

Rulemaking Authority 459.005(3) FS. Law Implemented 459.005(3) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Medicine and Board of Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                      RULE TITLE:  
6A-14.064                      College Credit Dual Enrollment

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. 35, No. 50, December 18, 2009, 1st Notice of Change published Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

Rule 6A-14.064 is amended to read:

6A-14.064 College Credit Dual Enrollment.

(1) To be eligible to receive college credit through dual enrollment:

(a) Students must meet the grade point average (GPA) requirements, as specified in Section 1007.271, Florida Statutes, for the degree or certificate program selected. Procedures for determining exceptions to the GPA requirements on an individual student basis must be noted in the District Interinstitutional Articulation Agreement as required by Section 1007.235, Florida Statutes.

(b) Students must satisfy the college preparatory testing requirements of Section 1008.30(4)(a), Florida Statutes, and Rule 6A-10.0315, F.A.C., which is hereby incorporated by reference. Students who have been identified as deficient in basic competencies in one of the areas of reading, writing or mathematics, as determined by scores on a postsecondary readiness assessment identified in Rule 6A-10.0315, F.A.C., shall not be permitted to enroll in college credit courses in curriculum areas precluded by the deficiency. Students may enroll in college credit courses that are not precluded by the deficiency; however, students may not earn more than twelve (12) college credit hours prior to the correction of all deficiencies. Exceptions to the twelve (12) college credit hour limitation may be granted by the postsecondary institution

provided that the dual enrollment student is concurrently enrolled in a secondary course(s) in the basic competency area(s) for which they have been deemed deficient by the postsecondary readiness assessment. In addition, the secondary student that has accumulated twelve (12) college credit hours and has not yet demonstrated proficiency in the basic competency areas of reading, writing and mathematics must be advised in writing by the school district of the requirements for associate degree completion and state university admission, including information about future financial aid eligibility and the potential costs of accumulating excessive college credit, as outlined in Section 1009.286, F.S. Before accumulating more than twelve (12) credit hours, students must either meet established minimum scores on all sections of a postsecondary readiness assessment or earn a passing score on the Basic Skills Exit Test as required by Section 1008.30, Florida Statutes, and complete each of the following high school courses with a grade of C or better: Mathematics for College Success (1200410), Reading for College Success (1008350) and Writing for College Success (1009370).

(c) For joint dual enrollment and Advanced Placement (AP) courses, as authorized in Section 1007.272, Florida Statutes, students must comply with the add/drop policies and deadlines of the postsecondary institution. A student who elects to enroll in an AP course that is jointly offered with a dual enrollment course may not earn postsecondary credit for that course through dual enrollment.

(d) In order to remain eligible for college credit coursework, students must maintain the high school grade point average GPA required for initial eligibility unless otherwise noted in the District Interinstitutional Articulation Agreement.

(e) Participation of exceptional student education (ESE) students must be in accordance with statutory eligibility requirements and with the procedural guidelines and district-college responsibilities delineated in the District Interinstitutional Articulation Agreement.

(f) Districts and colleges may agree to extend dual enrollment participation in Student Life Skills (designated as SLS course prefix in the Statewide Course Numbering System) courses to students who do not meet the statutory eligibility requirements, if alternate eligibility requirements are delineated in the District Interinstitutional Articulation Agreement.

(g) In order to be considered a full-time dual enrollment early admission student, the student must enroll in a minimum of twelve (12) college credit hours but may not be required to enroll in more than fifteen (15) college credit hours.

(2) The following requirements shall apply to faculty providing instruction in college credit dual enrollment courses:

(a) All full-time or adjunct faculty teaching dual enrollment courses must meet Southern Association of Colleges and Schools Commission on Colleges' Principles of

Accreditation: Foundations for Quality Enhancement, 2010 2008 Edition, section 3.7.1, for postsecondary instructors in the course and discipline, which is hereby incorporated by reference. The document may be accessed at <http://www.sacscoc.org/pdf/2010principlesofacreditation.pdf> ~~<http://www.sacscoc.org/pdf/2008PrinciplesofAccreditation.pdf>~~. These criteria apply to all faculty teaching postsecondary courses regardless of the physical location of the course being taught. The postsecondary institution awarding credit shall ensure faculty teaching dual enrollment courses meet these qualifications.

(b) Postsecondary transcripts of all full-time or adjunct faculty teaching dual enrollment courses must be filed with the postsecondary institution, regardless of who employs or pays the faculty member's salary. For dual enrollment courses taught on high school campuses, the faculty transcripts must be submitted to the postsecondary institution for filing.

