

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:                   RULE TITLE:

5J-14.003                   Definitions

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.003, F.A.C., is to define additional terms used to implement Section 849.094, F.S.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.003, F.A.C., defines terms used in the administration of the game promotion statute.

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(1), 849.094(3), 849.094(5) FS.

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

DATE AND TIME: Thursday, September 6, 2007, 10:00 a.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.003 Definitions.

(1) "Commencement of the game promotion" shall mean the date the game promotion begins which is disclosed in the filing made to the Department pursuant to Section 849.094(3), Florida Statutes.

(2) As used in these rules, "element" shall mean:

(a) A unique component of a contest, game of chance, or gift enterprise;

(b) Which is allocated to a single participant by operation of the rules of the contest, game of chance, or gift enterprise; and

(c) Which is the factor determining whether or not the participant is entitled to a prize under the rules of the contest, game of chance, or gift enterprise.

(3) "In connection with the sale of consumer products or services" shall mean the opportunity for a consumer to participate in the contest, game of chance, or gift enterprise directly results from the completion of a single retail sales transaction between a merchant or service provider and an end-use purchaser of the product or service.

(a) Any means by which a player may provide direct consideration for continued participation in the contest, game of chance, or gift enterprise after completion of the retail sales transaction is not "in connection with the sale of consumer products or services" and shall be deemed separate and apart from participation in the game promotion.

(b) Conversion of any prize awarded by participation in the contest, game of chance, or gift enterprise directly into additional opportunities to continue such participation is not "in connection with the sale of consumer products or services" and shall be deemed separate and apart from participation in the game promotion.

(4) "Operator" shall include "sponsor," "promoter," or "administrator."

Specific Authority 849.094(8) FS. Law Implemented 849.094(1), 849.094(3), 849.094(5) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:                   RULE TITLE:

5J-14.004                   Separate Promotions

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.004, F.A.C., is to clarify the statutory requirement for filing each game promotion separately.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.004, F.A.C., applies the requirement for filing separate game promotions to situations where a single entity simultaneously operates similar games.

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(3) FS.

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

DATE AND TIME: Thursday, September 6, 2007, 11:00 a.m.  
 PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.004 Separate Promotions.

- (1) Each single contest, game of chance, or gift enterprise is a separate game promotion.
- (2) A single contest, game of chance, or gift enterprise consists of a finite number of readily-identifiable elements, entitling a player to an award of one of the designated prizes, within a greater number of elements which do not entitle the player to a prize award.
- (3) Multiple physical locations linked to a central data processing facility, which is owned, controlled, or maintained by the Operator, do not constitute a single game promotion if:
  - (a) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations have different rules of operation; or
  - (b) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations award different designated prizes; or
  - (c) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations have different periods of duration; or
  - (d) The odds of a player receiving a winning element in one location are adjusted constantly by one or more mathematical calculations, whether performed in the central

data processing facility or in a separate physical location, and thus differ at any time from the odds of another player in another location receiving a winning element; or

(e) Without notice to any player, each separate location may proceed immediately to a subsequent contest, game of chance, or gift enterprise once the winning elements for all designated prizes are awarded to players.

Specific Authority 849.094(8) FS. Law Implemented 849.094(3) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.099821	Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the rule development is to adopt procedures for the Department to calculate each Voluntary Prekindergarten (VPK) provider's 2006-07 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK Education Program during the 2006-07 school year and who are administered the statewide kindergarten screening during the 2007-08 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten readiness rates.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Readiness Rate.

SPECIFIC AUTHORITY: 1002.79 FS.

LAW IMPLEMENTED: 1002.69 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

- DATES AND TIMES: 4:00 p.m. – 7:00 p.m., September 11, 2007  
 5:00 p.m. – 7:30 p.m., September 12, 2007  
 4:00 p.m. – 7:00 p.m., September 18, 2007  
 6:00 p.m. – 8:00 p.m., September 19, 2007  
 4:00 p.m. – 7:00 p.m., September 20, 2007  
 4:00 p.m. – 7:00 p.m., September 24, 2007  
 4:00 p.m. – 7:00 p.m., September 27, 2007

PLACES: September 11, 2007 – Florida Community College at Jacksonville, 101 West State Street, Technology Building, Room T140-141, Jacksonville, Florida  
 September 12, 2007 – The Children's Board of Hillsborough County, 1002 East Palm Avenue, Tampa, Florida  
 September 18, 2007 – Palm Beach, FL (For the exact location, please call the Department of Education, Office of Early Learning at 1(866)447-1159.)  
 September 19, 2007 – Three Oaks Library, 21100 Three Oaks Parkway, Estero, Florida

September 20, 2007 – Miami Child Development Services (CDS) Office, 2525 N.W. 62nd Street, 2nd Floor, Miami, Florida

September 24, 2007 – Florida Department of Education, 325 West Gaines Street, Suite 1721/25, Tallahassee, Florida

September 27, 2007 – Double Tree Hotel, Osceola Room, 5780 Major Boulevard, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan Goff, Office of Early Learning, Florida Department of Education, 325 West Gaines St., Suite 1524, Tallahassee, Florida 32399-0400, (850)245-0445

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

**DEPARTMENT OF TRANSPORTATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-86.001	Purpose
14-86.002	Definitions
14-86.003	Exceptions, Permit, and Assurance Requirements
14-86.004	Permit Application Procedure
14-86.005	General Conditions for a Drainage Permit
14-86.006	Permit and Exception, Suspension, or Revocation
14-86.007	Forms
14-86.008	Recovery of Fines, Penalties, and Costs

**PURPOSE AND EFFECT:** This is a substantial amendment to Rule Chapter 14-86, F.A.C. It amends existing rules, adopts a new rule, repeals the Forms rule, and incorporates by reference a Drainage Manual and a revised form to replace two obsolete forms.

**SUBJECT AREA TO BE ADDRESSED:** Rule Chapter 14-86, F.A.C., is being amended.

**SPECIFIC AUTHORITY:** 334.044(2), (15) FS.

**LAW IMPLEMENTED:** 334.044(1), (10)(a), (15), 336.045(1), 337.401(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**DRAINAGE CONNECTIONS PERMIT**

14-86.001 Purpose.

The purpose of this rule chapter is to regulate and prescribe ensure safe conditions for the transfer of stormwater to and the integrity of the Department of Transportation’s right of way as a result of manmade changes to adjacent properties, through a permitting process designed to ensure the safety and integrity of Department facilities and to prevent an unreasonable burden on lower properties transportation facilities and to prevent an unreasonable burden on lower properties by providing standards and procedures for drainage connections from the properties adjacent to the Department’s right of way. All Department actions taken pursuant to this rule chapter shall be in accordance with Section 120, F.S.

Specific Authority 334.044(2), ~~(15)~~ FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) ~~(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f)~~ FS. History–New 11-12-86, Amended \_\_\_\_\_.

14-86.002 Definitions.

As used in this rule chapter the following terms shall have the following meanings:

(1) “Adjacent Property” means.

(a) any real property or easement with a shared boundary to the Department’s facility or.

(b) any real property or easement with a hydraulic link via a drainage connection across other properties or easements to the Department’s right of way.

(2) “Applicant” means the owner of adjacent property or the owner’s authorized representative.

(3)(4) “Applicable Standards” or “Applicable Wwater Quality Standards or minimum design and performance standards” means rules and regulations of a governmental entity pertaining to stormwater discharges from those discharge standards of the appropriate regulatory entity which apply to the Department’s facilities to which the drainage connection is made facility being connected to.

(4)(2) “Approved Stormwater Management Plan” or “Master Drainage Plan” means a regional plan adopted or approved by a city, county, water management district, or other agency with specific drainage or stormwater management authority responsibility; provided that

(a) Such plan is actively being implemented;

(b) Any required construction is substantially complete;

(c) Appropriate downstream mitigation mitigative measures have been provided for in the plan; and

(d) That the use of any Department facilities either existing or planned, which are part of such plan have been coordinated with and agreed to by the Department.

(5) “Closed Basin” means a basin without any positive outlet.

~~(6)(3)~~ “Critical Duration” means the length of time duration of a specific storm frequency event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-improvement development runoff less pre-improvement development runoff) for typical durations up through and including the 10-day duration for closed basins and up through the 3-day duration for basins with positive outlets event. The critical duration for a given storm frequency is determined by calculating comparing various durations of the specified storm and calculating the peak rate and volume of stormwater runoff for various storm durations and then comparing the pre-improvement and post-improvement conditions for each of the storm durations. The duration resulting in the highest peak rate or largest net total stormwater volume is the “critical duration” storm (volume is not applicable for basins with positive outlets).

(7) “Department” means the Florida Department of Transportation.

(8) “Discharge” means the event or result of stormwater draining or otherwise transferring from one property to another or into surface waters.

~~(9)(4)~~ “Drainage Connection” means any structure, pipe, culvert, device, paved or unpaved area, swale, ditch, canal, or other appurtenance or feature, whether naturally occurring or created, which is used or functions as a link to convey or otherwise conveys stormwater runoff or other surface water discharge from the adjacent property to the Department’s facility.

~~(5)~~ “Engineer” means a Professional Engineer registered in Florida pursuant to the provisions of Chapter 471, F.S., who as appropriate is competent in the fields of hydraulics, hydrology, stormwater management or stormwater pollution control.

~~(10)(6)~~ “Facility” or “Facilities” means anything built, installed, or maintained by the Department all man-made or natural features within the Department’s right-of-way or easement including, but not limited to curbs, gutters, swales, ditches, canals, channels, culverts, pipes, retention and detention areas.

~~(11)(7)~~ “Impervious Area” means surfaces which do not allow, or minimally allow, the penetration of water. Examples of impervious areas are building roofs, all concrete and asphalt pavements, compacted limerock areas, lakes, ponds and other standing water areas, including some retention/detention areas.

~~(12)(8)~~ “Improvement” means any man-made change to adjacent property adjacent to the Department’s right of way made after the effective date of this rule chapter.

~~(13)~~ “Licensed Professional” means a professional engineer or other professional registered in Florida, as authorized by law to design and certify the stormwater management system under review, who possesses expertise, as

demonstrated by education and experience, in the fields of hydrology, drainage, flood control, erosion and sediment control, stormwater pollution control, storm drain hydraulics, and pavement hydraulics.

~~(14)~~ “Man-made Change” means any intentional physical change to or upon adjacent property, or foreseeable change resultant from an intentional physical change, which establishes or alters the rate, volume, or quality of stormwater.

~~(15)~~ “Permit” or “Drainage Connection Permit” means an authorization to establish or alter a drainage connection to the Department’s right of way issued pursuant to this rule chapter.

~~(16)~~ “Permittee” means the entity to which a Drainage Connection Permit is issued.

~~(17)(9)~~ “Positive Outlet” means a point of stormwater runoff discharge into surface waters which under normal conditions would drain by gravity through surface waters ultimately to the Gulf of Mexico, or the Atlantic Ocean, or into sinks or closed lakes provided the receiving waterbody has been identified by the appropriate Water Management District as functioning as if it recovered from runoff by means other than transpiration, evaporation, percolation, or infiltration.

~~(18)~~ “Post-improvement” means the condition of property after the improvement which requires a Drainage Connection Permit is made.

~~(19)(10)~~ “Pre-improvement” means is the condition of property before any man-made change to the property, and includes any drainage connections previously permitted under this Rule Chapter or permitted by another governmental entity based on stormwater management requirements equal to or more stringent than those in this rule chapter the effective date of this rule chapter.

~~(20)~~ “Right of Way” means land in which the Department owns the fee or less than the fee, or for which the Department has an easement, devoted to or required for use as a transportation or stormwater management facility.

~~(21)(11)~~ “Stormwater” or “Stormwater Runoff” means the flow of water which results from and occurs immediately following a rainfall event.

~~(22)~~ “Stormwater Management System” means a system which is designed and constructed or implemented to control stormwater, incorporating methods to collect, convey, store, infiltrate, treat, use, or reuse stormwater to prevent or reduce flooding, overdrainage, environmental degradation, pollution, and otherwise affect the quantity or quality of stormwater in the system.

~~(23)(12)~~ “Surface Water” means water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits onto the earth’s surface.

~~(24)(13)~~ “Watershed” means the region draining or contributing water to a common outlet, such as a stream, lake or other receiving area.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.003 Exceptions Exemption, Permit, and Assurance Requirements.

(1) Exceptions Exemption. The following improvements to adjacent property do not require a drainage connection permit so long as any drainage connection from the adjacent property does not threaten the safety and integrity of the Department of Transportation's facilities and does not create an unreasonable burden on lower properties, including violations of applicable water quality standards:

(a) ~~All~~ Single-family residential improvements which are not part of a larger common plan of improvement or sale ~~are exempt from the provisions of this Rule Chapter.~~

(b) ~~All improvements related to Agriculture and silviculture~~ improvements which are regulated by the Department of Environmental Protection Regulation or regional Wwater Mmanagement Ddistricts or which ~~meet generally accepted engineering practice for drainage and water management are exempt from the provisions of this Rule Chapter.~~

(c) Any improvement other plan of improvement is presumptively excepted exempt from the requirements to obtain a Drainage Connection Permit provisions of this Rule Chapter provided that all of the following apply are complied with:

1. The total impervious area, after improvement, must be less than 5,000 square feet of cumulative impervious area and is less than 40% of, with a maximum of 5,000 square feet of buildings and paved surfaces for that portion of the adjacent property that naturally drained to the Department's right-of-way, provided it is not part of a larger common plan of improvement or sale;

2. The improvement does not create or alter ~~includes no work to be done on the Department's right of way which creates or alters~~ a drainage connection;

3. The improvement does not change flow patterns of stormwater to the Department's right of way, and does not increase the surface area draining to the Department's right of way.

~~4.3-~~ The property is located in a watershed which has a positive outlet.

5. The site or improvement is not part of a larger common plan of improvement or sale.

Any of the foregoing exceptions shall be revoked if any drainage connection from the adjacent property threatens the safety and integrity of the Department of Transportation facilities or creates an unreasonable burden on lower properties, including violations of applicable water quality standards.

(2) Permit. All improvements that are not exempted in subsection Rule 14-86.003(1), F.A.C., require a Drainage Connection Permit, Form 850-040-XX( /07), whether or not the work is done in conjunction with a driveway connection and whether or not the improvement retains stormwater runoff on the adjacent property to and including the 100 year event of critical duration vehicular connection.

(3) Assurance Requirements.

(a) The applicant for a drainage connection permit shall provide reasonable assurances that:

1. The peak discharge rates and/or total volumes of stormwater discharging from the adjacent property to the Department's right of way are those provided for in an approved stormwater management plan or master drainage plan; otherwise the post-improvement stormwater runoff discharging discharge from the adjacent property to the Department's right of way ~~under control of the applicant~~ shall not exceed the more stringent of the following:

a. The peak discharge rates and/or total volumes allowed by applicable local regulation; or

b. The improvement pre-improvement peak stormwater runoff discharge rates shall not increase stormwater discharge be increased, and in addition in watersheds which do not have a positive outlet, the post-improvement stormwater runoff total volumes shall not be increased above the pre-improvement condition, and in watersheds which do not have a positive outlet, the post-improvement total volume of stormwater runoff shall not be increased considering worst case storms for up to the frequencies and durations contained in paragraph 14-86.003(3)(c), F.A.C.

2. Any discharge pipe establishing or constituting a drainage connection to the Department's right of way shall be limited in size based on the pre-improvement discharge rate, downstream conveyance limitations, and downstream tailwater influences. The applicant's stormwater runoff discharge coming to the Department's facility through the created features of the drainage connection may not exceed its prorata share allowed by either the design capacity of the Department's facility or by other governmental entities.

3. If the improvement changes the inflow pattern of stormwater or method of drainage connection to the Department's right of way, the applicant shall demonstrate that post-improvement discharge will not exceed the pre-improvement discharge to the Department's right of way and that any new drainage connection does not threaten the safety or integrity of the Department's right of way and does not unreasonably increase maintenance costs to the Department. This demonstration shall at a minimum include analyzing pavement hydraulics, ditch hydraulics, storm drain hydraulics, cross drain hydraulics, and stormwater management facilities. The analysis must follow the methodology used in the design of the Department's facilities receiving the discharge and meet the criteria in the

Department's Drainage Manual, Topic Number 625-040-002-c, January 2008, incorporated herein by reference. The Drainage Manual is available on from the Department at: <http://www.dot.state.fl.us/rddesign/dr/Manualsandhandbooks.htm>.

~~4.3-~~ The quality of water conveyed by the connection meets all applicable water quality standards ~~or minimum design and performance standards~~, and such assurance shall be certified in writing. In the event the discharge is identified causing or contributing to a violation of applicable water quality standards, the permittee will be required to incorporate such abatement as necessary to bring the permittee's discharge into compliance with applicable standards.

(b) If the requirements set forth in paragraph Rule 14-86.003(3)(a), F.A.C., cannot reasonably be fully complied with, the applicant may submit alternative drainage connection designs which will require the approval of the District Secretary. The analysis supporting the proposed alternative connection must follow the methodology used in the design of the Department's facilities receiving the proposed alternative drainage connection and meet the criteria of the Department's Drainage Manual. Acceptance of any alternative designs must serve shall be based upon maximum achievement of the purpose of this rule chapter and shall be based upon consideration of the following:

1. The type of stormwater management practice proposed;
2. The probable efficacy and costs of alternative controls;
3. The impact upon the operation and maintenance of the Department's facilities facility; and
4. The public interest served by the drainage connection.

(c) In providing reasonable assurances, the applicant shall:

1. Use a methodology which is compatible with the methodology employed used in the design of the Department's facilities receiving the stormwater facility; and

2. Determine the peak stormwater runoff discharge rates considering various rainfall event frequencies up to and including a 100 year event of critical duration of up to three days; and

3. In watersheds without a positive outlet, determine the stormwater runoff total volumes considering various rainfall amounts up to a 100 year rainfall frequency of critical durations of up to ten days. The retention volume required to comply with this rule must meet the pond recovery criteria in the Department's Drainage Manual.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History--New 11-12-86, Amended \_\_\_\_\_.

14-86.004 Permit Application Procedure.

(1) An applicant shall submit a Drainage Connection Permit, apply for a drainage connection permit on Form 850-040-06 (07/07), incorporated herein by reference 592-12.

~~This~~ These forms may be obtained from any of the Department's local area Maintenance Offices, District Offices, or on the internet at the Department's website: <http://www2.dot.state.fl.us/proceduraldocuments/forms/forms.asp>. regional maintenance offices.

(2) The applicant shall submit four completed Drainage Connection Permits application forms. Each completed Drainage Connection Permit form shall include all required attachments. All required signed and sealed plans and supporting documentation shall be submitted on no larger than 11" x 17" multipurpose paper and included in PDF format on a CD.

~~(3) When the improvement is for agricultural or silvicultural use and is not exempt under paragraph 14-86.003(1)(b), F.A.C., or the improvement is a residential duplex, triplex, or quadraplex structure which is not part of a larger common plan of improvement, and when the improvement will have less than 10,000 square feet of buildings and paved surfaces of which no more than 5,000 square feet is located within 250 feet of the Department's right-of-way line; in lieu of providing the information required in subsection 14-86.004(4), F.A.C., below, the activity description required on the permit form may be expanded to contain sufficient information to provide the reasonable assurances required in subsection 14-86.003(3), F.A.C. However, the applicant shall certify full knowledge of and intent to comply with the conditions for issuance of the permit.~~

~~(3)(4)~~ The Drainage Connection Permit shall be accompanied by: For improvements other than those specified in subsection 14-86.004(3), F.A.C., the permit application shall be accompanied by:

(a) A location map, included in the construction plans, sufficient to show the location of the improvement and any drainage connection to the Department's right of way, and shall include the state highway number, county, city, and section, range, and township. An affidavit of ownership or control of the property, a legal description of the property, and a statement that the total contiguous property owned or controlled by the applicant is that shown and described.

~~(b) A map sufficient to show the location of the improvement and the drainage connection, and as applicable shall include the state highway number, county, city, and section, range, and township.~~

~~(b)(c)~~ A grading plan drawn to scale showing pre-improvement and post-improvement site conditions including all pervious and impervious surfaces, land contours, spot elevations, and all drainage facilities both of the Department and of the adjacent property improvement. Existing conditions will be accepted only if pre-improvement conditions cannot be established. The bench mark datum for the plans (whether NGVD 29 or NAVD 88) shall be noted on the plans. Elevations shall be based upon National Geodetic Vertical Datum (NGVD). Contour information shall extend 50

feet beyond the property boundaries or be sufficient to clearly define the portion of the watershed which drains through the property to the Department's right of way facilities.

~~(c)(d)~~ Sufficient photographs to accurately depict pre-improvement and present conditions. Photographs to accurately depict pre-improvement and present conditions.

~~(d)(e)~~ Sufficient soil borings and water table data and, where percolation or infiltration is utilized in the design, appropriate percolation test methodology and results.

~~(e)(f)~~ Computations as required by subsection 14-86.003(3), F.A.C.

~~(f)(g)~~ The Drainage Connection Certification by an, Part 3 of the permit application must be certified by a Licensed Professional Engineer that the complete set of plans and computations comply with either one of the following Rules: paragraph 14-86.003(3)(a) or 14-86.003(3)(b), F.A.C.

(4) Improvements which otherwise meet the criteria of subparagraphs 14-86.003(1)(c)1. and 14-86.003(1)(c)4., F.A.C., but which create or alter a drainage connection to the Department's right of way, will not require submittal of the information required by paragraphs 14-86.004(3)(d) through (f), F.A.C., but will otherwise require the submittal of all other required information.

~~(5) — Permits requested pursuant to subsection 14-86.003(2), F.A.C., which meet the criteria of subparagraphs 14-86.003(1)(c)1. and 14-86.003(1)(c)3., F.A.C., but which require work to be done on the Department's right of way contrary to subparagraph 14-86.003(1)(c)2., F.A.C., will not require submittal of the information required by paragraphs 14-86.004(4)(e) through (g), F.A.C.~~

~~(5)(6)~~ The Department recognizes that regulatory and permitting programs exist or may be developed in the future by local units of government, and state or federal agencies which may overlap with some or all of the requirements of this rule ~~e~~Chapter. In order to avoid duplication the Department may ~~will~~:

(a) In lieu of the requirements in Rules 14-86.003 and subsection 14-86.004(4), F.A.C., accept a permit that accomplishes the purposes of this rule chapter so long as the permit is issued by a governmental entity with specific stormwater management authority and Surface Water Management Permit issued by a Water Management District, a Surface Water Management Permit issued by a delegated local government or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided, issuance is based on requirements equal to or more stringent than those in Rule 14-86.003, F.A.C.; or

(b) Accept any form, plans, specifications, drawings, calculations, or other data developed to support an application for a permit required by a governmental entity the appropriate agency, pursuant to any rule which establishes requirements equal to or more stringent than Rules 14-86.003, F.A.C., ~~in lieu of any such submittals required by Rule 14-86.004.~~

Specific Authority 334.044(2), ~~(15)~~ FS. Law Implemented 334.03 ~~(1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f)~~ FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.005 General Conditions for a Drainage Permit.

(1) A ~~Department~~ Drainage ~~Connection~~ Permit does not exempt the permittee from meeting all other applicable regulations and ordinances governing ~~for~~ stormwater management.

(2) All work done in conjunction with the drainage connection permit shall meet and adhere to all general and specific conditions and requirements contained on the Permit.

(3) Within 15 days after completion of the work authorized by an approved Drainage ~~Connection~~ Permit, the permittee applicant shall notify the Department in writing of the completion; and for all design work that originally required certification by Licensed Professional an Engineer, this notification shall contain the As Built ~~Certification~~, Part 8 of the Permit. The certification shall state that work has been completed in substantial compliance with the Drainage Connection Permit.

(4) This rule does not address or authorize the discharge of groundwater, treated or untreated, to the Department's right of way.

~~(5)(4)~~ The permittee or property owner, jointly and severably, will be required to reimburse the Department for any expenses (fees, fines, penalties, abatement costs, clean up, etc.) incurred by the Department in the event the permittee's discharge fails to meet the applicable water quality standards or minimum design and performance standards contrary to the permittee's assurances provided in subsection Rule 14-86.003(3), F.A.C.

Specific Authority 334.044(2), ~~(15)~~ FS. Law Implemented 334.03 ~~(1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f)~~ FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.006 Permit and Exception, Suspension, or Revocation.

A permit may be suspended or revoked if:

(1) The permitted drainage connection is not constructed, operated, or maintained in accordance with the permit;

(2) Emergency conditions or hazards exist;

(3) False or misleading information is submitted to the Department in the Drainage Connection Permit form;

(4) The As-built ~~Certificate~~ required for the Drainage Connection Permit form is not submitted in accordance with subsection required in Rule 14-86.005(3), F.A.C. is not timely submitted.

(5) Any unpermitted discharge from the adjacent property occurs.

Specific Authority ~~334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Amended \_\_\_\_\_.~~

14-86.007 Forms.

Specific Authority 334.044(2) FS. Law Implemented 120.53(1)(b), 120.60, 334.03(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Repealed \_\_\_\_\_.

14-86.008 Recovery of Fines, Penalties, and Costs.

The Department is authorized to recover fines, penalties, and costs incurred by the Department due to actions or omissions of a permittee or adjacent property owner resulting in any discharge that threatens the safety and integrity of Department facilities or unreasonably burdens lower properties, including violations of applicable water quality standards, and including discharges from otherwise exempt adjacent properties. The permittee or adjacent property owner shall each be responsible to reimburse the Department for any costs (e.g., expenses, fees, fines, penalties, abatement costs, mitigation costs, remediation costs, etc.) incurred by the Department resultant from a discharge from the adjacent property to the Department’s right of way which threatens the safety and integrity of Department facilities, unreasonably burdens lower properties, or violates applicable water quality standards.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(1), (10)(a), (15), 336.045(1), 337.401(1) FS. History–New \_\_\_\_\_.

**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.”

**ADMINISTRATION COMMISSION**

RULE NO.:                      RULE TITLE:  
28-101.001                      Statement of Agency Organization and Operation

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to clarify the filing date of documents not filed during business hours.

SUBJECT AREA TO BE ADDRESSED: Filing of documents.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)7. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-101.001 Statement of Agency Organization and Operation.

- (1) No change.
- (2) The Statement of Agency Organization and Operation shall:
  - (a) through (d) No change.
  - (e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:
    1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.
    2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the agency as a result.
    3. That the filing date for a document transmitted by electronic mail or by facsimile shall be the date the agency receives the complete document. Any document received by the office of the agency clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

(f) through (g) No change.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)7. FS. History–New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.:                      RULE TITLE:  
28-104.005                      Time for Consideration of Emergency Petition

PURPOSE AND EFFECT: The purpose of the proposed amendment is to add a requirement that an agency inform interested persons of the right to submit comments in the notice.

SUBJECT AREA TO BE ADDRESSED: Notice of emergency petition.



SPECIFIC AUTHORITY: 120.54(5)(b)8., 120.542(3) FS.

LAW IMPLEMENTED: 120.542(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-104.005 Time for Consideration of Emergency Petition.

(1) No change.

(2) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any notice under this subsection shall inform interested persons of the right to submit comments. ~~Any Interested persons or other agencies~~ may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(3) through (5) No change.

Specific Authority 120.54(5)(b)8., 120.542(3) FS. Law Implemented 120.542(3) FS. History--New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-106.301  
 RULE TITLE: Initiation of Proceedings

PURPOSE AND EFFECT: The purpose of the proposed amendment is to reflect statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Initiation of proceedings.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.301 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) through (e) No change.

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; ~~and~~

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action; and

(h) A statement that no material facts are in dispute.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History--New 4-1-97, Amended 9-17-98, 1-15-07,\_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-106.302  
 RULE TITLE: Notice of Proceeding

PURPOSE AND EFFECT: The purpose of the proposed amendment is to add statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Notice of proceeding.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.302 Notice of Proceeding.

(1) No change.

(2) The agency may schedule a hearing on the matter for the purpose of taking oral evidence or argument. If it does so, the agency shall serve written notice at least 14 days prior to the hearing, setting forth the place, date, and time of the hearing, and legal authority and jurisdiction under which the hearing is to held.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History--New 4-1-97, Amended 3-18-98,\_\_\_\_\_.

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:

28-106.501 Emergency Action

PURPOSE AND EFFECT: The purpose of the proposed amendment is to clarify the rule and comport with statutory language.

SUBJECT AREA TO BE ADDRESSED: Emergency action.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.60(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, FL 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.501 Emergency Action.

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall enter an emergency order summarily suspending, limiting, or restricting a license, or taking such other emergency action as is authorized by law.

(2) The agency's emergency order shall include a notice of the licensee's (or person or entity subject to the agency's jurisdiction) right to an immediate appeal of the emergency final order pursuant to Section 120.569(2)(n) or 120.60(6), F.S.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History--New 1-15-07, Amended\_\_\_\_\_.

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:

28-106.601 Conflict

PURPOSE AND EFFECT: The purpose of the proposed rule is to address conflicts of interest when an agency is entering a final order.

SUBJECT AREA TO BE ADDRESSED: Conflicts of interest for agency attorneys.

SPECIFIC AUTHORITY: 120.54(5), F.S.

LAW IMPLEMENTED: 120.569, 120.57, 120.60, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, The Capital, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Part VI Conflict

28-106.601 Conflict.

Following receipt of a recommended order, the agency attorney or qualified representative who acts on behalf of the agency in the conduct of the hearing will not serve as legal advisor to the agency head during subsequent proceedings which result in the issuance of the final order.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History--New\_\_\_\_\_.

ADMINISTRATION COMMISSION

RULE NOS.: RULE TITLES:

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment

28-112.002 Final Disposition on Petition for Exception

PURPOSE AND EFFECT: Proposed new rules address petitions for exception to uniform rules relating to state employment.

SUBJECT AREA TO BE ADDRESSED: Petitions for exception to uniform rules relating to state employment and the final disposition on petitions for exception.

SPECIFIC AUTHORITY: 14.202 FS.

LAW IMPLEMENTED: 110.201, 110.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

EXCEPTION TO UNIFORM RULES RELATING TO STATE EMPLOYMENT

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment.

(1) The agency head shall file a petition with the Administration Commission for an exception to uniform rules as provided in Sections 110.201(1)(b) and 110.217, F.S., that includes the following:

- (a) Grounds for the request for the exception.
- (b) Citation to the particular uniform rule for which each exception is sought.
- (c) Specific citation to the provisions of existing agency rule for which an exception is sought, if any.
- (d) Attachment of the proposed rule language as an exhibit to the petition.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

- (a) The name of the agency seeking an exception;
- (b) The uniform rule from which the exception is sought;
- (c) The date the matter is expected to be heard by the Administration Commission; and
- (d) The contact name, address, and phone number where a copy of the petition may be obtained.

(3) The Administration Commission shall provide interested persons with the opportunity to file written statements or make oral presentations in support of or in opposition to the exception.

Specific Authority 14.202 FS. Law Implemented 110.201, 110.217 FS. History—New \_\_\_\_\_.

28-112.002 Final Disposition on Petition for Exception. The Administration Commission shall publish, at the agency's expense, notice in the next available edition of the Florida Administrative Weekly of the disposition of the petition, and

shall transmit a copy of the notice to the Joint Administrative Procedures Committee, the Department of State, and any person who requests a copy.

Specific Authority 14.202 FS. Law Implemented 110.201, 110.217 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.003  
 RULE TITLE: Range of Disciplinary Actions  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of disciplinary actions that can be appealed and the entities to which they may be appealed.

SUBJECT AREA TO BE ADDRESSED: Appeal of employee disciplinary action.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Public Employees Relations Commission ~~Career Service Commission~~. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel Officer ~~Manager~~.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

(1) through (35) No change.

Specific Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History–New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: The District previously published a notice of rule development in the December 9, 2005, Volume 31, Number 49 issue of the Florida Administrative Weekly. The purpose of this second notice of rule development is to incorporate by reference an Agreement between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program. Miami-Dade County will be delegated authority to review and issue environmental resource permits in uplands and wetlands within the designated boundaries of delegation. Authority for compliance and enforcement of these projects will also be delegated. Projects within the boundaries of the Comprehensive Everglades Restoration Project, sovereign submerged lands, and certain other activities will not be delegated to the County and will remain with the Department of Environmental Protection or the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: To incorporate by reference an Agreement between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.103(8), 373.113, 373.171, 373.413, 373.418, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.046, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: October 9, 2007, 10:00 a.m.

PLACE: Miami-Dade County Department of Environmental Resources Management, 2nd Floor Training Room of the Overtown Transit Village Building, 701 N.W. 1 Court, Miami, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Damon Meiers, Deputy Department Director – Regulation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045 ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) through (k) No change.

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

(2) No change.

Specific Authority 373.044, 373.046, 373.103(8), 373.113, 373.171, 373.413, 373.418, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.046, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS****South Florida Water Management District**

RULE NO.: RULE TITLE:  
40E-400.315 No Notice General Permit for  
Activities in Uplands

**PURPOSE AND EFFECT:** The District previously published a notice of rule development in the December 16, 2005, Volume 31, Number 50 issue of the Florida Administrative Weekly. The purpose of this second notice is to delete language containing a partial delegation to Miami-Dade County as a new delegation will be addressed through the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County.

**SUBJECT AREA TO BE ADDRESSED:** Thresholds and additional conditions within Miami-Dade County for no notice general permits for activities in uplands.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

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

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

**DATE AND TIME:** October 9, 2007, 10:00 a.m.

**PLACE:** Miami-Dade County Department of Environmental Resources Management, 2nd Floor Training Room of the Overtown Transit Village Building, 701 N.W. 1 Court, Miami, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Damon Meiers, Deputy Department Director – Regulation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: [dmeiers@sfwmd.gov](mailto:dmeiers@sfwmd.gov). For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045 ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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

40E-400.315 No Notice General Permit for Activities in Uplands.

(1) No change.

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

~~(b) Thresholds and Additional Conditions Within Dade County.~~

~~1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.~~

~~2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.~~

~~(b)(e) Thresholds and Additional Conditions Within Collier County.~~

1. The project must have less than 40 acres total land area.

2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Division of Alcoholic Beverages and Tobacco**

RULE NO.: RULE TITLE:  
61A-1.0101 Product Displays

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for product displays to be given without being considered unlawful gifts, loans of money or property, or rebates.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

**SPECIFIC AUTHORITY:** 561.11 FS.

**LAW IMPLEMENTED:** 561.08, 561.42 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic

Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0102                      RULE TITLE: Point of Sale Advertising Items

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for point of sale advertising items to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0103                      RULE TITLE: Consumer Advertising Specialty Items

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for consumer advertising specialty items to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0104                      RULE TITLE: Alcoholic Beverage Samples

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for alcoholic beverage samples to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-1.0105               Brand Images

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for brand images to be provided without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-1.0106               Advertisements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for advertisements to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-1.0107               Inside Signs Advertising Brands

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for inside signs advertising brands to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0108  
RULE TITLE: Combination Packages

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for combination packages to be provided without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0109  
RULE TITLE: Point of Sale Coupons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for point of sale coupons to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01010  
RULE TITLE: Premium Offers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for premium offers to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01011      RULE TITLE: Sweepstakes, Drawings, or Contests

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for sweepstakes, drawings, or contests to be provided without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01012      RULE TITLE: Vendor's Property Included in Contests or Sweepstakes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for a vendor's property to be included in contests or sweepstakes without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01013      RULE TITLE: Vendor-Sponsored Tournaments

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for participation in vendor-sponsored tournaments to not be considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01014  
RULE TITLE: Gifts to Those Who Are Not Licensed Vendors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for gifts for those who are not licensed vendors to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01015  
RULE TITLE: Private Labels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for vendor ownership of private labels to not be considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-1.011  
RULE TITLE: License Fees and Examination Fees

PURPOSE AND EFFECT: The Commission will be reviewing the license and examination fees, and will eliminate the Fingerprinting Card Processing fees.

SUBJECT AREA TO BE ADDRESSED: License Fees and Examination Fees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-113.100  
 RULE TITLE: Purpose

**PURPOSE AND EFFECT:** The Department proposes to repeal the partial delegation of the stormwater discharge permitting program under Chapter 62-25, F.A.C., to the City of Tallahassee. This delegation was granted to the City on January 29, 1998, per the Delegation Agreement incorporated by reference in paragraph 62-113.100(2)(o), F.A.C. With the exception of certain activities authorized in accordance with Section 373.4145(6), F.S., Chapter 62-25, F.A.C., will no longer be used to authorize new stormwater management systems within the geographic limits of the Northwest Florida Water Management District, including within the City of Tallahassee, beginning on October 1, 2007, when Phase 1 of the new Environmental Resource Permit (ERP) program authorized under Section 373.4145, F.S., becomes effective. The City has elected, at this time, not to pursue delegation of the new ERP program. Therefore, the Department has served notice to the City of its intent to terminate the Delegation Agreement, effective on the close of business, Friday, September 28, 2007, and must repeal the incorporation by reference of this Agreement in Chapter 62-113, F.A.C. However, the City will remain responsible for the review and agency action on applications for stormwater general permits under the terms of the Delegation Agreement that are complete on or before September 28, 2007. The City also will remain responsible for compliance and enforcement for those stormwater discharge systems that were permitted by the City under the terms of the Delegation Agreement. The review, agency action, compliance, and enforcement on all other applications for new stormwater management systems that require a permit under the ERP rules authorized under Section 373.4145, F.S., on or after October 1, 2007, will be the responsibility of the Department or the Northwest Florida Water Management District, in accordance with those rules. This repeal will not change the authority of the City to continue requiring a separate authorization to construct and operate such systems after the termination of the Delegation Agreement.

**SUBJECT AREA TO BE ADDRESSED:** Repeal of the Delegation Agreement incorporated by reference in paragraph 62-113.100(2)(o), F.A.C., regarding the authority of the City to review and take agency action on stormwater general permits under Chapter 62-25, F.A.C., on behalf of the Department.

**SPECIFIC AUTHORITY:** 373.043, 373.046, 373.418, 403.061 FS.

**LAW IMPLEMENTED:** 373.026, 373.046, 373.441, 403.061, 403.182 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Van Tassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's web site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC Tracking No. 07-1298)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-113.100 Purpose.

(1) No change.

(2) Delegations to political subdivisions.

(a) through (n) No change.

~~(o) #98 1: Delegation Agreement Concerning Stormwater Between the Department of Environmental Protection and the City of Tallahassee. Date signed January 29, 1998.~~

~~(o)(p)~~ No change.

(3) No change.

Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History—New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-113.100  
 RULE TITLE: Purpose

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

**SUBJECT AREA TO BE ADDRESSED:** To incorporate by reference an Agreement between the Department, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program.

SPECIFIC AUTHORITY: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 FS.

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

DATE AND TIME: Tuesday, October 9, 2007, 10:00 a.m.

PLACE: Miami-Dade County Dept. of Environmental Resources Management, 2nd Floor Training Room of the Overtown Transit Village Bldg., 701 N.W. 1 Court, Miami, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC Tracking No. 05-2688)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-113.100 Purpose.

(1) No change.

(2) Delegations to political subdivisions.

(a) through (p) No change.

(q) #07-X: Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County [Effective Date].

