30.004(3)(c), F.A.C., for children born out-of-state or out-of-country.

(c) For children born out-of-state or out-of-country, verification of the child's birth shall be requested within fifteen days from initial placement and documented in the case file. Refer to subsection 65C-30.007(17), F.A.C., regarding the necessary actions when it is determined that a child was born in another country and has not established legal alien status.

(4) Identifying Information in Adoption Records.

(a) The Services Worker is responsible for coordinating the changes to records with all other involved programs, in order that those programs may take the necessary steps to maintain statutory confidentiality of an adoption record after finalization. The Services Worker shall provide written notification of the statutory requirements regarding confidentiality of records to appropriate programs and service providers involved with the child. The Services Worker shall also follow-up with verbal communication with all service providers to assess their understanding and encourage their cooperation. The Services Worker shall assist the other involved programs to determine how their records can be handled so that confidentiality is maintained within their system(s) and so no post-adoption service records are added to the pre-adoption client record, and no pre-adoption identifiers are entered into the post-adoption service records in any system. After finalization of the adoption and all subsequently entered records shall be made into the post-adoptive client record.

(b) At the time of adoption finalization, it is the responsibility of the Services Worker to coordinate with the adoptive parents to determine whether the child will have a new Social Security Number (SSN) or be retaining the same

SSN after adoption. To avoid variations in practice for handling the problem, one of the two following alternatives shall be used, as appropriate:

1. Child Retains the Old SSN. If the child will retain the same SSN after adoption, the client demographic record associated with the child during adoptive placement in the statewide automated child welfare information system (SACWIS) or in the Client Information System (CIS) and the Interim Child welfare Services Information System (ICWSIS) shall have an additional client identification number (ID) of a pseudo identification number (initials of child's birth name and date of birth). The child's birth name shall remain in this demographic record and this pseudo ID shall be recorded as an additional ICWSIS ID type for the child in SACWIS. The Services Worker is responsible for recording the pseudo ID as an additional ICWSIS ID type before the case is closed at the time of finalization. The old SSN shall remain associated with the SACWIS record. All adoption subsidy payments after finalization shall continue to be recorded in ICWSIS under the pseudo ID. No split of demographics is necessary for purposes of making subsidy payments. New services that are provided and recorded in SACWIS (e.g., new abuse report in the adoptive home or provision of post-adoption services), CIS (e.g., ongoing Children's Medical Services), and/or in ICWSIS after adoption finalization shall be associated with a new demographic record with the child's adoptive name and with the SSN as the client identification number. In no case shall the pre and post-adoptive names both appear on the same SACWIS record.

2. Child Receives a New SSN. If the child will receive a new SSN after adoption, the old SSN shall be left in the SACWIS, CIS and ICWSIS records during the adoptive placement with the child's birth name and shall continue to be used to record ongoing subsidy payments in ICWSIS. New services shall be recorded under a new demographic record with the new SSN and the child's adoptive name (though a pseudo client identification number may be used after the adoption finalization while the new SSN is being obtained, and updated to the new SSN as soon as it is received).

(c) If other programs continue serving the child, the Services Worker shall assist them in determining how to record post-adoption services under the child's new identity. This shall be done either by closing previous records under the old client identification number and opening a new record under the new client identification number or recreating the service history under the new client identification number. In no case shall pre-adoption identifiers be added to the new record. If the child is receiving public assistance or Medicaid, the Services Worker shall also coordinate with the Economic Self-Sufficiency or Medicaid worker.

Specific Authority 39.012, 39.0121(3), (13), 39.5075(8) 63.202 FS. Law Implemented 39.4085(6), 39.5075, 63.162(2) FS. History--New \_\_\_\_\_.

65C-30.005 Family Assessment.

(1) The Services Worker shall complete an initial family assessment within fifteen working days following the ESI staffing. The ongoing family assessment shall be completed at least every six months until termination of services.

(2) The family assessment involves the Services Worker and the family in a joint effort to identify and analyze the family strengths and resources as well as factors that contribute to child safety risks.

(3) The initial family assessment shall include:

(a) A risk assessment analysis;

(b) A determination as to whether the child is able to currently live safely in the current home or placement;

(c) A determination of the family's ability to provide a permanent and stable home;

(d) A determination of the changes, if any, the family must make to provide a safe home for the child;

(e) An assessment of the needs of the family that hinder provision of a safe and stable home; and

(f) An identification of the family's unique resources and strengths that will contribute to improving the child's and family's well-being.

(4) The six-month family assessment shall include a summary of casework activities during the past six months that addresses:

(a) Any changes that have occurred in family conditions or circumstances;

(b) All factors affecting family strengths;

(c) Identified risks to the child;

(d) Case plan goals that have been met and are remaining; and

(e) Services that are needed to meet case plan goals.

(5) The Judicial Review Social Study Report (JRSSR) shall make reference to the six month family assessment.

Specific Authority 39.012, 409.145(6) FS. Law Implemented 39.01, 409.145(1), (2), 827.04 FS. History--New \_\_\_\_\_.

65C-30.006 Case Planning.

(1) Each child under department or contracted service provider's supervision shall have a case plan. The case file shall contain copies of all case plans.

(a) At a minimum, the case plan document shall meet the requirements of Section 39.601, F.S.; 42 USC § 675(1) and 42 USC § 675(5)(b). The case plan shall address services provided to ensure the safety, permanency and well-being of each child. Tasks shall be incremental and individualized action steps toward the achievement of measurable outcomes. Tasks shall specify the nature, extent and timing of the services so the expectations for child, parent, and caregiver are clearly communicated.

(b) Principles of family team conferencing or other family-inclusive case planning models shall be applied. These principles may include an individualized array of appropriate

services; involvement of formal and informal family supports; full disclosure; building upon strengths while assessing needs; timely provision of services; and recognizing and respecting cultural differences and language barriers.

(c) Case plan development meetings shall begin as soon as possible in order to afford the parents adequate time to complete the required tasks that contribute to their child's permanency.

(d) Whenever a parent, child or guardian ad litem, if appointed, is not included in a case planning conference, the case plan shall document a valid reason for the exclusion. When a child does not participate in development of the initial case plan, the child shall be given the opportunity to participate in all future case planning activities.

(e) The case plan shall be written simply and clearly in English and, if English is not the principal language of the parent or child, to the extent possible a copy of the case plan shall be prepared in the language of the parent or child.

(f) The case plan shall be negotiated with and signed by the child's parents, the Services Worker, the Services Worker's supervisor, and, if appointed, the guardian ad litem within thirty days of the Early Service Intervention (ESI) staffing. If there is no parent with intact parental rights, the child's legal custodian shall negotiate and sign the case plan.

(g) If the parent or legal custodian does not choose to participate in the development of the case plan, does not agree with the case plan, or refuses to sign the case plan, the department or contracted service provider shall comply with the provisions of Section 39.602, F.S.

(h) A paramour or other adult residing in the home shall be given the opportunity to voluntarily participate in case planning activities, when such participation is appropriate and does not endanger the child. If the paramour or other adult refuses to participate, the case plan shall specify the actions to be taken by the parent to protect the child.

(2) The ongoing assessments of the family provide a basis for the permanency goal and development of the case plan and amendments. All available evaluations and information regarding family members shall be considered when determining the family's strengths and risks.

(3) When developing and updating the case plan, the Services Worker shall consider information provided in the:

(a) Automated assessment tool;

(b) Comprehensive Behavioral Health Assessment (CBHA);

(c) Independent Living life skills assessments and any life skills plans, which shall be incorporated into the overall case plan;

(d) Case planning conference summaries such as Family Team Conferencing, Individual Course of Action or Family Group Decision Making;

(e) Court facilitation summaries;

(f) Available therapeutic treatment summaries;

(g) Child Health Check-Up, medical and dental records;

(h) Family Assessment.

(i) Educational assessments and educational records for the past two years, such as the Individual Educational Plans;

(j) Child Protection Team health services referrals; and

(k) Pre-disposition study.

(4) Concurrent Case Planning.

(a) Every case involving a child in an out-of-home placement shall be evaluated to determine if concurrent case planning is appropriate. Determining the appropriateness of concurrent goals shall occur in the early stages of the case. In making these determinations, the child shall be involved, depending on his or her age and developmental level. Also, information from others involved with the child shall be obtained such as the child's therapist and school personnel. Medical, educational, emotional, developmental, and child safety issues shall be considered when making determinations regarding concurrent case planning.

(b) Concurrent case plans require early decision making and front-loading of services. Front-loading represents an effort to provide immediate, meaningful and individualized services with intensive follow up in order to make determinations as to the most appropriate permanency goal in a timely manner.

(c) When there are concurrent goals, the Services Worker shall ensure that the case plan includes services and tasks addressing both goals.

(d) The case plan shall provide participants a clear understanding of which services and tasks are related to each goal.

(e) When a case has concurrent goals, the participants shall be provided an explanation of the purpose of concurrent planning and how it impacts the case.

(f) The case plan, all updates, and attachments required by state and federal law shall be filed with the court and served on all parties. Examples of such documents are: medical and educational records, and quarterly accounting statements for master trust accounts.

(g) For children thirteen and over who are in an out-of-home placement, the case plan shall include a description of the independent living services identified regardless of the goal of the plan.

(h) Translation services shall be provided for families or children who are not able to fully understand the discussion during development and explanation of the case plan either because of a lack of proficiency in English or due to deafness.

(5) Services Worker Tasks. The Services Worker has specific tasks in regard to a child's case plan. The Services Worker shall:

(a) Participate in the case plan development and document a detailed case plan that addresses all tasks and services identified in the family's assessments. These tasks and services shall address the child's safety, permanency and well-being in order to achieve the case plan goal.

(b) Make referrals, arrange, and provide services for all parties included in the case plan.

(c) Follow-up with service providers to ensure that services are engaged.

(d) Assess the participation in and effectiveness of each service recommended for the case participants. Services provided shall promote outcomes that lead to behavioral changes rather than mere compliance in the achievement of the case plan goal.

(e) Explain to the parent when a child is in an out-of-home placement that:

1. The opportunity to complete the tasks listed in the case plan for reunification is limited to no more than twelve months from the date the child was removed from the home. When there are compelling reasons that the parent is not actively participating in his or her case plan tasks, the court can order an extension to the time frame for reunification and a change in the permanency goal.

2. His or her compliance with tasks and services in the case plan shall be evaluated at every case plan meeting, judicial review and permanency hearing.

3. The family has the right to ask the court to find the Services Worker in contempt for failing to comply with the case plan, if, in their view the worker is not in compliance, as well as the right to request a modification of the plan.

4. The Services Worker shall meet with him or her to discuss plan progress, eliminate barriers to case progress, resolve conflicts or disagreements and discuss the expected frequency of such meetings.

(f) Ensure that tasks and services necessary to meet the child's physical health needs are documented in the case plan and that these needs are met through the gathering of any medical history and referral for and follow-up to medical care to ensure the provision of:

1. The Child Health Check-Up at time of removal and according to the periodicity schedule;

2. Any preventive health care and treatment necessary for health or dental needs;

3. Any preventive health care and treatment necessary for vision, hearing, and speech problems;

4. Developmental evaluation and treatment for infants or pre-school age children who are developmentally delayed; and

(g) Ensure that tasks and services necessary to meet the child's mental health needs are documented in the case plan and in any amended or modified case plans, unless prevented by the court, and that these needs are met through referral for and follow-up to ensure the provision of:

1. A CBHA conducted within seven days of removal for any child who is in out-of-home care and has been determined to be Medicaid enrolled, as per Rule 65C-28.014, F.A.C.;

2. Any assessments, evaluations and treatment necessary for mental health problems;

3. Any assessments, evaluations and treatment necessary for drug and/or alcohol abuse; and

(h) Ensure that the child's educational needs are being addressed as needed and documented in the current case plan through:

1. Obtaining copies of the child's current school records on an ongoing basis for use in case planning activities. The current school records shall be incorporated into the child's judicial review and case plan updates;

2. Referring the child for a psycho-educational evaluation and other necessary evaluations by the school if there is an indication that the child is eligible for special education services, and following up on the results of that referral;

3. Referring the child who is in an out-of-home placement to the school foster care liaison for the appointment of a surrogate parent if the child appears eligible for such appointment. Child Welfare Legal Services has the option to motion the court directly to appoint a surrogate parent as an alternative to seeking the appointment through the school;

4. Requesting services for identified educational needs such as tutoring;

5. Requesting Early Intervention Services for pre-school age children;

6. Referring the child for developmental evaluations where appropriate;

7. Assisting the child in pursuing vocational educational services;

8. Obtaining child care for pre-school or young school age children;

9. Providing or obtaining educational counseling, in conjunction with the school and other local agencies regarding the options and consequences of differing educational paths, such as the differences between GED, regular diploma and special diploma, and the post-secondary educational options available through the Road to Independence scholarships, tuition waivers, and aftercare services for young adults formerly in foster care;

10. Ensuring the child's enrollment in school; and

11. Documenting these tasks and services in the current case plan, unless prevented by the court.

(i) Ensure that visitation between a child in an out-of-home placement and his or her separated siblings, parents, relatives and other people of significance in the child's life is addressed in the case plan.

(6) Case Plan Updates and Amendments.

(a) The case plan shall be updated or amended as necessary in the following circumstances:

1. The court orders a change or makes decisions that affect the case plan;

2. There is a change in the child's placement, which affects the case plan;

3. A significant change occurs in the family's situation;

4. The child's permanency goal changes; or

5. Information concerning the child's safety, health or well being was not available at the time the previous case plan was prepared.

(b) Prior to amending the case plan, the Services Worker shall:

1. Discuss the changes with the parents, guardian ad litem, current caregivers, appropriate service providers, the Child Welfare Legal Services (CWLS) attorney and when appropriate, the child;

2. Update all necessary documentation in the child's case file;

3. Obtain and review updates of all required documentation and incorporate necessary additions;

4. Document specific, reasonable efforts to obtain required documentation that is not immediately available;

5. Schedule and participate in a case staffing, if necessary;

6. Provide the CWLS attorney with modifications to the case plan for filing with the court.

(c) Extraordinary Circumstances. If circumstances are so extraordinary that an extension of the case plan beyond 12 months is warranted and is in the child's best interests, the reasons for the extension shall be specifically and factually documented and presented to the court. The request for extension, if applicable, shall be made at the 12-month permanency review hearing with supportive documentation contained in the Judicial Review Social Study Report.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.01(1)(m), 39.01(11), 39.4085(4), (6), (7), (17), (23), 39.521(1)(f), 39.601, 39.602, 39.603, 39.701(8)(c) 39.806(1)(c), 409.175(3)(b) FS. History—New \_\_\_\_\_.

65C-30.007 Case Management Responsibilities.

(1) Contacts with Children under Supervision.

(a) The Services Worker shall make face-to-face contact with children under supervision and living in Florida no less frequently than every thirty days.

(b) Initial contact shall occur within five working days of the case being accepted for supervision.

(2) Contacts with Parent or Caregiver Living in Florida.

(a) The Services Worker with case responsibility shall establish and maintain regular face-to-face contact a minimum of every thirty days with the custodial parents of any child under in-home supervision.

(b) The Services Worker shall make a face-to-face contact a minimum of every thirty days if the case plan goal is reunification with the parent who is a party to the case.

(c) The Services Worker shall make a face-to-face contact a minimum of every thirty days with the child's caregiver if the child is in an out-of-home placement.

(d) During these contacts Services Workers shall discuss with parents and caregiver the case plan progress and the child's progress, development, health, and education.

(e) If the Services Worker learns that a new adult has moved into the child's home, a state and local criminal, juvenile and abuse/neglect history check shall be performed as part of the family assessment. When a new adult moves into the home of a child's relative or non-relative out-of-home caregiver, the requirements of subsection 65C-28.001(7), F.A.C., shall be met. The new adult household member and the background checks must be documented in the Judicial Review Social Services Report and the six month family assessment.

(3) The assigned Services Worker or Child Protective Investigator (CPI), depending on the ESI agreement, shall make periodic contact with children in shelter status as follows:

(a) Face-to-face contacts with the child and caregiver are to occur at least once every seven days as long as the child remains in shelter status in a licensed home or facility.

(b) Face-to-face contacts with the child and caregiver are to occur at least once every seven days during the first thirty days after removal for children placed with a relative or non-relative. After the first thirty days, the frequency of contacts may be modified to no less frequently than every thirty days for a child placed with a relative or non-relative. The Services Worker must document a safety plan regarding frequency of contacts, and seek approval of the safety plan by the Services Worker's supervisor.

(4) Child and parent or caregiver living out of Florida. The office of the Florida Interstate Compact on the Placement of Children shall ensure that the child welfare staff in the receiving state is notified of the Florida requirement for face-to-face contact a minimum of every thirty days with the child and the parent or caregiver.

(a) The Services Worker shall maintain contact a minimum of every thirty days with the supervising worker in the other state to obtain updates regarding the child and family's progress.

(b) Documentation of the contact and progress by the child and family shall be entered in the case file.

(5) The Services Worker shall make the face-to-face contacts with each child under supervision a minimum of once every thirty days at the child's current place of residence or other location. Contact with a child outside the child's current place of residence shall occur in an environment that is critical to the life of the child, such as early education or child care program, school setting, or child's therapeutic setting.

(a) The contacts by the Services Worker shall be purposeful and focused on the reasons for supervision and progress with tasks and services in the case plan or safety plan.

(b) At least once every three months the Services Worker shall make an unannounced visit to the child's current place of residence. See the exception to not allowing the parent to reside in the home at Rule 65C-28.010, F.A.C., "Minor Parents in the Custody of the Department".

(6) If a face-to-face visit is not completed, the Services Worker shall document in the case file alternate contacts completed or attempted. The Services Worker's immediate supervisor shall review the circumstances surrounding the failure to make a required contact with a child, parent or caregiver to determine if the failure is excusable. Justification for failure to make a face-to-face contact at least every thirty days shall be limited to situations in which the Services Worker or CPI has made all appropriate efforts to complete the contact.

(7) Face-to-face contacts shall occur more frequently than every thirty days when the child's situation dictates more frequent contact, as determined by the Services Worker's supervisor or the court.

(8) If a child is on runaway status or his or her whereabouts are unknown, the Services Worker shall meet the requirements of Rule 65C-30.018, F.A.C., "Missing Children" Documentation of the efforts to locate the child shall be in the child's case file.

(9) All contacts and attempted contacts shall be documented in the case file within two working days of the contact or attempted contact. The documentation shall provide evidence of the following:

(a) Progress towards completion of case plan objectives within the required timeframes;

(b) Effectiveness of current services and identification of additional services needed;

(c) Observations of the child's development, physical condition and interaction with the parent or caregiver and household members.

(d) Assessment of progress in tasks and services aimed at ensuring the child's well-being, including educational, emotional, developmental, physical or mental health needs;

(e) When the child is scheduled for a Child Health Check-up according to the periodicity schedule and whether steps are being taken to ensure the child receives this service; and

(f) For children in an out-of-home placement:

1. Age thirteen and older, documentation shall include comments from the child and caregiver concerning progress in learning identified life skills;

2. Frequency of visitation between the child, siblings and parents, any reason visitation is not occurring, and efforts to facilitate visits.

(10) Normalcy for Adolescents and Teenagers in the Custody of the Department. Adolescents and teenagers who are in the custody of the department shall, as appropriate based on age and maturity level, be allowed and encouraged by the licensed out-of-home caregiver, to engage in appropriate social

and extracurricular activities to promote the child's social development and maturity. The Services Worker and the licensed out-of-home caregiver shall work together to ensure the following for the child:

(a) Support of school attendance and participation and to encourage and support educational planning, i.e., college, vocational or technical programs.

(b) Assistance in preparing the child to develop living skills that shall assist him or her as he or she grows toward adulthood. The child shall be provided opportunities in the home and through life skills classes and other departmentally-organized activities to learn and practice skills needed for independent living, such as food management, money management, consumer awareness, personal hygiene and appearance, housekeeping and personal belongings, transportation, job seeking, education, study skills and interpersonal relationship building.

(c) Permission and encouragement of the child, dependent on his or her 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.

(d) Support of the child's efforts to learn to drive a car and obtain a learner's permit and driver's license as appropriate for his or her age, maturity level, and availability of insurance.

1. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver and Services Worker shall assist the child in finding a driver's education program.

2. Efforts shall be made to obtain automobile insurance for the child if he or she is to be allowed to drive.

(e) Provision of training and information, as appropriate to the child's 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, understanding his or her legal rights and accessing specific legal advice pertinent to him or her. These opportunities shall not be withheld as a form of discipline.

(f) Encouragement and assistance in participating in activities such as the child 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. The child shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as he or she is not identified as a foster child. Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.

(g) Affording the child every opportunity for social development, recreation and to have 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. The Services Worker shall be available for consultation, and shall be notified of the activity.

1. The decision process for determining approval for such events shall take into account the provision for adult supervision appropriate to the child's age and development level.

2. Criminal, delinquency and abuse/neglect history checks for dating, outings and activities with friends, families and school and church groups are not necessary for participation in normal school or community activities.

3. In determining whether or not the child may participate in such activities, the licensed out-of-home caregiver shall:

a. Be as diligent in determining approval for such events as he or she would for his or her own children, and

b. Use his or her parenting skills to familiarize himself or herself 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 appropriately.

(h) Allowing the child to experience circumstances without direct 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.

1. 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.

2. Dating, part-time employment, baby-sitting, arriving home after school and social outings with friends are examples of such activities.

(i) Knowledge by the licensed out-of-home caregiver 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.

(j) Inclusion, when appropriate and available, of the birth family in the decision making process.

(k) Receipt of an allowance no less frequently than each month, with the amount to be determined by the current board rate schedule.

1. The out-of-home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities.

2. Allowances are not to be withheld as a form of discipline.

(11) In addition to the contacts required every thirty days, the Services Worker shall maintain ongoing communication with the child's and family's service providers to determine the effectiveness of the service in helping the child, parent and caregiver reach the case plan goal. Both progress in and problems with service delivery shall be documented and steps shall be taken to resolve any delays or problems in service delivery or client participation.

(12) While service intervention is in progress, the Services Worker shall:

(a) Request information to determine whether or not the service is addressing the identified problems/issues;

(b) Share information with the provider, such as changes in the family situation, changes with the child, any feedback from the family regarding the service and its effectiveness for them;

(c) Request timely progress reports and updates on problems and successes regarding the treatment; and

(d) Document all contacts with service providers.

(13) If the Services Worker becomes aware of conditions or activities in the child's home, placement home or another location that threaten the safety of the child, the Services Worker shall take such steps as are necessary to protect the child and shall immediately report allegations of abuse, neglect or abandonment to the Florida Abuse Hotline. If the child is in a licensed home or facility, the Services Worker shall also contact the licensing unit.

(a) If the child is in a licensed home or facility, the Services Worker is authorized to change the placement of the child to ensure the immediate safety of the child. The Services Worker shall cooperate with the CPI assigned for timely completion of the investigation. All concerns noted shall be relayed to the caregiver and to licensing staff, as appropriate.

(b) If the child is on emergency shelter status and is in a non-licensed home, the Services Worker is authorized to change the placement of the child if necessary to ensure the immediate safety of the child. The Services Worker shall cooperate with the CPI assigned for timely completion of the investigation. If the child is removed from a non-licensed placement pursuant to this paragraph, an emergency shelter hearing shall be scheduled within twenty-four hours of the removal.

(c) If the child is in a non-licensed placement as the result of a court order following disposition of the case, the Services Worker is authorized to take the child to a safe place if necessary to protect the child pending the arrival of a CPI. The CPI shall investigate the allegations and determine the need for the removal of the child. If the child is removed from a non-licensed placement pursuant to this paragraph, an emergency shelter hearing shall be scheduled within twenty-four hours of the removal.

(14) If the placement of a child disrupts or there are issues unrelated to a new incident of abuse, neglect or abandonment that warrant a change of placement, the Services Worker shall take such steps as are necessary to remove the child from the placement and place him or her in another placement. If abuse, neglect or abandonment is known or suspected, the Services Worker shall immediately report allegations to the Florida Abuse Hotline. If the child is in a licensed home or facility, the Services Worker shall also contact the licensing unit.

(a) If the child is under emergency shelter status with a relative or non-relative or in an emergency shelter home or facility, he or she shall be placed with a relative or non-relative under shelter status or in another emergency shelter home or facility. The court shall be notified of the change in placement within 24 hours of the removal.

(b) If the child is in a foster home or group care facility, he or she shall be placed with a relative or non-relative under shelter status or in another licensed setting. If the child is placed with a relative or non-relative, an emergency change of placement hearing shall be scheduled within twenty-four hours of the removal.

(c) If the child is in the court ordered custody of a relative, he or she shall be placed with another relative or non-relative under shelter status or in a shelter home or facility. An emergency shelter hearing shall be scheduled within twenty-four hours of the removal.

(15) "High Risk Tracking and Review" shall be utilized whenever children in a case have been identified as being at high risk through a Red Flag Screening. During the review process, all assessments of the child and family to assure safety should be addressed. The process involves the department and contracted service provider or sheriff's office responsible for performing child protective investigations in a joint effort to identify strengths, needs and resources as well as factors that contribute to child safety risk. Assessment begins at initial contact and continues throughout the lifetime of the case. A risk assessment may be used as a tool to support decision-making for safety planning, potential removal of a child or service planning in collaboration with the Child Protective Investigator.

(a) Cases to be considered for a High Risk Case Review are those cases in which, at a minimum, critical injuries have occurred, a permanent or serious impairment is alleged or has occurred, or there has been a death or critical injury to another child in the family. A high risk case involves a child under the age of five years and contains at least one child factor and one caregiver factor specified below. Cases with children over the age of five years may be designated as part of the high-risk review system when unusually high-risk circumstances are present.

1. Child Factors:



a. The child has a serious physical injury that is suspected or confirmed as having been caused by physical or sexual abuse;

b. A child has been seriously neglected, resulting in physical harm;

2. Caregiver Factors:

a. The caregiver refuses or fails to obtain medical/psychological treatment, thereby placing the child in serious jeopardy;

b. The caregiver has a history of previous serious abuse to a child; was involved in a child fatality; or his or her parental rights were previously terminated;

c. The caregiver is not able or willing to protect the child from risk, including allowing the alleged perpetrator access to child;

d. The caregiver has a diagnosis of chronic or acute and debilitating mental illness;

e. The caregiver exhibits an acute or chronic intellectual, personality, and emotional or behavioral handicap;

f. The caregivers has a history of significant domestic violence;

g. The caregiver has a significant documented drug or alcohol problem.

(b) A Red Flag Case Review is performed at critical junctures, as defined in Rule 65C-30.001, F.A.C., during the case when fundamental decisions are being made for the child or children, or when critical events are occurring in the case.

(c) Red Flag Screenings.

1. Red Flag Screenings shall be completed on high risk cases during the investigation and assessment stages of intervention. This includes new reports on children unknown to the department as well as when new reports are received on children currently being served by an contracted services provider When the contracted services provider has an open case and a Red Flag Screening is needed, the contracted service provider shall be notified and involved in the screening process.

2. Red Flag Screenings shall be conducted on a regularly scheduled basis. Each district/region or zone, in cooperation with the contracted service providers or Sheriff's offices that perform child protective investigations shall develop a procedure for referring cases for screening and for subsequent review as appropriate.

(d) Red Flag Case Reviews.

1. The initial Red Flag Case Review shall occur within five working days of identification as a red flag case. Those persons having information pertinent to the decision being made on a red flag case are to be to participate in the review. If a significant party is unable to attend, he or she shall be requested to provide input orally or through a written report.

2. All cases identified during the Red Flag Screening shall continue to be reviewed at either critical junctures or every six months, whichever is sooner, until the review process formally concludes that the red flag designation is no longer warranted.

3. The department, sheriffs' offices and contracted service providers shall develop a process for designating, recording, tracking and reviewing red flag cases. This process shall include a means by which to assess ongoing or new risk factors, pending permanency issues, recommendations and resolutions. The written process shall be distributed to the caseworker, the supervisor, ongoing service provider, the involved sheriff's offices and the zone program office.

(16) When supervision of a child has been terminated due to court ordered long-term custody to a relative or non-relative, the department or the contracted service provider shall ensure services are provided to support the placement, when requested by the caregiver or child. The services shall be provided in the geographic area where the child and caregiver reside whether or not it is in the Florida jurisdiction where long-term custody was ordered. Examples of such recommended services:

(a) Referrals for early education or child care services.

(b) Referrals for educational fee exemptions for children or youth who are receiving or, at the time of reaching age 18, were receiving a Relative Caregiver Program payment. These referrals shall be provided to the child or youth on "Undergraduate Fee Exemptions for Children in FC/IL/Adoptions", CF-FSP 5220, September 2004, incorporated by reference.

(17) Determination of Citizenship and Required Actions for Children Who Are Not U.S. Citizens.

(a) For each child adjudicated dependent due to abuse, neglect or abandonment, the Services Worker shall determine whether the child is an U.S. citizen. In other words, the Services Worker must determine whether the child has a birth certificate, passport, naturalization certificate or other evidence of U.S. citizenship.

1. If the child is not an U.S. citizen, the Services Worker shall determine whether the permanency plan for the child will include remaining in the United States. This shall include the determination of whether there is an option for a safe reunification with the parent or legal guardian who may be located in another country. The consideration of whether the parents or legal guardian can successfully complete a case plan to the extent that the risk to the child has been eliminated shall also include a discussion of how or why the child initially came to the United States and whether a home study in the child's country of origin can be conducted.

2. If the permanency plan will include the child remaining in the United States, and the child is in need of documentation to effectuate this plan, the Services Worker shall refer the case to an authorized legal services immigration provider for a

determination as to whether the child “may be eligible for special immigrant juvenile (SIJ) status [see 8 CFR 204.11(a)] or other immigration relief.

a. A child may be eligible for this status when:

i. The child has been declared a dependent of the juvenile court or the court has placed the child under (or legally committed the child to) the custody of an agency or department of a State;

ii. The child has been deemed eligible for long-term foster care due to abuse, neglect, or abandonment; and

iii. The Court has also found that it is not in the child’s best interest to return to his/her country of nationality or last habitual residence [or the juvenile’s parents’ country of nationality or last habitual residence (home country)].

b. Before a child is awarded SIJ status the Secretary of the Department of Homeland Security must give his or her express consent to the juvenile court’s dependency order serving as a precondition to a grant of SIJ status.

i. The Child Welfare Legal Services (CWLS) attorney shall ensure that the Court incorporates in its order the finding that it is not in the child’s best interest to return to the home country and that the Court’s findings were due to abuse, abandonment or neglect and that supporting facts are provided.

ii. Homeland Security shall be provided with as much information as possible to avoid the necessity that they second guess why a child has been adjudicated dependent and to allow them to provide express consent.

3. Within sixty days of an order finding that the child is eligible for SIJ status the Services Worker shall assure that contracted or pro bono legal services has sufficient documentation to file a petition for SIJ status and the application for adjustment of status to the appropriate federal authorities on behalf of the child.

a. The Services Worker shall give the legal services provider some proof of the child’s age. This proof may include a passport or some other official foreign identity document issued by a foreign government. Any foreign document must be translated into English. If such a document is not available, the Services Worker must discuss with either the legal services provider or CWLS the possibility of obtaining a Circuit Court Order with specific findings regarding the child’s age.

b. If a child has also been adjudicated delinquent, the Services Worker shall obtain all DJJ records and give them to the legal service provider to submit with the federal application for SIJ status. These records must be certified copies of the records of disposition.

