

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

DATE AND TIME: June 13, 2007, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Food Stamps/TCA Policy, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, Telephone (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.2131 Learnfare Requirements.

(1) Learnfare Requirements. Temporary cash assistance (TCA) will be reduced when a participant's dependent school-age child(ren) is determined to be a habitual truant or school dropout or the parent or caretaker relative whose needs are included in the TCA assistance group fails to attend a school conference each semester. Notification of the Learnfare Program requirements and the right to request a fair hearing if they disagree with a department decision will be provided upon TCA application using the CF-ES 2064, Your Rights and Responsibilities, Oct 05 ~~CF-ES 2606, Notice of Learnfare Requirements, DEC 01~~, incorporated by reference. ~~The applicant must sign the CF-ES 2606 and a copy is to be retained in the case file.~~

(2) through (4) No change.

(5) School Conference. A parent or caretaker relative with a child subject to school attendance requirements must have a conference with an appropriate school official during each semester. The parent's or caretaker relative's statement of completion of the school conference must be obtained at a regularly scheduled redetermination. Verification of participation in a school conference each semester must be provided by participants using the form, CF-ES 2098, Learnfare School Conference Verification, DEC 01, incorporated by reference, or other written documentation from a school district official or by department staff's direct contact with a school official. If a redetermination is due during the summer when school is not in session, the conference verification from the previous semester will be sufficient documentation of compliance.

(6) No change.

(7) ~~Good Cause. Learnfare good cause reasons, penalty criteria, and right to request a fair hearing are contained in the CF-ES 2606, Notice of Learnfare Requirements provided to participants at TCA application. Participants are also notified at TCA application of their right to request a fair hearing using the CF-ES 2064, Your Rights and Responsibilities, Sept 00, incorporated in Administrative Rule 65A-1.204, F.A.C., if they disagree with a department decision. At the time of re-determination for TCA eligibility, a participant is required to~~

~~provide the Public Assistance Specialist (PAS) with verification of school conference compliance as specified in subsection (5). The PAS will inform participants that failure to provide verification within 10 days will result in Learnfare penalties being imposed.~~ Upon notification by the local school district that a participant's dependent child is a habitual truant or dropout, or a parent or caretaker relative fails to attend a school conference, the department must determine if good cause exists in accordance with Section 414.1251(1), F.S. If good cause does not exist, the department will advise the participant and impose Learnfare penalties in accordance with Section 414.1251(1) and (2), F.S.

(8) No change.

(9) Copies of the CF-ES 2064 ~~CF-ES 2606 and CF-ES 2098~~, may be obtained from the Department of Children and Family Services, ACCESS Florida Economic Self-Sufficiency Services, 1317 Winewood Boulevard, Tallahassee, Florida 31399-0700.

Specific Authority 414.45 FS. Law Implemented 414.1251 FS. History--New 6-2-02, Amended.....

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Chief, Program Policy, ACCESS Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2007

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.010
RULE TITLE: Design of Aluminum Structures
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. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

The change below reflects the addition of language approved by the Board on April 18, 2007 following a public hearing held on March 23, 2007.

1. Subsection (4) shall read:

(4) This rule does not prohibit the use of the “AAF Guide to Aluminum Construction in High Wind Areas” as referenced in the Florida Building Code, Chapter 9B-70, in the construction of aluminum structures.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.006
 RULE TITLE: Course Syllabus

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. 33, No. 19, May 11, 2007 issue of the Florida Administrative Weekly.

The language “IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED FOR THE BOARD’S NEXT MEETING, AND WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.” Need to be added in the notice under the “LAW IMPLEMENTED: 468.627 FS.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003
 RULE TITLE: Technologist

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. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly.

The Board held a public hearing on this rule on March 2, 2007, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histocompatibility, blood banking, cytology, cytogenetics, histology, molecular pathology, andrology and embryology shall have ~~one hour of Board approved HIV/AIDS continuing education;~~ a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

(a) through (e) No change.
 Specialty
 (f) Andrology,
Embryology

Option
 1

Education

Training/Experience

Examination
 MT(AAB)
 Andrology/
Embryology
 examination

2

MT(AAB)
 Andrology
/Embryology
 examination

3

MT(AAB)
 Andrology/
Embryology
 examination

Specialty
~~(g)(4)~~ Histology

Option
 1

Education

Training/Experience

Examination
 HTL(ASCP), or
 HT(ASCP)QIHC

	2	Associate Degree	Three years pertinent clinical laboratory experience.	HT(ASCP)
	3		Five year pertinent experience and 48 contact hours of continuing education in immunohistochemistry/ advanced histologic techniques.	HT(ASCP)
(g) Embryology	1	Bachelor's Degree with 24 semester hours of academic science	Board approved training program in andrology/embryology	
	2	Bachelor's Degree with 24 semester hours of academic science	One year pertinent clinical laboratory experience	MT(AAB) Embryology examination
	3	Associate Degree	Three years pertinent clinical laboratory experience	MT(AAB) Embryology examination
Specialty (h)(4) Histocompatibility	Option 1	Education	Training/Experience	Examination CHT(ABHI)

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-15.008
 RULE TITLE: Fee for Renewal of Inactive License
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 14, April 6, 2007 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated April 26, 2007. The correction is as follows:

The word "dental" was inadvertently omitted from the first sentence of the rule in the Rule Notice which should read as "The fee for renewal of an inactive dental license shall be....." . The word "Dental" is included in the current rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-15.009
 RULE TITLE: Fee for Reactivation of Inactive License

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 14, April 6, 2007 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated April 26, 2007. The correction is as follows:

The word "dental" was inadvertently omitted from the first sentence of the rule in the Rule Notice which should read as "The fee for reactivation of an inactive dental license shall be....." . The word "Dental" is included in the current rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.006
 RULE TITLE: AIDS Education and Medical Error Prevention Education

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly.

The publication date of proposed rule development should be changed to March 2, 2007.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.022	Background Screening Requirements
65C-13.023	Pre-service Training
65C-13.024	Initial Licensing Procedures
65C-13.025	In-Service Training
65C-13.026	Changes During the Licensed Year
65C-13.027	Re-Licensing
65C-13.028	Licensed Out-of-Home Team Member Roles
65C-13.029	Standards for Licensed Out-of-Home Caregivers
65C-13.030	Terms of a License
65C-13.031	Capacity, Placement, and Over-Capacity Assessments
65C-13.032	Babysitting, Respite and Other Supervision
65C-13.033	Complaint Investigations and Foster Care Referrals
65C-13.034	Administrative Actions, Appeals and Closures

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. 33, No. 19, May 11, 2007 issue of the Florida Administrative Weekly.

Rules 65C-13.001 through 65C-13.021 same as published on December 1, 2006. Rules 65C-13.022 through 65C-13.034 have been amended to read as follows:

65C-13.022 Background Screening Requirements.

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

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

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

(c) The person has or may have unsupervised contact with the children.

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

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

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

(5) For children between the ages of twelve and eighteen, the background screening shall be limited to statewide criminal and juvenile records name checks through the Florida Department of Law Enforcement and does not require fingerprinting. Screening of young adults age 18 through 22 who are receiving services through Chapter 65C-31, F.A.C., and who have had no break in service provision are not required to be screened. A youth receiving services under

Chapter 65C-31, F.A.C., who wishes to baby-sit may be screened by name check through the Florida Department of Law Enforcement but may not baby-sit foster children.

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

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

(8) Persons who are currently licensed as out-of-home caregivers and any adult household members shall be re-screened at least annually as a part of the application for re-licensing. Annual screening for re-licensure shall be limited to a local criminal records check, an abuse and neglect record check clearance through the Statewide Automated Child Welfare Information System (SACWIS), and may include records of any responses to the home by law enforcement that did not result in criminal charges, and any 911 calls to the home. The state criminal records checks shall be completed every five years through the Florida Department of Law Enforcement. Abuse and neglect reports in which the applicant was named in any capacity in three institutional reports, regardless of classification over the past five years shall be reviewed for relevancy related to the licensing decision and may be used in determining whether to renew or revoke the person's license. All reports with any findings may be considered for the purposes of re-licensing a home for more than one year under Section 409.175(6)(j), F.S.

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

Specific Authority 39.001(1)(a), (b), (i), 39.202(2)(a)5., 39.301(22), 39.302(7), 409.175(14), 409.175(1)(a), (2)(i), (k), 409.175(9)(b)2., 4, 435.04(1), (2), (5), 435.05(1), (2), (3), 435.07 FS. Law Implemented 39.0121, 409.175(5)(a)5., 435.04 FS. History–New _____.

65C-13.023 Pre-service Training.

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

(2) Pre-service training shall meet the requirements of Section 409.175(14)(b), F.S., and shall include training for out of home caregivers on decision-making related to the balance of normalcy for children in care and their safety. As a prerequisite to licensure, potential licensed out-of-home caregivers who have swimming pools or whose homes are adjacent to bodies of water unprotected by a barrier of at least four feet will be required to complete a basic water safety course administered by the American Red Cross, YMCA or a trainer certified in water safety training. This requirement does not apply to homes with wading pools, which are temporary and portable pools with a depth of less than two feet.

(3) Each pre-service class shall be led by a certified child protection professional according to Section 402.40(7), F.S., who has a bachelor's degree or a master's degree from an accredited college or university, and should include licensed out-of-home caregiver as a co-facilitator. In addition, a young adult formerly in foster care must be invited to participate in one or more sessions of the training to ensure that prospective out-of-home caregivers may benefit from the former foster youth perspective.

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

(5) Individualized training may be completed with the approval of the lead agency. If individualized training is done, the certified trainer is responsible for complying with the requirements set forth for pre-service training in Section 409.175(14)(b), F.S.

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

(7) Exemptions to the pre-service training may be made for individuals who have successfully completed pre-service training equivalent to the pre-service training offered by the local supervising agency, provided the training was completed within the last five years and the individual(s) provide(s) proof of successful completion. Supervising agencies may request any information regarding the curriculum completed for the purposes of making a recommendation to the department. The

department shall review the curriculum content and consider the recommendation of the supervising agency in determining whether the individual may be exempt from attending the pre-service training offered by the supervising or child placing agency.

(8) When an individual successfully completes pre-service training but does not continue the licensing process, the supervising agency staff shall document the reason(s) the process was discontinued. Previously completed pre-service training may be accepted towards licensure for up to five years from the date of verified curriculum completion. Previously licensed out-of-home caregivers who have a break in service of less than one year, but who completed pre-service less than four years prior to requesting renewal may be licensed without completing pre-service.

Specific Authority 409.175, 402.40(10) FS. Law Implemented 409.175, 402.40(7) FS. History—New _____.

65C-13.024 Initial Licensing Procedures.

(1) General.

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

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

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

(2) References.

(a) There shall be a minimum of three personal references that shall not be related to the applicant being screened and shall have known the applicant for at least two years. References inquiry responses may be obtained in writing from the individual(s) or documented by the supervising agency staff based on conversations with the person giving the reference.

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

(c) The agency shall obtain a current employment reference for each applicant. At a minimum, this reference shall include sufficient information to establish or corroborate the applicant’s current employment status. If current employment is less than two consecutive years in duration, secondary employment references shall be obtained. If the applicant is self-employed, a reference from a current customer or associate of the applicant shall meet this requirement. If an applicant is not currently employed a former employer or additional personal reference shall suffice.

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

(e) References shall be obtained from the childcare provider of any preschool age child who is enrolled in a childcare program.

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

(g) Any previous licensing, registration or certification as an out-of-home caregiver in Florida or in any other state or country shall be considered.

(3) Verifications.

(a) The applicant shall provide the agency with proof of the following, if applicable; his or her current marriage and all divorce decrees as applicable, documentation of legal residency, driver’s licenses, auto insurance coverage, financial capability and income, child support verification, and pet vaccinations.

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

(4) Employees, Relatives and Sub-Contractors as Licensed Out-Of-Home Caregivers. Districts, Regions, Zones, County Sheriff’s Offices and Lead Agencies may choose to license employees as out-of-home caregivers as long as the following conditions are met.

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

(b) The licensing study is completed by a licensed child-placing agency outside of the lead agency’s service delivery system and submitted to the department for approval;

(c) The lead agency has a procedure approved by the department, which requires the executive director or designee in upper level management of the lead agency to review and approve the submission of all such applications to the department.

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

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

(b) Pre-service Experience:

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

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

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

(d) Home and Neighborhood:

1. Physical description of the home, including the number of bedrooms and bathrooms, type and number of available beds and current sleeping arrangements, storage space for children's personal belongings, living area, dining area and other interior space.

2. A description of how the home complies with safety requirements, including location and verification of operating fire extinguishers with current tag and smoke detectors, storage of medications, cleaning supplies and toxins. The description shall also include the storage of alcoholic beverages, weapons and ammunition, location of burglar bars, fireplaces, handrails on stairways and space heaters, if applicable;

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

(e) Animals. Description of any household pets, exotic pets, or live stock including immunization verification as required according to Section 828.30, F.S., observations of their care, behavior and how they are maintained and secured. The applicant shall have measures in place to assure safety of foster children from any potentially dangerous animals and this information shall be documented in the home study, if applicable;

(f) Social History; a description of the following shall be included:

1. Background and Family History, including place(s) of birth, description of family relationships during childhood and current state of family relationships, education, types of discipline used in the family, family values, and any prior residences in or out of Florida;

2. Marital Status and Other Significant Relationships.

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

a. Current smoking and alcohol use by household members;

b. Any history of alcohol or substance abuse.

4. Parenting experience of each applicant. All of the applicant's children shall be identified whether they reside in the home or not. This may also include their parenting experience with any child they may have provided care for, even if on a temporary basis. This section should also include a description of the experience, as opposed to just listing the identities of the applicant's children or the children they may have parented.

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

6. Family Life. Document observations of family members' personalities and their interpersonal relationships. Describe family activities, hobbies and interests and civic involvement. For each child living in the home, describe the child's school, grades, achievements and interests. Describe each child's relationship with the applicant and siblings in the home, as well as his or her feelings of having a foster child in the home;

7. Religion. Explore the family's attitudes regarding prohibitions against seeking medical treatment, celebrating holidays or birthdays, and discipline practices encouraged by their faith. Discuss the applicant's ability to meet the licensing standard for religious cooperation according to subparagraph 65C-13.028(1)(g)4., F.A.C.; and

8. Child Care. Describe day care arrangements, including transportation to and from day care provider, if applicable.

(g) Transportation. Describe the vehicles and who shall be the responsible drivers. A description of each vehicle shall include its physical condition, the seating capacity and the number of seat belts.

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

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

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

1. Background Screening pursuant to Rule 65C-13.022, F.A.C.:

2. Background and Family History;

3. Medical History as set forth in subparagraph 65C-13.024(5)(f)3., F.A.C.:

4. What responsibilities they intend to have with the foster child, i.e. transportation, supervision, care giving, and other responsibilities;

5. One personal reference from a non-relative not living in the home.

(k) Background Screening. The results of all background screening information available to the supervising agency shall be addressed for each individual in the home over twelve years of age. Any arrests, qualifying reports of abuse and findings of protective orders shall be explored and addressed in the study.