(3) No change.

Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History--New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:

RULE TITLE:

62-213.205

Annual Emissions Fee

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-213, F.A.C., to increase the annual Title V emissions fee factor, and to provide that the Title V permit serve as written notice to the Title V source of the annual requirement for submission of the emissions fee. This notice corrects the Notice of Rule Development that was published on July 13, 2007.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the department's EPA-approved Title V air operation permit program.

SPECIFIC AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.087, 403.0872 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Trina Vielhauer at (850)921-9503 or [trina.vielhauer@dep.state.fl.us](mailto:trina.vielhauer@dep.state.fl.us)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice, which is provided by Title V permit condition from the Department, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) For emissions occurring prior to calendar year 2008, the emissions fee factor is \$25. For emissions occurring in calendar year 2008 and thereafter, the emissions fee factor is \$30. The emissions fee factor may be increased beyond \$25 only if the Secretary of the Department affirmatively finds that a shortage of revenue for support of the Title V source operation permit program will occur in the absence of a fee factor adjustment. The annual emissions fee factor may never exceed \$35 without legislative approval.

(b) through (k) No change.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.013  
 RULE TITLE: Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise some of the procedures and requirements that are part of the Florida Dental Examination.

SUBJECT AREA TO BE ADDRESSED: Dental examination requirements and grading.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(2), 466.006(4), 466.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-503.005  
 RULE TITLE: Notice to the Department of Mailing Address and Place of Practice of Licensee

PURPOSE AND EFFECT: The Department is creating a new rule to comply with a statutory requirement.

SUBJECT AREA TO BE ADDRESSED: Notice to the Department of Mailing Address and Place of Practice of Licensee.

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B21-503.005 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee’s current mailing address and place of practice. The term “mailing address” means home address or P. O. Box where the licensee regularly receives mail. “Place of practice” means the primary physical location where the school psychologist works or practices the profession of school psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days of the change. Written notice shall be provided to: Call Center, Department of Health, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399 or electronic notice to [MedicalQualityAssurance@doh.state.fl.us](mailto:MedicalQualityAssurance@doh.state.fl.us).

(3) If electronic notification is used, it is the responsibility of the licensee to ensure that the information is received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NOS.:	RULE TITLES:
64F-1.001	Authority, Purpose and Applicability
64F-1.002	Definitions
64F-1.003	Vendor Selection and Authorization
64F-1.004	Agreement
64F-1.005	Monitoring of Food Vendors
64F-1.006	Food Vendor Sanctions
64F-1.007	Fair Hearing and Appeals

PURPOSE AND EFFECT: To implement current federal provisions affecting the WIC program and to clarify and expand existing rules.

SUBJECT AREA TO BE ADDRESSED: Proposed rules and rule amendments will implement federal cost containment and confidentiality requirements, will clarify and expand rule provisions for ease of use and will delete provisions contained in federal regulations which will be incorporated by reference.

SPECIFIC AUTHORITY: 383.011(2)(b) FS.

LAW IMPLEMENTED: 383.011(2)(b) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: John Harrison, Bin #A16, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1726; (850)245-4202; john\_harrison@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Harrison, Bin #A16, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1726; (850)245-4202; john\_harrison@doh.state.fl.us

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.:	RULE TITLES:
69I-73.001	Definitions
69I-73.002	Threshold for Recording Property
69I-73.003	Recording of Property
69I-73.004	Marking of Property Records
69I-73.005	Disposition of Property
69I-73.006	Inventory of Property

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 274.02, F.S., which authorizes the Chief Financial Officer to establish by rule the requirements for recording of local government owned property and for the periodic review of such property for inventory purposes.

SUBJECT AREA TO BE ADDRESSED: Recording and inventory requirements for local government owned property.

SPECIFIC AUTHORITY: 274.02 FS.

LAW IMPLEMENTED: 274.01, 274.02 FS.

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

DATE AND TIME: Wednesday, September 5, 2007, 10:00 a.m.

PLACE: Room 430, Fletcher Building, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Burton Marshall, (850)413-5588 or

burton.marshall@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Burton Marshall, Chief, Bureau of Local Government, 200 East Gaines Street, Tallahassee, FL 32399-0354, (850)413-5588 or burton.marshall@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS

69I-73.001 Definitions.

(1) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records which establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and, through entries to the control accounts documenting acquisitions, transfers and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any time.

(2) “Cost” means acquisition or procurement cost (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property exchanged by custodian in satisfaction of a portion of purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(3) “Custodian” means, without limitation, any elected or appointed officer, board, commission or authority, or any other person or agency entitled to lawful custody of property owned by the local government.

(4) “Custodian’s Delegate” means a person acting under the supervision of the custodian to whom the custody of property has been delegated by the custodian and, from whom the custodian receives custody receipts.

(5) “Data Processing Software” has the meaning set forth in Section 119.011(6), F.S. Data processing software is not considered to be property within the meaning of these rules.

(6) “Depreciated Cost” means cost less accumulated depreciation.

(7) “Financial System” means the fund accounting process used by the local government for recording cash and other financial resources, expenditures and other financial uses, together with all related liabilities and residual equities or balances.

(8) “Fiscal Year” means the governmental unit’s fiscal year established pursuant to law.

(9) “Governmental Unit” has the meaning set forth in Section 274.01(1), F.S.

(10) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and for the purpose of differentiating one item of property from another.

(11) “Property” has the meaning set forth in Section 274.02(1), F.S.

(12) “Unaccounted for Property” means property held by a custodian, subject to the accountability provisions of Section 274.03, F.S., which cannot be physically located by the custodian or custodian’s delegate, which property has not been otherwise lawfully disposed of.

(13) “Value” means the worth or fair market value at the date of acquisitions for donated property.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

#### 69I-73.002 Threshold for Recording Property.

All property with a value or cost of \$1,000 or more and projected useful life of 1 year or more shall be recorded in the local government’s financial system as property for inventory purposes.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

#### 69I-73.003 Recording of Property.

(1) Maintenance of Property Records – Governmental units shall maintain adequate records of property in their custody. The records shall contain at a minimum, the information required by these rules.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group. A property group may be accounted for in one record if the component items are separately identified within the record. Examples of property items subject to group accountability include, but are not limited to, modular furniture, computer components, book sets, and similar association of items. All property group items, the total value or cost which is equal to or greater than \$1,000 shall be inventoried under this rule.

(3) Content of Individual Property Records – Each property record shall include the following information:

(a) Identification number.

(b) Description of item or items.

(c) Physical location (the city, county, address or building name, and room number therein).

(d) Name of custodian with assigned responsibility for the item.

(e) In the case of a property group, the number and description of the component items comprising the group.

(f) Name, make or manufacturer if applicable.

(g) Year and/or model(s) if applicable.

(h) Manufacturer’s serial number(s) if any, and if an automobile, vehicle identification number (VIN) and title certificate number if applicable.

(i) Date acquired.

(j) Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined by appropriate methods and recorded. Estimated historical costs shall be identified in the record and the basis of determination established in the governmental unit’s public records. The basis of valuation for property items constructed by personnel of the governmental unit shall be the costs of material, direct labor and overhead costs identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at fair market value at the date of acquisition. Regardless of acquisition method, the cost or value of a property item shall include ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include expenditures that are directly attributable to asset acquisition, such as freight and transportation charges, installation costs and professional fees.

(k) Method of acquisition and, for purchased items, the voucher and check or warrant number.

(l) Date the item was last physically inventoried and the condition of the item at that date.

(m) If disposed of, the information prescribed in Rule 69I-73.005, F.A.C. The local government may include any other information on the individual property record that the governmental unit may care to include.

(4) Control Accounts – A governmental unit-wide control account showing the total cost or value of the custodian’s property shall be maintained. A governmental unit may keep additional control accounts for property to the extent deemed necessary for different funds or sub-funds. Control accounts shall not be established by periodically summarizing the costs or values recorded on the individual property records. Rather, entries to control accounts shall be derived from documents evidencing transactions affecting the acquisition, transfer or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) Depreciation shall be recorded to meet local governments’ financial reporting requirements relating to depreciation accounting. However, depreciation shall not be recorded on the individual property records or in control accounts in such a manner as to reduce the recorded acquisition cost or value (i.e., depreciation shall be recorded as an item separate from the acquisition cost).

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

69I-73.004 Marking of Property Records.

(1) Marking of Property – Each property item shall be permanently marked with the identification number assigned to that item to establish its identity and ownership by the governmental unit holding title to the item. The marking shall visually display the property identification number of the item and may include an electronic scanning code (“barcode”) to facilitate electronic inventory procedures.

(2) Exemptions for Marking Property – Any item of property whose value or utility would be significantly impaired by the attachment or inscription of the property identification number, is exempt from the requirement for physical marking. However, the custodian’s property records shall contain sufficient descriptive data to permit positive identification of such items.

(3) Location of Marking – Items of a similar nature shall be marked in a similar manner to facilitate identification. In determining a marking location, careful consideration shall be given to the intended use of the items; the probability that the marking could be obliterated by wear, vandalism or routine maintenance functions; and, the appropriateness of the marking method chosen. Additionally, the location of the marking and the marking method chosen shall not mar the appearance of the item. When utilizing an electronic scanning format system, electronic codes shall be placed on property in the same manner as other markings specified in this section.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

69I-73.005 Disposition of Property.

(1) Methods of Disposition – Property within the meaning of these rules may be lawfully disposed of, as provided in Sections 274.05, 274.06 and 274.07, F.S. Property of the governmental unit which is not accounted for during regular or special inventories shall be subject to the rules regarding unaccounted for property (See Rule 69I-73.006, F.A.C.).

(2) Required Information – The following information shall be recorded on the individual property record for each item lawfully disposed of, pursuant to Sections 274.05, 274.06 or 274.07, F.S.:

(a) Date of disposition.

(b) Authority for disposition (resolution of the governing body properly recorded in the minutes as required by Section 274.07, F.S.).

(c) Manner of disposition (sold, donated, transferred, cannibalized, scrapped, destroyed, traded).

(d) Identity of the employee(s) witnessing the disposition, if cannibalized, scrapped or destroyed.

(e) For items disposed of, a notation identifying any related transactions (such as receipt for sale of the item, insurance recovery, trade-in).

(f) For property certified as surplus, reference to documentation evidencing that such property was disposed of in the manner prescribed by Section 274.05 or 274.06, F.S.

(3) Transfer of Property Records – The individual property record for each item lawfully disposed of as described in this rule shall be, upon disposition of the item, transferred to a disposed property file. Destruction of such records shall be governed by the provisions of Chapter 119, F.S.

(4) Control Account – The cost or value of items lawfully disposed of shall be removed from the control account at the time of disposition.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

69I-73.006 Inventory of Property.

(1) Physical Inventory Required – Each governmental unit shall ensure a complete physical inventory of all property is taken annually and whenever there is a change of custodian or change of custodian’s delegate.

(2) Inventory Forms – The form used to record the physical inventory pursuant to Section 274.02(1), F.S., shall be at the discretion of the governmental unit. However, the form shall display at a minimum for each property item, the following information:

(a) Date of inventory.

(b) Identification number.

(c) Existence of property item (or not).

(d) Physical location (the city, county, address or building name and room number therein).

(e) Present physical condition.

(f) Name and signature of the employee or other individual attesting to the existence of the item.

(g) In the case of a property group, the number and description of the component items comprising the group.

(3) Electronic scanning format used for the identification number is acceptable only if the recorded data is downloadable to a computer and can then be used to generate reports that will include all information required on the hardcopy inventory form.

(4) Unrecorded Property – Any property item found during the conduct of an inventory which meets the requirements for accounting and control as defined in Rule 69I-71.003, F.A.C., and which item is not included on the inventory forms described above, shall have an inventory form created for the item when located. After appropriate investigation to establish the ownership of the item, it shall be added to the governmental unit’s property records or, if ownership cannot be reasonably established, the item may be disposed of in the manner provided by law as applicable to surplus property, pursuant to Sections 274.05 and 274.06, F.S.

(5) Custodian Delegate Shall Not Inventory Certain Items – The custodian delegate shall not personally inventory items for which they are responsible.



(6) Reconciliation of Inventory to Property Records – Upon completion of a physical inventory:

(a) The data listed on the inventory forms shall be compared with the individual property records. Noted differences such as location, condition and custodian shall be investigated and corrected as appropriate or alternatively, the item shall be relocated to its assigned location and custodian in the individual property record.

(b) Items not located during the inventory process shall be promptly reported to the governmental unit which shall cause a thorough investigation to be made. If the investigation determines that the item was stolen, the individual property record shall be so noted, and a report filed with the appropriate law enforcement agency describing the missing item and the circumstances surrounding its disappearance.

(7) Unaccounted for Property – For items identified as unaccounted for and reported to the State’s Chief Financial Officer, recording of the items as dispositions, or otherwise removing of the items from the property records, shall be subjected to approval of the State’s Chief Financial Officer, as provided in Section 17.041, F.S., and Rule 69I-71.003, F.A.C.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.:	RULE TITLES:
5F-14.001	General
5F-14.002	Definitions
5F-14.003	Grant Proposals; Criteria; Ranking; Award

PURPOSE AND EFFECT: This proposed new rule is for the purpose of implementing the statutory requirements of Section 570.975, Florida Statutes, established by the Florida Legislature to provide funding for renewable energy matching grants for demonstration, commercialization, research, and development projects relating to bioenergy projects.

SUMMARY: The rule establishes administrative guidelines for implementing Section 570.975, Florida Statutes, including criteria for grant eligibility and allocation, grant evaluation and methods of funds approval and disbursements.

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

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

SPECIFIC AUTHORITY: 570.957 FS.

LAW IMPLEMENTED: 570.957 FS.

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

DATE AND TIME: September 10, 2007, 10:00 a.m.

PLACE: George Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tom Steckler, Deputy Director, Division of Standards, Conner Building, 3125 Conner Blvd., Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax (850)922-8971. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Steckler, Deputy Director, Division of Standards, Conner Building, 3125 Conner Blvd., Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax (850)922-8971

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-14.001 General.

This part implements the Farm to Fuel Grants Program, providing for grants for bioenergy projects.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History–New \_\_\_\_\_.

5F-14.002 Definitions.

The words, terms and phrases used in this Chapter, unless otherwise indicated, shall have the meaning set forth in Section 570.957, F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

(1) “Biomass” means: Organic matter available on a renewable or recurring basis. Biomass includes, but is not limited to, crops and trees, agricultural food and feed crop residues, wood and wood wastes and residues, aquatic plants, grasses, animal wastes and residues, and other organic waste materials and residues.

(2) “Matching Funds or Other In-Kind Contributions” means:

(a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, indirect costs, purchases of equipment, material and supplies, and construction costs, as a direct benefit to the project, or;

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.

2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

Specific Authority 570.957 FS, Law Implemented 570.957 FS, History—New \_\_\_\_\_.

5F-14.003 Grant Proposals; Criteria; Ranking; Award.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The department shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the department.

(b) The RFGP shall be issued by advertisement in the Florida Administrative Weekly, download at the department's internet site at <http://www.floridafarmtofuel.com>, and requests for hard copies can be made by calling the department's purchasing office at (850)488-7552.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 570.957(2)(a), F.S.

(3) APPLICATIONS. Applications for the Farm to Fuel Grants Program shall be submitted to the Department of Agriculture and Consumer Services, ATTN: Farm to Fuel Grants Program, 3125 Conner Boulevard, Suite E, MS-C17, Tallahassee, FL 32399-1650 as follows:

(a) Eight copies of the application shall be submitted in hard copy format, using form number DACS-03102, Florida Farm to Fuel Grants Program Application, which is herein adopted and incorporated by reference. The form is listed by form number, and by the subject title and effective date. A copy of the form may be obtained by writing to: Department of

Agriculture and Consumer Services, ATTN: Farm to Fuel Grants Program, 3125 Conner Boulevard, Suite E, MS-C17, Tallahassee, FL 32399-1650 or by accessing the internet at <http://www.floridafarmtofuel.com>. One copy shall be submitted in electronic format on compact disc at the same time as the hard copies. Acceptable formats for electronic versions are Microsoft Word for Windows versions 6.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by form number DACS-03102, from third parties are Adobe PDF; Microsoft Word for Windows versions 6.0 or higher; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. on the date specified by the department in the RFGP.

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish notice of the deadline extension on the department's web site.

(d) A total of \$25 million in grant money shall be disbursed for projects classified into two categories as follows:

1. A total of \$3 million in grant money shall be awarded for projects classified by applicants as Research and Development or Demonstration. Under this category, the minimum allowable amount for an application to be eligible for consideration for an award shall be \$100 thousand and the maximum allowable amount shall be \$500 thousand.

2. A total of \$22 million in grant money shall be awarded for projects classified by applicants as Commercialization. Under this category, the minimum allowable amount for an application to be eligible for consideration for an award shall be \$250 thousand and the maximum allowable amount shall be \$7 million.

(e) Completeness. Any application which does not include all required information shall be determined incomplete and ineligible for the award of the grant sought. The department shall notify the applicant of the determination of ineligibility.

(f) An applicant is not eligible for award of a grant if the department determines that the applicant:

1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated thereunder; or,

2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated thereunder.

(4) ELIGIBILITY. In order to be eligible for consideration, the following eligibility requirements must be met:

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be 25% of the total project costs.

(b) Grant applications for Commercialization projects must be technically feasible. Technical Feasibility shall be determined through consultation and coordination with persons having expertise with renewable energy technologies. Technical Feasibility means the extent to which the proposed project is technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, proven commercial production or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) All matching funds and other in-kind contributions, including third party in-kind contributions, shall be verifiable from the applicant's and/or its partner's records, and shall not be included as contributions for any other state-assisted project or program.

(b) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(c) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The criteria listed in this subsection shall apply to grants evaluated pursuant to Section 570.957, FS.

(b) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Max Points Possible Commercialization	Max Points Possible R&D/Demonstration
1- Florida-Grown Biomass	30	30
2- Energy Efficiency	10	10
3- Cost Share Percentage	20	20
4- Expand Agribusiness	30	30
5- Market Potential	20	10
6- Economic Development	20	N/A
7. Innovative Technology	10	20
8. Project Progress and Timelines	10	N/A
Total Numerical Rating	150	120

1- Florida Grown Biomass: The project produces bioenergy from Florida grown crops or biomass.

Minimum (0 points): No bioenergy production potential from Florida grown biomass resources or this element of the evaluation criteria was not addressed.

Maximum (30 points): Project results in significant bioenergy production from Florida grown biomass resources.

2- Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or material resources or this element of the evaluation criteria was not addressed.

Maximum (10 points): Project incorporates energy efficient products, material resources and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

3- Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

All projects are to use the following scale:

2 points = 25% up to and including 32% of total project cost.

4 points = Greater than 32% up to and including 39% of total project cost.

6 points = Greater than 39% up to and including 46% of total project cost.

8 points = Greater than 46% up to and including 53% of total project cost.

10 points = Greater than 53% up to and including 60% of total project cost.

12 points = Greater than 60% up to and including 67% of total project cost.

14 points = Greater than 67% up to and including 74% of total project cost.

16 points = Greater than 74% up to and including 81% of total project cost.

18 points = Greater than 81% up to and including 88% of total project cost.

20 points = Greater than 88% of total project cost.

4- Expand Agribusiness: The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

Minimum (0 points): No enhancement of value or expansion of agribusiness, or this element of the evaluation criteria was not addressed.

Maximum (30 points): Significant potential for enhancing the value of agricultural products and expanding agribusiness in Florida.

5- Market Potential: Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Minimum (0 points): No research conducted or this element of the evaluation criteria was not addressed.

Maximum (20 points for Commercialization projects and 10 points for Research and Development or Demonstration projects): Documented recent market and feasibility research papers published in reputable trade journals clearly indicating significant market potential for Florida.

6- Economic Development: The degree to which the project demonstrates an increase for in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy. (Not a criterion for Research and Development or Demonstration projects)

Minimum (0 points): No contribution in Florida or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for economic development in Florida.

7- Innovative Technology: The project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No innovative new technology or innovative application of existing technology or this element of the evaluation criteria was not addressed.

Maximum (10 points for Commercialization projects and 20 points for Research and Development or Demonstration projects): Project includes the use of an innovative new technology or an innovative application of existing technology.

8- Project Progress & Timelines: The degree to which the project demonstrates the capability to begin development expeditiously, establishes a readily identifiable ability to show steady progress, and meets project objectives and exhausts grant funds within the 2-year grant agreement timeframe. Project complexity shall be taken into consideration when evaluating this criterion. (Not a criterion for Research and Development or Demonstration projects).

Minimum (0 points): Project demonstrates no ability to expeditiously begin project and show distinct progress and/or project objectives will not be met and grant funds will not be exhausted within the 2-year grant agreement timeframe.

Maximum (10 points): Project demonstrates capacity to expeditiously initiate project, to achieve distinct periodic progress, and to accomplish project objectives and expend funds within grant agreement timeframe.

(b) The department shall establish a review group of no less than four (4) people, one (1) of which shall be from the Department of Environmental Protection. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (6)(a), with the exception of Criterion #6 – Economic Development. With respect to Criterion #6 – Economic Development, this criterion shall be reviewed and scored by a representative from the Office of Tourism, Trade, and Economic Development.

(c) Scored point totals from all reviewers shall be scored and ranked as follows: On each eligible application, reviewers shall individually score each category by assigning a number within the range specified for that category. After all categories on each individual application have been scored, each reviewer shall total the category scores for that application. After all application categories have been scored independently by all reviewers, the totals shall be compiled and the applications, as a whole, ranked. For example, the top scored application by all reviewers shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number

of 2, and the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

(7) AWARD.

(a) For each category, the department shall award grants based upon highest ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, then to the second highest ranked application, and so on until the total amount of the fiscal appropriation in each state fiscal year is met. The maximum amount for a Commercialization project shall be \$7 million and the maximum amount for a Research and Development or Demonstration project shall be \$500 thousand.

(b) For each category, the department shall award up to the total amount requested in individual grant applications to the top ranked applicants up to the maximum amount allowed under paragraph (7)(a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applicants, the department may award partial grants to applicants up to the amount of the fiscal appropriation remaining for each category in each state fiscal year that funds are made available.

(c) In the instance of a ranking tie between two or more applicants, the applicant proposing the higher percentage of matching funds shall be ranked higher. In the instance of a ranking tie between two or more applicants, and those applicants propose the same percentage of matching funds, the higher ranking application shall be determined by lot, i.e. a coin toss.

(8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement executed between the department and the grant applicant. The grant agreement must contain all provisions required by Florida Statutes and Florida Administrative Code. If the agreement is not executed within 45 days of the announcement of the award, the grant shall not be awarded to that grant applicant and the department will award the grant amount to the next highest ranked applicant.

(b) Grant agreements are subject to the availability of an appropriation and shall be limited to no longer than two years in duration for Commercialization projects and three years in duration for Research and Development or Demonstration projects.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tom Steckler, Deputy Director, Division of Standards, Conner Building, 3125 Conner Blvd., Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax (850)922-8971

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Food Safety

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5K-4 Food

RULE NO.: RULE TITLE:

5K-4.020 Food Permits; Requirements and Fees

**PURPOSE AND EFFECT:** The rule amendment revises the definition for a bottling plant, revises the form number for the Annual Food Permit Application, deletes unnecessary language, and changes the fee schedule for annual permit fees charged to food establishments. This increase in permit fees impacts most food establishments permitted by the Division of Food Safety.

**SUMMARY:** This rule makes a minor clarification concerning the definition of a bottle plant; corrects the form number for the Annual Food Permit Application required to obtain a food permit; deletes unnecessary language relating to the Department's authority to inspect a food facility; and modifies the fee schedule for annual permit fees charged to food establishments to obtain a food permit.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 500.09, 500.12, 570.07(23) FS.

**LAW IMPLEMENTED:** 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS.

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

**DATE AND TIME:** September 7, 2007, 10:00 a.m., Eastern Time

**PLACE:** Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least

48 hours before the hearing by contacting Dr. John Fruin at (850)245-5520. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; telephone: (850)245-5520

**THE FULL TEXT OF THE PROPOSED RULE IS:**

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) Bottling plant. A processor or packer or both of juices, drinks, carbonated beverages or non-carbonated beverages in hermetically sealed containers (excluding bottled drinking water).

(b) Canning plant. A processor or packer or both of fruit, vegetables, seafoods or other foods in hermetically sealed containers.

(c) Convenience store. A business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services limited to coffee from urns, or iced or frozen drinks, with no retail food processing.

(d) Convenience store with limited food service. A convenience store where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, but without retail food processing.

(e) Convenience store with significant food service. A convenience store that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(f) Food salvage center. A firm specializing in sorting, segregating and re-working damaged foods, primarily for wholesale distribution.

(g) Food storage warehouse. A cold storage warehouse, a dry storage warehouse, or a commercial food distribution center.

(h) Grocery store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check-out registers and less than 15,000 total square footage, including display, preparation and storage areas.

(i) Health food store. A retail food store engaged primarily in the sale of prepackaged vitamins, minerals, nutritional supplements and foods intended for health conscious persons but with no food service or retail food processing.

(j) Health food store with food service. A health food store where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food, but with no retail food processing.

(k) Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$15,000.00 annually.

(l) Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry, or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

(m) Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public limited to coffee from urns, or iced or frozen drinks, but neither the grocery sales nor the food service is a major retail function based on allocated space or gross sales. No retail food processing may be performed.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(o) Minor food outlet with limited food service. A minor food outlet where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, and without retail food processing.

(p) Minor food outlet with significant food service. A minor food outlet that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(q) Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances.

(r) Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

~~(s)~~<sup>(w)</sup> Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

(t) Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

(u) Retail bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for retail sale on the premises.

(v) Retail bakery with food service. A retail bakery where food other than breads, pastries or other similar baked goods is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food.

(w) Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

(x) Salvage store. A retail food store specializing in salvage foods.

(y) Seafood market. A retail food store engaged primarily in the sale of seafood. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

(z) Seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, primarily for wholesale distribution.

(aa) Semi-permanent vendor. Persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk or similar structure and which may offer ancillary food service.

(bb) Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

(cc) Wholesale bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) No food permit shall be issued until an inspection has been made of the establishment and its equipment and methods of operation, and these found to comply with the provisions of

the Florida Food Safety Act and rules adopted thereunder. A permit number will be assigned by the department following receipt of the Annual Food Permit Application, DACS-14306 ~~1403-06~~, (Rev. ~~06/03~~ ~~10/94~~), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The above application shall bear the signature of the applicant or applicant's agent, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(4)(5), F.A.C. Said permit number shall not be used on any label or in any advertisement of food. Permits shall be conspicuously displayed at locations for which issued and are not transferable. The provisions of this section do not apply to public food service establishments as defined in Chapter 509, F.S.

~~(3) Any agent of the department shall have access to any factory or establishment which holds a permit from the department, for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit.~~

~~(3)(4)~~ Any person violating this rule shall be subject to the injunction procedures of Section 500.171, F.S., and to the penalties provided in Section 500.177, F.S.

~~(4)(5)~~ Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to a person for all food operations at a single location, regardless of whether the location may qualify under the definitions of this subsection for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. If the ownership or physical location of a firm changes during a calendar year, a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(4)(5), F.A.C., is required before a food permit shall be issued. Other license or permit fees as may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30, and shall be 60 percent of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The following schedule of fees is established for each food permit.

<del>Bottled Water Plant</del>	\$500
Bottling Plant	<u>385 350</u>
<del>Bottled Water Plant</del>	500
Canning Plant	<u>410 375</u>

Convenience Store	<u>330 300</u>
Convenience Store with Limited Food Service	<u>385 350</u>
Convenience Store with Significant Food Service	<u>465 425</u>
Food Salvage Center	<u>440 400</u>
Food Storage Warehouse	<u>355 325</u>
Grocery Store	<u>465 425</u>
Health Food Store	<u>300 275</u>
Health Food Store with Food Service Limited Sales	<u>385 350</u>
Meat Market	100
Minor Food Outlet	<u>385 350</u>
Minor Food Outlet, Only Non-perishable Foods	<u>190 175</u>
Minor Food Outlet with Limited Food Service	<u>355 325</u>
Minor Food Outlet with Significant Food Service	<u>440 400</u>
Mobile Vendor	<u>300 275</u>
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	<u>330 300</u>
Processor, Other Perishable Foods	<u>410 375</u>
Rabbit or Game Processor	<u>330 300</u>
Retail Bakery	<u>355 325</u>
Retail Bakery with Food Service	<u>440 400</u>
Salvage Store	<u>410 375</u>
Seafood Market	<u>355 325</u>
Seafood Processor	<u>440 400</u>
Semi-permanent Vendor	<u>190 175</u>
Supermarket	500
Wholesale Bakery	<u>465 425</u>

~~(5)(6)~~ Late Fees.

(a) The renewal fee for all food permits shall be the same as the food permit fee required by subsection 5K-4.020(4)(5), F.A.C., and shall be due annually on January 1. If the renewal fee is not received by the department within thirty days after its due date, a late fee must be paid in addition to the food permit fee required by subsection 5K-4.020(4)(5), F.A.C., before the department will issue the food permit.

(b) If a renewal fee is not paid in full by February 1, a late fee of \$100 shall be assessed against the establishment.

(c) No establishment shall be issued a food permit until all applicable fees, including late fees, are received by the department.

~~(6)(7)~~ Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection will be billed by invoice of the department and the reinspection fee shall be paid within 21 days receipt thereof. Failure to timely pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory, and
2. No previous reinspection of the establishment has been conducted during the same calendar year.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry L. Rhodes, Chief of Staff, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-16.004  
 RULE TITLE: Registration

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.004, F.A.C. (Registration), is to clarify the registration requirements for businesses that lease or rent for hire passenger motor vehicles.

SUMMARY: The proposed amendments to Rule 12A-16.004, F.A.C. (Registration), clarify that registered sales and use tax dealers who were not engaged in the business of leasing or renting any for hire passenger motor vehicles at the time of registration are required to register their new business activity

with the Department for purposes of reporting the rental car surcharge imposed on the lease or rental of any for hire passenger motor vehicles.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.0606, 212.18(3) FS.

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

DATE AND TIME: September 11, 2007, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.004 Registration.

(1)(a) Before any person may engage in or conduct business in this state of leasing or renting any for hire passenger motor vehicle, that person must register with the Department for sales and use tax purposes and obtain a certificate of registration for each place of business. Dealers who hold a valid certificate of registration, who at the time of registration for purposes of sales and use tax were not engaged in or conducting such business, are required to change their registration with the Department and register their new tax obligation at each existing place of business. Registration as a sales tax dealer is sufficient registration for purposes of the surcharge.

(2)(a) Registration with the Department for ~~sales and use tax~~ purposes of leasing or renting any for hire passenger motor vehicle is available by using one (1) of the following methods:

1. Registering through the Department's Internet site at the address shown in the parentheses (www.myflorida.com/dor) using the Department's "e-Services" without payment of a registration fee; or



2. Filing an Application to Collect and/or Report Tax in Florida (~~Form form~~ DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the registration form, with the required \$5.00 application fee.

(b) A separate application is required for each place of business.

(c) Each application submitted to the Department must contain sufficient information to facilitate the processing of the application.

(3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.18(3) FS. History—New 11-14-89, Amended 8-10-92, 3-21-95, 6-19-01, 4-17-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-16, F.A.C. (Rental Car Surcharge), were noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, p. 417). A rule development workshop was held on February 20, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-15.002  
 RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

PURPOSE AND EFFECT: The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as the “Florida Greenbook,” is being amended. In addition, other incorporated documents also are updated.

SUMMARY: This is an amendment to the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as the “Florida Greenbook,” and other incorporated documents.

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

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

SPECIFIC AUTHORITY: 334.048(3), 336.045(1) FS.

LAW IMPLEMENTED: 336.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert F. Quigley, P.E., Roadway Design Office – Criteria and Standards

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

(1) The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, May ~~2007~~ 2005, edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.htm>. ~~<http://www.dot.state.fl.us/rddesign/Florida%20Greenbook/FGB.htm>~~. A certified copy has been filed with the Department of State.

(2) The following documents also are hereby incorporated by reference and made a part of this rule:

(a) ~~AASHTO Standard Specifications for Highway Bridges~~, 17th Edition (2002). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(a)(b) Sections 3.3.2, 3.14.1, 11 and 13 and Table 3.4.1-1 of *AASHTO Load and Resistance Factor Design (LRFD) Bridge Design Specifications*, 4th Edition (2007). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(b) *Department of Transportation Structures Manual, Volume 8 – FDOT Modifications to Manual for Conditions Evaluation and Load Resistance Factor Rating (LRFR) of Highway Bridges*. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/FDOTStructuresManual.htm>.

(c) Sections 2.11 and 2.12 of Department of Transportation *Structures Manual, Volume I – Structures Design Guidelines* ~~Design Guidelines~~. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/FDOTStructuresManual.htm>.

(d) AASHTO *Guide Specifications for Structural Design of Sound Barriers* (1989) with the 2002 *Interim to Guide Specifications for Structural Design of Sound Barriers*. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(e) AASHTO *Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals* (2001), with 2002 and 2003 Interims ~~except as noted in Chapter 17, Section H.2 of The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways~~. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(f) Chapter 4 of Department of Transportation *Drainage Manual*. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/dr/Manualsandhandbooks.htm>. ~~<http://www.dot.state.fl.us/rddesign/dr/Manuals%20and%20handbooks.htm>~~

(g) Department of Transportation *Structures Manual, Volume 9 – FDOT Modifications to Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals (LTS-4)*. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/FDOTStructuresManual.htm>.

(h) Department of Transportation *Bridge Load Rating, Permitting and Posting Manual* (2006). A Copy of the manual can be downloaded from the following website: <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/85001005.pdf>.

Specific Authority 334.048(3) ~~334.044(2)~~, 336.045(1) FS. Law Implemented 336.045 FS. History–New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, 11-24-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

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

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

**DEPARTMENT OF CITRUS**

RULE NO.: 20-13.011  
 RULE TITLE: Ambersweet: Classification and Standards

PURPOSE AND EFFECT: Repeal of Classification Standards set for Ambersweets.

SUMMARY: Repeal of Classification Standards set for Ambersweets.

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

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.9910(3) FS.

LAW IMPLEMENTED: 601.11, 601.9910 FS.

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

DATE AND TIME: September 19, 2007, 10:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or [awiggins@citrus.state.fl.us](mailto:awiggins@citrus.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.011 Ambersweet: Classification and Standards.

~~(1) Classification: The market classification of the citrus hybrid generally known as “Ambersweet” shall be “Orange,” a hybrid between orange (*C. sinensis*), mandarin (*C. reticulata*), and grapefruit (*C. paradisi*).~~

~~(2) Identification: The proper identification of this citrus fruit shall be “Ambersweet Orange” or “Orange” whenever this fruit is identified.~~

~~(3) Standards: All state laws and rules applicable to the maturity of oranges shall be applicable to this fruit.~~

Specific Authority 601.10(1),(7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.9910 FS. History–New 8-16-90, Amended 8-22-95, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kenneth O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 18, 2007

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law  
Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831,  
373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216,  
373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New  
10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94,  
7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02,  
9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendment to the Basis of Review For Water Use Permit Applications will allow agricultural permittees to submit the required Irrigation Water Use Form for winter and spring crops to the District by September 1 of each year, rather than August 1 of each year.

SUMMARY: The Basis of Review For Water Use Permits, incorporated by reference in Rule 40D-2.091, F.A.C., is proposed to be amended to require submittal of the Irrigation Water Use Form for winter and spring crops to the District by September 1 of each year.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) "Basis of Review for Water Use Permit Applications" (      /07) (~~1~~/07);
- (2) through (6) No change.

Basis of Review

3.0 REASONABLE WATER NEEDS

3.3 AGRICULTURE

REPORTING REQUIREMENTS FOR IRRIGATION WATER USE WITHIN THE SWUCA

Field Preparation/Crop Establishment – Irrigation for field preparation/crop or plant establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for crop protection shall be documented separately by noting the beginning and ending hour and date of each use. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the Irrigation Water Use Form by March 1 for annual crops, February 1 for summer and fall crops, and ~~September~~ August 1 for winter and spring crops (including strawberries).

1-1-03,\_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.0035  
RULE TITLE: Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The proposed rule amendment clarifies that unlicensed activity is not recognized for the purpose of establishing experience requirements for certification.

SUMMARY: The proposed rule amendment clarifies that unlicensed activity is not recognized for the purpose of establishing experience requirements for certification.

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

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

SPECIFIC AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

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

(f) For the purposes of this section, any unlicensed activity shall not be recognized for the purposes of providing required experience.

(2) through (3) No change.

Specific Authority 468.606, 468.609 FS, Law Implemented 468.609 FS. History--New 11-28-95, Amended 1-1-97, 2-23-99, 6-3-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

**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 JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-3.001	Purpose and Scope
63E-3.002	Definitions
63E-3.003	Administration of the Serious or Habitual Juvenile Offender (SHO) Program
63E-3.004	Sanitation
63E-3.005	Safety and Security

63E-3.006	Continuity of Operations Planning
63E-3.007	Youth Admission
63E-3.008	Intake
63E-3.009	Orientation
63E-3.010	Case Management
63E-3.011	Behavior Management
63E-3.012	Youth Services
63E-3.013	Construction
63E-3.014	Program Monitoring and Evaluation
63E-3.015	Research Projects

PURPOSE AND EFFECT: The rule implements the standards and requirements described in Section 985.47, Florida Statutes, pertaining to serious or habitual juvenile offender programs.

SUMMARY: Standards and requirements are established for serious or habitual juvenile offender programs, including administration, operations, safety and security, intake and orientation, case management, behavior management, program monitoring and research.

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

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

SPECIFIC AUTHORITY: 985.47 FS.

LAW IMPLEMENTED: 985.47 FS.

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

DATE AND TIME: Tuesday, September 11, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: [lydia.monroe@djj.state.fl.us](mailto:lydia.monroe@djj.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-3.001 Purpose and Scope.

This rule establishes the standards and requirements for the department's administration, operation and implementation of the Serious or Habitual Juvenile Offender (SHO) program for a child who has been found to have committed a delinquent act or violation of law, in the case currently before the court, and who meets at least one criteria for placement under Section 985.47(1), F.S.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History--New \_\_\_\_\_.

63E-3.002 Definitions.

For the purpose of this rule the following words shall have the meanings indicated.

(1) Admission – The admitting of a youth, committed by the court, into a specific residential commitment facility.

(2) Alert System – A method of alerting staff that a youth has physical health, mental health, or security issues that may require individual attention or closer supervision. An alert system is a tool for staff to use in making treatment, security and safety decisions as they relate to youth behavior, but does not provide detailed information about the conditions that resulted in the youth being identified for inclusion in the alert system.

(3) Authority for Evaluation and Treatment (AET) or Authority for Evaluation and Treatment For Youth Over 18 Years of Age – The document that, when signed by a parent or guardian if the youth is 18 years or younger or signed by the youth if he or she is over 18 years of age, gives the department the authority to assume responsibility for the provision of necessary and appropriate physical and mental health care to a youth in the department's physical custody. The Authority for Evaluation and Treatment (HS 002, May 2007) and the Authority for Evaluation and Treatment For Youth Over 18 Years of Age (HS 003, May 2007) are incorporated into this rule and are accessible electronically at [http://www.djj.state.fl.us/forms/health\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/health_services_forms_index.html).