(b) Requirement to Inform the Court.

1. During the first judicial review regarding the case, the department or CBC shall report to the court as to whether the child is a U.S citizen.

2. At the first judicial review, if the child is not a U.S. citizen, then the department or contracted service provider shall inform the court of the steps that have been taken to

address the child’s citizenship or residency status. In other words, the department or contracted service provider must let the court know whether a determination by an authorized legal services immigration provider has been made that the child may be eligible for SIJ status or other appropriate immigration benefits.

3. The information delineated in 1. and 2. above shall be provided to the court through a Judicial Review Social Study Report or testimony of the Services Worker, or it may be provided through both means.

4. Legal residency or citizenship status shall be pursued as soon as possible. Because the process of applying for and obtaining lawful immigration status can be lengthy, the child shall be referred to an authorized immigration legal service provider as soon as it is clear that there may be an issue regarding the child’s immigration status.

(c) Provision of Needed Services. Regardless of the citizenship or immigration status of the child, he or she must be provided any needed services.

1. Under the Alien Child Rule at subsection 65C-9.003(1), F.A.C., Florida has already decided that “the immigration status of a child has no bearing on either the care or service rendered by Department of Children and Family Services to a child or on judicial proceedings undertaken by Department of Children and Family Services on behalf of the child.”

2. If federally funded programs, such as Medicaid, are dependent on citizenship or a qualified alien status, the benefits and services must be provided with state general revenue funds or with the funding provided to the supervising community-based care provider.

(d) Case Plan Requirements: If the child is not a U.S. citizen or legal immigrant, the Services Worker must include in the case plan a recommendation as to whether the child’s permanency plan will include remaining in the United States.

(e) Retention of Court Jurisdiction beyond Age Eighteen.

1. The Court May Retain Jurisdiction beyond the Child’s Eighteenth Birthday:

a. If the petition and application have been filed but not granted by federal authorities by the time the child reaches 18 years of age, the court is authorized to continue jurisdiction over the dependency case. If the child’s petition and application have not been granted sixty days before the child’s 18<sup>th</sup> birthday, the Services Worker will request that CWLS file a motion to extend jurisdiction.

b. This continued jurisdiction is solely to allow the consideration of the petition and application by federal authorities.

ii. Review hearings for the child shall be solely for determining the status of the petition and application made to the federal authorities.

ii. The jurisdiction terminates upon the final decision by the federal authorities or upon the young adult reaching 22 years of age, whichever is earlier.

c. The court's retention of jurisdiction beyond a child's eighteenth birthday shall have no effect on the young adult's eligibility for Independent Living Transition Services under Section 409.1451, F.S., including Road to Independence Scholarships. A young adult who is otherwise eligible for these services remains eligible though the court has retained jurisdiction for purposes of establishing "special immigrant juvenile status under federal law" for the young adult.

Specific Authority 39.012, 39.0121(13), 39.5075(8), 409.401, Article VII FS, Law Implemented 39.001(f), 39.401(1), (3), 39.402(2), (8)(d)1., 39.4085(14), 39.5075, 39.601(1)(c), 322.09(4), 409.165(3), 409.175(13), 409.401, Article V, (a), 627.746 FS. History—New \_\_\_\_\_.

#### 65C-30.008 Services Worker Responsibilities to Parents.

(1) For children remaining in the home, the Services Worker shall assist the parents in order to:

(a) Resolve and help prevent the situation that resulted in in-home supervision;

(b) Understand and meet their child's needs, including the child's need for safety;

(c) Maintain contact with the children's service providers, including medical and educational providers.

(d) Work toward a realistic and timely case goal.

(2) For children in an out-of-home placement, the Services Worker shall assist the parents to maintain continuing contact with the child through visitation, letters, phone calls, and any other reasonable and appropriate methods to maintain contact, when in the best interest of the child.

(3) For children in an out-of-home placement with a case plan goal of reunification, the Services Worker shall provide the parents with reunification services. Reunification services shall:

(a) Identify and remedy the problems that have resulted in the removal of the child;

(b) Assist the parents in making changes that will permit a safe reunification of the family whenever possible and as quickly as possible and recommend services to ameliorate such problems.

(c) Focus on the specific problem areas that make it unsafe to return the child home.

(d) Understand the possibility of permanent separation from the child if that becomes necessary.

(4) The Services Worker shall document services offered, services utilized and the effects of these services, and shall communicate at least once every thirty days with the parents on progress made or lack of progress. This information shall provide the basis for casework decisions and recommendations to the court.

(5) If the court-approved goal of the case plan for a child in an out-of-home placement is not reunification, the Services Worker has no obligation to offer or provide reunification services to the parents, unless it is necessary for the child's well-being or is otherwise court ordered.

Specific Authority 39.012, 39.0121(13) FS, Law Implemented 39.01(21), 39.01(61), 39.601(1)(c), (5), 39.701(6)(a), 39.701(7)(a), 39.521(1)(d)9., 39.521(1)(f)1., 39.521(1)(f)4., 39.521(2), 39.601(5), 39.621, 39.701(8)(e) FS. History—New \_\_\_\_\_.

#### 65C-30.009 Tiered Services Protocol.

(1) Prior to a child being removed from the home, the department or its authorized agent shall determine if, with the provision of appropriate and available early intervention or prevention, including services provided in the home, the child could safely remain at home. If at any time it is determined the child's safety and well-being are in danger, the child shall be removed from the home location and placed where he or she is no longer considered to be in danger.

(2) The following outlines the tiered protocol to services that allows the department or its agent to diligently support family continuity prior to placing children in foster care. All staff shall use this protocol when considering the services that best meet the needs of the child.

(a) Voluntary Protective Services (VPS). In this initial tier, the child will remain at home and the department or contracted service provider shall assist the family where issues of risk exist and where a decision has been made that the authority of the court is not necessary to ensure the safety of the child or the cooperation of the family in complying with the case plan. Prior to offering VPS to a family, the Child Protective Investigator (CPI) shall first determine, in consultation with his or her supervisor, whether the child is at high risk. If the child is determined to be at high risk, then court ordered services shall be pursued. Once VPS is accepted by the family, a case plan shall be negotiated with the parents or legal custodians and signed as set forth in Rule 65C-30.006, F.A.C.

(b) Court Ordered In-Home Services. Court Ordered In-Home Services occurs when it has been determined that the child can remain in the home while receiving in-home services under the supervision of the court. The CPI shall first determine, in consultation with his or her supervisor, whether the level of risk to the child requires court ordered supervision. If the child is determined to be at high risk, then court ordered services shall be pursued.

(c) Court Ordered Relative/Non-Relative Placements. When a child is removed from his or her parents or legal guardian due to abuse, neglect or abandonment, the department or its authorized agent shall request the names, relationships and addresses of both parents, maternal and paternal relatives, and any non-relatives who are known to the family and who may be appropriate for placement.

1. Prior to making an emergency placement with a relative or non-relative, an on-site check of the safety and appropriateness of the caregiver's home and initial criminal, delinquency and abuse/neglect history check activities shall be performed, followed by the fingerprinting of household members at the caregiver's home and further criminal, delinquency and abuse/neglect history check activities as set forth in Rule 65C-28.011, F.A.C.

2. Within fifteen working days following the Early Service Intervention staffing, in order to make a recommendation to the court regarding the placement, the CPI or Services Worker shall complete a home study of the selected caregiver's home, as set forth in Rule 65C-28.012, F.A.C. A home study will be performed on more than one prospective placement when the CPI or the Services Worker determines that there is more than one placement alternative for consideration.

3. The CPI or Services Worker shall inform the caregiver about the:

a. Temporary Assistance for Needy Families (TANF) funded Temporary Cash Assistance Program (TCA) grant through the Economic Self-Sufficiency Program (ESS) for relatives within the fifth degree of relationship by blood, marriage or adoption to the child, which would include Medicaid eligibility for the child. If the caregiver is a relative of the child, he or she shall be referred to ESS to apply for a TCA grant immediately upon the child's placement.

b. Relative Caregiver Program (RCP) payment through ESS if the caregiver is a relative who is within the fifth degree by blood, marriage or adoption to the parent or stepparent of the child (this is a broader degree of relationship than for TCA), in accordance with the criteria outlined in Section 39.5085(2), F.S. Once the child is adjudicated dependent and the court approves the placement with a relative caregiver based on the home study, arrangements shall be made with ESS to determine the relative caregiver's eligibility for RCP funds.

c. It shall be explained to non-relative caregivers that they are not eligible for cash assistance and that the child's eligibility for Medicaid is established through ESS based upon the child's dependent status. Food Stamps are available for eligible households at ESS if the caregiver chooses to apply and meets the eligibility criteria. It shall be explained to the non-relative caregiver that he or she may pursue licensure as a foster parent to receive payments in support of the placement.

(d) Foster Care. The department or its agent shall petition the court to place the child in foster care, as defined in Section 39.01, F.S., if the child remains in shelter status and a suitable relative or non-relative is not located to serve as a placement for the child.

Specific Authority 39.012, 39.0121(1), (7), (12), (13) FS. Law Implemented 39.001(1)(b), (f), (i), (m), 39.01(33), (48), 39.301(8)(b), 39.401(3), 39.4085(5), (13), 39.5085, 39.521(1)(b)3., (2), (3) FS. History—New \_\_\_\_\_.

65C-30.010 Voluntary Protective Services.

(1) Determining Appropriateness of Voluntary Protective Services. Prior to offering Voluntary Protective Services (VPS) to a family, the Child Protective Investigator (CPI) shall first determine, in consultation with his or her supervisor, whether the child is at high risk. If the child is determined to be at high risk, then court ordered supervision shall be recommended to ongoing-service staff. A recommendation for VPS is appropriate prior to determining whether there is legal sufficiency to petition the court for court ordered services.

(2) Factors to be considered by the CPI and his or her supervisor in determining high risk:

(a) The parent's or legal custodians ages and maturity level.

(b) Whether there is evidence that they use illegal drugs or there is domestic violence in the home.

(c) The criminal, domestic violence and abuse neglect or abandonment history of the parents or legal custodians and others who live in or frequent the home;

(d) The presence of any chronic or severe abuse, neglect or abandonment or of multiple maltreatment;

(e) Prior reports of abuse, neglect or abandonment involving the family or household and the findings of the investigation(s); and

(f) A history of non-compliance or non-cooperation during any previous interventions.

(3) If the results of the automated assessment tool performed by the CPI indicate that the child is at high risk, court ordered services shall be pursued.

(4) The CPI shall offer families that have no need for ongoing supervision referral for services available in the community or governmental programs in lieu of referring the family for VPS.

(5) Voluntary Protective Services Decision: Once a case is staffed by the CPI and supervisor and it is determined that the child is not at high risk and his or her safety is ensured without court involvement, the CPI will refer the family to the contracted service provider for protective supervision services on a voluntary basis. In making this referral, the requirements of Rule 65C-30.002, F.A.C., shall be observed.

(6) Voluntary Protective Services Agreement:

(a) Prior to accepting a family for VPS, the CPI or Services Worker shall obtain a written agreement signed by the parents or legal custodians stating that the parents or legal custodians understand the nature of the services; their obligation to participate in the development and carrying out of the case plan requirements and the potential consequences if progress is not made in ameliorating the conditions that led to the abuse, neglect or abandonment report.

(b) All adult household members, i.e., stepparents, significant others, extended family, roommates, etcetera, who provide any level of child care or supervision shall sign the

agreement. Parents who do not reside in the home but who will be involved in developing and complying with the case plan shall also sign the agreement.

(7) Once VPS is accepted by the family, a case plan shall be negotiated with and signed by all parties to the case within thirty days of the Early Services Intervention staffing. All case management and service delivery responsibilities required in court ordered cases are required in VPS cases, with the following exceptions:

(a) Court petitions and judicial reviews are not required.

(b) Fingerprinting, photographing and birth verification of the children are not required.

(8) Lack of Compliance and Case Closure:

(a) The family has the right to request closure of its case at any time. However, prior to the closure of a VPS case, the Services Worker shall staff the case with his or her supervisor to determine if there is a need for continued supervision based on continued risk to the child, lack of compliance with the case plan or any changes in family circumstances.

(b) If at any time it is determined that the case closure is not in the child's best interest or that court ordered services are necessary, a staffing shall be held with a Child Welfare Legal Services attorney to determine if there is legal sufficiency to file a dependency petition. If it is not possible to establish legal sufficiency under these circumstances and a family has requested that its VPS case be closed, the case shall be closed.

Specific Authority 39.012, 39.0121 FS, Law Implemented 39.301 FS, History--New \_\_\_\_\_.

65C-30.011 Placement Responsibilities of the Services Worker or Child Protective Investigator.

(1) The person making the placement shall, whenever possible, transport the child to the placement, advise the caregiver as to the reason or circumstances that caused the child to be placed and facilitate the adjustment of the child to the placement. The person making the placement shall also be aware of, and attend to, the child's emotional needs.

(2) The person making the placement shall ensure that the child's special physical, medical, developmental, educational or emotional needs are met as specified in subsection 65C-28.004(10), F.A.C., Placement Matching Procedures.

(3) Continuation of Medical Care and Treatment. The child's medical care and treatment shall not be disrupted by change of placement. To the extent possible, the person making the placement shall arrange for transportation in order to continue the child with his or her existing treating physicians for any on-going medical care. If this is not possible, then the person making the placement shall secure a copy of the child's medical records from the treating physician within three working days of the change to a new provider. The person making the placement is responsible for the following tasks relating to on-going medical care and treatment:

(a) Discuss with the caregiver all known health care facts regarding the child;

(b) Review with the caregiver all health care and Medicaid information contained in the child resource record;

(c) Obtain any prescription medication currently taken by the child. To continue medication as directed, the person making the placement shall obtain the medication in labeled medication bottles, inventory, and transport the medications to the child's caregiver. The inventory shall include, at a minimum:

1. The child for whom the medication is prescribed;

2. The condition and purpose for which the medication is prescribed for this child;

3. The prescribing physician's name and contact information;

4. The pharmacy from which the prescription was obtained and the contact information;

5. The prescription number;

6. The drug name and dosage;

7. The times and frequency of administration, and if the dosages vary at different times;

8. Any identified side effects;

9. Any other specific instructions regarding the medication; and

10. A space for the caregiver to sign and date the medication inventory to indicate receipt of the child's medication;

(d) If the child is taking unlabeled medications, the person making the placement shall contact the prescribing physician, if available, to ensure the proper identification and labeling of the medication or to arrange for a medical evaluation in order that treatment not be interrupted; and

(e) If a child uses medically assistive devices, the person making the placement shall ensure that these devices are taken with the child to the out-of-home placement. The person making the placement shall also ensure that the caregiver receives the appropriate information and instruction concerning the use of the devices from the child's health care provider.

(4) The Child's Resource Record. A child's resource record shall be developed for every child entering out-of-home care. The person making the placement is responsible for the initial development, monitoring, updating and transporting of the child resource record. The person making the placement shall review confidentiality requirements with each caregiver, who shall be provided a child resource record. The caregiver is responsible for maintaining confidentiality of the child's resource record documents.

(a) Since some of the information necessary in the child resource record is not available immediately upon initial removal, the documents required in the child's resource record shall be placed in the record as available. The child's resource record shall include the following information:

1. Medical, dental, psychological, psychiatric and behavioral history;

2. Copies of documentation regarding all on-going medical, dental, psychological, psychiatric and behavioral services, including child health check-ups provided through Medicaid;

3. Parental consent for treatment or court order;

4. Copy of the Medicaid card;

5. Copy of the Shelter Order;

6. Copy of the court order or Voluntary Placement Agreement placing or accepting the child into out-of-home care;

7. Copy of Predisposition Report;

8. Copy of the Case Plan;

9. Copy of the most recent Judicial Review Social Study Report;

10. School records, including, as available,

a. Report cards;

b. FCAT results;

c. Any psycho-educational evaluations or other evaluations of the child made to determine the child's educational needs and/or eligibility for special educational services;

d. All disciplinary records;

e. All Individual Educational Plans, including meeting notes;

f. Any consents or communications from the child's parents; and

g. Any notes or information from the guidance counselor/guidance office

11. An envelope for storing pictures;

12. The most recent photograph available;

13. Copy of the child's birth certificate or birth verification certified by the Office of Vital Statistics, as appropriate; and

14. Documentation of immigration status, including certificate of citizenship, if available; and

15. The names and phone numbers of staff to be contacted in emergencies.

(b) The child resource record shall be provided to the initial out-of-home caregiver within 72 hours of placement and shall accompany the child during any change of placement. If the child resource record does not accompany the child at the time of a placement change, it shall be provided to the out-of-home caregiver within 72 hours of placement.

(c) The child's resource record shall accompany the child to medical and therapist visits and shall accompany the child or caregiver to all school meetings.

(d) Where the department or contracted service provider has originals of documents required to be included in the child resource record, the original documents shall be placed in the child's case file and the copies shall be kept in the child resource record.

(e) Where medical or educational information is not available and accessible, written documentation of the efforts made to obtain the information shall be placed in the case file.

(5) Child's Resource Records in Licensed Placements.

(a) The child's resource record shall be physically located with the caregiver. The child's licensed caregiver shall ensure that the child's resource record is updated after every health care, psychological, psychiatric, behavioral and educational service or assessment provided to the child.

(b) The Services Worker shall ensure that medical and court-related documentation are kept current at each visit that is made at least every thirty days. If additional information is needed in the child's resource record, the Services Worker and the licensed caregiver shall work together to ensure that the child's resource record is promptly updated.

(6) Child's Resource Record in Relative and Non-Relative Placements.

(a) The Services Worker shall ensure the upkeep of the child resource record in relative and non-relative placements. The child's resource record shall be physically located with the relative or non-relative.

(b) The Services Worker shall assist the relative or non-relative to update the child's resource record after every health care, psychological, psychiatric, behavioral and educational service or assessment provided to the child.

(c) The Services Worker shall ensure that medical and court-related documentation are kept current at each visit. If additional information is needed in the child's resource record, the Services Worker shall provide copies of needed documents to the relative/non-relative for updating of the child's resource record.

(7) Continuation of School Attendance.

(a) The Services Worker and the caregiver shall work in partnership to minimize the impact on school attendance as a result of the removal from the child's home.

(b) The Services Worker and the child's caregiver shall explore the ability to maintain the child in the school that the child was attending at the time of removal in accordance with the federal McKinney-Vento Homeless Assistance Act, referenced in subsection 65C-28.004(3), F.A.C. If this is not possible, the Services Worker and caregiver shall, together with school personnel, coordinate a transition plan that shall be the least disruptive to the child.

(8) Transportation. The caregiver shall have the primary responsibility for ensuring the transportation of children in out-of-home care to and from hearings, visitation and other transportation activities. If the caregiver cannot arrange or provide transportation, he or she shall contact the Services

Worker who shall be responsible for developing contingency transportation plans. When the caregiver refuses to perform these required transportation responsibilities, the Services Worker shall notify licensing staff of the refusal.

(9) Review of Licensed Caregiver Performance. At the time of license renewal for a licensed out-of-home caregiver, at the request of contracted providers, the Services Worker shall complete a questionnaire regarding the caregiver's as required by paragraph 65C-13.006(4)(s), F.A.C.

(10) Review of the Licensing Service Agreement. The person making the placement shall review with licensed out-of-home caregivers their roles and responsibilities in regard to the Bilateral Service Agreement.

(11) When a child is placed in a relative's or non-relative's home, the Child Protective Investigator or Services Worker shall inform the relative or non-relative that he or she may seek licensure as a caregiver in accordance with Chapter 65C-13, F.A.C., to be eligible for payment as a shelter or foster parent.

Specific Authority 39.012, 39.0121(6),(13), 409.165(3) FS. Law Implemented 39.4085(3),(7)(10),(12),(17), 409.145(6), 409.165(3) FS. History--New\_\_\_\_\_.

#### 65C-30.012 Permanency Goal Selection.

##### (1) Permanency Goals.

(a) Permanency goals, as set forth in Part IX, Chapter 39, F.S., shall be selected based on the best interest of the individual child. The primary permanency option is to maintain a child with his or her parents or legal custodian followed by reunification of the child with his or her parents or legal custodian whenever possible.

(b)1. All information regarding the child, the child's immediate and extended family and the current placement of the child shall be provided to the court with a recommendation of the permanency option that is determined to be in the child's best interest.

2. The child's permanency goal is the primary factor used in the development of the case plan.

##### (2) Permanency Goals for Children in Out-of-Home Care.

(a) Reasonable efforts to finalize the permanency plan shall be made during the first twelve months following the date the child was removed from his or her home. The Services Worker shall document in the Judicial Review Social Study Report (JRSSR) his or her efforts to achieve the permanency goal. To assure the court is provided with all available information from which to make a judgment, the JRSSR shall address all assessments, referrals, diligent searches and services being provided to a child and his or her family. The court shall make a finding that the department or contracted service provider has made sufficient efforts to finalize the permanency plan in effect in a timely manner. When the court does not make such a finding, Child Welfare Legal Services shall immediately schedule a hearing to obtain the finding.

(b) Unless there is a compelling reason for an exception, a petition for termination of parental rights shall, at a minimum, be filed when a child has been in out-of-home care fifteen out of the previous twenty-two months.

##### 1. Compelling reasons are:

a. If the child is being cared for by a relative or non-relative who is willing and able to serve as a long term legal custodian until the child reaches the age of majority;

b. If there is a determination that the family has not been provided, consistent with the time period in the case plan, the services necessary to safely reunify the child; and

c. If there are documented, persuasive reasons why filing the petition is not in the best interest of the child.

2. A request to extend the case plan with a permanency goal of reunification will only be made when it is reasonable to expect that the goal of reunification will be achieved within fifteen months from initial removal. If a request is to be made to extend the case plan, an amended case plan, developed with the involvement of the parents, shall be provided to the court and, if approved, be immediately provided to the parties involved as set forth in Section 39.601(9), F.S.

a. The amended case plan shall include the efforts by the department or contracted service provider to assess the need for changing the permanency goal.

b. The case documentation shall provide the compelling reasons for requesting an extension and address how the extension is in the child's best interest.

c. The request to extend the case plan shall address previous visits between parent and child and make recommendations as to the future visitation schedule as set forth in Section 39.701(8), F.S.

(3) At a minimum, the following items shall be assessed in determining the best permanency option for a child in out-of-home care:

(a) Safety. Whether interventions provided will ensure safety and alleviate the causes of removal, allowing the child to be returned to the home. If not, the Services Worker shall assess risk and safety of the child regarding those permanency options being considered;

(b) Attachments. Current family relationships and other significant relationships that shall provide the child stability and a sense of connection and provide possible permanent living options. This includes connections with family members from the child's home of removal;

(c) Physical, Medical, Emotional, Psychological, Developmental and Educational Needs. The Services Worker shall give consideration to matching the child with caregivers able to provide for the child's needs on a long-term basis. The Services Worker shall ensure that the caregivers are provided the education, training and support necessary to enable them to meet the child's needs;

(d) Placement options that provide the most family-like and least restrictive settings. The Services Worker shall explore the current caregiver's ability and willingness to provide a permanent home for the child:

(e) Child's Preferences. The Services Worker shall provide the child information and education regarding permanency goal options to assist the child in making an informed decision as to his or her preference in achieving permanency.

(4) Permanency Goal Requirements for Children in Out-of-Home Care. The particular situation of each child and family shall be considered by the Services Worker in determining the best permanency goal for a particular child. The child is to be informed of the availability of long-term caregivers or an older child's opportunities for independence. Reunification shall be ruled out as an option prior to changing the permanency goal to any other option. The case documentation shall provide justification that the permanency option recommended to the court is the most appropriate one for the child.

(a) Reunification. Reunification with the child's family is the preferred permanency goal for children entering out-of-home care.

1. If the court makes a determination that reasonable efforts to reunify are not required, a permanency hearing shall be held within thirty days and a permanency staffing shall be held prior to the hearing to determine the permanency plan and goal for the child.

2. The frequency of the visitation schedule between family and child shall be accelerated prior to reunification to allow the family to adjust and to observe parent and child interactions.

(b) Adoption. Adoption must be considered by the court as a permanency option when a child cannot be safely returned home or provided permanency within the family through long-term custody with a relative.

1. The case documentation shall provide justification that adoption and not reunification is the most appropriate permanency option.

2. Adoption by relatives or other significant persons in the child's life shall be considered prior to exploring placing the child with a new family. This includes exploration of the child's previous placements.

3. The appropriateness of this option shall be assessed in accordance with subsection 65C-30.012(3), F.A.C. and meet the requirements of Chapter 63, F.S.

(c) Guardianship is a formal legal arrangement that transfers custody of a minor child from the parent to the guardian. It includes the transfer of certain parental rights, which include: protection, education, care and control, custody of the person, and decision making.

1. Guardianship caregivers shall be committed to care for the child until the child becomes eighteen years of age. However, guardianship does not require the termination of parental rights.

2. The case documentation shall provide justification that neither reunification nor adoption are appropriate permanency options.

3. The Services Worker shall inform the prospective guardian that the child will not be eligible for any Independent Living programs or post-age18 benefits.

4. The appropriateness of this option shall be assessed in accordance with subsection 65C-30.012(3), F.A.C. and meet the requirements of Chapter 39, Part XI, F.S.

(d) Long Term Custody. Long-term custody applies to a relative or other adult approved by the court and provides permanency through legal custody.

1. The case documentation shall provide justification that neither reunification nor adoption are appropriate permanency options.

2. Judicial review hearings shall be discontinued and the department or contracted service provider may be relieved of supervising the placement after the court determines that supervision is no longer needed. The court, at its discretion, may or may not retain jurisdiction.

3. For non-relative custodians, the Services Worker shall:  
a. Evaluate the likelihood of the child to attend post-secondary education in Florida and inform the caregiver that this option does not qualify for the fee and tuition exemption that is provided pursuant to Section 1009.25, F.S., for former foster youth who age out of the system, children who are in relative placement pursuant to Section 39.5085, F.S., or children who have been adopted from the Department of Children and Family Services after May 5, 1997.

b. Inform the non-relative caregiver that the child will not be eligible for any Independent Living programs or post-age18 benefits. If the child is age 16 or older, the Services Worker shall determine if the child is potentially eligible for Subsidized Independent Living, and, if so, discuss with the child and custodian this option to preserve actual and potential continued financial assistance both up to and beyond the child's adulthood. The appropriateness of this option shall be assessed as set forth in subsection 65C-30.012(3), F.A.C., and meet the requirements of Section 39.622, F.S.

(e) Long-Term Licensed Custody. Long-Term Licensed Custody applies to a licensed out-of-home caregiver who has cared for a child age fourteen or above for a period of no less than twelve months and provides permanency through legal custody.

1. A minimum of semiannual visits by the department or contracted service provider is required. The court retains jurisdiction until the child becomes an adult.

2. The appropriateness of this option shall be assessed as set forth in subsection 65C-30.012(3), F.A.C., and meet the requirements of Section 39.623, F.S.

3. The case documentation shall provide justification that reunification, adoption or long-term custody to a relative or non-relative are not appropriate permanency options.



(f) Independent Living. This goal involves the court approved placement of a child in a subsidized independent living arrangement as permanency for a child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement.

1. The appropriateness of this option shall be assessed as set forth in subsection 65C-30.012(3), F.A.C., and shall meet the requirements of Sections 39.624 and 409.1451, F.S.

2. The case documentation shall provide justification that it is not in the child's best interest to pursue any of the other permanency options.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.621, 39.622, 39.623, 39.624 FS. History--New \_\_\_\_\_.

#### 65C-30.013 Judicial Reviews and Court Reports.

(1) The Services Worker shall comply with all department requirements for judicial reviews in Section 39.701, F.S., including requirements for the Judicial Review Social Study Report (JRSSR) and the use of citizen review panels.

(2) Regularly Scheduled Judicial Reviews. Every child under the jurisdiction of the court shall have judicial reviews at least every six months as long as the department or contracted service provider is responsible for supervising the child.

(a) If a child receives a regularly scheduled judicial review prior to disposition having been reached in the child's case, it is permissible to schedule the review hearing in conjunction with any other hearing occurring in the case. The review hearing must occur prior to one hundred eighty (180) days from the previous judicial review or from the child's removal from his or her home, whichever is earlier. Adequate notice and reports shall be prepared for the review hearing.

(b) If a child who has been removed is returned to the home of removal, or some other placement is made, judicial reviews shall continue until the court terminates supervision.

(c) Regularly scheduled judicial reviews shall continue for any missing child until the child reaches the age of majority or the court terminates supervision. At each judicial review the court shall be informed of the child's status and the efforts of the department or contracted service provider to locate the child.

(d) For children who remain in out-of-home care to age seventeen and beyond, the following judicial reviews are required:

1. Pursuant to Sections 39.701(6)(a) and (b), F.S., a judicial review hearing shall be held within ninety days after a child's seventeenth birthday.

2. Pursuant to Section 39.013(8), F.S., a judicial review hearing shall be conducted within the month that begins the six-month period before the child's eighteenth birthday to

review the child's progress while in the custody of the department and continue to evaluate the child's needs as he or she transitions from care.

(e) Additional judicial review hearings are scheduled as needed at the request of any party and at the discretion of the court.

(3) Child Participation. Unless the court has dispensed with the attendance of the child at judicial review hearings pursuant to Section 39.701(2)(a), F.S., the child has the right to be present in court for all judicial reviews and the Services Worker shall ensure transportation for the child to attend.

(a) If either the Services Worker or the court determines that the child need not attend, or if the child declines to attend, the Services Worker shall document in the case file how this decision was made.

(b) A decision regarding whether a child is to attend a judicial review shall be made for each judicial review, unless the decision is based upon a persistent condition of the child that prevents his or her attendance.

#### (4) Judicial Review Social Study Report.

(a) A Judicial Review Social Study Report (JRSSR) shall be prepared for each regularly scheduled judicial review for a child.

(b) When a combined report is prepared for children who are referenced in court by the same case number, each child shall be addressed individually in the report.

(c) All significant events and department or contracted service provider actions relating to the child shall be included in the JRSSR. The most critical element of the JRSSR is the degree to which each of the parties have substantially complied with his or her case plan requirements, including an assessment of the performance of the Services Worker and service providers in arranging and providing all services, as specified in the case plan, for which they are responsible. Supportive documentation regarding tasks and services that address the child's safety, permanency and well-being shall accompany the JRSSR.

(d) In addition to the requirements of Section 39.701(7)(a), F.S., the JRSSR shall also include a recommendation to the court as to the child's placement and supervision until the next review. This recommendation shall be supported by the other information provided in the report.

(e) The JRSSR shall set forth the specific tasks and services necessary to achieve the permanency goal established in the case plan and provide details on the progress being made toward achieving that goal.

#### (f) For children in out-of-home care:

1. Starting with the judicial review following a child's thirteenth birthday, the JRSSR shall provide the court with information regarding the results of independent living assessments, specific services that the child needs, and the status of the delivery of the services. This information shall be updated for each JSSR hearing. For the judicial review

scheduled six months prior to the child's eighteenth birthday, the JRSSR shall provide the court with the transition plan as the child prepares to leave out-of-home care.