(l) Summary and Recommendations:

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

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

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

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

3. If recommending licensure, provide a description of the type of children the family appears most appropriate to foster, including number of children, age, gender(s), types of

behaviors, and special needs. Explore and address any limitations or concerns and under what conditions the prospective family would be willing or able to accept the child.

4. If not recommending licensure, the summary shall indicate the specific reasons for the recommendation and identify and address the standards the applicant is unable to meet.

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

(6) Application Packet Submission and Approval Process.

(a) The complete application packet shall be submitted to the district or regional licensing authority. The district or regional licensing authority shall request any additional information needed within ten calendar days of receipt of the packet.

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

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

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

3. "Authorization for Release of Health and Medical Information for Prospective Foster or Adoptive Parents", CF-FSP 5230, October 1996, available at www.dcf.state.fl.us/publications/ (as needed);

4. Licensing Home Study;

5. Proof of Income;

6. Signed bilateral service agreement as specified in subsection 65C-30.001(11), F.A.C., between the supervising agency, lead agency and the potential licensed out-of-home caregiver. If the home is being licensed by a non-contracted agency, the agreement will be between the supervising agency and the potential licensed out-of-home caregiver.

7. Pre-service training certificate;

8. Pre-service biographical profile;

9. Documentation of water safety training, if applicable;

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

11. Verification of Criminal History Screening as specified in subsection 65C-13.022(2), F.A.C., including:

a. Signed and notarized "Affidavit of Good Moral Character", CF 1649, January 2007, available at www.dcf.state.fl.us/publications/;

b. Local Law Enforcement Check;

c. Civil Court records check as described in Rule 65C-13.022, F.A.C.;

d. Florida Department of Law Enforcement records check;

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

f. Record check through the department's Statewide Automated Child Welfare Information System.

g. Abuse registry checks on applicants and adult household members from any previous state the prospective parent(s) or other adult has resided in for the previous five years.

12. References and inquiry responses, including:

a. Three personal references;

b. Neighbor/Community references;

c. Employment reference;

d. References from adult children;

e. School references on all school age children;

f. Childcare references for all preschool children in child care arrangements;

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

13. Family Documents:

a. Current marriage certificates;

b. All final judgments of dissolution of marriage;

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

d. Documentation of legal residency for applicants not born in the United States;

e. Driver's license(s) and driving records;

f. Vehicle insurance.

14. Foster Home Safety Documentation:

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

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

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

d. Floor plan;

e. Evacuation and disaster preparedness plans;

f. Pet vaccinations (if applicable).

(7) The district or regional licensing authority is responsible for ensuring that the licensing application packet is complete, that all licensing requirements are met and for the issuance of the license. The licensing packet shall contain documentation of a review by the department's district or zone licensing staff and a recommendation for approval or denial by the district or zone licensing authority.

(8) If the family foster home is located in a district or region other than where the submitting supervising agency is located, the application packet shall be submitted to the district or regional licensing authority where the prospective family foster home is located. The district or regional licensing authority shall provide written notification of the outcome of the application to the supervising agency and licensing

authority in the district or region where the supervising agency is licensed within five working days of issuing the license or denial letter.

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

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

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

(12) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.034, F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New _____.

65C-13.025 In-Service Training.

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

(2) Prior to the renewal of a license each licensed out-of-home caregiver shall successfully complete at least eight hours of approved in-service training. Licensed out-of-home caregivers shall be offered in-service training opportunities by their supervising agency. Training opportunities shall be offered no less than quarterly and at times and places convenient to the licensed out-of-home

caregiver. For those licensed out-of-home caregivers unable to attend, other methods shall be developed for satisfying this requirement. In-service training materials shall be approved by the supervising agency prior to use. Documentation of completed training shall be maintained in the licensure file.

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New

65C-13.026 Changes During the Licensed Year.

(1) General Requirements.

(a) The licensed out-of-home caregiver shall report events resulting in an arrest or other law violations involving any household member; a change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions, or a serious health issue such as a debilitating injury, or communicable disease regarding a household member, to the supervising agency within 48 hours. Failure to do so may be reason to suspend, deny or revoke a license if the non-reported situation threatens the safety of any child in care or results in the non-conformity with licensing requirements stated in this Rule.

(b) The following occurrences shall be reported by the out-of-home caregiver to the supervising agency upon occurrence or prior to the upcoming event when possible:

1. Change in marital status;
2. Change of home telephone number;
3. Change of mailing address;
4. Change of employment;
5. Significant change in work schedule.

(c) The supervising agency shall assess the impact on the household immediately upon learning one of these events has occurred or is likely to occur. Changes in physical address require re-licensing as described in Rule 65C-13.027, F.A.C.

(d) The supervising agency shall notify the lead agency and licensing authority within 24 hours of learning of an event resulting in an arrest or other law violation by a household member.; a change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions or a serious health issue such as a debilitating injury or communicable disease regarding a household member of a family foster home.

(e) All new household members shall be fingerprinted within five days of residence and those fingerprints shall be submitted to the Florida Department of Law Enforcement within five days of the receipt of the fingerprints by the supervising agency. All household members shall meet the requirements for background screening as required in Rule 65C-13.022, F.A.C. and Sections 435.04 and 435.05, F.S.

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

(a) If a licensed out-of-home caregiver marries or reconciles with an unlicensed spouse, the unlicensed spouse shall complete an “Application for License to Provide Out-of-Home Care for Dependent Children”, CF-FSP 5007, March 2007, available at www.dcf.state.fl.us/publications/, submit fingerprints within five calendar days of residence for background screening unless previously completed, attend pre-service training if not previously completed in the last five years, and meet all licensing requirements. The unlicensed spouse shall have six months from the date of marriage or reconciliation to complete pre-service training. Failure to meet the licensing and background screening provisions of this rule which may threaten the safety of any child in care, or place the home in violation of the licensing standards in this Rule, may be grounds for denial, suspension or revocation of an application or license. During this period, and based on the satisfactory completion of background screening requirements and the established good moral character of the unlicensed spouse, the home remains licensed and previously placed children may remain in the home, however no new children shall be placed in the home.

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

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

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

(3) Change in Household Composition.

(a) If the new household member lived outside the county of residence during the previous five years, local law enforcement checks shall also include all counties of prior residence in addition to the local records check completed in the current county of residence. For any new household member who resided in another state for any period of time during the last five years, abuse and neglect history checks shall be requested of the state(s) and the results documented.

(b) When new members join the household; the supervising agency shall update the home study summary and address the changes in sleeping arrangements within thirty days.

(c) The licensed out-of-home caregivers have the responsibility to notify the supervising agency of any individual expected to have unsupervised contact with the foster child except in situations where the child is participating in appropriate social and extracurricular activities according to their age and developmental level.

(4) Law Enforcement Involvement:

(a) Applies to all household members age 12 and older; and

(b) Includes arrests, incidents of domestic violence, driving infractions and may include any local law enforcement response to the home over the course of the licensed year.

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

(a) Within District.

1. Changing location within the district shall require a supplemental "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, March 2007, available at www.dcf.state.fl.us/publications/; an updated home study which contains a description of the home and neighborhood; school changes; sleeping arrangements; a satisfactory environmental health inspection of the new residence; the current floor plan; disaster plan; home emergency evacuation plan; fire inspection and radon testing, if applicable. A provisional license may be issued prior to the health inspection after the supervising agency licensing

counselor conducts a safety assessment of the new location. This provisional license should expire within 90 days of issuance by the licensing authority unless renewed. Renewal of the provisional license should only be considered in limited circumstances in which the potential licensed family foster home is considered safe and the additional requirements do not pose a threat to the safety and well-being of any children currently in the home. No new children shall be placed in a home that is provisionally licensed. The extension of the provisional license shall not exceed 90 calendar days.

2. The licensing counselor shall obtain all required documentation and submit it to the licensing authority in order for a regular license to be issued.

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

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

5. At least one home visit shall be made as part of the updated licensing home study.

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

7. There may be circumstances in which the conditions of the new home do not allow recommendation for licensure. If this occurs, and there are dependent children placed in the home, the primary worker shall immediately begin the process of alternative placement options. Closure procedures should occur as set forth in subsection 65C-13.034, F.A.C.

(b) Between Districts.

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

a. The supervising agency shall assist the out-of-home caregiver in finding a supervising agency in the district where he or she plans to relocate.

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

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

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

2. The current supervising agency shall inform the current district licensing authority in writing of the impending move and request that the complete licensing file be sent to the new district's licensing authority.

3. The supervising agency accepting responsibility for licensing the foster family home will provide a contact name and telephone number to the licensed out-of-home caregivers immediately upon acceptance of responsibility for the licensing process in the new district. The home study and complete application packet should be sent to the new licensing authority within sixty days of commencement. Prior to submission of the home study and application packet, the home remains un-licensed but a provisional may be issued after the safety assessment is completed and received by the new licensing authority and prior to the inspection by the county health department.

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

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

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

responsibility of the former supervising agency and the contracted service provider with primary responsibility for supervision of the children.

(c) Out of State. The same process as outlined for a change in district is to be followed. However, if the children are to move out of state with the licensed out-of-home caregiver, the primary services worker is required to initiate an Interstate Compact for the Placement of Children request pursuant to Section 409.401, F.S., no less than 45 days prior to the move unless extenuating circumstances exist. If extenuating circumstances exist, the services worker shall provide an explanation and documentation of the circumstances surrounding the move for consideration and processing by the Florida Interstate Compact for the Placement of Children Office.

(d) Between supervising agencies.

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

2. The desired supervising agency shall:

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

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

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

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

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New _____.

65C-13.027 Re-Licensing.(1) General.

(a) Re-licensing procedures shall be initiated by the supervising agency in a timely manner and the re-licensing packet submitted for consideration at least 30 days prior to expiration of the current license.

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

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

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

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

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

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

(f) The supervising agency shall ensure that all background screening described in Rule 65C-13.022, F.A.C., has been completed.

(g) References.

1. The supervising agency responsible for completing the re-licensing home study shall obtain and review the "Services Worker's Review of the Licensed Out-of-Home Caregiver's Performance", CF-FSP 5223, March 2007, available at www.dcf.state.fl.us/publications/, for the services workers who have supervised children in the home during the year.

2. The supervising agency shall also obtain and review two "Quality of Licensed Caregiver's Home: Community Input" references, CF-FSP 5225, March 2007, and available at www.dcf.state.fl.us/publications/. These references shall be from professionals in the community who are familiar with the licensee's performance during the year. These may include guardians ad litem, school personnel, child care providers, medical professionals, social service providers, or mental health therapists.

(h) The supervising agency shall obtain and review exit interviews from children over the age of five who exit the home following a placement of thirty days or more, as described in Rule 65C-28.017, F.A.C.

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

1. An "Affidavit of Compliance: Background Screening Requirements", CF-FSP 5218, March 2007, available from www.dcf.state.fl.us/publications/, that attests to the fact that every member of the household and other personnel who work on a continuous basis in the home are in compliance with background screening pursuant to Section 409.175(6)(c), F.S.;

2. A Completed "Re-licensing Summary for Licensed Homes for Dependent Children", CF-FSP 5027, section B, March 2007, available at www.dcf.state.fl.us/publications/;

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

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

(2) Re-licensing Procedures.

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

(b) The supervising agency shall review and discuss the bi-lateral service agreement with the applicants and obtain their signatures, indicating their agreement to abide by the agreement.

(c) The licensing counselor shall inspect the entire premises of the home, including all interior and exterior areas, for compliance with the licensing standards pursuant to Rule 65C-13.024, F.A.C. Safety requirements as listed in paragraph 65C-13.029(6)(h), F.A.C., for storage of guns and other weapons, cleaning supplies, toxins and alcoholic beverages shall be observed and any concerns addressed in a corrective action plan prior to re-licensure.

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

(e) Fire drill logs shall be reviewed and discussed to ensure compliance with licensing standards as detailed in subparagraph 65C-13.029(5)(i)5., F.A.C. The evacuation plan and disaster preparedness plan shall be reviewed and discussed.

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

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

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

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

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

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

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

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

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

(i) Family life:

1. Documentation of the licensed out-of-home caregiver's support and integration of foster children into the family such as attendance at and involvement with children's activities; transportation to school and social events; medical appointments and other family activities, hobbies, or extracurricular interests each foster child has been involved in;

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

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

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

(j) Childcare. The supervising agency shall ensure that childcare providers are licensed and all babysitters have been screened in accordance with Rule 65C-13.032, F.A.C., and

approved by the supervising agency. Document the current arrangements for day care needs or after school care. If both parents work, the level and amount of supervision being provided by the applicant shall be explored;

(k) Transportation. Licensed out-of-home caregiver's cooperation with provision of transportation shall be addressed.

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

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

(n) Safety. Documentation of compliance with licensing standards as they relate to the safety of the home. Discussions with applicants regarding disaster preparedness plan, evacuation plans, the Bi-lateral service agreement, medication logs, and fire drills shall be held and documented;

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

1. Background Screening pursuant to Rule 65C-13.022, F.A.C.;

2. Social History, including background and family history, significant relationships, marital status and any prior residences in or out of Florida;

3. Medical History as set forth in subparagraph 65C-13.024(5)(f)3., F.A.C.;

4. What responsibilities they intend to have with the foster child such as transportation, supervision [and care giving];

5. One personal reference from a non-relative.

(p) Background Screening. The results of all background screening information shall be reviewed for each individual in the home who is older than twelve years of age. Local law enforcement checks shall be completed prior to the one year expiration date of the existing results. Any arrests, qualifying abuse reports under Section 39.302(7), F.S., or findings of protective orders shall be addressed in the study completed by the supervising agency. The supervising agency or the department has the discretion to request background screening for any individual if there is a reasonable belief that:

1. The individual may be a household member; or

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

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

(q) History of Placements. Placements for the last year shall be identified and discussed. The licensed out-of-home caregiver's compliance with Rule 65C-28.010, F.A.C., shall be verified for children placed in the home governed by this

section. If the family requested that a child be moved, the reasons and circumstances should be addressed. The narrative should discuss each child who has left the home. The report should address how the family has worked with each child:

(r) Youth Exit Interviews. An exit interview with every child ages five through eighteen, according to Rule 65C-28.017, F.A.C.;

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

(t) Foster Home Referrals, Concerns or Complaints. A summary of foster care referrals, unusual incidents, accidents and complaints received during the licensure year and any concerns received from staff or others;

(u) Summary. The licensing counselor shall summarize all information obtained from the "Services Worker's Review of Licensed Out-of-Home Caregiver's Performance" forms, CF-FSP 5223, March 2007, available at www.dcf.state.fl.us/publications/, exit interviews of children, licensing complaints, foster care referrals or abuse reports, the "Quality of Licensed Caregiver's Home: Community Input" form, CF-FSP 5225, March 2007, available at www.dcf.state.fl.us/publications/, and any unusual incidents, accidents, arrests or involvement with law enforcement and their impact on the ability of the licensed out-of-home caregivers to provide a safe and nurturing environment for children placed in their care. The narrative should include the type of children for whom the family is most appropriate, including number of children, age, gender, special needs and behaviors. A summary of the family's ability to continue the provision of foster care services shall be completed and encompass the following:

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

2. If continued licensure is recommended the licensing counselor shall provide a description of the type of children for whom the family appears most appropriate including number of children, age, gender, behaviors and special needs;

3. If continued licensure is not recommended, the summary shall address the specific statutory reasons for the recommendation and identify the standards the applicant is unable to meet;

4. The home study shall be reviewed, signed and dated by each licensed out-of-home caregiver, the counselor responsible for completing the study and the counselor's supervisor.