(c) The postsecondary institution shall provide all full-time and adjunct faculty teaching dual enrollment courses with a copy of the current faculty or adjunct faculty handbook, Faculty ~~and~~ shall adhere to the professional guidelines, rules, and expectations therein. Any exceptions to such requirements must be noted in the District Interinstitutional Articulation Agreement.

(d) The postsecondary institution shall provide all full-time and adjunct faculty teaching dual enrollment courses with a current student handbook detailing information that includes, but is not limited to, add/drop and withdrawal policies, student code of conduct, grading policies, and critical dates. Faculty ~~and~~ shall adhere to the guidelines, rules, and expectations therein that apply to faculty. Any exceptions to such requirements must be noted in the District Interinstitutional Articulation Agreement.

(e) The postsecondary institution shall provide all adjunct faculty teaching dual enrollment courses with a full-time faculty contact or liaison in the same discipline.

(f) All full-time and adjunct faculty teaching dual enrollment courses, regardless of location of instruction, shall be observed by a designee of the college president and evaluated based on the same criteria used for all other full-time or adjunct faculty delivering college courses at that institution.

(g) The postsecondary institution shall provide all full-time and adjunct faculty teaching dual enrollment courses with a copy of course plans and objectives for the college course they are teaching. In addition, faculty shall be provided with information on additional requirements related to Rule 6A-10.030, F.A.C., if applicable. All course objectives and identified competencies must be included in the course plan and covered per the syllabus during the term.

(h) All full-time and adjunct faculty teaching dual enrollment courses shall file a copy of their current course syllabus with the college's discipline chair or department chair

prior to the start of each term. Content of the syllabus must meet the same criteria as required for all college courses offered at that institution.

(3) The following curriculum standards for content, syllabi, exams, and grades shall apply to college credit dual enrollment:

(a) Dual enrollment courses taught on the high school campus must meet all competencies expected and outlined in the postsecondary course plan. To ensure equivalent rigor with on-campus courses, the institution granting postsecondary credit shall be responsible for providing a comprehensive, cumulative end-of-course assessment or a series of assessments of all expected learning outcomes in accordance with the Southern Association of Colleges and Schools Commission on Colleges' Principles of Accreditation: Foundations for Quality Enhancement, 2010 Edition, sections 2.7.4 and 3.5.1, which are hereby incorporated by reference. The document may be accessed at <http://www.sacscoc.org/pdf/2010principlesofacreditation.pdf>. Assessments shall be provided to the high school campus dual enrollment course instructor by the college in a timely manner to ensure availability prior to scheduled administration dates. ~~Final examinations for all dual enrollment courses taught or delivered on the high school campus must be developed by full-time postsecondary faculty at the institution granting postsecondary credit and approved by the appropriate curriculum or department chair as a comprehensive assessment of expected learning outcomes. Final exams will be provided to the high school campus dual enrollment course instructor by the college in a timely manner to ensure availability prior to scheduled administration dates.~~ Completed, scored exams will be returned to the postsecondary institution and held on file for a period of one (1) year.

(b) Textbooks and instructional materials used in dual enrollment courses must be the same or comparable with those used with other postsecondary courses at the postsecondary institution with the same course prefix and number. The postsecondary institution will advise the school district of instructional material requirements as soon as that information becomes available, but no later than one term prior to a course being offered.

(c) Course requirements such as tests, papers, or other assignments for dual enrollment students must be at the same level of rigor or depth as those for all non-dual enrollment postsecondary students. All full-time and adjunct faculty teaching dual enrollment courses must observe postsecondary institution procedures and deadlines for submission of grades in the appropriate format. All faculty will be advised of postsecondary institution-wide grading guidelines prior to teaching a dual enrollment course.

(d) Policies relating to dual enrollment course withdrawals and repeats shall be determined by the college and must be clearly delineated in the District Interinstitutional Articulation Agreement.

(4) The following environmental standards shall apply to college credit dual enrollment:

(a) Dual enrollment courses taught on a high school campus shall ensure minimal interruptions of instructional time. A student shall lose eligibility to participate in dual enrollment if the secondary institution where a course is being offered determines that a student is being disruptive to the learning process, such that the progress of other students and the efficient administration of the course are hindered.

(b) Dual enrollment courses may not be combined with other high school courses, except in accordance with Section 1007.272, Florida Statutes.

(c) A formalized process between the high school counselor and the college must be delineated in the District Interinstitutional Articulation Agreement for informing students and parents or guardians of college course-level expectations, including, but not limited to the following:

1. Any letter grade below a “C” will not count as credit toward satisfaction of the ~~General Education graduation requirement~~ and the requirements in Rule 6A-10.030, F.A.C.; however, all grades are calculated in a student’s GPA and will appear on their college transcript.