2. The child's caregiver shall be given an opportunity to address the court with any information relevant to the best interests of the child regardless of whether the caregiver has provided information in writing.

(5) Permanency Hearings for Children in Out-of-Home Care.

(a) Prior to a permanency hearing, a permanency staffing shall be held as set forth in Rule 65C-28.006, F.A.C.

(b) There are four instances in which a permanency hearing occurs:

1. Within thirty days of a judicial determination that reasonable efforts to reunify are not required;

2. No later than twelve months from the date the child was removed from his or her home;

3. No less frequently than every twelve months thereafter if the child remains in out-of-home care; and

4. When a child has been in out-of-home care for the past fifteen out of twenty-two months. This hearing specifically addresses termination of parental rights.

(6) Other Requests for Court Action.

(a) Whenever a need arises for court action outside the regular review period, the department or contracted service provider shall, through Child Welfare Legal Services (CWLS), request such action from the court. The need for petitioning the court for such action shall include, but not be limited to:

1. When the risk of harm to the child has been ameliorated;

2. When the child's custodian or caregiver or a service provider is failing to perform actions as required and the performance is necessary for reunification and/or the welfare of the child (e.g., when visitation is not happening because of the custodian's actions or a lack of supervision when that is required).

3. When requesting a modification to visitation, such as frequency or change from supervised to unsupervised for a child in out-of-home care.

(b) The department or contracted service provider shall, through CWLS, request such action from the court and provide the court sufficient information to make an informed decision on the request.

(c) Copies of any petition or report shall be provided to the parties as required for any judicial review.

(d) Except in the case of an emergency, a motion or pleading shall be prepared for each request for court action. The motion or pleading shall contain the information needed by the court to make a decision as to the request.

(e) Except in the case of an emergency, all pleadings and attachments shall be provided to the parties and others as required for a judicial review.

(f) If emergency request is made, notice to the parties and copies of the request shall be furnished by the means most likely to provide actual notice, including those notifications required for American Indian and Alaskan Native children under the provisions of the Indian Child Welfare Act.

(7) Citizen's Review Panels and Special Masters.

(a) The JRSSR requirements are the same whether the JRSSR is prepared for a Citizen's Review Panel, Special Master or for a hearing held by a judge.

(b) The recommended order issued by a Citizen's Review Panel or Special Master is not a final order until approved by the court.

(c) The judicial review order in a case heard by a Citizen's Review Panel or Special Master is the order issued by the court approving, rejecting, or modifying the recommended order of the Citizen's Review Panel or Special Master.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.521(1)(b)3., 39.521(3)(d), 39.701, 39.702 FS. History--New \_\_\_\_\_.

65C-30.014 Post-Placement Supervision and Services.

In a case where reunification has been attained, post-placement supervision shall continue for at least six months. When requesting an extension of supervision from the court, specific details explaining safety, risks, service needs and the parent's case plan accomplishments shall be provided to the court.

(1) The child's best interest and safety considerations shall be evaluated prior to recommending reunification and throughout the post-placement supervision period. The child's adjustment shall be evaluated throughout the post-placement supervision period.

(2) The post-placement supervision case plan shall be completed prior to the court hearing in which reunification is recommended. If the court returns custody to the parent contrary to the department or contracted service provider's recommendation, the post-placement supervision case plan shall be completed within fourteen working days of the court hearing. The effective date is the date custody changed to the parent.

(3) At a minimum, the case plan for post-placement supervision shall include:

(a) An assessment of family strengths and safety risks with recommendations that aim to alleviate possible risks;

(b) Services and activities necessary to remedy any of the initial problems that remain;

(c) Routine health care as well as follow-up care for physical health, mental health or substance abuse service needs that have been identified;

(d) Specific provisions regarding the need for child-care or early education programs; and

(e) Specific provisions regarding visitation by the Services Worker in accordance with Rule 65C-30.007, F.A.C. Frequency for Services Worker contacts shall be based on the

conditions in the home, needs of the child, level of risk to the child or the level of cooperation of the parents or relatives warrant additional safeguards.

(4) Post-placement services. Services to be provided by the Services Worker in reunification cases include, at a minimum:

(a) Regular Services Worker contacts;

(b) Exchange of information with parents;

(c) Support, guidance and referrals as needed;

(d) Return to the parents of original documents, including but not limited to the child's social security card and birth certificate;

(e) Release of Master Trust moneys to the parents;

(f) Provide a copy of the child's resource record contents and of any Individual Educational Plans that were approved while the child was in out-of-home care;

(g) Assistance in using community and other family resources;

(h) Coordination with the school district regarding educational stability so, whenever possible, the child can continue attending the same school following reunification;

(i) Evaluation of the family's progress as a unit; and

(j) Evaluation of the child's progress. The Services Worker shall be aware of the child's development, school attendance and adjustment, health and medical care, child-care arrangements, treatment plans, nutrition, recreation, community activities and family dynamics.

(5) If not already enrolled in a licensed child care program or licensed early education program, children age five and under shall be assessed by the Services Worker regarding the need for child care services to help ensure their safety following reunification and a recommendation made to the court.

(a) If additional oversight of the child is determined by the Services Worker to be needed, intensive in-home services may be recommended to the court as an alternative to a licensed child-care program or licensed early education program.

(b) If the child is between three years of age and school age and already enrolled in a licensed early education or a child-care program or has this service court ordered following reunification, the requirements provided in Section 39.604, F.S., shall be followed.

(6) At every six-month period of post-placement supervision, the Services Worker shall:

(a) Evaluate with the family their adjustment following the return of the child and their progress toward completion of tasks in the case plan;

(b) Assess any continuing safety concerns by considering all records relating to the child and completing a family assessment; and

(c) Prepare, file with the court and serve on all parties a report that addresses the issues noted in the post-placement supervision case plan and the outcome of the current family assessment with input from service providers. There shall also be provided a recommendation for case termination or extension of supervision.

(7) Post-placement supervision cases shall not be terminated until ordered by the court in accordance with Rule 65C-30.032, F.A.C., Termination of Services.

(8) Reunification with a parent outside of Florida requires approval through the Interstate Compact on the Placement of Children, Section 409.401, F.S.

Specific Authority 39.012 FS. Law Implemented 39.521(3)(d), (5), (6), (7), 39.522(2), 409.145(1) FS. History—New \_\_\_\_\_.

65C-30.015 New Reports Received, Removal and Placement of Children.

(1) The Child Protective Investigator (CPI) shall, within two working days, notify the Services Worker of any new reports of abuse, neglect or abandonment received on active cases.

(2) When cause for the immediate removal of the child is discovered during contact with the child or family, the Services Worker shall call 911 immediately if a dangerous situation is transpiring in the presence of the child and shall remain with the child until the child can be removed by a law enforcement officer or a CPI.

(a) The Services Worker is not required to remain with the child if the situation threatens the personal safety of the Services Worker.

(b) In situations involving immediate and life threatening danger to the child, the Services Worker is authorized to physically remove the child from the situation until physical custody of the child can be given to a CPI or a law enforcement officer.

(3) If the decision is made to leave the child in the home even though other children are currently placed in out of home care, written approval of a contracted service provider administrator shall be obtained and documented in the case file.

(4) In all cases, the new child shall be entered into the statewide automated child welfare information system.

(5) A new child born to a child in foster care.

(a) When a minor child in foster care becomes pregnant, the Services Worker shall assist her in arriving at a suitable and realistic plan for her own future and for that of her infant and in making the choice whether to keep and care for her infant or to relinquish the infant for adoptive placement.

1. The Services Worker shall staff any decision not to remove the infant from the mother (foster child) with his or her supervisor and maintain a written copy of the staffing with the staffing decision in the child's record.

2. If the Services Worker or supervisor determines there is risk for neglect or abuse of the infant, a report must be made to the Florida Abuse Hotline immediately and the CPI shall determine the placement of the infant, either with the mother with the provision of services, or removal and placement elsewhere.

(b) If the mother chooses to keep her child or is uncertain, placement of the mother and her child shall be, unless contrary to the best interests of the infant, in the same foster home or residential program in order to strengthen attachment and provide the mother with the opportunity to learn child-caring skills from the foster mother or residential program staff.

(c) If the mother decides to place the infant for adoption, the Services Worker shall refer the mother to a licensed child-placing agency.

(d) In cases where the mother's emotional or mental capacity to parent are in question or the mother has a juvenile delinquency history involving acts of violence, the Services Worker shall secure a psychological evaluation of the mother to assess coping skills, mental health issues and abilities to protect the child. The findings and recommendations set forth in the evaluation shall be considered in determining if the mother can provide a safe environment for the child.

Specific Authority 39.401, 39.402 FS. Law Implemented 39.401 FS. History—New \_\_\_\_\_.

#### 65C-30.016 New Children in Families under Supervision.

(1) The Services Worker shall immediately report to the supervisor a pending birth, a child born into a family, or any other circumstance adding a new child who is living in a home that is under supervision, including those cases where other children in the family are currently under in-home protective supervision (including voluntary supervision and post-placement supervision) or where other children in the family are in an out-of-home placement (including licensed placements and relative or non-relative placements).

(2) The Services Worker shall visit the home where the new child resides and conduct an assessment to determine the safety of the new child in the home.

(3) If the Services Worker is concerned about the safety or long-term well-being of the new child, the Services Worker shall staff the case with his or her supervisor to determine if a petition should be filed on the new child.

(4) In all cases, the new child's name and demographics shall be entered into the statewide automated child welfare information system as part of the existing case immediately upon learning of the child's presence.

(5) A new child born to a child in foster care.

(a) When a minor child in foster care becomes pregnant, the Services Worker shall assist her in arriving at a suitable and realistic plan for her own future and for that of her baby and in making the choice whether to keep and care for her child or to

relinquish the child for adoptive placement (See Rule 65C-28.010, F.A.C.) regarding minor parents in the custody of the department.

(b) If the mother chooses to keep her child or is uncertain, placement of the mother and her child shall be, unless contrary to the best interests of the infant, in the same foster home or residential program in order to strengthen attachment and provide the mother with the opportunity to learn child-caring skills from the foster mother or residential program staff. See Rule 65C-28.010, F.A.C., regarding minor parents in foster care.

(c) In cases where the mother's emotional or mental capacity to parent are in question or the mother has a juvenile delinquency history involving acts of violence, the Services Worker shall secure a psychological evaluation of the mother to assess coping skills, mental health issues and abilities to protect. The findings and recommendations set forth in the evaluation shall be considered in determining if the mother can provide a safe environment for the child."

Specific Authority 39.012 FS. Law Implemented 39.401 FS. History—New \_\_\_\_\_.

#### 65C-30.017 Coordination of Services for Youth Involved with the Department of Juvenile Justice.

(1) For a child in custody of the department who is also receiving services through the Department of Juvenile Justice (DJJ), service provision shall be coordinated efficiently and effectively by the two departments.

(2) The Interagency Agreement Between the Florida Department of Juvenile Justice and the Florida Department of Children and Families, August 9, 2005; incorporating the agreement between the departments dated November 30, 2002, and November 25, 2003 and is hereby incorporated by reference as if fully set out here.

(3) Copies of forms incorporated by reference in this rule may be obtained from the Family Safety Program Office, 1317 Winewood Boulevard, Building 6, Room 157, Tallahassee, Florida 32399-0700.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.001(1)(m), 39.601, 39.701 FS. History—New \_\_\_\_\_.

#### 65C-30.018 Out-of-County Services.

(1) When a child, an intact family or a child and caregiver under supervision or involved in a child protective investigation is to relocate to a county other than the county of jurisdiction or when supervision services are needed in another county for any other case participant, specific actions are required to ensure the safety and well-being of the child and to coordinate the request for supervision and services. Such actions are required whether or not the child has been adjudicated dependent, including children in cases under voluntary supervision.

(2) If following the completion of a home study, the court in the sending county orders the child into the placement, contracted service provider in the sending county shall immediately send a referral for out-of county supervision to the contracted service provider in the receiving county.

(3) The Primary Worker in the county of jurisdiction has the option of continuing to perform all necessary case supervision activities rather than request services from the contracted service provider in another county if there is a protocol, either statewide or between the contracted providers in the two counties, that allows supervision services in the other county.

(a) As stipulated in the protocol, these activities may include performing a home study and making a placement in the other county, as well as continuing the provision of supervision services. If supervision services are to be requested following the initiation of the placement and the home study:

1. The receiving contracted service provider shall be provided an opportunity to visit the placement and review the home study prior to a recommendation being made to the court in the sending county.

2. Once the Primary Worker in the county of jurisdiction begins the provision of supervision, he or she shall fully document his or her involvement in the statewide automated child welfare information system so he or she will be clearly identified should any new reports or future incidents arise.

3. The Primary Worker shall perform all case management and service provision activities without requiring the involvement with a contracted service provider in the county where the child or family resides.

(b) In order to perform these activities in another county, the following additional requirements shall be met:

1. The contracted service provider shall be licensed as a child-placing agency to provide placement and supervision services in the county where the child or family has relocated, and

2. The contracted service provider's contract with the department shall identify the county where the child or family has relocated as a county where the contracted service provider may provide placement and supervision services.

(4) Procedures shall be developed through a statewide working agreement between the Community-Based Care (CBC) Lead Agencies regarding the request, processing, approval or denial and coordination of services for county-to-county and district-to-district requests for home studies and referrals for out-of-county services.

(a) Each zone shall designate a liaison in the Family Safety Program Office to perform any activities necessary to ensure the timely and accurate processing of requests for home studies, referrals for out-of-county services and other types of out-of-town inquiries.

1. The liaison shall be the recipient of any information provided by the Community Based-Care Lead Agencies or other contracted services providers in regard to requests for actions sent to or from other counties.

2. The liaison shall assist in reconciling any disagreements regarding the handling of a request, both for requests from within the zone and by coordinating with liaisons in other zones.

(b) The procedures shall ensure that all activities required for requesting and arranging for supervision services are performed as quickly as possible to avoid a delay in making a safe and appropriate placement.

(c) If the procedures allow the requests for home studies and referrals for out-of-county services to be sent and received directly between the CBC Lead Agencies, the zone Family Safety Program Offices shall be provided monthly activity logs by each Lead Agency in the zone of the requests for home studies and referrals for out-of-county services received and sent by the Lead Agency.

1. These logs may also be used to also document other out-of-town inquiries such as a request for case plan assistance; a criminal, delinquency and abuse/neglect history checks or information needed in regard to a child protective investigation in another county.

2. At a minimum, these logs shall provide the following information:

a. The date the request or referral is sent or received.

b. Whether the request or referral is incoming or outgoing.

c. Whether the action involves a request for a home study or a referral for out-of-county services.

d. Any explanatory notes regarding the nature of the requested action.

e. The name and date of birth of each child involved in the requested action.

f. The name of any adult to whom the requested action relates.

g. The name of the Lead Agency or other contracted service provider assigned to perform the activity and the name of the assigned Services Worker and Services Worker Supervisor in the receiving unit.

h. The name of the Lead Agency or other contracted service provider requesting the action and the name of the assigned Services Worker and Services Worker Supervisor in the sending unit.

i. The date a response is sent in regard to the requested action.

j. The Lead Agency or other contracted services provider and the name of the person to whom the response is sent.

k. A means to indicate for each log entry, whether in regard to an incoming or outgoing request or referral, when the requested activity has become inactive, such as a child or family relocating to another county, a child reaching age 18 or the completion of a one-time activity.

l. Progress notes regarding activities performed in regard to the requested action. These notes shall be updated with each monthly submission of the log by providing new entries to the existing commentary.

(5) A request for a home study, a referral for out-of-county services or the initiation of supervision in another county is required when:

(a) A child's emergency placement in another county is being considered;

(b) There are plans to place a child outside the sending county, including placement in a shelter;

(c) There are plans to release a child to a parent outside the sending county and continued supervision is needed toward meeting the case plan goal;

(d) A family under supervision (either court ordered or voluntary) has plans to move to another county;

(e) The parent or caregiver with whom reunification is planned, the other parent or other case participant who is central to meeting the case plan goal lives in or is planning to move to another county, regardless of whether the child is residing in the same county;

(f) An adoptive placement is planned in another county;

(g) A child who is placed in a Department of Juvenile Justice (DJJ) secure detention facility or residential program or other non-Family Safety program in another county requires continued supervision while in the facility or program; or;

(h) When it becomes known that a child, family or parent under the supervision of the department or a contracted service provider has relocated to another county prior to the Primary Worker in the county of jurisdiction requesting a home study or case supervision by the contracted service provider in the other county.

(6) Requests for supervision services to be provided by a Services Worker in another county shall be requested by the Primary Worker in the county of jurisdiction in advance of a child's relocation.

(7) When placement of a child in a relative or non-relative home is being considered, the criminal, delinquency and abuse/neglect history check and home study requirements of Rules 65C-28.011 and .012, F.A.C., shall be met. The sending county shall request that these be completed by the contracted service provider in the receiving county in advance of making the request for supervision services, unless a protocol, either statewide or between the contracted service providers in the two counties allows the sending contracted service provider to perform this function.

(8) If a child's removal from his or her home involves an emergency removal and placement of the child in shelter status with a relative or non-relative, a criminal, delinquency and abuse/neglect history check in accordance with Section 39.401(3), F.S., and an on-site inspection of the proposed placement home shall be requested by the Primary Worker or CPI in the county of jurisdiction and performed by a Services Worker or CPI in the receiving county prior to placing the child.

(9) At the time services are requested, the Primary Worker or CPI in the county of jurisdiction is responsible for providing the Services Worker or CPI in the receiving county with:

(a) The child's name and case number;

(b) The prospective caregiver's name, address and telephone number;

(c) The name of the sending county's Primary Worker or CPI and supervisor; and

(d) A copy of the case plan and all case materials necessary to determine the appropriateness of the request and for providing supervision and services.

(10) When disputes arise regarding a request for a home study, a referral for out-of-county supervision or any activities related to the activities and duties involved, if the individual contracted service providers or CBC Lead Agencies cannot reach a resolution, the zone liaison within the zone or the liaisons in the two zones involved shall assist in reaching a resolution. If necessary, the Family Safety Program Administrator within the zone or the Program Administrators in the two zones involved shall assist in reaching a resolution. If necessary, the Family Safety Program Central Office shall be consulted in seeking a resolution.

(11) Once a child has relocated or services for any other case participant have been accepted by the contracted service provider in the receiving county, the Services Worker in the receiving county shall perform all case supervision and related documentation requirements upon notification of the placement, including the provision of information for case planning and judicial review activities to the Primary Worker or CPI in the county of jurisdiction.

(a) The responsibility to perform these duties shall continue until the child's case is closed, the person receiving services is no longer a case participant or the child and family move from the service area.

(b) The Primary Worker in the county of jurisdiction shall continue to be the primary case manager and retains primary responsibility and accountability for the case as long as the case remains open in that jurisdiction.

(12) The final decision regarding whether the recommendation to be made to the court is for or against the placement of the child is to be made by the Services Worker and his or her supervisor in the receiving county, unless the placement is court ordered without an opportunity for the receiving contracted service provider to provide input prior to

the decision. Once the court in the sending county (county of jurisdiction) has ordered the placement of a child, the contracted service provider in the receiving county shall accept the placement as approved.

(13) Once a case has been accepted for supervision services, communication regarding the case is made directly between the contracted service provider service units in the two counties involved.

(14) Cases shall not be closed and jurisdiction shall not be transferred to the contracted service provider in the receiving county prior to specified actions being taken:

(a) Prior to recommending case closure to the court or closing a voluntary supervision case, Primary Worker in the county of jurisdiction shall inform the Services Worker in the receiving county of the planned action and ensure that the Services Worker in the receiving county has an opportunity to comment on the advisability of the planned action.

(b) Cases involving court-ordered supervision shall not be terminated without court approval. The Services Worker in the receiving county shall be provided with a copy of the court's termination order.

(c) A recommendation to the court to transfer jurisdiction shall not be considered unless the family has reunified in the receiving county, is expected to remain in that county and the contracted service provider in that county agrees to the transfer. In cases under voluntary supervision, jurisdiction shall not be transferred to the receiving county unless the contracted service provider in the receiving county is in agreement with the transfer.

(d) When a contracted service provider has chosen to perform court ordered supervision services in another county and termination of supervision is being recommended to the court of jurisdiction, the contracted service provider requesting the termination shall also request that the court stipulate that jurisdiction over any future dependency involvement with the family will be retained by that court.

Specific Authority 39.012 FS. Law Implemented 39.601, 39.4085(10) FS. History–New \_\_\_\_\_.

#### 65C-30.019 Missing Children.

(1) When a child under supervision or in an active child protective investigation is believed to be missing, caregivers shall make the efforts to locate the child.

(a) If missing under child emergency circumstances, request local law enforcement to open a missing child report and obtain a case number:

(b) Notify the Services Worker or Child Protective Investigator (CPI), who will contact the parents, and provide the case number if a missing child report was made:

(c) Inspect the child's personal belongings to determine what items are missing:

(d) Contact the child's parents, relatives, known family members, school teachers, friends, or companions of the child, and if appropriate, the child's place of employment:

(e) Check places the child is known to frequent; and

(f) Document all information obtained, including the names, addresses and phone numbers of persons contacted.

(2) When a Services Worker or CPI is informed that a child under supervision or in an active child protective investigation is missing, the Services Worker or CPI shall:

(a) Immediately contact law enforcement if the caregiver has not done so;

(b) Gather the information required in paragraphs (1)(c)-(f), above, unless already completed by the caregiver and satisfactory to the Services Worker or CPI;

(c) Notify the child's parents or legal custodian, guardian ad litem, attorney ad litem, and attorney for the child and therapist of the missing status of the child; and

(d) File notice with the court regarding the missing child.

(3) Notification to law enforcement includes local law enforcement, the Florida Department of Law Enforcement Missing Children Information Clearing House and the National Center for Missing and Exploited Children.

(4) The Services Worker or CPI shall ensure that the Missing Child Report Form, which is located in the Missing Child Tracking System, is completed and entered into the Missing Child Tracking System per district/region, zone or contracted service provider policies and procedures.

(5) The Services Worker or CPI shall actively continue to locate the child and shall document all efforts on a weekly basis for the first three months the child is missing and monthly thereafter.

(6) When the child is located, the Services Worker or CPI shall immediately notify the child's parents, legal custodian, out-of-home caregivers, guardian ad litem, law enforcement, the court, and any other person or agency contacted as part of the search for the missing child.

(7) The Services Worker or CPI shall interview the child within twenty-four hours of the child's return to determine the child's need for further services and/or change in placement.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.202(4), 39.604(4)(b) FS. History–New \_\_\_\_\_.

#### 65C-30.020 Child Deaths.

(1) Any employee of the department, the contracted service providers or sheriffs' offices who conduct child protective investigations, who has knowledge of a child's death and who has reasonable cause to suspect that the child died as a result of abuse, neglect or abandonment shall immediately report the death to the Florida Abuse Hotline. A report is required even when there are no surviving children living in the home.

(2) Whenever a Services Worker learns that a child under supervision has died, that Services Worker shall ensure that the District/Region Administrator or Lead Agency Executive Director or designee is orally notified immediately upon learning that a death may be due to abuse, neglect or abandonment and in writing within 24 hours of the death.

(3) Written notification of all child deaths alleged to have occurred as a result of abuse, neglect or abandonment or of the deaths of children who are the subjects of an open abuse, neglect or abandonment investigation or currently ongoing services, regardless of whether there are allegations of death due to abuse, neglect or abandonment, shall be given to the following individuals within one working day of the oral notification:

- (a) Secretary of the department;
- (b) Deputy Secretary for Operations and Technology;
- (c) Deputy Secretary for Community-Based Care and Family Self-Sufficiency;
- (d) Legal Services General Counsel;
- (e) Director for the Office of Communications;
- (f) Inspector General;
- (g) Director for the Office of Family Safety;
- (h) Chief of Family Safety Quality Management;
- (i) Local Death Review Coordinator, and;
- (i) Statewide Child Death Review Coordinator.

(4) Upon receipt of a call concerning a child death, Florida Abuse Hotline staff shall:

- (a) Screen the call to determine whether the allegation meets the statutory requirement for accepting a report of death due to abuse, neglect or abandonment;
- (b) Enter the maltreatment type of Abuse or Neglect, as well as any other maltreatment type that indicates how the child is suspected to have died as a result of abuse, neglect or abandonment;
- (c) Enter an additional report when a child died during the investigation of a report that initially alleged an abuse, neglect or abandonment incident that later resulted in the child's death. If the reporter is repeating information already received in a previous call, a supplemental information report shall be entered. In all other cases, an initial report shall be entered;

(d) Notify the central office Chief for Family Safety Quality Assurance and the statewide Child Abuse Death Review Coordinator of all child deaths, which result in an abuse, neglect or abandonment report and provide these individuals with the correct abuse report number.

(e) Ensure the death report is separate and not merged with any other report alleging abuse, neglect or abandonment that did not cause the death.

(5) Whenever it appears that a child died as a result of abuse, neglect or abandonment, or when a child dies for reasons unrelated to abuse, neglect or abandonment during the course of an active child protective investigation, a safety

assessment and high risk designation per Rule 65C-29.012, F.A.C., shall be conducted to ensure the safety of any surviving children. In addition to completing this assessment, a Child Protective Investigator (CPI) shall conduct a thorough investigation of the circumstances surrounding the death. The investigation shall consist of:

(a) Gathering all relevant information necessary to determine whether the death was due to abuse, neglect or abandonment, including, but not limited to:

- 1. The child's death certificate;
- 2. A copy of the medical examiner's final report if an autopsy was conducted;
- 3. A copy of any law enforcement investigation of the death;
- 4. All criminal history records and abuse, neglect or abandonment reports pertaining to the caretaker responsible for the child's death; and
- 5. All prior child protection records pertaining to the child and the caretaker responsible for the child's death.

(b) Reviewing information entered into the statewide automated child welfare information system for accuracy and completeness prior to closure. Appropriate findings shall be entered for the maltreatment "Death Due to Abuse or Neglect" and for the maltreatment type or description (e.g., Abandonment) that best describes the cause of death;

(c) Ensuring that the automated investigative file clearly reflects the cause and circumstances surrounding the child's death. The date of death and findings from the medical examiner and law enforcement (including the status of criminal prosecution, if applicable) shall be included in the automated investigative file to the extent that information is available prior to closing the report;

(d) Keeping the local death review coordinator informed of significant developments during the investigation and ensuring that the coordinator receives copies of all pertinent documentation, such as autopsy and law enforcement reports; and

(e) Ensuring that the report is not closed until the death has been reviewed by the local death review coordinator and the coordinator has advised the supervisor that the death report has been approved for closure.

(6) If the death involved a child receiving services, the Services Worker shall:

(a) Follow department or contracted service provider procedures to ensure the child's parents are notified as soon as possible;

(b) Refer any press inquiries to the appropriate district/region or zone public information office; and

(c) Follow department or contracted service provider procedures to ensure that the emotional needs of the child's family and siblings, caregiver, and other children in the home are addressed.



(7) The department or contracted service provider shall cooperate with any law enforcement requests related to an investigation of the child's death.

(8) Any department employee, community based care provider or sheriff's department staff member providing child protection services shall cooperate with the Department of Children and Families and Department of Health child death review processes.

(9) If the child is in licensed out-of-home care, the Services Worker shall determine whether the family has resources available to pay for the funeral expenses. If resources are not available, the department or lead agency shall contact the Funeral Director's Association in Tallahassee, Florida to arrange for funeral services.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.201(3), 39.301(15), 39.303(2)(g), 383.402, 409.165(1) FS. History—New \_\_\_\_\_.

#### 65C-30.021 Child Death Reviews.

(1) In accordance with Section 383.402, F.S., each district administrator shall appoint a death review coordinator for the district. The coordinator shall have knowledge and expertise in the area of child abuse, neglect and abandonment and oversee the completion of child death reviews.

(2) Child death reviews shall be regarded as extraordinary investigations and are necessary for the prevention of subsequent child abuse, neglect or abandonment. A child death review shall be conducted on all child deaths in which it is alleged that abuse, neglect or abandonment was or may have been a factor in the child's death, and in situations where a child died while receiving ongoing services.

(3) This procedure does not apply to deaths that occur under the following circumstances unless either abuse, neglect or abandonment is suspected or the child was receiving ongoing services:

(a) Fetal deaths;

(b) Deaths due to accidents or diseases; and

(c) Deaths of children who are involved in other Department of Children and Families (DCF) programs, such as mental health or developmental services and no abuse, neglect or abandonment was suspected in the death.

(4) Comprehensive Review. A "comprehensive review" is a detailed review of the facts and circumstances surrounding the death of a child alleged to have died as a result of abuse, neglect or abandonment. The review includes an evaluation by the local child abuse death review coordinator of all prior and current services provided to the child and family by the department, community-based care provider or sheriff's office. A comprehensive review is required when the review by the local death review coordinator shows the child's death is or is likely to be either "verified" or with "some indicator" findings that of the death occurred due to abuse, neglect or abandonment, and one or more of the following is also true:

(a) The child or other children in the home were the subjects of one or more prior reports of abuse, neglect or abandonment;

(b) The statewide or zone death review coordinator determines an in-depth review of the case is necessary due to special circumstances or at the request of other parties such as the Child Protection Team, child protection staff, district administration, or law enforcement;

(c) For comprehensive reviews documentation shall include:

1. A list of all material that was reviewed during the review process, including prior abuse reports or ongoing services case records;

2. A list of all individuals interviewed during the death review process;

3. Notes of any meetings that occurred during the death review process. The notes shall reflect who was invited to participate, who attended the review, when the review was held and any important review findings or major issues, concerns or recommendations;

4. A summary of all department and community-based care provider involvement with the child and family prior to the child's death. This shall also include an evaluation of the appropriateness and effectiveness of the prior involvement; and

5. A copy of the "Review of Child Death" report shall be provided to the central office Chief of Quality Management, the local Quality Management office and the State Child Abuse Death Review Coordinator. Districts/regions shall complete all relevant sections of the report.

(d) The report shall be completed no later than ten working days after case closure, or seventy days after receipt of the child death report to the Florida Abuse Hotline or of learning of the child's death, whichever occurs first; or

(e) If the responsibility for the child death review has been assigned to another agency, a comprehensive review by the local death review coordinator is not required provided that documentation requirements are met.

(5) Limited Review. A "limited review" includes a basic review of the facts and circumstances surrounding the death of a child alleged to have died as a result of abuse, neglect or abandonment. Limited reviews are accomplished by the completion and update, if necessary, of the death section of the department's Incident Reporting System. A limited review shall be conducted by the zone death review coordinator in the following situations:

(a) The death does not meet the criteria for comprehensive review; or

(b) The death was alleged to have occurred as a result of abuse, neglect or abandonment and the deceased child and the child's siblings have never been the subjects of abuse, neglect or abandonment reports to the Florida Abuse Hotline.

(6) In limited reviews by the zone child death review coordinator, documentation shall include:

(a) The date of the final review and approval of the investigative findings; and

(b) A copy of the limited review report shall be sent by the local death review coordinator to the Chief of Quality Management, the local Quality Management office and the State Child Abuse Death Review Coordinator. The format for the limited child death review report is the death section of the department's Incident Report Form. Local death review coordinators shall complete all relevant sections of the report.