(4) Re-licensing Application Packet. The following documentation shall be provided to the licensing authority when requesting re-licensure of a family foster home:

(a) "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007 March 2007, available at www.dcf.state.fl.us/publications/;

(b) Re-licensing Standards Checklist;

(c) Re-licensing Home Study;

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

(e) Signed bi-lateral service agreement;

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

(g) "Quality of Licensed Caregiver's Home: Community Input" forms, CF-FSP 5225, March 2007, available at www.dcf.state.fl.us/publications/;

(h) "Services Worker's Review of Licensed Out-of-Home Caregiver's Performance", CF-FSP 5223, March 2007, available at www.dcf.state.fl.us/publications/;

(i) Youth exit interview forms;

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

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

(l) Radon testing results (if applicable);

(m) Evacuation and disaster preparedness plans;

(n) Pet vaccinations (if applicable).

(o) Criminal and Abuse/Neglect History Screening:

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

2. Local law enforcement records checks as specified in subsection 65C-13.022(2), F.A.C.;

3. FDLE records checks (if applicable);

4. Civil Court Record Checks as described in Rule 65C-13.022, F.A.C.;

5. Signed "Affidavit of Compliance Background Screening Requirements", CF-FSP 5218, March 2007, available at www.dcf.state.fl.us/publications/, and as provided in Section 409.175(6)(c), F.S.

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

(5) Re-Licensing Process.

(a) The completed application packet, as described in subsection 65C-13.027(4), F.A.C., shall be submitted by the supervising agency to the licensing authority no less than thirty days prior to expiration of the current license.

(b) Within ten working days of receipt of the complete re-licensing packet, the licensing authority shall determine if the re-licensing application packet is complete and notify the supervising agency in writing of the need for any additional materials or information. The supervising agency must submit the necessary materials or information to the licensing

authority within ten working days of receipt of the written notice. A license cannot be issued until all information has been received in order to ensure the safety and well-being of children.

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

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

(e) If the submitted application packet is not complete at the time the existing license expires, the renewal date of licensure shall be the actual date of approval by the licensing authority.

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

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

(h) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.034, F.A.C.

(i) Licensed out-of-home caregivers meeting the criteria of Section 409.175(6)(j), F.S., may be issued a license for longer than one year, but no longer than a three year period of time. During the three-year period the licensing counselor shall conduct a minimum of one face to face visit in the home on an annual basis, obtain the information and documentation outlined in this section and submit it to the licensing authority with a statement certifying that the family continues to meet all licensing requirements. A review of all required re-licensing information shall be conducted at the end of every three year licensing period. The annual review of a three-year license shall include:

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

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

3. Updated verification of water safety training if appropriate;

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

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

6. "Services Worker's Review of Licensed Out-Of-Home Caregiver's Performance", CF-FSP 5223, March 2007, available at www.dcf.state.fl.us/publications/;

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

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

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

10. Pet vaccinations (if applicable); and

11. An "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, March 2007, available at www.dcf.state.fl.us/publications/.

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

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

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

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

(7) Re-opening of Previously Licensed Out-of-Home Caregivers within District or Region.

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

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

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

(d) For previously licensed out-of-home caregivers that wish to reopen and submit an application within ninety days from closure, the supervising agency is allowed to utilize the prior background screening results. In addition, the re-licensing procedures shall be followed in accordance with the Re-licensing Procedures in Rule 65C-13.027, F.A.C.

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

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

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

(h) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.034, F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.028 Licensed Out-of-Home Team Member Roles.

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

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

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

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

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

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

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

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

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

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

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

5. Licensed out-of-home caregivers shall keep records of school reports.

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

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

(g) Family Care Activities.

1. Daily living tasks.

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

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

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

d. Licensed out-of-home care providers may expect children in care to assume household chores reasonable for their age and ability but not to exceed those expected of their own children.

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

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

g. Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out-of-home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker shall be available for consultation and must be notified of the activity.

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

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

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

k. For children who are not legally free for adoption, legal parents input should be included in the decision-making process.

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

2. Food and Nutrition.

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

b. Licensed out-of-home caregivers are expected to provide for any special dietary needs of foster children placed in their home.

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

3. Clothing and Personal Belongings.

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

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

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

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

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

5. Discipline.

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

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

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

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

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

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

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

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

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

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

6. Health Care.

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

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

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

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

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

7. Medicine.

a. Licensed out-of-home caregivers are responsible for giving medication as prescribed and for recording the exact amount of any medication prescribed.

b. No child shall be given prescription medication without a physician's prescription.

8. Resource Records. The child's resource record shall be maintained as set forth in paragraph 65C-30.011(5)(a), F.A.C.

9. Education. Licensed out-of-home caregivers shall work in partnership with the child's services worker to address the child's educational needs and to allow for the continuation of school attendance as per subsection 65C-30.011(7), F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) The licensed out-of-home caregiver shall support the child's efforts to learn to drive a car, obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver, services worker and legal

parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out-of-home caregiver must pay for a car, or insurance on behalf of the youth in their care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Licensed out-of-home caregivers must sign a "Child Service Agreement", CF-FSP 5227, June 2002, available at www.dcf.state.fl.us/publications/, for each child placed in their home.

(f) If the licensed out-of-home caregivers provide emergency shelter care, they must sign the "Civil Rights Certificate", CF 707, January 1997, available at www.dcf.state.fl.us/publications/. These homes are generally paid a monthly subsidy for remaining open on a 24-hour basis. The amount of the subsidy payment should be included in the agreement to provide shelter care.

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

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

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

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

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

1. A child requires hospitalization or emergency medical treatment;
2. A child dies;
3. A child has run away, is abducted, or is absent from the home beyond reasonable expectations; or
4. Any other life-threatening situation occurs.

(l) When a foster child is believed to be missing, the licensed out-of-home caregiver shall also notify law enforcement and request that a missing child report be opened and obtain the case number, inspect the child's belongings to determine what items are missing and assist the child's services worker in efforts to locate the child.

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

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

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

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

(q) Licensed out-of-home caregivers ~~to~~ must treat department, supervising agency and lead agency staff, a child's family, the guardian ad litem, and other professionals with respect and courtesy.

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

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

(t) Licensed out-of-home caregivers shall keep confidential all information about the child and the child's family. Discussing this information shall be limited to a departmental or agency staff member, guardian ad litem or other authorized professional working with the child.

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

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

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

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

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

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

2. Provide appropriate care for the child.

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

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

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

(f) The services worker will visit with the licensed out-of-home caregivers in accordance with paragraph 65C-13.027(2)(a), F.A.C., and the children in their care at least every thirty days in accordance with subsection 65C-30.007(5), F.A.C.

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

(h) The lead agency or supervising agency must give a minimum of two weeks notice prior to moving a child unless doing so would not be in the child's best interest or upon an order by the court.

(i) Protective investigation staff must immediately investigate abuse or neglect reports against licensed out-of-home caregivers, and will notify the state attorney's office, in accordance with Section 39.202, F.S. Whenever possible a staff member from the supervising agency will accompany the protective investigator. Supervising agency

staff must respond to and assess foster care referrals that involve licensed out-of-home caregivers. These policies and procedures must be discussed with all licensed out-of-home caregivers prior to licensing and again at every re-licensing.

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

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

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

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

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

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

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

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

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

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

(u) Education. When children are placed in licensed out-of-home care as a result of abuse or neglect, they must receive the services needed to meet their assessed academic needs, provide for educational continuity, and support their continued attachment to their legal parents and identified

community. The following conditions must be met in order to ensure that children receive appropriate services to meet their educational needs and preserve their principle attachments:

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

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

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

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New _____.

65C-13.029 Standards for Licensed Out-of-Home Caregivers.

(1) General Requirements.

(a) Generally, there should be no more than five children in a licensed home, including the family's own children.

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

(c) Therapeutic foster homes are limited to the placement of two children.

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

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

(2) Utilization of Foster Home.

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

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

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

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

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

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

b. During the hours of operation as a family child care provider, the licensed capacity of the home shall not be exceeded, including legal, adopted, foster children and children for whom child care is being provided;

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

d. A foster home providing child care under this section shall be inspected a minimum of twice per year. The inspection is to assess the impact of the child care operation on the fostering experience;

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

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

(3) Emergency Shelter Family Foster Homes.

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

(b) Emergency shelter care providers shall maintain a shelter log documenting the name of the child, date of birth, medications prescribed, the name of the services worker and the entrance and exit dates of the child placed in the provider's care.

(c) A family foster home may designate a certain number of beds for the purpose of shelter care as well as foster care.

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

(4) Personal Standards.

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

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

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

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

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

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

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

(h) Screening. Screening of licensed out-of-home caregivers and other household members shall meet the screening requirements set forth in Rule 65C-13.022, F.A.C.

(5) Physical Environment.

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

(b) Family foster homes located in counties designated by the Department of Community Affairs Florida Radon Protection Map Categories as "intermediate" or "Elevated Radon Potential" areas shall be tested to determine the level of indoor radon as required in Section 404.056, F.S. Radon levels shall be at a level which does not affect the safety and

well-being of children in the homes. Re-testing of licensed family foster homes for radon gas shall take place as required in Section 404.056, F.S.

(c) Outdoor Area.

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

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

(d) Water Safety and Supervision.

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

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

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

(e) Swimming Pools.

1. Swimming pools shall have a barrier on all sides at least four feet high. The barrier shall consist of a house plus a fence on the remaining three sides or a four-sided fence.

2. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or other lock that is not accessible to children.

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

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

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

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

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

(f) Interior Environment.

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

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

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

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

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

6. The home shall have a continuous supply of clean drinking water tested and approved by the local health department if the source of water is not from a municipal water supply. If the water is not approved, the licensed out-of-home caregiver shall agree to use bottled water for cooking and drinking until a satisfactory water report is obtained.

7. The home shall have an adequate supply of hot water. Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

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

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

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

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

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

13. When children are present, rooms shall be free of tobacco smoke.

(g) Sleeping Arrangements.

1. Bedrooms shall have adequate space for the number of children sleeping in the room. A minimum of forty square feet per child is required. Homes that are licensed prior to the promulgation of this rule shall be exempt from this requirement.

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

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

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

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

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

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

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

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

10. Children may not share a bed.

11. Children over 36 months of age may not share a bedroom with a child of the opposite sex.

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

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

(h) Foster Home Safety.

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

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

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

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

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

6. Dangerous weapons shall be secured in a location inaccessible to children. Storage of guns shall comply with the requirements in Section 790.174, F.S. Weapons and ammunition shall be locked and stored separately, and in a place inaccessible to children.

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

(i) Fire Safety.

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

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

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

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

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

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

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

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

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

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

(j) Transportation Safety.

1. The licensed out-of-home caregiver shall have transportation available twenty-four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children as required under Section 316.613(1)(a), F.S. Vehicles shall be smoke-free when foster children are being transported. The out-of-home caregiver shall have the ability to safely transport the number of children in his or her care.

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

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

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

(k) Disaster Plans.

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New

65C-13.030 Terms of a License.

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

(2) The district or regional licensing authority shall request in writing, any additional information legally required for the purposes of making a licensing determination, within ten

working days of receipt of an application packet and either grant or deny an initial license application within ten working days of receipt of a complete application packet.

(3) Because the safety and welfare of children are obviously impacted, the Department of Children and Families has broad discretion with regard to licensing family foster homes under Section 409.175, F.S. The responsibilities of the department pose issues not involved in professional or business licenses issued by other agencies, therefore, a license issued under this section is not a professional license; does not create a property right in the recipient and is not an entitlement. A license to provide out-of-home care is a public trust and a privilege.

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

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

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

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

(a) Maintained a license with the department for three consecutive years;

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

(c) Has not been the perpetrator of an abuse or neglect report with some indicators or verified findings of maltreatment.

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

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

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

(11) Provisional License.

(a) Provisional licenses shall not be issued without the submission of a written plan to the licensing authority identifying the deficiencies and time frames for correcting the deficiencies prior to the expiration of the provisional license.

(b) No license shall be issued if there is a failure to comply with background screening requirements of Rule 65C-13.022, F.A.C.

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

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

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

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

(12) License Modifications.

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

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

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

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

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

(14) File Retention.

(a) The department or lead agency shall maintain a central file in the district or region for every family foster home licensed. The file shall include, at a minimum, all initial and

subsequent licensing documentation; complaint investigation information; waivers and any other additional documentation obtained regarding the family foster home.

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

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

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New _____.

65C-13.031 Capacity, Placement, and Over-Capacity Assessments.

(1) Capacity.

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

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

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

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

- (a) The needs of each child in care;
- (b) The ability of the licensed out-of-home caregiver(s) to meet the individual needs of each child, including any adoptive or legal children living in the home;
- (c) The amount of safe space;
- (d) The ratio of active and appropriate adult supervision to the number of children; and
- (e) The background, experience, and skill of the licensed out-of-home caregivers.

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

(a) Assessment approvals for the rule of five or no more than two infants under twenty-four months shall be given prior to placement for the following situations and shall be approved personally and in writing by the District or Regional Administrator or the Chief Executive Officer for the Community Based Care Lead Agency:

1. To accommodate a sibling group. This may be a sibling group with some of the children already in the home as well as a sibling group being placed for the first time;
2. To accommodate a child or sibling group needing placement who has previously lived in the home;
3. To allow a teen parent in substitute care to have his or her child or children placed in the same home.
4. If the prohibition of the placement would be contrary to the child's best interest.

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

1. The assessment shall include:

- a. The medical, mental, physical and behavioral needs of each child;
- b. A clear, concise explanation of why the exception should be approved including the reason it has been determined that this is the most appropriate available placement;
- c. A description of any special services or support systems which may be necessary to assure the well-being of the child or children being placed;
- d. A description of how this home can physically accommodate the additional child or children. Accommodations shall include a bed, adequate closet space and room for personal possessions and adequate privacy;
- e. Information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected;
- f. Placement needs and risk factors for children who have been sexually victimized or who are sexually aggressive;
- g. Verification that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement;
- j. The duration of the waiver; the initial assessment approval shall not exceed 30 days. Subsequent approvals for the same child or children may be approved for (90) day extensions personally and in writing by the District or Regional Administrator or by the Community Based Care Lead Agency Chief Executive Officer or their designees;

2. General Requirements for the Assessment.

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

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

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

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

(a) Written approval shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded and shall be approved the District or Regional Administrator or his or her designee in upper level management or the Chief Executive Officer for the Community Based Care Lead Agency or his or her designee in upper level management;

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

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

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

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.032 Babysitting, Respite and Other Supervision.