(4) Assessment – An evaluation of the youth to determine treatment needs. The assessment process is a gender-specific, comprehensive assessment of a youth that is based on the systematic review of all existing information and updated information secured through interviews and assessment tools. The assessment process identifies risk factors and protective factors, including the youth's strengths, and culminates in prioritization of the youth's criminogenic needs.

(5) Balanced Approach to Restorative Justice (BARJ) – A blueprint for putting the restorative justice philosophy into practice that involves active participation of victims, the community, and youthful offenders. The BARJ approach focuses on accountability to victim and the community, competency development, and community safety.

(6) Behavior Management System – An organized system designed to promote positive behavior through the giving or taking of rewards or privileges based on youth behavior. Behavior management within the SHO program shall be based on specific techniques that have been found to be effective with male offenders 13 years of age or older, and take into account their level of cognitive ability, emotional maturity, and other personal characteristics.

(7) Case Management Process – Refers to the process a residential commitment program uses to assess a youth, develop goals to address the youth's criminogenic risks and needs, review and report the youth's progress, and plan for the youth's transition to the community upon release. This process

is implemented within the context of BARJ that focuses on accountability, competency development and community safety.

(8) Classification and Placement Administration – The Department's unit responsible for providing statewide direction and oversight responsibilities to regional placement supervisors and their commitment staff.

(9) Commitment Manager – A department employee responsible for coordinating the placement of youth in residential commitment programs with the department's Classification and Placement Administration and the programs.

(10) Commitment/Transfer Packet – A compilation of legal, medical, and social history documents provided to a residential commitment program for each committed youth.

(11) Community Service – Public service or work performed by youth that benefits the community while developing the youth's community awareness, increasing their accountability, providing opportunities for youth to make reparations for harm caused to the community, and developing their skill competencies.

(12) Comprehensive Physical Assessment – A comprehensive physical assessment (exam) performed by a physician (MD), osteopathic physician (DO), physician's assistant (PA), or advanced registered nurse practitioner (ARNP). The purpose of this assessment is the establishment of a data point which is used to facilitate the following: (1) identification and treatment of acute, chronic, and functional medical and dental problems; (2) promotion of growth and development; (3) prevention of communicable diseases; and (4) provision of health education.

(13) Continuity of Operations Plan (COOP) – For purposes of this rule, a plan that provides for the continuity of mission-essential functions of a residential commitment program in the event an emergency prevents occupancy of its primary physical plant or facility.

(14) Contracted Provider – An entity contractually providing juvenile services to the department.

(15) Designated Health Authority – The individual who is responsible for the provision of necessary and appropriate health care to youth in a residential commitment program. Individual Designated Health Authorities must be a physician (MD) or osteopathic physician (DO) who holds a clear and active license pursuant to Chapter 458 or Chapter 459, F.S., respectively, and meet all requirements to practice independently in the State of Florida.

(16) Designated Mental Health Authority – A specified licensed mental health professional who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of mental health care within a detention center or residential program.

(17) Direct-Care Staff – An employee whose primary job responsibility is to provide care, custody, and control of youth committed to the facility. This definition includes those who directly supervise staff responsible for the daily care, custody, and control of youth.

(18) DJJ ID Number – A number generated by the Juvenile Justice Information System (JJIS) that is used to identify each youth entered into JJIS.

(19) Evidence-based Treatment and Practices – Treatment and practices, which have been independently evaluate and found to reduce the likelihood of recidivism or at least two criminogenic needs, with a juvenile offending population. The evaluation must have used sound methodology, including, but not limited to, random assignment, use of control groups, valid and reliable measures, low attrition, and appropriate analysis. Such studies shall provide evidence of statistically significant positive effects of adequate size and duration. In addition, there must be evidence that replication by different implementation teams at different sites is possible with similar positive outcomes.

(20) Face Sheet – Youth specific demographic information that is generated by the Juvenile Justice Information System (JJIS).

(21) Facility Entry Physical Health Screening – A standardized initial health screening, conducted at the time of a youth's admission or re-admission to each residential commitment program. The purpose of this screening is to ensure that the youth has no immediate health conditions or medical needs that require emergency services. This screening shall be conducted and documented using the Facility Entry Physical Health Screening form and the Facility Entry Physical Health Screening Body Chart (either the male body chart or female body chart depending on the gender of the youth being screened). The Physical Entry Health Screening form (HS 010, dated February 2007) and its accompanying Facility Entry Physical Health Screening Body Charts – Male / Female are incorporated into this rule and are available electronically at [http://www.djj.state.fl.us/forms/health\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/health_services_forms_index.html).

(22) Facility Entry Screening – The gathering of preliminary information used in determining a youth's need for emergency services, further evaluation, assessment, or referral.

(23) Grievance Procedure – A procedure for addressing youth grievances in residential programs.

(24) High-risk Restrictiveness Level – One of five statutorily authorized restrictiveness levels, defined in Section 985.03(44), F.S., to which courts commit youth to the department.

(25) Institutional Review Board (IRB) – The department's IRB reviews research proposals that seek access to departmental records or youth in the department's care, custody, or under the departments' supervision. The board looks at all aspects of a research proposal and evaluates potential risks and benefits to participating juveniles and the

department, as well as the researcher's plan to diminish risks. The IRB makes recommendations to the department's administration who then decides whether or not the proposal is approved.

(26) Involuntary Civil Commitment of Sexually Violent Predators: Refers to Sections 394.910-394.932, F.S., which sets forth the process, that determines if individuals whose offense(s) have been of a sexual nature meet the statutory criteria for civil commitment to the Department of Children and Family Service.

(27) Jimmy Ryce Act for Violent Sexual Offenders – Residential Program Notification Checklist – The checklist sent, along with supporting documents, to the youth's JPO to be reviewed by the Department of Children and Families to determine eligibility for civil commitment as a sexually violent predator pursuant to Sections 394.910-394.932, F.S. The checklist (DJJ/BCS Form 23) dated February 2005, is incorporated by reference and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule\\_63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule_63E_forms.html).

(28) Juvenile Justice Information System (JJIS) – The department's electronic information system used to gather and store information on youth having contact with the department.

(29) Juvenile Probation Officer (JPO) – The officer responsible for the direct supervision of a youth in the community or on post-commitment probation or conditional release.

(30) Licensed Mental Health Professional – A psychiatrist licensed pursuant to Chapter 458 or 459, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, marriage and family therapist, or clinical social worker licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S.

(31) Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) – The mental health and substance abuse screening instrument designed to identify signs of mental/emotional disturbance or distress and authorized by the department for use at intake into the juvenile justice system and upon admission to a residential commitment program.

(32) Orientation – The process that occurs within 24 hours of the youth's admission whereby facility staff inform the youth of the rules, expectations, services, and goals of the residential program.

(33) Performance Plan – An individualized plan developed by the treatment team and youth that stipulate measurable goals the youth must achieve prior to release from the program. Performance plan goals are based on the prioritized needs identified during assessment of the youth and may be updated as appropriate. The plan identifies the youth's and staffs' responsibilities and the timelines associated with completion of each goal. The performance plan also serves as the basis for the youth's post-residential services plan since it includes the

transition goals and activities identified at the transition conference conducted at least 60 days prior to the youth's anticipated release.

(34) Performance Summary – A written document used to inform the youth, committing court, youth's JPO, parent or guardian, and other pertinent parties of the youth's performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release, discharge or transfer, if applicable. The Performance Summary form (RS 007) dated September 2006, is incorporated by reference and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule\\_63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule_63E_forms.html).

(35) Physically Secure – The use of hardware security devices, such as fencing and locks, to ensure that all entrances and exits of the program are under the exclusive control of program staff, preventing youth from leaving the program without permission.

(36) Predisposition Report (PDR) – A multidisciplinary assessment reporting the youth's needs, recommendations as to a classification of risk for the youth in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the youth's needs with the minimum program security that reasonably ensures public safety (subsection 63D-1.002(3), F.A.C.)

(37) Pre-Release Notification and Acknowledgement – A three-part form initiated by a residential commitment program to give prior notification to the JPO of a youth's planned release, then allows for the JPO to add additional information pertinent to the release, and finally allows for the court's approval of the release. This form (RS 008, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(38) Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not exclusively limited to, non-secure detention, home detention, Intensive Delinquency Diversion Services (IDDS) programs, conditional release programs, screening and intake units, and day treatment programs.

(39) Program Director – The on-site administrator of a residential commitment program for juvenile offenders, whether state or privately operated; who is accountable for the on-site operation of the program.

(40) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with Chapter 63H-1, F.A.C.

(41) Protective Action Response Certification – Certification awarded to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR certified are authorized to use PAR.

(42) Qualified Researcher – As defined for this rule is any person who has been approved through the department's Institutional Review Board (IRB) proposal process to conduct a research project with youth in the care, custody and supervision of the department.

(43) Sexually Violent Predator (SVP) – As defined in Section 394.912, F.S. For purposes of this chapter of this rule, SVP eligible refers to a youth being subject to the requirements of Sections 394.910-394.932, F.S.

(44) Safety and Security Coordinator – The person responsible for the oversight of the facility's safety and security program which includes, but is not limited to: facility security, fire safety and awareness, disaster preparedness, and the oversight of equipment and tool management within the facility.

(45) Sick Call Care – The health care delivery system component intended to provide care in response to episodic complaints of illness or injury of a non-emergency nature.

(46) Temporary Release – Any court-approved period of time during which an eligible youth is allowed to leave a residential program without the direct supervision of program staff or properly screened and trained interns or volunteers. The purpose of temporary release activities is to provide youth with opportunities to develop skill competencies and prepare for transition upon release or discharge from the program. Examples of temporary release include, but are not limited to, home visits and community employment.

(47) Transfer – The movement of a youth from one residential program to another, at the same restrictiveness level, a lower restrictiveness level, or a higher restrictiveness level.

(48) Transition Conference – A conference conducted at least 60 days prior to a youth's anticipated release at which the youth, residential staff, the youth's JPO and/or post-residential service provider, the youth's parent(s) or guardian(s), and other pertinent parties establish transition activities, responsibilities, and timelines necessary for the youth's successful release and reintegration into the community.

(49) Transition Planning – The process of establishing transition activities to facilitate a youth's successful release and reintegration into the community.

(50) Treatment Team – A multidisciplinary team consisting of representatives from the program's administrative, educational, vocational, residential, medical, mental health, substance abuse, and counseling components which assesses each youth to identify his needs and risk factors, develop rehabilitative treatment goals, ensure service delivery, and assesses and reports the youth's progress. The youth is a member of the treatment team.

(51) Victim Notification of Release – Unless victim notification rights have been waived, a letter that a residential commitment program sends to the victim, or the next of kin in cases of homicide, or the parent or legal guardian in cases involving minor victims, prior to any discharge or release, including a temporary release, of a youth whose committing offense meets the criteria for victim notification pursuant to Chapter 960, F.S. This form (RS 011, dated September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History–New \_\_\_\_\_.

63E-3.003 Administration of the Serious or Habitual Juvenile Offender (SHO) Program.

A SHO program for youth at least 13 years of age at the time of disposition for the current offense shall include the following:

(1) A treatment modality for youth that includes evidence-based treatment and practices of changing negative or inappropriate behavior and promotes positive pro-social behavior;

(2) An on-site administrator who is accountable for the daily operation of the program. This administrator is ultimately responsible for ongoing program planning and evaluation to ensure the integrity, safety, security, and effective operation of the program;

(3) A facility management team established by the on-site administrator that will meet at least monthly to discuss the ongoing operational issues of the program, strategize resolution of problems and ensure contract compliance;

(4) A Program Director who is responsible for ensuring that the daily operations of the program are conducted in a manner that provides a positive quality of life for the youth. Each program shall consist of at least 9 months of intensive secure residential treatment and will not exceed the maximum term of imprisonment that an adult may serve for the same offense. Conditional release assessment shall be provided in accordance with Section 985.46, F.S. The components of the program shall include, but not be limited to:

- (a) Shelter;
- (b) Security and Safety;
- (c) Clothing;
- (d) Food;
- (e) Process to address youth grievances;
- (f) Access to the Abuse Hotline, and/or Central Communications Center;
- (g) Diagnostic evaluation services;
- (h) Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions;
- (i) Prevocational and vocational services;

(j) Job training, job placement, and employability-skills training;

(k) Case Management Services;

(l) Educational services, including special education services for youth with disabilities and pre-GED literacy;

(m) Self-sufficiency planning;

(n) Independent living skills;

(o) Parenting skills;

(p) Recreational and leisure time activities to include large muscle exercise;

(q) Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim;

(r) Graduated reentry into the community;

(s) A diversity of forms of individual and family treatment appropriate to and consistent with the child’s needs;

(t) Consistent and clear consequences for misconduct;

(u) Opportunities for expression of religious beliefs;

(v) Family visitation;

(w) Access to incoming mail and opportunities to send outgoing mail; and

(x) Telephone access.

(5) Pre-employment screened employees (Level 2) pursuant to Chapter 435 and Section 985.644(5), F.S.;

(6) Orientation training in accordance with job responsibilities within the first 15 days of employment. This training, at a minimum shall include:

(a) The Department’s mission and how the program fits and interacts within the overall continuum of care;

(b) The Program’s mission, philosophy and treatment approach;

(c) The program rules and the behavior management system;

(d) Personnel policies;

(e) Job responsibilities;

(f) Confidentiality (Section 985.04, F.S.);

(g) Introduction to safety and security issues;

(h) Child abuse reporting (as defined in Chapters 39 and 827, F.S.);

(i) Incident reporting; and

(j) Professional Ethics issues and employee standards of conduct, including disciplinary and legal consequences for noncompliance with departmental or facility rules.

(7) Direct-care employees who are certified in Protective Action Response (PAR) within 90 days of hire. Staff who are not PAR certified may provide direct-care supervision of youth only if directly supervised by a PAR certified staff as set forth in Chapter 63H-1, F.A.C.

Specific Authority 985.47(10), 985.64 FS. Law Implemented 985.47(10) FS. History–New \_\_\_\_\_.



63E-3.004 Sanitation.

(1) The SHO program is responsible for ensuring the physical plant and its grounds are maintained in a safe and sanitary manner in compliance with Florida Administrative Code (F.A.C.) provisions in the following areas:

- (a) Water supply: Rule 64E-12.003, F.A.C., (8-7-96).
- (b) Food Service: Chapter 64E-11, F.A.C.:
  - 1. General: Rule 64E-11.001, F.A.C. (8-28-96).
  - 2. Definitions: Rule 64E-11.002, F.A.C. (7-14-03).
  - 3. Food Supplies: Rule 64E-11.003, F.A.C. (7-14-03).
  - 4. Food Protection: Rule 64E-11.004, F.A.C. (7-14-03).
  - 5. Personnel: Rule 64E-11.005, F.A.C. (7-14-03).
  - 6. Food Equipment and Utensils: Rule 64E-11.006, F.A.C. (7-14-03).
  - 7. Sanitary Facilities and Control: Rule 64E-11.007, F.A.C. (7-14-03).
  - 8. Other Facilities and Operations: Rule 64E-11.008, F.A.C. (3-15-98).
  - 9. Temporary Food Service Events: Rule 64E-11.009, F.A.C. (3-15-98).
  - 10. Procedure When Infection Is Suspected: Rule 64E-11.011, F.A.C. (2-21-91).
  - 11. Manager Certification: Rule 64E-11.012, F.A.C. (7-14-03).
  - 12. Certificates and Fees: Rule 64E-11.013, F.A.C. (7-14-03).
- (c) Housing: Rule 64E-12.005, F.A.C. (8-7-96).
- (d) Insect and Rodent Control: Rule 64E-12.006, F.A.C. (8-7-96).
- (e) Laundry: Rule 64E-12.008, F.A.C. (6-18-87).
- (f) Poisonous or Toxic Substances: Rule 64E-12.009, F.A.C. (6-18-87).
- (g) Garbage and Rubbish: Rule 64E-12.010, F.A.C. (8-7-96).
- (h) Recreational Areas: Rule 64E-12.011, F.A.C. (8-7-96).

(2) The superintendent or designee shall conduct a weekly sanitation inspection and document findings.

(3) Biohazardous waste shall be disposed of in accordance with OSHA Standard 29 CFR 1910.1030. Youth shall not be allowed to clean, handle, or dispose of any other person's biohazardous material, bodily fluids or human waste.

(4) All facilities shall be inspected annually by the appropriate persons in reference to state health, sanitation and food service standards.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History--New \_\_\_\_\_.

63E-3.005 Safety and Security.

(1) The Program Director of a SHO program shall designate a Safety and Security Coordinator to oversee the facility's safety and security program and systems. The coordinator's duties and responsibilities shall include, at a minimum, the following:

(a) Ensuring that the facility has operating procedures addressing safety and security;

(b) Ensuring that the physical plant, grounds and perimeter are maintained so that the environment is safe and secure for youth, staff, visitors and the community;

(c) Conducting the program's internal security audit on a monthly basis per the facility operating procedure and overseeing follow-up corrective action as needed;

(d) Conducting internal safety inspections on a monthly basis per the facility operating procedure and overseeing follow-up corrective action as needed;

(e) Working with the Program Director and other program staff to develop corrective actions warranted as a result of safety and security deficiencies found during any reviews, audits, or inspections, and overseeing implementation of actions that ensure the deficiencies are corrected and appropriate systems are in place to maintain compliance;

(f) Serving as, or working cooperatively with, the program's Continuity of Operations Plan (COOP) Coordinator, and

(g) Ensuring that staff are sufficiently trained on any safety and security procedures and appropriate use of security features and equipment commensurate with their job duties.

(2) Physical security features for a SHO program shall meet the requirements the department has established for programs designated as high-risk. The required physical security features include a security fence of at least 12 feet in height with an inside overhang or razor wire; electronic door locks with manual override on entry, exit, and passage doors; a closed circuit video taped television surveillance system with inside and outside cameras; a sally port with intercom; an electric or manual secure pedestrian gate with intercom capability; secure windows that are break-resistant or screened glass; sleeping room doors that open outward; exterior security lighting; electronic search equipment; and radio or cell phone communication devices for staff.

(3) Direct-care staffing for an SHO program shall be based on the high-risk level of the resident population. At a minimum, the staff to youth ratio is 1 staff to 8 youth during the awake shifts, 1:12 during the sleep shift and 1:5 for off campus activities.

(4) The program shall institute a tool management system to prevent youth from using equipment and tools as weapons or a means of escape. Tool management shall address, at a minimum:

(a) Inventorying tools and procedures addressing missing tools;

(b) Storing tools;

(c) Training youth to use tools appropriately and safely;

(d) Issuing tools to youth and staff;

(e) Training staff on procedures and on appropriate and safe tool usage;

(f) Replacing and disposing of dysfunctional tools (in disrepair or unsafe condition); and

(g) Assessing youth to determine whether they may participate in vocational training, work projects, public service, or disciplinary work activities that involve the use of tools.

(5) The program shall maintain strict control of flammable, poisonous, and toxic items. At a minimum, the program shall:

(a) Maintain a complete inventory of all such items used in the facility.

(b) Maintain a current list of personnel identified by position title or function, who are authorized to handle these items.

(c) Not allow youth to handle these items and restrict their access to areas where these items are being used.

(d) Dispose of hazardous items and toxic substances or chemicals in accordance with Occupational Safety and Health Administration (OSHA) standards.

(e) Maintain Material Safety Data Sheets (MSDS) on site as required by OSHA.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History—New \_\_\_\_\_.

63E-3.006 Continuity of Operations Planning.

(1) The Program Director shall oversee the development of a Continuity of Operations Plan (COOP). The intent is for each program to have a planned and comprehensive approach to effectively manage emergencies and disaster events, including those that require the program to re-locate its youth and staff while maintaining operations, safety, and security. The program's COOP shall:

(a) Address, but not be limited to, fire and fire prevention/evacuation, severe weather, disturbances or riots, bomb threats, taking of hostages, chemical spills, flooding, or terrorist threats or acts;

(b) Be conspicuously posted in the facility and readily available to staff members, youth, and visitors, and shall be disseminated to appropriate local authorities. If the plan is too voluminous to post, the program shall post a notice that identifies the various locations within the facility where staff can easily access the plan;

(c) Identify the key facility personnel and define their specific responsibilities during emergency or disaster situations;

(d) Specify the equipment and supplies required to maintain the continuous operation of services during an emergency or disaster, plans to ensure the provision of such, and directions as to their location within the facility for

provisions that can be kept on-site. Equipment and supplies may include, but are not limited to, food, medicine, first aid supplies, vehicles, generators, clothing, cell phones, alternative housing plans, flashlights, batteries, fire safety equipment, computers (laptops), information on computer disks that ensures care, custody and control of youths and assists in the continuous and uninterrupted delivery of departmental services and ensures public safety;

(e) Indicate essential or key personnel (designated by the Program Director) who, due to their position and/or training, are responsible during an emergency or disaster for ensuring that the program remains operational and responsive to the needs of the youth, as well as continued to ensure the safety of youth, staff, and the public;

(f) Be compatible with or combined with the program's COOP;

(g) Be compatible with the department's Residential Region's Disaster Plan and its COOP.

(2) The program shall have a COOP that provides for the continuity of care and custody of its youth and the protection of the public in the event of an emergency that prevents occupancy of the program's primary facility/building(s). The program's COOP shall be:

(a) Compatible with the department Residential Region's COOP;

(b) Readily available to staff;

(c) Reviewed and updated annually;

(d) Submitted to the Regional Residential Directors upon their request and per their instructions; and

(e) Approved by the Division of Emergency Management, a division of the Department of Community Affairs having oversight of the development of comprehensive COOP for state agencies.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History—New \_\_\_\_\_.

63E-3.007 Youth Admission.

(1) Based on coordination of admissions initiated by the regional commitment manager or commitment manager supervisor, a residential commitment program shall accept new admissions Monday through Friday between 8:00 a.m. and 5:00 p.m. unless otherwise specified in its contract with the department.

(2) A residential commitment program shall inspect the commitment or transfer packet prior to a youth's admission and, if any core documents are not included in the packet, shall contact the JPO or JPO supervisor to request the missing documents be faxed or electronically transmitted to the program. The core documents are as follows:

(a) DJJ face sheet;

(b) Current commitment order;

(c) Predisposition report;

(d) Commitment conference summary; and

Individual healthcare record, if it exists from a prior commitment or placement in detention. The following documents shall be included in the individual healthcare record, or in the commitment or transfer packet if the individual healthcare record has not been created:

1. The current original Authority for Evaluation and Treatment;

2. Comprehensive physical assessment;

3. Immunization records; and

4. Tuberculosis skin test (Mantoux) results, unless contraindicated.

(3) If the JPO or JPO supervisor does not provide any missing core documents upon request, a residential commitment program may elect to not admit a youth, thereby rejecting the youth. However, within two hours of a decision to reject a youth, the program shall notify the Regional Director for Residential and Correctional Facilities and the Regional Director for Probation and Community Intervention of this action.

(4) A residential commitment program shall communicate internally as follows:

(a) Program staff responsible for admission are notified when a new admission is scheduled to arrive and the youth's name, date and time of anticipated arrival, mode of transportation, medical and mental health needs, and any safety or security risks are documented in the logbook.

(b) Regardless of the youth's condition upon admission, the designated health authority is notified of an admission with any of the following medical problems documented in the commitment packet: asthma; allergies with anaphylaxis; adrenal insufficiency; cancer or history of cancer; cardiac arrhythmias, disorders or murmurs; congenital heart disease; cystic fibrosis; developmental disability; diabetes; history of EpiPen use; eating disorders; head injuries that occurred within the two weeks prior to admission; hearing, speech or visual deficits; hemophilia; hepatitis; human immunodeficiency virus (HIV) or AIDS, hypo or hyperthyroidism, hypertension; kidney failure (with or without dialysis); neuromuscular conditions; pregnancy or having given birth within the two weeks prior to admission; seizure disorders; sickle cell anemia; spina bifida; systemic lupus erythematosus; and active tuberculosis.

(c) Information included in the commitment or transfer packet is distributed to program staff as their job functions dictate.

(5) Within 24 hours of admission, a residential commitment program shall refer to the department's circuit legal counsel any commitment order appearing to be in conflict with Chapter 985, F.S., or otherwise questionable. The program shall maintain documentation of the referral.

(6) When a youth is admitted to a residential commitment program, the program shall make notifications as follows:

(a) Within 24 hours of any admission or on the first regular workday of the following week when the youth is admitted on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager.

(b) The program shall notify the youth's parents or guardians by telephone within 24 hours of the youth's admission, and the program shall send written notification within 48 hours of admission.

(c) The program shall notify the committing court in writing within five working days of any admission.

(d) Copies of the letter sent to the committing court will suffice as official notification to the youth's JPO and, if known at the time of admission, the youth's post-residential services counselor.

(7) Although it is the intent that deoxyribonucleic acid (DNA) samples be collected prior to a youth's admission to a residential commitment program, if a youth who meets the DNA testing criteria per Chapter 943, F.S., is admitted to the facility without DNA testing, the program shall contact Florida Department of Law Enforcement (FDLE) to verify whether or not a DNA sample is on file for the youth. If not, the program shall collect DNA samples, using the test kit and accompanying instructions provided by FDLE, submit them to FDLE no later than 45 days prior to a youth's release, and document these actions in the youth's individual management record.

(8) If the residential commitment program suspects that a youth admitted without the violent sexual predator screening documentation qualifies pursuant to Sections 394.910-394.932, F.S., the program shall notify the youth's JPO within three days of the youth's admission. If the JPO does not respond within five working days, the program shall notify the JPO's supervisor. If not resolved within 10 days of the program's original request, the program shall notify the department's residential monitor assigned to the program.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History-New \_\_\_\_\_.

#### 63E-3.008 Intake.

(1) Youth intake will commence upon the arrival of the youth to the facility. The following activities shall occur during intake:

(a) A strip search of youth being admitted to the SHO program is required. The strip search of the youth shall be conducted upon arrival to the facility as follows:

1. The strip search shall be conducted in a private room with two staff members present, both of the same sex as the youth being searched. As an alternative when two staff of the same sex are not available, the search can be conducted by one

staff of the same sex, while staff of the opposite sex is positioned to observe the staff person conducting the search, but cannot view the youth.

2. Strip searches shall be conducted visually, without touching the unclothed youth.

(b) The intake process shall document visible body markings, i.e. scars, bruises, tattoos, or other physical injuries. This may be accomplished when staff conduct a strip search, during the physical screening, or when the youth showers.

(2) The following entry screenings shall be completed immediately upon a youth's admission to a program. These screenings are used to ensure that the youth has no emergency medical, mental health, or substance abuse conditions of a nature that render admission unsafe.

(a) The Physical Health Screening may be conducted by non-medical program staff responsible for youth intake. This screening is conducted to identify physical health needs requiring attention.

(b) The Mental Health Screening may be conducted by non-clinical program staff responsible for youth intake. This screening is conducted to identify mental health needs requiring attention. Either the MAYSI-2 or clinical mental health and clinical substance abuse screening must be administered upon each youth's admission to a residential commitment. Direct care staff trained in its administration may conduct MAYSI-2 screening. Clinical mental health screening must be conducted by a licensed mental health professional and clinical substance abuse screening must be conducted by a qualified substance abuse professional as defined in Section 397.311(24), F.S., and in accordance with subsection 65D-30.003(15), F.A.C. (12-12-05), using valid and reliable screening instruments.

(c) The Substance Abuse Screening may be conducted by non-clinical program staff responsible for youth intake.

(3) Unless a youth is being admitted into a program directly from secure detention, a correctional facility, or another program, a shower, including shampooing hair, is required.

(a) An ectoparasiticide or an ovicide may be used routinely for all new admissions if the program's designated health authority deems it appropriate, if it is used in accordance with current guidelines, and if it is not contraindicated. In the absence of such a routine protocol approved by the designated health authority, an ectoparasiticide and an ovicide shall not be routinely used, and shall be used only if an infestation with lice or scabies is present and use is ordered by the designated health authority, is in accordance with current guidelines, and is not contraindicated.

(b) Two staff of the same gender as the youth shall supervise the newly admitted youth during this shower.

(4) Clothing that is appropriate for size and climate shall be issued to each youth consistent with the program's dress code.

(5) A residential commitment program shall inventory each youth's personal property upon admission and document the inventory by listing every item. Program staff shall immediately secure in a locked area all money, jewelry and other items of value. After all personal possessions have been inventoried and documented, the staff conducting the inventory, the youth, and a witness shall sign and date the documentation to attest to its accuracy. The program shall:

(a) Maintain a copy of documentation of the personal property inventory.

(b) Ask the youth if he or she wants a copy of the personal property inventory documentation and, if so, provide it.

(c) Offer a copy of the inventory documentation to the youth's parents or guardians.

(d) Send inventoried property to the youth's home or store such property until the youth's release from the program.

(6) All contraband such as weapons and narcotics, excluding narcotics that are verified as having been prescribed for a medical condition, shall be confiscated by the Program Director or designee for disposal or storage, with all illegal contraband submitted to the law enforcement agency having local jurisdiction.

(7) Any medications brought into the residential commitment program when the youth is admitted shall be in the original container issued by the pharmacist with a current and complete label. The program shall verify by telephone the legitimacy of the prescription and the contents of the container with the issuing pharmacist or the prescribing physician. If the prescribing physician or dispensing pharmacist is not available, the program shall contact its designated health authority to provide verification. This verification contact shall be recorded in the youth's individual management record. If the youth is arriving from a juvenile or adult detention center or another residential program where the prescription has already been verified, further verification is not required. The Designated Health Authority or designee shall be notified of the type of medication that is brought with the youth when admitted and this information shall be recorded in the youth's healthcare record.

(8) Based on a review of all documentation and interactions with the youth, the Program Director or designee shall make an initial classification of the youth for purposes of room or living area assignment within the program. To determine the offender's risk of escape, the program shall use, at a minimum, the Predisposition Report and face sheet in the Juvenile Justice Information System (JJIS) to secure information about the youth's past history of escapes and escape attempts. Assignment to a group or staff advisor shall also be based on this initial classification. If the program has an orientation unit that houses newly admitted youth, a copy of the classification form shall be sent to the orientation unit. Factors to consider when classifying the youth shall include, but are not limited to:

- (a) Sex;
- (b) Age;
- (c) Size;
- (d) Emotional maturity;
- (e) Gang affiliation;
- (f) Medical or mental health problems;
- (g) History of violence;
- (h) Sexual aggression;
- (i) Predatory behavior;
- (j) Risk of escape and risk to the public; and
- (k) Skill levels.

(9) When mental health, substance abuse, physical health, security risk factors, or special needs related to a newly admitted youth are identified during or subsequent to the classification process, this information shall be immediately entered into the program's in-house alert system and the JJIS alert system.

(10) The program shall ensure that a current photograph and critical information are obtained and easily accessible for use in verifying the youth's identity as needed during his stay in the program. The program shall ensure that a current photograph of each youth is maintained in the individual management record and the individual healthcare record. A photograph shall be made available to law enforcement or other criminal justice agencies to assist in apprehending the youth in the event of escape. The program may store this critical information electronically, however, a hard copy of the information on each youth shall be maintained in an administrative file that is easily accessible and mobile in the event of an emergency situation that results in the program having to relocate quickly or in the event the information is needed when the computer is inoperative. The critical information shall include, but not be limited to, the following:

- (a) Youth's full name, Social Security number, and DJJ ID number;
- (b) Admission date;
- (c) Date of birth, gender, and race;
- (d) Name, address, and phone number of parent(s) or legal guardian;
- (e) Name, address, and phone number of the person with whom the youth resides and his or her relationship to the youth;
- (f) Person(s) to notify in case of an emergency (and contact information);
- (g) JPO's name, circuit/unit, and contact information;
- (h) Names of committing judge, state attorney, and public defender (or attorney of record) with contact information on each;
- (i) Committing offense and judicial circuit where offense occurred;
- (j) Notation of whether or not the judge retains jurisdiction;

(k) Victim notification contact information, if notification is required;

(l) Physical description of youth to include height, weight, eyes and hair color, and any identifying marks;

(m) Overall health status, including chronic illnesses, allergies, mental health status and/or physical disabilities, and medications being taken; and

(n) Personal physician (if known).

(11) Consistent with departmental procedures addressing participation in the National School Lunch and Breakfast Program, residential commitment program staff of state-operated programs and contracted programs that are classified as not-for-profit programs shall complete an Individual Determination Report form for each youth admitted to the program.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History—New

63E-3.009 Orientation.

(1) Youth admitted to the SHO program shall receive orientation to the program within 24 hours of admission.

(2) Orientation to the program shall include the following:

(a) Review of expectations, program rules and the behavior management system. This information shall be conspicuously posted including all program rules, schedules and youth responsibilities to allow easy access for staff and youth. Program staff shall discuss with each youth:

1. Services available;
2. Daily schedule;
3. Expectations and responsibilities of youth;
4. Written rules governing conduct;
5. Written behavioral management system and possible disciplinary actions;
6. Availability of and access to medical and mental health services;

(b) Items considered contraband. Youth shall be advised that bringing illegal contraband into the program or possessing illegal contraband while in the program is a violation of law for which the youth may be prosecuted;

(c) Performance planning process that involves the development of goals for each youth to achieve;

(d) Program's dress code for youth and their expectations for each youth to engage in hygiene practices;

(e) Programs procedures on visitation, mail, and use of the telephone;

(f) Anticipated length of stay in the program and what the youth must do in order to successfully complete the program and be eligible for release. Staff should also explain that the youth must complete each performance plan goal in order to be recommended for release from the program and that the release decision is ultimately up to the committing court;

(g) High-risk commitments are restricted to necessary, supervised off-campus activities, i.e. health and court-related activities. However, during the final 60 days of their residential stay and with court approval, youth in high-risk programs may be granted permission to leave the facility.

(h) Program's youth grievance procedures. A residential commitment program shall establish written procedures specifying the process for youth to grieve actions of program staff and conditions or circumstances in the program related to the violation or denial of basic rights. These procedures shall establish each youth's right to grieve and ensure that all youth are treated fairly, respectfully, without discrimination, and that their rights are protected. The procedures shall address each of the following phases of the youth grievance process, specifying timeframes that promote timely feedback to youth and rectification of situations or conditions when grievances are determined to be valid or justified. A program's grievance process shall have the following components:

1. Informal phase wherein the youth attempts to resolve the complaint or condition with staff on duty at the time of the grieved situation;

2. Formal phase wherein the youth submits a written grievance that requires a written response from a supervisory staff person; and

3. Appeal phase wherein the youth may appeal the outcome of the formal phase to the program director or designee.

a. Program staff shall be trained on the program's youth grievance process and procedures.

b. Program staff shall explain the grievance process to youth during their program orientation and shall post the written procedures throughout the facility for easy access by youth.

c. Youth shall be given free access to grievance forms and accompanying instructions and program staff shall assist a youth in filing a grievance if needed.

d. The program shall maintain documentation on each youth grievance and its outcome for at least one year.

(i) What to do in the case of an emergency, including procedures for fire drills and building evacuation.

(j) Ensure that each newly admitted youth is familiar with the physical design of the facility, advising the youth which areas are accessible and which are not accessible to youth.

(k) Room Assignment. Shall introduce each newly admitted youth to other program staff and youth. The youth shall be informed of any assignments to a staff advisor and youth group, if applicable. In addition, each youth shall be assigned to a treatment team.

(l) Access to the Abuse Registry.

Specific Authority 985.47, 985.64 FS. Law Implemented 985.47 FS. History—New \_\_\_\_\_.

#### 63E-3.010 Case Management.

(1) The treatment team shall assess each youth; develop appropriate performance plan and transition plan goals, and conduct treatment team meetings to review each youth's progress in the context of the Balanced and Restorative Justice (BARJ) approach. Residential case management shall address the three BARJ components:

(a) Accountability;

(b) Competency Development; and

(c) Community Safety.

(2) The SHO program shall establish multidisciplinary treatment teams to plan and manage each youth's case and ensure services that meet individualized needs. Treatment teams shall be multidisciplinary in membership to include, at a minimum, representatives from program administration, direct care staff, and treatment staff to represent areas such as education, vocational, medical, mental health, and recreation, as needed. The youth shall also be a member of the treatment team. The role of the treatment team is to participate in the following processes:

(a) Assessment of the youth;

(b) Development and implementation of the youth's performance plan;

(c) Active participation in progress reviews and treatment team meetings;

(d) Development of performance summaries; and

(e) Development of the youth's transition plan.

(3) Assessment of the youth shall be completed within the first 30 days of admission to the program. The treatment team, with the youth, shall identify the:

(a) Risk factors that pre-dispose a youth to antisocial behavior and, if effectively addressed, would decrease the youth's likelihood that he will engage in antisocial behaviors; and

(b) Strengths and protective factors that, if effectively promoted, would build the youth's resiliency and decrease the likelihood that he will engage in antisocial behaviors.

(4) Areas of assessment shall include, at a minimum, the following:

(a) Relationships to include family relationships (parents, legal guardians, siblings, grandparents, delinquent youth's children), peer relationships (pro-social peers, isolation from pro-social peers, and antisocial peers), dating relationships, relationships with significant adults other than family or legal guardians, and relationship boundaries;

(b) Academic skills;

(c) Employability and/or vocational skills;

(d) Substance abuse or addiction and level thereof;

(e) Mental health;

(f) Life skills;

(g) Social skills;

(h) Leisure and recreational interests;

- (i) Physical health;
- (j) Sexual development;
- (k) History of sexual abuse, physical abuse, domestic violence, emotional abuse, neglect, and/or abandonment;
- (l) Specialized needs and abilities;
- (m) Delinquency history and status;
- (n) Responsibility for criminal actions and harm to others;
- (o) Community involvement and connections;
- (p) Court ordered sanctions and treatment recommendations;
- (q) Amenability to treatment;
- (r) Proclivity toward violence;
- (s) Tendency toward gang involvement; and
- (t) Potential for rehabilitation.

(5) The program shall file and maintain any completed assessment and all reassessment results in the youth's individual management record.

(6) All youth admitted shall have a Performance Plan developed within 30 calendar days of admission to the program. The Performance Plan goals shall be measurable, individualized, and based upon prioritized needs that reflect the risk and protective factors identified during the initial classification process. The plan shall identify the youth's responsibilities to accomplish the goals, and the responsibilities of staff to enable the youth to accomplish their goals. It shall also stipulate timelines for the completion of each goal. The treatment team shall revise a youth's performance plan based on reassessment results, a youth's demonstrated progress or lack of progress on a goal or goals, newly acquired or revealed information, or demonstration of antisocial behavior not yet addressed or insufficiently addressed.

(7) At a minimum, the youth, the treatment team leader, and all other parties who have significant responsibilities in goal completion shall sign the performance plan. Within 10 working days a copy will be provided to the following, and the youth's individual management record must document the date the performance plan was sent:

- (a) Youth Case File – original;
- (b) Committing Court;
- (c) JPO;
- (d) Parent or Guardian;
- (e) DCF, if applicable;
- (f) The youth.