(7) The report shall be completed within ten working days of case closure, or seventy days after receipt of the child death report by the Florida Abuse Hotline or of learning of the child's death, whichever occurs first.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 383.402 FS. History—New

65C-30.022 Termination of Services.

(1) Supervision of a child shall not be terminated while supervision is court ordered unless the child has reached age 18. However, a child in licensed out-of-home care may elect to petition the court for continued court jurisdiction until age 19 (See subsection 65C-31.009(2), F.A.C.) for more information regarding continued jurisdiction beyond age 18.

(2) Prior to terminating any services case, the Services Worker shall ensure that there is not an open or pending child protective investigation.

(3) Prior to requesting the termination of a case, the Services Worker shall prepare a termination summary.

(a) For Voluntary Protective Services cases, the termination summary shall be provided to the Services Worker's supervisor for approval and determination if a petition is needed for court ordered supervision.

(b) For court ordered supervision cases, the Services Worker shall prepare a termination summary for review by the Services Worker's supervisor and submission to the court through CWLS.

(c) The termination summary shall include:

1. Reason for agency involvement;

2. Progress toward resolving the issues that resulted in agency intervention; current status of risk assessment, and an explanation of case plan objectives that were met and those that were not; and

3. The reason for termination.

(4) For court ordered in-home protective supervision, supervision shall not be terminated until authorized by court order.

Specific Authority 39.012 FS. Law Implemented 409.145(1) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nelson Simmons

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Patricia Badland

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules for Self-Insurers Under the Workers' Compensation Act 69L-5

RULE TITLE: RULE NO.:

General Requirements 69L-5.102

PURPOSE AND EFFECT: To require employers seeking self-insured status under Section 440.38(6), F.S., to submit an application for purposes of the Department making a determination as to whether the employer qualifies as a self-insurer under Section 440.38(6), F.S. The proposed rule amendment deletes language exempting employers subject to Section 440.38(6), F.S. from complying with the qualifying and application requirements and replaces it with language that imposes a mandatory qualification and application process upon such employers for purposes of the Department making a determination as to whether the employer qualifies as a self-insurer under Section 440.38(6), F.S.

SUMMARY: Self-insured status of employers under Section 440.38(6), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.38(2)(b), 440.591 FS.

LAW IMPLEMENTED: 440.38(6) FS.

IF REQUESTED IN WRITING 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: 9:00 a.m., January 12, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Jenkins, Chief of Monitoring and Audit, Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1608

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-5.102 General Requirements.

(1) An entity that is filing to be self-insured pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least 90 days prior to the preferred effective date the following information: Employers within the scope of Section 440.38(6), Florida Statutes, shall be exempt from qualifying for self insurance, but shall submit their intent to self insure in writing to the division. These self insurers shall not be required to submit an application, financial statement, security deposit, actuary report or proof of excess insurance. All other requirements established by these rules shall apply.

(a) Application For Governmental Self-Insurance, Form DFS-F2-SI-1G, incorporated by reference into rule (rev. 8/05).

(b) Application For Self-Insurance Estimated Payroll, Form DFS-F2-SIEP, incorporated by reference into rule (rev. 8/05).

(c) Certification of Servicing, Form SI-19, incorporated by reference into Rule 69L-5.117, F.A.C.

(d) National Council on Compensation Insurance (NCCI) Experience Rating Worksheet for the applicant's current year.

(e) Copy of document(s) through which applicant is organized and/or authorized to operate as a governmental entity, including but not limited to articles of incorporation, grant of authority, or charter.

(f) Legal memorandum presenting evidence that the applicant meets the scope of Section 440.38(6), F.S.

(g) The application and supporting documentation shall be submitted to the following address:

Division of Workers' Compensation  
Bureau of Monitoring and Audit / Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(h) Upon receipt of the application and supporting documentation, the Division shall determine if the applicant is within the scope of Section 440.38(6), F.S. All other requirements established by these rules shall apply.

(2) through (3) No change.

(4) Forms adopted. The forms set forth in paragraphs (1)(a) and (b), as well as the accompanying instructions to the forms, are hereby adopted. Copies of the forms are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-insurance Section, 2012 Capital Circle, S.E., Hartman Building, Suite 200, Tallahassee, FL 32399-4224.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History—New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Jenkins, Chief of Monitoring and Audit, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Assistant Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: Construction Industry Classification

RULE NO.:

Codes, Descriptions and Operations 69L-6.021

PURPOSE AND EFFECT: To amend Rule 69L-6.021, F.A.C., to include class code 5537 "Heating, Ventilation, Air-Conditioning and Refrigeration Systems – Installations, Service and Repair & Drivers," to the construction classification lists, and adopt the January 2006 edition of the SCOPES® of Basic Manual Classification and 2006 edition of the NCCI Basic Manual.

SUMMARY: Construction industry class codes for purposes of workers' compensation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: 440.02(8) FS.

IF REQUESTED IN WRITING 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: 9:00 a.m., January 10, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.021 Construction Industry Classification Codes, Descriptions, and Operations.

(1) The Division adopts the classification codes and descriptions that are specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (January 2006 ed. 1996 ed., issued January 21, 2003). For convenience, the Division lists here the classification codes and descriptions that are published in the Florida exception pages of the Basic Manual and adopted in this rule.

			(x)	5222	Concrete Construction in Connection with Bridges or Culverts
			(y)	5223	Swimming Pool Construction – Not Iron or Steel – and Drivers
			(z)	5348	Stone, Mosaic or Terrazzo or Ceramic Tile Work – Inside
			(aa)	5402	Hothouse Erection – All Operations
			(bb)	5403	Carpentry NOC
			(cc)	5437	Carpentry – Installation of Cabinet Work or Interior Trim
			(dd)	5443	Lathing and Drivers
			(ee)	5445	Wallboard Installation Within Buildings and Drivers
			(ff)	5462	Glazier – Away From Shop and Drivers
(a)	0042	Landscape Gardening and Drivers	(gg)	5472	Asbestos Contractor – Pipe and Boiler Work Exclusively and Drivers
(b)	0050	Farm Machinery Operation – By Contractor and Drivers	(hh)	5473	Asbestos Contractor – NOC and Drivers
			(ii)	5474	Painting or Paperhanging NOC and Shop Operations, Drivers
(c)	1322	Oil or Gas Well: Cleaning or Swabbing of Old Wells Having Previously Produced Gas or Oil – By Contractor – No Drilling – and Drivers	(jj)	5478	Carpet, Linoleum, Vinyl, Asphalt, or Rubber Floor Tile Installation
			(kk)	5479	Insulation Work NOC and Drivers
(d)	3365	Welding or Cutting NOC and Drivers	(ll)	5480	Plastering NOC and Drivers
(e)	3719	Oil Still Erection or Repair	(mm)	5491	Paperhanging and Drivers
(f)	3724	Machinery or Equipment Erection or Repair NOC and Drivers	(nn)	5506	Street or Road Construction: Paving or Repaving and Drivers
			(oo)	5507	Street or Road Construction: Subsurface Work and Drivers
(g)	3726	Boiler Installation or Repair – Steam	(pp)	5508	Street or Road Construction: Rock Excavation and Drivers
(h)	5020	Ceiling Installation – Suspended Acoustical Grid Type	(qq)	5509	Street or Road Maintenance: County or State Department – and Drivers
(i)	5022	Masonry NOC	(rr)	5536	Heating and Air Conditioning Duct Work – Shop and Outside – and Drivers
(j)	5037	Painting: Metal Structures – Over Two Stories in Height – and Drivers	(ss)	<u>5537</u>	<u>Heating, Ventilation, Air-Conditioning and Refrigeration Systems – Installations, Service and Repair &amp; Drivers</u>
(k)	5040	Iron or Steel: Erection – Frame Structures	(tt)(ss)	5538	Sheet Metal Work – Shop and Outside – NOC and Drivers
(l)	5057	Iron or Steel: Erection NOC	(uu)(tt)	5551	Roofing – All Kinds and Yard Employees, Drivers
(m)	5059	Iron or Steel: Erection – Frame Structures Not Over Two Stories in Height	(vv)(uu)	5606	Contractor – Executive Supervisor or Construction Superintendent
			(ww)(vv)	5610	Cleaner – Debris Removal
(n)	5069	Iron or Steel: Erection – Construction of Dwellings Not Over Two Stories in Height	(xx)(ww)	5613	Cleaner – Debris Removal – Temporary Labor Service
(o)	5102	Door, Door Frame or Sash Erection – Metal or Metal Covered	(yy)(xx)	5645	Carpentry – Detached One or Two Family Dwellings
(p)	5146	Furniture or Fixtures Installation – Portable – NOC	(zz)(yy)	5651	Carpentry – Dwellings – Three Stories or Less
(q)	5160	Elevator Erection or Repair	(aaa)(zz)	5703	Building Raising or Moving and Drivers
(r)	5183	Plumbing NOC and Drivers	(bbb)(aaa)	5705	Salvage Operation – No Wrecking or Any Structural Operations
(s)	5188	Automatic Sprinkler Installation and Drivers	(ccc)(bbb)	6003	Pile Driving
(t)	5190	Electrical Wiring – Within Buildings and Drivers	(ddd)(ccc)	6005	Jetty or Breakwater Construction – All Operations to Completion and Drivers
(u)	5213	Concrete Construction NOC	(eee)(ddd)	6017	Dam or Lock Construction: Concrete Work – All Operations
(v)	5215	Concrete Work – Incidental to the Construction of Private Residence			
(w)	5221	Concrete or Cement Work – Floors, Driveways, Yards, and Sidewalks – and Drivers			

<del>(fff)(eee)</del>	6018	Dam or Lock Construction: Earth Moving or Placing – All Operations
<del>(ggg)(fff)</del>	6045	Levee Construction – All Operations to Completion and Drivers
<del>(hhh)(egg)</del>	6204	Drilling NOC and Drivers
<del>(iii)(hhh)</del>	6206	Oil or Gas Well: Cementing and Drivers
<del>(jii)(iii)</del>	6213	Oil or Gas Well: Specialty Tool Operation NOC – By Contractor – All Employees and Drivers
<del>(kkk)(jii)</del>	6214	Oil or Gas Well: Perforating of Casing – All Employees and Drivers
<del>(lll)(kkk)</del>	6216	Oil or Gas Lease Work NOC – By Contractor and Drivers
<del>(mmm)(lll)</del>	6217	Excavation and Drivers
<del>(nnn)(mmm)</del>	6229	Irrigation or Draining System Construction and Drivers
<del>(ooo)(nnn)</del>	6233	Oil or Gas Pipeline Construction and Drivers
<del>(ppp)(ooo)</del>	6235	Oil or Gas Well: Drilling or Redrilling and Drivers
<del>(qqq)(ppp)</del>	6236	Oil or Gas Well: Installation or Recovery of Casing and Drivers
<del>(rrr)(qqq)</del>	6237	Oil or Gas Well: Instrument Logging or Survey Work and Drivers
<del>(sss)(rrr)</del>	6251	Tunneling – Not Pneumatic – All Operations
<del>(ttt)(sss)</del>	6252	Shaft Sinking – All Operations
<del>(uuu)(ttt)</del>	6260	Tunneling – Pneumatic – All Operations
<del>(vvv)(uuu)</del>	6306	Sewer Construction – All Operations and Drivers
<del>(www)(vvv)</del>	6319	Gas Main or Connection Construction and Drivers
<del>(xxx)(www)</del>	6325	Conduit Construction – For Cable or Wires – and Drivers
<del>(yyy)(xxx)</del>	6400	Fence Erection – Metal
<del>(zzz)(yyy)</del>	7538	Electric Light or Power Line Construction and Drivers
<del>(aaa)(zzz)</del>	7601	Telephone, Telegraph or Fire Alarm Construction and Drivers
<del>(bbb)(aaa)</del>	7605	Burglar Alarm Installation or Repair and Drivers
<del>(ccc)(bbb)</del>	7611	Telephone or Cable TV Line Installation – Contractors, Underground and Drivers
<del>(ddd)(ccc)</del>	7612	Telephone or Cable TV Line Installation – Contractors, Overhead, and Drivers
<del>(eee)(ddd)</del>	7613	Telephone or Cable TV Line Installation – Contractors, Service Lines and Connections and Drivers
<del>(fff)(eee)</del>	7855	Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way by Contractor – No Work on Elevated Railroads – and Drivers
<del>(ggg)(fff)</del>	8227	Construction or Erection – Permanent Yard
<del>(hhh)(ggg)</del>	9534	Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers

~~(iii)(hhh)~~ 9554 Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers

(2) The Division adopts the definitions published by NCCI, SCOPES® of Basic Manual Classifications (Jan. 2006 ~~2003~~) that correspond to the classification codes and descriptions adopted in subsection (1) above. The definitions identify the workplace operations that satisfy the criteria of the term “construction industry” as used in the workers’ compensation law. The definitions are hereby incorporated by reference and can be obtained by writing to the Division of Workers’ Compensation, Bureau of Compliance, 200 E. Gaines Street, Tallahassee, Florida 32399-4228.

Specific Authority 440.02(8), 440.591 FS. Law Implemented 440.02(8) FS.; Ch. 2003-412, Section 1, Laws of Florida (repealing parts of Section 440.02(15)) FS. History—New 10-21-02, Formerly 4L-6.021, Amended 7-4-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew Sabolic, Bureau Chief, Bureau of Compliance  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Workers’ Compensation, Assistant Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE TITLE: Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation  
 RULE NO.: 69L-6.030  
 PURPOSE AND EFFECT: To interpret Section 440.107(7), Florida Statutes, to impose penalties against employers currently in compliance with Chapter 440, Florida Statutes, where the employer previously failed to secure the payment of compensation for employees in violation of Chapter 440, Florida Statutes, without requiring service of a stop work order on the employer.  
 SUMMARY: Assessment of penalties against employers currently in compliance with Chapter 440, Florida Statutes, for previous violations of Chapter 440, Florida Statutes, and service of stop work orders against such employers.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.  
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.  
 LAW IMPLEMENTED: 440.107(2), 440.107(7) FS.

IF REQUESTED IN WRITING 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: 2:00 p.m., January 11, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.030 Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation.

(1) When an investigation commenced by the department pursuant to Section 440.107, Florida Statutes, reflects that, on the date the investigation commences, the employer is failing to secure the payment of workers' compensation, is materially understating or concealing payroll, is materially understating or concealing employee duties so as to avoid proper classification for premium calculations, or is materially misrepresenting or concealing information pertinent to the computation and application of an experience rating modification factor, but the employer comes into compliance with the workers' compensation coverage requirements prior to the issuance of a stop work order, such employer shall be assessed a penalty pursuant to Section 440.107(7)(d)1., Florida Statutes, and a stop work order will not be issued for such violations.

(2) For purposes of this rule, an investigation commences on the date the department's compliance investigator conducts an on-site inspection of the employer's worksite or business location, or on the date the employer receives a written request to produce business records from the department pursuant to Section 440.107(7)(a), Florida Statutes, whichever is earlier.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(2), 440.107(7) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Assistant Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE TITLE: Stop Work Orders in Effect Against Successor Corporations or Business Entities

RULE NO.: 69L-6.031

PURPOSE AND EFFECT: To interpret and implement Section 440.107(7)(b), Florida Statutes, regarding issuance of stop work orders to successor corporations or business entities.

SUMMARY: Stop work orders to be issued to a successor corporation or business entity where the entity has one or more of the same principals or officers as the corporation, partnership or sole proprietorship against which the stop work order was issued and are engaged in the same or equivalent trade or activity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(b) FS.

IF REQUESTED IN WRITING 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: 2:00 p.m., January 10, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.031 Stop Work Orders in Effect Against Successor Corporations and Business Entities.

(1) Section 440.107(7)(b), Florida Statutes, requires that stop work orders and orders of penalty assessment issued against a corporation, partnership, or sole proprietorship shall

be in effect against any successor corporation or business entity that has one or more of the same principals or officers as the corporation or partnership against which the stop work order was issued and are engaged in the same or equivalent trade or activity.

(a) For employers engaged in the construction industry, a corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and order of penalty assessment are engaged in the same or equivalent trade or activity if they each perform or have performed business operations that include operations described in at least one classification code listed in Rule 69L-6.021, F.A.C.

(b) For employers engaged in the non-construction industry, a corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and order of penalty assessment are engaged in the same or equivalent trade or activity if they each perform or have performed business operations that include operations described in at least one classification code that is in the manufacturing, goods and services, or the office and clerical industry group listed in subsection (7) of this rule.

(c) For employers that perform business operations described by one of the classification codes in the miscellaneous industry groups listed in subsection (7) of this rule, a corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and order of penalty assessment are engaged in the same or equivalent trade or activity if they each perform or have performed the same business operation described in one of the classification codes contained in the miscellaneous industry groups.

(2) The department hereby adopts the industry groups and the corresponding classification codes and descriptions contained in paragraphs (7)(a)-(e) of this rule.

(3) A stop work order and order of penalty assessment issued against a corporation, partnership, or sole proprietorship becomes effective against a successor corporation or business entity that has one or more of the same principals or officers as the corporation, partnership, or sole proprietorship against which the stop work order was issued and is engaged in the same or equivalent trade or activity, through service on the successor corporation or business entity of an order applying

stop work order and order of penalty assessment to successor corporation or business entity. The order applying stop work order and order of penalty assessment to successor corporation or business entity remains in effect until withdrawn by the department.

(4) In order for the department to withdraw an order applying stop work order and order of penalty assessment to successor corporation or business entity, the department must have released the stop work order in effect against the corporation or business entity which has one or more of the same principals or officers as the successor corporation or business entity; the principal or officer of the corporation, business entity or sole proprietorship against which the stop work order and order of penalty assessment has been served must formally disassociate himself or herself from the corporation, business entity or sole proprietorship against which the order applying stop work order and order of penalty assessment to successor corporation or business entity has been served, and provide satisfactory proof to the department of such disassociation, by sworn statement; or the successor corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and amended order of penalty assessment are no longer engaged in the same or equivalent trade or activity, as determined by the department.

(5) An order applying stop work order and order of penalty assessment shall take effect when served upon the employer or, for a particular worksite, when served at that worksite.

(6) The department shall assess a penalty of \$1,000 per day against an employer for each day that the employer conducts business operations in violation of an order applying stop work order and order of penalty assessment.

(7) List of class codes, descriptions, and industry groups. A complete description of class codes is contained in the SCOPES® of Basic Manual Classifications (Jan. 2006) published by the National Council on Compensation Insurance, Inc. (NCCI) and is available for a fee by calling NCCI at 1(800)622-4123. The SCOPES® list of codes, descriptions and industry groups is as follows:

(a) Industry Group: Manufacturing.

<u>Class</u>	<u>Description</u>
<u>1.</u>	<u>1430 SMELTING, SINTERING OR REFINING-LEAD &amp; DRIVERS</u>
<u>2.</u>	<u>1438 SMELTING, SINTERING OR REFINING-METALS-NOT IRON OR LEAD-NOC &amp; DRIVERS</u>
<u>3.</u>	<u>1452 ORE MILLING &amp; DRIVERS</u>
<u>4.</u>	<u>1463 ASPHALT WORKS &amp; DRIVERS</u>
<u>5.</u>	<u>1472 DISTILLATION-WOOD &amp; DRIVERS</u>
<u>6.</u>	<u>1473 TURPENTINE OR RESIN MFG-STEAM OR NON-DESTRUCTIVE PROCESS &amp; DRIVERS</u>
<u>7.</u>	<u>1642 LIME MFG</u>
<u>8.</u>	<u>1699 ROCK WOOL MFG</u>

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9.	1701	<u>CEMENT MFG</u>
10.	1741	<u>FLINT GRINDING &amp; DRIVERS</u>
11.	1747	<u>EMERY WORKS &amp; DRIVERS</u>
12.	1748	<u>ABRASIVE WHEEL MFG &amp; DRIVERS</u>
13.	1803	<u>STONE CUTTING OR POLISHING NOC &amp; DRIVERS</u>
14.	1852	<u>ASBESTOS GOODS MFG</u>
15.	1853	<u>MICA GOODS MFG &amp; MICA PREPARING</u>
16.	1860	<u>ABRASIVE PAPER OR CLOTH PREPARATION</u>
17.	1924	<u>WIRE DRAWING OR CABLE MFG – NOT IRON OR STEEL</u>
18.	1925	<u>DIE CASTING MFG</u>
19.	2001	<u>CRACKER MFG</u>
20.	2002	<u>MACARONI MFG</u>
21.	2003	<u>BAKERY &amp; DRIVERS, ROUTE SUPERVISORS</u>
22.	2014	<u>GRAIN MILLING</u>
23.	2016	<u>BREAKFAST FOOD MFG</u>
24.	2021	<u>SUGAR REFINING</u>
25.	2039	<u>ICE CREAM MFG &amp; DRIVERS</u>
26.	2041	<u>CONFECTION MFG</u>
27.	2065	<u>MILK PRODUCTS MFG NOC</u>
28.	2070	<u>CREAMERY &amp; ROUTE SUPERVISORS, DRIVERS</u>
29.	2081	<u>BUTCHERING</u>
30.	2089	<u>PACKING HOUSE-ALL OPERATIONS</u>
31.	2095	<u>MEAT PRODUCTS MFG NOC</u>
32.	2105	<u>FRUIT PACKING</u>
33.	2110	<u>PICKLE MFG</u>
34.	2111	<u>CANNERY NOC</u>
35.	2112	<u>FRUIT EVAPORATING OR PRESERVING</u>
36.	2114	<u>OYSTER PROCESSING</u>
37.	2119	<u>CITRUS PRODUCTS PROCESSING</u>
38.	2121	<u>BREWERY &amp; DRIVERS</u>
39.	2130	<u>SPIRITUOUS LIQUOR DISTILLERY</u>
40.	2131	<u>SPIRITUOUS LIQUOR BOTTLING</u>
41.	2150	<u>ICE MFG</u>
42.	2156	<u>BOTTLING-NOT CARBONATED LIQUIDS-OR SPIRITUOUS LIQUORS &amp; ROUTE SUPERVISORS,</u>
43.	2157	<u>BOTTLING NOC &amp; ROUTE SUPERVISORS, DRIVERS</u>
44.	2172	<u>CIGARETTE MFG</u>
45.	2174	<u>TOBACCO REHANDLING OR WAREHOUSING</u>
46.	2211	<u>COTTON BATTING, WADDING OR WASTE MFG</u>
47.	2220	<u>YARN OR THREAD MFG-COTTON</u>
48.	2286	<u>WOOL SPINNING AND WEAVING</u>
49.	2288	<u>FELTING MFG</u>
50.	2300	<u>PLUSH MFG</u>
51.	2302	<u>SILK THREAD OR YARN MFG</u>
52.	2305	<u>TEXTILE FIBER MFG-SYNTHETIC</u>
53.	2361	<u>HOSIERY MFG</u>
54.	2362	<u>KNIT GOODS MFG NOC</u>
55.	2380	<u>WEBBING MFG</u>
56.	2386	<u>LACE MFG</u>
57.	2388	<u>EMBROIDERY MFG</u>
58.	2402	<u>CARPET OR RUG MFG NOC</u>



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59.	2413	<u>TEXTILE-BLEACHING, DYEING, MERCERIZING, FINISHING</u>
60.	2416	<u>YARN DYEING OR FINISHING</u>
61.	2417	<u>CLOTH PRINTING</u>
62.	2501	<u>CLOTHING MANUFACTURING</u>
63.	2503	<u>DRESSMAKING OR TAILORING-CUSTOM EXCLUSIVELY</u>
64.	2534	<u>FEATHER OR FLOWER MFG-ARTIFICIAL</u>
65.	2570	<u>MATTRESS OR BOX SPRING MFG</u>
66.	2576	<u>AWNING OR TENT MFG-SHOP</u>
67.	2578	<u>BAG OR SACK MFG-CLOTH</u>
68.	2585	<u>LAUNDRY NOC &amp; ROUTE SUPERVISORS, DRIVERS</u>
69.	2586	<u>CLEANING OR DYEING &amp; ROUTE SUPERVISORS, DRIVERS</u>
70.	2589	<u>LAUNDRY AND DRY CLEANING STORE-RETAIL &amp; ROUTE SUPERVISORS, DRIVERS</u>
71.	2600	<u>FUR MFG-PREPARING SKINS</u>
72.	2623	<u>TANNING</u>
73.	2651	<u>SHOE STOCK MFG</u>
74.	2660	<u>BOOT OR SHOE MFG NOC</u>
75.	2670	<u>GLOVE MFG-LEATHER OR TEXTILE</u>
76.	2683	<u>LUGGAGE MFG</u>
77.	2688	<u>LEATHER GOODS MFG NOC</u>
78.	2710	<u>SAW MILL</u>
79.	2714	<u>VENEER MFG</u>
80.	2731	<u>PLANING OR MOLDING MILL</u>
81.	2735	<u>FURNITURE STOCK MFG</u>
82.	2759	<u>BOX OR BOX SHOOK MFG</u>
83.	2790	<u>PATTERN MAKING NOC</u>
84.	2797	<u>MOBILE OR TRAILER HOME MFG &amp; DRIVERS</u>
85.	2802	<u>CARPENTRY-SHOP ONLY-&amp; DRIVERS</u>
86.	2812	<u>CABINET WORKS-WITH POWER MACHINERY</u>
87.	2835	<u>BRUSH OR BROOM ASSEMBLY</u>
88.	2836	<u>BRUSH OR BROOM MFG NOC</u>
89.	2841	<u>WOODENWARE MANUFACTURING NOC</u>
90.	2881	<u>FURNITURE ASSEMBLY-WOOD-FROM MANUFACTURED PARTS</u>
91.	2883	<u>FURNITURE MANUFACTURING-WOOD-NOC</u>
92.	2913	<u>RATTAN, WILLOW OR TWISTED FIBER PRODUCTS MFG</u>
93.	2915	<u>VENEER PRODUCTS MFG</u>
94.	2916	<u>VENEER PRODUCTS MFG-NO VENEER MFG</u>
95.	2923	<u>PIANO MFG</u>
96.	2942	<u>PENCIL, PENHOLDER OR CRAYON MFG</u>
97.	2960	<u>WOOD PRESERVING &amp; DRIVERS</u>
98.	3004	<u>IRON OR STEEL: MANUFACTURING: STEEL MAKING-&amp; DRIVERS</u>
99.	3018	<u>IRON OR STEEL: MANUFACTURING: ROLLING MILL &amp; DRIVERS</u>
100.	3022	<u>PIPE OR TUBE MFG NOC &amp; DRIVERS</u>
101.	3027	<u>ROLLING MILL NOC &amp; DRIVERS</u>
102.	3028	<u>PIPE OR TUBE MFG-IRON OR STEEL-&amp; DRIVERS</u>
103.	3030	<u>IRON OR STEEL: FABRICATION: IRON OR STEEL WORKS-SHOP-STRUCTURAL-&amp; DRIVERS</u>
104.	3040	<u>IRON OR STEEL: FABRICATION: IRON WORKS-SHOP-ORNAMENTAL-&amp; DRIVERS</u>
105.	3041	<u>IRON OR STEEL: FABRICATION: IRON WORKS-SHOP-DECORATIVE OR ARTISTIC &amp;</u>
106.	3042	<u>ELEVATOR OR ESCALATOR MFG</u>
107.	3064	<u>SIGN MFG-METAL</u>
108.	3066	<u>SHEET METAL WORK-SHOP</u>

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<u>109.</u>	<u>3076</u>	<u>FIREPROOF EQUIPMENT MFG</u>
<u>110.</u>	<u>3081</u>	<u>FOUNDRY-FERROUS-NOC</u>
<u>111.</u>	<u>3082</u>	<u>FOUNDRY-STEEL CASTINGS</u>
<u>112.</u>	<u>3085</u>	<u>FOUNDRY-NON-FERROUS</u>
<u>113.</u>	<u>3110</u>	<u>FORGING WORK-DROP OR MACHINE</u>
<u>114.</u>	<u>3111</u>	<u>BLACKSMITH</u>
<u>115.</u>	<u>3113</u>	<u>TOOL MANUFACTURING-NOT DROP OR MACHINE FORGED-NOC</u>
<u>116.</u>	<u>3114</u>	<u>TOOL MFG-DROP OR MACHINE FORGED-NOC: MACHINING OR FINISHING OF TOOLS OR</u>
<u>117.</u>	<u>3118</u>	<u>SAW MFG</u>
<u>118.</u>	<u>3119</u>	<u>NEEDLE MFG</u>
<u>119.</u>	<u>3122</u>	<u>CUTLERY MFG NOC</u>
<u>120.</u>	<u>3126</u>	<u>TOOL MFG-AGRICULTURAL, CONSTRUCTION, LOGGING, MINING, OIL OR ARTESIAN WELL</u>
<u>121.</u>	<u>3131</u>	<u>BUTTON OR FASTENER MFG-METAL</u>
<u>122.</u>	<u>3132</u>	<u>NUT OR BOLT MFG</u>
<u>123.</u>	<u>3145</u>	<u>SCREW MFG</u>
<u>124.</u>	<u>3146</u>	<u>HARDWARE MFG NOC</u>
<u>125.</u>	<u>3169</u>	<u>STOVE MFG</u>
<u>126.</u>	<u>3175</u>	<u>RADIATOR OR HEATER MFG</u>
<u>127.</u>	<u>3179</u>	<u>ELECTRICAL APPARATUS MFG NOC</u>
<u>128.</u>	<u>3180</u>	<u>ELECTRIC OR GAS LIGHTING FIXTURES MFG</u>
<u>129.</u>	<u>3188</u>	<u>PLUMBERS SUPPLIES MFG NOC</u>
<u>130.</u>	<u>3220</u>	<u>CAN MFG</u>
<u>131.</u>	<u>3223</u>	<u>LAMP OR PORTABLE LANTERN MFG</u>
<u>132.</u>	<u>3224</u>	<u>AGATE WARE MFG</u>
<u>133.</u>	<u>3227</u>	<u>ALUMINUM WARE MFG</u>
<u>134.</u>	<u>3240</u>	<u>WIRE ROPE MFG-IRON OR STEEL</u>
<u>135.</u>	<u>3241</u>	<u>WIRE DRAWING-IRON OR STEEL</u>
<u>136.</u>	<u>3255</u>	<u>WIRE CLOTH MFG</u>
<u>137.</u>	<u>3257</u>	<u>WIRE GOODS MFG NOC</u>
<u>138.</u>	<u>3270</u>	<u>EYELET MFG</u>
<u>139.</u>	<u>3300</u>	<u>BED SPRING OR WIRE MATTRESS MFG</u>
<u>140.</u>	<u>3303</u>	<u>SPRING MFG</u>
<u>141.</u>	<u>3307</u>	<u>HEAT-TREATING-METAL</u>
<u>142.</u>	<u>3315</u>	<u>BRASS OR COPPER GOODS MFG</u>
<u>143.</u>	<u>3334</u>	<u>TIN FOIL MFG</u>
<u>144.</u>	<u>3336</u>	<u>TYPE FOUNDRY</u>
<u>145.</u>	<u>3372</u>	<u>ELECTROPLATING</u>
<u>146.</u>	<u>3373</u>	<u>GALVANIZING OR TINNING-NOT ELECTROLYTIC</u>
<u>147.</u>	<u>3383</u>	<u>JEWELRY MFG</u>
<u>148.</u>	<u>3385</u>	<u>WATCH MFG</u>
<u>149.</u>	<u>3400</u>	<u>METAL STAMPED GOODS MFG NOC</u>
<u>150.</u>	<u>3507</u>	<u>CONSTRUCTION OR AGRICULTURAL MACHINERY MFG</u>
<u>151.</u>	<u>3515</u>	<u>TEXTILE MACHINERY MFG</u>
<u>152.</u>	<u>3548</u>	<u>PRINTING OR BOOKBINDING MACHINE MFG</u>
<u>153.</u>	<u>3559</u>	<u>CONFECTION MACHINE MFG</u>
<u>154.</u>	<u>3574</u>	<u>COMPUTING, RECORDING OR OFFICE MACHINE MFG NOC</u>
<u>155.</u>	<u>3581</u>	<u>FUEL INJECTION DEVICE MFG</u>
<u>156.</u>	<u>3612</u>	<u>PUMP MFG</u>
<u>157.</u>	<u>3620</u>	<u>BOILERMAKING</u>
<u>158.</u>	<u>3629</u>	<u>PRECISION MACHINED PARTS MFG NOC</u>