(1) All persons who provide respite care in their own homes shall be licensed pursuant to Section 409.175, F.S.

(2) All persons providing respite care in the family foster home where the child is placed shall be screened pursuant to Rule 65C-13.022, F.A.C. Training in the pre-service program for these respite providers shall be strongly encouraged. If a respite care provider is unable to attend the pre-service training, he or she shall receive an orientation that includes the protocol for handling emergencies, confidentiality, the department's discipline policy and an overview of the

pre-service curriculum addressing discipline and behaviors of foster children. The licensing counselor shall document this orientation.

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

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

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

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

(d) Physician's name and telephone number;

(e) School;

(f) Medicaid number; and

(g) Medical, physical or behavioral concerns.

(4) A licensed out-of-home caregiver is entitled to paid respite. Six hours or more shall constitute a paid respite day.

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

(6) Babysitting.

(a) Babysitters shall be at least sixteen years of age or older and shall be screened by securing a Florida Department of Law Enforcement name check, a child abuse and neglect records check through the Statewide Automated Child Welfare Information System, and a local criminal check.

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

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

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

(e) Babysitting by sixteen to eighteen year olds will not include more than three children.

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.033 Complaint Investigations and Foster Care Referrals.

(1) The department maintains responsibility for ensuring the investigation of all complaints and foster care referrals alleging licensing violations.

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

(3) Upon receiving a regulatory complaint investigation, licensing staff from the department shall inform the lead agency and supervising agency within one day of receipt of the complaint and may review the licensing file to ensure that all relevant information has been gathered and is considered. The supervising agency staff responsible for conducting the investigation will review the file and may consult with the department's licensing staff for technical assistance if needed.

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

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

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

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

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.034 Administrative Actions, Appeals and Closures.

(1) General Information. All licensing action negatively impacting an out-of-home caregiver, including a denial, suspension or revocation, is subject to the procedures set forth in Section 120.60, F.S. The department is the licensing authority for all family foster homes and has final authority for approval, denial or suspension of any license.

(2) Denial of Initial Licensure.

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

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

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

(3) Administrative Action for Existing Foster Homes.

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

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

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

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

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

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

(d) Written notification shall be sent to the licensed out-of-home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the

license being suspended, denied, or revoked. The approved corrective action plan shall be put in writing and hand delivered or sent by certified mail, return receipt requested, to the licensed out-of-home caregiver. The signed return receipt shall be placed in the licensing file.

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

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

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

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

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

(4) Documentation Requirements Prior to Administrative Action.

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

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

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

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

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

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

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

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

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

(5) Voluntary Closures.

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

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

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

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

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-15.001	Definitions
65C-15.002	Licensed Child-Placing Agencies
65C-15.003	Application and Licensing Study
65C-15.0035	License Renewal
65C-15.004	On-Site Visits and Complaint Investigation
65C-15.005	Disclosure
65C-15.010	Finances
65C-15.011	Changes in Agency Function or Purpose
65C-15.012	Notification of Critical Injury, Illness or Death
65C-15.013	Right to Privacy
65C-15.014	Office Equipment and Transportation
65C-15.015	Personnel Policies and Practices
65C-15.016	Staff Functions and Qualifications
65C-15.017	Personnel
65C-15.018	Staff Development
65C-15.019	Volunteers

65C-15.020	Non-Contracted Agency Intake Procedures and Practices for Children in Licensed Out-of-Home Care
65C-15.021	Services to Families and Children in Licensed Out-of-Home Care
65C-15.027	The Agency's Responsibilities to Licensed Out-of-Home Caregivers
65C-15.029	Services to Adoptive Parents and Children Available for Adoption
65C-15.031	Child Case Record Keeping for Non-Contracted Agencies
65C-15.032	Family Case Record Keeping for Non-Contracted Agencies
65C-15.033	Family Foster Home Record Keeping for Non-Contracted Agencies
65C-15.034	Adoptive Home Record Keeping for Non-Contracted Agencies
65C-15.036	Intercountry Adoption Services
65C-15.037	Private Interstate Adoptions
65C-15.038	Specific Rules for Lead Agencies and Contracted Providers

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 Vol. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly.

65C-15.001 Definitions.

All definitions for the Licensed Child-Placing Agencies Chapter 65C-15, F.A.C., are located in Rule 65C-30.001, F.A.C.

Specific Authority 63.202, 409.175 FS. Law Implemented 63.202, 409.175 FS.. History--New 12-19-90, Amended 10-27-93, 9-14-94, Formerly 10M-24.003, Amended _____.

65C-15.002 Licensed Child-Placing Agencies.

(1) Any persons, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to Section 63.032, F.S., who wishes to provide placement services or arrange for the placement of a child in a family foster home, residential child caring agency, or approved adoptive home, must be licensed by the department. This subsection does not apply to stepparent adoptions or placements with relatives within the third degree of relationship.

(2) No county, city or political subdivision shall operate a child-placing agency, or engage in any adoption process unless licensed by the department as a child-placing agency.

(3) The department or a licensed child-placing agency may place a 16- or 17-year-old child in his or her own unlicensed residence, or the unlicensed residence of an adult who has no supervisory responsibility over the child for the purpose of independent living. However, the department or licensed

agency must retain supervisory responsibility. The agency shall apply the criteria listed in Section 39.6241, F.S., to determine if another planned permanent living arrangement is appropriate. The department or licensed agency shall determine eligibility and provide services for children age 13 and over according to Section 409.1451, F.S.

(4) Agencies shall keep, at all times, a sufficient number of licensed foster homes, other than the prospective adoptive homes, which shall be used when the agency has received custody of a child and the child has not been placed in an adoptive placement.

(5) Child-placing agencies shall comply with provisions of Chapter 63 and Section 409.175, F.S.

(6) The department agrees to provide licensed child-placing agencies with changes to state policy rules and laws which affect their operation as set forth in these rules within 30 days of implementation.

(7) The agency shall have a written statement of its child-placing philosophy, the purpose of the agency, a description of the licensed out-of-home care and adoption services the agency provides and the methods of service delivery it employs, including the methods that shall be used to publicize the availability of these services.

Specific Authority 63.202, 409.175 FS. Law Implemented 63, 409.175, 409.165 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.004, Amended _____.

65C-15.003 Application and Licensing Study.

(1) Application for a child placing agency license shall be made on an Application for a License form, CF-FSP 5135 October 96, available from any Department of Children and Families district, zone, or regional office or at www.dcf.state.fl.us/publications/. The application shall be signed by the prospective owner or operator who will be exercising authority over the operation, policies and practices of the agency. All information requested in the application form and this rule must be submitted as part of the application packet, which shall include but not be limited to the following:

(a) A description of the services the agency will provide;

(b) Proposed geographical area to be served;

1. For lead agencies and sub-contracted agencies, the area specified in the agency's contract with the department;

2. For non-contracted agencies, the area as defined by cities, counties or zip codes.

(c) Projected fees and costs for services, how fees are collected and refunds given, if applicable, including any and all contracts and subcontracts;

(d) Name of Agency and location of office; including city, state, street address, mailing address, telephone number, e-mail address, fax number, hours of operation and emergency contact numbers;

(e) Separate application for each proposed satellite or branch office;

(f) The names and addresses of all officers and owners. Each agency shall have an office and professional staff permanently housed within the state; and

(g) An initial budget reflecting available capital for six months of operation.

1. For contracted agencies, this budget is based on contract negotiations with the department.

2. For non-contracted agencies, this budget must reflect the availability of liquid assets to support the initial six months of operation.

(2) The department shall have ten days from receipt of an completed application packet to determine whether the application packet is complete and request any missing information, and 30 days from receipt of a complete packet to grant or deny the application. The decision to issue, deny or revoke an application for licensure rests with the District or Regional Administrator or designee in upper level management.

(3) If an agency was previously licensed in another state or outside the district or region in which it is seeking licensure, the department shall make a written request to the other state, district, or region requesting verification that the agency is in good standing and has met that jurisdiction's licensing requirements.

(4) Upon determination that the applicant meets the state licensing requirements, the department shall issue a license to a specific agency, at a specific location. If the department determines that the agency should not be licensed, it shall notify the applicant in writing, within ten working days of the determination, identifying the reasons for denial and the statutory authority and the applicant's right of appeal, pursuant to Chapter 120, F.S.

(5) When a child-placing agency ceases to provide adoption services to children or families during the period for which the license is issued, they shall notify the department, in writing, 30 days prior to the cessation of the agency service and shall return the license to the department.

(6) A licensed agency may operate a branch or satellite offices without separate licenses for those offices. However, each branch or satellite office must be disclosed in the Application for a License by submitting a copy of CF-FSP Form 5135, PDF 10/96, available at www.dcf.state.fl.us/publications/, for each office. If the agency opens a branch or satellite office during the licensed term, the agency shall file an Application for a License, not less than 10 days prior to the opening of the new office.

(7) The license shall be issued for a child-placing agency at a specific address and for operation by specific individuals or agencies. It shall automatically become invalid if the facility is operated at another address or under different ownership. Agencies planning to relocate shall notify the department licensing authority 30 days in advance of the anticipated move and shall submit to the department a new application, CF-FSP

Form 5135, PDF 10/96, specifying the new address and any changes to agency operation as outlined in subsection 65C-15.003(1), F.A.C. The license shall be valid for one year from the date of issuance unless suspended, revoked, or voluntarily returned. All licenses shall expire automatically one year from the date of issuance. The license shall be the property of the department and shall be returned to the department if revoked.

(8) The license must be conspicuously displayed at all times in the facility. Each branch or satellite office shall have a copy of the main office license conspicuously displayed and a statement showing it is a branch or satellite office.

(9) Satellite and branch offices of licensed child-placing agencies shall be required to be separately licensed if:

(a) The daily supervision of the case work staff is provided on site; and

(b) The office maintains central client records and central personnel files on premises.

(10) The department shall authorize a licensed child-placing agency to conduct the licensing study of a family foster home to be used exclusively by that agency and to verify to the department that the home meets the licensing requirements established by the department. Upon certification by an authorized licensed child-placing agency that a family foster home meets the licensing requirements, the department shall issue the license.

(11) The department shall withhold authorization for self-study of foster homes from an agency or shall withdraw authorization if the quality of studies being completed or the completeness of the agency's files do not show that the agency's foster parents meet the licensing requirements established by the department. The decision of the department regarding withdrawal may be contested in the hearing procedure set forth in Chapter 120, F.S.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.005, Amended _____.

65C-15.0035 License Renewal.

(1) Requests for renewal should be received by the department, no later than 45 days prior to the expiration date on the existing license.

(2) Licenses shall be considered for annual renewal if the following supporting documentation is submitted to the zone, district, or region Department of Children and Families licensing office:

(a) An application, CF-FSP Form 5135, PDF 10/96, with written request for renewal;

(b) The agency's revised annual budget;

(c) A written assurance of compliance with the screening requirements in subsections 65C-15.016(2)-(5), F.A.C.

(3) Failure to file the renewal application within the required timeframe may result in the initiation of injunctive proceedings against the agency according to Section 409.175(10), F.S.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New _____.

65C-15.004 On-Site Visits and Complaint Investigation.

(1) Department staff may make scheduled or unannounced visits to a licensed home, facility or agency at any reasonable time to investigate and evaluate compliance with the licensing requirements. All agencies shall be inspected at least annually.

(2) The department shall investigate complaints to determine if the agency is meeting the licensure requirements in accordance with Section 409.175(8)(b), F.S.

(3) The department shall advise the owner and operator with authority over the licensed agency that there is a licensing complaint when initiating an investigation and shall advise the agency of the results of the investigation when concluded.

(4) Whenever the department receives a report questioning the certification status or compliance of a child-placing agency with requirements of the state adoption law or alleging violations of this chapter by the agency, the department shall investigate the allegation and issue a written report with its findings within 20 working days to determine whether the complaint is substantiated.

(5) If violations are found that pose an imminent threat to the safety or well-being of children being served, the agency shall work in cooperation with the department in developing a corrective action plan, acceptable to both parties, to immediately ameliorate the threat posed.

(6) If violations are found that do not pose an imminent threat to the safety or well-being of children being served, the agency shall work in cooperation with the department to develop a corrective action plan listing time frames for completion of the required changes to be made.

(7) The department shall notify the complainant and the agency in writing of the results of the complaint investigation within 5 working days after the report of the department's investigation has been finalized.

(8) The agency shall fully cooperate with the department whenever such complaint investigations are conducted.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.009, Amended _____.

65C-15.005 Disclosure.

The agency shall notify the local licensing office of the department in writing within seven days if:

(1) Any civil or criminal action is commenced in any jurisdiction against any director, officer, employee or agent of the agency, where the civil or criminal action relates to or affects the licensed child-placing activity of the agency; or

(2) Any action is commenced in any jurisdiction to revoke or suspend a license held by the agency; or

(3) Any employee in a position of trust or responsibility is convicted of any disqualifying offense outlined in Section 435.04, F.S.; or

(4) Any employee is found to be in non-compliance with the Affidavit of Good Moral Character; CF Form 1649, PDF January 2007, available at www.dcf.state.fl.us/publications/.

Specific Authority 409.175, 435.04 FS. Law Implemented 63, 409.175 FS. History–New 12-19-90, Formerly 10M-24.014, Amended _____

65C-15.010 Finances.

(1) Funding: Agencies beginning operation shall have the capital necessary for a six-month period of operation. For those agencies contracting with the department, the necessary capital will be based on contract negotiations with the department.

(2) Budget: The agency shall prepare a written budget annually.

(3) Audit: The agency shall have its financial records audited annually by an independent auditor. A report of this audit shall be available to the department at the licensed location during normal business hours, no later than 180 days from the end of the agency’s fiscal year.

(a) If the agency is not for profit, and expends \$500,000 or more in Federal award during its fiscal year, the audit shall be conducted in accordance with the provisions of OMB Circular A-133 and pursuant to Section 215.97(2), F.S.

(b) If the agency is a non-state entity defined by Section 215.97(2), F.S., and expends \$500,000 or more in state financial assistance during its fiscal year, the audit must be conducted in accordance with Section 215.97, F.S.

(4) Allocations: The agency shall develop a cost allocation plan in accordance with 45 CFR Part 74.27 and OMB Circular A-122 and submit it to the department’s contract oversight unit for approval by the end of each state fiscal year.

(5) Fees and Costs.

(a) If fees for adoption and licensed out-of-home care services are charged, the agency shall have a fee schedule disclosing all fees for services in a written policy which describes the conditions under which fees are charged, waived, or refunds made, if applicable. A copy of the fee schedule shall be filed with the department at the time of application. Agency adoption fees must be waived for families adopting children who are in the custody of the department for whom subsidies will be paid. This schedule shall clearly list the specific services covered by this fee. This fee schedule shall be given to all persons making application for adoption services. A fee agreement and any modifications to it shall be executed with each applicant, which lists the fees charged and the services to be provided, including provisions for payment, the waiver of

fees and refunds if applicable. Any reduction or increase in the agency’s fee schedule shall be filed with the department 15 days after going into effect.