(8) Progress reviews. The treatment team is responsible for bi-weekly reviews for youth. Of these two reviews each month, one shall be formal and the other can be informal. A formal review involves a meeting of the treatment team to discuss the youth's progress. Informal reviews can consist of the treatment team leader meeting only with the youth. At a minimum, progress review documentation shall include the following elements:

- (a) Youth's name;
- (b) Date of the review;
- (c) Youth's progress in the program; and
- (d) Any comments from the treatment team members, including direct care staff and the youth.

(9) Performance summaries shall be completed every 90 days beginning 90 days from the signing of the youth's performance plan, unless the committing court requests monthly performance summaries, in which case the performance summary shall be completed every 30 days beginning 30 days following completion of the performance plan. Areas that shall be addressed in the performance summary include, but are not limited to:

- (a) The youth's status on each performance plan goal;
- (b) The youth's academic status;
- (c) The youth's behavior, including:
  - 2. Level of motivation and readiness for change;
  - 1. Initial adjustment to program;
  - 3. Interactions with peers;
  - 4. Interactions with staff;

(d) The youth's overall behavior adjustment; for youth receiving mental health or substance abuse services, their progress shall be addressed in a manner that complies with the confidentiality requirements set forth in both state and federal statutes;

- (e) Significant incidents (positive or negative); and
- (f) The justification for a request for release, discharge or transfer, if applicable.

(10) The staff member who prepared the summary, the treatment team leader, the Program Director or designee, and the youth shall review, sign and date the Performance Summary. Program staff shall give the youth the opportunity to add comments to the Performance Summary prior to signing it. Within 10 working days the program shall distribute the performance summary to the:

- (a) Committing court;
- (b) Youth's JPO;
- (c) Parents or guardians; and
- (d) Other pertinent parties.

(11) If the Performance Summary is notification of the program's intent to release or discharge a youth, the residential program shall send the original of the release or discharge summary, together with the Pre-Release Notification form, to the youth's JPO (rather than directly to the court). The program shall place the original performance summaries and copies of the youth's release or discharge summary and the Pre-release Notification form in the youth's individual management record.

(12) Transition Planning. The program shall begin planning for the youth's transition back to the community upon admission to the program. It is critical that all parties involved with the youth communicate with each other on a regular basis

to ensure information is transferred in a timely manner, and job tasks related to the youth's transition are assigned and completed within the designated timeframes.

(a) The residential commitment program is responsible for the timely notification of a youth's release from the program to the youth's JPO and other pertinent parties.

Notification of Release form shall be sent to the youth's JPO at least 45 days prior to the youth's targeted transition date (90 days prior for sex offenders). No section of this form can be left blank and all arrangements made for the youth must be clearly stated on this form.

(b) The SHO program is responsible for notifying the JPO of all youth subject to the provisions of the Chapter 394, Florida Statutes, not less than 210 days prior to the anticipated release of the youth. No youth subject to the provisions of the Chapter 394, Florida Statutes, will be released until the Sexual Predator Unit at the Department of Children and Families (DCF) has determined eligibility. All documentation required by DCF will be sent to the youth's JPO at the time of notification of anticipated release. This documentation includes:

1. Residential Program Notification Checklist;
2. Youth's Performance Plan;
3. Youth's Performance Summary;
4. Physical health summary (not a comprehensive physical);
5. Summary of youth's institutional adjustment (can be part of the Performance Summary); and
6. Any psychological or psychiatric reports.

(c) Prior to a youth's release, the program shall conduct a transition conference to plan and assign responsibilities for transition activities necessary to facilitate the youth's successful reintegration into the community. Transition activities established during the transition conference, together with the associated responsibilities and timelines for completion, shall be documented on the youth's performance plan. The youth's treatment team leader or designee shall coordinate with the youth's JPO and Post-residential Services Counselor (if different than the JPO) to schedule the transition conference. The transition conference shall be conducted not less than 60 days prior to the youth's targeted release date.

(d) At a minimum, the Program Director or designee and the youth's treatment team leader shall represent the program at the exit conference. In the event other members of the youth's treatment team are unable to attend, they shall provide input to the treatment team leader prior to the conference. The program shall invite the JPO, Post-residential Services Counselor (if different than the JPO), and parent or guardian to the exit conference. The youth shall also be in attendance at the conference. The residential program shall send a youth's complete official case record, including the cumulative individual healthcare record, to the JPO within five (5) working days of the youth's release.

(13) Transfers to other residential programs shall be accomplished as follows:

(a) Transfers may be requested for the following reasons:

1. The youth has committed new law violations. If the request for transfer is based solely on a new law violation, the program shall notify the Transfer Administrator immediately if the charges are not petitioned, not prosecuted, dismissed, or the youth is found not guilty, and the transfer shall be immediately revoked;

2. The youth has demonstrated continued non-compliance with program rules even though the program has made reasonable efforts to intervene and manage the behavior;

3. The treatment needs of the youth have changed, and the program does not have the capacity to meet those needs;

4. The youth is a member of a criminal street gang and needs to be separated from other gang member(s) in the program;

5. The program has determined that a transfer is necessary to protect the public; or

6. The program is closing or reducing capacity.

(b) The program requesting the transfer shall submit a request for transfer to the Regional Transfer Administrator. This request shall list the specific violations or reasons for the request.

(c) The program shall send written notification of the date, time and location of the transfer staffing to the youth's parent(s) or legal guardian(s), copying the youth, the youth's JPO, the DCF Foster Care Worker, if applicable, and any attorneys of record including the defense attorney and the appropriate state attorney. A copy of the transfer Performance Summary that includes the specific violations or reasons for transfer (as listed on the request for Transfer), shall be attached to the notification letter.

(d) If the youth's transfer is denied, the youth shall stay in the program or return to the program (if in detention).

(e) If the youth is approved for transfer the program shall ensure the youth's records and property are taken to the detention center if the youth is securely detained. If the youth is not detained, the program shall arrange transportation of the youth and their records and property to the receiving program.

Specific Authority 985.47(10), 985.64 FS. Law Implemented 985.47(10) FS. History—New \_\_\_\_\_.

63E-3.011 Behavior Management.

(1) Consistent with its philosophy and treatment approach, the SHO program shall establish a behavior management system that is responsive to the characteristics of the program's population. The program's behavior management system shall foster accountability for behavior and compliance with the residential community's rules and expectations.

(a) The Behavior Management System shall be designed to:

1. Maintain order and security;



2. Promote safety, respect, fairness, and protection of rights within the residential community;

3. Provide constructive discipline and a system of positive and negative consequences to encourage youth to meet expectations for behavior;

4. Provide opportunities for positive reinforcement and recognition for accomplishments and positive behaviors;

5. Promote pro-social means for youth to meet their needs;

6. Promote constructive dialogue and peaceful conflict resolution;

7. Minimize separation of youth from the general population; and

8. Complement the performance planning process.

(b) The program's behavior management system shall not:

1. Be used solely to increase a youth's length of stay;

2. Be used to deny a youth's basic rights;

3. Promote the use of group discipline; or

4. Allow youth to sanction other youth.

Specific Authority 985.47(10), 985.64 FS. Law Implemented 985.47(10) FS. History—New \_\_\_\_\_.

#### 63E-3.012 Youth Services.

(1) Life and Social Skills. Life skills are defined as survival skills needed by youth to function successfully in everyday life situations. Each program is expected to promote youth competency development in life skills such as, but not limited to:

(a) Recognizing and avoiding high-risk situations that could endanger self or others;

(b) Controlling impulsive behaviors;

(c) Coping;

(d) Decision-making;

(e) Problem-solving;

(f) Organizing;

(g) Planning;

(h) Managing time; and

(i) Searching and applying for jobs, job interviewing, and engaging in behaviors appropriate for work situations.

(2) Each program shall promote youth competency development in social skills to help them interact positively and constructively with others. Social skills include, but are not limited to:

(a) Communicating effectively and constructively;

(b) Recognizing emotional cues from others;

(c) Improving relationship skills, such as differentiating positive and negative relationships; establishing positive relationships and avoiding negative ones; understanding relationship dynamics to include gender differences, relationship boundaries, dating relationships and behaviors, peer relationships, family relationships, relationships with employers and other authority figures, and relationships with other significant adults;

(d) Differentiating and appropriately responding to social contexts; and

(e) Engaging in constructive dialogue and peaceful conflict resolution.

(3) The residential commitment program shall provide youth with instruction on the impact of crime. Staff trained in this instruction shall teach youth about the impact of crime on victims and the community, heighten youth's awareness and increase their empathy through exposure to victim speakers in person or via videotape, re-direct youths' thinking to promote personal accountability for harm they caused to others, including making amends, and facilitate use of peaceful conflict resolution strategies.

(4) Participation in the educational program is mandatory for students of compulsory school-attendance age, as defined in Section 1003.21, F.S. For programs operated by private providers, the school district may provide educational services directly or may contract with a private provider to deliver its own educational program. Youth identified with disabilities, as defined by IDEA, will have a Individualized Education Plan developed and implemented according to the individual needs of the youth.

(5) The educational program at the SHO program shall establish an educational and prevocational training component consistent with juvenile justice education standards that includes:

(a) Basic Achievement Skills Inventory (BASI) or other common assessment tools identified by the Florida Department of Education;

(b) Performance plan goals (student outcomes) focused on post-placement needs. Based on the student assessment and identification of youth's needs, performance goals (educational, prevocational training outcomes) must be developed in conjunction with the youth. Performance goals must target educational and prevocational services that will assist the youth in acquiring the skills most needed to increase success upon release from the residential program to the community;

(c) Educational and vocational curricula that are approved by the local school district, reviewed and revised at least annually and as needed based on skill acquisition demonstrated by youth in pre-testing and post-testing.

(d) Educational staff that are qualified, competent and trained in the residential program's philosophy, treatment approach(es), behavior management system, and other treatment components of the program, as well as program safety and security procedures. They shall be trained specifically on how to work effectively with the program's population. Staff shall also be trained in how to integrate support services with instruction and funding procedures for accessing resources. Educational staff shall receive in-service training in areas including but not limited to instructional

delivery, understanding youth behavior and learning styles, and processes and procedures commonly used in juvenile justice educational programs.

(e) The testing and provision of special education services to youth requiring these services.

(6) SHO program shall provide opportunities for youth to participate in recreation, leisure and physical fitness activities that are appropriate for adolescents. Such activities shall be scheduled and reflected on the program's daily activity schedule. Youth shall be provided the opportunity for daily recreational activities, one hour of which allows the youth to engage in large muscle activity. In addition to structured outdoor recreational activities or activities in a gymnasium, the program shall provide activities that are non-physical in nature, such as board games, reading, art projects, and other such activities.

(7) Content of television programming, videos, movies, and video games shall be age appropriate and shall not promote violence, criminal activity, sexual situations, abusive situations, or inappropriate language. Program staff shall not allow youth to view television, videos, or movies that are rated above PG.

(8) Programs allowing youth to participate in water related activities shall have a water safety plan, which at a minimum, shall address the following:

(a) Age and maturity of the youth who will participate;

(b) Identification of swimmers and non-swimmers;

(c) Special needs youth;

(d) Type of water in which the activity is taking place (pool or open water);

(e) Water conditions (clarity, turbulence, etc.);

(f) Bottom conditions;

(g) Lifeguard-to-youth ratio and positioning of lifeguards;

and

(h) Equipment needed for the activity.

(9) Off-Campus Activities. Youth committed to high-risk level commitment are restricted to necessary, supervised off-campus activities, i.e. health and court-related activities. During the final 60 days of their residential stay and with court approval, youth in high-risk programs may be granted permission to leave facility grounds (supervised and, under limited circumstances, unsupervised) to engage in transitional activities (enrollment in school, performance of community service, and home visits of no more than 72 hours). A risk assessment shall be conducted on all youth prior to any off campus activity.

(10) The Program Director shall ensure access to and provision of physical health services to all youth committed to the program. The health care delivery system shall include the following components:

(a) Intake Screenings and Assessments (also known as "routine medical and dental screening and evaluation") upon entry and at other specified times;

(b) Follow-up assessments at specified intervals (also known as "periodic evaluations") and ongoing treatment by licensed health care professionals as required by the presence of a chronic condition, a change in a youth's physical or mental health status, or the initiation of a new medication or medical regimen;

(c) Episodic care including first aid and/or emergency care;

(d) Sick call care;

(e) Medication management systems that facilitate the safe, effective, and documented storage and administration of medications, both prescription and over-the-counter, for acute and chronic physical, mental, and dental health conditions;

(f) Infection control measures to prevent the spread of disease;

(g) Age appropriate health education;

(h) Transitional healthcare planning; and

(i) Health care documentation system.

(11) The SHO program shall have a Designated Health Authority defined as the physician (MD or DO licensed pursuant to Chapter 458 or 459, F.S.) who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of health care within the facility.

(12) The Program Director shall ensure access to and provision of mental health services to all youth committed to the program. The mental health care delivery system shall include the following components:

(a) Mental health and substance abuse screening upon admission to determine if there are any immediate mental health or substance abuse needs;

(b) Comprehensive mental health and substance abuse evaluation or updated comprehensive evaluations for those youth identified by screening as in need of further evaluation;

(c) Access to mental health and substance abuse services, including psychotherapeutic intervention (primarily individual, group, and family counseling and psychosocial or psychoeducational skills training) and medical/somatic intervention (primarily administration and management of psychotropic medication), for youth in need of mental health and/or substance abuse treatment;

(d) Crisis intervention and suicide prevention services;

(e) Specialized services for non-routine situations where additional mental health expertise is needed, such as sex offender treatment or pharmacological treatment; and

(f) Emergency mental health and substance abuse care.

(g) A Designated Mental Health Authority will be accountable to the Program Director for ensuring that mental health services are appropriately provided in the SHO. This person shall be a licensed mental health professional

(psychiatrist licensed pursuant to Chapter 458 or 459, F.S., psychologist licensed under Chapter 490, F.S., mental health counselor, clinical social worker or marriage and family therapist licensed under Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S.). A licensed mental health staff shall directly supervise unlicensed mental health staff.

Specific Authority 985.47(10), 985.64 FS. Law Implemented 985.47(10) FS. History–New \_\_\_\_\_.

#### 63E-3.013 Construction.

(1) The department shall conduct an assessment of need for additional SHO programs prior to the siting or construction of more than one facility in any judicial circuit.

(2) The department shall ensure that any newly constructed or leased facility is designed to comply with the following:

(a) 25 or less beds;

(b) Separate and secure facilities;

(c) 35-square feet of space per youth for dayroom activities;

(d) Shall provide a minimum of 70 square feet of space for single room occupancy per youth. The room must have 35 square feet of clear floor space;

(e) A minimum of 35 square feet of space per youth for multipurpose room activities;

(f) A minimum of 56.25 square feet per youth for rooms used for educational purposes. Classroom size is based on a maximum of 16 youth in a class;

(g) A minimum of 50 square feet of space per youth for outside recreation;

(h) A minimum of one toilet to every eight youth, one washbasin for every eight youth and one shower for every eight youth;

(i) Ensure the facility meets the needs of disabled youth;

(j) Employ a Closed Circuit Television system that includes but is not limited to, a color digital recording equipment. The DVR must be capable of a minimum of 30 days recorded event storage within the hard drive, have a minimum setting of eight frames per second, have a minimum of 16 camera inputs, and be capable of remote viewing. All equipment must be surge protected and have a USP backup and be connected to an emergency power supply; and

(k) Siting and construction activities shall comply with local zoning codes and requirements and be in compliance with all state building codes and requirements.

Specific Authority 985.47(12), 985.64 FS. Law Implemented 985.47(12) FS. History–New \_\_\_\_\_.

#### 63E-3.014 Program Monitoring and Evaluation.

(1) Periodic reviews by the DJJ regional residential monitor shall be conducted to ensure that quality services are provided, departmental standards are maintained, and

departmental policies, related statutes, and rules are followed in contracted and state-operated programs. Monitoring is conducted monthly, quarterly, or semi-annually, based on risk factors determined in an annual assessment by the residential monitor. If there are major deficiencies noted in the residential monitor's site visit summary, the program shall submit an outcome-based corrective action plan (OBCAP) to the designated DJJ regional residential monitor.

(2) Security Audit. The DJJ region's security monitor shall conduct an audit of the programs safety and security measures at least annually. The program shall develop a corrective action plan as instructed by the regional security monitor to address any non-compliance issues identified in the security audit report. If the security monitor performs a Pre-Operational and Post-Operational Review or Quality Assurance program audit, that may be substituted as the annual security audit.

(3) For new programs or programs undergoing a change in provider, an on-site review will be conducted 30 to 45 days prior to the anticipated date of youth into the program. The review shall determine whether the program has the trained staff, policies, procedures, equipment, and supplies in place sufficient to begin accepting youth into the program. A favorable review will result in a Letter of Operation being issued by the department, authorizing the facility to begin admitting youth.

(4) A second on-site review is conducted 60 to 90 days after the facility commences operations to confirm full compliance in areas found in partial or non-compliance during the Pre-Operational Review to ascertain readiness to continue operations, and to determine additional programming needs.

(5) In some cases where federal funds are involved, audits may be conducted according to federal requirements. Other reviews or audits may be required per contract or departmental policy or as determined necessary by the department. For example, a Program Administrative Review may be conducted in a program by designated regional staff when DJJ headquarters determines a more detailed review of an incident is required. Also, an investigation may be conducted by the DJJ Inspector General's staff when determined necessary. In addition, there may be inspections or reviews required locally, for example, by the county.

Specific Authority 985.47(8), (11), 985.64 FS. Law Implemented 985.47(8), (11) FS. History–New \_\_\_\_\_.

#### 63E-3.015 Research Projects.

(1) All research project requests must follow the department's Institutional Review Board Research Proposal Review Process, prior to any contact with youth. The Institutional Review Board Research Proposal Review Process is the procedure the department utilizes to accept or deny research projects submitted to the department for consideration. The membership of the Institutional Review Board process consist of employees from all branches and

units in the department who review proposed research designs to be conducted at DJJ sites. The IRB is chaired by staff from the department's Bureau of Research and Data.

(2) No research project involving contact with youth or access to confidential information is authorized without the department's IRB and the Secretary's permission. Prior to any research project involving youth in the department's custody, the research project's lead researcher shall obtain permission from the youth and the youth's parents or legal guardian.

(3) The principal investigator of any research project shall meet the department's definition of a qualified researcher as defined by this rule.

Specific Authority 985.47(11), 985.64 FS. Law Implemented 985.47(11) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Moore, Residential Services, Policy Development and Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-7.012	Transfer, Release and Discharge
63E-7.014	Staff Training
63E-7.015	Research Projects

PURPOSE AND EFFECT: The rule establishes the requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders.

SUMMARY: The rule sections address the transfer and discharge of youth, the training of specified staff, and the procedure for conducting research projects in residential facilities.

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

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

SPECIFIC AUTHORITY: 20.316, 985.601, 985.64 FS.

LAW IMPLEMENTED: 985.601, 985.04, 985.441, 985.03 FS.

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

DATE AND TIME: Tuesday, September 11, 2007, 10:00 a.m.  
PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 312, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-7.012 Transfer, Release and Discharge.

(1) Transfer.

(a) A residential commitment program may request to transfer a youth to a higher, lower, or same restrictiveness level program by submitting a Request for Transfer form and a transfer Performance Summary to a regional transfer administrator designated by the department. The transfer Performance Summary shall describe efforts by the program to meet the youth's treatment needs and to modify or manage non-compliant behavior. A program's request to transfer a youth shall be based on at least one of the following:

1. A youth's new law violations;
2. The youth's continued non-compliant behavior after the program has attempted to modify or manage it;
3. The program's incapacity to meet the youth's changing treatment needs;
4. The youth's gang affiliation;
5. Protection of the public; or
6. Impending program closure or reduction in the program's bed capacity.

(b) The transfer administrator shall conduct a transfer staffing if a youth is being considered for transfer to a higher restrictiveness program, and may conduct a transfer staffing in other cases when he or she deems necessary. If the transfer administrator schedules a transfer staffing, the program requesting the transfer shall:

1. Send the Notification of Transfer Staffing form letter and the transfer Performance Summary to the youth's parents or legal guardian, copying the youth, the youth's JPO, the Department of Children and Families foster care worker, if applicable, and any attorneys of record, including the defense attorney and state attorney;
2. Designate at least one member of the youth's treatment team to participate in the staffing; and
3. Provide any additional information and documentation requested by the transfer administrator.

(c) The transfer administrator shall approve or deny the transfer request based on review of information provided by the program, consideration of any transfer staffing recommendations, verification of the youth's eligibility for admission into a program at the recommended restrictiveness level, and availability of a program that can better meet the youth's needs while protecting the public. However, if the

transfer administrator approves a request that recommends a transfer to a restrictiveness level other than that to which the court committed the youth, the transfer administrator shall submit the transfer request to the court.

(d) The residential commitment program shall include any transfer request and notification documentation in the youth's individual management record.

(e) When a transfer is granted, the initiating residential commitment program shall prepare a transfer packet. The receiving program shall inspect the packet prior to the transferred youth's admission and, if any core documents are not included in the packet, shall contact the initiating program to request the missing documents be faxed or electronically transmitted. The core documents are as follows:

1. DJJ face sheet;
2. Current commitment order;
3. Predisposition report;
4. Commitment conference summary; and
5. Individual healthcare record that includes:

a. The current original Authority for Evaluation and Treatment or a current legible copy;

b. Comprehensive physical assessment;

c. Immunization records; and

d. Tuberculosis skin test (Mantoux) results, unless contraindicated.

(f) Within 24 hours of any transfer or on the first regular workday of the following week when the youth is transferred on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager. The only exception to this notification requirement is when the regional commitment manager served as the transfer administrator who granted the transfer request.

#### (2) Release.

(a) When planning for the release of any youth who is clearly not subject to involuntary commitment as a Sexually Violent Predator (SVP), a residential commitment program shall comply with the following provisions.

1. A program with a designed or estimated length of stay of more than 45 days shall forward the Pre-Release Notification and Acknowledgment form, with the pre-release notification section completed, and the release Performance Summary to the youth's JPO at least 45 days, or in the case of a sex offender who is not VSP eligible, at least 90 days prior to the youth's planned release date. A residential commitment program with a designed or estimated length of stay of 45 days or less shall forward the Pre-Release Notification and Acknowledgment form, with the pre-release notification section completed, to the youth's JPO within 72 hours of the youth's admission to the program.

a. If the program does not receive the completed Pre-Release Notification and Acknowledgment form within 20 working days of the program sending it to the youth's JPO, the program shall contact the JPO or the JPO's supervisor to expedite return of the form.

b. In the event that the court directly contacts a residential commitment program to summon, subpoena, or request the youth appear at a hearing to address the release request, the program shall immediately notify the youth's JPO or, if unavailable, the JPO's supervisor.

c. If the court objects to the youth's release, the program shall resubmit the Pre-Release Notification and Acknowledgment form and Performance Summary to the JPO after the youth has made progress towards meeting the court's expectations.

d. The program shall not release any youth without written notification from the JPO or the JPO's supervisor that documents the court's approval or confirms the release is considered approved when the court does not respond within 10 days of the department's request. Upon notification that a release request has been approved or is considered approved, the program shall provide written notification to the youth's parents or legal guardian of the planned release.

2. If a youth's offense is homicide pursuant to Chapter 782, F.S. (lawful representatives or next of kin considered as the victims in homicide cases), a sexual offense pursuant to Chapter 794, F.S., attempted murder or a sexual offense pursuant to Chapter 777, F.S., stalking pursuant to Section 784.048, F.S., or domestic violence pursuant to Section 25.385, F.S., the program shall notify the youth's victims or their designees prior to releasing the youth unless the youth's JPO has provided the program with a waiver of notification rights signed by the victims or their designees.

a. The program shall track youth whose victims or designees require notification while maintaining confidentiality that protects the identity of victims.

b. The program shall mail the Victim Notification of Release form letter to the victims or their designees at least 10 working days prior to the youth's release or, if circumstances beyond the program's control prevent this, as soon thereafter as possible before the youth's release. The program shall document all notifications and attempted notifications and shall copy the youth's JPO and the youth's individual management record on the notification letter.

c. Under no circumstances shall the program notify a victim or designee if he or she waived notification rights in writing, nor shall the program notify the victim or designee until the youth's JPO notifies the program of approval to release the youth.

3. The program shall also ensure the following notifications prior to a youth's release:

a. Educational and vocational staff so required post-testing may be conducted, transcripts prepared, records transferred, and the receiving community school notified.

b. Parties or entities requiring notification if the youth is a juvenile sex offender pursuant Section 985.48, F.S.; and

c. JJIS or the department's regional commitment manager. Within 24 hours of any release or on the first regular workday of the following week when the youth is released on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager.

4. Prior to a youth's release, the program shall comply with the following departure procedures:

a. Arrange transportation as necessary; and

b. Conduct a property inventory of the youth's personal possessions in the presence of the youth, documenting the inventory and verifying its accuracy with signatures of the staff conducting the inventory, the youth, and a witness. The program shall reconcile any differences between the intake and release inventories.

(b) When planning the release of any youth who, based on the department's screening, may be eligible for involuntary commitment as a SVP, a residential commitment program shall comply with the following provisions:

1. Not less than 240 days prior to the anticipated release of a youth who is potentially SVP eligible, a program with a designed or estimated length of stay of 240 days or more shall notify the JPO of the anticipated release. A program with a designed or estimated length of stay of less than 240 days shall commence notification to the JPO within 30 days of the youth's admission to the program.

2. The program shall not release any youth who is potentially SVP eligible and subject to the provisions of Chapter 394, F.S., until the Sexual Predator Unit at the Department of Children and Families (DCF) has determined eligibility and the youth's JPO has advised the program how to proceed and has provided the program with written documentation to support such action. To facilitate this eligibility determination process, the residential commitment program shall provide to the youth's JPO the documentation required by DCF.

a. A program with an estimated length of stay of 240 days or more shall provide the Jimmy Ryce Act For violent Sexual Offenders/Residential Program Notification Checklist, the performance plan, the Performance Summary, a physical health summary, a summary of the youth's institutional adjustment if not included in the Performance Summary, and any psychological or psychiatric report.

b. In the case of a program whose estimated length of stay is less than 240 days, wherein release notification commences 30 days or less after the admission of a potentially SVP eligible youth is admitted, the program shall initially provide the JPO with the Jimmy Ryce Act For Violent Sexual

Offenders/Residential Program Notification Checklist, the performance plan, a physical health summary, a summary of the youth's institutional adjustment, and any psychological or psychiatric reports. Additionally, the program shall provide the JPO with the Performance Summary and the transition plan immediately subsequent to their completion. Although the program provides existing psychological or psychiatric reports at the time it commences release notification, the program shall provide the JPO with any subsequent psychological or psychiatric reports that may be generated while the youth is still in the program.

c. If DCF determines that a youth is not subject to civil commitment as a SVP pursuant to Chapter 394, F.S., the program shall comply with the provisions set forth in paragraph 63E-7.012(2)(a) of this rule chapter.

(c) In addition to complying with the provisions of paragraph (2)(a) or (2)(b) of this section of this rule chapter, when planning for the release of any sex offender whose offense is specified in Section 943.0435, F.S., and who is subject to registration requirements pursuant to Section 985.481, F.S., a residential commitment program shall:

1. Take a digital photograph of the youth within 60 days prior to release and download the image into JJIS or provide it to the youth's JPO; and

2. Explain the registration requirements to the youth prior to release and obtain a signed statement wherein the youth acknowledges that he or she understands the requirement to register at the sheriff's office when he returns to his county of residence.

(3) Discharge. When a youth is being directly discharged rather than released to post-commitment probation or conditional release supervision, a residential commitment program shall comply with the notification requirements for release pursuant to subparagraph 63E-7.012(2)(a)1., sub-subparagraph 63E-7.012(2)(a)1.a., and subparagraphs 7.012(2)(a)2.-3., F.A.C., of this rule chapter and the departure requirements pursuant to subparagraph 63E-7.012(2)(a)4. of this rule chapter, with the following exceptions:

(a) The program shall send a discharge rather than release summary with the Pre-Release Notification and Acknowledgment form to the youth's JPO; and

(b) The program shall notify the youth's parent or legal guardian at least 30 days prior to the youth's discharge unless the youth is being discharged because he or she has reached the age of jurisdiction.

(4) If a youth in a residential commitment program is taken into custody by law enforcement as an adult for crimes that occurred prior to or during residential placement, the program shall:

(a) Complete the Request for Notification When Youth Is Ready for Release form, securing the signature of the law enforcement officer taking custody of the youth, and give him or her a copy of the form and a copy of the youth's commitment order;

(b) Contact the youth's JPO by telephone and in writing, immediately notifying him or her of the youth's status; and

(c) Document the event, notifications and attempted notifications.

(5) When a youth in a residential commitment program is arrested on a new charge or a pre-placement charge pending in juvenile court that results in the youth going to detention, the residential program shall facilitate a timely return of the youth unless the youth's continued placement in the program substantially jeopardizes safety or security.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New \_\_\_\_\_.

#### 63E-7.014 Staff Training.

(1) A residential commitment program shall ensure that pre-service or certification training and in-service training for direct care staff, including documentation of training, is consistent with Chapters 63H-2 and 63H-1, F.A.C.

(2) A residential commitment program shall ensure that each non-direct care staff receives pre-service and in-service training commensurate with his or her assigned job duties, including PAR training when required pursuant to Chapter 63H-1, F.A.C. Additionally, the program shall include the following topics in pre-service training for non-direct care staff having direct contact with youth as part of their assigned job duties:

(a) Orientation to include the program's mission, philosophy and treatment approach, incident reporting, child abuse reporting, and confidentiality pursuant to Section 985.04, F.S.;

(b) Professionalism and ethics;

(c) Unique needs and treatment issues of the program's targeted population;

(d) Restorative justice principles and their application in the program;

(e) Program-specific safety and security procedures, including the program's COOP and Disaster Plan; and

(f) Implementation of the program's behavior management system.

(3) In order to specify the minimum required training and any additional training that the program deems necessary, a residential commitment program shall develop and implement a written annual training plan that addresses training for non-direct care staff. This plan, which specifies training topics, projected training dates, and targeted participants by staff types or classes, shall be consistent with training requirements

pursuant to Chapter 985, F.S., this rule chapter, Chapter 63H-1, F.A.C., and any additional staff training specified in a provider's contract with the department.

(4) A residential commitment program shall document training for each non-direct care staff consistent with the documentation requirements specified in Chapter 63H-2, F.A.C., for direct care staff.

(5) A residential commitment program shall ensure that any other service provider regularly on-site in the program receives orientation and training commensurate with his or her assigned role and function. This training shall include professionalism and ethics, safety and security, abuse and incident reporting, confidentiality pursuant to Section

985.04, F.S., and other topics as deemed necessary by the program.

Specific Authority 985.64, 985.601(3)(a), 985.601(8), 20.316 FS. Law Implemented 985.601(3)(a), 985.601(8) FS. History—New \_\_\_\_\_.

#### 63E-7.015 Research Projects.

(1) For purposes of this section, research is defined as a systematic investigation designed for the gathering and analysis of information to develop or contribute to generalized knowledge. Research proposals from researchers within the department and from other institutions are subject to the department's Institutional Review Board (IRB) Process and must be approved in writing by the DJJ Secretary or designee prior to its implementation, including contact with youth or access to youth records for the purposes of such research. Proposals or requests that are not subject to the department's IRB process include:

(a) Requests from state and federal government agencies for existing data and information collected by the department for program management and evaluation purposes if they are to be used for the same purposes by the requesting agencies and a data sharing agreement exists between the aforementioned entities;

(b) Research and evaluation deemed necessary by the department for program management and reporting and conducted by the department's unit specifically designated to conduct research and evaluation activities;

(c) Data collection and data analysis conducted by any department unit for purposes of program management and reporting on their daily operations;

(2) The recommendation of the IRB for approval of a research proposal shall be based on:

(a) The likelihood that the research will not cause harm to the subjects;

(b) The requester's plan to seek informed assent from each perspective participant and consent from his or her legally authorized representative and to provide supporting documentation of acquired assent and consent;

(c) The requester’s plan to take adequate precautions to protect the privacy and confidentiality of subjects and their information;

(d) The support from the residential commitment programs to serve as research sites;

(e) A determination that the associated workload for departmental staff will not interfere with their capacity to perform regularly assigned job functions; and

(f) The potential of the research to provide the department and other juvenile justice stakeholders with information that can be used to improve services to youth or otherwise reduce juvenile delinquency.

(3) The principal investigator, meaning the person who requested the IRB to review the research proposal and who is conducting and/or directing the research project, shall ensure any department approved research project is implemented as approved by the department. The principal investigator shall secure authorization from the IRB prior to implementing any changes in the approved research design and methodology. Additionally, the principal investigator shall report any anticipated and unanticipated problems and changes involving risk to subjects and others to the IRB director for review. Any violation or deviation from IRB requirements, approved research protocol, or human subjects may result in termination of departmental approval.

(4) The principal investigator shall submit a copy of the final report published on the authorized research project to the department for review at least 90 days prior to its submission for publication.

(5) A residential commitment program shall not permit commencement of any research project in or associated with the program without an IRB letter of approval signed by the department’s Secretary or designee.

Specific Authority 985.04, 985.64, 20.316 FS. Law Implemented 985.04 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pamela Brantley, Residential Services, Policy Development and Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-12.002      RULE TITLE: Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete application fee for “initial licensure” and to delete “nonrefundable” reference from description of application fee and to add “application fee for licensure by endorsement”.

SUMMARY: The rule amendment will delete application fee for “initial licensure” and to delete “nonrefundable” reference from description of application fee and to add “application fee for licensure by endorsement”.

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

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

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 456.013(2), 468.4685(4), 468.1705(1), 468.1735 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.002 Application for Licensure.

(1) The ~~nonrefundable~~ application fee for licensure by initial licensure/ endorsement and provisional licensure shall be \$250.00 each.

(2) The ~~nonrefundable~~ application fee for preceptor is \$50.00.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 456.013(2), 468.4685(4), 468.1705(1), 468.1735 FS. History–New 12-26-79, Formerly 21Z-12.02, Amended 1-22-90, Formerly 21Z-12.002, 61G12-12.002, 59T-12.002, Amended 11-4-02, 2-15-06, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007



**DEPARTMENT OF HEALTH****Board of Nursing Home Administrators**

RULE NO.: 64B10-12.009  
 RULE TITLE: Initial Licensure Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase initial licensure fee for nursing home administrators.

SUMMARY: The rule amendment will increase initial licensure fee for nursing home administrators.

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

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

SPECIFIC AUTHORITY: 456.025, 468.1685(1) FS.

LAW IMPLEMENTED: 456.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.009 Initial Licensure Fee.

The initial licensure fee for nursing home administrator's license whether by examination or endorsement shall be \$500.00 ~~\$250~~. An applicant not eligible for licensure may receive a refund of the initial licensure fee.

Specific Authority 456.025, 468.1685(1) FS. Law Implemented 456.025, 468.1685(1) FS. History--New 6-14-82, Formerly 21Z-12.009, 61G12-12.009, Amended 2-13-95, Formerly 59T-12.009, Amended 2-26-02, 8-17-05,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

**DEPARTMENT OF HEALTH****Board of Podiatric Medicine**

RULE NO.: 64B18-14.002  
 RULE TITLE: Penalties

PURPOSE AND EFFECT: The Board proposes the rule amendment to identify the range of penalties for licensees who fail to provide their last known address or fail to notify the Board of changes in their supervisor.

SUMMARY: A penalty range is identified for licensees who fail to provide their last known address or who fail to notify the Board of changes in their supervisor.

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

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

SPECIFIC AUTHORITY: 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.002 Penalties.

(1) No change.

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

(uu) Failure to provide the last known address of record pursuant to Section 456.035, F.S., shall impose a penalty of suspension until compliance and payment of fine from \$500 to \$2,000.

(vv) Failure to notify the Board of changes in supervisor pursuant to Section 461.0135, F.S., shall impose suspension to revocation and a fine of \$1,000 to \$4,000.

Specific Authority 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History--New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, 6-14-06, 10-10-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.009  
RULE TITLE: Minor Violations; Notices of Compliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the requirement for obtaining an education course on HIV within six months of licensure.

SUMMARY: The requirement for obtaining an education course on HIV within six months of licensure will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 456.072(3), 456.073, 461.005 FS.

LAW IMPLEMENTED: 456.073 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.009 Minor Violations; Notices of Compliance.

(1) through (3) No change.

(4)(a) through (r) No change.

~~(s) Failure to obtain an education course on human immunodeficiency virus and acquired immune deficiency syndrome within six (6) months of licensure as required by Section 456.033, F.S.~~

(5) No change.

Specific Authority 456.072(3), 456.073, 461.005 FS. Law Implemented 456.073 FS. History–New 4-1-91, Formerly 21T-14.009, 61F12-14.009, Amended 2-25-96, 6-17-97, Formerly 59Z-14.009, Amended 8-8-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.010  
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and penalties.

SUMMARY: Violations and penalties will be updated.

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

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

SPECIFIC AUTHORITY: 456.072, 456.077, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:

VIOLATIONS

PENALTY

(a) CME violations. Podiatrist

(Section 456.077(2) and 461.013(1)(w), F.S.).

1. Failure to document 40 of the 40 required hours.

\$5,000 fine and reprimand

~~Within one year of the date of the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND~~

~~\$500 fine per category~~

~~2. Failure to document required~~

~~two (2) hour medical errors, HIV/AIDS, Florida laws and rules, or risk management CME.~~

~~3. Documentation of some, but not all 40 hours of required CME for license renewal.~~

\$125 fine for each hour not documented

~~3. Failure to document any of the required hours.~~

~~\$5,000 fine and reprimand~~

(b) CME violations: Podiatric X-ray Assistant

\$150 fine

Failure to document required eight (8)

hour recertification course.

~~(c)(b) Practice on a delinquent license for a period of up to three months~~

\$500 fine for Podiatrist;

\$150 fine for Podiatric X-ray Assistant

~~(Sections 461.012(1)(a) and 461.013(1)(w), F.S.).~~

~~(d)(e) Failure to notify Department of change of current mailing address and Place of practice.~~

\$500 fine for Podiatrist;

\$150 fine for Podiatric X-ray Assistant

~~(Sections 461.013(1)(h) and 456.035(1), F.S.)~~

~~(e)(d) Failure to provide medical record of one patient in a timely manner.~~

\$500 fine and proof records were provided

~~(Section 456.057, F.S.)~~

~~(f)(e) Failure to provide the disclaimer required for free or discounted services.~~

\$500 fine

~~(Sections 456.062, 456.077(2) and 461.013(1)(w), F.S.)~~

~~(g)(f) Soliciting patients.~~

\$500 fine

~~(Sections 456.072(1)(x), 456.077(2), 461.013(1)(k), and 461.013(1)(w), F.S.)~~

~~(h)(g) Failure to comply with the requirements of profiling or credentialing.~~

\$500 fine

~~(Section 456.072(1)(v) and 456.077(2), F.S.)~~

~~(i)(h) Failure to pay the one time assessment fee of \$375.00~~

Citation fine of \$500.00 plus payment of cost and the \$375.00 assessment fee.