2. All grades, including “W” for withdrawal, become a part of the student’s permanent college transcript and may affect subsequent postsecondary admission.

3. While appropriate for college-level study, course materials and class discussions may reflect topics not typically included in secondary courses which some parents may object to for minors. Courses will not be modified to accommodate variations in student age and/or maturity.

4. The selection of courses to meet degree requirements, including approved program common prerequisite courses, in order to minimize student and state costs for excess hours.

5. The inclusion of dual enrollment course plans in their Electronic Personal Educational Planner (ePEP) using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website [FACTS.org](http://FACTS.org), as required by Section 1003.413(3)(i), Florida Statutes, to minimize enrollment in a random selection of college courses.

(5) The following accountability and assessment standards shall apply to college credit dual enrollment:

(a) Postsecondary institutions shall analyze student performance in dual enrollment to ensure that the level of preparation and future success is comparable with non-dual enrollment postsecondary students. Analyses and recommendations shall be shared and reviewed with the principal and local school district.

(b) High schools shall analyze course and instructor evaluations for dual enrollment courses on the high school campus. Analyses and recommendations shall be shared and reviewed by both the college and the high school.

(c) Any course-, discipline-, college-, or system-wide assessments that a postsecondary institution requires in non-dual enrollment sections of a course shall also be used in all dual enrollment sections of the course.

(d) Colleges shall compare student performance, to include final grade and exam, of dual enrollment course offerings on high school campuses and college campuses to ensure that results are comparable to non-dual enrollment sections. Results will be made available to the principal, local school district, the college president, and the Department of Education.

Rulemaking Authority 1001.02(2), (6), 1007.271(3), (9) FS. Law Implemented 1007.271 FS. History–New\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-100.005  
 RULE TITLE: Tolls Enforcement  
 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. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly.

In response to the Joint Administrative Procedures Committee Review, the Department is making the following changes:

In subsection 14-100.005(3), the terms “registered” and “unregistered,” in regard to customer accounts, are being removed, the telephone contact information for the TOLL-BY-PLATE program, 1(888)TOLL-FLA (1(888)865-5352) is being included, and the language “to pay the toll or” will be added to clarify a driver’s option to establish an account or pay the toll.

In subsection 14-100.005(9), the term “late payment notice” is being replaced with “second invoice.”

The rule will now define “Video Billing” as “TOLL-BY-PLATE.” Throughout the rule “TOLL-BY-PLATE” will replace the terms “video toll,” “video tolling,” and “video.”

As a result of these changes, and to be consistent with statute, the rule will be renamed “Video Billing.”

**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.:                 RULE TITLE:  
20-48.005                 Program Requirements  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NO.:                 RULE TITLE:  
20-68.002                 Inspection of Official Tables  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NOS.:                RULE TITLES:  
20-100.001                Statement of Agency Organization  
                                  and Operation  
20-100.003                Management and Indexing of Final  
                                  Orders  
20-100.004                Official Forms Used by Agency  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:                RULE TITLES:  
59A-35.040                License Required; Display  
59A-35.050                Fees Required; Adjustments  
59A-35.060                Licensure Application Process  
59A-35.062                Proof of Financial Ability to Operate  
59A-35.070                Change of Ownership  
59A-35.080                License Categories  
59A-35.090                Background Screening  
59A-35.100                Minimum License Requirements  
59A-35.110                Reporting Requirements; Electronic  
                                  Submission  
59A-35.150                Moratorium; Emergency Suspension

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

That notice changed the proposed rule that was published in the Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly. The February 12, 2009 Notice of Change included errors resulting from the incorrect submission of the text due to document review software features. This notice presents the rule text as it should have appeared in the February 12, 2009 and also reflects subsequent withdrawal of

three rules, Rules 59A-35.064 and 59A-35.140, Notice of Withdrawal published in Vol. 36, No. 9, on March 5, 2010, and Rule 59A-35.065, Notice of Withdrawal published in Vol. 36, No. 11, on March 19, 2010.

Chapter 59A-35, Florida Administrative Code  
59A-35.020 Applicability.  
No change.  
59A-35.030 Definitions.  
No change.  
59A-35.040 License Required; Display.  
(1) through (5) No change.

Rulemaking Authority 408.819 FS. Law Implemented 408.804, ~~408.810, 408.813~~, FS. History–New\_\_\_\_\_.

59A-35.050 Fees Required; Adjustments.  
(1) No change.  
(2) When payment for licensure fees has been dishonored, the licensee has 10 days from the date of notification to remit to the Agency the licensure fee plus any applicable fees as provided by law in the form of a money order or cashier’s check. In the event that the licensure fee is not paid, the license may be subject to revocation or suspension.  
(3) through (4) No change.