(b) Adoption fees for non-contracted agencies shall be established based on the reasonable costs of the following services for the total adoption program:

1. Medical services for the child and the birth mother;
2. Legal services;
3. Counseling services;
4. Homestudy services;
5. Living expense for the birth mother;
6. Licensed out-of-home services;
7. Pre and post placement social services;
8. Contracted services, if applicable;
9. Other necessary services; and
10. Agency facilities and administrative costs.

(6) Where payments are made to licensed out-of-home caregivers:

(a) The agency shall have a written payment schedule and statement on payment procedures; and

(b) The agency shall provide licensed out-of-home caregivers with advance written notification of changes in the schedule.

(7) The agency shall not require or coerce applicants, adoptive parents or their representatives to provide gratuities such as money or other things of value or services beyond the established fee.

Specific Authority 63.097, 215.97, 409.175 F.S. Law Implemented Sections 63.097, 409.175 FS. History–New 12-19-90, Formerly 10M-24.019, Amended _____.

65C-15.011 Changes in Agency Function or Purpose.

(1) The agency shall provide written notification to the department within 30 days after implementation of changes in the agency’s director, statement of purpose, services to be provided, clientele to be served, intake procedures or admission criteria.

(2) If the changes in the agency’s policies and procedures represents a major departure from the original policies submitted in writing to the department for the agency’s operation, the agency shall submit to the department their new operating policies and procedures 10 days prior to implementation.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Formerly 10M-24.020, Amended _____.

65C-15.012 Notification of Critical Injury, Illness or Death.

In the event of the critical injury, critical illness or death of a child, the agency providing only adoption services shall notify the department within 24 hours. The child’s parents or legal guardian shall be notified within 24 hours unless parental

rights have been terminated. A lead agency and its contracted agencies shall comply with the department's procedures on Incident Reporting and Client Risk Prevention, including filing of Statewide Critical Incident Report form, CF-FSP 5262, October 2004, at www.dcf.state.fl.us/publications/.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Formerly 10M-24.021, Amended _____.

65C-15.013 Right to Privacy.

The privacy of the child and his or her natural and prospective parents shall be protected. The agency shall ensure that any public appearances by the children in care, involving publicity or fund raising are voluntary and the written consent of the child's legal parent or legal guardian is on file.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Formerly 10M-24.023, Amended _____.

65C-15.014 Office Equipment and Transportation.

(1) The agency shall maintain furnishings and equipment in good working condition for the operation of the office.

(2) The agency shall assist clients in arranging transportation necessary for implementing the child's case plan. Vehicles used by staff to transport children shall be maintained and operated in safe condition, and in conformity with appropriate motor vehicle laws.

(3) The number of persons in a vehicle used to transport children shall not exceed the number of available seats; children shall be restrained by a safety belt or by a child restraint device when being transported in motor vehicles in accordance with Sections 316.613 and 316.2004, F.S.

(4) The agency shall make its services accessible to the population it has designated it will serve. The agency shall comply with Sections 553.501 through 553.513 F.S., for accessibility of their service to handicapped persons.

Specific Authority 409.175 FS. Law Implemented 316.613, 316.2004, 409.175, 553.501, 553.513 F.S. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.024, Amended _____.

65C-15.015 Personnel Policies and Practices.

(1) The agency shall have written personnel policies and procedures for recruitment, retention, and effective performance of qualified personnel.

(2) These policies shall include:

(a) Job descriptions and titles for each position defining the qualifications, duties and lines of authority;

(b) Salary scales;

(c) A description of employee benefits;

(d) Provisions which will encourage professional growth through supervision, orientation, in-service training, and staff development;

(e) Procedures for annual evaluation of the work and performance of each staff member;

(f) Procedures governing payment of bonuses or other extraordinary compensation to employees or contract providers of the agency;

(g) Conditions and procedures for layoffs or the reduction of staff;

(h) The agency's disciplinary policy, grievance and appeal procedures;

(i) Insurance protections including unemployment, disability, medical care; and

(j) Procedures for use of the agency's premises, motor vehicles, and/or other equipment as appropriate.

(3) The agency shall have procedures for handling any suspected incidents of child abuse or neglect which include:

(a) The agency shall require each staff member to read and sign a statement reflecting the requirements of Section 39.201, F.S., within thirty days of hire date;

(b) All suspected cases of child abuse and neglect shall immediately be reported to the department's Florida Abuse Hotline in accordance with Chapter 39, F.S.;

(c) A provision shall be made for reporting and recording any suspected incident of abuse or neglect of children to the director of the agency; and

(d) There shall be provisions for immediate protection of the victim and prevention of a recurrence of the alleged incident pending investigation.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.025, Amended _____.

65C-15.016 Staff Functions and Qualifications.

The agency shall have a personnel file for each employee, available for review by the Department which shall include, but is not limited to the following:

(1) The application for employment;

(2) Verification that the initial screening requirements of Sections 409.175 and 435.05, F.S., have been completed and met;

(3) Verification of criminal records checks; conducted according to Section 435.04, F.S.

(4) Verification of annual criminal records checks; conducted every twelve months from initial hire date through a local law enforcement agency.

(5) Verification of re-screenings through the Florida Department of Law Enforcement every five years following initial hire date for all staff;

(6) Job descriptions;

(7) Reference verification, minimum of three personal or professional;

(8) Signed Affidavit of Good Moral Character, CF-FSP, 1649, January 2007 available at www.dcf.state.fl.us/publications/;

(9) Attestation of child abuse reporting responsibilities;

(10) Employee's starting and termination dates and reason for termination;

(11) Annual performance evaluations and any disciplinary actions taken;

(12) Copy of diploma or degree;

(13) Training record; and

(14) Verification of abuse and neglect check through the department's Statewide Automated Child Welfare Information System (SACWIS) verifying that the employee or volunteer who has direct contact with clients or who works on the premises where child care is provided, has no record as a caregiver responsible for abuse or neglect. If an employee or potential employee is listed in any capacity in three or more institutional reports during any five year period, the department must consider the information in the reports and determine it's relevancy related to the person's employment with the agency and whether the person's employment or continued employment would jeopardize the health and safety of clients served. If the determination is made that the employee or potential employee constitutes a threat to the health or welfare of clients served, the department may take action to restrict the employee's access to clients up to and including the denial, revocation or suspension of the agency's license. Any action taken shall be the least restrictive means necessary to protect the health and safety of clients served.

Specific Authority 63.202, 409.175 FS. Law Implemented 63.202, 409.175 FS. History--New 12-19-90, Formerly 10M-24.026, Amended _____.

65C-15.017 Personnel.

(1) The agency director shall be responsible for the general management and administration of the agency in accordance with Chapter 63 and Section 409.175, F.S., and this rule. The director shall have a master's degree in social work or a related area of study from an accredited college or university and at least two years experience in human services or child welfare programs. A bachelor's degree in social work or a related area of study from an accredited college or university and four years of experience in human services or child welfare programs may be substituted. A doctorate degree in social work or a related area of study may be substituted for one year of the required experience. Agency directors continuously employed since December 4, 1997 will be considered to have met these educational requirements.

(2) Agency staff responsible for supervision of staff performing child protection/child welfare services as defined in subsection 65C-30.001(21), F.A.C., shall have a bachelor's degree from an accredited college or university and at least two years of experience in human services or child welfare programs.

(3) Agency staff responsible for performing child protection/child welfare services, training or licensing functions shall have a bachelor's or a master's degree from an accredited college or university.

(4) Staff members may be exempted from the above educational requirements if they met the educational requirements of Chapter 65C-15, F.A.C., at the time of employment and their initial date of employment predates the effective date of this rule.

(5) No person who has served as a board member, executive director or other officer of an agency that has failed to secure a license to operate as a child-placing agency shall be employed by or associated with a licensed child-placing agency for a period of two years after termination or cessation of that illegal operation. No person, executive director, or other officer of an agency which continued in operation after having knowledge of the revocation or suspension of the agency's license shall be employed by or associated with a licensed agency for a period of two years from cessation of the illegal operation. The department will waive this provision if it is shown that the person had no knowledge or had no reason to know the operation was illegal. Such a waiver must take place before the employee is hired or a request for a waiver shall be submitted to the department within 30 days after it is discovered that an ineligible person has been employed.

Specific Authority 63.202, 409.175 FS. Law Implemented 63.202, 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.027, Amended _____.

65C-15.018 Staff Development.

(1) The agency shall have a written plan for the orientation, ongoing training and development of all staff.

(2) The agency shall ensure and document that the child protection/child welfare supervisory, training and licensing staff receive at least 15 hours of in-service training during each full year of employment.

Specific Authority 63.202, 409.175 FS. Law Implemented 63.202, 409.175 FS. History--New 12-19-90, Formerly 10M-24.028, Amended _____.

65C-15.019 Volunteers.

(1) Volunteers who work directly with children without direct and constant supervision must be screened in the same manner as the employees of the agency. A volunteer need not be screened as long as they are under direct and constant supervision by persons who have been screened in accordance with Sections 409.175 and 435.04, F.S.

(2) An agency which utilizes volunteers to work directly with children or their families shall:

(a) Develop a description of duties and specific responsibilities;

(b) Develop a plan for the orientation and training in the philosophy of the agency, the needs of the children in care and the needs of their families, the importance of preserving and protecting the rights of children in care, their responsibility to report child abuse and neglect and the importance of confidentiality; and

(c) Provide a protocol describing how volunteers will participate in carrying out the case plans for children and families with whom they are working.

(3) Volunteers who assume responsibilities of paid staff members must meet the educational and experiential requirements of the position for which they are volunteering.

(4) Agencies utilizing volunteers to provide direct services to clients shall keep adequate records to reflect the hours and activities of the volunteers.

(5) An agency which accepts students for field placement shall:

(a) Develop a written plan describing the students' tasks and functions. Copies of the plan shall be provided to each student and to his or her school;

(b) Designate a professional staff member to supervise and evaluate the students;

(c) Develop a plan for orientation and training in the philosophy of the agency, the needs of the clients served by the agency, the importance of confidentiality, and the preservation and protection of the rights of children including the reporting of any alleged child abuse;

(d) Provide for participation in developing and carrying out the case plans for the children and families they are working with;

(e) Assure that students are not expected to assume the total responsibilities of any paid staff member; and

(f) Students who work directly with children without direct and constant supervision must be screened in the same manner as the employees of the agency. A student need not be screened as long as they are under direct and constant supervision by persons who have been screened in accordance with Sections 409.175 and 435.04, F.S.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Formerly 10M-24.029, Amended _____.

65C-15.020 Non-Contracted Agency Intake Procedures and Practices for Children in Licensed Out-of-Home Care.

(1) At the time the agency receives a referral or application for licensed out-of-home care the agency shall assess the needs and strengths of the child's family and document these in the case record.

(2) A written intake study shall include, but not be limited to the following:

(a) The identification of the specific needs of the child and family which warrant consideration of removal and placement of the child;

(b) The family's strengths;

(c) If appropriate, the degree of involvement of the child's parents and significant others in the child's care;

(d) The available resources;

(e) The stated goals for the family;

(f) The available social and medical history of the child and his family members, including prior residences, marital history, employment history, history of familial abuse, neglect or domestic violence, parenting experiences, history of hospitalizations, prescribed medications taken, congenital conditions or communicable or debilitating diseases;

(g) The child's legal status;

(h) A description of the child's emotional reaction to and understanding of the need for placement; and

(i) Names, addresses, and phone numbers of the parents, siblings, relatives or others affected by the plan.

(3) In court ordered placements, where a child is not voluntarily placed by the parents or legal guardian, the agency shall comply with the requirements set forth in Chapter 39, F.S.

(4) In cases where the placement is voluntarily made by the parents or legal guardian, if one has been appointed, the agency shall secure written authority for placement as detailed in subsection 65C-28.007(4), F.A.C., prior to accepting a child into care. The agency shall also comply with Chapter 39, F.S., as it relates to voluntary placements.

(5) Except in emergency circumstances, the agency shall obtain a written consent from the parents or legal guardian, if one has been appointed, or the court, to provide routine medical care for a child accepted into care. If medical consent cannot be obtained at the time of placement, it must be obtained within 72 hours of the child's entry into care.

(6) Consent for medical treatment for children whose parental rights have not been terminated shall be obtained pursuant to subsection 65C-28.003(7), F.A.C.

Specific Authority 39.0121, 63.202, 409.175 FS. Law Implemented 39, 63, 409.175 FS. History–New 12-19-90, Formerly 10M-24.031, Amended _____.

65C-15.021 Services to Families and Children in Licensed Out-of-Home Care.

(1) This section does not apply to parents whose rights have been terminated by the courts or to parents who have signed voluntary surrenders for purposes of adoption.

(2) In accordance with Chapter 39, F.S., and Chapters 65C-13, 65C-28 and 65C-30, F.A.C., and pursuant to Sections 409.1671 and 409.175, F.S., a child-placing agency shall place a child entrusted in its care in a fully licensed placement or adoptive home; supervise the care of the child; and coordinate the planning and services to the child and his or her family.

(3) Should the parents or child require services not offered by the agency, a referral shall be made by the agency to the appropriate available community service. Arrangements shall be made by the referring agency to maintain communication

with the second service provider and the progress made as a result of the alternate services shall be documented in the case file.

(4) When two agencies share responsibility for service to a child or a family, there shall be a clear delineation of responsibility for each service to be provided and both agencies must assure that service gaps do not occur as a result of shared planning. Case plans in shared cases must be in writing and must be approved by both services providers and documented in the individual case files.

(5) An agency licensed for the purpose of adoption shall be required to have an at-risk placement document signed by the prospective adoptive parent or parents prior to placement of a child in their home, in the event the agency does not have a court order documenting termination of parental rights of the child being placed for adoption.

(a) The at-risk placement document shall contain a statement that the agency does not have commitment of the child for the purpose of adoption and the reasons why it does not have commitment. The at-risk placement document shall state that proceedings have been started to obtain commitment; that the agency shall notify the adoptive family, in writing, of the court's decision regarding commitment and that the child may be removed from the home if commitment is not forthcoming. The adoptive parents shall agree to return the child to the agency.

(b) An agency providing at-risk placement of a child shall provide monthly reimbursement for the care of the child, plus medical and clothing allowances, if needed, until the legal finalization of the adoption. The agency shall provide supportive counseling to the adoptive family before, during and after placement of the child, and shall make diligent efforts to remove legal and other barriers preventing the adoption from occurring.

Specific Authority 39.0121, 63.202, 409.175 FS. Law Implemented 39, 63, 409.175 FS. History—New 12-19-90, Formerly 10M-24.032, Amended _____.

65C-15.027 The Agency's Responsibilities to Licensed Out-of-Home Caregivers.