~~(i)(i) Failure to timely pay required costs and fines. (Section 456.077(2), F.S.)~~

\$2,500 fine and compliance of outstanding costs and fines within sixty days

~~(k)(j) Failure to comply with Sections 381.026 and~~

\$250 fine and compliance within ten days

~~(l)(k) Failure to comply with Section 456.039(3)(b) (Section 456.077(2), F.S.)~~

a fine of \$50.00 per day

~~381.0261, F.S., referencing patients bill of rights.~~

(Section 456.077(2), F.S.)

(4) through (5) No change.

Specific Authority 456.072, 456.077, 461.005 FS. Law Implemented 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS. History--New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, 6-14-06, 10-11-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-17.001 RULE TITLE: Materials Incorporated by Reference PURPOSE AND EFFECT: To incorporate a department manual by reference and to update other materials currently incorporated by reference.

SUMMARY: The Procedure Manual for Sponsors of Day Care Homes is being incorporated by reference.

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

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

SPECIFIC AUTHORITY: 383.011(2)(c) FS.

LAW IMPLEMENTED: 383.011(1)(i) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia P. Forrester; 4052 Bald Cypress Way; Tallahassee, FL 32399-1703; (850)245-4005

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-17.001 Materials Incorporated by Reference.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, 2007, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, 2007, are incorporated by reference.

(2) The Department of Health's publications entitled "Procedure Manual for Sponsors of Unaffiliated Centers," dated August 1, 2006, and "Procedure Manual for Sponsors of Day Care Homes," dated April 1, 2007, are incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History--New 7-22-99, Amended 2-20-04, 4-10-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phillip Reeves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NOS: 65A-1.301, 65A-1.704, 65A-1.705 RULE TITLES: Citizenship, Family-Related Medicaid Eligibility Determination Process, Family-Related Medicaid General Eligibility Criteria

PURPOSE AND EFFECT: Amendments to the rules will align citizenship requirements for Medicaid applicants and recipients with the federal law, the Deficit Reduction Act of 2005, Public Law 109-171 (DRA). Text has also been edited for technical deficiencies.

SUMMARY: Proposed amendments will revise language to be consistent with federal requirements for individuals who declare to be a U.S. citizen or national. These individuals are required to provide proof of U.S. citizenship and identity, unless they meet a federal exemption.

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

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

SPECIFIC AUTHORITY: 409.918, 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.918, 409.919, 410.033, 414.095, 414.31 FS.

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

DATE AND TIME: September 10, 2007, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.301 Citizenship.

(1) The individual whose needs are included must meet the citizenship and noncitizen status established in: P.L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996; P.L. 105-33, the Balanced Budget Act of 1997; P.L. 105-185, the Agricultural Research, Extension, and Education Reform Act of 1998; P.L. 105-306, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998; P.L. 109-171, the Deficit Reduction Act of 2005; and, the Immigration and Nationality Act.

(2) For Medicaid, an individual who indicates they are a U.S. citizen, and who is not subject to an exemption, must provide proof of U.S. citizenship and identity as specified in P.L. 109-171, the Deficit Reduction Act of 2005 as amended by P.L. 109-432, Tax Relief and Health Care Act of 2006. The Department will assist with obtaining documentation if the applicant or recipient indicates they are having a problem obtaining the documentation.

(3)(2) The eligibility specialist must verify ~~confirm~~ the immigration status of ~~all non-U.S.~~ citizens through the United States Citizenship and Immigration and Naturalization Service (USCIS) (INS). Verification will be requested electronically using the alien number, or based on a USCIS or prior Immigration and Naturalization Services (INS) document provided by the applicant. The system of verification is known as the Verification Information System-Customer Processing System (VIS-CPS) Systematic Alien Verification for Entitlement System (SAVE) Program. ~~SAVE verification must be obtained when the alien provides an INS document that does not clearly indicate alien status.~~ When the noncitizen alien provides neither an alien number nor an USCIS INS document to indicate their status, the noncitizen alien must contact the USCIS INS to obtain documentation or verification of noncitizen alien status. The department will assist in obtaining documentation ~~this effort~~ if requested to ~~do so~~. If the noncitizen alien provides any form of USCIS INS documentation, regardless of the expiration date, showing an eligible Immigration Act section, the eligibility specialist must accept the documentation and verify the individual's status ~~through SAVE~~. Electronic verification of an eligible immigrant status ~~through SAVE~~ is acceptable proof

~~documentation~~ of the individual's eligible status for all programs. Automated verification ~~by telephone~~ is attempted first. If automated verification cannot be obtained, noncitizenship status must be verified manually (i.e., secondary verification) through use of an USCIS INS form. Benefits will not be withheld when VIS-CPS SAVE indicates secondary (i.e., manual) verification is required and response from the secondary verification is pending, provided all other technical factors of eligibility are met. Benefit recovery is required when such individuals are determined to not have been ~~no longer~~ in an eligible noncitizen alien status.

(4)(3) Noncitizens who would experience an undue hardship in obtaining current USCIS ~~INS~~ documentation, hospitalized noncitizens or noncitizens with a medical disability will be considered eligible for benefits on the noncitizen factor of eligibility while awaiting the return of USCIS ~~INS~~ secondary or manual verification. Undue hardship includes living a prohibitive distance from the USCIS ~~INS~~ office, lack of transportation, inability to travel to or attend appointments due to a medical condition, or a long waiting period for an appointment with the USCIS ~~INS~~. However, these individuals are subject to recoupment for any benefits issued while verification is pending should they subsequently be determined to have been in an ineligible noncitizen ~~alien~~ status.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 410.033, 414.095(3), 414.31 FS. History—New 4-9-92, Amended 11-22-93, Formerly 10C-1.301, Amended 4-18-99, \_\_\_\_\_.

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

- (1) No change.
- (2) Simplified Eligibility for Pregnant Women.
  - (a) through (b) No change.
  - (c) The following information must be verified or obtained, as indicated below, prior to approval for Medicaid for a pregnant woman.
    - 1. through 3. No change.
    - 4. A declaration of citizenship is required. The applicant's statement on the Health Insurance Application for Pregnant Woman, CF-ES 2700, 08/2006, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity, if they are not subject to an exemption as specified in P.L. 109-171, the Deficit Reduction Act of 2005 as amended by P.L. 109-432, Tax Relief and Health Care Act of 2006.

5. Non-citizens must provide proof of immigration status through the USCIS. The department will request verification of immigration status of noncitizens electronically through the VIS-CPS using the noncitizen's alien number. If the pregnant woman is a non-citizen, she may provide her alien number to the eligibility public assistance specialist on the application.

If the information is not on the application, it may be provided ~~obtained~~ by telephone. The pregnant woman's eligibility as a non-citizen will be determined in accordance with Section 1137 of the Social Security Act. ~~As a non-citizen, she will be requested to provide verification of her immigration status and the SAVE system will be used to verify this information.~~

- ~~6.5.~~ No change.
- ~~7.6.~~ No change.
- (d) No change.
- (3) through (5) No change

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04, \_\_\_\_\_.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

- (1) through (7) No change.
- (8) Medicaid Applications Due to KidCare.
- (a) through (b) No change.
- (c) Prior to approval for Medicaid;

1. Children who are U.S. citizens must have their citizenship and identity verified unless they are exempt from the requirement as specified in P.L. 109-171, the Deficit Reduction Act of 2005 as amended by P.L. 109-432, Tax Relief and Health Care Act of 2006:

2. Verification of immigration status will be required for children who are not citizens. Immigration status will be verified. This requirement will be met through the VIS-CPS SAVE system and completion of a KidCare Program Immigration Status Statement, CF-ES 2083, Oct. 2002 (incorporated by reference). Information about immigration status and the receipt of Medicaid will be sent to parents when they are asked to complete the Immigration Status Statement form. If the requested information is not provided within thirty (30) days, the application will be denied, unless a request for an extension is made or there are extenuating circumstances known to the department justifying an extension. If the verification or information is difficult for the parent or caretaker to obtain, the eligibility specialist must provide assistance obtaining the verification or information when requested.

- (d) through (h) No change.
- (9) No change.

Specific Authority 409.918, 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.818, 409.919 FS. History--New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-15-01, 9-24-01, 4-1-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nathan Lewis  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-20.008	Application
65C-20.009	Staffing Requirements
65C-20.010	Health Related Requirements
65C-20.011	Health Records
65C-20.012	Enforcement
65C-20.013	Large Family Child Care Homes (LFCCH)
65C-20.014	Gold Seal Quality Care Program

PURPOSE AND EFFECT: The rule modifications contained in this document will establish minimum child care licensing standards for safety, enforcement and disciplinary sanctions, child discipline, transportation and Gold Seal Accreditation. In addition, training requirements for substitutes have been modified and training exemptions have been removed for operators, employees and substitutes. These modifications will provide better continuity between licensed child care programs for those standards involving safety, enforcement, disciplinary sanctions, child discipline, transportation and Gold Seal.

SUMMARY: The 2006 Legislature passed Senate Bill 1510 which requires the Department to establish minimum child care health and safety licensing standards for family day care homes including, uniform enforcement and disciplinary sanctions, child discipline, and transportation. Senate Bill 1510 also requires the Department to establish minimum standards for uniform enforcement and disciplinary sanctions for large family child care homes.

In addition, training requirements for family day care homes and large family child care homes related to substitutes have been modified and training exemptions have been removed for certain operators, employees and substitutes.

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

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

SPECIFIC AUTHORITY: 402.281, 402.310, 402.313, 402.3131 FS.

LAW IMPLEMENTED: 402.281, 402.310, 402.313, 402.3131 FS.

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

DATES AND TIME: September 11, 2007, 9:00 a.m. (Tallahassee); September 12, 2007, 9:00 a.m. (Orlando)  
PLACES: Department of Children and Families, 1317 Winewood Blvd., Building 4, Tallahassee, FL 32399; Department of Children and Families, 400 W. Robinson St., Hurston South Tower, 1st Floor, Conference Room B, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mike Boland (850)921-8228

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 65C-20.008 Application.

(1) Application for a license or for renewal of a license to operate a family day care home must be made on CF-FSP Form 5133, ~~August 2007 April 2006~~, Application for a License to Operate a Family Day Care Home, which is incorporated by reference may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the forms link.

(2) No change.

(3) A submitted CF-FSP Form 5133 will not be considered complete until the licensing authority receives proof of background screening clearance on the operator/applicant of the family day care home and on all other household members who are subject to background screening pursuant to s. 402.313(3), F.S. Prior to taking care of children, the designated substitute for the operator must comply with background screening requirements and the licensing authority must receive proof of background screening clearances.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 7-13-03, 9-12-04,\_\_\_\_\_.

#### 65C-20.009 Staffing Requirements.

(1) through (2) No change.

(3) Staff Training.

(a) Prior to licensure and prior to caring for children, all family day care home operators and substitutes who work 40 hours or more per month on average during a 12 month period must:

1. Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Family day care home operators who successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. Documentation of course completion may either be a single Family Child Care

Home (30 Hr) certificate or certificates for the Beginning July 1, 2006, the 30 clock-hour Family Child Care Home training will be replaced by five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.

~~a. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better.~~

~~b. Beginning July 1, 2006 the Department of Children and Family Services or its designated representative shall exempt individuals from the Health, Safety, and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:~~

~~(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade; or~~

~~(II) An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).~~

~~e. The Family Child Care Home training completed successfully after July 1, 2004 will be documented on the child care training transcript only. Training completed successfully prior to July 1, 2004 will be documented either on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, or on the Department of Children and Family Services' child care training transcript.~~

2. Training completed successfully will be documented on the training transcript or on CF-FSP 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference. CF-FSP 5267 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the training link.

3.2. Complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, individuals must complete one (1) of the following:

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One (1) of the department’s approved literacy training courses. A list of these courses may be obtained from the licensing authority or on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.

~~4.3-~~ Certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training, which must be current and valid at all times. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three (3) years. Online CPR courses are not acceptable to meet this standard. CPR training must be completed by classroom instruction.

(b) Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the Department of Children and Family Services’ six (6) clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency based examination offered by the Department of Children and Family Services or its designated training representative 3-clock hour Fundamentals of training prior to caring for children; Training completed successfully will be as, documented on the Department of Children and Family Services’ CF-FSP Form 5267 or and the Department of Children and Family Services’ child care training transcript.

1. The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in operators' home. The statement must be placed in the substitute's file.

2. Family day care substitutes who have successfully completed the three (3) clock-hour Fundamentals of Child Care Training or 30 clock-hour Family Child Care Home training are not required to complete the six (6) clock-hour Family Child Care Home Rules and Regulations course ~~(3 clock-hour Fundamentals of Child Care training.~~

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, 4-12-07, \_\_\_\_\_.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) No change.

(b) All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives, sharp tools and other potentially dangerous hazards shall be stored separately and locked or inaccessible to children out of a child’s reach.

(c) through (e) No change.

(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall maintain safe and adequate fencing, or walls, be fenced a minimum of four (4) feet in height if the family day care home property borders any of the following:

(g) Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The bottom or base of the fence must remain at ground level and free from erosion or buildup to prevent inside or outside access by children or animals.

(h) Outdoor Play Space and Outdoor Equipment.

1. All family day care homes shall provide outdoor equipment and play activities suitable to each child’s age and development.

2. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month of all supports, above and below the ground, all connectors, and moving parts.

3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

4. All equipment, fences, and objects on the family day care home’s premises shall be free from sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one (1) area.

5. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

~~(i)(g)~~ All in-ground swimming pools and above-ground swimming pools more than one (1) foot deep shall have either a fence or barrier on all four (4) sides, at a minimum of four (4) feet in height, separating the home from the swimming pool; or a pool alarm that is operable at all times when children are in care. The fence or barrier shall not have any gaps or openings that would allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., that complies with ASTM F1346-91(Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. A copy of ASTM F1346-91 (2003), Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas, may be obtained



from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the forms link. The exterior wall of the home with an ingress and egress, does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care. The wall of an above-ground swimming pool may be used as its barrier; however, such structure must be at least four (4) feet in height. In addition, any ladder or steps that are the means of access to an above ground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.

~~(j)~~(h) If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. If the family day care home uses a swimming pool that exceeds three (3) feet in depth at the family day care home site, one (1) person who has completed a basic water safety course such as offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the family day care home site or takes the children to water areas such as a beach or lake for swimming activities, the family day care home operator must provide one (1) person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

~~(k)~~(i) A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

~~(l)~~(j) Each child in care must be provided safe and sanitary bedding to be used when napping. Bedding means a cot, bed, crib, mattress, playpen or floor mat. Air mattresses and foam mattresses may not be used for napping. Mats must be at least one (1) inch thick and covered with an impermeable surface.

~~(m)~~(k) Children one (1) year of age or older may nap or sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two (2) sibling preschool children may share a double bed. Sleeping refers to the normal night time sleep cycle and playpens, air mattresses, foam mattresses, and mats may not be used for care when children are sleeping. The operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request. If the children are sleeping overnight, the operator

must ensure accepted bedtime routines, such as brushing teeth and ~~washing~~ face and hands ~~washing~~. Toothbrushes, towels and wash cloths may not be shared.

~~(n)~~(l) Children up to one (1) year of age must be in an individual crib, portacrib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations. No double or multi-deck cribs, cots or beds may be used. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

~~(o)~~(m) A minimum distance of 18 inches must be maintained between individual napping space. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and needs of the children.

~~(p)~~(n) Potable drinking water shall be available to children of all ages at all times.

~~(q)~~(o) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles and sippy cups provided by the family day care home that are not disposable shall be washed, rinsed and sanitized between uses. All bottles and sippy cups brought from home shall be individually labeled with the child's first and last name and returned to the custodial parent or legal guardian daily.

~~(r)~~(p) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

~~(s)~~(q) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free from hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate, at least one (1) operable corded telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

~~(t)~~(r) If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA MyPyramid, April 2005, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods

for children ages two (2) and older. The categories “oils” and “discretionary calories” may not be considered food groups. Copies of the USDA MyPyramid may be obtained from licensing authority, the local county health department or from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov). Using the USDA MyPyramid for Young Children, breakfast shall consist of at least three (3) different food groups; lunch and dinner shall consist of at least four (4) different food groups and snacks shall consist of at least two (2) different food groups. If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child’s file for as long as the child is in care. If the custodial parent or legal guardian notifies the family day care home of any known food allergies, written documentation must be maintained in the child’s file.

- (4) Communicable Disease Control.
  - (a) No change.

(b) The family day care home shall have a designated isolation area for a child who becomes ill. The child’s condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever of 101 degrees Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in paragraph 65C-20.010(4)(a), F.A.C., shall be placed in the isolation area. Linens and disposable items shall be changed after each use. The condition shall be reported to the custodial parent or legal guardian and the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

- (5) Medication.
  - (a) through (f) No change.

(g) All medicine must have child resistant caps and shall be stored separately and locked or inaccessible to children ~~out of a child’s reach~~.

(h) ~~(g)~~ Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled in care at the family day care home.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07, \_\_\_\_\_.

65C-20.011 Health Records.

- (1) No change.
- (2) Enrollment and Medical Authorization.

(a) The operator shall obtain enrollment information from the child’s custodial parent or legal guardian prior to accepting the child into care. This information shall be documented on CF-FSP Form 5219, July 2006 ~~June 2005~~, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent that contains all the information

required by the department’s form. CF-FSP Form 5219 may be obtained from the local Department of Children and Family Services district service center or the local licensing agency.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, 4-12-07, \_\_\_\_\_.

65C-20.012 Enforcement.

~~(1) Pursuant to Section 402.313, F.S., family day care homes may be fined a maximum of \$100 per violation, per day for noncompliance with any of the applicable provisions of Sections 402.301-319, F.S.~~

(1) Definitions.

(a) “Day” means a calendar day.

(b) “Probation” is a licensing status wherein the Department or local licensing agency issues a deadline for a home to remedy a violation or violations, which are within the control of the operator, to become compliant with licensing standards.

(c) “Provisional” is a licensing status wherein the Department or local licensing agency allows the home to operate for a designated period of time although one or more licensing standards, beyond the control of the operator, have not been met.

(d) “Standards” are requirements that must be met for licensure as a family day care home and that are identified on the CF-FSP Form 5318, August 2007, Family Day Care Home Standards Classification Summary and CF-FSP Form 5317, August 2007, Large Family Child Care Home Standards Classification Summary incorporated in this rule by reference.

(e) “Violation” means a finding of noncompliance with a licensing standard.

1. “Class I Violation” is an incidence of noncompliance with a Class I standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class I violations are the most serious in nature, posing an imminent threat to a child including overt abuse or negligence and which could or does result in death or serious harm to the health, safety and well-being of a child.

2. “Class II Violation” is the second or subsequent incidence of noncompliance with an individual Class II standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety and well-being of a child, but the threat is not imminent.

3. “Class III Violation” is the third or subsequent incidence of noncompliance with an individual Class III standard as described on the CF-FSP Form 5318 and CF-FSP Form 5317. Class III violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.

4. “Technical Support Violations” are the first or second occurrence of noncompliance with an individual Class III standard or the first occurrence of noncompliance with a Class II standard.

(2) Authority. The operation of a family day care home is prohibited unless registered, or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home that is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards. Pursuant to Section 120.60(6), F.S., an emergency suspension order may also be used to stop the continued operation if the family day care home poses immediate serious danger to the public health, safety, or welfare of the children who are enrolled.

(3) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The Department may take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.

(b) Some violations may have disciplinary sanctions levied for each child or employee record found in noncompliance within a standard on any one inspection.

(c) Each standard violation has an assigned classification. Some violations, as identified within the Family Day Care Home Standards Classification Summary and Large Family Child Care Standards Classification Summary, may escalate from one class to another based on the nature, severity, and/or repetition of the violation within a two (2) year period.

(d) A violation of any standard(s) that results in harm to a child may escalate to a Class I violation.

(e) Disciplinary sanctions for licensing violations that occur within a two (2) year period shall be progressively enforced as follows:

1. Class I Violations.

a. For the first Class I violation the Department shall, at a minimum, issue an administrative complaint imposing a fine not less than \$100 nor more than \$500 for each violation. The Department may impose other disciplinary sanctions in addition to the fine.

b. For the second Class I violation the Department shall, at a minimum, issue an administrative complaint placing the provider’s license or registration on probation status for a period not to exceed six (6) months. The Department may also levy a fine not less than \$100 nor more than \$500 for each violation in addition to any other disciplinary sanction.

c. For the third and subsequent Class I violations, the Department shall issue an administrative complaint to suspend, deny, or revoke the license or registration. The Department may also levy a fine not less than \$100 nor more than \$500 ay for each violation in addition to any other disciplinary sanction.

2. Class II Violations.

a. For the first Class II violation, the Department shall issue a formal warning letter stating the Department’s intent to take administrative action if further violations of the standard occur. The violation will be classified as “Technical Support”.

b. For the second Class II violation, the Department shall issue an administrative complaint imposing a fine in the amount of \$50 per day for each violation. This violation, and subsequent violations, of the same standard within a two-year period will be classified as “Class II”.

c. For the third Class II violation, the Department shall issue an administrative complaint imposing a fine in the amount of \$60 per day for each violation.

d. For the fourth Class II violation, the Department shall, at a minimum, issue an administrative complaint placing the provider’s license or registration on probation status for a period not to exceed 6 (six) months. The Department may also issue an administrative complaint imposing an additional fine of \$75 per day for each violation.

e. For the fifth and subsequent Class II violations, the Department shall issue an administrative complaint to suspend, deny, or revoke the license or registration. The Department may also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.

3. Class III Violations.

a. For the first Class III violation, technical assistance shall be provided. The violation will be classified as “Technical Support”.

b. For the second Class III violation, the Department shall issue a formal warning letter stating the Department’s intent to take administrative action if further violations of the standard are found. The violation will be classified as “Technical Support”.

c. For the third Class III violation, the Department shall issue an administrative complaint imposing a fine in the amount of \$25 per day for each violation. This Class III violation and subsequent Class III violations, of the same standard within a two-year period, will be classified as “Class III”.

d. For the fourth Class III violation, the Department shall issue an administrative complaint imposing a fine in the amount of \$30 per day for each violation.

e. For the fifth Class III violation the Department shall, at a minimum, issue an administrative complaint placing the provider’s license or registration on probation status for a

period not to exceed 6 (six) months. The Department may also issue an administrative complaint imposing an additional fine of \$40 per day for each violation.

f. For the sixth and subsequent Class III violation, the Department shall issue an administrative complaint to suspend, deny, or revoke the license or registration. The Department may also issue an administrative complaint imposing an additional fine of \$50 per day for each violation.

~~(4)(3)~~ Access. The family day care home operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

(5) Child Discipline.

(a) Family day care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S., including standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

(b) All family day care home operators, including substitutes, must comply with the family day care home's written discipline policy.

(c) A copy of the written discipline policy must be available for review by the parents or legal guardian and the licensing authority.

(6) Child Abuse or Neglect.

(a) Pursuant to Section 402.301(1), F.S., acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in subsection 402.301-319, F.S.

(b) Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S. constitutes a violation of the standards in subsection 402.301-319, F.S.

(7) Transportation.

(a) When any vehicle is regularly used by a family day care home to provide transportation, the driver shall have a valid Florida driver's license in accordance with Sections 322.01-70, F.S.

(b) All family day care homes must maintain current insurance coverage on all vehicles used to transport children in care and documentation thereof.

(c) The maximum number of individuals transported in a vehicle shall not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved, properly installed, child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(e) An adult must remain within sight and hearing of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver to verify the fact that all children have left the vehicle.

2. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle.

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign, date and record the driver's log immediately, verifying that all children were all accounted for and that the visual sweep was conducted.

(g) Smoking is prohibited in all vehicles while being used to transport children.

Specific Authority 402.310 FS. Law Implemented 402.310, 402.319(5) FS. History--New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07,\_\_\_\_\_.

65C-20.013 Large Family Child Care Homes (LFCCH).

(1) through (3) No change.

(4) LFCCH Personnel.

(a) through (c) No change.

(d) Prior to caring for children, the employee and substitute for the employee must within 5 working days after starting work, submit to the employer a complete set of information necessary to conduct a screening under this section.

(5) LFCCH Staff Training:

(a) No change.

(b) Large Family Child Care Home Operators. In addition to the training requirements identified in 65C-20.009(3)(a), F.A.C., large family child care home operators must:

1. Possess a CF-FSP 5306, April 2006, Staff Credential Verification Confirmation or one (1) of the following credentials for a minimum of one (1) year: prior to Large Family Child Care Home Licensure:

⊕ An active National Early Childhood Credential (NECC); an active Birth Through Five or School-Age Florida Child Care Professional Credential (FCCPC) (formerly known as the Child Development Associate Equivalency); an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) or School-Age Professional Certificate (SAPC); or meet the formal educational qualification requirement outlined

on CF-FSP Form 5211, April 2006, Staff Credential Application, which is incorporated by reference. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Home.

a. A candidate must complete CF-FSP Form 5211, April 2006, Staff Credential Application.

(c) Large Family Child Care Home Substitutes. Prior to taking care of children, substitutes for the operator of a large family child care home and substitutes for the large family child care home employee who work 40 hours or more per month on average during a 12 month period shall be at least 18 years of age and must:

1. Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Individuals who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. ~~Beginning July 1, 2006, the 30 clock-hour Family Child Care Home training will be replaced by five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.~~

2. Training completed successfully will be documented on the training transcript or on CF-FSP 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference. CF-FSP 5267 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the training link.

(a) A copy of the CF-FSP Form 5267 or training transcript must be included in each staff member's child care personnel record and maintained at each child care facility.

(b) A copy of the CF-FSP Form 5267 or training transcript for the director of a child care facility must be included in the department's official licensing file.

~~Completion of the 30 clock-hour Family Child Care Home training shall be documented on the Department of Children and Family Services CF-FSP Form 5267 or the Department of Children and Family Services child care training transcript.~~

a. ~~Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better.~~

~~b. Beginning July 1, 2006 the Department of Children and Family Services or its designated representative shall exempt individuals from the Health, Safety, and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:~~

~~(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade; or~~

~~(II) An active National Early Childhood or an active Birth Through Five Florida Child Care Professional Credential.~~

3.2. Complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, substitutes for the operator of a large family child care home and substitutes for the large family child care home employee who work 40 hours or more per month on average during a 12 month period must complete one (1) of the following:

(d) Large Family Child Care Home Employees in a large family child care home. Employees in a large family child care home shall be at least 18 years of age and must:

1. Within 90 days of employment in the child care industry, begin the Department of Children and Family Services' 30 clock-hour Family Child Care Home training. The training shall be successfully completed within 12 months from the date on which the training began, as evidenced by the successful completion of a competency examination offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better, and may not exceed 15 months from the date of employment in the child care industry. All individuals who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. ~~Beginning July 1, 2006, the 30 clock-hour Family Child Care Home training will be replaced by five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.~~

2. Training completed successfully will be documented on the training transcript or on CF-FSP 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference. CF-FSP 5267 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the training link.

a. A copy of the CF-FSP Form 5267 or training transcript must be included in each staff member's child care personnel record and maintained at each child care facility.

b. A copy of the CF-FSP Form 5267 or training transcript for the director of a child care facility must be included in the department's official licensing file.

~~a. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. The Family Child Care Home training must be documented on the Department of Children and Family Services CF-FSP Form 5267 or the Department of Children and Family Services child care training transcript.~~

~~b. Beginning July 1, 2006 the Department of Children and Family Services or its designated representative shall exempt individuals from the Health, Safety, and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:~~

~~(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade; or~~

~~(II) An active National Early Childhood Credential or an active Birth Through Five Florida Child Care Professional Credential.~~

~~3.2. Within 12 months of date of employment in the child care industry, complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, employees must complete one (1) of the following:~~

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One (1) of the department's approved literacy training courses. A list of these courses may be obtained from the licensing authority on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.-

(e) Substitutes for an employee at a large family child care home. Prior to caring for children, substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12 month period shall complete the department's six (6) clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency based examination offered by the

Department of Children and Family Services or its designated representative training prior to caring for children as documented on the Department of Children and Family Services' CF-FSP Form 5267 and the Department of Children and Family Services' child care training transcript ~~three (3) clock-hour Fundamentals of Child Care Training or completed Fundamentals of Child Care Training.~~ Large family child care substitutes who have successfully completed the three (3) clock-hour Fundamentals of Child Care or the 30 clock-hour Family Child Care Home training are not required to complete the six (6) clock-hour Family Child Care Home Rules and Regulations three (3) clock-hour Fundamentals of Child Care training course.

(7) LFCCCH Supervision.

(b) Additional Supervision Requirements.

1. In addition to the number of staff required to meet staff to child ratios, if there are more than six (6) preschoolers participating on field trips away from the large family child care home, there must be one (1) additional adult present, per each six (6) preschoolers, or any fraction thereof, to provide direct supervision to the children. If some children remain in the home the adult supervision staff-to-child ratios as required in Section 402.302(7), F.S., shall apply and be maintained. In addition, one (1) staff on the field trip and one (1) staff member remaining on the premises with children must have a valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training. At no time shall the total number of children exceed the capacity as defined in Section 402.302(8)~~(8)~~, F.S.

(8) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a valid ~~current~~ Florida driver's license in accordance with Sections 322.01-.70, F.S.

(b) through (d) No change.

(e) An adult must remain within sight and hearing sound of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) No change.

(g) Smoking is prohibited in all vehicles being used to transport children.

(h) When one (1) staff takes some children on a field trip and one (1) staff remains on the premises with the remainder of the children in care, the operator or employee transporting children is totally responsible for the care and supervision of those children and shall follow the transportation guidelines for a family day care home as defined in subsection 65C-20.012(7), F.A.C.

(9) No change.

(10) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S.

(b) All large family child care home operators and personnel, including substitutes, must comply with the large family child care home's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) Copy of the written discipline policy must be available for review by the parents or legal guardian and the licensing authority.

Specific Authority 402.3131 FS. Law Implemented 402.302, 402.305, 402.3131 FS. History--New 5-21-00, Amended 1-4-01, 7-13-03, 9-12-04, \_\_\_\_\_.

#### 65C-20.014 Gold Seal Quality Care Program.

##### (1) Definitions

(a) "Active" refers to the status of a Gold Seal Quality Care Accrediting Association that has met all of the criteria of a Gold Seal Quality Care Accrediting Association for accreditation.

(b) "Effective" refers to the beginning date of a Gold Seal Quality Care provider's designation certificate issued by the Child Care Program Office.

(c) "Expired" refers to the end date of a provider's Gold Seal Quality Care provider's designation certificate issued by the Child Care Program Office.

(d) "Gold Seal Quality Care Accrediting Association" refers to an accrediting association that has applied for and been approved by the Department as a Gold Seal Quality Care Accrediting Association.

(e) "Inactive" refers to the status of a Gold Seal Quality Care Accrediting Association where all criteria for accreditation are no longer being successfully met.

(f) "Nationally Recognized" refers to an association whose accrediting body is recognized, accepted and present in at least five (5) states or which had been approved as a Gold Seal Quality Care Accrediting Association by the Department prior to July 1, 2007.

##### (2) Provider Requirements.

(a) Gold Seal Quality Care Provider Designation Certificate Pursuant to Section 402.281(1), F.S., family day care homes and large family child care homes seeking to obtain designation as a Gold Seal Quality Care provider shall provide the Department with documentation of accreditation by an accrediting association that has been approved by the Department. A list of approved accrediting associations may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) Gold Seal Quality Care Enforcement.

1. Gold Seal Quality Care providers must maintain national accreditation in order to retain their designation. A family day care home's Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a family day care home must meet the additional criteria outlined in Section 402.281(3), F.S.

2. If Gold Seal Quality Care designation is revoked by the Department, termination of the designation will be effective on the last day of the current period of licensure.

3. If the family day care home's accreditation is revoked by the accrediting agency, the family day care home's Gold Seal Quality Care designation will be terminated effective the date of revocation.

##### (3) Accrediting Association Requirements.

(a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315 August 2007 Gold Seal Quality Care Accrediting Application, which is incorporated by reference. CF-FSP Form 5315 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six month waiting period, from the date of denial, before re-submission during the next scheduled acceptance month.

(b) Active Gold Seal Quality Care Associations must re-apply every five (5) years by submitting form CF-FSP 5315 that may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Re-applications must be received a minimum of six (6) months prior to end of the five (5) year period. Failure to submit form CF-FSP 5315 every five (5) years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association. Child care settings receiving accreditation certificates from an inactive association shall not be recognized as a Gold Seal Quality Care Provider.

(c) Inactive Gold Seal Quality Care Accrediting Associations wishing to become active must be in compliance with all requirements outlined on CF-FSP 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending the Department of Children and Family Services' approval.

Specific Authority 402.281 FS. Law Implemented 402.281 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Senior Management Analyst Supervisor

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Deborah Russo, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.003	Training.
65C-22.004	Health Related Requirements.
65C-22.006	Record Keeping.
65C-22.008	School Age Child Care
65C-22.009	Gold Seal Quality Care Program
65C-22.010	Enforcement

**PURPOSE AND EFFECT:** The rule modifications contained in this document establish a uniform system of procedures and disciplinary sanctions for child care licensing standards, establishes sanctions for the Gold Seal Quality Care program and minimum standards for Gold Seal Quality Care Accrediting Associations.

**SUMMARY:** The 2006 Legislature passed Senate Bill 1510 which requires the Department to establish minimum licensing standards for child care facilities that include a system of uniform enforcement and disciplinary sanctions, as well as associating licensing standard violations with Gold Seal Quality Care accreditation. The proposed rules also require the Department to establish minimum standards for Gold Seal Accrediting Associations.

The proposed rule eliminates a \$25 processing fee collected by the Department for the renewal of the Florida Director Credential Certification.

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

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

**SPECIFIC AUTHORITY:** 402.281, 402.305, 402.310 FS.

**LAW IMPLEMENTED:** 402.281, 402.305, 402.310 FS.

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

**DATES AND TIME:** September 11, 2007, 9:00 a.m. (Tallahassee); September 12, 2007, 9:00 a.m. (Orlando)

**PLACES:** Department of Children and Families, 1317 Winewood Blvd., Bldg 4, Tallahassee, FL 32399; Department of Children and Families, 400 W. Robinson St., Hustron South Tower, 1st Floor, Conference Room B, Orlando, FL 32801

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mike Boland (850)921-8228

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

(1) Application.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, August 2007, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare by clicking on the forms link.

(2) License.

(a) through (b) No change.

(c) The licensed capacity, as reflected on the annual license, may never exceed the total number of children in care on site and while on field trips.

(10) Attendance. Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting the time when each child enters and departs a child care facility or program. The custodial parent or guardian may document the time when their child(ren) enter and depart the child care facility or program. Such records shall be maintained for a minimum of four (4) months. Attendance forms used for Voluntary PreKindergarten or School Readiness may be used if applicable.

~~(11) Child Safety. Pursuant to s. 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Section 402.301-309, F.S.~~

Specific Authority 402.281, 402.305 FS. Law Implemented 402.281, 402.305, 402.3055, 402.308 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04,4-12-07.

65C-22.003 Training.

(1) through (5) No change.

(6) Annual In-Service Training.

(a) through (b) No change.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, April 2006 September 2005, Child Care In-Service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. CF-FSP 5268 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare. A new in-service training record is required each fiscal year. The in-service training records for the previous two (2) fiscal years must also be maintained at the child care facility for review by the licensing authority.

Specific Authority 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, 6-30-05, 4-12-07,\_\_\_\_\_.



65C-22.004 Health Related Requirements.

(1) No change.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) through (c) No change.

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit, and the address of and directions to the facility, including major intersections and local landmarks, must be posted on or near all facility telephones and shall be used to protect the health, safety and well-being of any child in daycare.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07,\_\_\_\_\_.

65C-22.006 Record Keeping.

(1) through (2) No change.

(3) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, July June 2005, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the Department of Children and Family Services on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07,\_\_\_\_\_.

65C-22.008 School Age Child Care.

(1) through (2) No change.

(3) School Age Child Care Standards.

(a) through (d) No change.

(e) General Requirements.

1. All school-age child care program facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children.

2. All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials.

3. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools and other potentially dangerous hazards, shall be stored separately and locked or ~~out of a child's reach~~ inaccessible to children.

(f) through (i) No change.

(j) Outdoor Play Area.

1. There shall be a minimum of 45 square feet of usable, safe and sanitary outdoor play area per each school-aged child, one (1) year of age or older. A minimum outside play area shall be provided for one-half (1/2) of the licensed capacity this identified population.

2. Based on the outdoor square footage, the total number of children using the play area may not exceed the outdoor capacity. The outdoor play area shall be calculated at the rate of 45 square feet per child in any group using the play area at any one (1) time.

Specific Authority 402.302, 402.305 FS. Law implemented 402.302, 402.305 FS. History--New 9-12-04, Amended 4-12-07,\_\_\_\_\_.

65C-22.009 Gold Seal Quality Care Program.

(1) Definitions.

(a) "Active" refers to the status of a Gold Seal Quality Care Accrediting Association that has met all of the criteria of a Gold Seal Quality Care Accrediting Association for accreditation.

(b) "Effective" refers to the beginning date of a Gold Seal Quality Care provider's designation certificate issued by the Child Care Program Office.

(c) "Expired" refers to the end date of a provider's Gold Seal Quality Care provider's designation certificate issued by the Child Care Program Office.

(d) "Gold Seal Quality Care Accrediting Association" refers to an accrediting association that has applied for and been approved by the Department as a Gold Seal Quality Care Accrediting Association.

(e) "Inactive" refers to the status of a Gold Seal Quality Care Accrediting Association where all criteria for accreditation are no longer being successfully met.

(f) "Nationally Recognized" refers to an association whose accrediting body is recognized, accepted and present in at least five (5) states or which had been approved as a Gold Seal Quality Care Accrediting Association by the Department prior to July 1, 2007.

(2) Provider Requirements.

(a) Gold Seal Quality Care Provider Designation Certificate.

Pursuant to Section 402.281(1), F.S., family day care homes and large family child care homes seeking to obtain a designation as a Gold Seal Quality Care provider shall provide the Department with documentation of accreditation by an accrediting association that has been approved by the Department. A list of approved accrediting associations may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) Gold Seal Quality Care Enforcement.

1. Gold Seal Quality Care providers must maintain national accreditation in order to retain their designation. A family day care home's Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a family day care home must meet the additional criteria outlined in Section 402.281(3), F.S.

2. If Gold Seal Quality Care designation is revoked by the Department, termination of the designation will be effective on the last day of the current period of licensure.

3. If the family day care home's accreditation is revoked by the accrediting agency, the family day care home's Gold Seal Quality Care designation will be terminated effective the date of revocation.

(3) Accrediting Association Requirements. Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315 August 2007 Gold Seal Quality Care Accrediting Application, which is incorporated by reference. CF-FSP Form 5315 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six month waiting period, from the date of denial, before re-submission during the next scheduled acceptance month.

(b) Active Gold Seal Quality Care Associations must re-apply every five (5) years by submitting form CF-FSP 5315 that may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Re-applications must be received a minimum of six (6) months prior to end of the five (5) year period. Failure to submit form CF-FSP 5315 every five (5) years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association. Child care settings receiving accreditation certificates from an inactive association shall not be recognized as a Gold Seal Quality Care Provider.