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<u>159.</u>	<u>3632</u>	<u>MACHINE SHOP NOC</u>
<u>160.</u>	<u>3634</u>	<u>VALVE MFG</u>
<u>161.</u>	<u>3635</u>	<u>GEAR MFG OR GRINDING</u>
<u>162.</u>	<u>3638</u>	<u>BALL OR ROLLER BEARING MFG</u>
<u>163.</u>	<u>3642</u>	<u>BATTERY MFG-DRY</u>
<u>164.</u>	<u>3643</u>	<u>ELECTRIC POWER OR TRANSMISSION EQUIPMENT MFG</u>
<u>165.</u>	<u>3647</u>	<u>BATTERY MFG-STORAGE</u>
<u>166.</u>	<u>3648</u>	<u>AUTOMOTIVE LIGHTING, IGNITION OR STARTING APPARATUS MFG NOC</u>
<u>167.</u>	<u>3681</u>	<u>TELEVISION, RADIO, TELEPHONE OR TELECOMMUNICATION DEVICE MFG NOC</u>
<u>168.</u>	<u>3685</u>	<u>INSTRUMENT MFG NOC</u>
<u>169.</u>	<u>3803</u>	<u>AUTOMOBILE WHEEL MFG-METAL-NOT CAST</u>
<u>170.</u>	<u>3807</u>	<u>AUTOMOBILE RADIATOR MFG</u>
<u>171.</u>	<u>3808</u>	<u>AUTOMOBILE MFG OR ASSEMBLY</u>
<u>172.</u>	<u>3822</u>	<u>AUTOMOBILE, BUS, TRUCK OR TRAILER BODY MFG: DIE-PRESSED STEEL</u>
<u>173.</u>	<u>3824</u>	<u>AUTOMOBILE, BUS, TRUCK OR TRAILER BODY MFG: NOC</u>
<u>174.</u>	<u>3826</u>	<u>AIRCRAFT ENGINE MFG</u>
<u>175.</u>	<u>3827</u>	<u>AUTOMOBILE ENGINE MFG</u>
<u>176.</u>	<u>3830</u>	<u>AIRPLANE MFG</u>
<u>177.</u>	<u>3851</u>	<u>MOTORCYCLE MFG OR ASSEMBLY</u>
<u>178.</u>	<u>3865</u>	<u>BABY CARRIAGE MFG</u>
<u>179.</u>	<u>3881</u>	<u>CAR MFG-RAILROAD &amp; DRIVERS</u>
<u>180.</u>	<u>4021</u>	<u>BRICK MFG NOC &amp; DRIVERS</u>
<u>181.</u>	<u>4024</u>	<u>REFRACTORY PRODUCTS MFG &amp; DRIVERS</u>
<u>182.</u>	<u>4034</u>	<u>CONCRETE PRODUCTS MFG &amp; DRIVERS</u>
<u>183.</u>	<u>4036</u>	<u>PLASTER BOARD OR PLASTER BLOCK MFG &amp; DRIVERS</u>
<u>184.</u>	<u>4038</u>	<u>PLASTER STATUARY OR ORNAMENT MFG</u>
<u>185.</u>	<u>4053</u>	<u>POTTERY MFG: CHINA OR TABLEWARE</u>
<u>186.</u>	<u>4061</u>	<u>POTTERY MFG: EARTHENWARE-GLAZED OR PORCELAIN-HAND MOLDED OR CAST</u>
<u>187.</u>	<u>4062</u>	<u>POTTERY MFG: PORCELAIN WARE-MECHANICAL PRESS FORMING</u>
<u>188.</u>	<u>4101</u>	<u>GLASS MFG &amp; DRIVERS</u>
<u>189.</u>	<u>4111</u>	<u>GLASSWARE MFG-NO AUTOMATIC BLOWING MACHINES</u>
<u>190.</u>	<u>4112</u>	<u>INCANDESCENT LAMP MFG</u>
<u>191.</u>	<u>4113</u>	<u>GLASS MFG-CUT</u>
<u>192.</u>	<u>4114</u>	<u>GLASSWARE MFG NOC</u>
<u>193.</u>	<u>4130</u>	<u>GLASS MERCHANT</u>
<u>194.</u>	<u>4131</u>	<u>MIRROR MFG</u>
<u>195.</u>	<u>4133</u>	<u>CATHEDRAL OR ART GLASS WINDOW MFG</u>
<u>196.</u>	<u>4150</u>	<u>OPTICAL GOODS MFG NOC</u>
<u>197.</u>	<u>4206</u>	<u>PULP MFG-GROUND WOOD PROCESS</u>
<u>198.</u>	<u>4207</u>	<u>PULP MFG-CHEMICAL PROCESS</u>
<u>199.</u>	<u>4239</u>	<u>PAPER MFG</u>
<u>200.</u>	<u>4240</u>	<u>BOX MFG-SET-UP PAPER</u>
<u>201.</u>	<u>4243</u>	<u>BOX MFG-FOLDING PAPER-NOC</u>
<u>202.</u>	<u>4244</u>	<u>CORRUGATED OR FIBER BOARD CONTAINER MFG</u>
<u>203.</u>	<u>4250</u>	<u>PAPER COATING</u>
<u>204.</u>	<u>4251</u>	<u>STATIONERY MFG</u>
<u>205.</u>	<u>4263</u>	<u>FIBER GOODS MFG</u>
<u>206.</u>	<u>4273</u>	<u>BAG MFG-PAPER</u>
<u>207.</u>	<u>4279</u>	<u>PAPER GOODS MFG NOC</u>
<u>208.</u>	<u>4282</u>	<u>DRESS PATTERN MFG-PAPER</u>

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<u>209.</u>	<u>4283</u>	<u>BUILDING OR ROOFING PAPER OR FELT PREPARATION-NO INSTALLATION</u>
<u>210.</u>	<u>4299</u>	<u>PRINTING</u>
<u>211.</u>	<u>4304</u>	<u>NEWSPAPER PUBLISHING</u>
<u>212.</u>	<u>4307</u>	<u>BOOKBINDING</u>
<u>213.</u>	<u>4308</u>	<u>LINOTYPE OR HAND COMPOSITION</u>
<u>214.</u>	<u>4351</u>	<u>PHOTOENGRAVING</u>
<u>215.</u>	<u>4352</u>	<u>ENGRAVING</u>
<u>216.</u>	<u>4360</u>	<u>MOTION PICTURE: DEVELOPMENT OF NEGATIVES, PRINTING AND ALL SUBSEQUENT</u>
<u>217.</u>	<u>4410</u>	<u>RUBBER GOODS MFG NOC</u>
<u>218.</u>	<u>4420</u>	<u>RUBBER TIRE MFG</u>
<u>219.</u>	<u>4431</u>	<u>PHONOGRAPH RECORD MFG</u>
<u>220.</u>	<u>4432</u>	<u>PEN MFG</u>
<u>221.</u>	<u>4439</u>	<u>LACQUER OR SPIRIT VARNISH MFG</u>
<u>222.</u>	<u>4452</u>	<u>PLASTICS MFG: FABRICATED PRODUCTS NOC</u>
<u>223.</u>	<u>4459</u>	<u>PLASTICS MFG: SHEETS, RODS, OR TUBES</u>
<u>224.</u>	<u>4470</u>	<u>CABLE MFG-INSULATED ELECTRICAL</u>
<u>225.</u>	<u>4484</u>	<u>PLASTICS MANUFACTURING: MOLDED PRODUCTS NOC</u>
<u>226.</u>	<u>4493</u>	<u>FABRIC COATING OR IMPREGNATING NOC</u>
<u>227.</u>	<u>4557</u>	<u>INK MFG</u>
<u>228.</u>	<u>4558</u>	<u>PAINT MFG</u>
<u>229.</u>	<u>4561</u>	<u>VARNISH MFG-OLEO-RESINOUS</u>
<u>230.</u>	<u>4568</u>	<u>SALT BORAX OR POTASH PRODUCING OR REFINING &amp; DRIVERS</u>
<u>231.</u>	<u>4581</u>	<u>PHOSPHATE WORKS &amp; DRIVERS</u>
<u>232.</u>	<u>4583</u>	<u>FERTILIZER MFG &amp; DRIVERS</u>
<u>233.</u>	<u>4586</u>	<u>AMMONIUM NITRATE MFG</u>
<u>234.</u>	<u>4611</u>	<u>DRUG, MEDICINE OR PHARMACEUTICAL PREPARATION, COMPOUNDING, OR BLENDING-NO</u>
<u>235.</u>	<u>4635</u>	<u>OXYGEN OR HYDROGEN MFG &amp; DRIVERS</u>
<u>236.</u>	<u>4653</u>	<u>GLUE MFG &amp; DRIVERS</u>
<u>237.</u>	<u>4665</u>	<u>RENDERING WORKS NOC &amp; DRIVERS</u>
<u>238.</u>	<u>4670</u>	<u>COTTONSEED OIL MFG-MECHANICAL &amp; DRIVERS</u>
<u>239.</u>	<u>4683</u>	<u>OIL MFG-VEGETABLE-NO</u>
<u>240.</u>	<u>4686</u>	<u>OIL MFG – VEGETABLE – SOLVENT EXTRACTION PROCESS</u>
<u>241.</u>	<u>4692</u>	<u>DENTAL LABORATORY</u>
<u>242.</u>	<u>4693</u>	<u>PHARMACEUTICAL OR SURGICAL GOODS MFG NOC</u>
<u>243.</u>	<u>4703</u>	<u>CORN PRODUCTS MFG</u>
<u>244.</u>	<u>4710</u>	<u>CANDLE MFG</u>
<u>245.</u>	<u>4717</u>	<u>BUTTER SUBSTITUTE MFG</u>
<u>246.</u>	<u>4720</u>	<u>SOAP OR SYNTHETIC DETERGENT MFG</u>
<u>247.</u>	<u>4740</u>	<u>OIL REFINING-PETROLEUM &amp; DRIVERS</u>
<u>248.</u>	<u>4741</u>	<u>ASPHALT OR TAR DISTILLING OR REFINING &amp; DRIVERS</u>
<u>249.</u>	<u>4751</u>	<u>SYNTHETIC RUBBER MFG</u>
<u>250.</u>	<u>4771</u>	<u>EXPLOSIVES OR AMMUNITION MFG: NOC &amp; DRIVERS</u>
<u>251.</u>	<u>4777</u>	<u>EXPLOSIVES DISTRIBUTORS &amp; DRIVERS</u>
<u>252.</u>	<u>4825</u>	<u>DRUG, MEDICINE OR PHARMACEUTICAL PREPARATION MFG &amp; INCLUDES MFG OF</u>
<u>253.</u>	<u>4828</u>	<u>CHEMICAL BLENDING AND MIXING NOC-ALL OPERATIONS &amp; DRIVERS</u>
<u>254.</u>	<u>4829</u>	<u>CHEMICAL MANUFACTURING NOC-ALL OPERATIONS &amp; DRIVERS</u>
<u>255.</u>	<u>4830</u>	<u>CHEMICAL MIXING AND MANUFACT. NOC-ALL OPERATIONS &amp; DRIVERS – FOR USE IN</u>
<u>256.</u>	<u>4902</u>	<u>SPORTING GOODS MFG NOC</u>
<u>257.</u>	<u>4923</u>	<u>PHOTOGRAPHIC SUPPLIES MFG</u>
<u>258.</u>	<u>5951</u>	<u>SERUM, ANTI-TOXIN OR VIRUS MFG &amp; DRIVERS</u>

<u>259.</u>	<u>6504</u>	<u>FOOD SUNDRIES MFG NOC-NO CEREAL MILLING</u>
<u>260.</u>	<u>9501</u>	<u>PAINTING: SHOP ONLY &amp; DRIVERS</u>
<u>261.</u>	<u>9505</u>	<u>PAINTING: AUTOMOBILE OR CARRIAGE BODIES</u>
<u>262.</u>	<u>9521</u>	<u>HOUSE FURNISHINGS INSTALLATION NOC &amp; UPHOLSTERING</u>
<u>263.</u>	<u>9522</u>	<u>UPHOLSTERING</u>
<u>264.</u>	<u>9600</u>	<u>TAXIDERMIST</u>

(b) Industry Group: Contracting.

<u>Class</u>	<u>Description</u>
<u>1.</u>	<u>0042</u> <u>LANDSCAPE GARDENING &amp; DRIVERS</u>
<u>2.</u>	<u>0050</u> <u>FARM MACHINERY OPERATION-BY CONTRACTOR-&amp; DRIVERS</u>
<u>3.</u>	<u>1322</u> <u>OIL OR GAS WELL: CLEANING OR SWABBING OF OLD WELLS HAVING PREVIOUSLY</u>
<u>4.</u>	<u>3365</u> <u>WELDING OR CUTTING NOC &amp; DRIVERS</u>
<u>5.</u>	<u>3719</u> <u>OIL STILL ERECTION OR REPAIR</u>
<u>6.</u>	<u>3724</u> <u>MACHINERY OR EQUIPMENT ERECTION OR REPAIR NOC &amp; DRIVERS</u>
<u>7.</u>	<u>3726</u> <u>BOILER INSTALLATION OR REPAIR-STEAM</u>
<u>8.</u>	<u>5020</u> <u>CEILING INSTALLATION-SUSPENDED ACOUSTICAL GRID TYPE</u>
<u>9.</u>	<u>5022</u> <u>MASONRY NOC</u>
<u>10.</u>	<u>5037</u> <u>PAINTING: METAL STRUCTURES-OVER TWO STORIES IN HEIGHT &amp; DRIVERS</u>
<u>11.</u>	<u>5040</u> <u>IRON OR STEEL: ERECTION-FRAME STRUCTURES</u>
<u>12.</u>	<u>5057</u> <u>IRON OR STEEL: ERECTION NOC</u>
<u>13.</u>	<u>5059</u> <u>IRON OR STEEL: ERECTION-FRAME STRUCTURES NOT OVER TWO STORIES IN HEIGHT</u>
<u>14.</u>	<u>5069</u> <u>IRON OR STEEL: ERECTION-CONSTRUCTION OF DWELLINGS NOT OVER TWO STORIES IN</u>
<u>15.</u>	<u>5102</u> <u>DOOR, DOOR FRAME OR SASH ERECTION-METAL OR METAL COVERED</u>
<u>16.</u>	<u>5146</u> <u>FURNITURE OR FIXTURES INSTALLATION-PORTABLE-NOC</u>
<u>17.</u>	<u>5160</u> <u>ELEVATOR ERECTION OR REPAIR</u>
<u>18.</u>	<u>5183</u> <u>PLUMBING NOC &amp; DRIVERS</u>
<u>19.</u>	<u>5188</u> <u>AUTOMATIC SPRINKLER INSTALLATION &amp; DRIVERS</u>
<u>20.</u>	<u>5190</u> <u>ELECTRICAL WIRING-WITHIN BUILDINGS &amp; DRIVERS</u>
<u>21.</u>	<u>5213</u> <u>CONCRETE CONSTRUCTION NOC</u>
<u>22.</u>	<u>5215</u> <u>CONCRETE WORK-INCIDENTAL TO THE CONSTRUCTION OF PRIVATE RESIDENCE</u>
<u>23.</u>	<u>5221</u> <u>CONCRETE OR CEMENT WORK-FLOORS, DRIVEWAYS, YARDS OR SIDEWALKS &amp; DRIVERS</u>
<u>24.</u>	<u>5222</u> <u>CONCRETE CONSTRUCTION IN CONNECTION WITH BRIDGES OR CULVERTS</u>
<u>25.</u>	<u>5223</u> <u>SWIMMING POOL CONSTRUCTION, INSTALLATION OR REPAIR – NOT IRON OR STEEL –</u>
<u>26.</u>	<u>5348</u> <u>TILE, STONE, MOSAIC OR TERRAZZO WORK-INSIDE</u>
<u>27.</u>	<u>5402</u> <u>HOTHOUSE ERECTION-ALL OPERATIONS</u>
<u>28.</u>	<u>5403</u> <u>CARPENTRY NOC</u>
<u>29.</u>	<u>5437</u> <u>CARPENTRY-INSTALLATION OF CABINET WORK OR INTERIOR TRIM</u>
<u>30.</u>	<u>5443</u> <u>LATHING &amp; DRIVERS</u>
<u>31.</u>	<u>5445</u> <u>WALLBOARD INSTALLATION WITHIN BUILDINGS &amp; DRIVERS</u>
<u>32.</u>	<u>5462</u> <u>GLAZIER-AWAY FROM SHOP &amp; DRIVERS</u>
<u>33.</u>	<u>5472</u> <u>ASBESTOS CONTRACTOR-PIPE AND BOILER WORK EXCLUSIVELY &amp; DRIVERS</u>
<u>34.</u>	<u>5473</u> <u>ASBESTOS CONTRACTOR-NOC &amp; DRIVERS</u>
<u>35.</u>	<u>5474</u> <u>PAINTING OR PAPERHANGING NOC &amp; SHOP OPERATIONS, DRIVERS</u>
<u>36.</u>	<u>5478</u> <u>LINOLEUM, CARPET, VINYL, ASPHALT, OR RUBBER FLOOR TILE INSTALLATION</u>
<u>37.</u>	<u>5479</u> <u>INSULATION WORK NOC &amp; DRIVERS</u>
<u>38.</u>	<u>5480</u> <u>PLASTERING NOC &amp; DRIVERS</u>
<u>39.</u>	<u>5491</u> <u>PAPERHANGING &amp; DRIVERS</u>
<u>40.</u>	<u>5506</u> <u>STREET OR ROAD CONSTRUCTION: PAVING OR REPAVING &amp; DRIVERS</u>

41.	5507	<u>STREET OR ROAD CONSTRUCTION: SUBSURFACE WORK &amp; DRIVERS</u>
42.	5508	<u>STREET OR ROAD CONSTRUCTION: ROCK EXCAVATION &amp; DRIVERS</u>
43.	5509	<u>STREET OR ROAD MAINTENANCE OR BEAUTIFICATION &amp; DRIVERS</u>
44.	5536	<u>AIR CONDITIONING DUCT FABRICATION AND INSTALLATION &amp; DRIVERS</u>
45.	5537	<u>HEATING, VENTILATION, AIR-CONDITIONING AND REFRIGERATION SYSSYM – INSTALLATION, SERVICE AND REPAIR &amp; DRIVERS</u>
46.	5538	<u>SHEET METAL WORK-SHOP AND OUTSIDE-NOC &amp; DRIVERS</u>
47.	5551	<u>ROOFING-ALL KINDS &amp; DRIVERS</u>
48.	5606	<u>CONTRACTOR-EXECUTIVE SUPERVISOR OR CONSTRUCTION SUPERINTENDENT</u>
49.	5610	<u>CLEANER – DEBRIS REMOVAL – CONSTRUCTION OR ERECTION CONTRACTOR</u>
50.	5613	<u>CLEANER-DEBRIS REMOVAL – TEMPORARY LABOR SERVICE</u>
51.	5645	<u>CARPENTRY-DETACHED – ONE OR TWO FAMILY DWELLINGS</u>
52.	5651	<u>CARPENTRY-DWELLINGS THREE STORIES OR LESS</u>
53.	5703	<u>BUILDING RAISING OR MOVING &amp; DRIVERS</u>
54.	5705	<u>SALVAGE OPERATION-NO WRECKING OR ANY STRUCTURAL OPERATIONS</u>
55.	6003	<u>PILE DRIVING &amp; DRIVERS</u>
56.	6005	<u>JETTY OR BREAKWATER CONSTRUCTION-ALL OPERATIONS TO COMPLETION &amp; DRIVERS</u>
57.	6017	<u>DAM OR LOCK CONSTRUCTION: CONCRETE WORK-ALL OPERATIONS</u>
58.	6018	<u>DAM OR LOCK CONSTRUCTION: EARTH MOVING OR PLACING-ALL OPERATIONS &amp; DRIVERS</u>
59.	6045	<u>LEVEE CONSTRUCTION-ALL OPERATIONS TO COMPLETION &amp; DRIVERS</u>
60.	6204	<u>DRILLING NOC &amp; DRIVERS</u>
61.	6206	<u>OIL OR GAS WELL: CEMENTING &amp; DRIVERS</u>
62.	6213	<u>OIL OR GAS WELL: SPECIALTY TOOL OPERATION NOC-BY CONTRACTOR-ALL EMPLOYEES</u>
63.	6214	<u>OIL OR GAS WELL: PERFORATING OF CASING-ALL EMPLOYEES &amp; DRIVERS</u>
64.	6216	<u>OIL OR GAS LEASE WORK NOC-BY CONTRACTOR &amp; DRIVERS</u>
65.	6217	<u>EXCAVATION &amp; DRIVERS</u>
66.	6229	<u>IRRIGATION OR DRAINAGE SYSTEM CONSTRUCTION &amp; DRIVERS</u>
67.	6233	<u>OIL OR GAS PIPELINE CONSTRUCTION &amp; DRIVERS</u>
68.	6235	<u>OIL OR GAS WELL: DRILLING OR REDRILLING &amp; DRIVERS</u>
69.	6236	<u>OIL OR GAS WELL: INSTALLATION OR RECOVERY OF CASING &amp; DRIVERS</u>
70.	6237	<u>OIL OR GAS WELL: INSTRUMENT LOGGING OR SURVEY WORK &amp; DRIVERS</u>
71.	6251	<u>TUNNELING-NOT PNEUMATIC-ALL OPERATIONS</u>
72.	6252	<u>SHAFT SINKING-ALL OPERATIONS</u>
73.	6260	<u>TUNNELING-PNEUMATIC-ALL OPERATIONS</u>
74.	6306	<u>SEWER CONSTRUCTION-ALL OPERATIONS &amp; DRIVERS</u>
75.	6319	<u>GAS MAIN OR CONNECTION CONSTRUCTION &amp; DRIVERS</u>
76.	6325	<u>CONDUIT CONSTRUCTION-FOR CABLES OR WIRES-&amp; DRIVERS</u>
77.	6400	<u>FENCE ERECTION-METAL</u>
78.	7538	<u>ELECTRIC LIGHT OR POWER LINE CONSTRUCTION &amp; DRIVERS</u>
79.	7601	<u>TELEPHONE, TELEGRAPH OR FIRE ALARM LINE CONSTRUCTION &amp; DRIVERS</u>
80.	7605	<u>BURGLAR ALARM INSTALLATION OR REPAIR &amp; DRIVERS</u>
81.	7611	<u>TELEPHONE OR CABLE TV LINE INSTALLATION-CONTRACTORS, UNDERGROUND &amp; DRIVERS</u>
82.	7612	<u>TELEPHONE OR CABLE TV LINE INSTALLATION-CONTRACTORS, OVERHEAD &amp; DRIVERS</u>
83.	7613	<u>TELEPHONE OR CABLE TV LINE INSTALLATION-CONTRACTORS, SERVICE LINES AND</u>
84.	7855	<u>RAILROAD CONSTRUCTION: LAYING OR RELAYING OF TRACKS OR MAINTENANCE OF WAY</u>
85.	8227	<u>CONSTRUCTION OR ERECTION PERMANENT YARD</u>
86.	9534	<u>MOBILE CRANE AND HOISTING SERVICE CONTRACTORS-NOC-ALL OPERATIONS-INCLUDING</u>
87.	9554	<u>SIGN INSTALLATION, MAINTENANCE, REPAIR OR REMOVAL &amp; DRIVERS</u>

(c) Industry Group: Office & Clerical.

<u>Class</u>	<u>Description</u>
<u>1.</u>	<u>4361 PHOTOGRAPHER-ALL EMPLOYEES &amp; CLERICAL, SALESPERSONS, DRIVERS</u>
<u>2.</u>	<u>7610 RADIO OR TELEVISION BROADCASTING STATION-ALL EMPLOYEES &amp; CLERICAL, DRIVERS</u>
<u>3.</u>	<u>8601 ARCHITECT OR ENGINEER-CONSULTING</u>
<u>4.</u>	<u>8721 REAL ESTATE APPRAISAL COMPANIES-OUTSIDE EMPLOYEES</u>
<u>5.</u>	<u>8742 SALESPERSONS, COLLECTORS OR MESSENGERS -OUTSIDE</u>
<u>6.</u>	<u>8748 AUTOMOBILE SALESPERSONS</u>
<u>7.</u>	<u>8755 LABOR UNION-ALL EMPLOYEES</u>
<u>8.</u>	<u>8800 MAILING OR ADDRESSING CO. &amp; CLERICAL</u>
<u>9.</u>	<u>8803 AUDITORS, ACCOUNTANT OR FACTORY COST OR OFFICE SYSTEMATIZER-TRAVELING</u>
<u>10.</u>	<u>8810 CLERICAL OFFICE EMPLOYEES NOC</u>
<u>11.</u>	<u>8820 ATTORNEY-ALL EMPLOYEES &amp; CLERICAL, MESSENGERS, DRIVERS</u>
<u>12.</u>	<u>8832 PHYSICIAN &amp; CLERICAL</u>
<u>13.</u>	<u>8833 HOSPITAL: PROFESSIONAL EMPLOYEES</u>
<u>14.</u>	<u>8861 CHARITABLE OR WELFARE ORGANIZATION-PROFESSIONAL EMPLOYEES &amp; CLERICAL</u>
<u>15.</u>	<u>8868 COLLEGE: PROFESSIONAL EMPLOYEES &amp; CLERICAL</u>
<u>16.</u>	<u>8869 CHILD DAY CARE CENTER: PROFESSIONAL EMPLOYEES AND CLERICAL, SALESPERSONS</u>
<u>17.</u>	<u>8871 CLERICAL TELECOMMUTER EMPLOYEES</u>
<u>18.</u>	<u>8901 TELEPHONE OR TELEGRAPH CO.: OFFICE OR EXCHANGE EMPLOYEES &amp; CLERICAL</u>
<u>19.</u>	<u>9012 BUILDINGS-OPERATION-BY OWNER, LESSEE, OR REAL ESTATE MANAGEMENT FIRM:</u>
<u>20.</u>	<u>9156 THEATER NOC: PLAYERS, ENTERTAINERS OR MUSICIANS</u>

(d) Industry Group: Goods & Services.