Rulemaking Authority 408.819 FS. Law Implemented ~~112.0455(17), 383.305(1), 390.14(3), 394.877, 395.044, 395.1097(3), 400.062(3), 400.471(5), 400.506(3), 400.605(2), 400.801(3), 400.805(2), 400.905(2), 400.931(5), 400.980(2), 400.9925(1), 429.07(4), 408.805~~ FS. History–New\_\_\_\_\_.

59A-35.060 Licensure Application Process.  
(1) (a) through (p) No change.  
(q) Home for Special Services as provided under Part V of Chapter 400, F.S.; AHCA Form 3110-3001, February 2010 AHCA Recommended Form, July 2009.  
(r) through (z) No change.  
(aa) Clinical Laboratories, as provided under Part I of Chapter 483, F.S.; AHCA Form 3170-2004 (renewal), B (initial) or C (change of ownership), Rev. July 2009 or AHCA Form 3170-2004D, September 2009 (addition of specialty, ~~or subspecialty or change in specialty~~).

(bb) through (cc) No change.  
(2) through (4) No change.  
(5) Unresponsive applicant. If certified mail sent to the provider’s address of record, or mailing address if applicable, is returned as unclaimed or undeliverable, the Agency will send a copy of the letter by regular mail to the provider’s address of record, or mailing address if applicable, with a copy to the applicant’s address if different from the provider. The applicant must respond to the request within 21 ~~14~~ days of the date of the letter sent by regular mail. If timely response is not received, the application will be subject to withdrawal or denial.

(6) No change.

(7) A licensure inspection will not be authorized until paragraphs ~~(6)(5)(a)~~ and ~~(6)(5)(b)~~ of this section have been satisfied.

(8) No change.

59A-35.062 Proof of Financial Ability to Operate.

(1) through (3) No change.

~~(4) All documents required under this section must be prepared in accordance with generally accepted accounting principles. All documents required under this section for Home health Agencies, Home Medical Equipment Providers and Health Care Clinics must be compiled and signed by a certified public accountant. All documents required under this section must be prepared in accordance with generally accepted accounting principles and must be compiled and signed by a certified public accountant.~~

(5) through (6) No change.

(7) An applicant for renewal of a license shall not be required to provide proof of financial ability to operate, unless the licensee or applicant has demonstrated financial instability. If an applicant or licensee has shown signs of financial instability, as provided in Section 408.810(9), F.S., at any time, the Agency may require the applicant or licensee to provide proof of financial ability to operate by submission of:

(a) through (b) No change.

59A-35.070 Change of Ownership.

(1) and (2) No change.

~~(3) If fines are not specified in authorizing statutes for the provider type as specified in Section 408.803(3), F.S., the failure to submit a change of ownership application and license fee at least 60 days prior to the change of ownership effective date will result in a \$50 per day late fee charged to the licensee up to a maximum of \$3,000.~~

~~(3)(4)~~ When a change of ownership application is submitted during the review of a renewal licensure application, the pending renewal will be administratively withdrawn from review if the change of ownership application is approved with an effective date prior to the expiration of the license.

~~(4)(5)~~ Expiration of a license prior to the approval of the change of ownership application, when no renewal application has been submitted, will result in the denial of a change of ownership application.

~~(5)(6)~~ If the applicant has not been issued the license on the effective date of the change of ownership, documentation must be submitted that provides for continuation of operation of the licensee for those days between the date of the change of ownership and the date the applicant is licensed by the Agency.

59A-35.080 License Categories.

(1) Provisional License. If a license expires while an action to deny or revoke the license is pending, ~~or while an action to withdraw a renewal application from further consideration is pending~~, and renewal applications are filed,

the Agency may issue a provisional license ~~for no more than two years~~. The provisional license shall identify the pending action. The provisional license will expire when the Agency action is final. The provisional license does not affect the revocation or denial action or constitute a defense on behalf of the licensee or applicant.

(2) Inactive License. An inactive license may be issued, as provided in Sections 408.808(3) ~~and 408.831(4)~~, F.S.

(a) through (c) No change.

Rulemaking Authority 408.819 FS. Law Implemented 408.808(2), (3), ~~408.831(4)~~ FS. History—New\_\_\_\_\_.

59A-35.090 Background Screening.

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

(c) “Disqualifying Offense” means any criminal offense prohibited in Section 435.03, ~~or 435.04, or 408.809(5)~~, F.S.

(d) through (f) No change.