(c) Inactive Gold Seal Quality Care Accrediting Associations wishing to become active must be in compliance with all requirements outlined on CF-FSP 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending the Department of Children and Family Services' approval.

Specific Authority 402.281 FS. Law implemented 402.281 FS. History--New \_\_\_\_\_.

65C-22.010 Enforcement.

(1) Definitions.

(a) "Day" means a calendar day.

(b) "Probation" is a licensing status wherein the Department or local licensing agency issues a disciplinary action imposing a deadline for a facility to remedy a violation or violations, which are within the control of the facility, to become compliant with licensing standards.

(c) "Provisional" is a licensing status wherein the Department or local licensing agency allows a facility to operate for a designated period of time although one or more licensing standards, beyond the control of the operator, have not been met.

(d) "Standards" are requirements that must be met for licensure as a child care facility and that are identified on the CF-FSP Form 5316, August 2007, Child Care Facility Standards Classification Summary, incorporated in this rule by reference.

(e) "Violation" means a finding of noncompliance by the Department or local licensing agency with a licensing standard.

1. "Class I Violation" is an incidence of noncompliance with a Class I standard as described on CF-FSP Form 5316. Class I violations are the most serious in nature, pose an imminent threat to a child including overt abuse or negligence and which could or does result in death or serious harm to the health, safety and well-being of a child.

2. "Class II Violation" is the second or subsequent incidence of noncompliance with an individual Class II standard as described on CF-FSP Form 5316. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety and well-being of a child, although the threat is not imminent.

3. "Class III Violation" is the third or subsequent incidence of noncompliance with an individual Class III standard as described on CF-FSP Form 5316. Class III violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.

4. "Technical Support Violations" are the first or second occurrence of noncompliance of an individual Class III standard or the first occurrence of noncompliance of a Class II standard.

(2) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The Department may take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.

(b) Some violations may have disciplinary sanctions levied for each child or employee record or action found in noncompliance within a standard on any one inspection.

(c) Each standard violation has an assigned classification. Some violations, as identified within the Child Care Facility Standards Classification Summary, may escalate from one class to another based on the nature, severity, and/or repetition of the violation within a two (2) year period.

(d) A violation of any standard(s) that results in harm to a child may escalate to a Class I violation.

(e) Disciplinary sanctions for licensing violations that occur within a (two) 2 year period shall be progressively enforced as follows:

1. Class I Violations.

a. For the first Class I violation, the Department shall, at a minimum, issue an administrative complaint imposing a fine not less than \$100 nor more than \$500 per day for each violation. The Department may impose other disciplinary sanctions in addition to the fine.

b. For the second Class I violation, the Department shall, at a minimum, issue an administrative complaint placing the provider's license on probation status for a period not to exceed 6 (six) months. The Department may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

c. For the third and subsequent Class I violations, the Department shall issue an administrative complaint to suspend, deny or revoke the license. The Department may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

2. Class II Violations.

a. For the first Class II violation, the Department shall issue a formal warning letter stating the Department's intent to take administrative action if further violations of the standard occur. The violation will be classified as "Technical Support."

b. For the second Class II violation, the Department shall issue an administrative complaint imposing a fine of \$50 per day for each violation. This violation, and subsequent violations, of the same standard within a two(2) year period will be classified as "Class II."

c. For the third Class II violation of that standard the Department shall issue an administrative complaint imposing a fine of \$60 per day for each violation.

d. For the fourth Class II violation, the Department shall, at a minimum, issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months. The Department may also issue an administrative complaint imposing an additional fine of \$75 per day for each violation.

e. For the fifth and subsequent Class II violations, the Department shall issue an administrative complaint to suspend, deny, or revoke the license. The Department may also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.

3. Class III Violations.

a. For the first Class III violation, technical assistance shall be provided. The violation will be classified as "Technical Support".

b. For the second Class III violation, the Department shall issue a formal warning letter stating the Department's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support".

c. For the third Class III violation, the Department shall issue an administrative complaint imposing a fine of \$25 per day for each violation. This violation and subsequent violations of the same standard within a two-year period will be classified as "Class III".

d. For the fourth Class III violation, the Department shall issue an administrative complaint imposing a fine of \$30 per day for each violation.

e. For the fifth Class III violation the Department shall, at a minimum, issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months. The Department may also issue an administrative complaint imposing a fine of \$40 per day for each violation.

f. For the sixth and subsequent Class III violations, the Department shall issue an administrative complaint to suspend, deny, or revoke the license. The Department may also issue an administrative complaint imposing a fine not to exceed \$50 per day for each violation.

(3) Child Abuse or Neglect Sanctions.

(a) Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Sections 402.301-.319, F.S.

(b) Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of the standards in Sections 402.301-.319, F.S.

Specific Authority 402.310, 39.201 FS. Law implemented 402.310, FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mike Boland, Senior Management Analyst Supervisor  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Deborah Russo, Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 7, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 22, 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 MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-3.011	Definitions
60BB-3.012	Maintaining an Address of Record
60BB-3.013	Filing Claims and Providing Documentation
60BB-3.015	Continued Claims for Benefits
60BB-3.016	Monetary Determinations
60BB-3.017	Nonmonetary Determinations
60BB-3.018	Determinations Regarding Charges to Employer Accounts in Connection with Claims for Benefits
60BB-3.019	Determinations Regarding Suitable Work
60BB-3.020	Determinations Regarding Discharge for Misconduct
60BB-3.021	Determinations Regarding Ability to Work and Availability for Work
60BB-3.022	Determinations Regarding Approved Training
60BB-3.024	Short-Time Compensation Plan Application
60BB-3.028	Reemployment Services
60BB-3.029	Public Use Forms

**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. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly.

The First Notice of Change was published in Vol. 33, No. 23, June 8, 2007 issue of the Florida Administrative Weekly.

**SECOND NOTICE OF CHANGE**

60BB-3.011 Definitions.

In addition to the following definitions, the definitions contained in Rule 60BB-2.022, F.A.C., apply to this rule and are herein incorporated by reference.

(1) Additional claim: A claim filed during an existing benefit year after a break in the claims series and intervening work.

(2) Claimed week of unemployment: A week for which a certification for benefits was filed pursuant to Section 443.111(1)(b), F.S.

(3) Continued claim: A certification for a week of unemployment made pursuant to Section 443.111, F.S., and subsequent to the filing of an initial, additional, or reopened claim.

(4) Customary work week: The days during which work is usually performed in a particular industry or occupation.

(5) Declared Disaster: A disaster declared by the President of the United States which designates the state or a portion of the state as eligible for Disaster Unemployment Assistance.

(6) Filing Date: When reports, notices, applications, protests, and other documents are mailed to the Agency, the postmark date of the United States Postal Service will be considered the date of filing. When filing is made by a delivery service other than the United States Postal Service, the date of receipt by the Agency will be considered the date of filing. When faxed or transmitted electronically, the date of receipt by the Agency is considered the date of filing. When filed by Internet (at [www.floridajobs.org/unemployment](http://www.floridajobs.org/unemployment)), the date the confirmation number is generated is considered the date of filing. The date that the automated application and an interview with an Agency representative are completed will be the filing date of a claim filed telephonically through Interactive Voice Response (IVR).

(7) Flexible Week: A period of seven (7) consecutive calendar days designated by an employer pursuant to an approved Short Time Compensation Plan as its official work week for purposes of determining weekly eligibility for Short Time Compensation benefits pursuant to Section 443.1116, F.S. A day will be counted in only one flexible week.

(8) Gross earnings: "Earned income" as defined in Section 443.036(16), F.S.

(9) Initial claim: A claim filed to establish a benefit year.

(10) Mass Separation: The permanent or temporary separation on or about the same time of 50 or more workers from a single establishment.

(11) Notification: The mailing or delivery (in the absence of mailing) of a document by the Agency to a party's official address of record shall constitute notice. Where a party is represented by counsel or other duly authorized representative, notice to the representative will constitute notice to the party.

(12) Reemployment Services: Job search assistance, job and vocational training referrals, employment counseling and testing, labor market information, employability skills enhancement, needs assessment, orientation, and other related services provided by One-Stop Career Centers operated by local regional workforce boards.

(13) Re-opened claim: A re-application for benefits filed during an existing benefit year, after a break in reporting with no intervening work.

(14) Report date: The date assigned by the Agency or its designee and communicated to the claimant to file a continued claim for benefits, participate in reemployment service activities, or provide information necessary to process a claim.

(15) Waiting week: The first week claimed in a benefit year for which all claim requirements are met. No benefits are payable for the waiting week.

(16) Week: Except for flexible weeks claimed under an approved Short Time Compensation Plan, the term "week" refers to the seven (7) calendar day period from Sunday through Saturday. A week shall be deemed to be "in", "within" or "during" that benefit year which includes the greater part of such week.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, ~~443.101~~, 443.1116, 443.151(2), (3) FS. History--New 8-25-92, Amended 12-23-98, Formerly 38B-3.011, Amended \_\_\_\_\_.

#### 60BB-3.012 Maintaining an Address of Record.

It is the responsibility of each claimant to maintain a current address of record with the Agency throughout the benefit year. It is the responsibility of each employer to maintain a current address of record with the Department at all times.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.151 FS. History--New \_\_\_\_\_.

#### 60BB-3.013 Filing Claims and Providing Documentation.

(1) Approved Methods and Forms for Filing Florida Claims. Initial, additional, and reopened claims may be filed:

(a) On the Internet at [www.floridajobs.org/unemployment](http://www.floridajobs.org/unemployment). Select "Internet Unemployment Compensation Claim Application (Initial Claim)";

(b) On the Agency's Interactive Voice Response System, (Call 1(800)204-2418 toll-free to obtain local filing information); or

(c) By mailing or faxing a completed claim application, which may be obtained by contacting the Agency toll-free at 1 (800) 204-2418. These applications are:

1. AWI Form UC-310, "Unemployment Compensation Application for Services" (Rev. 10/05), incorporated by reference in Rule 60BB-3.029, F.A.C., is to be used by Florida residents who file by mail or fax.

2. Form IB-1, "Initial Interstate Claim" (08/03), incorporated by reference in Rule 60BB-3.029, F.A.C., is to be used by non-Florida residents who file by mail or fax.

(d) At a location which may be designated by the Agency when unemployment results from mass separation, labor dispute, declared disaster or emergency, or the claimant needs special assistance or accommodation.

#### (2) Required Documentation.

(a) The claimant's valid social security number and one other approved form of secondary identification must be provided at the time of filing. Approved secondary identifiers include:

1. Driver's license issued by a state, possession of the United States, or a Canadian government authority, provided it contains a photograph or identifying information such as name, date of birth, sex, height, and address;

2. Documentation issued by a federal, state, or local government agency that contains a photograph or identifying information such as name, date of birth, sex, height, and address;

3. School identification (ID) card with photograph;

4. United States (U.S.) military ID card, dependent's ID card, or U.S. Coast Guard Merchant Mariner card;

5. Native American tribal document;

6. U.S. Passport (unexpired or expired); or

7. Certificate of U.S. Citizenship or Certificate of Naturalization;

(b) Proof will be required if a claimant's employment, social security number, or identity is in question. Circumstances requiring such documentation include, for example:

1. The Social Security Administration does not confirm the validity of the social security number;

2. A previous claim was filed using the same social security number by a person with another name;

3. The Agency receives information indicating fraudulent use of the social security number in question; or

4. Reasonable evidence, such as an unemployment compensation fraud detection crossmatch, that places in question the identity of the claimant or the validity of the claim.

(c) Documentation from the Immigration and Naturalization Service verifying authorization to work in the United States will be required from any alien whose work authorization cannot be identified using the Systematic Alien Verification for Entitlement (SAVE) system. Benefits will be delayed or denied only when neither primary nor secondary verification procedures verify the claimant's authorization to work in the United States. A determination denying benefits due to the absence of authorization to work will be reconsidered when the claimant furnishes the required documentation.

(d) A military veteran filing a military claim will be required to furnish a copy of the Form DD-214 issued to the claimant by the military service at the time of discharge to establish service dates and nature of discharge when the branch of the military in which the claimant served does not promptly respond to the Agency's request.

(e) An individual filing a claim based on federal civilian employment will be required to furnish a copy of Standard Form 50, Form W-2, or paystubs and Standard Form 8, received at the time of separation when the federal employer does not promptly respond to the Agency's request.

(3) Registration for Work. The filing of an unemployment compensation claim also constitutes registration for job search and reemployment assistance with the One-Stop Career Center nearest the claimant's address of record.

(4) Disclosure of Support Obligations. Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether he or she owes support obligations which are being enforced by the Florida Department of Revenue pursuant to 42 USC 503(e)(2)(A)(i) and 42 USC 654.

(5) Effective Date of Claim. Unless otherwise provided by Section 443.036(9), F.S., the effective date of an initial, additional or reopened claim will be the Sunday immediately preceding the filing date, with the following exceptions:

(a) Change of Calendar Quarter. When an initial claim is filed during a week in which a change of calendar quarter occurs, the claimant will have the option of filing the claim effective the beginning of the new calendar quarter.

(b) Group Filing. When arrangements for group filing are made, generally due to mass separation, labor dispute or implementation of a Short Time Compensation Plan, initial and additional claims will be backdated to the Sunday immediately preceding the date on which the unemployment began, provided the claimant reports in accordance with the group filing arrangements.

(c) Sunday Filing. Claims filed on a Sunday will be effective on the date of filing.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116 FS. History—New 8-25-92, Amended\_\_\_\_\_.

#### 60BB-3.015 Continued Claims for Benefits.

(1) Method of Filing Continued Claims. After filing an initial, additional or reopened claim, the claimant will be instructed and required to report bi-weekly for the duration of the unemployment through agency-established systems including Internet, telephone, mail, or fax. In the event of a mass separation, labor dispute, disaster or emergency, claimants may be permitted or required to report in person at locations designated by the Agency. Continued claims can be filed on-line at [www.floridajobs.com](http://www.floridajobs.com), at [www.floridajobs.org/unemployment](http://www.floridajobs.org/unemployment), or by calling 1(800)204-2418. The forms accessible at the website are incorporated by reference in paragraph 60BB-3.029(1)(f), F.A.C., of this chapter. The forms accessed by means of the toll free number referred to above are incorporated by reference in paragraph 60BB-3.029(1)(s), F.A.C., of this chapter.

(2) Time Limit for Filing Continued Claims.

(a) Scheduled Reports. Continued claims for benefits must be filed within 14 calendar days following the scheduled report date as shown on AWI Form UCB-60V (Rev. 06/04), incorporated by reference in Rule 60BB-3.029, F.A.C., the Internet Confirmation Page, or otherwise communicated to the claimant by the Agency. AWI Form UCB-60V will be mailed to the claimant within 14 days after an initial, additional or re-opened claim is filed and upon receipt of each bi-weekly claim thereafter. The Agency will discontinue mailing AWI Form UCB-60V when the claimant ceases to report, has no additional benefits or weeks to claim, or benefits were denied and no appeal is pending at the end of the appeal period.

(b) Late Reports. If a report is not made within 14 days after the scheduled report date shown on AWI Form UCB-60V, the Internet Confirmation Page, or communicated to the claimant by an Agency representative, the claim will be re-opened effective the first day of the week in which a report is filed. Upon request, the claimant will be permitted to file a late report for weeks that were not claimed within the permissible time period and will be granted appeal rights to any resulting determination denying benefits for the weeks in question.

(c) Resubmitted Continued Claim. When a claimant is directed by the Agency to resubmit a continued claim for completion or correction, the scheduled report date will be extended to 14 days from the date the Agency notifies the claimant that the claim was incomplete or incorrect. If the notification is mailed, the mailing date will be considered the date of notification.

(d) Early Reports. The Agency may accept a continued claim certification prior to the scheduled report date provided each claimed week has ended.

(e) Special Reports. At any time during the pendency of any claim for benefits, the Agency may make a written request for information or documentation from the claimant regarding any question whose resolution is necessary to ascertain the claimant's entitlement to benefits ~~and~~ or the amount of any such benefits. The failure of the claimant to respond will result in a determination made from the available evidence.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091(1), 443.111(1), 443.151(2) FS. History—New 8-25-92, Amended 4-1-96,\_\_\_\_\_.

#### 60BB-3.016 Monetary Determinations.

(1) Computation of Wages.

(a) All employment in the base period reported by an employer or determined by the Agency from available information shall be considered in computing the monetary eligibility of a claimant.

(b) Assignment of Wages to Calendar Quarters. Wages will generally be counted as reported by the employer. Upon request by the claimant or employer and for the purpose of determining the claimant's weekly benefit amount and

maximum available credits, wages may be assigned to the calendar quarter in which the wages were earned, but can be used in only one base period.

(2) Notices to Employers.

(a) The Agency will use AWI Form UCB-412, "Determination Notice of Unemployment Compensation Claim Filed," (Rev. 04/07), incorporated by reference in Rule 60BB-3.029, F.A.C., to notify the claimant's most recent employing unit and each employer in the claimant's base period of each claim for benefits filed, pursuant to Section 443.151(3)(a), F.S.

(b) The Agency will use AWI Form UCB-9 (Rev. 04/01), incorporated by reference in Rule 60BB-3.029, F.A.C., to request wage information regarding a specific claimant. If a timely response is not received, the claimant's monetary eligibility will be based on other evidence, including but not limited to an affidavit from the claimant.

(3) Notices to Claimants. The Agency will issue a determination of monetary eligibility to each claimant on AWI Form UCB-11, "Wage Transcript and Determination," (Rev. 01/04), incorporated by reference in Rule 60BB-3.029, F.A.C., which will serve as notice to the claimant pursuant to Section 443.151(3)(a), F.S.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.151(3) FS. History—New 8-25-92, Amended\_\_\_\_\_.

60BB-3.017 Nonmonetary Determinations.

(1) Investigation of Issues. The Agency will investigate all issues that may affect a claimant's benefits. The Agency will make a reasonable attempt to contact all parties and obtain facts necessary to resolve nonmonetary issues. Contact methods include, but are not limited to, telephone, mail, e-mail and facsimile transmission. If it is determined that the claimant has satisfied the terms of a potential disqualification that would otherwise be imposed, no investigation need be conducted. However, a determination will be made pursuant to Rule 60BB-3.018, F.A.C., regarding charges to the employer's account.

(2) Parties Entitled to Notice of Determination. Determinations will be issued to all parties entitled to notice on AWI Form UCB-45, "Notice of Determination", (Rev. 02/05), incorporated by reference in Rule 60BB-3.029, F.A.C.

(a) Claimants. A claimant is entitled to notice of any determination affecting his or her benefits.

(b) Employers. Pursuant to Section 443.151(3), F.S., an employer entitled to notice is the employer:

1. From which the separation occurred, when job separation is the issue;
2. That offered work to the claimant; when failure to accept work is the issue;

3. Directly involved in the dispute, at whose factory, establishment or other premises the claimant is or was employed, when labor dispute is the issue;

4. By or on behalf of which such remuneration was paid, when wages in lieu of notice, retirement income, workers' compensation or other remuneration is the issue;

5. Directly involved, when false or fraudulent representation to obtain or to increase benefits is the issue; or

6. Directly involved, when employment status, fraud, or overpayment resulting from improperly reported work or earnings is the issue.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.151(3) FS. History—New 8-25-92, Amended\_\_\_\_\_.

60BB-3.018 Determinations Regarding Charges to Employer Accounts in Connection with Claims for Benefits.

(1) Employer Responsibilities. Except as otherwise specified in Sections 443.131(3)(a) and 443.101(9)(b), F.S., the Agency will not relieve an employer's account of charges for benefit payments unless the employer provides:

(a) A telephone response to a request for information when the Agency initiated the telephone request as part of an investigation pursuant to subsection 60BB-3.017(1), F.A.C.;

(b) A written response to a determination or claim notification; or

(c) Written notification of a refusal to accept an offer of suitable work with that employer.

(2) Determination Procedures.

(a) Determinations affecting benefits will include a determination on charges to the employer's account when:

1. The employer meets the requirements for relief from charges; or
2. The employer account is subject to charges on the basis of the determination result.

(b) A separate determination regarding employer charges will be issued when:

1. A previous nonmonetary determination did not address employer charges; and
2. The employer complies with the requirements of this rule.

(c) A final determination regarding charges to an employer's account for a specified period of employment will also apply to any subsequent benefit year established.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.131(3) FS. History—New 8-25-92, Amended\_\_\_\_\_.

60BB-3.019 Determinations Regarding Suitable Work.

In addition to the standards listed in Section 443.101(2), F.S., the following criteria will apply. Generally, work will not be considered suitable during the first 60 days a claimant is unemployed if the work:

(1) Pays less than 90% of the claimant's average weekly wage during the base period; or

(2) Would require a material change in occupation for the claimant.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091(1), 443.101(2) FS. History--New 8-25-92.

60BB-3.020 Determinations Regarding Discharge for Misconduct.

When it is determined a discharge was for misconduct connected with work, the following weeks of disqualification apply:

(1) Extreme misconduct will warrant 27 to 52 weeks of disqualification. Extreme misconduct occurs when the claimant commits a felony in connection with work.

(2) Serious misconduct will warrant 13 to 26 weeks of disqualification. Serious misconduct consists of the following:

(a) Misdemeanor violations of the law, such as assault or disorderly conduct, that occur in connection with work;

(b) Reporting to work under the improper influence of alcohol or drugs, or improper use of alcohol or drugs at work;

(c) Willful, intentional or repeated carelessness or negligence in the performance of work which results in damage to equipment or material or jeopardizes the safety of others; or

(d) Dishonest acts, such as lying, falsification of attendance records and misrepresentation of prior employment history.

(3) General misconduct in connection with work will warrant 1 to 12 weeks of disqualification. General misconduct consists of all other misconduct, as that term is defined in Section 443.36(29), F.S., that is not addressed in sub-sections (1) and (2) of this rule. Examples of general misconduct are:

(a) Conflicts on the job for which the claimant is partially or totally responsible and which affect job performance of the claimant or other employees;

(b) Chronic or unauthorized absenteeism or tardiness over which the claimant has control;

(c) Conducting unauthorized personal activities during working hours;

(d) Refusing to carry out or violating reasonable, lawful instructions; or

(e) Violating reasonable and lawful company rules, after warning.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.036(29), 443.101(1)(b),(9) FS. History--New 8-25-92, Amended\_\_\_\_\_.

60BB-3.021 Determinations Regarding Ability to Work and Availability for Work.

To be eligible for a claimed week of unemployment, a claimant must be:

(1) Authorized to work in the United States; and

(2) Able to work and available for work during the major portion of the claimant's customary work week; and

(3) Actively seeking work in a manner customary to the occupation in which work is being sought. Factors to be considered in determining whether the claimant has conducted an active work search are:

(a) The number of job contacts made by the claimant and the dates the contacts were made; and

(b) Whether the type of work being sought is reasonable considering the claimant's background, training, abilities, and duration of unemployment; and

(c) Whether the claimant possesses the necessary license, certification and tools to perform the type of work being sought; and

(d) Whether the claimant is on a temporary layoff; and

(e) Whether the claimant is on a seasonal layoff and resides in a geographical area in which no suitable off-season work prospects are available.

(4) Free of unreasonable occupational restrictions regarding wages, hours, place and type of work in relation to the claimant's training, experience, work history, and local labor market conditions.

(5) Free of personal circumstances which would substantially limit or restrict the claimant from conducting an active work search or accepting an offer of suitable work. Examples of such circumstances include:

(a) Attendance at school or a training course during customary work hours unless the claimant continues to actively seek work and is willing to change or forego classes or training that interfere with the claimant's ability to accept work; ~~or~~

(b) Absence from the local area unless the absence is for the primary purpose of seeking work or working; or

(c) Domestic responsibilities and conditions which substantially interfere with the claimant's ability to seek and accept suitable work.

(6) For any period in which the claimant is participating in training approved by the Agency as provided in Section 443.091(1)(c)2., F.S. and Rule 60BB-3.022, F.A.C., the claimant is exempt from the requirements set forth in subsections (2) through (5) of this rule.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101 FS. History--New 8-25-92, Amended\_\_\_\_\_.

60BB-3.022 Determinations Regarding Approved Training.

Pursuant to Section 443.091(1)(c), F.S.:

(1) Approved training includes training authorized by Workforce Florida, Inc., a Regional Workforce Board, or Workforce Investment Board created pursuant to the Workforce Investment Act.

(2) The Agency shall not approve other training unless:



(a) The claimant possesses aptitude and skills that can be usefully supplemented by the training; and

(b) The labor market demands for the claimant’s present skills are minimal; and

(c) The training is a vocational, technical, intern, managerial, high school equivalency or academic program designed to prepare individuals for gainful employment; and

(d) A reasonable expectation exists that the claimant will be employable upon completing the training; and

(e) The training course or school is approved by the Florida Department of Education or other official governmental approving agency within the state where the training is being conducted.

(3) To be eligible for benefits during a week of approved training, the claimant must:

(a) Furnish attendance reports from the training instructor or facility; when requested by the Agency; and

(b) Attend the scheduled training session(s). Continued unsatisfactory attendance may result in a withdrawal of the Agency’s approval of the training.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091(1) FS. History–New 8-25-92, Formerly 38B-3.022, Amended\_\_\_\_\_.

**60BB-3.024 Short-Time Compensation Plan Application.**

Employers who wish to participate in the Short-Time Compensation program, pursuant to Section 443.111(6), F.S., must make application on AWI Form UCB/STC-3, “Short-Time Compensation Plan Application,” (11/01), incorporated by reference in Rule 60BB-3.029, F.A.C. Copies may be obtained on the internet at [www.floridajobs.org](http://www.floridajobs.org) or by writing to: Agency for Workforce Innovation, P. O. Box 5350, Tallahassee, FL 32314-5350.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.1116 FS. History–New \_\_\_\_\_.

**60BB-3.028 Reemployment Services.**

(1) One Stop Career Center Services. Reemployment services provided by One Stop Career Centers include:

(a) Priority Reemployment Planning (PREP) for claimants who, without such assistance, are likely to exhaust unemployment compensation benefits prior to becoming reemployed, and

(b) Job-Ready Reemployment Services for claimants who do not voluntarily attend reemployment assistance services or remain unemployed in excess of six weeks.

(2) Reemployment Services. One-Stop Career Centers operated by local regional workforce boards shall provide reemployment services, which may include needs assessment, an orientation interview, job search assistance, job referral, labor market information, employability skills enhancement, vocational training, employment counseling and testing, and

other related services. Participation in reemployment services may be waived for claimants who are attached to regular jobs, including claimants who are:

(a) Temporarily unemployed due to lack of work and have a fixed or approximate return-to-work date within six weeks; or

(b) Union members who traditionally obtain employment through a union hiring hall. To qualify for this waiver, the claimant must provide the union hiring hall local number.

(3) Eligibility Review. Pursuant to Section 443.091(1), F.S., claimants must report as directed for periodic review of eligibility and participate in reemployment services as directed by the Agency. Such report shall include information regarding continuing eligibility for unemployment compensation benefits.

(4) Selection and Scheduling. Claimants shall be randomly selected from a pool of claims identified by results of a characteristics screening or length of unemployment. Notice shall be mailed to all claimants who are selected for participation.

(5) Characteristics Screening. Pursuant to Section 443.091(1)(d), F.S., the following characteristics will be used to identify claimants who are likely to exhaust regular benefits and be in need of reemployment services. Identified claimants:

(a) Received a first benefit payment within 42 days of the beginning of the benefit year;

(b) Are intrastate claimants;

(c) Are not on recall status to return to a specific job within six weeks;

(d) Are not seasonally unemployed;

(e) Are not partially employed; and

(f) Are not union members seeking work through a hiring hall.

(6) Penalty for Failure to Report for or Participate in Services. A claimant who fails, without good cause, to report for or participate in eligibility review or reemployment services as directed by the Agency or its designee will be ineligible to receive benefits for the week(s) in which such failure occurred. Good cause for such failure will include only compelling reasons, such as:

(a) Personal illness;

(b) Illness of a family member requiring care by the claimant;

(c) A job interview at a time that conflicts with the service appointment time; and

(d) Other similar situations that would cause a reasonable person to miss a scheduled appointment for reemployment services.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091 FS. History–New 2-28-96, Amended\_\_\_\_\_.

60BB-3.029 Public Use Forms.

(1) The following forms and instructions are used by the Agency for Workforce Innovation in its dealings with the public in the administration of the unemployment compensation program, and are incorporated by reference:

(a) AWI Form ERWC – “Employee’s or Employer’s Authorization and Request for Wage Records” (version date 02/06), which is available at the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_emp\\_forms.html](http://www.floridajobs.org/unemployment/uc_emp_forms.html), or as provided in subsection (2)(b) of this rule.

(b) AWI Form AWA-01 – “Notarized Authorization for Release of Records” (version date 3/2005).

(c) IB-1 – “Initial Interstate Claim” (Rev. 08/03).

(d) AWI Form UC-310 – “Unemployment Compensation Application for Services” (Rev. 10/05). This form may also be found in the Florida Unemployment Compensation Claims Book, which may be found online at <http://www.floridajobs.org/unemployment/claimsservices>.

(e) AWI Form UCB/STC-3 – “Short Time Compensation Plan Application” (Rev. 11/01).

(f) AWI Form UCB-9 (04/01).

(g) AWI Form UCB-11 – “Wage Transcript and Determination” (Rev. 01/04).

(h) AWI Form UCB-45 – “Notice of Determination” (Rev. 02/05).

(i) AWI Form UCB-60V (Rev. 06/04).

(j) AWI Form UCB-412 – “Determination Notice of Unemployment Claim Filed” (Rev. 04/07).

(k) Form AWI-UCW4VT (Rev. 11/06).

(l) Form AWI-UCW4VFL (S) (Rev. 11/06).

(m) Form AWI-UCW4VFL (C) (Rev. 11/06).

(n) Form AWI-UC20A (Rev. 11/06).

(o) Form AWI-UC20A (S) (Rev. 11/06).

(p) Form AWI-UC20A (C) (Rev. 11/06).

(q) UC Bulletin 1 (Rev. 04/05).

(r) Online Internet Unemployment Compensation Claim Application (November 2000), which is available at the Agency’s Internet site listed in subsection (3) of this rule.

(s) Detailed System Design, Appendices B and C (Interactive Voice Response Script) (May 2003).

(2) These forms may be obtained by:

(a) Writing to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5750, Tallahassee, FL 32314-5750;

(b) Faxing a request to the Agency’s UC Records Unit at (850)921-9327 or (850)921-3912;

(c) Calling the UC Records Unit at (850)921-3470.

(3) Forms and other information about the unemployment compensation program can be found on the Agency’s Internet site at [www.floridajobs.org/unemployment/](http://www.floridajobs.org/unemployment/).

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.171(5), 443.1715(1), (2)(b)1. FS. History–New 6-4-06, Amended\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-5.001  
 RULE TITLE: Obtaining of Forms  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-5.0085  
 RULE TITLE: Continuing Education Requirements  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-31.010  
 RULE TITLE: Design of Aluminum Structures  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE NO.: 61G16-4.004  
 RULE TITLE: Discretionary Reinstatement of Null or Void Licenses  
 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. 32, No. 46, November 17, 2006 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in letters dated December 7, 2006 and June 4, 2007. The change is as follows:

The rule shall read as:

INACTIVE, DELINQUENT AND NULL AND VOID LICENSES

61G16-4.004 Discretionary Reinstatement of Null or Void Licenses.

(1) A former licensee may apply to the Board for reinstatement and activation of the previous license if the individual made a good faith effort to comply with renewal but failed because illness or unusual hardship.

(2) Application is complete upon receipt by the Board of a properly completed license application, letter requesting reinstatement under this rule, documentation to establish the illness or hardship including the nature and duration, explanation and documentation of the "good faith effort" made to comply with the renewal requirement, and renewal fee of \$125.00.

(3) Documentation to establish the number of CE credits taken since the last successful renewal of the license.

(4) When and if the application is approved, any CE ordered to be taken completed and additional fees of \$100 for the delinquency and \$100 for processing received by the Board office the reinstated license will be issued.

Specific Authority 455.271(6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS. Law Implemented 455.271(6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS. History-New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

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 JUVENILE JUSTICE

Residential Services

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 63E-7.002 Definitions, 63E-7.003 Youth Admission, 63E-7.004 Youth Intake, and 63E-7.005 Youth Orientation.

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. 23, June 8, 2007 issue of the Florida Administrative Weekly.

63E-7.002 Definitions.

For the purpose of this rule chapter of this rule, the following words shall have the meanings indicated.

(1) through (36) No change.

(37) Institutional Review Board (IRB) Process – The department’s IRB reviews research proposals that seek access to departmental records or youth in the department’s care, custody, or under the department’s supervision. The board reviews all aspects of a research proposal and evaluates potential risks and benefits to participating juveniles and the department, as well as the researcher’s plan to diminish risks. Based on this evaluation, the IRB makes recommendations to the department’s Secretary or his or her designee administration who decides whether or not the proposal is approved.

(38) through (70) No change.

(71) Restrictiveness Level – As defined in Section 985.03, F.S.

(72) through (81) No change.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History–New \_\_\_\_\_.

63E-7.003 Youth Admission.

(1) through (2) No change.

(3) If the JPO or JPO supervisor does not provide any missing core documents upon request, a residential commitment program may elect to not admit a youth, thereby rejecting the youth. However, within two hours of a decision to reject a youth, the program shall notify the Regional Director for Residential and Correctional Facilities and the Regional Director for Probation and Community Corrections of this action. The youth continues his or her status of awaiting residential placement while the department immediately pursues acquisition or production of the missing core documents, thereby expediting the youth’s subsequent admission to the residential commitment program.

(4) A residential commitment program shall communicate internally on admissions as follows:

(a) Program staff responsible for admission are notified when a new admission is scheduled to arrive and the youth’s name, date and time of anticipated arrival, mode of transportation, medical and mental health needs, and any safety or security risks are documented in the logbook.

(b) Regardless of the youth’s condition upon admission, the designated health authority, or his or her designee who is licensed to practice in Florida as a physician (MD) or osteopathic physician (DO), Advanced Registered Nurse Practitioner (ARNP) or Physician’s Assistant (PA), is notified of an admission with any of the following medical conditions documented in the commitment packet: asthma; allergies with anaphylaxis; adrenal insufficiency; cancer or history of cancer; cardiac arrhythmias, disorders or murmurs; congenital heart disease; cystic fibrosis; developmental disability; diabetes; history of EpiPen use; eating disorders; head injuries that occurred within the two weeks prior to admission; hearing, speech or visual deficits; hemophilia; hepatitis; human

immunodeficiency virus (HIV) or AIDS; hypo or hyperthyroidism; hypertension; kidney failure (with or without dialysis); neuromuscular conditions; pregnancy or having given birth within the two weeks prior to admission; seizure disorders; sickle cell anemia; spina bifida; systemic lupus erythematosus; and active tuberculosis.

(c) Information included in the commitment or transfer packet is distributed to program staff as their job functions dictate.

(5) through (8) No change.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History--New \_\_\_\_\_.

63E-7.004 Youth Intake.

(1) No change.

(2) A residential commitment program shall complete the following entry screenings immediately upon a youth's admission. These screenings are used to identify any emergency medical, mental health, or substance abuse conditions of a nature that render admission unsafe or warrant immediate attention. These screenings are also used to identify any need for further evaluation.

(a) Using the Facility Entry Physical Health Screening form, a health care or non-health care staff shall conduct the health entry screening. However, if the entry screening is conducted by someone other than a licensed nurse as defined in Section 464.003, F.S., a licensed nurse shall review the entry screening within 24 hours of the youth's admission.

(b) To screen for mental health and substance abuse, the program shall ensure administration of either the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) or a clinical mental health screening and a clinical substance abuse screening. A direct care staff may administer the MAYSI-2 on JJIS if he or she is trained in its administration. However, a clinical mental health screening shall only be conducted by a licensed mental health professional, and a clinical substance abuse screening shall only be conducted by a qualified professional as defined by Section 397.311, F.S., and in accordance with Rule 65D-30.003, F.A.C. (12-12-05). Clinical screenings require the use of valid and reliable screening instruments.

(3) through (11) No change.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History--New \_\_\_\_\_.

63E-7.005 Youth Orientation.

(1) No change.

(2) A residential commitment program shall provide orientation to each youth by explaining and discussing the following:

(a) The program's expectations, rules and behavior management system to include:

1. Services available;
2. Daily schedule that is also conspicuously posted to allow easy access for youth;
3. Expectations and responsibilities of youth;
4. Written behavioral management system that is also conspicuously posted or provided in a resident handbook to allow easy access for youth, including rules governing conduct and positive and negative consequences for behavior;

(b) Availability of and access to medical and mental health services;

(c) Access to the Department of Children and Families' central abuse hotline addressed in Chapter 39, F.S., or if the youth is 18 years or older, the Central Communications Center that serves as the department's incident reporting hotline;

(d) Items considered contraband, including illegal contraband, possession of which may result in the youth being prosecuted;

(e) Performance planning process that involves the development of goals for each youth to achieve;

(f) Dress code and hygiene practices;

(g) Procedures on visitation, mail, and use of the telephone;

(h) Anticipated length of stay in the program and expectations for release from the program, including the youth's successful completion of individual performance plan goals, the program's recommendation to the court for release based on the youth's performance in the program, and the court's decision to release;

~~(i)(j)~~ Community access;

~~(j)(k)~~ Grievance procedures;

~~(k)(l)~~ Emergency procedures, including procedures for fire drills and building evacuation;

~~(l)(m)~~ Physical design of the facility, including those areas that are and are not accessible to youth; and

~~(m)(n)~~ Assignment to a living unit and room, treatment team and, if applicable, a staff advisor or youth group.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History--New \_\_\_\_\_.

**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. 32, August 10, 2007 issue of the Florida Administrative Weekly. When adopted, the rules will read as follows:

All definitions for Chapter 65C-13, F.A.C., are located in Rule 65C-30.001, F.A.C.

#### 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 in 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, May 2007, available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), and a "Release of Information", CF-FSP 5090, March 2007, available at [www.dcf.state.fl.us/publications/](http://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/](http://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/](http://www.dcf.state.fl.us/publications/);

2. "Release of Information", CF-FSP 5090, March 2007, available at [www.dcf.state.fl.us/publications/](http://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/](http://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/](http://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, May 2007, available at [www.dcf.state.fl.us/publications/](http://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/](http://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/](http://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 Rule 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/](http://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/](http://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 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:

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/](http://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/](http://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/](http://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/](http://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/](http://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/](http://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/](http://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/](http://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/](http://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/](http://www.dcf.state.fl.us/publications/);

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

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

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

10. Pet vaccinations (if applicable).

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/](http://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.

l. 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.

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

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, October 2005, available at [www.dcf.state.fl.us/publications/](http://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/](http://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/](http://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.

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

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

1. Make an informed decision about whether the child should be placed in their home; and
2. Provide appropriate care for the child.

(c) The 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) 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.

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.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.

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;

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 FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:	RULE TITLES:
69A-46.010	Submission of the Application
69A-46.017	Required Continuing Education
69A-46.041	Inspection Requirements for Fire Protection Systems

**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.

69A-46.010 Submission of the Application.