(1) The agency shall provide or identify training opportunities for licensed out-of-home caregivers to increase their skills and ability to parent children who are not their own. Each prospective licensed out-of-home caregiver shall receive the pre-service training required by Section 409.175(14)(b), F.S. The agency shall ensure that licensed out-of-home caregivers receive not less than 8 hours of training per year. Training opportunities should include, training on agency policy, rules and laws, training which provides licensed out-of-home caregivers with an understanding of licensed out-of-home care, training which provides licensed out-of-home caregivers with an understanding of the needs of

children and their families, training on the responsibilities of the licensed out-of-home caregivers to the agency and the child.

(2) The agency shall have a signed agreement with all foster parents which includes the following:

(a) Expectations and responsibilities of the agency staff and the licensed out-of-home caregivers;

(b) The fiscal and medical arrangements for the children placed in the home;

(c) The authority which licensed out-of-home caregivers can exercise for the children placed in their home, including decision-making related to providing children in their care with opportunities to participate in age appropriate activities as detailed in the child's case plan pursuant to Section 409.1451(3)(a)3., F.S.

(d) The actions which require agency staff authorization; and

(e) A statement of the agency's discipline policy.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.040, Amended _____.

65C-15.029 Services to Adoptive Parents and Children Available for Adoption.

(1) The child's services worker shall discuss the potential adoptive child with the prospective adoptive family and shall prepare them for the placement of that a particular child. The preparation shall include, but not be limited to:

(a) Presentation of written information about the child's personal characteristics, a copy of the child's complete medical history and files, if available, documentation of academic potential and school performance including copies of school report cards, if applicable, and all available non-identifying information about the child's background and family history.

(b) Completion of at least one visit with the child prior to placement. Placement of foreign children and infants handled by a licensed Florida child-placing agency are exempted from the requirement of pre-placement visits.

(2) The agency services worker shall visit with the potential adoptive family at least every 30 days in accordance with subsection 65C-30.007(5), F.A.C., after the placement of a child, until the adoption is finalized.

(a) Observations made during the visits shall be documented in a case file and shall form a basis for case planning with the family and the child.

(b) The agency shall assist the family and the child with problems that are identified in the placement and shall work toward their remediation.

(c) If the agency places a child out of the state for the purposes of adoption, the agency shall comply with the Section 409.401, F.S., et seq., the Interstate Compact on the Placement of Children. A request for supervision and services to be

provided by another licensed child-placing agency must be in writing. The written request must contain a request for periodic status reports on the child's progress and adjustment.

(3) The agency shall provide service to the adoptive family and child until the adoptive placement is finalized or terminated.

Specific Authority 409.175 FS. Law Implemented 409.175, 409.401, et seq. FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.043, Amended _____.

65C-15.031 Child Case Records Keeping for Non-Contracted Agencies.

(1) The agency shall maintain current records for each child placed in a family foster home, adoptive home, or residential group care facility. The following information at a minimum shall be contained in each file:

(a) Demographic information including the name, address, social security number, sex, religion, race, birth date, and birth place of the child;

(b) The name, address, telephone number, social security numbers, demographic information including birth dates, race, religion, family composition and marital status of the parents or guardians of the child;

(c) The name, address, and telephone number of siblings if placed elsewhere and other significant relatives, if available;

(d) Copies of legal documents of importance to the type of care such as birth record and any court dispositions or signed agreements with the family;

(e) The medical history shall include, if available, cumulative health records, addresses of all health care providers who provided treatment, examination or consultation regarding the child as well as all psychological and psychiatric reports;

(f) The social assessment and background of the family and parents;

(g) A summary which reflects the dates of contact, initial assessment, case plan, and content of the services worker's visits, including a summary of the family's involvement in the development of the case plan;

(h) The circumstances leading to the decision of the parents to place the child, the agency's involvement with the parents, including services offered, delivered, or rejected;

(i) Educational records and reports, if applicable;

(j) Summary of case reviews which reflect the contacts with and the status of all family members in relation to the case plan as well as the achievements or changes in the goals;

(k) Summary of any administrative or outside service reviews on the progress of each child toward goal determination;

(l) Summary of child's contacts with family members which reflect the quality of the relationships as the way the child is coping with them; and

(m) A record of the child's placements with names of caregivers, addresses, and the dates of care.

(2) The agency shall make every effort to maintain stable licensed out-of-home care placements for each child in licensed out-of-home care. When replacement is indicated, first consideration shall be given to returning the child to the parents or to placing the child with relatives, except for children surrendered for adoption. If the return of the child to the parent or placement of the child with a relative is not appropriate, all of the following shall be documented in the child's record within 10 working days after replacement in licensed out-of-home care:

(a) The reason for replacement;

(b) An evaluation of the appropriateness of continued licensed out-of-home care;

(c) Documentation of replacement preparation appropriate to the child's capacity to understand;

(d) Evidence of notification to the parents of the child's replacement, unless surrenders for adoption are obtained; and

(e) The information that was shared with the new foster parents about the child, including the case plans.

(3) Upon discharge a child's record shall contain:

(a) A discharge summary showing services provided during care, the growth and accomplishments, needs which remain to be met, and recommendations of the services needed to meet these goals;

(b) Date of discharge, reason for discharge, and the name, address, telephone number, and relationship of the persons or agency to whom the child was discharged; and

(c) After care plans which specify the responsibility for follow-through.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 12-19-90, Amended 10-27-93, Formerly 10M-24.046, Amended _____.

65C-15.032 Family Case Record Keeping for Non-Contracted Agencies.

(1) The agency shall have on file a record of the family of every child whom the agency places into care which contains:

(a) Demographic information including address, birth dates, race, religion, family composition, and persons important to the child;

(b) The social history, including any psychological or psychiatric reports and medical histories;

(c) Strengths and needs of the family and the services required;

(d) Services Worker's assessment and initial case plan;

(e) Signed agreements between the agency and family;

(f) Summary of dates of contact and progress toward goals;

(g) Case review reports; and

(h) Discharge summary.

(2) If the agency received the child from a custodian other than a parent, the agency shall also maintain these records on the prior custodian.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.047, Amended _____.

65C-15.033 Family Foster Home Records Keeping for Non-Contracted Agencies.

The agency shall keep separate records for each family foster home which shall contain:

(1) The Application for a License, CF-FSP 5135, October 1996, available at www.dcf.state.fl.us/publications/, to provide licensed out-of-home care;

(2) Verification that the screening requirements of Sections 409.175 and 435.04, F.S., have been successfully met;

(3) Licensed Home Study;

(4) Re-Licensing Studies; and

(5) A termination summary for homes which are closed, and the reason for closing.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Formerly 10M-24.048, Amended _____.

65C-15.034 Adoptive Home Records Keeping for Non-Contracted Agencies.

The agency shall keep records for each adoptive family which shall contain:

(1) The applications;

(2) The adoptive home study;

(3) A copy of the information given to the parents concerning the child or children to be placed for adoption with them;

(4) All legal documents pertaining to the adoption; and

(5) Summary containing the placement decision, pre-placement and post-placement contacts with the family and the adoptive child, including services provided to stabilize the placement and decisions regarding finalization of the adoption.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New 12-19-90, Amended 10-27-93, Formerly 10M-24.049, Amended _____.

65C-15.036 Intercountry Adoption Services.

(1) The agency which engages in intercountry adoptions shall provide to the adoptive parents all legal documents, pertaining to the adopted child, which have been obtained from the child's country of origin.

(2) The agency shall comply with all applicable adoption laws of the child's country of origin and the state of Florida.

(3) The agency which engages in intercountry adoptions shall comply with the requirements of the United States Immigration and Nationality Act as specified in Sections 1431 and 1433, 8 USC.

(4) The agency shall comply with the requirements of the Hague Convention and all applicable regulations for placement of children from countries that have ratified or acceded to the Hague Convention on Intercountry Adoption.

Specific Authority 63.192, 409.175 FS. Law Implemented 63.192, 409.175 FS. History–New 10-27-93, Formerly 10M-24.052, Amended _____.

65C-15.037 Private Interstate Adoptions.

This section refers to private Interstate Adoptions, which means an interstate adoption required to comply with the Interstate Compact on the Placement of Children where the child is not under the custody or supervision of the sending state's dependency court jurisdiction or child welfare agency's supervision due to an allegation of abuse, neglect or abandonment. Private interstate adoptions have different requirements for placement determination than adoptions stemming from a dependency case. All states, the District of Columbia and the United States Virgin Islands are members of the Interstate Compact on the Placement of Children. The placement of any child for adoption outside of the state of Florida with a member state or jurisdiction must be done in accordance with the Interstate Compact on the Placement of Children pursuant to the following procedures, which shall also be used when placing or bringing a child into Florida from a member state or jurisdiction. The only exemption to this rule is found in Section 409.401, Article VIII, F.S., Interstate Compact on the Placement of Children.

(1) When placing a Florida child in a member state or jurisdiction for adoption, the initial placement request package of the sending agency or person must include an original and four copies of an ICPC 100A Interstate Compact Placement Request, Form CF 794 November 2002, available at www.dcf.state.fl.us/publications/, properly completed and signed, showing the agency as responsible for planning for the child, and as financially responsible for the child, and at a minimum, three complete sets of the following:

(a) A cover letter on agency letterhead that:

1. Shows the name and phone number of the agency professional staff person who is handling the adoption;

2. Indicates in what state the adoption is to be finalized;

3. Addresses the termination of parental rights of any man required to give consent pursuant to Section 63.062, F.S., if that subject is not included in the enclosed adoption request package;

4. Includes a list identifying the contents of the enclosed adoption request package; and

5. Is signed by an authorized agency representative.

(b) Consents (if applicable):

1. An executed consent for voluntary surrender of the child signed by the legal mother and any man required to give consent pursuant to Section 63.062, F.S., showing that the agency has been given responsibility for the child;

2. If an executed consent for voluntary surrender of the child from any man required to give consent pursuant to Section 63.062, F.S., is not available, information must be provided stating how his parental rights will be addressed.

3. An affidavit of non-paternity may be provided in lieu of a consent in accordance with Section 63.062(4), F.S.

4. If a Termination of Parental Rights Order has been entered for a birth mother or any man required to give consent as per Section 63.062, F.S., a copy of the order shall be provided.

(c) Family history, social and medical information on the birth mother and birth father, including a clear statement as to American Indian tribal affiliation or heritage. If a birth parent claims American Indian tribal affiliation or heritage:

1. Proof that tribal notice has been made in accordance with the Indian Child Welfare Act of 1978 25 U.S.C. 1901, et.seq. is required and should include:

a. All responses from noticed tribes; or

b. An at risk placement agreement, developed in accordance with Section 63.092(2), F.S., signed by the prospective adoptive parents, specific to the fact that one of the birth parents has claimed American Indian tribal affiliation or heritage; and that all responses from noticed tribes have not been received; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

2. In the case of a voluntary placement where the birth parent does not notify the tribe, the following are required:

a. An affidavit signed by the birth parent attesting to this choice; and

b. An at risk placement agreement, developed in accordance with Section 63.092(2), F.S., signed by the prospective adoptive parents, specific to the fact that one of the parents has claimed American Indian tribal affiliation or heritage; has chosen not to notify the tribe; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

(d) A narrative report on the social and educational background of the birth mother and birth father giving a clear picture of the birth parents and the reasons for their decision to place rather than parent their child. This report must contain a signed statement by the birth parents indicating their preference for registering their names in the Florida Adoption Reunion Registry pursuant to Section 63.165, F.S.:

(e) A counseling summary document which reflects that the birth parents were advised of alternatives to adoption and that they freely chose adoption from the available alternatives;

(f) Medical information;

1. A legible copy of a hospital birth delivery and medical information report on the child, signed by a physician or registered nurse, and if the child is 1 year old or older, a legible

copy of a physical examination report signed by a physician and completed within six months of the date of the proposed placement request;

2. A legible copy of a hospital discharge report signed by a hospital official, which identifies the child and the child's medical condition at the time of discharge. A completed and signed Physician's Report on Child Form, CF-FSP 5073, Sept. 2000, available at www.dcf.state.fl.us/publications/, which includes discharge status may be substituted for the hospital discharge report when not available; and

3. Legible copies of any medical reports or assessments on the child's physical or mental health and development.

(g) The name and address of the licensed agency or person who has completed or updated the adoption home study on the prospective adoptive parents within one year of the proposed placement request, a copy of that home study, and a properly completed original department Adoptive Home Application, Form CF-FSP 5071, March 2007, available at www.dcf.state.fl.us/publications/, which is hereby incorporated by reference, signed by the prospective adoptive parents.

(h) A letter from the agency or person who will be providing supervision of the child and the prospective adoptive parents during the period between initial placement and finalization of the adoption, indicating that they have a current professional license in their state, and agree to perform the required supervision services.

(i) A copy of a court order permanently committing the child to the agency or an At Risk Placement Agreement signed by the prospective adoptive parents which acknowledge that they understand that the agency does not yet have permanent commitment of the child, and if, for some reason, the court does not grant permanent commitment to the agency, that they may have to return the child to the agency.

(j) A copy of the initial disclosure document provided to the adoptive parents as required Section 63.039(1)(a), F.S.

(k) If the department or contracted sheriff's office has an open investigation for abuse, neglect or abandonment regarding the child, verification is required that the department or contracted sheriff's office is in agreement with the child leaving the state with the prospective adoptive parents pending finalization of the adoption.

(l) It is the responsibility of the Florida licensed child-placing agency to be knowledgeable of the adoption requirements of the receiving state or jurisdiction, and to include in the sending agency placement request package any additional documents that may be required by that state or jurisdiction.

(m) The Florida Interstate Compact office will not accept facsimile transmission of an interstate placement request package.

(2) On interstate adoptive placement requests received from a sending state or jurisdiction that is a party state under the Interstate Compact on the Placement of Children, Section

409.401, F.S., the placement request package of the sending state must include an original and three copies of their ICPC 100A Interstate Compact Placement Request form, CF 794, November 2002, available at www.dcf.state.fl.us/publications/, properly completed and signed, showing the sending agency or person as responsible for planning for the child, and as financially responsible for the child, and, at a minimum, two complete sets of materials which include:

(a) Documents showing the legal status of the child, and that the parental rights of both birth parents have been terminated, or if the child is not legally free for adoption, a copy of an at risk placement agreement signed by the prospective adoptive parents. The prospective adoptive parents must acknowledge that they understand the rights of the birth parents have not been terminated, and if the court does not terminate those parental rights, they may be required to return the child to the sending state.

(b) Medical Information:

1. Medical records showing the child's date and place of birth and current medical condition. If the child is 1 year of age or older, a legible copy of a medical report must have been completed within 12 months from the date of the placement request.

2. If the child has any physical or developmental or mental health problems, there must be evidence that the prospective adoptive parents have been made aware of the full extent of the child's health problems and that they are willing and able to provide the necessary care.

(c) Documents showing that:

1. The birth parents were interviewed in regard to their rights in the adoption and their preference for registering their names in the Florida Adoption Reunion Registry.