<u>Class</u>	<u>Description</u>
<u>1.</u>	<u>0005 FARM: NURSERY EMPLOYEES &amp; DRIVERS</u>
<u>2.</u>	<u>0008 FARM: GARDENING-MARKET OR TRUCK &amp; DRIVERS</u>
<u>3.</u>	<u>0016 FARM: ORCHARD &amp; DRIVERS</u>
<u>4.</u>	<u>0030 SUGAR CANE PLANTATION &amp; DRIVERS</u>
<u>5.</u>	<u>0034 FARM: POULTRY OR EGG PRODUCER &amp; DRIVERS</u>
<u>6.</u>	<u>0035 FARM: FLORIST &amp; DRIVERS</u>
<u>7.</u>	<u>0036 FARM: DAIRY &amp; DRIVERS</u>
<u>8.</u>	<u>0037 FARM: FIELD CROPS &amp; DRIVERS</u>
<u>9.</u>	<u>0052 ORCHARD AND GROVE OWNERS AND OPERATORS-ALL OPERATIONS &amp; DRIVERS</u>
<u>10.</u>	<u>0079 FARM: BERRY OR VINEYARD &amp; DRIVERS</u>
<u>11.</u>	<u>0083 FARM: CATTLE OR LIVESTOCK RAISING NOC &amp; DRIVERS</u>
<u>12.</u>	<u>0113 FARM: FISH HATCHERY &amp; DRIVERS</u>
<u>13.</u>	<u>0153 LAWN OR SHRUB SPRAYING &amp; DRIVERS</u>
<u>14.</u>	<u>0170 FARM: ANIMAL RAISING &amp; DRIVERS</u>
<u>15.</u>	<u>0173 BERRY FARM &amp; DRIVERS</u>
<u>16.</u>	<u>0400 COTTON COMPRESSING &amp; DRIVERS</u>
<u>17.</u>	<u>0401 COTTON GIN OPERATION &amp; LOCAL MANAGERS, DRIVERS</u>
<u>18.</u>	<u>0908 DOMESTIC WORKERS-INSIDE-OCCASIONAL</u>
<u>19.</u>	<u>0909 DOMESTIC WORKERS-OUTSIDE-OCCASIONAL-INCLUDING OCCASIONAL PRIVATE CHAUFFEURS</u>
<u>20.</u>	<u>0912 DOMESTIC WORKERS-OUTSIDE-INCLUDING PRIVATE CHAUFFEURS</u>
<u>21.</u>	<u>0913 DOMESTIC WORKERS-INSIDE</u>
<u>22.</u>	<u>0917 DOMESTIC SERVICE CONTRACTOR-INSIDE</u>

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<u>23.</u>	<u>2587</u>	<u>TOWEL OR TOILET SUPPLY CO. &amp; ROUTE SUPERVISORS, DRIVERS</u>
<u>24.</u>	<u>3821</u>	<u>AUTOMOBILE RECYCLING &amp; DRIVERS</u>
<u>25.</u>	<u>4362</u>	<u>MOTION PICTURE: FILM EXCHANGE &amp; PROJECTION ROOMS, CLERICAL</u>
<u>26.</u>	<u>4511</u>	<u>ANALYTICAL CHEMIST</u>
<u>27.</u>	<u>5191</u>	<u>OFFICE MACHINE INSTALLATION, INSPECTION, ADJUSTMENT OR REPAIR</u>
<u>28.</u>	<u>5192</u>	<u>VENDING OR COIN OPERATED MACHINES-INSTALLATION, SERVICE OR REPAIR &amp; SALESPERSON, DRIVERS</u>
<u>29.</u>	<u>7204</u>	<u>GREYHOUND BREEDING, TRAINING AND RACING &amp; DRIVERS</u>
<u>30.</u>	<u>7390</u>	<u>BEER OR ALE DEALER-WHOLESALE &amp; DRIVERS</u>
<u>31.</u>	<u>8001</u>	<u>STORE: FLORIST &amp; DRIVERS</u>
<u>32.</u>	<u>8002</u>	<u>AUTOMOBILE RENTAL CO.: ALL OTHER EMPLOYEES &amp; COUNTER PERSONNEL, DRIVERS</u>
<u>33.</u>	<u>8006</u>	<u>GASOLINE STATION: SELF-SERVICE AND GROCERY-RETAIL OR STORE: GROCERY-RETAIL</u>
<u>34.</u>	<u>8008</u>	<u>STORE: CLOTHING, WEARING APPAREL OR DRY GOODS-RETAIL</u>
<u>35.</u>	<u>8010</u>	<u>STORE: HARDWARE</u>
<u>36.</u>	<u>8013</u>	<u>STORE: JEWELRY</u>
<u>37.</u>	<u>8015</u>	<u>COPYING OR DUPLICATING SERVICE – ALL EMPLOYEES &amp; CLERICAL, SALESPERSONS</u>
<u>38.</u>	<u>8017</u>	<u>STORE: RETAIL NOC</u>
<u>39.</u>	<u>8018</u>	<u>STORE: WHOLESALE NOC</u>
<u>40.</u>	<u>8021</u>	<u>STORE: MEAT, FISH OR POULTRY DEALER-WHOLESALE</u>
<u>41.</u>	<u>8031</u>	<u>STORE: MEAT, FISH OR POULTRY-RETAIL</u>
<u>42.</u>	<u>8032</u>	<u>STORE: CLOTHING, WEARING APPAREL OR DRY GOODS-WHOLESALE</u>
<u>43.</u>	<u>8033</u>	<u>STORE: MEAT, GROCERY AND PROVISION STORES COMBINED-RETAIL NOC</u>
<u>44.</u>	<u>8039</u>	<u>STORE: DEPARTMENT-RETAIL</u>
<u>45.</u>	<u>8044</u>	<u>STORE: FURNITURE &amp; DRIVERS</u>
<u>46.</u>	<u>8045</u>	<u>DRUG – RETAIL</u>
<u>47.</u>	<u>8046</u>	<u>STORE: AUTOMOBILE PARTS &amp; ACCESSORIES – NOC &amp; DRIVERS</u>
<u>48.</u>	<u>8047</u>	<u>STORE: DRUG-WHOLESALE</u>
<u>49.</u>	<u>8050</u>	<u>STORE: FIVE AND TEN CENT</u>
<u>50.</u>	<u>8058</u>	<u>BUILDING MATERIAL DEALER-NEW MATERIALS ONLY: STORE EMPLOYEES</u>
<u>51.</u>	<u>8061</u>	<u>GASOLINE STATION: SELF-SERVICE AND CONVENIENCE-RETAIL OR STORE:</u>
<u>52.</u>	<u>8072</u>	<u>BOOK, RECORD, COMPACT DISC, SOFTWARE, VIDEO OR AUDIO CASSETTE – RETAIL</u>
<u>53.</u>	<u>8102</u>	<u>SEED MERCHANT</u>
<u>54.</u>	<u>8103</u>	<u>WOOL MERCHANT</u>
<u>55.</u>	<u>8105</u>	<u>STORE: HIDE DEALER</u>
<u>56.</u>	<u>8106</u>	<u>IRON OR STEEL MERCHANT &amp; DRIVERS</u>
<u>57.</u>	<u>8107</u>	<u>MACHINERY DEALER NOC-STORE OR YARD &amp; DRIVERS</u>
<u>58.</u>	<u>8111</u>	<u>PLUMBERS SUPPLIES DEALER &amp; DRIVERS</u>
<u>59.</u>	<u>8116</u>	<u>FARM MACHINERY DEALER-ALL OPERATIONS &amp; DRIVERS</u>
<u>60.</u>	<u>8203</u>	<u>ICE DEALER &amp; DRIVERS</u>
<u>61.</u>	<u>8204</u>	<u>BUILDING MATERIAL YARD &amp; LOCAL MANAGERS, DRIVERS</u>
<u>62.</u>	<u>8209</u>	<u>VEGETABLE PACKING &amp; DRIVERS</u>
<u>63.</u>	<u>8215</u>	<u>HAY, GRAIN, FEED OR FERTILIZER DEALER &amp; LOCAL MANAGERS, DRIVERS-NO MFG</u>
<u>64.</u>	<u>8232</u>	<u>LUMBERYARD NEW MATERIALS ONLY: ALL OTHER EMPLOYEES &amp; YARD, WAREHOUSE,</u>
<u>65.</u>	<u>8233</u>	<u>COAL MERCHANT &amp; LOCAL MANAGERS, DRIVERS</u>
<u>66.</u>	<u>8235</u>	<u>SASH, DOOR OR ASSEMBLED MILLWORK DEALER &amp; DRIVERS</u>
<u>67.</u>	<u>8263</u>	<u>JUNK DEALER &amp; DRIVERS</u>
<u>68.</u>	<u>8264</u>	<u>BOTTLE DEALER-USED &amp; DRIVERS</u>
<u>69.</u>	<u>8265</u>	<u>IRON OR STEEL SCRAP DEALER &amp; DRIVERS</u>
<u>70.</u>	<u>8273</u>	<u>HORSE RACING</u>
<u>71.</u>	<u>8274</u>	<u>HORSE RACING</u>



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<u>72.</u>	<u>8279</u>	<u>STABLE OR BREEDING FARM &amp; DRIVERS</u>
<u>73.</u>	<u>8288</u>	<u>LIVESTOCK DEALER OR COMMISSION MERCHANT &amp; SALESPERSONS, DRIVERS</u>
<u>74.</u>	<u>8291</u>	<u>STORAGE WAREHOUSE-COLD</u>
<u>75.</u>	<u>8292</u>	<u>STORAGE WAREHOUSE NOC</u>
<u>76.</u>	<u>8293</u>	<u>STORAGE WAREHOUSE-FURNITURE &amp; DRIVERS</u>
<u>77.</u>	<u>8304</u>	<u>GRAIN ELEVATOR OPERATION &amp; LOCAL MANAGERS, DRIVERS</u>
<u>78.</u>	<u>8350</u>	<u>GASOLINE DEALER &amp; DRIVERS</u>
<u>79.</u>	<u>8353</u>	<u>GAS DEALER-LPG &amp; SALESPERSONS, DRIVERS</u>
<u>80.</u>	<u>8380</u>	<u>AUTOMOBILE SERVICE OR REPAIR CENTER &amp; DRIVERS</u>
<u>81.</u>	<u>8381</u>	<u>GASOLINE STATION: SELF-SERVICE ONLY-RETAIL</u>
<u>82.</u>	<u>8385</u>	<u>BUS CO.: GARAGE EMPLOYEES</u>
<u>83.</u>	<u>8392</u>	<u>AUTOMOBILE STORAGE GARAGE OR PARKING STATION &amp; DRIVERS</u>
<u>84.</u>	<u>8393</u>	<u>AUTOMOBILE BUMPER REPAIR</u>
<u>85.</u>	<u>8500</u>	<u>METAL SCRAP DEALER &amp; DRIVERS</u>
<u>86.</u>	<u>8606</u>	<u>GEOPHYSICAL EXPLORATION-SEISMIC-ALL EMPLOYEES &amp; DRIVERS</u>
<u>87.</u>	<u>8719</u>	<u>STEVEDORING: TALLIERS AND CHECKING CLERKS ENGAGED IN CONNECTION WITH</u>
<u>88.</u>	<u>8720</u>	<u>INSPECTION OF RISKS FOR INSURANCE OR VALUATION PURPOSES NOC</u>
<u>89.</u>	<u>8745</u>	<u>NEWS AGENT OR DISTRIBUTOR OF MAGAZINES OR OTHER PERIODICALS-NOT RETAIL</u>
<u>90.</u>	<u>8824</u>	<u>RETIREMENT LIVING CENTERS: HEALTH CARE EMPLOYEES</u>
<u>91.</u>	<u>8825</u>	<u>RETIREMENT LIVING CENTERS: FOOD SERVICE EMPLOYEES</u>
<u>92.</u>	<u>8826</u>	<u>RETIREMENT LIVING CENTERS: ALL OTHER EMPLOYEES, SALESPERSONS &amp; DRIVERS</u>
<u>93.</u>	<u>8829</u>	<u>CONVALESCENT OR NURSING HOME-ALL EMPLOYEES</u>
<u>94.</u>	<u>8831</u>	<u>HOSPITAL-VETERINARY &amp; DRIVERS</u>
<u>95.</u>	<u>8835</u>	<u>NURSING-HOME HEALTH, PUBLIC AND TRAVELING-ALL EMPLOYEES</u>
<u>96.</u>	<u>8841</u>	<u>NURSING HOME: PROFESSIONAL EMPLOYEES</u>
<u>97.</u>	<u>9000</u>	<u>JANITORIAL SERVICE BY CONTRACTOR: NO WINDOW CLEANING</u>
<u>98.</u>	<u>9001</u>	<u>JANITORIAL SERVICE BY CONTRACTOR: INCLUDES WINDOW CLEANING</u>
<u>99.</u>	<u>9014</u>	<u>BUILDINGS-OPERATION BY CONTRACTORS</u>
<u>100.</u>	<u>9015</u>	<u>BUILDINGS-OPERATION-BY OWNER, LESSEE, OR REAL ESTATE MANAGEMENT FIRM: ALL</u>
<u>101.</u>	<u>9016</u>	<u>ICE-SKATING RINK OPERATION &amp; DRIVERS</u>
<u>102.</u>	<u>9033</u>	<u>HOUSING AUTHORITY &amp; CLERICAL, SALESPERSONS, DRIVERS</u>
<u>103.</u>	<u>9040</u>	<u>HOSPITAL: ALL OTHER EMPLOYEES</u>
<u>104.</u>	<u>9047</u>	<u>NURSING HOME: ALL OTHER EMPLOYEES</u>
<u>105.</u>	<u>9052</u>	<u>HOTEL: ALL OTHER EMPLOYEES &amp; SALESPERSONS, DRIVERS</u>
<u>106.</u>	<u>9058</u>	<u>HOTEL: RESTAURANT EMPLOYEES</u>
<u>107.</u>	<u>9059</u>	<u>CHILD DAY CARE CENTER: ALL OTHER EMPLOYEES &amp; DRIVERS</u>
<u>108.</u>	<u>9060</u>	<u>CLUB-COUNTRY, GOLF, FISHING OR YACHT-&amp; CLERICAL</u>
<u>109.</u>	<u>9061</u>	<u>CLUB NOC &amp; CLERICAL</u>
<u>110.</u>	<u>9063</u>	<u>YMCA, YWCA, YMHA OR YWHA, INSTITUTION-ALL EMPLOYEES &amp; CLERICAL</u>
<u>111.</u>	<u>9082</u>	<u>RESTAURANT NOC</u>
<u>112.</u>	<u>9083</u>	<u>RESTAURANT: FAST FOOD</u>
<u>113.</u>	<u>9084</u>	<u>BAR, DISCOTHEQUE, LOUNGE, NIGHT CLUB OR TAVERN</u>
<u>114.</u>	<u>9089</u>	<u>BILLIARD HALL</u>
<u>115.</u>	<u>9093</u>	<u>ROLLER-SKATING RINK OPERATION</u>
<u>116.</u>	<u>9101</u>	<u>COLLEGE: ALL OTHER EMPLOYEES</u>
<u>117.</u>	<u>9110</u>	<u>CHARITABLE OR WELFARE ORGANIZATION-ALL OTHER EMPLOYEES &amp; DRIVERS</u>
<u>118.</u>	<u>9220</u>	<u>CEMETERY OPERATIONS &amp; DRIVERS</u>
<u>119.</u>	<u>9410</u>	<u>MUNICIPAL, TOWNSHIP, COUNTY OR STATE EMPLOYEE NOC</u>
<u>120.</u>	<u>9516</u>	<u>TELEVISION, VIDEO, AUDIO AND RADIO EQUIPMENT SERVICE OR REPAIR &amp; DRIVERS</u>
<u>121.</u>	<u>9519</u>	<u>HOUSEHOLD AND COMMERCIAL APPLIANCES-ELECTRICAL-INSTALLATION, SERVICE OR</u>

- 122. 9586 BARBER SHOP
- 123. 9620 FUNERAL DIRECTOR & DRIVERS

(e) Industry Group: Miscellaneous.

	<u>Class</u>	<u>Description</u>
1.	0106	<u>TREE PRUNING, SPRAYING, REPAIRING, TRIMMING OR FUMIGATING &amp; DRIVERS</u>
2.	0251	<u>IRRIGATION WORKS OPERATION &amp; DRIVERS</u>
3.	1005	<u>COAL MINING-SURFACE &amp; DRIVERS</u>
4.	1164	<u>MINING NOC-NOT COAL-UNDERGROUND &amp; DRIVERS</u>
5.	1165	<u>MINING NOC-NOT COAL-SURFACE &amp; DRIVERS</u>
6.	1218	<u>PHOSPHATE MINING &amp; DRIVERS</u>
7.	1320	<u>OIL OR GAS LEASE OPERATOR-ALL OPERATIONS &amp; DRIVERS</u>
8.	1624	<u>QUARRY NOC &amp; DRIVERS</u>
9.	1654	<u>QUARRY-CEMENT ROCK-SURFACE &amp; DRIVERS</u>
10.	1655	<u>LIME MFG-QUARRY-SURFACE &amp; DRIVERS</u>
11.	1710	<u>STONE CRUSHING &amp; DRIVERS</u>
12.	2702	<u>LOGGING OR LUMBERING &amp; DRIVERS</u>
13.	4000	<u>SAND DIGGING &amp; DRIVERS</u>
14.	6811	<u>BOAT BUILDING-WOOD-NOC &amp; DRIVERS</u>
15.	6834	<u>BOAT BUILDING OR REPAIR &amp; DRIVERS</u>
16.	6836	<u>MARINA &amp; DRIVERS</u>
17.	6838	<u>BOAT BUILDING OR REPAIR-FIBERGLASS ONLY &amp; DRIVERS</u>
18.	6854	<u>SHIP BUILDING-IRON OR STEEL-NOC &amp; DRIVERS</u>
19.	6882	<u>SHIP REPAIR CONVERSION-ALL OPERATIONS &amp; DRIVERS</u>
20.	6884	<u>SHIP SCALING</u>
21.	7133	<u>RAILROAD OPERATION: NOC-ALL EMPLOYEES &amp; DRIVERS</u>
22.	7201	<u>LIVERY OR BOARDING STABLE-NOT SALES STABLE &amp; DRIVERS</u>
23.	7205	<u>DRIVERS AND THEIR HELPERS NOC – INCL. STABLEMEN</u>
24.	7219	<u>TRUCKING: NOC-ALL EMPLOYEES &amp; DRIVERS</u>
25.	7222	<u>TRUCKING: OIL FIELD EQUIPMENT-ALL EMPLOYEES &amp; DRIVERS</u>
26.	7230	<u>TRUCKING: PARCEL OR PACKAGE DELIVERY-ALL EMPLOYEES &amp; DRIVERS</u>
27.	7231	<u>TRUCKING: MAIL, PARCEL OR PACKAGE DELIVERY-ALL EMPLOYEES &amp; DRIVERS</u>
28.	7232	<u>TRUCKING: MAIL PARCEL OR PACKAGE DELIVERY-UNDER CONTRACT WITH THE U.S.</u>
29.	7360	<u>FREIGHT HANDLING NOC</u>
30.	7370	<u>TAXICAB CO.: ALL OTHER EMPLOYEES &amp; DRIVERS</u>
31.	7380	<u>DRIVERS, CHAUFFEURS &amp; THEIR HELPERS NOC-COMMERCIAL</u>
32.	7382	<u>BUS CO.: ALL OTHER EMPLOYEES &amp; DRIVERS</u>
33.	7383	<u>COLLEGE OR SCHOOL-SCHOOL BUS DRIVERS</u>
34.	7403	<u>AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER-SCHEDULED OR SUPPLEMENTAL:</u>
35.	7405	<u>AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER-SCHEDULED OR SUPPLEMENTAL:</u>
36.	7409	<u>AIRCRAFT OR HELICOPTER OPERATION: AERIAL APPLICATION, SEEDING, HERDING OR</u>
37.	7420	<u>AIRCRAFT OR HELICOPTER OPERATION: PUBLIC EXHIBITION INVOLVING STUNT</u>
38.	7421	<u>AIRCRAFT OR HELICOPTER OPERATION: TRANSPORTATION OF PERSONNEL IN CONDUCT</u>
39.	7422	<u>AIRCRAFT OR HELICOPTER OPERATION: SALES OR SERVICE AGENCY: TAXI OR</u>
40.	7423	<u>AIRCRAFT OR HELICOPTER OPERATION: ALL OTHER EMPLOYEES &amp; DRIVERS</u>
41.	7425	<u>AIRCRAFT OR HELICOPTER OPERATION: NOC-HELICOPTERS: FLYING CREW</u>
42.	7431	<u>AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER COMMUTER-FLYING CREW</u>
43.	7502	<u>GAS COMPANY: GAS CO.-NATURAL GAS-LOCAL DISTRIBUTION &amp; DRIVERS</u>
44.	7515	<u>OIL OR GAS PIPELINE OPERATION &amp; DRIVERS</u>

- 45. 7520 WATERWORKS OPERATION & DRIVERS
- 46. 7539 ELECTRIC LIGHT OR POWER CO. NOC-ALL EMPLOYEES & DRIVERS
- 47. 7540 ELECTRIC LIGHT OR POWER COOPERATIVE-REA PROJECT ONLY-ALL EMPLOYEES &
- 48. 7580 SEWAGE DISPOSAL PLANT OPERATION & DRIVERS
- 49. 7590 GARBAGE WORKS
- 50. 7600 TELEPHONE OR TELEGRAPH CO.: ALL OTHER EMPLOYEES & DRIVERS
- 51. 7704 FIREFIGHTERS & DRIVERS
- 52. 7720 POLICE OFFICERS & DRIVERS
- 53. 9019 BRIDGE OR VEHICULAR TUNNEL OPERATION & DRIVERS
- 54. 9102 PARK NOC-ALL EMPLOYEES & DRIVERS
- 55. 9154 THEATER NOC: ALL OTHER EMPLOYEES
- 56. 9178 ATHLETIC TEAM OR PARK: NON-CONTACT SPORTS
- 57. 9179 ATHLETIC TEAM OR PARK: CONTACT SPORTS
- 58. 9180 AMUSEMENT DEVICE OPERATION NOC-NOT TRAVELING & DRIVERS
- 59. 9182 ATHLETIC TEAM OR PARK: OPERATION & DRIVERS
- 60. 9186 CARNIVAL, CIRCUS OR AMUSEMENT DEVICE OPERATOR-TRAVELING-ALL EMPLOYEES &
- 61. 9402 STREET CLEANING & DRIVERS
- 62. 9403 GARBAGE, ASHES OR REFUSE COLLECTION & DRIVERS

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(b) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Andrew Sabolic, Bureau Chief, Bureau of Compliance

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Dan Sumner, Workers’  
 Compensation, Assistant Director

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: September 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: October 7, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Residential Property Insurance Checklists  
 and Disclosures

RULE NO.: 690-167.013

PURPOSE, EFFECT, AND SUMMARY: To implement the provisions of S.B. 1486(2005) by: (1) specifying the requirements to “prominently display” the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice for any personal lines residential property insurance policy containing a separate hurricane deductible or an inflation guard rider; and (2) developing a comprehensive checklist of coverage forms that insurers must deliver to policyholders, prior to issuance or accompanying delivery of, a basic homeowners’, mobile homeowners’, dwelling, or condominium unit owners policy. The coverage checklist forms being developed must contain a list of the standard provisions and elements that are typically included in these types of policies, whether or not they are included in the particular policy being issued, in a format that allows the insurer to place a check mark next to the provisions

and elements that are included in the particular policy being issued, so that the consumer can see both what is included and what is not included in the policy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS. None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.4143 FS.

LAW IMPLEMENTED: 627.4143, 627.701 FS.

IF REQUESTED IN WRITING 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: 1:30 p.m., January 5, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Property & Casualty Product Review, Office of Insurance Regulation, E-mail michael.milnes@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-167.013 Residential Property Insurance Checklists and Disclosures.

(1) A basic homeowners', mobile homeowners', dwelling, or condominium unit owners' policy may not be delivered or issued for delivery in this state unless a comprehensive checklist of coverage on a form adopted by the commission and an appropriate outline of coverage have been delivered prior to issuance of the policy or accompanies the policy when issued. The commission hereby adopts Form OIR-B1-1670, "Checklist of Coverage" (New 01/01/06), which is incorporated herein by reference. This form is available on the Office's website at [www.flair.com/HotTopics-Other.htm](http://www.flair.com/HotTopics-Other.htm).

(2) The term "prominently displayed" as used in Section 627.701, F.S., means that printed matter is of bold type no less than 12 point type and is of greater size than the surrounding text.

Specific Authority 624.308(1), 627.4143 F.S. Law Implemented 627.4143, 627.701 F.S. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Roddenberry, Property and Casualty Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLES:	RULE NOS.:
Filing, Approval of Subscriber Contract and Related Forms	69O-191.051
Rates	69O-191.054

PURPOSE, EFFECT AND SUMMARY: The amendments to the rules will require the licensees to submit filings electronically, through the web page. No longer may a licensee submit paper filings or computer disc filings by mail.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 641.31, 641.36 FS.

LAW IMPLEMENTED: 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.3007(4)(b), (c), 641.31074, 641.31(2), (3), 641.3922(3) FS.

IF REQUESTED IN WRITING 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: 1:30 p.m., January 6, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, E-mail: [Frank.dino@fldfs.com](mailto:Frank.dino@fldfs.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-191.051 Filing, Approval of Subscriber Contract and Related Forms.

(1) through (2) No change.

~~(3)(a) One copy of each form filing shall be submitted at the time of filing. HMOs in possession of a Certificate of Authority shall submit all contract filings to the Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, Post Office Box 8040, Tallahassee, Florida 32301-8040, or submitted electronically to <https://portal.fldfs.com>. All filings sent by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.~~

~~(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

(4) through (5) renumbered (3) through (4) No change.

Specific Authority 641.36 FS. Law Implemented 641.21(1)(e), 641.3007(4)(b), (c), 641.31(2), (3) FS. History--New 2-22-88, Amended 10-25-89, Formerly 4-31.051, Amended 5-28-92, 8-15-02, 6-19-03, Formerly 4-191.051, Amended \_\_\_\_\_.

69O-191.054 Rates.

(1) Before charging or quoting premiums to subscribers, an HMO shall file for approval the rating methodology by which those premiums were determined with the office.

(a) No change.

(b) For purposes of this rule, Rule 69O-191.055, F.A.C., and the time periods established in Section 641.31, F.S., a filing is considered "filed" with the Office upon receipt of the material required in paragraph (2)(a), below, on business days

between the hours of 8:00 a.m., and 5:00 p.m., Eastern Time. Filings received after 5:00 p.m., shall be considered to be received the following business day. For purposes of this rule and Rule 690-191.055, F.A.C., the term “filed” does not mean “approved”.

(2) Filings of rating methodologies shall provide adequate information, so that the Office, in accordance with generally accepted actuarial principles as applied to Health Maintenance Organizations, may verify that the rating methodology does not produce inadequate, excessive, or unfairly discriminatory premiums. All rate classifications should be clearly identified, and the formulas and/or methods of calculating premiums adequately described, as defined in Rule 690-191.055, F.A.C.

(a) No change.

~~(b) Filings shall be, as that term is defined in paragraph (a), shall be mailed to: Office of Insurance Regulation, Division of Insurer Services, Bureau of Life and Health Forms and Rates, Post Office Box 8040, Tallahassee, Florida 32301-8040~~ or submitted electronically to <https://iportal.fldfs.com>. All filings sent to the Office by Federal Express or any other form of special delivery shall be delivered to: Office of Insurance Regulation, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(c) No change.

(3) through (10) No change.

Specific Authority 641.31, 641.36 FS. Law Implemented 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(3) FS. History— New 2-22-88, Amended 10-25-89, Formerly 4-31.054, Amended 10-8-96, 8-15-02, 1-19-03, Formerly 4-191.054, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, L&H Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLES:	RULE NOS.:
Filing, Approval of Subscriber Contract and Related Forms Rates	690-203.042 690-203.045

PURPOSE, EFFECT AND SUMMARY: The amendments to this rule requires licensees to submit filings electronically, through the web page. No more can a licensee submit paper filings or computer disc filings by mail.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 636.016, 636.017, 636.018, 636.043 FS.

IF REQUESTED IN WRITING 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: 1:30 p.m., January 6, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, E-mail [frank.dino@fldfs.com](mailto:frank.dino@fldfs.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

690-203.042 Filing, Approval of Subscriber Contract and Related Forms.

(1) through (2) No change.

(3) Filing Format for All Forms. PLHSOs in possession of a Certificate of Authority shall ~~mail contract filings to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, Post Office Box 8040, Tallahassee, Florida 32301-8040;~~ submit filings electronically to <https://iportal.fldfs.com>. Filings received after 5:00 p.m., during business days shall be considered to be received on the following business day. ~~<https://iportal.fldoi.com>;~~ or submit filings to the Office by Federal Express or any other form of special delivery by delivery to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328. A filing shall consist of one copy of each of the following items:

(a) through (e) No change.

~~(4) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

Specific Authority 636.067 FS. Law Implemented 636.016, 636.017, 636.018 FS. History—New 11-15-94, Amended 9-23-02, 6-19-03, Formerly 4-203.042, Amended \_\_\_\_\_.

69O-203.045 Rates.  
(1) through (8) No change.

(9) Filings shall be ~~mailed to: Office of Insurance Regulation, Division of Insurer Services, Bureau of Life and Health Forms and Rates, Post Office Box 8040, Tallahassee, FL 32301-8040;~~ submitted electronically to <https://iportal.fldfs.com>. Filings received after 5:00 p.m., during business days shall be considered to be received on the following business day; ~~or submitted to the Office by Federal Express or any other form of special delivery by delivery to: Office of Insurance Regulation, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.~~

Specific Authority 636.067 FS. Law Implemented 636.017, 636.018, 636.043 FS. History—New 11-15-94, Amended 9-23-02, Formerly 4-203.045, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Life and Health Product Review, Office of Insurance Regulation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Office of Insurance Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE NOS.:	RULE TITLES:
5N-1.100	Organization
5N-1.116	Classification of Licenses; Insurance; Fees

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d) 1., F.S., published in the Vol. 31, No. 40, October 7, 2005 issue of the Administrative Weekly.

1. Rule 5N-1.116, F.A.C., incorporates a form by reference, DACS 16004. The form has been changed to delete the requirement that it be notarized.

2. An introductory paragraph on the form, advising applicants of the potential consequences of their failure to comply with the insurance requirements under Chapter 493, Florida Statutes has been removed.  
3. References to Sections 120.54(5)(b)6. and 120.55(1)(a), F.S. have been removed from the history note in Rule 5N-1.100, F.A.C.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Voluntary Prekindergarten Child Eligibility
60BB-8.201	Voluntary Prekindergarten Parent Application and Procedures
60BB-8.202	Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment
60BB-8.300	Voluntary Prekindergarten Provider Application and Procedures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 29, July 22, 2005, issue of the Florida Administrative Weekly. These changes are being made to address comments expressed at the Public Hearing held and comments made by the Joint Administrative Procedures Committee.

60BB-8.100 Definitions.  
(1) through (6) No change.

(7) “Qualified contractor” means a legal entity operating under contract with an early learning coalition or AWI which is authorized to perform eligibility and enrollment services on behalf of the coalition or AWI. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.

(8) through (9) No change.

(10) “Voluntary Prekindergarten” or “VPK” means the Voluntary Prekindergarten Education program created by Section 1002.53, F.S. and which is organized, designed, and delivered in accordance with section 1(b) and (c), Art. IX of the State Constitution.

Specific Authority 1002.79 FS. Law Implemented 1002.75 FS. History—New \_\_\_\_\_.

60BB-8.200 Child Eligibility.

(1) Child Eligibility.

Early Learning Coalitions must determine child eligibility for the VPK program by verifying the child’s age eligibility, residence eligibility, and participation eligibility.

(a) Age Eligibility.

1. All children who reside in Florida who have attained 4 years of age on or before September 1 of the school year in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a) (2005).

(a)2. through (a)3. No change.

(b) Residence eligibility.

1. All 4 year old children must reside in the State of Florida. Coalitions must only establish where the child lives, not test the legal residency of the child. ~~Those persons who have not established Florida as their legal residence, but are residing in Florida for an extended period of time, (e.g., persons possessing work or education visas or immigrants)~~ Children who reside in Florida are qualified to receive services.

2. The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI-VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following documents for purposes of verifying residency:

- a. Utility bill;
- b. Bank statement;
- c. Insurance policy;
- d. Pay stub; ~~or~~
- e. Government document (e.g., prior tax return, Florida Driver’s license); ~~or~~

f. If none of the above documents can be produced, an affidavit of physical address sworn to by the parent, accompanied by a letter from a landlord or property owner stating that the child resides at this address will be accepted.

3. A homeless child, as defined in section 1003.01, F.S., must have access to the VPK program. Coalitions shall assist homeless children and may determine residency based on other documentation as necessary. Coalitions may accept documents such as a (e.g., letter from a homeless shelter) or a sworn affidavit from the parent certifying the child is currently homeless.

(c) Participation eligibility.

1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in section 1002.71(4), F.S.

2. A parent may enroll the child in one of the following programs as established in Section 1002.53(3), F.S.

~~a. A school year prekindergarten program delivered by a private prekindergarten provider under section 1002.55, F.S.;~~

~~b. A summer prekindergarten program delivered by a public school or private prekindergarten provider under section 1002.61, F.S.; or~~

~~e. A school year prekindergarten program delivered by a public school, if offered by a school district that is eligible under section 1002.63, F.S.~~

Specific Authority 1002.79 FS. Law Implemented 1002.53(2), (3), (4)(b), 1002.69(4), 1002.71(2), (4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History—New \_\_\_\_\_

60BB-8.201 Parent Application and Procedures

No change.

60BB-8.202 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment  
No change.

60BB-8.300 Provider Application and Procedures

No change.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.:	RULE TITLES:
64F-11.002	Client Eligibility
64F-11.003	Patient Selection and Referral

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in the Florida Administrative Weekly, Vol. 31, No. 47 on November 23, 2005. The changes reflect comments received from the Joint Administrative Procedures Committee and additional changes to Section 766.1115, Florida Statutes, Chapter 2005-118, section 1, Laws of Florida. The changes are as follows:

1. Subsection (4) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(4) The governmental contractor is responsible for determining if applicants meet the eligibility criteria as established in the Department of Health Client Eligibility and Referral Process Training Guide, DH 1032G, (12/05), as incorporated herein by reference, for participation in the Volunteer Health Care Provider Program. A copy of the Client

Eligibility and Referral Process Training Guide can be obtained through the department's Volunteer Health Services Program.

2. Subsection (5) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(5) Applicants shall furnish to the governmental contractor information regarding the gross family income for the family unit, child care expenses, and child support payments. The applicant's self declaration of income and expenses is acceptable for eligibility determination, and shall be documented on the Volunteer Health Care Provider Program Financial Eligibility form, DH 1032E, (07/05) as incorporated herein by reference. The governmental contractor may verify income and expenses for the four week period prior to the date of application. Additional verification for the preceding 12 month period may be requested if the income for the four week period is not representative of the family income and the additional information is in the best interest of the applicant. A copy of the Financial Eligibility form can be obtained through the department's Volunteer Health Services Program.