(g) “Level 1 Screening” means an assessment of the criminal history record obtained from the FDLE to determine whether screened individuals have any disqualifying offenses pursuant to Section 435.03 or 408.809(5), F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

(h) “Level 2 Screening” means an assessment of the criminal history record obtained through a fingerprint search through the FDLE and FBI to determine whether screened individuals have any disqualifying offenses pursuant to Section 435.04 or 408.809(5), F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

(2) through (3) No change.

(4) Results of Screening and Notification.

(a) ~~Final results~~ Results of background screening requests will be provided to the requesting provider through the Agency’s secure web site.

(b) When the dispositional information of a potentially disqualifying offense is unclear or not present in a ~~Level 1~~ criminal history from a Level I request, a notice will be sent to the requesting licensee or entity to obtain the arrest report and dispositional information from the individual being screened. The information must then be forwarded to the Agency for a final determination or show such information cannot be obtained. If a Level 2 criminal history is incomplete, a certified letter will be sent to the individual being screened requesting the arrest report and dispositional information. If the letter is returned unclaimed, a copy of the letter will be sent by regular mail. For Level 1 and Level 2, the missing information must be filed with the Agency within 30 days of the Agency’s request, or the individual is subject to automatic disqualification in accordance with Section 435.05(1)(d), F.S.

(c) through (d) No change.

(5) through (6) No change.

Rulemaking Authority 408.819 FS. Law Implemented ~~394.4572, 400.215, 400.512, 400.6065, 400.935, 400.964, 400.980, 400.991, 408.809, 408.810, 429.174, 429.67, 429.919~~ FS. History—New \_\_\_\_\_.

59A-35.100 Minimum Licensure Requirements.

(1) Provider location.

(1)(a) A licensee must maintain proper authority for operation of the provider at the address of record. If such authority is denied, revoked or otherwise terminated by the local zoning or code enforcement authority, the Agency may deny or revoke an application or license, or impose sanctions.

(2)(b) With the exception of federally authorized clinical laboratories, more than one license will not be issued to operate the same provider types at the identical physical or street address. Existing licensees must comply with this paragraph upon license renewal.

~~(2) Discontinuance of operation; unresponsive licensee. If certified mail sent to the provider’s address of record or mailing address if applicable, is returned as unclaimed or undeliverable, the Agency will send a copy of the letter by regular mail to the provider’s address of record or mailing address if applicable, with a copy to the licensee’s address if different from the provider. The licensee must respond to the request within 14 days. If timely response is not received, the provider will be determined to have discontinued operation and the license shall be subject to revocation.~~

~~(3) If a licensee that is required to register or file with the Florida Secretary of State Division of Corporations is administratively dissolved, the licensee is presumed to have discontinued operation and shall be subject to revocation.~~

59A-35.110 Reporting Requirements; Electronic Submission.

(1) No change.

(2) Electronic submission of information.

(a) The following required information must be reported through the Agency’s Internet site at [ahca.myflorida.com/reporting/index.shtml](http://ahca.myflorida.com/reporting/index.shtml):

1. Nursing homes:

a. Semi-annual staffing ratios required pursuant to Section 400.141(1)(o)(45), F.S., and Rule 59A-4.103, F.A.C.

b. Adverse incident reports required pursuant to Sections 400.147(7) and (8), F.S., and Rule 59A-4.123, F.A.C.

c. Liability claim reports required pursuant to Section 400.147(10)(9), F.S., and Rule 59A-4.123, F.A.C.

2. Assisted living facilities:

a. Adverse incident reports required pursuant to Sections 429.23(3) and (4), F.S., and Rule 58A-5.0241, F.A.C.

b. Liability claim reports required pursuant to Section 429.23(5), F.S., and Rule 58A-5.0242, F.A.C.

(b) through (c) No change.

59A-35.120 Inspections.

No change.

59A-35.150 Moratorium; Emergency Suspension.

In addition to other remedies permitted by law, violation of a moratorium issued by the Agency is considered a Class I violation and subject to a fine of \$500 per day until the violation is corrected.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

RULE TITLE:

59G-6.020

Payment Methodology for Inpatient Hospital Services

**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. 35, No. 48, December 4, 2009 issue of the Florida Administrative Weekly.

Based upon written comments received by the Agency and comments received at public hearings held on January 14, 2010, February 23, 2010, and April 8, 2010, the Agency is making the following changes to the proposed rule and the Florida Title XIX Inpatient Hospital Reimbursement Plan as incorporated into this rule by reference:

Section I.J.

The proposed amendment to Section I.K. of the Inpatient Hospital Reimbursement Plan is withdrawn, and current language shall remain in the plan as follows:

“For cost reports received on or after October 1, 2003, all desk or onsite audits of these cost reports shall be final and shall not be reopened past three years of the date that the audit adjustments are noticed through a revised per diem rate completed by the Agency.”