2. Family history, social and medical background on the birth family has been gathered and prepared, including a clear statement as to American Indian tribal affiliation or heritage. If a birth parent claims American Indian tribal affiliation or heritage:

a. Proof that tribal notice has been made in accordance with the Indian Child Welfare Act of 1978 25 U.S.C. 1901 et.seq. is required and should include:

i. All responses from noticed tribes; or

ii. An at risk placement agreement, developed in accordance with Section 63.092(2), F.S., and signed by the prospective adoptive parents, specific to the fact that one of the birth parents has claimed American Indian tribal affiliation or heritage; and that all responses from noticed tribes have not been received; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

b. In the case of a voluntary placement where the birth parent does not notify the tribe, the following are required:

i. An affidavit signed by the birth parent attesting to this choice; and

ii. An At Risk Placement Agreement, signed by the prospective adoptive parents, specific to the fact that one of the parents has claimed American Indian tribal affiliation or heritage; however, has chosen not to notify the tribe; and how this may affect the proposed adoption, including that the tribe may intervene and that the adoptive parents may have to return the child to the agency.

(d) An adoptive home study or update completed within 12 months of the request for placement prepared by an agency or individual licensed to provide this service in the state of Florida. A copy of a properly completed original department Adoptive Home Application, Form CF-FSP 5071, March 2007, available at www.dcf.state.fl.us/publications/, and signed by the prospective adoptive parents must be attached to the home study.

(e) A letter from a Florida licensed child-placing agency, or intermediary, who is responsible for supervision of the child and the prospective adoptive parents during the period between initial placement and finalization of the adoption, identifying the person who will perform this service, and indicating that this person has a current professional license, and agrees to perform the required supervision.

(f) If the sending state's child welfare agency responsible for investigating reported abuse of minors has an open investigation of abuse, neglect or abandonment regarding the child, verification is required that the investigating agency is in agreement with the child leaving the state with the prospective adoptive parents pending finalization of the adoption.

(g) A signed statement by the prospective adoptive parents that they have been informed of the existence and purpose of the Florida Adoption Reunion Registry pursuant to Section 63.165, F.S.:

(h) The Florida Interstate Compact office will not accept a facsimile transmission of an interstate placement request package from a sending state Interstate Compact office, agency, intermediary or person.

(i) It is the responsibility of the Florida licensed child-placing agency, or intermediary, to obtain those legal and other documents from the sending state or jurisdiction that may be required by Florida law to complete or finalize an adoption in Florida.

(3) It is the responsibility of the licensed child-placing agency to properly complete, sign and submit an ICPC 100B Interstate Compact Report on Child's Placement Status, Form CF 795, February 2002, available at www.dcf.state.fl.us/publications/, to the Florida Interstate Compact office under the following circumstances:

(a) Upon initial placement of the child with the prospective adoptive parents;

(b) Upon any change in the physical location of the adoptive child prior to finalization of the adoption.

(c) Upon finalization of the adoptive placement with the adoptive parents. On this occasion, a copy of the final adoption court order must accompany this form.

(4) Information on preparation of interstate placement requests and department forms, required by this administrative rule, may be obtained by writing to the following address:

Office of the Interstate Compact on
the Placement of Children
Family Safety Program Office
Florida Department of Children and Family Services
1317 Winewood Boulevard
Tallahassee, Florida 32399-0700

Specific Authority 63.207, 409.401, 409.175 FS. Law Implemented 63, 409.401, 409.175 FS. History—New 5-17-98, Amended _____.

65C-15.038 Specific Rules for Lead Agencies and Contracted Providers.

An agency under contract with the department as a lead agency for a specific geographical area shall ensure that all providers through which the lead agency arranges for the provision of child protection/child welfare service are licensed as required by subsection 65C-15.003(1), F.A.C. The following standards shall be applied to community-based care lead agencies.

(1) Complaints.

(a) When the department receives a complaint regarding services provided by a lead agency or its sub-contracted agencies, the department shall advise the lead agency within one working day. The department will work in cooperation with the agency to identify any reasonable corrective action necessary and document the corrective action in a plan agreed upon by the agency and the department.

(b) If resolution cannot be reached within ten working days, a referral must be made to the Executive Director of the lead agency and District Administrator of the respective parties. The Executive Director and District Administrator shall confer in an attempt to resolve the issue. If after ten working days resolution is not obtained appointed representatives from both parties shall meet and select a third representative. These three representatives shall meet within ten working days to seek resolution of the dispute. If the representatives' good faith efforts to solve the dispute fail, the representatives shall make written recommendations to the Secretary of the department who will work with both parties to resolve the dispute. All legal rights and remedies are reserved and if necessary, the department may take steps to suspend, revoke or deny the license of the agency affected. Based on the Secretary's review and recommendation, the department may:

1. Issue a full license to the Child Placing Agency, if this recommendation is made, the license shall be issued with an effective date on the date of the previous license expiration;

2. Issue a provisional license with a timeframe for compliance with outstanding issues;

3. Suspend, revoke or deny the license.

(2) Monitoring.

(a) Lead agencies shall be monitored by to ensure compliance with the terms and conditions of the service contract pertaining to the administrative and programmatic aspects of the contract related to licensing of family foster homes and compliance with this Rule. The department's Contract Oversight Unit or its designee shall perform this monitoring.

(b) The contract oversight unit shall notify the lead agency at least fourteen calendar days prior to the initiation of monitoring activities and provide a list of the items and functions that are to be monitored. The local licensing authority shall notice child placing agencies which do not contract with the department in the same manner.

(c) The contract oversight unit shall prepare a report of the results of the monitoring and deliver a copy to the lead agency and to the department's licensing authority within thirty calendar days following the completion of the monitoring.

(d) If appropriate, the lead agency shall develop a written plan of corrective action. The corrective action plan shall be submitted to the department's contract oversight unit and zone/regional licensing authority within thirty calendar days.

(e) The department's contract manager shall inform the agency in writing of its approval or disapproval of the corrective action plan within 30 calendar days of receipt.

(3) No fees shall be imposed by the lead agency or subcontractors on clients other than those set by the department.

(4) Agency Disclosure.

(a) A lead agency shall notify the department if its Executive Director position is to be vacated. The notification shall identify the person(s) who is assuming the responsibilities of that position during the vacancy and provide verification of background screening for the individual. When the Executive Director position is filled, the lead agency shall notify the department in writing of the identity and qualifications of the new incumbent.

(b) A lead agency shall submit to the department in writing any revisions to procedures or policies that may have a potential impact on federal claims. The department shall review the proposed revisions within thirty calendar days of their receipt.

(5) Insurance. Adequate insurance as set forth in Section 409.1671(1)(h), F.S. shall be maintained on all vehicles used to transport children, whether owned by the agency or by staff. Compliance with this requirement shall be determined through monitoring by the contract oversight unit of the department.

(6) Training. Lead agency and subcontracted staff who perform child protection/child welfare services or who supervise the provision of those services shall be required to meet the training and certification requirements for those positions as established by the department under Section 402.40, F.S., within twelve months of employment.

(7) Clients Served. A lead agency shall serve all clients referred from the department. The lead agency shall be responsible for supervision and out-of-home placement for eligible children, twenty-four hours a day, seven days a week and shall provide services to children in an out-of home placement as specified in Rule Chapter 65C-28, F.A.C. Eligible clients are:

(a) Children, young adults, and families who are in need of licensed out-of-home care and related services as described in Chapters 39 and 409, F.S., as a result of child maltreatment;

(b) Families whose children are at risk of imminent out-of-home placement and who may benefit from preventive services that are funded under the terms and conditions of the lead agency's contract;

(c) Relative caregivers as defined in Chapter 39.5085, F.S.;

(d) Licensed out-of-home caregivers and other substitute caregivers as defined in Chapter 409.175, F.S., and subsection 65C-30.001(77), F.A.C.

(e) Families formed through adoption as defined in Sections 39.01(6) and 63.032(6), F.S.

(f) Persons covered by out-of-town inquiry, courtesy supervision by the provider or Interstate Compact on the Placement of Children pursuant to Section 409.1671(1)(a), F.S.;

(g) Special condition cases referred from the department or law enforcement agencies providing child protection investigations; and

(h) Children and families served in prevention and diversion programs.

(8) Recruitment and Retention.

(a) A lead agency shall establish a written recruitment plan for finding adequate foster and adoptive parent resources for waiting children. The plan must contain a means to ensure an adequate number of qualified placement options is maintained at all times to meet the needs of children who cannot safely remain in their own homes. The plan must detail a defined approach for recruiting, approving, maintaining and supporting high quality family foster homes and potential adoptive parents to match the needs of the children coming into care and a means by which the agency will measure compliance with this requirement.

(b) All agencies shall maintain documentation of all licensing activities for each family foster home as required by Rule Chapter 65C-13, F.A.C.

(9) Documentation and Record Retention.

(a) A lead agency shall completely document the provision of services to each client. These records shall be produced and updated in accordance with the agency's policy, procedures, and guidelines. In addition, the records shall include:

1. Initial and subsequent comprehensive behavioral assessments;

2. Relative home studies for in-home placement;

3. Family Foster Home Records;

4. Adoptive and Potential Adoptive Family Records;

5. Legal documents (e.g. court orders);

6. Case plans;

7. Medical records;

8. Educational records;

9. On-going records of contacts with children, legal parents and out-of-home caregivers, court appearances and other collateral contacts on behalf of children and families served under the agency's contract; and

10. Records required by applicable state or federal laws, rules, regulations or department operating procedures.

(b) The lead agency shall maintain the Statewide Automated Child Welfare Information System (SACWIS), and the Integrated Child Welfare Information System (ICWSIS) and provide the department all required data. The lead agency shall register special needs children and maintain current information on the Adoption Exchange System on those children who have been permanently committed to the department and who are legally freed for adoption. Upon request, the lead agency shall provide back-up documentation and records regarding the information provided the department;

(c) Active case files shall be returned to the department upon termination of a lead agency contract.

(d) An agency licensed for the purpose of being a lead agency shall comply with the department record retention schedule as approved by the Florida Department of State Bureau of Archives and Records Management.

Specific Authority 39.001(2), 409.1671, 409.175 FS. Law Implemented 39, 409.1671, 409.175 FS. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-21.004	Season
68B-21.005	Size Limit
68B-21.006	Bag and Possession Limits
68B-21.007	Restrictions on Gear and Methods Used to Take Snook

NOTICE OF CORRECTION

Notice is hereby given that the following technical corrections have been made to the proposed rule amendments in Vol. 33, No. 19, May 11, 2007. Technical changes are made only to the proposed amendments to Rules 68B-21.004, 68B-21.005, 68B-21.006, and 68B-21.007, as follows:

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, regardless of where taken, any snook during the following closed periods, in the indicated areas:

(a) No change.

(b) ~~In all state waters of the Atlantic Region Ocean north and east of the Dade Monroe County Line, except in waters of Everglades National Park, during the months of June, July or August.~~

(c) ~~In all state waters of the Gulf Region Atlantic Ocean south and west of the Dade Monroe County Line, in all state waters of the Gulf of Mexico, and in waters of Everglades National Park, during the first 14 days of the month of December, and during the months of February, May, June, July, or August.~~

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02,_____.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than ~~28~~ 27 inches or greater than ~~32~~ 34 inches in total length in the Atlantic Region and less than 28 inches or greater than 33 inches in the Gulf Region.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, 7-19-06,_____.

68B-21.006 Bag and Possession Limits.

(1) ~~In all state waters of the Atlantic Region Ocean north and east of the Dade Monroe County Line, except in waters of Everglades National Park, no person, firm or corporation shall kill or harvest more than one two snook per day during the open season, nor possess more than one two snook at any time during the open season.~~

(2) ~~In all state waters of the Atlantic Ocean south and west of the Dade Monroe County Line, in all state waters of the Gulf Region of Mexico, and in waters of Everglades National Park, no person, firm, or corporation shall kill or harvest more than one snook per day during the open season, nor possess more than one snook at any time during the open season.~~

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 3-1-94, 12-31-98, Formerly 46-21.006, Amended 1-1-02,_____.

68B-21.007 Restrictions on Gear and Methods Used to Take Snook.

(1) through (2) No change.

(3) It is unlawful for any person, firm, or corporation while fishing, using, transporting or possessing any net, seine, trap or other fishing device not specifically permitted in subsection (1) of this rule to have in its possession any snook. This prohibition shall not apply to possession aboard a vessel of a ~~single~~ cast nets if they are ~~it is~~ secured and stored off the deck of the vessel. Any snook accidentally taken by any trap, net or seine shall not be deemed to be possessed in violation of this rule if such snook is immediately returned to the water free, alive and unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, 1-1-98, Formerly 46-21.007, Amended 6-29-00,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-171.009	Medical Malpractice Insurance Open Claims Reporting

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. 33, No. 19, May 11, 2007 issue of the Florida Administrative Weekly.

The change involved creates paragraphs 69O-171.009(4)(i) and 69O-171.009(4)(j), which read as follows:

(i) For ceded and assumed reinsurance items for multi-state reporting entities that cannot possibly be assigned to Florida on a claim-by-claim basis, such as ceded earned premium, assumed earned premium, ceded IBNR and assumed IBNR, a reasonable allocation of the countrywide amount will be acceptable. However, for items that could be determined on a claim-by-claim basis (such as direct paid losses, or assumed or ceded losses on a per occurrence excess of loss contracts), reporting actual amounts is required even if circumstances make it difficult to obtain the data.

(j) For direct items for multi-state reporting entities that cannot possibly be assigned to Florida on a claim-by-claim basis, such as IBNR, a reasonable allocation of the countrywide will be acceptable. However, for items that could be determined on a claim-by-claim basis (such as direct paid losses, or assumed or ceded losses on a per occurrence excess of loss contracts), reporting actual amounts is required even if circumstances make it difficult to obtain the data.

The remainder of the rule reads as previously published.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-560.102	Application Forms, Procedures and Requirements
69V-560.103	Definitions
69V-560.201	Requirements
69V-560.302	Renewal Fees, Deadlines and Requirements
69V-560.402	Bond
69V-560.602	Quarterly Reports
69V-560.606	Annual Filing of Financial Statements by Part II Registrants

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. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly.

In response to comments from the staff of the Joint Administrative Procedures and The Money Services Round Table (TMSRT), the Office of Financial Regulation has revised Rules 69V-560.102, 69V-560.103, 69V-560.201, 69V-560.302, 69V-560.402, 69V-560.602, and 69V-560.606, F.A.C. A summary of the revisions, along with the revised rule text, is provided below.

Rule 69V-560.102. Forms OFR-560-03 (General Instructions), OFR-560-02 (General Instructions), and the Fingerprint Card (FL922720Z) are amended to correct technical errors and deficiencies. Form OFR-560-01 is amended to reflect to changes being made to Rule 69V-560.402, relating to bonding. Paragraph (10)(a) of the rule is amended by adding the word “form” after the word “application” to clarify that required amendments are those that address information specified in the application form. This change was in response to comments from TMSRT. The proposed amendment to paragraph (10)(c) has been removed. The history notes are amended to reference Section 560.209, F.S., which relates to bonding and alternative security devices.