3. Subsection (4) of proposed Rule 64F-11.003, F.A.C., shall read as follows:

(4) The department may convey to any provider the responsibility for determining eligibility and the referral of the clients for the department. The provider may perform the eligibility and referral process in accordance with a Volunteer Health Care Provider contract, DH 1029, (3/05) as incorporated in Rule 64F-11.005, F.A.C., with the governmental contractor.

4. Proposed Rule 64F-11.005, F.A.C., shall read as follows:

The governmental contractor shall use the Volunteer Health Care Provider Program contract, DH 1029, (3/05) as incorporated herein by reference, developed by the department specifically for this program. Provisions of the contract shall include the requirements specified in Section 766.1115(4) and (10), F.S. Copies of the contract can be obtained through the department's Volunteer Health Services Program.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Lundberg, Director, Volunteer Health Services Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4151, Fax (850)488-4944, Mark\_Lundberg2@doh.state.fl.us.

69B-231.080	Penalties for Violation of Section 626.611
69B-231.090	Penalties for Violation of Section 626.621
69B-231.100	Penalties for Violation of Subsection 626.9541(1)
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.120	Penalties for Violation of Other Insurance Code Provisions
69B-231.130	Penalties for Violation of Department Rules
69B-231.140	Penalties for Violation of Department Orders
69B-231.150	Criminal Proceedings
69B-231.160	Aggravating/Mitigating Factors

**NOTICE OF CORRECTION**

Notice is hereby given that the Notice of Rule Development, published on November 23, 2005, regarding the above proposed rules, indicating that a workshop, if requested within 14 days of that date, would be held on December 11, 2005, was inaccurate. The workshop, if requested, will actually occur on December 12, 2005. The correct time, date and place is set forth below.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THE NOTICE OF RULE DEVELOPMENT, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 3:30 p.m., December 12, 2005  
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barry Lanier, Chief of the Bureau of Investigations, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5601

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson, (850)413-4241.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Agent and Agency Services**

<b>RULE NOS:</b>	<b>RULE TITLES:</b>
69B-231.010	Purpose
69B-231.020	Scope
69B-231.030	Definitions
69B-231.040	Calculating Penalty
69B-231.070	Prosecutorial Discretion

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69O-138.002	Financial, Rate, and Market Conduct Examination Reimbursement Expenses



NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 34, August 26, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed in a rule challenge. Subparagraph (2) is changed to read:

(2) Examination and per diem charges will be computed beginning at the start of the examination of time the examiner reports for duty at the insurer to be examined and the examiner's active participation in the examination planning, and ending at the completion of the examination and or at the end of the examiner's active participation in the examination; whichever is earlier. Where the examiner does not spend a full eight hour day in conducting the examination or planning, the insurer will only be charged for the time actually spent on planning or examination on a pro rata basis. If the examiner begins planning the examination more than a week prior to the actual on-site work, the Office will give written notice to the company being examined. No charges will be made for clerical or research work done by support staff to facilitate the examination or examiner's report. Charges will also be assessed for actual travel days as certified by the Office. The remainder of the reads as previously published.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-170.003                      RULE TITLE: Calculation of Investment Income  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 13, April 1, 2005 of the Florida Administrative Weekly is hereby withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-175.001                      RULE TITLE: Calculation and Use of Investment  
Income in Motor Vehicle  
Insurance Rates  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 13, April 1, 2005 of the Florida Administrative Weekly is hereby withdrawn.

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on November 29, 2005, the Florida Department of Transportation issued an order denying the Petition of the City of Arcadia, that sought a variance or waiver from the provisions of subsection 14-46.001(4), F.A.C. The petition was received by the Department on September 2, 2005. The Department published its notice of receipt of the petition in the September 30, 2005, edition of the Florida Administrative Weekly. Rule 14-46.001, F.A.C., prescribes the reimbursement conditions for the relocation of utilities on Department projects on the State Highway System. The Department's order, issued in DOT Case No. 05-372, denied the petition because it did not allege any of the exceptions set out in Section 337.403, Florida Statutes, and failed to demonstrate how a variance or waiver would satisfy the purposes of Section 337.403, Florida Statutes.

A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact: James C. Myers at (850)414-5393.

BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

NOTICE IS HEREBY GIVEN that on November 18, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from the Church I located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use centrally located bathrooms for employees and guests due to historical building restrictions.

A copy of the Petition can be obtained from:

Xenia Bailey  
Division of Hotels and Restaurants  
1940 North Monroe Street  
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on November 18, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(7) and 61C-1.004(1), F.A.C., from the Church II located in Orlando. The above referenced Florida Administrative Codes respectively state that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated and standards for plumbing and waste shall be governed Chapter 5 of the Food Code. They are requesting a variance to use centrally located bathrooms for employees and guests due to historical building restrictions and use an adjacent facilities utility sink for cleaning.

A copy of the Petition can be obtained from:

Xenia Bailey  
Division of Hotels and Restaurants  
1940 North Monroe Street,  
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on November 21, 2005, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from William O. Williams III of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Fidelity National Financial (Petition VW 2005-166).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on November 21, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 2.1.3.1, 2.7.6, 2.18.5, 2.24.2.1, 2.24.2.2, and 2.20.1, A.S.M.E. 17.1, 2000 edition, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The

petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Hotel Indigo (Petition VW 2005-167).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on November 18, 2005, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2000.7a, ASME A18.1, 2000 edition, as adopted by Rule 61C-5.001, Florida Administrative Code, limiting travel to 12 feet. The petition was received from Jeanne Martin of Accessibility Lifts, Inc. on behalf of University of Tampa Baseball Stadium (Petition VW 2005-161).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on November 18, 2005, the Bureau of Elevator Safety received a Petition for Variance from 2.2.4.2, A.S.M.E. 17.1, 2000 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring a ladder in pits where they extend more than 900 mm. The petition was received from Rodney Freiddeman of Master Elevator Sales on behalf of Remington Place Apts. located in Altamonte Springs, Florida (Petition VW 2005-162).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on October 13, 2005, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1, and 2.7.6 and, ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, Florida Administrative Code, which prohibit locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of

KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: The Rivers IV (Petition VW 2005-155).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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The Bureau of Elevator Safety hereby gives notice that on November 3, 2005, it issued an Order Granting Variance Request in response to a petition filed on August 10, 2005 and advertised in FAW Vol. 31, No. 34, by Tim Hawthorne of Otis Elevator regarding Fairfield at Bonnet Creek, Phase III, Building IV(VW2005-121). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Chapter 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on November 3, 2005, it issued an Order Granting Variance Request in response to a petition filed on August 16, 2005 and advertised in FAW Vol. 31, No. 35, by Tim Hawthorne of Otis Elevator regarding Michelina Condominiums (VW2005-124). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on November 3, 2005, it issued an Order Granting Variance Request in response to a petition filed on August 22, 2005 and advertised in FAW Vol 31, No. 38, by Patricia Serley of Otis Elevator regarding La Belle Maison (VW2005-129). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a

machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on November 3, 2005, it issued an Order Granting Variance Request in response to a petition filed August 17, 2005 and advertised in FAW Vol. 31, No. 35, by Steve Powell of KONE, Inc. regarding Castella at the Colony in Bonita Springs, FL (VW 2005-126). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on November 3, 2005, it issued an Order Granting Variance Request in response to a petition filed August 17, 2005 and advertised in FAW Vol. 31, No 35, by Steve Powell of KONE, Inc. regarding 801 North Uptown, Orlando, FL (VW 2005-128). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that on November 4, 2005, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from City Slickers 2 located in Deland. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601,

F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

This variance was approved November 22, 2005 and is contingent upon the Petitioner using a minimum of five (5) wastewater holding tanks that are at least nine (9) gallons in capacity as outlined in the Petitioner's operating procedures. The alarm system installed on the wastewater holding tanks shall be operable and maintained to notify employees that the wastewater holding tanks are at 75% capacity and shall be emptied. Wastewater holding tanks are to be emptied as often as needed to prevent a sanitary nuisance. Petitioner must have an approved supply of potable water with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours. If the menu changes or expands in any manner, the Petitioner must notify the Division in writing and this variance request will be re-evaluated. All provisos and plan review deficiencies shall be met prior to licensing. This variance is not transferable under any conditions. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. Any violation of the variance is the equivalent of a violation of the rule and may result in a recession of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on November 9, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code from Catering by George located in Clearwater. The above referenced Florida Administrative Codes address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance was approved November 22, 2005 and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict

adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on by Farouk A.J. Tabrah, M.D., on November 29, 2005, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to verification of medical school education. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 29, 2005, Florida Housing Finance Corporation received a Petition for Waiver of subsections 67-48.004(1), (14) and (15), Florida Administrative Code, from Finlay Interests 13, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that there be no changes in the development as described in the application. A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern

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

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Grove Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 12, 2005, 11:00 a.m.  
 PLACE: The Grove, 100 East 1st Avenue, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting.

A copy of the agenda may be obtained by writing to Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333. Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone calls to discuss general issues, to which all persons are invited. Please call (850)414-3300 for instructions on participation. If you need an accommodation because of disability in order to participate, please notify FCSW at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

COMMITTEE – DATE AND TIME:  
 Legislative Committee – December 13, 2005, 10:00 a.m.  
 Annual Report Committee – December 14, 2005, 10:00 a.m.  
 Executive Committee – December 15, 2005, 10:00 a.m.  
 Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announce a meeting with the Florida Shrimp Working Group:

DATE AND TIME: Thursday, January 12, 2006, 10:00 a.m.  
 PLACE: Hampton Inn Westshore Hotel, 4817 West Laurel Street, Tampa, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Shrimp Industry Meeting  
 The purpose of this meeting is to receive recommendations from the industry regarding marketing and education efforts. For additional information, or if you need special accommodations due to disability, please call Casie Oliver at (850)488-0163.

### DEPARTMENT OF EDUCATION

The **Criminal Justice Training Standards and Training Commission** Region VIII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2006, 2:00 p.m.  
 PLACE: Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Avenue H, N.E., Winter Haven, Florida 33881

Principal agenda items to be considered:  
 Approve Minutes from July 2005 Meeting  
 Old Business  
 New Business  
 Region VIII Course Offerings  
 Region VIII Budget (2005-2006 Reports)  
 CJSTC Rules  
 Training Issues  
 Other issues  
 Adjournment

A copy of the agenda may be obtained by writing: Captain Craig C. Smith, Director, Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Ave H, N.E., Winter Haven, FL 33881

### DEPARTMENT OF COMMUNITY AFFAIRS

AMENDED NOTICE – The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

DATE AND TIME: December 5, 2005, 9:00 a.m.  
 PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Greystone Hotel, 1920 Collins Avenue, Miami Beach; Florida Marine Agency/Island Shipping Lines, Inc., 3795 N.W. South River Drive, Miami; Frank Family Theatres, Gallkeria Plaza, 2111 Tamiami Trail South, Venice; X-Ray Associates, 150 Westmont Drive, Altamonte Springs; Port Orange Nursery, 5503 South Ridgewood Avenue, Port Orange;

Okeechobee County School Board, 700 S.W. 2nd Avenue, Okeechobee; World Gym Fitness Center, 1962 A1A Beach Boulevard, St. Augustine.

DATE: December 5, 2005

- 8:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC.
- 1:00 p.m. Product Approval Validation Work Group
- 1:00 p.m. Meeting of the Energy Technical Advisory Committee.
- 2:00 p.m. Meeting of the Accessibility Technical Advisory Committee.
- 3:00 p.m. Meeting of the Structural Technical Advisory Committee.
- 3:00 p.m. Meeting of the Education Program Oversight Committee.

DATE: December 6, 2005

- 8:00 a.m. Meeting of the Building Code System Assessment Ad Hoc Committee.
- 8:00 a.m. Workshop on Lightning Protection System Attachment for Hurricane Winds was cancelled.
- 10:00 a.m. Meeting of the Plumbing Technical Advisory Committee was moved from 1 PM starting time.
- 1:00 p.m. Meeting of the Hurricane Research Advisory Committee was moved from 11:00 a.m. starting time.

DATE: December 6, 2005

- 3:30 p.m. Meeting of the Plenary Session of the Florida Building Commission. Review and approval of the Agenda. Review and approval of the October 10 and 11, 2005 Minutes.

Consideration of requests for waiver from accessibility code requirements: Greystone Hotel, 1920 Collins Avenue, Miami Beach; Florida Marine Agency/Island Shipping Lines, Inc., 3795 N.W. South River Drive, Miami; Frank Family Theatres, Gallkeria Plaza, 2111 Tamiami Trail South, Venice; X-Ray Associates, 150 Westmont Drive, Altamonte Springs; Port Orange Nursery, 5503 South Ridgewood Avenue, Port Orange; Okeechobee County School Board, 700 S.W. 2nd Avenue, Okeechobee; World Gym Fitness Center, 1962 A1A Beach Boulevard, St. Augustine, FL.

Consideration of Legal Issues and Petitions for Declaratory Statement

Petition for Binding Interpretations by Edward Guedes

Second Hearing:

- DCA05-DEC-159 by Ron Lambert, Greystone of Florida, Inc.
- DCA05-DEC-162 by Irinia Tokar, WCI Communities, Inc.
- DCA05-DEC-174 by James E. Kelley, Jr., AIA, President, Fugleberg Koch
- DCA05-DEC-175 by Gene Boecker, AIA, Code Consultants, Inc.
- DCA05-DEC-178 by Paul Quintana, All American Shutters, Inc.

First Hearing:

- DCA05-DEC-173 by Thomas J. Baird, Attorney, Okeechobee County
- DCA05-DEC-177 by Billy Tyson, CBO, Madison County
- DCA05-DEC-203 by Arturo Silveira, Andreu & Associates, Inc.
- DCA05-DEC-215 by Gary L. McDonald, AIA, Basham & Lucas Design Group, Inc
- DCA05-DEC-217 by Tina M Neace, Dependable Air Designs
- DCA05-DEC-218 by Steve Munnell, Executive Director, FRSA
- DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation
- DCA05-DEC-220 by T. Eric Stafford, PE, T. Eric Stafford & Associates, LLC

Consideration of Applications for Product and Entity Approval Staff Report and Miami-Dade Code Compliance Office Presentation on Hurricane Wilma Damage to Buildings and Discussion

General Public Comment and Commission Member Comments and Issues

Recess until Wednesday at 8:00 a.m.

DATE AND TIME: December 7, 2005, 8:00 a.m. Meeting of the Plenary Session of the Florida Building Commission continued.

Review and approval of the Agenda.

Chair's Discussion of Issues and Recommendations.

Review and Update of Commission Workplan

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Education POC Report; Energy TAC Report; Plumbing TAC Report; Joint Fire TAC Report; Hurricane Research Advisory Committee Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

Update on the Residential Code High Wind Enhancements

Update on Panhandle Wind Borne Debris Region Requirements

Rule Adoption Hearing on Rule 9B-3.050, F.A.C., Staff Review of Code Amendments

Rule Adoption Hearing on Rule 9B-3.055, F.A.C., Binding Interpretation

Rule Adoption Hearing on Rule 9B-3.053, F.A.C., Alternate Plan Review and Inspection Form

Report and Recommendations of Building Code System Assessment Ad Hoc Committee

Report and Recommendations of the Product Approval Validation Work Group

Discussion of Wind Design Exposure Category C Definition

Update on Report to the 2006 Legislature

General Public Comment

Review Committee Assignments and Issues for the January 23, 24, and 25, 2006 TAC meetings and February 6 and 7, 2006 Commission Meeting.

DATE AND TIME: December 7, 2005, 1:00 p.m. Product Approval Training

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, FAX (850)414-8436, or looking on the web site at [www.floridabuilding.org](http://www.floridabuilding.org)

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they 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. Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs (850)487-1824 at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, December 15, 2005, 1:00 p.m. – 5:00 p.m.; Friday, December 16, 2005, 8:30 a.m. – 3:00 p.m.

PLACE: Florida Department of Law Enforcement – Headquarters Building, 2331 Phillips Rd., Tallahassee, Florida 32308, (850)410-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing to Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-7096.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District Five announces the public hearings for the Department's Tentative Work Program for Fiscal Year 2006/2007 through 2010/2011. These public hearings will include information for Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

DISTRICTWIDE PUBLIC HEARING FOR BREVARD, FLAGLER, LAKE, MARION, ORANGE, OSCEOLA, SEMINOLE, SUMTER, AND VOLUSIA COUNTIES:

DATE AND TIMES: December 12, 2005, 5:30 p.m. – Information Review, 6:00 p.m. – public hearing

PLACE: Florida Department of Transportation, Orlando Urban Office, Lake Apopka A and B, Conference Rooms, 133 South Semoran Boulevard, Orlando, Florida 32807

FOR BREVARD COUNTY:

DATE AND TIMES: December 13, 2005, 5:30 p.m. – Information Review, 6:00 p.m. – public hearing

PLACE: Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida 32955

FOR LAKE, SUMTER & MARION COUNTIES:

DATE AND TIMES: December 19, 2005, 5:30 p.m. – Information Review, 6:00 p.m. – public hearing

PLACE: Lake County, County Administration Building, Commission Chambers, 2nd Floor, Tavares, Florida 32778

These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearing is to consider the Department's Tentative Work Program for Fiscal Years 2006/2007 through 2010/2011 and consider making any changes to the Program. These hearings also will include consideration of proposed projects for the Florida's Turnpike Enterprise.

Written comments from all interested parties will be accepted by the Department at the Public Hearing and within ten days after the Public Hearing. Comments should be addressed to: George Gilhooley, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

In compliance with the Americans with Disability Act, the Department, if requested, will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting Mary Schoelzel, 719 South Woodland Boulevard, DeLand, Florida 32720, telephone number (386)943-5398.

The presentation of the Department's Tentative Work Program will also be given at some of the Metropolitan Planning Organization Board Meetings and will also be available through various local TV stations. Please check the website [www.WPPH2005.com](http://www.WPPH2005.com) for the availability in your area. For more information on the dates and places of the District Five Florida Department of Transportation's Work Program Public Hearings, please contact Mary Schoelzel at (386)943-5398.

NOTE: This is a second notice. A previous notice was published on November 18, 2005.

**The Florida Seaport Transportation and Economic Development Council** announces a Project Review Group teleconference in which all interested persons are invited to participate.

DATE AND TIME: December 14, 2005, 9:30 a.m.

PLACE: Florida Department of Transportation, Executive Conference Room, Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, TOLL FREE CALL IN NUMBER: (866)374-3368, Extension 4976

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### **DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, December 21, 2005, 9:00 a.m. The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC. The parties attending the closed session will be Benny W. Albritton, Jr., Michael L. Carrere, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Virginia S. Pena, Stephen W. Ryan, Steven M. Smith, George H. Streetman, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Ed Scales, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

#### **EXECUTIVE OFFICE OF THE GOVERNOR**

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council will convene in a quarterly meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 12, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: The Portofino Bay Hotel, 5601 Universal Boulevard, Orlando, FL 32819, (866)360-7395

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing to Natalie Recio, Executive Assistant, The Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765. Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

#### **REGIONAL PLANNING COUNCIL**

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.



MEETING: Executive/Budget Committee  
 DATE AND TIME: Monday, January 9, 2006, 8:45 a.m.,  
 (Please call to confirm date, time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council  
 DATE AND TIME: Monday, January 9, 2006, 10:00 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee  
 DATE AND TIME: Monday, January 9, 2006, 11:30 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency on Bay Management  
 DATE AND TIME: Thursday, January 12, 2006, 9:00 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee  
 DATE AND TIME: Monday, January 23, 2006, 9:30 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he 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 based.

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## WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

**LAKE PANASOFFKEE RESTORATION COUNCIL MEETING**

DATE AND TIME: Monday, December 12, 2005, 5:00 p.m.  
 PLACE: Sumter County Courthouse, 209 North Florida Street, Bushnell, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Council business

**HILLSBOROUGH RIVER BASIN BOARD MEETING**

DATE AND TIME: Tuesday, December 13, 2005, 9:00 a.m.  
 PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business

**MANASOTA BASIN BOARD MEETING**

DATE AND TIME: Wednesday, December 14, 2005, 9:00 a.m.  
 PLACE: SWFWMD Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business

**WITHLACOOCHIE RIVER BASIN BOARD MEETING**  
 (Note: This is a change of location from what was originally published in the year-long calendar.)

DATE AND TIME: Thursday, December 15, 2005, 9:00 a.m.  
 PLACE: Coconut Cove Recreation Center, 1398 Stillwater Trail, The Villages

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business, followed by a tour of The Villages.

These are public meetings and agendas are available by contacting the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4609; TDD only 1(800)231-6103 (Florida only); FAX (352)754-6874.

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The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

**ENVIRONMENTAL ADVISORY COMMITTEE**

DATE AND TIME: Tuesday, December 13, 2005, 2:00 p.m.  
 PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing to the Southwest Florida Water Management District at 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling the Southwest Florida Water Management District at (352)796-7211, extension 4402 or 1(800)423-1476, extension 4402; or SUNCOM 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling (352)796-7211, extension 4402; 1(800)423-1476, extension 4402; or

SUNCOM 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited:

SPECIAL GOVERNING BOARD MEETING

DATE AND TIME: Friday, December 16, 2005, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of SWFMWD and Tampa Bay Water Conflict Resolution Process

These are public meetings and agendas are available by contacting the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4609; TDD only 1(800)231-6103 (Florida only); FAX (352)754-6874.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited:

SPECIAL GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, December 20, 2005, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

PURPOSE: Discussion of SWFMWD and Tampa Bay Water Conflict Resolution Process

These are public meetings and agendas are available by contacting the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4609; TDD only 1(800)231-6103 (Florida only); FAX (352)754-6874.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, December 20, 2005, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Cruz Conrad, at (850)414-0269 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://www.fdhc.state.fl.us/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces an Informational Workshops to which all persons are invited.

DATE AND TIME: December 12, 2005, 6:00 p.m.

PLACE: Balis Community Center (next to San Marco Library), 1513 LaSalle St., Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This workshop is being held to afford interested persons the opportunity to gather information regarding the format and type of data to be provided in Data books for Medicaid Reform, how that data can be used to assist in developing Reform benefit packages, and how Reform benefit packages will be evaluated for actuarial equivalence and benefit sufficiency.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Dennis Ngin, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces two Informational Workshops to which all persons are invited.

DATE AND TIME: TBD; Please RSVP a time to [ngind@ahca.myflorida.com](mailto:ngind@ahca.myflorida.com)

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This workshop is being held to afford interested persons the opportunity to gather information regarding the format and type of data to be provided in Data books for Medicaid Reform, how that data can be used to assist in developing Reform benefit packages, and how Reform benefit packages will be evaluated for actuarial equivalence and benefit sufficiency. Due to space limitations, please RSVP a meeting time with Dennis Ngin at [ngind@ahca.myflorida.com](mailto:ngind@ahca.myflorida.com).

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call

(850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Dennis Ngin, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **DMS – Enterprise Information Technology Services**, Wireless 911 Board announces the following meeting schedule information:

**DATES AND TIME:** January 18-19, 2006, 9:00 a.m. – 5:00 p.m.

**PLACE:** Omni Hotel, Jacksonville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Wireless 911 Board Meeting.

If accommodation due to disability is needed in order to participate, please notify the DMS, Enterprise Information Technology Services Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Board of Cosmetology to which all persons are invited to attend.

**DATE AND TIME:** Sunday, January 22, 2006, 9:00 a.m. or soon thereafter.

**PLACE:** Quorum Hotel Tampa, 700 N. Westshore Blvd., Tampa, Florida 33609

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing to: Florida Board of Cosmetology at 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may 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. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State

Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

**DATE AND TIME:** January 12, 2006, 1:00 p.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

**DATE AND TIME:** January 13, 2006, 9:00 a.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Board and Business meeting.

**PLACE:** Sea Turtle Inn, 1 Ocean Boulevard, Atlantic Beach, FL 32233

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)922-6096 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Professional Surveyors and Mappers** announces the following meeting, to which all persons are invited to attend.

**DATE AND TIME:** January 9, 2006, 2:00 p.m.

**PLACE:** Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399; (850)922-7155

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel meeting portions which, are closed to the public. Agenda available on request.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Professional Surveyors and Mappers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for

such purpose he/she may 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)922-7155 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### DEPARTMENT OF HEALTH

The **Board of Nursing** will hold a duly noticed telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: December 14, 2005, 4:00 p.m.

PLACE: Conference Call, Telephone: (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommended Order from the Administrative Law Judge in the Institute of Allied Health vs. Department of Health, Board of Nursing, DOAH # 05-1504 and to conduct general business of the board.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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The **Board of Nursing** Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: December 21, 2005, 5:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). 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.

A copy of the agenda item may be obtained by writing to: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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#### NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited:

DATE AND TIME: Friday, December 16, 2005, 10:30 a.m.

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing WCIND, P. O. Box 1845, Venice, FL 34284. No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

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#### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Tuesday, December 20, 2005, 3:00 p.m., Eastern Time

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of the response(s) submitted for Florida Housing Finance Corporation's Request for Proposals #2005-05 for the Development and Rehabilitation of Migrant Farmworker Housing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting of the ad hoc Spiny Lobster Advisory Board, to which all interested persons are invited:

DATE AND TIME: January 9, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Marathon Government Center, 2798 Overseas Highway, Mile Marker 50, Marathon, Florida

DATE AND TIME: January 10, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Marathon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to allow the ad hoc Spiny Lobster Advisory Board and staff of the Commission's Division of Marine Fisheries Management and the Fish and Wildlife Research Institute to identify and discuss pertinent issues concerning the spiny lobster fishery. The Board is composed of commercial lobster harvesters, recreational lobster fishers, a wholesale seafood dealer, and representatives of non-government organizations.

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 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services** announces a meeting of the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market to which all interested persons are invited.

DATE AND TIME: December 14, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: Pensacola Junior College, 1000 College Boulevard, Building 2, Room 252 (Admissions & Registration Building), Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentations and Task Force Discussion and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Patty Cromartie at (850)413-2866 or Robbie Simpson at (850)413-2963, at least five calendar days prior to the meeting. A copy of the agenda may be viewed at [www.fldfs.com/HurricaneInsuranceTaskForce](http://www.fldfs.com/HurricaneInsuranceTaskForce) or obtained by contacting Patty Cromartie at (850)413-2866 or Robbie Simpson at (850)413-2963.

A map of the Pensacola Junior College campus is located at: <http://www.pjc.cc.fl.us/maps/pensmap.asp>

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#### **MID-FLORIDA AREA AGENCY ON AGING,**

The **Mid-Florida Area Agency on Aging, Inc. (MFAAA)** announces a public meeting to which all persons are invited to attend.

DATE AND TIME: December 13, 2005, 10:00 a.m.

PLACE: Hilton University of Florida, Conference Center Gainesville, 1714 S.W., 34th St., Gainesville, FL 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled meeting of the MFAAA Board of Directors. The Board will take action on matters to be determined by the members of the Board, which may include matters such as the Executive Director's Report.

The Board will also review and discuss applications received by MFAAA from local service provider organizations to provide Older Americans Act services for the period January 1, 2006 through December 31, 2006. Based upon its deliberations, the Board will take formal action to fund or withhold funding of each of the respective applications. The Board will authorize contract awards for those applications that it has taken formal action to fund.

Should any person wish to appeal any decision with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

Persons with disabilities should contact the MFAAA at least 48 hours prior to the meeting in order to request any special assistance.

**FLORIDA AEROSPACE FINANCE CORPORATION**

The **Florida Aerospace Finance Corporation** (FAFC) announces a Board of Director’s meeting and teleconference to which the public is invited.

DATE AND TIME: December 15, 2005, 1:30 p.m. – 3:30 p.m.

PLACE: Office of Enterprise Florida, Inc., 390 North Orange Avenue, Suite 1300, Orlando, FL 32801. To attend via telephone the number to call is: 1(866)249-5325, participant code 393255.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard at (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

**Section VII**

**Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Plaza East Association, Inc.; Docket Number 2005059934.

Whether Plaza East Association, Inc., which is required to insure the condominium property located outside the units, the property located inside the units as initially installed, and all portions of the condominium property requiring coverage by the association under Sections 718.111(11)(a) and (b), Florida Statutes (2003), may pass on to the unit owner the cost of repairing those items that would have otherwise been paid for by the association’s insurance policy but for the application of the deductible or amounts in excess of the coverage limits, notwithstanding provisions in the declaration defining the condominium property as part of a unit with the cost of repairs to be paid for by the unit owner.

A copy of the Petition for Declaratory Statement, Docket Number 2005059934, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Fairway Bay Association, Inc.; Docket No. 2005056024.

Whether an amendment to the insurance provision in the declaration of Fairway Bay Condominium, adopted to conform to Section 718.111(11), F.S. controls the insurance responsibilities of the association and the unit owners.

A copy of the Petition for Declaratory Statement, Docket Number 2005056024, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed October 18, 2005, from James M Tavss, Community Manager, Ro-Mont South Executive Council, Petitioner. The Petition is seeking the Department’s interpretation of NFPA 101, Florida 2003 edition, adopted in the Florida Fire Prevention Code. Specifically, Petitioner asks:

Is a fire alarm system, by itself, without any other life safety system, feature, or attribute, an “engineered life safety system?”

A copy of the Petition may be obtained by writing to, calling, or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, fax number (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Gabe.Mazzeo@fldfs.com](mailto:Gabe.Mazzeo@fldfs.com).

**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**

**NOTICE TO DESIGN/BUILDERS:**

The University of Florida Board of Trustees, announces that design/build services will be required for the project listed below:

Project No.: UF-288, Graham Center for Public Service at Pugh Hall (Gainesville, FL)

This notice supersedes the Notice to Design/Builders that appeared in the November 23rd edition of the Florida Administrative Weekly. Please disregard the previous advertisement.

The project consists of classrooms, office, meeting, and support space for the Graham Center and (3) existing academic programs within the College of Liberal Arts & Sciences. The new building must fit contextually with adjacent facilities – including historic Newell Hall – while also conveying a prominent sense of arrival. Physical connection to Newell Hall in the future is envisioned, so the design shall incorporate provisions therefore. Adjacent Union Road shall be converted to a limited access corridor, and the surrounding site shall be improved and beautified. The University’s conceptual program estimates a total volume of 32,300 GSF, but the design/build team shall thoroughly and immediately confirm and adjust this program through conceptual studies, cost modeling, and interactive workshops with users and other stakeholders. The total project budget is \$11,148,000, including site and access improvements, underground utilities, fees, surveys & tests, independent total building commissioning, and contingencies. Construction shall be “fast-tracked” to begin by August 2006.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of two or more Guaranteed Maximum Price (GMP) proposals for which the design/builder will be paid a fixed fee. Additionally, the design/builder will conduct an existing conditions survey and develop programmatic concepts for the renovation of adjacent Newell Hall. The GMP proposal for construction of the building itself will be based on 100% Construction Documents. The 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 for this project in the amount of \$1,500,000, and will be provided as a part of Basic Services.