Section IV.G(3) will be changed by the addition of the following new language:

“Effective October 1, 2013, for cost reports received prior to October 1, 2003, all desk or onsite audits of these cost reports shall be final and not subject to reopening.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

RULE TITLE:

59G-6.030

Payment Methodology for Outpatient Hospital Services

**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. 35, No. 48, December 4, 2009 issue of the Florida Administrative Weekly.

The proposed amendment to Section I.K. of the Outpatient Hospital Reimbursement Plan is withdrawn, and current language shall remain in the plan as follows:

“For cost reports received on or after October 1, 2003, all desk or onsite audits of these cost reports shall be final and shall not be reopened past three years of the date that the audit adjustments are noticed through a revised per diem rate completed by the Agency.”

Section IV.G.(3) will be changed by the addition of the following new language:

“Effective October 1, 2013, for cost reports received prior to October 1, 2003, all desk or onsite audits of these cost reports shall be final and not subject to reopening.”

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Eligibility for Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation

**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. 35, No. 36, September 11, 2009 issue of the Florida Administrative Weekly.

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation.

(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110-252, 110-449, 111-5, 111-92, ~~and 111-118,~~ ~~and 111-144,~~ and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.

(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501-8525, that are payable to an individual under Sections 443.1115 or 443.1117, Florida Statutes.

(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual’s eligibility for emergency unemployment compensation.

(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to

ex servicemembers under 5 U.S.C. ss. 8501-8525, other than extended unemployment compensation under Section 443.1115, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History–New \_\_\_\_\_.

60BB-3.0252 Eligibility for Emergency Unemployment Compensation.

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;

(b) Have no rights to unemployment compensation under any other state or federal law;

(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

(a) Has received all regular unemployment compensation available on the qualifying benefit year; or

(b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new benefit year for regular unemployment compensation.

(3) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual’s qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BB-3.0253, F.A.C.

(4) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(5) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.111, 443.151(6), 443.221(3) FS. History—New\_\_\_\_\_.

60BB-3.0253 Emergency Unemployment Compensation Individual Accounts.

(1) Establishment of Account. Persons deemed eligible under Rule 60BB-3.0252, F.A.C., will be paid from emergency unemployment compensation accounts established for each individual with respect to that individual’s benefit year.

(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.

(a) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or
2. 13 times the individual’s average weekly benefit amount for the benefit year.

(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.

(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3), (4), (5), and (6) of this rule.

(3) Tier One.

(a) Tier One benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:

1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or
2. 20 times the individual’s average weekly benefit amount for the benefit year.

(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).

(d) Tier One benefits may be paid only in cases in which an individual’s regular unemployment compensation benefits are exhausted by the week ending March 27, 2010 ~~February 20, 2010~~.

(4) Tier Two.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier One benefits by the week ending April 3, 2010 ~~February 27, 2010~~;
2. The individual remains otherwise eligible.

(b) Amount Added to Account. The amount established in an account under this subsection will equal the lesser of:

1. 54 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or
2. 14 times the individual’s average weekly benefit amount for the benefit year.

(c) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(5) Tier Three.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (4) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Two benefits by the week ending April 3, 2010 ~~February 27, 2010~~;
2. The individual remains otherwise eligible; and
3. During or after the week these benefits are exhausted, but no later than the week ending April 3, 2010 ~~February 27, 2010~~, one of the following circumstances occur:

- a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or
- b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or
2. 13 times the individual’s average weekly benefit amount for the benefit year.

(c) Tier Three benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(6) Tier Four.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (5) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:



1. The individual exhausts all Tier Three benefits by the week ending April 3, 2010 ~~February 27, 2010~~;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending April 3, 2010 ~~February 27, 2010~~, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 6 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 8.5 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 24 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 6 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Four benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(7) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of April 3, 2010 ~~February 27, 2010~~, will continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after September 4, 2010 ~~July 31, 2010~~.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History—New\_\_\_\_\_.