Rule 69V-560.103. The provision creating a definition of the term “net worth” has been removed. This change is in response to comments from the TMSRT.

Rule 69V-560.201. This rule references Form OFR-560-01, which has been amended. No other changes have been made to the rule.

Paragraph 69V-560.302(3)(b). This rule is amended to correct a cross reference.

Rule 69V-560.402. Subsections (5) through (7) are revised to address comments from the TMSRT regarding bonding requirements. Forms OFR-560-01 and OFR-560-07 are amended accordingly.

Rule 69V-560.602. This rule is amended to correct a technical error to Form OFR-560-04. The rule and the form are amended to remove language that references penalties for failure to file

the quarterly report in a timely manner. The penalties and exceptions to the penalties are provided in Section 560.118(2)(c), F.S.

Paragraph 69V-560.606(1)(a). Form OFR-560-08, which is incorporated by reference in this rule, has been amended to correct a cross reference. No other changes have been made to this rule.

The revised rule text is as follows:

69V-560.102 Application Forms, Procedures and Requirements.

(1) Forms. All forms referenced in this rule are available on the Office of Financial Regulation’s website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376 ~~Application forms for all registrations covered by these rules may be obtained at no cost from the Office of Financial Regulation’s website (www.dbf.state.fl.us), by telephone, or in writing.~~ All applications must be in the format required by the Office of Financial Regulation. ~~Requests for forms should be sent to: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2)(a) Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested registration, shall be filed with the Office of Financial Regulation at the address in subsection (1) above. No application will be deemed filed or received unless accompanied by the proper filing fee; ~~or~~

~~(b) In lieu of filing the required application forms, an applicant may file the application information electronically by following the applicable instructions on the Office of Financial Regulation’s website (www.dbf.state.fl.us) on the Internet.~~

(3)(a) All applicants for registration must file a completed application Form ~~OFR-560 MT-5-01~~, Application to Register as a Money Transmitter ~~Pursuant to Chapter 560, F.S., effective 1/1/2007~~ ~~10/01~~, which is hereby incorporated by reference.

(b) All applicants for registration who propose to engage in deferred presentment transactions as defined in Section 560.402, F.S., shall file a completed Form ~~OFR-560-03 MT-3-01~~, Declaration of Intent to Engage in Deferred Presentment Transactions, effective ~~1/1/2007~~ ~~10/01~~, which is hereby incorporated by reference, together with the required nonrefundable fee for deferred presentment providers. Applicants must be registered pursuant to Part II or Part III of Chapter 560, F.S., in order to engage in deferred presentment transactions.

(c) All applicants for registration shall submit a completed Form ~~OFR-560-02 MT-2-01~~, Location Notification Form, effective ~~1/1/2007~~ ~~10/01~~, which is hereby incorporated by reference, for each proposed “location” as defined in Rule 69V-560.103, F.A.C., not including the applicant’s primary business location, together with the required nonrefundable fee.

(d) All applicants for registration as a payment instrument seller or funds transmitter shall file audited financial statements prepared in accordance with generally accepted accounting principles that are dated within 90 days prior to the date the application is received by the Office of Financial Regulation, and if available, audited financial statements for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. If the date of the application is more than 90 days after the applicant's fiscal year-end audited financial statements, the applicant shall file unaudited financial statements reviewed by an independent certified public accountant dated within 90 days of the date of the application for the period subsequent to the audit report, together with the audited financial statements for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file unaudited financial statements reviewed by an independent certified public accountant.

(4)(a) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, executive officer, principal, member, joint venturer, and all controlling shareholders shall complete the Biographical Summary in Form OFR-560-01 MT 7-01, Biographical Form, effective 10/01, which is hereby incorporated by reference in subsection (3). If any of the foregoing individuals are non-U.S. Citizens, Addendum (1) to the Biographical Summary Form shall also be completed and filed.

(b) An existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, executive officer, controlling shareholder, and responsible person shall review and attest to the accuracy of the forms submitted on his or her behalf.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, executive officer, principal, member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z FL921050Z), effective _____, which is hereby incorporated by reference, accompanied by a nonrefundable \$47 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. ~~If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee~~

~~of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.~~

(6) No change.

(7) Request for Additional Information. ~~All information the applicant wants to present to support the application should be submitted with the original filing.~~ Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of the request shall be grounds for the Office of Financial Regulation to deny the application for failure to complete the application; and the application may be denied pursuant to subsection 120.60(1), F.S.

(8) Refunds. If the application is withdrawn or denied, all fees are nonrefundable.

(9) Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied.

(10)(8)(a) Amendment of Application. If the information contained in any application form for a registration as a money transmitter, or in any amendment thereto, becomes inaccurate for any reason, the registrant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-560-01, which is incorporated by reference in subsection (3). A request to amend an application must be in writing and shall be submitted to the Office of Financial Regulation at the address in subsection (1).

(b) Provided the Office of Financial Regulation has not already docketed a Notice of Intent to Deny the Application, an applicant may amend the application after receiving written permission from the Office of Financial Regulation following the Office of Financial Regulation's review of and determination that the applicant's written request to amend:

1. through 4. No change.

5. May ~~shall~~ not be denied pursuant to paragraph (c), if the request to amend makes a material change to the application.

(c) A request to amend which makes a material change to the application or to the Office of Financial Regulation's evaluation of the application is a violation of subsection (7) and the Office of Financial Regulation shall deny the application in accordance with Section 560.114(1)(a), F.S.,

unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. Material changes include:

1. No change.
2. The substitution or addition of a director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, responsible person, or controlling shareholder;
3. through 5. No change.
- (d) No change.

~~(9) When an application is denied on the grounds set forth above, the applicant shall be duly notified.~~

Specific Authority 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.209(2)(a), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History–New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended _____.

69V-560.103 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- (1) through (5) No change.
- (6) “Financial Statements” shall be defined as those reports, schedules and statements, prepared in accordance with United States Generally Accepted Accounting Principles, which contain at least the following information:
 - (a) Statement of Financial Condition (Balance Sheet); ~~and~~
 - (b) Statement of Income;-
 - (c) Statement of Cash Flows; and
 - (d) Statement of Changes in Stockholders’ Equity.
- (7) through (10) No change.

(11) “Publicly Traded” means that the stock is currently traded on a national securities exchange registered with the U.S. Securities and Exchange Commission or traded on an exchange in a country other than the United States regulated by a regulator with equivalent authority and power as the U.S. Securities and Exchange Commission and the disclosure and reporting requirements of such regulator are substantially similar to those of the U.S. Securities and Exchange Commission.

~~(12)(11)~~ “Registrant” means a person registered by the Office of Financial Regulation pursuant to Part II or Part III of the Money Transmitters’ Code.

~~(13)(12)~~ “Responsible person” means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.

~~(14)(13)~~ “Unaudited Financial Statements” shall be defined as those financial statements prepared in accordance with United States Generally Accepted Accounting Principles

and reviewed by a Certified Public Accountant, but not accompanied by the statements and representations as set forth in paragraphs (3)(b), (c), and (d) of this rule.

~~(15)(14)~~ “Holiday” means such days as are designated by Section 110.117, F.S.

~~(16)(15)~~ “Gross Income” means Gross Revenue (Sales) – Cost of Goods Sold.

Specific Authority 560.105(2) FS. Law Implemented 560.103, 560.118(2), 560.205(3), (4), 560.208 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04,_____.

69V-560.302 Renewal Fees, Deadlines, ~~Late Fees~~ and Requirements.

(1)(a) Payment Instrument Seller or a Funds Transmitter (Part II registrant): Registrations issued to Part II registrants shall remain effective through April 30 of the second year following the date of issuance of the registration, not to exceed 24 months, unless during such period the registration is surrendered, suspended, or revoked.

(b) A renewal of a funds transmitter or payment instrument seller registration (Part II registrant) shall include a nonrefundable renewal fee of \$1,000.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

~~(c)(b)~~ All renewal fees applications for Part II registrants must be received by the office on or filed on or after January 1 of the year in which the existing registration expires, but before the expiration date of April 30. If the renewal fees are received a renewal application is filed within 60 calendar days after the expiration date of an existing registration, the renewal application and renewal fees must shall be accompanied by a nonrefundable late fee of \$500.00. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must shall be filed pursuant to Section 560.205, F.S.

(2)(a) Check Cashier or Foreign Currency Exchanger (Part III registrant): Registrations issued to Part III registrants shall remain in effect through the remainder of the second calendar year (December 31) following the date the registration was issued. Thereafter, renewals are issued for a 24-month period from December 31 of the year the registration or renewal expires, unless during such period the registration is surrendered, suspended, or revoked.

(b) A renewal of a check cashier or foreign currency exchanger registration (Part III registrant) shall include a nonrefundable renewal fee of \$500.00, plus \$50.00 for each location being renewed, including branch offices and

authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

~~(c)(b) All renewal fees applications for Part III registrants must be received by the office on or before the expiration date of filed on or after June 1 of the year in which the existing registration expires, but not later than December 31 of that year. If the renewal fees are received A renewal application, renewal fees, and a late fee of \$250.00 must be filed within 60 calendar days after the expiration date of an existing registration, the renewal fees must be accompanied by a non-refundable late fee of \$250.00 in order for the registration to be reinstated. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must be filed pursuant to Section 560.307, F.S.~~

(3)(a) Deferred Presentment Providers (Part IV): The "Declaration of Intent to Engage in Deferred Presentment Transactions" shall expire concurrently with the registrant's Part II or Part III registration. A registrant who intends to continue to engage in deferred presentment transactions must concurrently renew their registration pursuant to Part II or Part III in order to remain qualified to act as a deferred presentment provider. A declaration of intent non-refundable renewal fee of \$1000 must be received by the Office on or before the expiration date of the registrant's Part II or Part III registration. The renewal of a deferred presentment provider's "Declaration of Intent to Engage in Deferred Presentment Transactions" shall be indicated on Form OFR-MT-6-01 (Application to Renew Registration as a Money Transmitter Pursuant to Chapter 560, F.S.), and submitted together with the required nonrefundable renewal fee for a deferred presentment provider.

~~(b) If the declaration of intent renewal fee is received A renewal declaration of intent and fee, and a late fee of \$500.00, must be filed within 60 calendar days after the expiration of the registrant's Part II or Part III an existing registration, the declaration of intent renewal fee must be accompanied by a non-refundable late fee of \$500.00 in order for the declaration of intent to be reinstated. If the registrant has not filed the requisite declaration of intent renewal fee and late fee a renewal declaration of intent within 60 calendar days after the expiration date of the registrant's Part II or Part III an existing registration, the declaration of intent shall expire and a new declaration must be filed pursuant to Section 560.403, F.S.~~

(4) If any date in this rule falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S. weekend or holiday, the ~~renewal application together with the~~ required renewal fees and any applicable late fees must be received by the Office of Financial Regulation by the close of business on the next business day.

Specific Authority 560.105(3) FS. Law Implemented 560.206, 560.207, 560.308, 560.403 FS. History--New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.302, Amended _____.

69V-560.402 Bond.

(1) No change.

(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state. The originally executed Form OFR-560-06, Money Transmitter Surety Bond Form, effective 1/1/2007, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form must be executed by the bonding company and the applicant.

(3) All items pledged in lieu of a corporate surety bond must be held or deposited at a federally insured financial institution as defined by Section 655.005(1)(h), F.S. The originally executed Form OFR-560-05, Pledge Agreement, effective 1/1/2007, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The Pledge Agreement bond form included in Form OFR-MT-5-01, must be executed by the federally insured financial institution and the applicant.

(4) No change.

(5)(a) The amount of the surety bond, collateral deposit, or combination thereof shall under no circumstances be for an amount less than \$50,000. The amount of the surety bond or collateral deposit shall not exceed \$250,000 except as provided in paragraph (b). The amount of the surety bond shall be calculated based upon 2% of the applicant's projected total U.S. dollar volume of transactions for the first year of operation in accordance with the table below. Thereafter a registrant shall calculate annually the required amount of their surety bond based upon 2% of the registrant's total U.S. dollar volume of transactions for the preceding 12 month period in accordance with the table below.

<u>2% of U.S. dollar volume</u>	<u>Required amount of security device</u>
<u>\$0 – \$50,000</u>	<u>\$50,000</u>
<u>\$50,001 – \$100,000</u>	<u>\$100,000</u>
<u>\$100,001 – \$150,000</u>	<u>\$150,000</u>
<u>\$150,001 – \$200,000</u>	<u>\$200,000</u>
<u>\$200,001 – \$499,999</u>	<u>\$250,000</u>

(b) In accordance with paragraph 560.209(2)(a), F.S., the amount of the surety bond, collateral deposit, or combination thereof shall be \$500,000 under the following extraordinary circumstances. For the purposes of this rule, "extraordinary circumstances" means:

1. if the registrant's total U.S. dollar volume of transactions for the preceding 12 month period exceeds \$25,000,000; or,

2. if the total number of active locations/vendors as determined in paragraph (6)(b) of this rule is greater than 250.

(6)(a) For purposes of compliance with the provisions of this rule, a registrant shall calculate the amount of their surety bond, collateral deposit, or combination thereof in accordance with subsection (5) of this rule each December 31st for the preceding 12 months.

(b) For purposes of compliance with subparagraph (5)(b)2. of this rule the number of active locations/vendors shall be the number of branches in operation and the number of vendors currently under contract with the registrant on December 31st.

(7) After completing one full year of registration, each registrant shall annually file on Form OFR-560-07, Security Device Calculation Form, revised 1/1/2007, which is hereby incorporated by reference and available on the Office website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376, the required information regarding the registrant's amount of surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year for the preceding calendar year. If based on the registrant's calculation, the amount of the device must be increased, the registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form OFR-560-07, Security Device Calculation Form.

~~(b) The required bond, collateral deposit or combination thereof for renewal registration shall be calculated in accordance with Form OFR-MT-6-01.~~

~~(c) The required bond, collateral deposit or combination thereof shall not exceed \$250,000.00, unless the Office of Financial Regulation determines that an extraordinary circumstance, such as those of Section 560.209(2)(a), F.S., exists which requires an additional amount above \$250,000.00. However, the maximum bond, collateral deposit or combination thereof shall be \$500,000.00.~~

~~(8)(6) The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the Office of Financial Regulation determines that the registrant's outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.~~

~~(9)(7) A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the Office of Financial Regulation. If the Office of Financial Regulation at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the Office of Financial Regulation shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.~~

(10) All forms incorporated by reference in this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.402, Amended _____.

~~69V-560.602 Quarterly Reports to Be Filed by Check Cashers.~~

~~(+) Every money transmitter registered pursuant to the Code registered check-casher shall submit a quarterly report to the Office of Financial Regulation by filing a completed on Form OFR-560-04MT-1-01, Money Transmitter Quarterly Report Form, effective 1/1/2007 10/01, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. A completed quarterly report form Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a Saturday, Sunday weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.~~

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended _____.

~~69V-560.606 Annual Filing of Financial Statements by Part II Registrants.~~

~~No change.~~

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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