(3)(a) As a prerequisite to challenging the examination as a Contractor I, II, or III, the applicant shall provide evidence of four (4) years proven experience in the employment of a Contractor I, II, or III, or a combination of experience and education equivalent thereto.

1. "Experience in the employment of a contractor", as required by Section 633.521(3), Florida Statutes, must be gained from full-time employment by a contractor licensed as provided in Section 633.521, Florida Statutes, such employment relating to technical areas. For purposes of this rule chapter, "technical areas" means those activities engaged in by a contractor and participated in by the applicant which provide experience in laying out, fabricating, installing, inspecting, altering, repairing, or servicing fire protection systems. For purposes of this rule chapter, four (4) years proven experience as a certified plumber plumbing contractor, licensed pursuant to the provisions of Chapter 489, Florida Statutes, may be offered toward the experience requirements for a Contractor I or II and shall be considered equivalent to two (2) years proven experience in the employment of a contractor. A certified plumbing contractor shall offer no more than 4 years as a certified plumbing contractor toward the 4 years experience requirement in Section 633.521, Florida Statutes. The applicant's experience must be verified by the

contractor employing the applicant utilizing Form DFS-K3-1795 (Effective: \_\_\_\_\_) Employment Verification Form, incorporated herein by reference, or the required verification shall be in the form of a letter from the employing contractor, on company stationery, attesting to the applicant's duties, the kinds of jobs he worked on; his dates of employment; and any other information reasonably calculated to provide the division with an informed understanding of the applicant's work experience. A copy of Form DFS-73-1795 (Effective: \_\_\_\_\_) can be obtained from the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

An applicant offering self-employment experience shall provide verification in the form of letters from customers, and others familiar with his work. It is the applicant's responsibility to furnish the required verification. The experience will be evaluated to determine an applicant's qualifications for the class of certificate requested; or,

69A-46.017 Required Continuing Education.

(1) through (7) No change.

(8) Prior to the annual expiration of the Certificate of Competency, the Fire Protection System Contractor shall submit proof of completion of the required course or courses to the Regulatory Licensing Section. Submissions shall be submitted on a "Fire Protection System Contractor Continuing Education Coursework" Form, DFS-K3-441240 (Rev. \_\_\_\_\_ 03/00) as adopted and incorporated herein by reference. Forms are available from and submissions shall be sent to: Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342. Each Fire Protection System Contractors Certificateholders will be notified by the Regulatory Licensing Section, in writing, if the coursework does not satisfy the continuing education requirement in Section 633.537, Florida Statutes. No notification will be given over the telephone.

(9) through (11) No change.

69A-46.041 Inspection Requirements for Fire Protection Systems.

(1) through (2) No change.

(3)(a) through No change.

(b) Inspection tags must be a maximum minimum dimension of 133 mm (5 1/4 inches) in height and 89 67 mm (3 1/2 inches) in width.

(c) through (e) No change.

(4) through (9) No change.

~~(10) Sample Inspection Tag.~~

~~(a) Figure 1 shows information required on a Green Compliance Tag.~~

~~(b) Figure 2 shows information required on a Red Non-Compliance Tag.~~

~~(e) Figure 3 shows information required on the reverse of the Red Non-Compliance Tag.~~

Specific Authority 633.01 FS. Law Implemented ~~633.071, 633.082, 471.025, 553.79(6),~~ 633.065, 633.547(2)(e) FS. History—New 10-20-93, Amended 11-21-01, Formerly 4A-46.041, Amended.

The remainder of the rules read as previously published.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.006  
RULE TITLE: Manufactured and Prototype Buildings

**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. 33, No. 9, March 2, 2007, of the FAW:

69A-60.006 Manufactured and Prototype Buildings  
(1) through (3) No change.

(4)(a) The Manufacturer’s Modular Data Plate shall state that the manufactured building is, or is not, in compliance with Chapter 633, F.S., and the rules of the Department.

(b) If the Manufacturer’s Modular Data Plate indicates that the building is in compliance with Chapter 633, F.S., and the rules of the Department, the local fire official shall recognize and approve such manufactured building, subject to ~~acceptable~~ performance testing of life safety systems in accordance with Chapter 69A-60 F.A.C., and site conditions in accordance with Section 18.01, NFPA 1, adopted by reference in Rule 69A-3.012, F.A.C.

(5) No change.

**Section IV  
Emergency Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: 9BER07-1  
RULE TITLE: Community Development Block Grant Disaster Recovery Initiative

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE:** The expenditure of the funds in the declared disaster areas where housing, infrastructure, and businesses were severely damaged or destroyed is essential to the health, safety and welfare of the public.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Promulgation of Rule Chapter 9BER07-1, using emergency rule procedures, is the only available mechanism that adequately provides for the

expeditious disbursement and use of the federal funds to provide disaster relief, long-term recovery and infrastructure restoration.

**SUMMARY OF THE RULE:** This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible.

**THE PERSON TO BE CONTACTED REGARDING THIS EMERGENCY RULE IS:** Esrone McDaniels, Administrator, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)487-3644

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

9BER07-1 Community Development Block Grant Disaster Recovery Funding.

(1) The objective of this emergency rule is to address disaster relief, long-term recovery and infrastructure restoration of communities, particularly for those persons who are of low and moderate income, that suffered damage or loss as a result of Hurricane Wilma. This emergency rule applies to all grant recipients receiving funding under this Disaster Recovery Program. This rule supplements the information provided in the state’s Action Plan, which is herein incorporated by reference and available upon request to the Department.

(2) In order to expedite recovery measures, all portions of Rule Chapter 9B-43, F.A.C., are abrogated by this emergency rule, except the following: Rule 9B-43.0031 (Definitions) and subsections 9B-43.0051(2), (4), and (8), F.A.C.. (Selected portions of Grant Administration and Project Implementation).

(3) The following definitions are provided for clarification:

(a) “Action Plan” is the plan submitted by the Department to, and approved by, the U.S. Department of Housing and Urban Development (HUD) in response to the Federal Register Notice dated October 30, 2006, which outlines basic requirements relating to the allocation of the disaster recovery funding.

(b) “Service area” means the total geographical area to be served by an activity. A service area will encompass all beneficiaries who are reasonably served or would be reasonably served by an activity.

(c) Other definitions may be found in 24 CFR 570 and the Action Plan.

(4) Eligible subgrantees, as defined in the Action Plan, may allocate funding to third party organizations for the purpose of carrying out activities funded by the subgrant to the Recipient. In such cases, a subrecipient agreement must be executed by the local government and the organization and

approved by the Department. The Recipient retains the legal responsibility for ensuring that applicable federal and state laws, rules and regulations are followed.

(5) Interlocal Cooperation. Eligible subgrantees proposing to conduct eligible activities in other eligible jurisdictions must submit documentation to the Department of an established relationship between the jurisdictions or provide an acknowledgement letter agreeing to the tasks to be performed in the jurisdiction which affirms that all activities are consistent with each local government's comprehensive plan and provides documentation which includes applicable excerpts of each local government's comprehensive plan.

(6) Eligible subgrantees may use up to 3% of the funds allocated for administrative costs as specified in 24 CFR 570.206 and the Action Plan applicable to this rule. Costs directly related to carrying out activities eligible under 24 CFR 570 are not included in the 3% allowance.

(7) Expenditures and Limitations.

(a) Subgrantees must submit at least one request for funds each quarter which reflects actual project expenditures for the quarter via the process described by the Department.

(b) Escrow Accounts. Subgrantees may draw down CDBG funds and deposit them into an interest-bearing escrow account for restoration of affordable housing, including housing rehabilitation and activities associated with hardening and mitigation. The subgrantee must track the requirements for and receipt and disbursement of all funds for each housing unit addressed. The following provisions apply:

1. Funds may be requested only after execution of a contract for services. If funds are received by the subgrantee prior to the execution of a contract that obligates those funds, those funds must be returned to the Department within seven (7) days of receipt by the subgrantee.

2. Funds requested and escrowed for use on housing units shall not be used for any other purpose.

3. Funds requested and escrowed for a particular housing unit must be expended on that housing unit within one hundred twenty (120) days from date of deposit in the escrow account or be returned to the Department.

4. Interest earned on escrow accounts shall be reported quarterly to the Department.

(8) Program Income. Any program income earned as a result of activities funded under this grant must be reported to the Department, but may be retained for the life of the subgrant by the subgrantee and used to continue the CDBG disaster recovery activity.

(9) Subgrantees and/or beneficiaries must provide documentation of funds received from other sources which were applied toward the costs of the project funded by these disaster recovery funds.

(10) Beneficiaries of Public Improvements.

(a) For activities where hookups or connections are required for beneficiary access to CDBG-funded public improvement, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout.

(b) For activities where hookups or connections are required as a condition for beneficiary access to a CDBG-funded public improvement, no hookup or connection fees shall be charged to very-low, low or moderate-income beneficiaries.

(c) Beneficiaries of activities funded under this emergency rule shall not be expected to pay for, or reimburse, the subgrantee for any portion of the project costs, whether impact fees, connection charges, or otherwise.

(11) Housing Rehabilitation Standards.

(a) Upon completion of a housing rehabilitation activity, all housing units addressed with CDBG funds must be in compliance with the subgrantee's local housing code. This requirement does not apply if the construction activity is limited to water hookups, sewer hookups, the abandonment of wells, or the abandonment of septic systems with no internal or external modifications to the housing structure.

(b) The subgrantee should rely on its local housing assistance plan to determine the maximum amount of CDBG disaster recovery funding that can be expended on any one housing unit.

(12) If manufactured housing units are used for replacement housing, they must meet the following specifications:

(a) Manufactured housing units must be built to HUD post-1994 construction standards.

(b) The units must be new, previously uninstalled manufactured housing units.

(c) Units must bear HUD compliance certification meeting HUD wind resistance construction standards for wind zone 3.

(d) A certified building code inspector employed by the local government shall inspect and approve the installation of all manufactured housing units to ensure compliance with the local building code.

(e) Units must be installed to the manufacturer's installation instructions.

(f) These funds may not be used for furniture or interior design costs, insurance, financing points, or add-on structures.

(g) Replacement units may be placed on leased land or resident-owned land.

(h) Units must be owner-occupied.

(i) The cost of each manufactured housing unit must not exceed the appraised value of the unit per the Fannie Mae/Freddie Mac manufactured housing appraisal guidelines currently in effect (e.g., Fannie Mae, Announcement 03-06, Appraisal Guidelines for Manufactured Housing.)

(13) Amendments. All proposed amendments to the Agreement must be approved by the Department.

(a) Documentation Required. All requests for amendments to the subgrant agreement shall include the following written documentation for review by the Department:

1. A cover letter signed by the Chief Elected Official or designee, which describes the need for the proposed changes and the impact on the approved project.

2. If applicable, a revised activity work plan.

3. If applicable, a revised budget showing the current and amended budget.

4. If there is a change in activity location, a legible map which indicates the proposed change.

5. If applicable, a copy of the public notice for the public hearing at which the amendment was approved.

6. Signature of the Chief Elected Official or other authorized individual on the Modification to Agreement form, which is provided by the Department upon request.

(a) If the subgrantee requests administrative closeout prior to the termination date of the subgrant agreement, any amendment affecting closeout and requiring Department approval must be included with the closeout.

(b) Time Extensions to Subgrant Agreements. Any proposed amendment extending the termination date of the subgrant agreement must be approved by the Department. The subgrantee must explain any delay affecting project completion and must justify the need for the extension. An amendment extending the subgrant agreement period must be received by the Department at least ninety (90) days prior to the end of the subgrant agreement. Extensions may be granted on a case-by-case basis, not to exceed 12 months.

(14) Subgrant Closeout.

(a) At the time of submission of the closeout report, the subgrantee must have documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the end of the subgrant agreement and submission of the administrative closeout.

(b) An administrative closeout may be submitted only when the subgrantee has no more than \$25,000 in total funds on hand. All funds in excess of \$25,000 drawn from the Department and not expended must be returned to the Department prior to or with the submission of the closeout. If the subgrantee has transferred funds from the regular CDBG administrative account or the escrow account and these funds remain under the control of the subgrantee, the funds are not considered expended for purposes of administrative closeout.

(c) Upon completion of the activities contained in the subgrantee's CDBG subgrant agreement, including any amendments, the subgrantee shall submit to the Department a closeout which gives the final statement of costs, certifies that the project and all administrative activities have been completed and accepted (except submission of the final audit), that all costs except those reflected on the closeout have been paid, and that reports the demographics of the program's beneficiaries.

(d) If any change has been made since the last map amendment, the closeout shall also contain a revised map of the activities completed during the term of the CDBG contract.

(e) Subgrantees administering subgrant agreements with housing activities shall include the physical address of all households assisted under the subgrant agreement and certify that they were within the jurisdiction(s) served by the subgrantee, either as provided in any interlocal agreements or in the subgrant agreement. Additional information required by HUD may be requested.

(f) For activities where hookups or connections are required for beneficiary access to the public improvement, the closeout must show:

1. The total number of persons in all households in the service area; and

2. The number of low and moderate income persons in households connected to the infrastructure.

(g) Projects meeting the LMI national objective must document that the number of LMI persons in households connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher.

(h) The closeout must contain original signatures. Facsimile (FAX) submissions are not acceptable.

(i) If a subgrantee fails to meet contractual requirements on time, the Department reserves the right to require that a subgrantee financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.

(j) The subgrantee must notify the Department of all liens placed on privately owned properties (as in the case of residential rehabilitation, etc.). Such information shall include the name of the property owner and the physical location of the property (i.e., street address).

(15) This emergency rule applies to the Single-family/Multifamily Housing Repair and Mitigation and Infrastructure Repair/Improvement categories as described in the Action Plan submitted to and approved by HUD on DATE. It does not apply to the Multifamily Rental Housing Repair and Mitigation funding described in the Action Plan. The Department will work with other housing related entities to design a funding process for the Multifamily Rental Housing Repair and Mitigation funding.

Specific Authority 290.044 FS. Law Implemented 290.0401-.048 FS. History—New 8-3-07.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 3, 2007

#### **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 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."

### **Section V**

## **Petitions and Dispositions Regarding Rule Variance or Waiver**

#### **DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on August 2, 2007, the Florida Department of Law Enforcement has issued an order. The Commissioner of the Florida Department of Law Enforcement on August 2, 2007, denied a petition for a waiver of paragraph 11C-6.004(3)(b), F.A.C., requested by the National Foundation to Prevent Child Sexual Abuse, Inc., Palm Beach County. The Petition was received on May 4, 2007. Notice of the petition was published in the F.A.W., Vol. 33, No. 22, June 1, 2007. No public comments were received. The Petitioner requested that the Department waive the fee for criminal history record checks on volunteers not presently residing in Florida, submitted pursuant to the National Child Protection Act of 1993, as amended, implemented at Section 943.0542, F.S. Pursuant to Section 120.542, F.S., in Case No. VAR 07-15, the Department denied this request for waiver of this rule because the fee at issue was set by statute rather than by rule, waiver of the fee is made discretionary by law, the petitioner could not demonstrate that a strict application of the rule would result in undue hardship to it, or would affect it differently from other similarly situated volunteers, and because petitioner had not successfully fulfilled the fee requirement imposed at Section 943.053(3), F.S., by other means.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, telephone (850)410-7676l.

#### **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN THAT the Department of Highway Safety and Motor Vehicles (DHSMV) issued an Order Denying Rule Variance or Waiver under Section 120.542, Florida Statutes, on July 24, 2007, to Jonathan J. Luca, Esquire, on behalf of Petitioner, Michael S. Ennis. The petition requesting the variance or waiver was received by DHSMV on April 25, 2007. Notice of receipt of the petition requesting the waiver was published in Vol. 33, No. 21 of the F.A.W., on May 25, 2007. No public comment was received. The Petitioner sought a variance from or waiver of subsection 15A-10.029(5), Florida Administrative Code, which states as follows:

No person shall be eligible for reinstatement in the Special Supervision Services who has previously been reinstated and had that reinstatement cancelled due to current substance abuse. In such a situation the entire statutory revocation period must be served.

This Order rules that the Petition fails to demonstrate that the underlying purpose of the statute has or will be achieved by other means by the Petitioner and that the application of the rule creates a substantial hardship or violates principles of fairness.

A copy of the Order may be obtained by contacting: Mark J. Hiers, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Room A-432, Tallahassee, Florida 32399-0504.

#### **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."

#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT on June 8, 2007, the Florida Public Service Commission, received a petition for waiver from paragraph 25-4.110(5)(c), Florida Administrative Code, from BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast in Docket No. 070370-TL. The petition was amended on July 16, 2007. The rule addresses customer billing requirements for incumbent local exchange

companies. Comments on the petition should be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

For additional information, please contact H. F. Mann, Office of the General Counsel, at the above address or telephone (850)413-6098.

#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on July 10, 2007, the Suwannee River Water Management District (SRWMD) has issued an order.

This Order grants Variance under Section 120.542, F.S., to Mr. Lawrence Diaz. The petition for waiver was received by SRWMD on June 14, 2007. Notice of receipt of petition requesting the waiver was published in F.A.W., Vol. 33, No. 25 on June 22, 2007. No public comment was received. This Order provides a variance of the SRWMD's criteria for subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirement, and paragraph 40B-4.3030(11)(b), F.A.C., to the 75-foot setback requirement within Township 9 South, Range 14 East, Section 17, Gilchrist County. SRWMD granted the petition because the petitioner has demonstrated that the purpose of the statute underlying the rule will be met, that the petitioner would suffer economic hardship if required to comply with the rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on July 17, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Bread and Butter located in Jacksonville. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

This variance request was approved July 31, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the

establishment clearly stating the location of the bathrooms. Seating shall not exceed fifteen (15) which includes inside and outside seating. All provisos shall be met prior to licensing; specifically installing a handsink near the three-compartment sink as requested by Michelle Haynes, plan reviewer. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Brix Bistro located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use an adjacent establishment's bathroom facilities.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice.

To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on July 2, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Donivan's Reef located in Largo. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated..... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-five (25).

This variance request was approved July 24, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (25) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 24, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), from Espresso Caffè Express at Celebration located in Celebration. The above referenced F.A.C. state the water supply shall meet the standards provided in Chapter 64E-8, 62-550 and 62-555, F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN THAT on July 31, 2007, the Board of Accountancy, received a petition for Indira Bachoo, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires that candidates pass all four test sections of the CPA Examination within a rolling eighteen-month period, that begins on the date that the first test section passed is taken.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on July 19, 2007, the Board of Accountancy has issued an order.

The order is regarding the Petition for Waiver or Variance, filed on March 9, 2007, by Edward F. Coamey. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 13, of the March 30, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that an applicant for licensure reactivation complete a specified number of continuing professional education hours in addition to the regular renewal requirements. The Board considered the instant Petition at a duly-noticed public meeting, held May 18, 2007, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on July 19, 2007, the Board of Accountancy has issued an order.

The order is regarding the Petition for Waiver or Variance, filed on March 23, 2007, by Alan Lee Freeman. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 14, of the April 6, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held May 18, 2007, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on July 19, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 10, 2007, by Cecilia Lavina. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 17, of the April 27, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that any certified public accountant who seeks to reactivate his or her license must demonstrate successful completion of the required number of continuing professional education hours, at least 80% of which have been completed in the twenty-four (24) months immediately

preceding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held May 18, 2007, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on July 19, 2007, the Board of Accountancy has issued an order.

The order is regarding the Petition for Waiver or Variance, filed on March 23, 2007, by Donald M. McManus. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 15, of the April 13, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(2)(a), F.A.C., entitled "Continuing Professional Education" with regard to allowing the non-approved course that petitioner completed to count as continuing professional education in accounting and auditing. The Board considered the instant Petition at a duly-noticed public meeting, held May 18, 2007, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(2)(a), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Board of Accountancy, received a petition for Robert A. Tuttle, Jr., seeking a waiver or variance from subsection 61H1-31.001(4), F.A.C., which establishes the fee for reactivation of an inactive status license to an active status license.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida

32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the Board of Accountancy, received a petition for Dominique Sada, seeking a variance or waiver of subsection 61H1-31.001(10), Florida Administrative Code, and the requirement that a licensee pay a \$50.00 delinquency fee for submitting a CPE reporting form after July 15th of the licensee's reestablishment period. Petitioner is also seeking a variance or waiver of paragraph 61H1-33.003(1)(b), F.A.C., that requires additional continuing education hours in Accounting and Auditing as penalty for licensees who do not meet the June 30th deadline.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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#### **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."

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NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the Department of Environmental Protection, Division of Air Resource Management, received a petition for the Hertz Rental Car Fueling Facility at Miami International Airport, seeking a variance from the provisions of Department of Environmental Protection paragraph 62-252.400(2)(b), Florida Administrative Code, to waive the requirement for continued operation and maintenance of the facility's Stage II vapor recovery system through December 31, 2009. The petition has been assigned OGC File No. 07-1315.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Terri Long, Department of Environmental Protection, Air Resource Management, MS 5500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)921-9556. Written comments must be received by Terri Long at the above address no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the Department of Environmental Protection, Division of Air Resource Management, received a petition for the Hertz Rental Car Fueling Facility at Palm Beach International Airport, seeking a variance from the provisions of Department of Environmental Protection paragraph 62-252.400(2)(b), Florida



Administrative Code, to waive the requirement for continued operation and maintenance of the facility's Stage II vapor recovery system through December 31, 2009. The petition has been assigned OGC File No. 07-1316.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Terri Long, Department of Environmental Protection, Air Resource Management, MS 5500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)921-9556. Written comments must be received by Terri Long at the above address no later than 14 days from the date of publication of this notice.

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## DEPARTMENT OF HEALTH

The Board of Pharmacy hereby gives notice that it has issued an Order on the Petition for Variance or Waiver which was received from the Seminole County Health Department. The Petition for Variance or Waiver was dated April 27, 2007. Petitioner was seeking a waiver of Rule 64B16-28.1081, Florida Administrative Code, entitled "Regulation of Daily Operating Hours", which requires a community pharmacy to have its prescription department open for at least 40 hours a week, 5 days a week. The Board of Pharmacy considered the Petition at a duly-noticed meeting held on June 12-13, 2007, in Ft. Lauderdale, Florida. The Board's Order, filed on July 25, 2007, denied the petition finding that the Petition does not comply with the requirements of Florida law. The Board further finds that the Petitioner has not established that applying the requirements of the aforementioned rule to Petitioner's circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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NOTICE IS HEREBY GIVEN THAT on July 25, 2007, the Board of Podiatric Medicine has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 27, 2007, by Frank L. Levy. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 19, of the May 11, 2007, F.A.W. The Petitioner sought a waiver or variance of Rule 64B18-11.001, F.A.C., entitled "Application for Licensure" with regard to the requirement that an application for licensure is not complete unless and until it contains verification of a passing score from the examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis Examination administered after August of 1996. The Petitioner also sought a waiver or variance of Rule 64B18-11.002, F.A.C., entitled "Examination of Licensure" which adopts the national examinations administered under the auspices of the National Board of Medical Examiners, including Part I, Part II and the PMLexis Examination, as the examination for licensure in

Florida, provided that the applicant for licensure has taken and passed the PMLexis Examination after August of 1996. The Board considered the instant Petition at a duly-noticed public meeting, held June 22, 2007, in Orlando, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 461.006, Florida Statutes, would be met by granting a variance or waiver from Rules 64B18-11.001 and 64B18-11.002, F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Joe Baker, Executive Director, Board of Podiatric Medicine, Board of Podiatry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258.

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NOTICE IS HEREBY GIVEN THAT on July 24, 2007, the Department of Health has issued an order.

Orders were issued disposing of petitions for waiver of subsection 64E-3.004(2), F.A.C., for the following persons: Jose W. Lorenzo, Elizabeth L. Miles, Jessica Hernandez, Aaron P. Reddish, and Adelaida P. Perez. The petitions were filed with the Department and were noticed in the F.A.W., on August 3, 2007, Vol. 33, No. 31.

The orders provide in summary that petitioners were entitled to receive a temporary certificate allowing them to continue to work while awaiting their examination results because they demonstrated that a Department error resulted in a violation of principles of fairness. Accordingly, the petitions for waiver of subsection 64E-3.004(2), F.A.C., from the above-named petitioners were Granted.

A copy of the Order may be obtained by contacting: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C85, Tallahassee, Florida 32399-3285.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Division of Historical Resources** and the **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: September 24-27, 2007, 9:00 a.m. – 5:00 p.m. each day

PLACE: Heritage Hall, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Historical Commission and To review the 2008-2009 Special Category applications for the Historical Resources Grants-in-Aid Program.

A copy of the agenda may be obtained by contacting: Grants staff at 1(800)847-8278 or 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting the Grants staff at 1(800)847-8278 or 500 S. Bronough Street, Tallahassee, Florida 32399-0250 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Grants staff at 1(800)847-8278 or 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

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The **Department of State, Division of Cultural Affairs**, and **Florida Arts Council** announces a public teleconference meeting to which all persons are invited.

Florida Arts Council Awards Committee Meeting

DATE AND TIME: August 30, 2007, 10:00 a.m. – Conclusion

PLACE: Conference Call Access Number: 1(866)212-0875, Pass Code: 1983085#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nominations to the Florida Artists Hall of Fame and Arts Recognition Awards Programs.

ACTION TO BE TAKEN: To discuss, review and make recommendations to the Florida Arts Council regarding nominations to the Florida Artists Hall of Fame and Arts Recognition Awards Programs and any other business which may appropriately come before the Committee.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 27th day of August 2007, if you need an accommodation. Accommodations can be arranged through

Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs at (850)245-6356, by Fax at (850)245-6497, or by email at mblewis@dos.state.fl.us.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 10:00 a.m.

PLACE: Hilton Garden Inn, Orlando Airport, 7300 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing to: Robert H. Jacobs, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, or by calling Robert Jacobs at (850)488-9790.

Pursuant to the American with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Robert Jacobs, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line at 1(800)955-8771.

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The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 5, 2007, 10:00 a.m.

PLACE: Bradenton City Hall, 101 Old Main Street, Bradenton, Florida 34205

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumer Advisory Council will be meeting to discuss consumer-related issues and proposed legislation for the 2008 Florida session addressing issues of interest to consumers and to advise and assist the department.

A copy of the agenda may be obtained by contacting: LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

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The Florida **Aquaculture Interagency Coordinating Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 1:00 p.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kal Knickerbocker, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Kal Knickerbocker as soon as possible.

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#### DEPARTMENT OF EDUCATION

The **Florida Schools of Excellence Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2007, 1:00 p.m. – completion  
PLACE: Tallahassee Community College Capitol Center Campus, 300 West Pensacola Street, Room 1114, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Schools of Excellence Commission will be holding open discussions regarding charter schools with the Florida Association of District School Superintendents and the Florida Association of District School Board Members.

A copy of the agenda may be obtained by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

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The **Education Practices Commission** announces a hearing to which all persons are invited.

A Teacher Hearing Panel

DATE AND TIME: August 31, 2007, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Hampton Inn & Suites, 3388 Lombladh Road, Tallahassee, Florida 32308, (850)574-4900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting the Education Practices Commission.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Additional information may be obtained by writing to: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: August 29, 2007, 1:30 p.m. – 4:30 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Building 69, Room CO-118, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BT-672 Office Depot Center for Executive Development.

For more information or to obtain a copy of the agenda, please contact Corina Mavrodin, Program Coordinator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, Bldg. 69, Room 104, Boca Raton, Florida 33431, (561)297-0541.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Corina Mavrodin at (561)297-0541. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

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The **Commission for Independent Education** announces a workshop on Rule 6E-4.001, Fees and Expenses, F.A.C., to which all persons are invited.

DATE AND TIME: September 21, 2007, 9:00 a.m.

PLACE: Grosvenor Hotel, 1850 Hotel Plaza Boulevard, Lake Buena Vista, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education announces the cancellation and rescheduling of a rule development workshop on Rule 6E-4.001, F.A.C., Fees and Expenses and 6E-2.002,

F.A.C., Institutional Licensure, scheduled for August 28, 2007 and as noticed, respectively in Volume 33, Issues 30 and 31 of the F.A.W., published July 27, 2007 and August 3, 2007. This workshop is rescheduled for September 21, 2007 at the Grosvenor Hotel, 1850 Hotel Plaza Boulevard, Lake Buena Vista beginning at 9:00 a.m.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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The **Gulf Coast Community College District**, Board of Trustees will hold the District Board of Trustees Retreat Meetings as follows: Contact person for the meetings is Dr. Jim Kerley, President.

DATE AND TIME: August 24, 2007, 8:00 p.m. (EST)

PLACE: Magnolia Grill, Apalachicola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Gulf Coast Community College's future direction under the leadership of a new president.

DATE AND TIME: August 25, 2007, 8:00 a.m. (EST)

PLACE: The Swan, 230-A Water Street, Apalachicola, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Gulf Coast Community College's future direction under the leadership of a new president.

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## DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2007, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rules 12D-3.001, 12D-3.003, 12D-7.003, 12D-7.013, 12D-8.0061, 12D-8.011,

12D-13.031 and 12D-16.002, Florida Administrative Code. Notices of these proposed rules were published in the F.A.W., on June 29, 2007 (Vol. 33, No. 26, pp. 2889 through 2895).

A copy of the agenda may be obtained by contacting: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail address gallopss@dor.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2007, 4:00 p.m. – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Suite Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Nominating Committee.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

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The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2007, 4:00 p.m. – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Suite Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Nominating Committee.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

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### **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."

The Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 26, 2007, 6:00 p.m.

PLACE: University of Florida's Whitney Laboratory for Marine Bioscience, Whitney Hall, 9505 Ocean Shore Blvd., St. Augustine, FL

DATE AND TIME: Thursday, September 27, 2007, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTM Research Reserve), Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: To inform the public on the management plan review process and to solicit input on issues they are interested in seeing addressed in the GTM Research Reserve management plan. The GTM Research Reserve Management Advisory Group will be participating.

A copy of the agenda may be obtained by contacting Annette Odom at (904)823-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Annette Odom at (904)823-4500. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **STATE BOARD OF ADMINISTRATION**

The Investment Committee of the **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2007, 9:00 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Committee Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited. A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555, no later than five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2007, 10:30 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555, no later than five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2007, 12:00 Noon or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555, no later than five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450, (850)488-0476.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by calling Commissioner Frederick B. Dunphy at (850)488-0476. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Commissioner Frederick B. Dunphy at (850)488-0476.

#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing on Rule 25-30.4325, Water Treatment Plant Used and Useful Calculation, F.A.C., to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: One of the items to be considered at this public meeting is proposed Rule 25-30.4325, F.A.C., including the merits of a request to suspend the rulemaking proceeding and engage in a full evidentiary hearing pursuant to Section 120.54(5), F.S. and Rule 28-103.005, F.A.C. If the Commission grants this request, the rulemaking proceeding will be suspended until the evidentiary proceeding has been concluded. Docket No. 070183-WS.

Any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing to: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The agenda and recommendation is also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 6:00 p.m.

PLACE: West Pasco Government Center, County Commission Board Room, Suite 160, New Port Richey, FL 34652

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. Docket No. 060540-WU, Application for increase in water rates in Pasco County by Colonial Manor Utility Company. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

Emergency Cancellation of Customer Meeting.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Troy Rendell, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6934.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 10:30 a.m.

PLACE: Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, FL 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for

Cooper City, Miami-Dade County (Public School Element), Miami-Dade County (DRI Amendment), North Bay Village, North Miami and Plantation; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting SFRPC at (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 21, 2007, 9:30 a.m.

PLACE: Wolf High Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting Liz Gulick, Treasure Coast Regional Planning Council at (772)221-4060.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Liz Gulick, Treasure Coast Regional Planning Council, at (772)221-4060.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: November 1, 2007, 10:00 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Liz Gulick at (772)221-4060.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Tampa Bay Area Regional Transportation Authority** (TBARTA) is conducting its first board meeting to discuss the development and implementation of regional transportation solutions. The board meeting will be held at the following location:

DATE AND TIME: Friday, August 24, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Crowne Plaza Hotel, 10221 Princess Palm Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The first TBARTA board meeting is convening to discuss creating the Authority’s bylaws and development of a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee and Sarasota Counties. This meeting is being conducted pursuant to Section 120.525, Florida Statutes, and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968. Individuals requiring special considerations under the Americans with Disabilities Act of 1990 or if you would like more information or an agenda, contact Lee Royal, FDOT District 7 Community Liaison Administrator at (813)975-6427 or 1(800)223-7220. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 21, 2007, 2:00 p.m.

PLACE: Main Conference Room of SFRTA’s Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Committee Meeting.

A copy of the agenda may be obtained by contacting SFRTA Marketing Office at (954)788-7935.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Transportation and Expressway Authority Membership of Florida** (TEAMFL) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 3:00 p.m. – 5:00 p.m.

PLACE: Sanibel Harbour Resort & Spa, 17620 Harbour Point Drive, Ft. Myers, Florida 33908

GENERAL SUBJECT MATTER TO BE CONSIDERED: FOCUS SESSIONS – Toll Operations, Engineering, Finance, Public Involvement.

DATE AND TIME: Wednesday, September 12, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Sanibel Harbour Resort & Spa, 17620 Harbour Point Drive, Ft. Myers, Florida 33908

GENERAL SUBJECT MATTER TO BE CONSIDERED: QUARTERLY GENERAL SESSION. “New Ways to Do Old Business: Safer, Faster, Cheaper.” Welcoming Remarks: Chairman Bob Janes, Lee County Commission. Invited Speakers: William L. Barton, Chairman, Southwest Florida Expressway Authority; “Express Toll Lanes on I-75”; Senator Mike Fasano, Chairman, Transportation and Economic Development Appropriations Committee, Florida Senate; “Transportation and Toll Roads: The Senate Perspective”; Representative Richard Glorioso, Florida House of Representatives; “House Bill 985: The Sponsor’s Perspective”; Commissioner Marcos Marchena, Florida Transportation Commission; “Report on Implementation of HB 985 by Florida Transportation Commission”; Evelio Suarez, Florida’s Turnpike Enterprise; “Report on New Sticker Transponder Technology”; Bill Nelson, URS Corporation; “Report on IBTTA Violations Enforcement Summit.”



Additional information can be obtained at: [www.teamfl.org](http://www.teamfl.org) or from Robert C. Hartnett, 2121 Camden Road, Suite B, Orlando, FL 32803, (407)896-0035, Fax: (407)897-7012.

### WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2007, 6:30 p.m.

PLACE: Le Chateau, Mayo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting to consider business including the development of equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by contacting: Gwen Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by calling Gwen Lord, Administrative Assistant, SRWMD, at (386)362-1001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Gwen Lord, Administrative Assistant, SRWMD at (386)362-1001.

The **St. Johns River Water Management District**, Management Review Team tour, Northern Region Recreational Public Meeting and Projects and Lands Committee announces a public meeting to which all persons are invited.

Management Review Team Tour

DATE AND TIME: Thursday, September 6, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Black Creek Ravines located in Middleburg. The tour of Black Creek Ravines will begin at 1:00 p.m. and we will meet at 12:45 p.m. in the Green Road parking area off CR 218. Call (386)329-4879 if interested in attending the tour

Northern Region Recreational Public Meeting & Projects and Lands Committee Meeting

DATE AND TIME: Thursday, September 6, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Green Cove Springs City Hall Council Chambers, 321 Walnut Street, Green Cove Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Northern Region Recreational Public Meeting and Projects and Lands Committee Meeting will review land management and land acquisition activities in the Northern Region.

Business Meeting

DATE AND TIME: Friday, September 7, 2007, 8:00 a.m. – 10:00 a.m.

PLACE: Green Cove Springs City Hall Council Chambers, 321 Walnut Street, Green Cove Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Lands Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board. In the event a quorum of Board Members are not present September 7, 2007, for the Projects and Land Committee Meeting, this meeting will be held on September 11, 2007, 8:00 a.m., in conjunction with the Governing Board Meeting of the St. Johns River Water Management District.

A copy of the agenda may be obtained by contacting Augusta Mazyck at (386)329-4879.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Karen M. Davis at (386)329-4404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, September 11, 2007

8:15 a.m. Chairmen's Meeting

8:45 a.m. Finance and Administration Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District business including regulatory and non-regulatory matters. Staff may recommend approval of external budget amendments which affect the adopted budget. NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District by mail or calling (386)329-4500 or on website www.sjrwmd.com.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **St. Johns River Water Management District** announces a hearing to which all persons are invited.

Public Hearing on Tentative Millage Rate and Budget for FY 2007-2008

DATE AND TIME: Tuesday, September 11, 2007, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official presentation of the tentative FY 2007-2008 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board. **NOTE:** One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting Vicki Kroger, Office of Budget and Management Reporting at (386)329-4217 for copy of the Tentative Budget.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Southwest Florida Water Management District** (SWFWMD), Agricultural Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 21, 2007, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a regularly scheduled meeting of the Agricultural Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad St., Brooksville, FL 34604-6899 or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at the above address.

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The **Southwest Florida Water Management District**, Green Industry Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a regularly scheduled meeting of the Green Industry Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad St., Brooksville, FL 34604-6899 or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at the above address.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 27, 2007, 2:00 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: PUBLIC SUPPLY AND ENVIRONMENTAL ADVISORY COMMITTEES: Discussion of the Cooperative Funding Initiative Policy 130-4 and SWUCA per capita requirements. Ad Order 56762.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2007, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING: Conduct meetings and public hearing. There will also be an opportunity for public input on the District's intention to amend the fiscal year 2007 budget as follows: Increase the Florida Department of Transportation (FDOT) Mitigation Fund budget by \$5,278,605 to reflect unanticipated revenue from the FDOT for land acquisition in support of mitigation for planned roadwork projects within the Hillsborough River Basin. The proposed budget amendment will not impact the District millage or ad valorem property taxes. A closed attorney-client session will be held during the lunch break. Ad Order 56762.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 6:30 p.m.

PLACE: Pinecrest Elementary School, 7950 Lithia-Pinecrest Road, Lithia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: PUBLIC MEETING REGARDING THE CHITO BRANCH RESERVE: To obtain public input on the proposed Land Use and Management Plan for the Chito Branch Reserve (C.W. "Bill" Young Reservoir Site) Ad Order 56762.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

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The **Water Resources Advisory Commission** (WRAC) Issues Workshop – Lake Okeechobee Service Area Water Supp announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: SFWMD-SFWMD, Martin/St. Lucie Service Center, 780 S. E. Indian Street, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) Issues Workshop regarding Lake Okeechobee service area water supply needs. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting Rick Smith at (561)682-6517 or at our website <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a workshop to Rules 40E-21.521, Phase I Moderate Water Shortage; 40E-21.531, Phase II Severe Water Shortage; 40E-21.541, Phase III Extreme Water Shortage; 40E-21.551, Phase IV Critical Water Shortage, F.A.C., which all persons are invited.

DATE AND TIME: August 31, 2007, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Additional rule development workshop to consider proposed rule amendments concerning management of available water supplies during drought conditions.

A copy of the agenda may be obtained by contacting: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the South Florida Water Management District Clerk at 1(800)432-2045, ext. 2087 or (561)682-2087. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Peter J. Kwiatkowski, P.G., South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2547 or (561)682-2547, email: [pkwiat@sfwmd.gov](mailto:pkwiat@sfwmd.gov) or Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: [bross@sfwmd.gov](mailto:bross@sfwmd.gov).