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

(1) Method of Application. Individuals whose regular unemployment compensation benefits are exhausted, whose benefit year expires between July 6, 2008 and March 27, 2010 ~~February 20, 2010~~, or who are entitled to an augmentation of their emergency unemployment compensation accounts pursuant to Rule 60BB-3.0253, F.A.C., will receive notice regarding their eligibility or ineligibility for emergency unemployment compensation. Individuals who qualify for augmentation under any of the provisions set forth in subsections 60BB-3.0253(4)-(6), F.A.C., will be deemed eligible to receive these benefits without filing an application as long as they comply with the continued claims reporting requirements set forth in Rule 60BB-3.015, F.A.C. All other individuals who wish to receive emergency unemployment compensation must submit an application for benefits to the Agency for Workforce Innovation. An application may be submitted:

(a) Online by clicking on the "Internet Unemployment Compensation Claim Application (Initial Claim)" link to the Online Internet Unemployment Compensation Claim Application (11/07), or by clicking on the "Solicitud de Reclamo de Compensacion por Desempleo en el Internet (Reclamo Inicial)" link to the Online Internet Unemployment Compensation Claim Application (Spanish version) (11/07), which are incorporated by reference in paragraphs 60BB-3.029(1)(yy) and (zz), F.A.C., and which are available at [www.fluidnow.com](http://www.fluidnow.com); or

(b) In writing on one of the forms listed in subsection (2) of this rule, which are hereby incorporated by reference into this rule and which are available at [www.floridajobs.org/unemployment/uc\\_emp\\_claims.html](http://www.floridajobs.org/unemployment/uc_emp_claims.html).

(2) Submitting Written Applications.

(a) To submit a written application for emergency unemployment compensation under subsections (2), (3), or (4) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUC (Rev. 10/09), Application for Emergency Unemployment Compensation;

2. Form AWI-UC310EUC (S) (Rev. 10/09), Solicitud de Compensacion de emergencia por desempleo, or

3. Form AWI-UC310EUC (C) (Rev 10/09), Aplikasyon pou Aloksyon Chomaj sou Ka Dijan.

(b) To submit a written application for emergency unemployment compensation under subsection (5) or (6) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUCIII (12-09), Application for Tier III;

2. Form AWI UC310EUCIII (Sp) (12-09), Agencia para la innovacion en la fuerza de trabajo de Florida Compensacion de emergencia por desempleo; or

3. Form AWI-UCB310EUCIII (Cr) (12-09), Ajans pou Inovasyon Fos Travay "Agency for Workforce Innovation" Konpansasyon Chomaj Dijans.

(c) The applications described in paragraph (2)(b) of this rule will be mailed to:

1. All out of state claimants whose application for extended benefits was denied because the law of their state of residence did not permit payment of extended benefits; and

2. All claimants who did not qualify for extended benefits because their Tier Two benefits expired before February 27, 2009.

(d) All applications mailed pursuant to paragraph (2)(c) of this rule will be accompanied by Form AWI UC310EUCIII LTR(N) (Rev 3/10 ~~12/09~~), Emergency Unemployment Compensation Instruction Sheet or a Form AWI UC310EUCIII LTR(S) (Rev 3/10 ~~12/09~~), Emergency Unemployment Compensation Instruction Sheet, which are hereby incorporated by reference into this rule.

(3) Submitting Written Applications. The claimant must submit his or her application by mailing the completed form to the address set forth on the form and/or accompanying instructions, or by faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(4) Notice of Determination.

(a) Notice of ineligibility for cases in which the claimant does not meet the eligibility requirements of Rule 60BB-3.0252, F.A.C., will be mailed to the claimant on a Form AWI-UCB11-I EUC (10/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(b) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsections (2) or (3) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (11/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(c) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under paragraph (4)(b) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant:

1. On a Form AWI-UCB11 EUC-2 (3/10 ~~12/22/09~~) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant exhausts his Tier One benefits; or

2. On a Form AWI-UCB11 EUC-2R (12/09), Emergency Unemployment Compensation Tier II Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant:

a. Claimed weeks on a Florida claim for extended benefits in a state in which extended benefits are not payable;

b. Received extended benefit payments for any week ending on or after November 14, 2009; or

c. Was determined to be entitled to an additional week of Tier Two benefits under the augmentation authorized by Public Law 111-92 for any week ending on or after November 14, 2009.

(d) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsection (5) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC3 (3/10 ~~12/22/09~~) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(e) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsection (6) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11

EUC4 (3/10 ~~12/09~~), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151, 443.221(3) FS. History—New

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-3.001  
RULE TITLE: General Requirements of Clinical Laboratory Personnel Training Programs

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35 No. 16, April 24, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-51.006  
RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-11.003  
RULE TITLE: Reexamination

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed application form number DH MQA 1129 in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 4, of the January 29, 2010, issue of the Florida Administrative Weekly. The change is in response to an incorrect revision date on form DH MQA 1129. The change will correct the revision date from 06/09 to 10/09 on the form.

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: RULE TITLE:  
 65A-1.704 Family-Related Medicaid Eligibility Determination Process

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 15, April 16, 2010 issue of the Florida Administrative Weekly.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
 65C-13.030 Standards for Licensed Out-of-Home Caregivers

**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. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

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

(1) General Requirements.