Pending a State match of private monies for construction, and if the GMP(s) are accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builder's contract.

Selection of finalists for interviews will be made on the basis of design/builder qualifications, including construction and design ability, building type experience, past performance, bonding capacity, critical path scheduling expertise, cost estimating and cost control ability, quality control provisions, and experience of the proposed staff and consultants. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide design/build services for the project shall submit a letter of application and a completed project specific "Design/Builder Qualifications Supplement," which is available on the UF Facilities Planning and Construction website, along with the conceptual facilities program, the UF Design Services Guide, the UF Construction Standards, and other project and process information. Finalists will be provided with supplemental interview requirements and a copy of the standard University of Florida Owner-Design/Builder agreement.

Proposals must not exceed sixty (60) pages, including the Design/Builder Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. At the time of application, all applicants must be licensed to practice as general contractors in the State of Florida; must possess current Design Professional Registration Certificate from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. 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 design/builder 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. The Design/Builder Qualifications Supplement forms, the Design/Build Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Five (5) bound copies of the required proposal must be received in the Facilities Planning & Construction office by 3:00 p.m. local time on Friday, January 6, 2006. 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)392-1256  
 FAX: (352)392-6378  
 Internet: www.facilities.ufl.edu

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION  
 MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: November 18, 2005  
 NAME OF AGENCY: Florida School for the Deaf and the Blind  
 PROJECT NUMBER: FSDB 20060005  
 PROJECT NAME: James Hall Renovations  
 1. WG Mills, Inc.  
 2. The Stellar Group  
 3. C. Young Construction

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION  
 MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: November 18, 2005  
 NAME OF AGENCY: Florida School for the Deaf and the Blind  
 PROJECT NUMBER: FSDB 20060004  
 PROJECT NAME: Hogel Maintenance Building Renovations  
 1. WG Mills, Inc.  
 2. Batson-Cook Company  
 3. The Stellar Group



## BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## REGIONAL PLANNING COUNCILS

\*\*\*\* FIRST NOTICE \*\*\*\*

### REQUEST FOR PROPOSALS

#### "Historic Charlotte Harbor Hydrologic Subbasin Delineation" CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

Proposals for this service must be received by the Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, by 5:00 p.m. (local time), Monday, January 9, 2006. The Charlotte Harbor National Estuary Program (NEP) reserves the right to reject any or all proposals.

SCOPE OF SERVICE: Florida's historic landscape has been altered to reflect the community values during the mid 1900's for mosquito and flood control and for agricultural and industry interests. The result is an extensive network of man-made drainage ditches that efficiently drain freshwater off the landscape to the coastal creeks, rivers and estuaries. The effects of these drainage activities on the estuary have been identified as a concern of the Charlotte Harbor NEP. The quantity, location and timing of freshwater moved from the watershed to the estuary has a direct impact on water quality and essential fish and invertebrate habitat in the bay. As a result, restoring a more natural hydrologic flow regime to these altered systems is a key ingredient to meeting a multitude of NEP objectives. To implement these objectives, the Program desires a comprehensive understanding of historic subbasin boundaries and natural hydrology in comparison to current conditions. This project will compile this information into a central location that can be provided to decision-makers. Digital maps of historic or "predevelopment" hydrologic subbasins for the greater Charlotte Harbor watershed will be produced. The data stemming from this project will be used in a subsequent effort to compare with current hydrologic subbasins for a change analysis. The results of this latter effort will be used in educational efforts to develop posters and presentations that will educate planners, developers, scientists, managers, citizens and policy-makers on the importance of maintaining natural flowways within the Charlotte Harbor region.

INVITATION TO PROPOSE: The Charlotte Harbor NEP hereby solicits offers for the professional services of qualified respondents for the production of a spatially accurate Arc/INFO coverage of historic Charlotte Harbor hydrologic subbasins. Respondents will be responsible for locating

historic data, such as aerial photography, GLOS notes (available from University of Florida's website), charts, soils maps or predevelopment vegetation maps for the project area, to use in the mapping of historic hydrologic subbasins. The resulting GIS Arc/INFO coverage(s) and imagery will need to meet National Standard for Spatial Data Accuracy (NSSDA) for 1:24,000 data. A Florida Professional Surveyor/Mapper shall be involved as required by state law regarding photogrammetry and survey components of this project  
REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION: All requests for information, instructions and applications for submitting a proposal must be submitted in writing to Ms. Catherine Corbett, Senior Scientist, Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, fax: (239)338-2560 or email: [ccorbett@swfrpc.org](mailto:ccorbett@swfrpc.org). All requests for clarification or for additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m. Monday, December 19, 2005.

HOW TO APPLY: A Request for Proposals document may be obtained by contacting, in writing: Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, fax: (239)338-2560 or email: [ccorbett@swfrpc.org](mailto:ccorbett@swfrpc.org). Proposals must then be received by: Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901 by 5:00 p.m. (local time), Monday, January 9, 2006.

## WATER MANAGEMENT DISTRICTS

### REQUEST FOR QUALIFICATIONS No. 05/06-009WR LAND SURFACE EVALUATION AND VERTICAL CONTROL SURVEYING

The Suwannee River Water Management District (SRWMD) invites interested parties to submit sealed qualifications for land surface evaluation and vertical control surveying of monitoring wells and surfacewater gages in Jefferson and Leon counties, Florida, and Thomas County, Georgia.

All responses to this request must be received prior to 3:00 p.m., January 4, 2006. Any individual or firm desiring to obtain a copy of this Request for Qualification may do so by visiting the District's website at [www.srwmd.state.fl.us](http://www.srwmd.state.fl.us) or by contacting:

Debbie Davidson, Administrative Assistant  
Suwannee River Water Management District  
9225 CR 49  
Live Oak, FL 32060  
(386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to Tom Mirti at SRWMD: (386)362-1001 or toll free (Florida only) 1(800)226-1066; FAX (386)362-1056.

**EXPRESSWAY AUTHORITIES****NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS**

## Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of a new mainline toll plaza, two ramp plazas and associated roadway improvements on S.R. 528. The new mainline plaza will be located on S.R. 528 approximately two miles east of the Dallas Boulevard interchange. The ramp plazas will be located on the existing ramps to and from the east at the Dallas Boulevard interchange. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

**TYPES OF WORK:** Group 3.3, Complex Highway Design; Group 14, Architect

**ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED:** Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation; Group 7, Traffic Operations Design; Group 8, Surveys; Group 9, Soil Exploration, Material Testing and Foundations.

**DESCRIPTION:** The project (No. 528-403) consists of final design, preparation of construction drawings and specifications for widening, auxiliary lanes and resurfacing of S.R. 528 as part of the construction of the new mainline plaza. Toll plaza work will include the design and preparation of construction documents for: a new mainline plaza with four (4) cash toll collection lanes in each direction and two (2) open road tolling express E-PASS lanes in each direction; two 2-lane ramp toll plazas with a cash collection lane and a dedicated E-Pass lane at each plaza.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

A. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve toll plaza design, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;

B. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in toll plaza design and managed the design of at least two (2) plaza design projects;

C. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;

D. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;

E. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive. **SELECTION/NEGOTIATIONS:** The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

**CODE OF ETHICS:** All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be obtained by contacting the Authority.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**MINORITY/ WOMEN/ DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:** Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

**NON-SOLICITATION PROVISION:** From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

**LETTER OF RESPONSE DEADLINE:**

December 23, 2005, 3:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**

Mr. Joseph A. Berenis, P.E.  
Deputy Executive Director  
Telephone: (407)316-3800

**LETTER OF RESPONSE ADDRESS:**

Orlando-Orange County Expressway Authority  
525 S. Magnolia Avenue  
Orlando, FL 32801  
Re: SR 528 Dallas Mainline plaza  
Project No. 528-403

ORLANDO-ORANGE COUNTY EXPRESSWAY  
AUTHORITY: Michael Snyder, P.E., Executive Director

**DEPARTMENT OF MANAGEMENT SERVICES**

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES**

**FOR ARCHITECTURE AND ENGINEERING SERVICES**

The Department of Management Services, Division of Facilities Management and Building Construction, announces that professional services are required for the project listed below.

PROJECT NUMBER: DOS-24012040

PROJECT NAME: Relocation and Rehabilitation of Messer House and Garage Apartment, and Restoration of Plaza, Spanish Village, and Apalachee Village Reconstruction

PROJECT LOCATION: Tallahassee, Leon County, Florida

BUDGET: Current funding is approximately \$140,000. Preliminary cost estimate for Task I relocation and construction is \$1,940,000. Preliminary cost estimate for reconstruction work described in Task II above is \$1,070,000. Additional architectural and engineering services relating to Task II and construction funding for Tasks I and II will be contingent on receipt of requested funding from the 2006 Florida Legislature.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction."  
[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES**

**FOR ARCHITECTURE AND ENGINEERING SERVICES**

The Department of Management Services, Division of Facilities Management and Building Construction, announces that professional services are required for the project listed below.

PROJECT NUMBER: DOS-24012050

PROJECT NAME: New Visitor Center and Parking Lot Expansion, Mission San Luis

PROJECT LOCATION: Tallahassee, Leon County, Florida

BUDGET: Current funding is approximately \$250,000.00; Preliminary cost estimate for construction is \$4,190,000. Construction funding will be contingent on receipt of requested funding from the 2006 Florida Legislature.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction."  
[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**INVITATION TO BID**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: DOH #70564100

ACCOUNT CODE: VCHD TF

PROJECT NAME AND LOCATION:

Volusia County Health Department  
Dental Clinic Interior Buildout  
1845 Holsonback Drive  
Daytona Beach, Florida 32117-5114

FOR: State of Florida, Department of Health-Volusia County Health Department

PRE-QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

May not submit a bid on a contract to provide any goods or services to a public entity.

May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.

May not submit bids on leases of real property to a public entity.

May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.

May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

**PROJECT DESCRIPTION:** The project is to construct an interior build-out within the existing facility for the Dental Program office suite for Volusia County Health Department. The area contains approximately 3,450 square feet and will consist of operatories, offices and work areas and include mechanical and electrical reconfigurations.

**PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor Material Payment Bond are not required. If the construction contract award amount is more than \$100,000, a Performance and a Labor and Material Payment Bond SHALL be required.

**MINORITY BUSINESS ENTERPRISES:** The Department of Health encourages minority businesses to participate in the bidding process including any bidders' conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy & Assistance Office, 2012 Capital Circle, S.E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152. Telephone: (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** Thursday, January 5, 2006, 2:00 p.m. local time.

**PLACE:** Volusia County Health Department, 1845 Holsonback Drive, Daytona Beach, Florida 32117-5114

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following: Winter Park BluePrint, Web Site: <http://plantrack.wpblue.com> for on-line selection and purchase of documents. Address: 160 Candace, Maitland, FL 32794 Telephone: (407)647-3034 FAX: (407)645-1462

The Bid Envelope shall be identified with the project name, date and time of the bid opening. Any bids received after the specified bid opening time will be disqualified and not opened. The above bidding documents will be available on or about Monday, December 12, 2005.

**ARCHITECT-ENGINEER:** Hanson Professional Services, Inc., 720 North Maitland Avenue, Maitland, Florida 32751

**DEPOSITS.** All contractors, sub-contractors, vendors, manufacturers, etc. can purchase required documents.

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m. local time, on Thursday, January 5, 2006 at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner. The qualified, responsive low bidder will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However, they will be exempt from the one per cent "fee".

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## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

#### EMERGENCY MANAGEMENT PREPAREDNESS, AND ASSISTANCE

##### COMPETITIVE GRANT PROGRAM

The Department of Community Affairs gives notice of its intent to open the Fiscal Year 2006-2007 application cycle for competitive awards from the Emergency Management, Preparedness, and Assistance (EMPA) Trust Fund. The application cycle officially opens December 9, 2005, with an application submission deadline of February 7, 2006. Contingent on a Legislative appropriation, funds provided under the Fiscal Year 2006-2007 cycle will be available to award recipients no earlier than July 1, 2006.

Due to the uncertainty of the Fiscal Year 2006-2007 Legislative Appropriations, the amount of funds available for this program cannot be determined at this time. As soon as the appropriation is approved, notification of these funds will be posted on our website at [www.floridadisaster.org/cps/grants.htm](http://www.floridadisaster.org/cps/grants.htm).

The Department encourages all interested and eligible parties with projects that will enhance emergency management capabilities within the State of Florida to apply for awards during this open period.

As provided for in Rule Chapter 9G-19, F.A.C., two programs offering competitive awards encompassing four separate categories are available as follows:

#### PROGRAMS

- 1) EMERGENCY MANAGEMENT COMPETITIVE GRANT PROGRAM – (General)

Provides competitive grants to state or regional agencies, local governments, and private non-profit organizations to implement projects that will further state and local emergency management objectives. Eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$200,000. All eligible applicants, with the exception of counties shall be limited to no more than three (3) application submissions in an application cycle.

- 2) MUNICIPAL COMPETITIVE GRANT PROGRAM – provides competitive grants to municipalities that are legally constituted, have an authorized, established, and maintained emergency management program and have signed the current Statewide Mutual Aid Agreement (SMAA) and supplied all required information and documentation such that the SMAA is ready to be signed by the Division of Emergency Management as of the date of the application deadline. Each Municipal Emergency Management Program may apply for one competitive grant under this program, not to exceed \$50,000 in requested grant funds.

**APPLICATION CATEGORIES:**

Applications are accepted in the following four categories under both programs:

- 1) Projects that will promote public education on disaster preparedness and recovery issues.
- 2) Projects that will enhance coordination of relief efforts of statewide private sector organizations, including public-private business partnership efforts.
- 3) Projects that will improve the training and operations capabilities of agencies assigned lead or support responsibilities in the Florida Comprehensive Emergency Management Plan.
- 4) Other projects that will further state and local emergency management objectives designated as priorities in the applicable Notice of Funding Availability. NOTE: priority points are available for applications submitted under this Category only.

**Priority Area:**

Projects that will promote solutions for removing barriers to emergency preparedness. These may include, but are not limited to, projects which address community preparedness, such as Community Emergency Response Teams (CERTs) and county/local Emergency Operations Centers/Emergency Management Incident Management Teams (IMTs); public information and education; special needs populations; language barriers; and sheltering of pets.

At a minimum, all critical facility projects, whether mitigation, retrofit, renovations or new construction, must conform to the hurricane vulnerability guidelines established in the American Red Cross’ publication “Standards for Hurricane Evacuation Shelter Selection” (ARC 4496, January 2002). To assist in the determination of a facility’s compliance with these guidelines, an ARC 4496 Evaluation Questionnaire will be made

available. If these standards cannot be met until the project is complete, the evaluation will need to reflect what measures will be used to reach a compliance status.

THE EVALUATION QUESTIONNAIRE MUST BE COMPLETED AND SUBMITTED WITH THE APPLICATION.

Critical facilities include, but are not limited to, hurricane shelters, Emergency Operations Centers, structures for fire stations, rescue operations, or law enforcement facilities, hospitals, public works facilities, etc. Other more stringent codes and standards may apply to new construction or substantial renovation/retrofit projects.

Applications addressing the above priority must be submitted under Project Category #4, “Other projects that will further state and local emergency management objectives which have been designated by the State of Florida as priorities in the applicable Notice of Fund Availability.”

Applicants who are eligible under Rural Economic Development Initiatives (REDI)-Rural Area of Critical Economic Concern may be entitled for a waiver or reduction of financial match requirements. Applicants will need to provide the September 2, 2005 memorandum from the Executive Office of The Governor, Office of Tourism Trade and Economic Development that confirms their eligibility when submitting their application. This waiver will be considered by the Review Committee when determining match score.

In conjunction with this offering, in lieu of workshops, a tutorial PowerPoint presentation will be on our website, [www.floridadisaster.org/cps/grants.htm](http://www.floridadisaster.org/cps/grants.htm). This tutorial will provide more detailed information about the State’s priority issues, a review of the application format, a review of the Rule Chapter 9G-19, F.A.C., and other important information relevant to the programs.

TO DOWNLOAD THE RULE, APPLICATION PACKET AND ARC 4496 EVALUATION QUESTIONNAIRE, PLEASE VISIT OUR WEBSITE AT [www.floridadisaster.org/cps/grants.htm](http://www.floridadisaster.org/cps/grants.htm).

DCA Final Order No. DCA 05-OR-232

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF KEY COLONY BEACH  
ORDINANCE NO. 381-2005

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat. (2005), and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On October 14, 2005, the Department received for review City of Key Colony Beach Ordinance No. 381-2005, which was adopted by the City of Key Colony Beach Board of City Commissioners on October 13, 2005 ("Ord. 381-2005"). The purpose of Ord. 381-2005 is to limit the total roof area used for building height exemptions to the minimum size necessary to prevent undesirable uses and design features and to minimize the height of any building height exemption. The ordinance exempts application of the ordinance to chimneys and standpipes.

2. Ord. 381-2005 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

4. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 381-2005 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2005).

7. Ordinance 381-2005 is consistent with the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

8. Ordinance 381-2005 is not inconsistent with the remaining Principles. Ord. 381-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 381-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 JAMES L. QUINN  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND

ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of November, 2005.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Clyde Burnett  
Mayor of the City of Key Colony Beach  
Post Office Box 510141  
Key Colony Beach, FL 33051

Vicki L. Bollinger  
Clerk of the City of Key Colony Beach  
Post Office Box 510141  
Key Colony Beach, FL 33051

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-09-2006-003  
DATE RECEIVED: November 28, 2005  
DEVELOPMENT NAME: Murdock Village  
DEVELOPER/AGENT: Charlotte County/David Mechanik  
DEVELOPMENT TYPE: 28-24.23, 28-24.031, 1 F.A.C.  
LOCAL GOVERNMENT: Charlotte County

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Bajaj USA LLC, intends to allow the establishment of Pine Forest Cycles, as a dealership for the sale of Bajaj Scooters, at 6808 Pine Forest Road, Pensacola, (Escambia County), Florida 32526, on or after November 18, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Pine Forest Cycles are dealer operator(s): Michael R. Charon, 622 Edgewater Drive, Pensacola, Florida 32507, and Jeffrey O. Bridges, Sr., 7010 Ben Sasser Drive, Pensacola, Florida 32526; principal investor(s): Michael R. Charon, 622 Edgewater Drive, Pensacola, Florida 32507, and Jeffrey O. Bridges, Sr., 7010 Ben Sasser Drive, Pensacola, Florida 32526.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Florence Kolvites, Bajaj USA LLC, 409 Littlefield Avenue, South, San Francisco, California, 94080-6106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, CMSI, Inc., intends to allow the establishment of Cape Scooters, as a dealership for the sale of TN'G and Flying Tiger motorcycles, 2820 Cape Coral Parkway, Cape Coral, (Lee County), Florida 33904, on or after November 9, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Cape Scooters are dealer operator(s): Michael Cannizzaro, 2820 Cape Coral Parkway, Cape Coral, Florida 33904; principal investor(s): Jeffrey A. Free, 5924 Tarpon Gardens, Circle #202, Cape Coral, Florida 33904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rob Gates, Director of Sales, CMSI, Inc., P. O. Box 969, Preston, Washington 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jag Powersports intends to allow the establishment of MotoMania Power Sports, LLC, as a dealership for the sale of CPI motorcycles, 3264 Southeast Dixie Highway, (Martin County), Florida 34997, on or after November 10, 2005.

The name and address of the dealer operator(s) and principal investor(s) of MotoMania Power Sports, LLC, are dealer operator: Camilo Zambrano, 3264 Southeast Dixie Highway, Stuart, Florida 34997; principal investor(s): Camilo Zambrano, 3264 Southeast Dixie Highway, Stuart, Florida 34997.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Benjamin Chen, GM, Jag Powersports, 1875 Walnut Hill Lane, #120, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Jag Powersports, intends to allow the establishment of Scooter Escapes, LLC, as a dealership for the sale of CPI motorcycles, at 3948 Central Avenue, St. Petersburg (Pinellas County), Florida 33711, on or after November 10, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Escapes, LLC, are dealer operator(s): Chris Densmore, 3948 Central Avenue, St. Petersburg, Florida 33711; principal investor(s): Chris Densmore, 3948 Central Avenue, St. Petersburg, Florida 33711.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Benjamin Chen, GM, Jag Powersports, 1875 Walnut Hill Lane, #120, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE OF BATCHED APPLICATION RECEIPT  
AND

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds & Services review cycle with an application due date of November 23, 2005:

- County: Marion                      District: 3  
CON #: 9896                      Application Receipt Date: 11/23/2005  
Facility/Project: Hospice of the Palm Coast, Inc.  
Applicant: Hospice of the Palm Coast, Inc.  
Project Description: Establish a hospice program
- County: Volusia                      District: 4  
CON #: 9897                      Application Receipt Date: 11/23/2005  
Facility/Project: Halifax Medical Center  
Applicant: Halifax Hospital Medical Center  
Project Description: Establish an adult kidney transplantation program
- County: Pinellas                      District: 5  
CON #: 9898                      Application Receipt Date: 11/23/2005  
Facility/Project: Hospice of the Florida Suncoast, Inc.  
Applicant: Hospice of the Florida Suncoast, Inc.  
Project Description: Establish a freestanding inpatient hospice facility of up to 30 beds
- County: Pinellas                      District: 5  
CON #: 9899                      Application Receipt Date: 11/23/2005  
Facility/Project: Hospice of the Palm Coast, Inc.  
Applicant: Hospice of the Palm Coast, Inc.  
Project Description: Establish a hospice program
- County: Hillsborough District: 6  
CON #: 9900                      Application Receipt Date: 11/23/2005  
Facility/Project: Hospice of the Palm Coast, Inc.  
Applicant: Hospice of the Palm Coast, Inc.  
Project Description: Establish a hospice program
- County: Polk                      District: 6  
CON #: 9901                      Application Receipt Date: 11/23/2005  
Facility/Project: Lake Wales Health Care Operations Company, LLC  
Applicant: Lake Wales Health Care Operations Company, LLC  
Project Description: Establish a 120-bed community nursing home through delicensure of 120 beds from Lake Wales Medical Center's Extended Care facility
- County: Orange                      District: 7  
CON #: 9902                      Application Receipt Date: 11/23/2005

Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish an adult liver transplantation program  
 County: Collier District: 8  
 CON #: 9903 Application Receipt Date: 11/23/2005  
 Facility/Project: Cleveland Clinic Florida Hospital-Naples  
 Applicant: Cleveland Clinic Florida Hospital-Naples  
 Project Description: Establish an adult open heart surgery program  
 County: Palm Beach District: 9  
 CON #: 9904 Application Receipt Date: 11/23/2005  
 Facility/Project: Chatsworth at PGA  
 Applicant: Devonshire Associates, Ltd.  
 Project Description: Add 40 community nursing home beds through delicensure of 40 community nursing home beds at Palm Beach Shores Rehab & Sub-Acute Center  
 County: Dade District: 11  
 CON #: 9905 Application Receipt Date: 11/23/2005  
 Facility/Project: Floridean Nursing Home, Inc.  
 Applicant: Floridean Nursing Home, Inc.  
 Project Description: Add up to 30 community nursing home beds through delicensure of up to 30 community nursing home beds from Greynolds Park Manor Rehab Center  
 County: Dade District: 11  
 CON #: 9906 Application Receipt Date: 11/23/2005  
 Facility/Project: New Riviera Nursing & Rehabilitation Center, LLC  
 Applicant: New Riviera Nursing & Rehabilitation Center, LLC  
 Project Description: Establish a community nursing home of up to 234 beds through delicensure of up to 234 community nursing home beds from Greynolds Park Manor Rehab Center Also, IF REQUESTED, tentative public hearings have been scheduled as follows:  
 PROPOSALS: District 3  
 DATE AND TIME: Wednesday, January 4, 2006, 1:00 p.m. (until 5:00 p.m.)  
 PLACE: Tower Road Branch Library, 3020 S.W. 75th Street, Gainesville, FL 32607  
 PROPOSALS: District 4  
 DATE AND TIME: Tuesday, January 10, 2006, 10:00 a.m. (until noon)  
 PLACE: Health Planning Council of N.E. Florida – Daytona Office, 101 South Palmetto Ave., Ste 5, Daytona Beach, FL

PROPOSALS: District 5  
 DATE AND TIME: Tuesday, January 10, 2006, 9:00 a.m. (until noon)  
 PLACE: Baker Building Conference Room, 888 Executive Center Drive, North, St. Petersburg, FL 33702  
 PROPOSALS: District 6  
 DATE AND TIME: Tuesday, January 10, 2006, 1:00 p.m. – 4:00 p.m.  
 PLACE: Baker Building Conference Room, 888 Executive Center Drive, North, St. Petersburg, FL 33702  
 PROPOSALS: District 7  
 DATE AND TIME: Tuesday, January 10, 2006, 9:00 a.m.  
 PLACE: Health Council of East Central Florida, 1155 South Semoran Boulevard, Suite 1111, Winter Park, FL 32792  
 PROPOSALS: District 8  
 DATE AND TIME: Thursday, January 5, 2006, 12:00 p.m. – 3:00 p.m.  
 PLACE: Lakes Regional Library, 15290 Bass Road, Fort Myers, FL 33919  
 PROPOSALS: District 9  
 DATE AND TIME: Wednesday, January 4, 2006, 10:00 a.m.  
 PLACE: Center Point Plaza, 4152 West Blue Heron Boulevard, Suite 229, Riviera Beach, FL 33404  
 PROPOSALS: District 11  
 DATE AND TIME: Wednesday, January 11, 2006, 9:00 a.m.  
 PLACE: Health Council of South Florida Inc., Conference Room, 8095 N. W. 12th Street, Suite 300, Miami, FL 33126  
 Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention: Karen Rivera, by 5:00 p.m., December 23, 2005. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file.  
 Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by December 28, 2005.

CERTIFICATE OF NEED  
 EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Osceola District: 7  
 ID # 0500007 Decision: A Issue Date: 11/15/2005

Facility/Project: Donegan Rehabilitation and Health Center  
 Applicant: Kissimmee Health Care Associates, LLC  
 Project Description: Replacement of a licensed nursing home on the same site  
 Proposed Project Cost: \$5,000,000  
 County: Okaloosa District: 1  
 ID # 0500009 Decision: A Issue Date: 11/21/2005  
 Facility/Project: Twin Cities Hospital  
 Applicant: Okaloosa Hospital, Inc.  
 Project Description: Establish an adult inpatient diagnostic cardiac catheterization program  
 Proposed Project Cost: \$0  
 Department of Health

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### DEPARTMENT OF HEALTH

##### NOTICE OF FUND AVAILABILITY FOR THE FISCAL YEAR 2005-2006 FLORIDA EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANTS

AGENCY: Department of Health

GRANT TITLE: Florida EMS County Grants

PURPOSE AND EFFECT: To provide grants for pre-hospital EMS in Florida

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Boards of County Commissioners may apply to receive their EMS County Grants by submitting their completed EMS County Grant Application including the required County Resolution to the Department at the address below.

TO OBTAIN AN APPLICATION: An application is being mailed to the chairperson and contact person in each county. A copy is available on the EMS website, [doh.state.fl.us/workforce/ems1/Grants/Grants.htm](http://doh.state.fl.us/workforce/ems1/Grants/Grants.htm). If you do not receive the application, please call Ed Wilson, (850)245-4440, Ext. 2737 or Alan Van Lewen at extension 2734; or write: EMS County Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738.

NUMBER OF COPIES: Submit one signed original and one copy of the application and resolution.

DEADLINE: Applications will be accepted beginning with the date of this notice. Completed applications and county resolutions must be received by the Department of Health, Bureau of Emergency Medical Services no later than 5:00 p.m. (EST), March 31, 2006.

P. O. # DO131564

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#### DEPARTMENT OF FINANCIAL SERVICES

##### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 30, 2005):

##### APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Florida Choice Bank (Florida Choice Bancshares, Inc.), Mount Dora, Florida  
 Proposed Purchaser: Alabama National Bancorporation, Birmingham, Alabama

Received: November 23, 2005

##### APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Haven Trust Bank, 709 Ponce de Leon Boulevard, St. Johns County, Florida 32084  
 Correspondent: John B. Kline, Kline & Associates, P.O. Box 418, Decatur, Georgia, 30031 and Matthew Greene, P.O. Box 2109, Ponte Vedra Beach, Florida 32004

Received: November 28, 2005

##### APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: American Commerce Bank, 4830 West Kennedy Boulevard, Hillsborough County, Florida 33609

Correspondent: John Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: November 29, 2005

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**BROWARD SHERIFF'S OFFICE**

Notice of Hearing  
For Judicial Opening

Deputy Chief Judge of Workers Compensation Claims

The Statewide Nominating Commission for Judges of Compensation Claims (SNCJCC) will be accepting applications for the position of Deputy Chief Judge of Compensation Claims.

The Commission announces that it will hold a public hearing on Friday, January 20, 2006, 9:30 a.m., at the Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, for the purpose of interviewing prospective applicants for the position of Deputy Chief Judge of Workers Compensation Claims.

Qualified applicants must submit one (1) original completed application and one (1) copy to the SNCJCC Committee Chairperson, and one (1) additional copy must be submitted to each Commission member, no later than 5:00 p.m. on January 13, 2006. Any applications received after the deadline date will be disqualified. Fax or e-mailed applications will not be accepted.

A copy of the judicial application along with a listing of all SNCJCC Commission Members will be posted on the DOAH and Florida Bar websites.

Any questions relating to this posting should be directed to: Victor Marrero, Commission Chairperson, Director of Risk Management, Broward Sheriff's Office, Fort Lauderdale, FL 33312, telephone (954)831-8358; facsimile (954)321-4587.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN November 21, 2005  
 and November 23, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Housing and Community Development**

9B-3.047	11/21/05	12/11/05	31/37	
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**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Cocohatchee Community Development District**

42KK-1.001	11/22/05	12/12/05	31/36	
42KK-1.002	11/22/05	12/12/05	31/36	
42KK-1.003	11/22/05	12/12/05	31/36	

**DEPARTMENT OF ELDER AFFAIRS**  
**Statewide Public Guardianship Office**

58M-2.001	11/22/05	12/12/05	31/37	31/43
58M-2.003	11/22/05	12/12/05	31/37	31/43
58M-2.005	11/22/05	12/12/05	31/37	31/43

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-4.244	11/23/05	12/13/05	31/40	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Board of Massage**

64B7-27.018	11/23/05	12/13/05	31/39	
64B7-27.019	11/23/05	12/13/05	31/39	
64B7-28.010	11/23/05	12/13/05	31/39	
64B7-30.002	11/23/05	12/13/05	31/39	
64B7-33.001	11/23/05	12/13/05	31/39	

**Board of Medicine**

64B8-30.003	11/22/05	12/12/05	31/40	
64B8-30.014	11/22/05	12/12/05	31/40	

**Board of Osteopathic Medicine**

64B15-6.01051	11/22/05	12/12/05	31/40	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse Program**

65D-30.002	11/22/05	12/12/05	31/40	
65D-30.003	11/22/05	12/12/05	31/40	
65D-30.004	11/22/05	12/12/05	31/40	
65D-30.0061	11/22/05	12/12/05	31/40	
65D-30.0081	11/22/05	12/12/05	31/40	
65D-30.011	11/22/05	12/12/05	31/40	