For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

The **South Florida Water Management District** announces a workshop to Rules 40E-22.312, Policy and Purpose, 40E-22.322, Geographic Application, 40E-22.332, Water Shortage Triggers, F.A.C., which all persons are invited.

DATE AND TIME: August 31, 2007, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Additional rule development workshop to consider proposed rule amendments concerning management of available water supplies during drought conditions.

A copy of the agenda may be obtained by contacting: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045 ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Peter J. Kwiatkowski, P.G., South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2547 or (561)682-2547, email: [pkwiat@sfwmd.gov](mailto:pkwiat@sfwmd.gov) or Elizabeth D. Ross, Senior Specialist Attorney, South Florida

Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: [bross@sfwmd.gov](mailto:bross@sfwmd.gov).

For procedural questions contact: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

The **Big Cypress Basin Board, South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: August 29, 2007, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business, including adoption of the FY 2008 Basin Budget.

A copy of the agenda may be obtained by writing to: Big Cypress Basin, 2640 Golden Gate Parkway, Suite 205, Naples, Florida 34105, or by calling Kathleen Tetrault at (239)263-7615.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Kathleen Tetrault, (239)263-7615, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Kathleen Tetrault, Big Cypress Basin, 2640 Golden Gate Parkway, Suite 205, Naples, Florida 34105, (239)263-7615.

The **Water Resources Advisory Commission (WRAC)** Lake Okeechobee Committee Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Martin/St. Lucie Service Center, 780 S. E. Indian Street, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding issues of the restoration and protection of Lake Okeechobee; and the Caloosahatchee and St. Lucie Estuaries. The public is advised that it is possible that one or

more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting Rick Smith at (561)682-6517 or at our website <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District's Clerk Office Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

### SPACE FLORIDA

The **Space Florida Board of Directors** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Hyatt Regency Pier 66, Ft. Lauderdale, FL. Call In Number: (650)429-3300, Pass Code: 69692967#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Board of Directors Meeting.

A copy of the agenda may be obtained by contacting Danielle Bascomb at [dbascomb@spaceflorida.gov](mailto:dbascomb@spaceflorida.gov) or call (321)730-5301, ext. 244.

### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 9:00 a.m. – 5:00 p.m.

PLACE: Brandon Room 5, Crowne Plaza Hotel Tampa East, 10221 Princess Palm Avenue, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a strategic planning meeting for the advisory council to outline the direction of the council in terms of their statutory obligations and the mission of the department.

A copy of the agenda may be obtained by contacting: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315K, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, E-mail address: [matthewsw@elderaffairs.org](mailto:matthewsw@elderaffairs.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315K, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, E-mail

address: matthewsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315K, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, E-mail address: matthewsw@elderaffairs.org.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration, Division of Medicaid** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, August 27, 2007, 10:00 a.m. – 4:00 p.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the council and review of Medicaid organ transplant policy to include bylaws and state plan.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Medicaid Services, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, kumart@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Medicaid Services, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, kumart@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Health Care Administration, Pharmaceutical and Therapeutics** committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 12, 2007, 9:30 a.m. – 2:30 p.m.

**PLACE:** Airport Marriott, Tampa Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Recommendations for drugs to be included on the Preferred Drug List are made at this meeting. Members of the public who wish to testify at this meeting must contact Michael Bolin at (850)487-4441. The number of speakers will be limited and will be accommodated in order of notification to Mr. Bolin. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the website at

[http://www.fdhc.state.fl.us/Medicaid/Prescribed\\_Drug/index.html](http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug/index.html).

Procedures for speakers to follow are also available on the website.

A copy of the agenda may be obtained by contacting Michael Bolin.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Michael Bolin

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**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services** announces a public meeting to which all persons are invited.

**DATE AND TIME:** August 30, 2007, 10:00 a.m.

**PLACE:** The Capitol Building, Cabinet Room LL03, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Council on Efficient Government Meeting.

A copy of the agenda may be obtained by calling Amy Houston at (850)414-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Amy Houston. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Joint Task Force** announces a public meeting to which all persons are invited.

**DATE AND TIME:** August 31, 2007, 9:00 a.m.

**PLACE:** Tallahassee (location to be specified in agenda)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss matters of the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: For more information contact Victor Cullars, Florida Department of Law Enforcement at (850)410-8300 or Todd Preston, Fish and Wildlife Conservation Commission at (850)410-0656.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by calling (850)722-7435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Joint Task Force** announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 5, 2007, 1:30 p.m.

PLACE: Tallahassee (location to be specified in the agenda)  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items in the meeting agenda  
 A copy of the agenda may be obtained by contacting: Linda Fuchs, Department of Management Services, 4030 Esplanade Way, Suite 125, Tallahassee, Florida 32399-0950 or Linda.Fuchs@dms.myflorida.com.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Department of Management Services at (850)922-7435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Commission on Human Relations** announces a telephone conference call to which all persons are invited.  
 DATE AND TIME: Thursday, September 6, 2007, 9:00 a.m.  
 PLACE: Florida Commission on Human Relations, Conference Call: 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.  
 A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 31, 2007, 9:00 a.m. – 4:00 p.m. (or until business is completed)  
 PLACE: 6th Floor, Conference Room, 4700 Millenia Boulevard, Orlando, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input and conduct general business of the Advisory Council on Condominiums.  
 A copy of the agenda may be obtained by contacting: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting Carol Windham, Government Analyst at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 For more information, you may contact: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

**NOTICE OF AMENDMENT** – The **Division of Hotels and Restaurants** announces a change in the meeting of the Hotels and Restaurants Advisory Council to which all persons are invited.

DATE AND TIME: September 7, 2007, 12:00 Noon – 3:00 p.m.

PLACE: The Orange County Convention Center, Room 303B, 9800 International Drive, Orlando, Florida 32819  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Marlita Peters, Division of Hotels and Restaurants, Hospitality Education Program, 1940 North Monroe Street, Tallahassee, Florida, 32399-1014, telephone number (850)644-9349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the meeting by contacting Marlita Peters, at (850)644-9349. If you are hearing or speech impaired, please contact the agency by calling 1 (800) 955-8771 (TDD).  
 The person to be contacted regarding the public meeting is: Marlita Peters, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Hospitality Education Program, 1940 North Monroe Street, Tallahassee, FL 32399-1014, (850)644-9349.

The **Florida Barbers' Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Sunday, September 16, 2007, 9:00 a.m.  
 PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIMES: August 28, 2007, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: April Hammonds, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 4, 2007, 1:00 p.m.; October 5, 2007, 9:00 a.m.

PLACE: Hilton Palm Beach Airport, 150 Australian Avenue, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Advancement Committee Meeting, Finance Committee Meeting, and Rules Committee Meeting immediately followed by Probable Cause Panel and General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, FL.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board office at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Board of Professional Engineers** announces a public meeting of the Rules Committee to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Carrie Flynn at (850)521-0500.

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The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2007, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.



Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Carrie Flynn at (850)521-0500.

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The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, September 20, 2007, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Carrie Flynn at (850)521-0500.

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The **Board of Professional Surveyors and Mappers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 10:00 a.m.

PLACE: Call In Number: 1(888)808-6959 and the Conference Code is 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0756.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0756. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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For more information, you may contact: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0756.

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The **Department of Business and Professional Regulation, Board of Veterinary Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2007, 8:00 a.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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The **Board of Accountancy, Committee on Continuing Professional Education** announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

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The **Department of Business and Professional Regulation, Division of Real Estate** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 22, 2007, 9:00 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida

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GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Department – disciplinary proceedings regarding unlicensed activity.

The Hearing Officer for the Department will be participating via teleconference.

A copy of the agenda may be obtained by writing to: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Department, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### 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."

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 9:00 a.m. – until not later than 4:00 p.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the first meeting of the Governor's Action Team on Energy and Climate Change. The purpose of this meeting is to outline the organizational process and discuss certain policy issues in regard to developing a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Attn: Adrienne Walker (Adrienne.M.Walker@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Department of Environmental Protection, Attn: Adrienne Walker (Adrienne.M.Walker@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S.

18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Environmental Protection, Attn: Adrienne Walker (Adrienne.M.Walker@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

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NOTICE OF CHANGE – The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, September 4, 2007, 7:00 p.m. (EDT)

PLACE: (NEW LOCATION): Medulla Resource Center, 1049 Parker Road, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed land management plan for Colt Creek State Park with the public.

A copy of the agenda may be obtained by contacting: Colt Creek State Park at (863)815-6758, 16000 State Road 471, Lakeland, Florida 33809.

A copy of the management prospectus may be obtained by contacting: Colt Creek State Park at (863)815-6758, 16000 State Road 471, Lakeland, Florida 33809.

The draft management plan will be available at the park for review. An electronic version of the plan is available upon request by emailing Ms. BryAnne White at BryAnne.White@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Colt Creek State Park at (863)815-6758. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Scott G. Spaulding, Park Manager at (863)815-6758 or email Scott.Spaulding@dep.state.fl.us.

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#### DEPARTMENT OF HEALTH

The **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 24, 2007, 9:00 a.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsiderations.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2007, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting Sarah Walls at (850)245-4474.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Pharmacy**, Professional Practice Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 24, 2007, 10:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from the June 19, 2007, meeting, draft language for HB 543-Immunizations, and open discussion.

A copy of the agenda may be obtained by contacting the Board of Pharmacy at (850)245-4292. The agenda will also be placed on the website at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

The **Board of Pharmacy**, Negative Formulary Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2007, 1:00 p.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from June 20, 2007, meeting, discuss the removal of Levothyroxine from Formulary, and open discussion.

A copy of the agenda may be obtained by contacting the Board of Pharmacy at (850)245-4292. The agenda will also be available at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

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The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 21, 2007, 8:00 a.m. or soon thereafter

PLACE: Meet Me Number: 1(888)808-6959. After dialing the meet me number, enter Conference Code 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Quorum Call.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext. 3467.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Bureau of Emergency Medical Services** announces a probable cause panel meeting.

DATE AND TIME: August 27, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 315 P, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE ADDRESSED: To reconsider public disciplinary cases.

A copy of the agenda may be obtained by writing: Emily Hauge, Section Administrator of Investigations, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, C-18, Tallahassee, Florida 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE of CHANGE – The **Council on Homelessness** announces a change in the date and time of one of its noticed committee calls. The Executive Committee call previously noticed for September 10, 2007 will now be held on:

DATE AND TIME: Thursday, August 30, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Pass Code 9229760

For more information or a copy of the agenda for this call, contact Tom Pierce, Office on Homelessness, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, 850-922-4691, or by email at [Tom\\_Pierce@dcf.state.fl.us](mailto:Tom_Pierce@dcf.state.fl.us).

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#### FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: September 12-14, 2007, 8:30 a.m. each day

PLACE: Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the agenda may be obtained by contacting: Kathleen Hampton, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Jim Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

#### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: The Capitol, Senate Office Building, Room 401, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Task Force on Citizens Property Insurance Corporation Claims Handling and Resolution.

A copy of the agenda may be obtained by contacting our website [www.taskforceoncitizenclaims.com](http://www.taskforceoncitizenclaims.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Gloria Strickland at (850)413-2859 or e-mail [gloria.strickland@fldfs.com](mailto:gloria.strickland@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: August 30, 2007, 10:00 a.m.

PLACE: 401 Senate Office Building, Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sentry Insurance, A Mutual Company has requested a 94.8% overall increase for new and renewal homeowners insurance policies, effective October 17, 2007; and a 67.6% overall increase for new and renewal dwelling fire insurance policies, effective October 17, 2007. The rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com). The subject line of your email should read "Sentry Mutual."

A copy of the agenda may be obtained by contacting: Sam Coskey at (850)413-2616 or email him at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or email him at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Stephen H. Thomas, Jr., Esquire at (850)413-4142 or Sam Coskey at (850)413-2616.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: August 30, 2007, 1:00 p.m.

PLACE: 401 Senate Office Building, Florida Capitol Building, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Auto-Owners Insurance, Owners Insurance and Southern Owners Insurance Companies have requested a 38.6% overall rate increase for its new and renewal homeowners policy forms, File Log 07-11335, effective September 10, 2007 for new business and October 25, 2007 for renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Auto-Owners Insurance Company has requested a 56% overall rate increase for its new and renewal dwelling fire policy forms, File Log 07-11336, effective September 10, 2007 for new business and October 25, 2007 for renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "Auto-Owners."

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact C. Khai Patterson, Esquire at (850)413-4276 or Sam Coskey at (850)413-2616.

### **FLORIDA ASSOCIATION OF COMMUNITY COLLEGES**

The **Community College Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2007, 2:00 p.m.

PLACE: Tallahassee Community College Capital Center, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Issues affecting Florida's public community colleges.

A copy of the agenda may be obtained by contacting Tina Ingramm at (850)222-3222.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 days before the workshop/meeting by contacting Tina Ingramm at (850)222-3222. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

### **SUWANNEE COUNTY CONSERVATION DISTRICT**

The **Suwannee County Conservation District** will hold regular meeting to which all interested persons are invited.

DATE AND TIME: Thursday, August 16, 2007, 7:00 p.m.

PLACE: Suwannee River Water Management District. Contact the District Office at (386)362-2622, ext. 3 for more information.

### **TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY**

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, August 17, 2007, 10:00 a.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Kick-Off meeting with Research Park Master Plan consultants to discuss dates and procedures for preparation of Master Plan, and such other business as the Authority may deem appropriate.

Those who desire a copy of the agenda or more information should contact Linda W. Cox, Chairman at (772)595-9999.

Anyone with a disability requiring accommodation to attend this meeting should contact Sharon Erven at (772)467-3107, prior to the meeting.

### **WORKFORCE FLORIDA, INC.**

The **Workforce Florida, Inc.** announces their quarterly Board of Directors' and related meetings to which all persons are invited.

Partners' Meeting

DATE AND TIME: August 22, 2007, 1:00 p.m. – 4:00 p.m. (EDT)

Board of Directors' meeting

DATE AND TIME: August 23, 2007, 9:00 a.m. – 4:00 p.m. (EDT)

PLACE: Gallery One Fort Lauderdale, Doubletree Hotel, 2670 East Sunrise Boulevard, Fort Lauderdale, Florida 33304, (954)565-3800.

For more information contact Peggy Dransfield at (850)921-1119.

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**SOIL AND WATER CONSERVATION DISTRICTS**

The **Hendry Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 1:00 p.m.

PLACE: Main Conference Room, Dallas B. Townsend Agricultural Building, 1085 Pratt Blvd., LaBelle, Florida 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: regularly scheduled Board meeting.

A copy of the agenda may be obtained by contacting the Hendry SWCD at (863)674-4160/4161.

For more information, you may contact Barbara Tillis, District Secretary at (863)674-4160/4161.

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**FLORIDA COMMUNITY COLLEGES RISK MANAGEMENT CONSORTIUM**

The **Florida Community Colleges Risk Management Consortium** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 8:00 a.m. – 1:00 p.m.

PLACE: Crowne Plaza, Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Community Colleges Risk Management Consortium, 5700 S. W. 34th Street, Gainesville, FL 32608.

For more information, you may call (352)955-2190, ext. 111.

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**COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES**

The **Commission on Marriage and Family Support Initiatives** announces a public meeting to which all persons are invited.

EXECUTIVE COMMITTEE

DATE AND TIME: Wednesday, September 5, 2007, 8:30 a.m. – 9:30 a.m.

RESEARCH AND POLICY COMMITTEE

DATE AND TIME: Thursday, September 6, 2007, 9:00 a.m. – 11:00 a.m.

PUBLIC AWARENESS AND OUTREACH COMMITTEE

DATE AND TIME: Friday, September 21, 2007, 10:00 a.m. – 12:00 Noon

PLACE: 111 North Gadsden Street, Suite 100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Business.

A copy of the agenda may be obtained by contacting Heidi Rodriguez at (850)488-4952, ext. 135, hrodriguez@ounce.org. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Heidi Rodriguez at (850)488-4952, ext. 135, hrodriguez@ounce.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Heidi Rodriguez at (850)488-4952, ext. 135, hrodriguez@ounce.org.

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**FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION, INC.**

The **Florida Workers' Compensation Insurance Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 5, 2007, 8:30 a.m.

PLACE: Park Plaza Hotel Tallahassee, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Workers' Compensation Insurance Guaranty Association will meet regarding the regular business of the Association..

A copy of the agenda may be obtained by contacting: Cathy Irvin (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Cathy Irvin (850)386-9200.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Workers' Compensation Insurance Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 5, 2007, 9:30 a.m.

PLACE: Park Plaza Hotel Tallahassee, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Association will meet regarding general business of the Association.

A copy of the agenda may be obtained by contacting Cathy Irvin at (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2007, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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#### **FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, September 14, 2007, 8:00 a.m. – 4:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors meeting.

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

#### **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 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."

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Board of Acupuncture has issued an order disposing of the petition for declaratory statement filed by Ken Gray on March 13, 2007. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 33, No. 20, of the May 18, 2007, F.A.W. The Board considered the Petition at a duly-noticed public meeting held on June 22, 2007. The Board's Order, filed on July 30, 2007, denies the Petition for Declaratory Statement, finding that Petitioner has not complied with the requirements of Section 120.545(1), Florida Statutes. Specifically, Petitioner failed to describe Petitioner's circumstances with particularity in the Petition. Additionally, Petitioner failed to cite the agency statute, rule or order upon which the opinion is sought and to describe how the statute, rule or order affects Petitioner in his particular circumstances. The Petition does not comply with Rule 28-105.001, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399.

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT Department of Children and Family Services has received the petition for declaratory statement from The Watershed Treatment Programs, Inc. The petition seeks the agency's opinion as to the applicability of Rules 65D-30.002 and 65D-30.0061, Florida Administrative Code as it applies to the petitioner.

The petition requests a statement from the Department concerning the scope of petitioner's Intensive Inpatient Treatment License issued pursuant to Rules 65D-30.002 and 65D-30.0061, Fla. Administrative Code.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed on or about August 1, 2007, from Frank McElroy, Petitioner. The Petitioner is a local authority having jurisdiction ("AHJ") charged with enforcement of the Florida Fire Prevention Code within this jurisdiction. AHJ requests a declaratory statement issued in an attempt to bring resolution to the applicability of

NFPA 13, section 8.14.7, both for this and similar cases, and to resolve the question of what level of action is needed from a Local Adjustment and Appeals Board to overrule a Local Fire Marshal Official's decision.

A copy of the Petition may be obtained by writing, calling, or faxing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or (850)413-4238, Fax number (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed on or about August 1, 2007, from Lily Obrenovic, Petitioner. The Petition requests a declaratory statement relating to NFPA 101 that applies to Ms. Obrenovic's proposed adult living facility (32.2.3.4.1 and 32.2.3.4.2) and also the Authority Having Jurisdiction (NFPA 1-1.7.2.1).

A copy of the Petition may be obtained by writing, calling, or faxing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or (850)413-4238, Fax number (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

The Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed on or about July 30, 2007, from Pliny "PJ" Olivier, Petitioner. The Notice of Petition is to be published on August 8, 2007 in Vol. 33, No. 32. The Petition was withdrawn by the Petitioner on August 2, 2007.

A copy of the Petition may be obtained by writing, calling, or faxing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or (850)413-4238, Fax number (850)922-1235 or (850)488-0697.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has issued an order that disposes of the petition for declaratory statement that was filed on February 28, 2007, by George M. Livingston, a State of Florida registered investment adviser. The petition sought the agency's opinion as to whether Rule 206(4)-1 of the Investment Advisers Act of 1940 and NASD Rule 2210, including the corresponding sections of the Securities and Investor Protection Act (Chapter 517, Florida

Statutes), apply to his ability to give a current client's e-mail and/or phone number to a potential client to contact that person as a reference.

The Office determined that because Livingston is a state registered investment adviser in Florida and is not a NASD member, NASD Rule 2210 is not applicable to him as a state registered investment adviser and his inquiry was not addressed; the hypothetical situation that he posed is not a prohibited business practice in Florida because it is not a testimonial under Rule 206(4)-1 of the Investment Advisers Act of 1940 or an advertisement under Fla. Admin. Code Rule 69W-200.001(2). Thus, Livingston may provide contact information, as described in the Petition, to a prospective client.

A copy of the order may be obtained from: Lealand McCharen, Assistant General Counsel, Office of Financial Regulation, Office of General Counsel, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0379.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**



## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Bid/Request for Proposal REQUEST FOR STATEMENT OF QUALIFICATIONS (SOQ)

As an Architect or Engineer, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FRUIT AND VEGETABLES, hereinafter referred to as the Department.

The Department is seeking professional services of an architectural/engineering firm to provide design and construction administration/oversight services for the repair and/or renovation of the roof, windows, and exterior walls, as a result of water intrusion for the Florida Citrus Building, located at 500 3rd Street, N. W., Winter Haven, Florida 33881. The estimated budget for this project is \$1,051,110.00.

**PROJECT LOCATION:** Winter Haven, Florida.

**SOLICITATION DOCUMENT:** The entire solicitation document may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number SOQ/FV-07/08-10, or by calling the Purchasing Office at (850)487-3727.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity,

may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

Statements of Qualifications will be received and publicly opened on:

**DATE AND TIME:** September 13, 2007, 2:00 p.m.

**PLACE:** Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Room SB8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

**CONTRACT AWARD:** The official Notice of Award recommendation will be by electronic posting at [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu). Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

### DEPARTMENT OF EDUCATION

#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida A&M University (FAMU) announces that Professional Services in the discipline of Architecture and Engineering will be required for the following: Project No.: FM-316, Gore Education Complex Remodeling, Florida A&M University, Tallahassee, Florida

This project consists of renovations to the existing Gore Education Complex, a 71,366 gsf four-story facility constructed in 1968 and renovated (\$1,200,000) in 1988, which houses the college of Education, School of General Studies and various departments of the College of Arts and Sciences. The scope of renovation includes but is not limited to, restoration of the building's envelope, replacement of the building's plumbing and air conditioning system, replacement of the electrical wiring (electrical upgrades), complete roof replacement, asbestos abatement, correction of life safety, ADA standards, and technology upgrades. Upgrading of existing teaching pool located on an adjacent site. The selected design consultant will also work with the user group in development of the facility program.

The site is surrounded by a remarkably diverse representation of architectural styles in the presence of Sunshine Manor, Tucker Hall, Carnegie Library, Coleman Library and quadrangle which are a portion of the National Historic District. Consideration should be given to site design improvements and how this addition relates to Florida A&M University's National Historical District. Blanket professional liability insurance will be required for this project in the amount of \$3,000,000 and will be provided as a part of Basic Services.

The estimated construction budget is \$15,140,478. The selection firm will provide design, construction documents and administration for the referenced project.

**INSTRUCTIONS:** Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS) form, obtained from the FAMU Facilities Planning & Construction Office. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit eight (8) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions will not be considered. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director of Planning, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, (850)599-3197, Fax (850)561-2289, e-mail: samuel.houston@famuedu. Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m. local time, on September 17, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida A&M University (FAMU) announces that Professional Services in the discipline of Architecture and Engineering will be required for the following: Project No.: FM-317, Tucker Hall Remodeling/Renovation, Florida A&M University, Tallahassee, Florida

This project consists of renovations to the existing Tucker Hall Building, a 77,536 gsf four-story facility constructed in 1956 with minor renovations (\$920,000) in 1977, which houses the following areas of the College of Arts and Sciences: office of the Dean, Economics, History/Political Science, Languages, and Literature. The scope of renovation includes but is not limited to, restoration of the building's envelope, replacement of the building's plumbing and air conditioning system, total replacement of electrical wiring, (electrical upgrade), complete

roof replacement, asbestos abatement, structural systems upgrades, and correction of life safety, renovation of offices, classrooms, the Charles Winterwood Theater, ADA standards, and technology upgrades.

The selected design consultant will also work with the user group in development of the facility program. The site is surrounded by a remarkably diverse representation of architectural styles in the presence of Sunshine Manor, Tucker Hall, Carnegie Library, Coleman Library and quadrangle which are a portion of the National Historic District. Consideration should be given to site design improvements and how this addition relates to Florida A&M University's National Historical District.

The estimated construction budget is \$19,255,400.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$3,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning & Construction Office. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit eight (8) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director of Planning, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307,

(850)599-3197, Fax (850)561-2289, e-mail: samuel.houston@fam.u.edu. Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m. (Local Time), on September 7, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

**INVITATION TO BID**

Made by the University of North Florida, Board of Trustees, a public body corporate.

**PROJECT:** UNF Compactor Stations, ITB No. 08-02  
**FOR:** University of North Florida  
 1 UNF Drive  
 Jacksonville, Florida 32224

**PROJECT SCOPE:** The work consists of constructing refuse compactor stations at three locations on the UNF campus: adjacent to Parking Lot 14, adjacent to Building 12 and adjacent to Building 14. The work at Building 12 includes constructing a parking area with fourteen handicap parking stalls. The work at Building 14 includes re-striping an existing parking area with six conventional parking stalls and a motorcycle stall. The work includes clearing, earthwork, concrete slabs for the compactors (compactors will be installed by others), asphalt pavement, concrete pavement, pavement marking, signing, concrete curb and gutter, storm drain pipe and structures, chain link fencing, swing gates with mechanical locks, sliding gates with electronic keypad actuated locks, landscaping, electrical work, area lighting, installing the Owner furnished refuse compactors, erosion control measures and incidental work.

**QUALIFICATIONS:** All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2.

**SEALED BIDS ARE TO INCLUDE BID NUMBER, DATE AND TIME OF BID OPENING, COMPANY NAME AND ADDRESS. SEALED BIDS WILL BE RECEIVED:**

**DATE AND TIME:** September 5, 2007, until 2:00 p.m. (Local Time)

**PLACE:** University of North Florida, Building 6, Room #1301, 1 UNF Drive, Jacksonville, Florida 32224, at which time and place they will be publicly opened and read aloud.

**PROPOSAL:** Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual which may be examined at the office of the Architect/Engineer:

ARCADIS U.S., Inc.  
 1650 Prudential Drive, Suite 400  
 Jacksonville, Florida 32207  
 Ph: (904)721-2991, Fax: (904)861-2450

**MINORITY PROGRAM:** UNF is committed to encouraging and promoting the utilization of minority business enterprises in our local market area. It is the policy of UNF to provide minority business enterprises with identical information and an equitable opportunity to compete for business from UNF.

**PRE-SOLICITATION/PRE-BID MEETING:** Bidders are required to attend the pre-solicitation/pre-bid meeting. Minority business enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

**DATE AND TIME:** August 29, 2007, at 2:00 p.m. (Local Time)

**PLACE:** University of North Florida, Building 6, Room #1225, 1 UNF Drive, Jacksonville, Florida 32224

**BIDDING DOCUMENTS:** Full sets of Bidding Documents may be examined at the Engineer's office and local plan rooms. Full sets may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, telephone (904)388-7686. Copies may be purchased for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

**PUBLIC ENTITY CRIMES:** As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**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 MANAGEMENT SERVICES**

Notice of Bid/Request for Proposal  
**FOR ARCHITECTURE AND ENGINEERING SERVICES**

The Department of Management Services (DMS), Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

**PROJECT NUMBER:** DOE- 24053020  
**PROJECT NAME:** Upgrade HVAC System and Related Building Components  
**PROJECT LOCATION:** Jacksonville, Florida  
**CONSTRUCTION BUDGET:** Approximately \$2,000,000.00

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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.”

**C.R. KLEWIN SOUTHEAST, INC.**

Notice of Bid/Request for Proposal  
 Legal Notice

C.R. Klewin Southeast, Inc. – Construction Manager for Florida Atlantic University requests Trade Contractor / Material Supplier bids for the construction of Port St. Lucie Partner Classroom Facility BT-623.

Sealed bids will be received at 701 Northpoint Parkway, Suite 318, West Palm Beach, Florida 33407 until 5:00 p.m. October 3, 2007. Bidding Documents will be available on or about September 3, 2007.

A pre-construction bid conference will be conducted at the Project site – 500 N. W. California Blvd., Port St. Lucie, Florida 34986, date and time to be determined.

The Project scope includes construction of a new 30,623 s.f. two story classroom building and related site work.

Requests for Bid Documents / Questions should be directed to Dan Swinarski, Sr. Estimator at (561)683-5400 or Faxed to (561)683-5076.

One set of bidding documents may be obtained per Pre Qualified Trade Contractor / Material Supplier at no cost.

C.R. Klewin Southeast, Inc. is committed to providing equal opportunities and encourage all certified M/WBE – SBE Trade Contractors / Material Suppliers to bid.

The Construction Manager reserves the right to reject any or all bids, waive informalities in any bid, make award in whole or part and make award it deem to be in the best interest of the Project.

Local news paper: August 13, 2007, August 27, 2007, September 10, 2007.

**DEPARTMENT OF MILITARY AFFAIRS**

SEALED BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS LICENSED AS REQUIRED BY THE State of Florida, to be submitted to the Department of Military Affairs, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: 204067 ACCOUNTING CODE: 132G76.L1  
 PROJECT NAME AND

LOCATION: POWE LINE UPGRADE, PHASE III  
 CAMP BLANDING  
 JOINT TRAINING CENTER  
 STARKE, FLORIDA 32091

FOR: Department of Military Affairs, Construction and Facility Management Office, Robert F. Ensslin, Jr. Armory, 2305 State Road 207, St. Augustine, Florida 32086.

PROJECT DESCRIPTION: The primary Base Bid of this project will consist of work as outlined on Attachments A-1 and A-2. The Base Bid will entail the replacement of a total of 18 existing power poles; one (1) of which will be a 45', Class IV pole, and seventeen (17) will be 40', Class III poles. Pole replacement will be accompanied by appropriate hardware removal and re-attachment to new poles. Attachment A-1 reflects pole replacement, reframing and/or hardware replacement as specified. There is no conductor replacement to be done in conjunction with Attachment A-1.

Attachment A-2 reflects pole replacement, reframing, hardware replacement PLUS conductor replacement.

Alternate Additive #1 will consist of work as outlined on Attachments B-1 and B-2. Attachment B-1 reflects pole replacement, reframing, and/or hardware replacement as specified. There is NO conductor replacement to be done in conjunction with Attachment B-1.

Attachment B-2 reflects pole replacement, reframing, hardware replacement, PLUS conductor replacement.

Alternate Additive #2 will consist of work as outlined on Attachment C-1. Attachment C-1 reflects pole replacement, reframing, and/or hardware replacement as specified. There is NO conductor replacement to be done in conjunction with Attachment C-1.

Alternate Additive #3 will consist of work as outlined on Attachments D-1 and D-2. Attachment D-1 reflects pole replacement, reframing, and/or hardware replacement as specified. There is NO conductor replacement to be done in conjunction with Attachment D-1.

Attachment D-2 reflects pole replacement, reframing, hardware replacement, PLUS conductor replacement. Insulators, switches, preformed ties, and mounting hardware shall be sized accordingly for system voltage and replaced as designated on the attachments. All hardware will be either Hubbel or Chance Hardware manufacturers.

Locations of existing poles, verification of any potentially effected utilities, and distance measurements should be field verified by the contractor prior to bidding and job start.

NOTE: ANY AND ALL COPPER OF ANY SORT REMOVED DURING THIS PROJECT WILL REMAIN THE PROPERTY OF THE OWNER, CAMP BLANDING, AND RETURNED TO SUCH

The Non-Technical Specifications Level IV and V are considered to be applicable to this solicitation and award of contract when made and are made a part hereof.

The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

NO VERBAL STATEMENTS MADE BY ANY STATE OF FLORIDA EMPLOYEE OR AGENCY REPRESENTATIVE WILL OPERATE TO SUPERSEDE INFORMATION PUBLISHED IN THIS SOLICITATION. ONLY WRITTEN ADDENDUMS ISSUED BY THE DEPARTMENT OF MILITARY AFFAIRS CONSTRUCTION AND FACILITY MANAGEMENT OFFICE OR ITS REPRESENTATIVES WILL OPERATE TO ALTER OR OTHERWISE AMEND THIS SOLICITATION.

A FULL COPY OF THE SOLICITATION AND ALL ADDITIONAL DOCUMENTATION, DRAWINGS AND NON-TECHNICAL SPECIFICATIONS MUST BE DOWNLOADED FROM THE MY FLORIDA MARKETPLACE VENDOR BID SYSTEM AT [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu) on myflorida.com.

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## Section XII Miscellaneous

### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Destin Emergency Care center, a private airport, in Okaloosa County, at Latitude 30° 23' 38" and Longitude 86° 28' 17", to be owned and operated by Mr. Robert Settles, 996 Airport Road, Destin, FL 32541.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us), Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within

twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Adly Moto, LLC, intends to allow the establishment of All About Scooters, as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 2312 Apalachee Parkway, #10, Tallahassee ( Leon County), Florida 32301, on or after August 18, 2007.

The name and address of the dealer operator(s) and principal investor(s) of All About Scooters are dealer operator(s): Roy and Susan Smith, 2312 Apalachee Parkway, #10, Tallahassee, Florida 32301; principal investor(s): Roy and Susan Smith, 2312 Apalachee Parkway #10, Tallahassee, Florida 32301.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Tony Abrams, Director of Sales, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the establishment of Arbor Tree Management, Inc., as a dealership for the sale of Saab vehicles at 2200 Bee Ridge Road, Sarasota (Sarasota County), Florida 34239, on or after September 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Arbor Tree Management, Inc. are dealer operator(s): Robert Geyer, 2200 Bee Ridge Road, Sarasota, Florida 34239; principal investor(s): Patrick Dickinson, 2200 Bee Ridge Road, Sarasota, Florida 34239.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alex J. Walsh, General Motors Corporation, 100 GM Renaissance Center, Detroit, Michigan 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Cycles & More, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING) and Deceste, S.A. (DECE) at 5797 South Ridgewood Avenue, Port Orange (Volusia County), Florida 32127, on or after August 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Cycles & More, Inc. are dealer operator(s): Jeanne Ciriello, 5797 South Ridgewood Avenue,

Port Orange, Florida 32127; principal investor(s): Jeanne Ciriello, 5797 South Ridgewood Avenue, Port Orange, Florida 32127.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that QLink, LP, intends to allow the establishment of Mega Powersports Corp., as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) and Guangzhou Panyu Huanan Motors (GUNG) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after August 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mega Powersports Corp. are dealer operator(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Vice President, QLink, LP, 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Buell Motorcycle Company, intends to allow the establishment of Peterson's Harley-Davidson South, LC, as a dealership for the sale of Buell motorcycles (BUEL) at 19825 South Dixie Highway, Miami (Dade County), Florida 33157, on or after September 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Peterson's Harley Davidson South, LC are dealer operator(s): Drew A. Peterson, 9284 Southwest 212 Terrace, Miami, Florida 33189; principal investor(s): Dirk M. Peterson, 11926 Griffing Boulevard, Biscayne Park, Florida 33161, Charlotte Peterson, 11926 Griffing Boulevard, Biscayne Park, Florida 33161 and Phillip S. Peterson, 11193 Northeast 8th Court, Biscayne Park, Florida 33161.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ed Yagodinski, Harley-Davidson Motor Company, Post Office Box 653, Milwaukee, Wisconsin 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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 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."

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTICE  
CITY OF COCOA, FLORIDA

The Department of Environmental Protection has determined that Cocoa's proposed project for the construction of wastewater facilities improvements will not have a significant adverse affect on the environment. The total project cost is estimated at \$30,000,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: James W. Plexico, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8367.

**NOTICE OF RECEIPT OF LAND USE DETERMINATION**  
On August 1, 2007 the Department of Environmental Protection received a determination from Citrus County that the Progress Energy Florida, Crystal River Unit 3 Uprate Project, Power Plant Siting Application No. 77-09A2, OGC Case No. 07-1062, DOAH Case No. 07-002713, is consistent with existing local land use plans and zoning ordinances in Citrus County pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, F.S.

A copy of the determination of compliance is available for review in the office of: Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

Pursuant to Section 403.50665(4), F.S., if any substantially affected person wishes to dispute Citrus County's determination that the proposed Crystal River Unit 3 Uprate Project is consistent with Citrus County's existing land use

plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of Section 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order, any changes to or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances. A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with Section 403.5066(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2241, Fax (850)245-2303. The petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; if there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

#### FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by section 403.061(40), F.S. A list of projects, comments deadlines and the address for

providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

#### DEPARTMENT OF HEALTH

On August 3, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Gustavo Rojas, L.M.T., license number MA 37474. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 3, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Stephen Lester Voisin, license number PN 1221041. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

#### FINANCIAL SERVICES COMMISSION

##### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 7, 2007):

##### APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Citrus & Chemical Bank (Citrus & Chemical Ban Corporation, Inc.) Bartow, Florida  
Proposed Purchaser: The Colonial BancGroup, Inc., Montgomery, Alabama  
Received: August 1, 2007



**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN July 30, 2007  
 and August 3, 2007**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

1T-1.001	7/31/2007	8/20/2007	33/26	
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**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-14.080	7/31/2007	8/20/2007	33/15	33/27
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**DEPARTMENT OF CORRECTIONS**

33-302.1031	8/3/2007	8/23/2007	33/25	
33-601.737	8/3/2007	8/23/2007	33/24	
33-601.800	8/3/2007	8/23/2007	33/24	

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-2.091	8/3/2007	8/23/2007	33/23	
40D-2.331	8/3/2007	8/23/2007	33/23	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Board of Pilot Commissioners**

61G14-15.003	7/30/2007	8/19/2007	33/26	
61G14-15.003	7/30/2007	8/19/2007	33/26	

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

63D-5.001	8/3/2007	8/23/2007	3	
			3/20	
63D-5.002	8/3/2007	8/23/2007	33/20	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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63D-5.003	8/3/2007	8/23/2007	33/20	
63D-5.004	8/3/2007	8/23/2007	33/20	
63D-5.005	8/3/2007	8/23/2007	33/20	
63D-5.006	8/3/2007	8/23/2007	33/20	
63D-5.007	8/3/2007	8/23/2007	33/20	
63D-6.001	8/3/2007	8/23/2007	33/25	
63D-6.002	8/3/2007	8/23/2007	33/25	
63D-6.003	8/3/2007	8/23/2007	33/25	
63D-6.004	8/3/2007	8/23/2007	33/25	
63D-6.005	8/3/2007	8/23/2007	33/25	
63D-6.006	8/3/2007	8/23/2007	33/25	
63D-6.007	8/3/2007	8/23/2007	33/25	
63D-6.008	8/3/2007	8/23/2007	33/25	

**Residential Services**

63E-6.003	8/3/2007	8/23/2007	33/25	
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**DEPARTMENT OF HEALTH**

**Board of Nursing**

64B9-15.004	8/3/2007	8/23/2007	31/44	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-60.012	7/31/2007	8/20/2007	33/21	
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**Division of Worker's Compensation**

69L-7.100	7/30/2007	8/19/2007	33/03	33/18
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**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

69O-149.205	8/3/2007	8/23/2007	33/12	
69O-149.206	8/3/2007	8/23/2007	33/12	
69O-149.207	8/3/2007	8/23/2007	33/12	
69O-176.013	8/3/2007	8/23/2007	33/08	