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

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

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

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

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

(2) Utilization of Foster Home.

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

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

1. Licensed out-of-home caregivers that have contracted with a lead agency are authorized by Section 409.1671(5)(b), F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302(7), F.S., if they choose to do so and meet the requirements for licensing. A dually licensed foster home cannot provide care for more than five children, including biological, foster, and adopted children. 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. Based on the premise that the foster care maintenance assistance is for the care of a foster child for a twenty-four hour period and includes the provision of daily supervision for the foster child, the out-of-home caregiver shall not be paid both the foster care board rate and child care subsidy for the same child;

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

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

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

(3) Emergency Shelter Family Foster Homes.

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

(b) Emergency shelter care providers shall maintain a shelter log for the child that documents the child's name, date of birth, and prescribed medications; the name of the child's services worker; and the dates the child entered and exited provider's care.

(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-13.023, 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 and vector control, sewage, and garbage and rubbish disposal, prior to initial licensing and annually prior to re-licensing.

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

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

(I) Before license approval;

(II) At least every 12 months;

(III) Upon relocation;

(IV) Before having the well placed in service after construction, repair, or modification; or

(V) After an emergency situation, such as a flood, that may introduce contaminants to the system.

b. Test results must be negative for bacteriological contamination.

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

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

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

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

3. Vector Control.

a. Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches, and other vectors and vermin on the premises.

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

4. Sewage. Any home not on a municipal sewage system and having an onsite sewage treatment and disposal system or septic tank, shall meet applicable standards in Chapter 64E-6 of the Florida Administrative Code and 381.0065, F.S.

5. Garbage and Rubbish Disposal. All garbage, trash, and rubbish from the kitchen area shall be collected daily and placed in garbage receptacles. Garbage or trash containing diapers or any odor-causing agent shall also be collected daily and placed in garbage receptacles. Garbage or trash consisting only of paper items must be collected weekly and placed in garbage receptacles. Garbage shall be removed from garbage receptacles frequently enough to prevent a sanitary nuisance, as defined in Chapter 386, F.S. Wet garbage shall be collected and stored in impermeable, leak proof, fly tight containers pending disposal. All containers, storage areas and, surrounding premises shall be kept clean and free of vectors and vermin.

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

(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. 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.

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

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

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

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

11. 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 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.

14. Children over the age of twelve months may share a bedroom with an adult when it is deemed medically necessary. A doctor's note shall be placed in the licensing file of the department and the supervising agency.

(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, and all agencies shall, as a part of the home study process, require applicants to sign CF-FSP 5343, March 2010, incorporated by reference and available at [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/); If an agency receives a public records request after the promulgation of this rule; identifying information such as; caliber of guns owned, number of guns owned or place of storage of guns, must be redacted.~~

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

(i) Fire Safety.

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

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

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

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

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

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

7. The home shall not be heated by un-vented gas fired space heaters or oil heaters unless they are equipped with an oxygen depletion sensor and the home has a carbon monoxide

alarm. All gas-fired devices shall be equipped with an automatic pilot gas shut-off control. All electrical wiring shall meet required building codes.

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

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

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

(j) Transportation Safety.

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

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 licensed out-of-home caregiver's driving record shall be provided to the licensing authority at the time of initial licensure and at each re-licensure.

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010

## Section IV Emergency Rules

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Housing and Community Development

RULE NO.:	RULE TITLE:
9BER10-1	Community Development Block Grant Disaster Recovery Initiative

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR 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.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Promulgation of Rule Chapter 9BER10-1, 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:** 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 THE EMERGENCY RULE IS:** Jacquelyn Dupree, Manager, Florida Small Cities CDBG and Disaster Recovery Programs, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)922-1879

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER10-1 Community Development Block Grant Disaster Recovery Initiative.

(1) All portions of Rule Chapter 9B-43, F.A.C., are waived by this emergency rule except the following: Rule 9B-43.0031 (Definitions) and subsections 9B-43.0051(2), (3), (4), and (8) (Selected portions of Grant Administration and Project Implementation).

(2) The State's Action Plan, incorporated herein by reference, reflects the activities that are eligible for funding under this rule. All activities must be eligible under 24 CFR 570, Subpart I, and must meet one of three national objectives: activities principally benefiting low and moderate income persons; activities which aid in the prevention or elimination of slums or blight; activities designed to meet community development needs having a particular urgency for which no other funding is available.

(3) The funds are to be used only to address damage and destruction directly resulting from the declared storms, to mitigate future damage, and to alleviate conditions that pose a serious and imminent threat to the health and safety of the citizens of the communities.