

(3) Any exit designed to serve both minors and adults in any area other than the living area or portion of the living area for personal use referred to in subsection (2), such as living rooms and dining areas, shall be increased in size to 1.5 times the minimum required egress width.

Specific Authority 400.441, 633.01, 633.022 FS. Law Implemented 400.441, 633.022 FS. History—New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Food Safety

RULE CHAPTER NO.:      RULE CHAPTER TITLE:

5K-6                              Food

RULE NO.:                      RULE TITLE:

5K-6.010                      Grading Services for Shell Eggs

**PURPOSE AND EFFECT:** The Florida Department of Agriculture and Consumer Services provides grading services to food establishments that process shell eggs through a cooperative agreement with the U.S. Department of Agriculture. The Department charges the egg processor an hourly fee to recover the costs of this service. This rule amendment increases the hourly fees charged to a processor.

**SUMMARY:** The rule amendment changes the fee and cost schedule for shell egg grading services provided by Department graders commensurate with increases in personnel salaries and benefits, insurance, travel and any other applicable costs.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** 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:** 570.07(23), 583.04 FS.

**LAW IMPLEMENTED:** 583.051, 583.052 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:** August 18, 2006, 10:00 a.m., Eastern Time  
**PLACE:** Division of Dairy Conference Room, Room 27, 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-6.010 Grading Services for Shell Eggs.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader’s time per hour for:

- |                          |                                      |
|--------------------------|--------------------------------------|
| 1. Resident location     | \$ <del>30.30</del> <del>27.50</del> |
| 2. Overtime              | \$ <del>34.30</del> <del>31.00</del> |
| 3. Non-resident location | \$ <del>37.30</del> <del>34.00</del> |
| 4. Non-specified days    | \$ <del>37.30</del> <del>34.00</del> |

5. In addition to the charge for the grader’s time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader’s headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader’s headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) through (5) No change.

**PROPOSED EFFECTIVE DATE:** October 1, 2006

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, 9-5-01, 10-1-06.

**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 PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE:** Dr. Marion Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 18, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 7, 2006

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER NO.: 9B-3  
 RULE CHAPTER TITLE: Florida Building Commission  
 Operational Procedures

RULE NO.: 9B-3.047  
 RULE TITLE: State Building Code Adopted

PURPOSE AND EFFECT: Implement the annual amendments of the 2004 edition of the Florida Building Code developed and approved by the Commission pursuant to Section 553.73, Florida Statutes.

SUMMARY: The Commission undertook review of amendments proposed to the 2004 code with the intent of limiting changes to issues related to hurricane resistance, standards updates and glitch issues arising from transition to the 2003 edition of the International Code Council family of codes as the base code. Pursuant to the authority granted in Section 1, Chapter 2006-65, Laws of Florida, the Commission also integrated the initial designation of the wind born debris region for the Panhandle after repeal of the legislative definition thereof. The rule proceeding implements those code amendments approved by the Commission.

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

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

SPECIFIC AUTHORITY: 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida.

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: August 22, 2006, 9:45 a.m.  
 PLACE: Don Shula's Hotel, 6842 Main St., Miami Lakes, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as updated by the Florida Building Commission on July 1, 2005, ~~and is hereby adopted as the Florida Building Code, 2004 edition~~ as amended by the Commission on December 11, 2005, and \_\_\_\_\_, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(2) No change.

Specific Authority 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Law Implemented 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, History--New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, \_\_\_\_\_.

NOTE: The Florida Building Commission has approved a series of amendments to the Florida Building Code, 2004 Edition, in accordance with the procedures contained in Chapter 553, Florida Statutes. The full text of the Code amendments, published in legislative format, can be accessed online at [www.floridabuilding.org](http://www.floridabuilding.org). The following are the sections of the Code which have been amended, created or repealed:

**BUILDING VOLUME**

The following chapters are amended in the code:  
 Chapter 1, Administration, Chapter 2, Definitions, Chapter 3, Use and Occupancy Classification, Chapter 4, Special Detailed Requirements Based on Use and Occupancy, Chapter 7 Fire-Resistance-Rated Construction, Chapter 9, Fire Protection Systems, Chapter 10, Means of Egress, Chapter 11, Accessibility, Chapter 12, Interior Environment, Chapter 13, Energy Efficiency, Chapter 14, Exterior Walls, Chapter 15, Roof Assemblies and Rooftop Structures, Chapter 16, Structural Design, Chapter 17, Structural Tests and Special Inspections, Chapter 20, Light Metal Alloys, Chapter 21, Masonry, Chapter 22, Steel, Chapter 23, Wood, Chapter 24, Glass and Glazing, Chapter 26, Plastic, Chapter 27, Electrical, Chapter 30, Elevators and Conveying Systems, and Chapter 35, Referenced Standards,

**TEST PROTOCOLS FOR HIGH-VELOCITY HURRICANE ZONES**

The following protocols are amended in the code:  
 RAS 117, RAS 118, RAS 119, RAS 120, TAS 106, TAS 139, TAS 201, TAS 202, TAS 203, and TAS 301

**EXISTING BUILDING**

The following chapters are amended in the code:  
Chapter 2, Definitions, and Chapter 5, Alterations - Level 1  
MECHANICAL

The following chapters are amended in the code:  
Table of Contents, Chapter 2, Definitions, Chapter 3, General  
Regulations, Chapter 7, Combustion Air, and Chapter 15,  
Referenced Standards

**PLUMBING VOLUME**

The following chapters are amended in the code:  
Chapter 3, General Regulations, and Chapter 4, Fixtures,  
Faucets & Fittings

**RESIDENTIAL VOLUME**

The following chapters are amended in the code:  
Chapter 1, Administration, Chapter 2, Definitions, Chapter 3,  
Building and Planning

Chapter 4, Foundations, Chapter 5, Floors, Chapter 6, Wall  
Construction, Chapter 7, Wall Covering, Chapter 8,  
Roof-Ceiling Construction, Chapter 9, Roof Assemblies,  
Chapter 10, Chimneys and Fireplaces, Chapter 13, General  
Mechanical System Requirements, Chapter 18, Chimneys and  
Vents, Chapter 21, Hydronic Piping, Chapter 24, Fuel Gas,  
Chapter 25, Plumbing Administration, Chapter 26, General  
Plumbing Requirements, Chapter 33, General Requirements,  
Chapter 43, Referenced Standards, and Chapter 44,  
High-Velocity Hurricane Zones

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Mo Madani, Planning Manager, Department of Community  
Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida  
32399-2100, (850)921-2247

**NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE:** Ila Jones, Community Program  
Administrator, Department of Community Affairs, 2555  
Shumard Oak Boulevard, Sadowski Building, Tallahassee,  
Florida 32399-2100

**DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD:** July 11, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW:** April 14, 2006

**DEPARTMENT OF TRANSPORTATION**

**RULE CHAPTER NO.:** 14-15  
**RULE CHAPTER TITLE:** Incorporation by Reference

**RULE NO.:** 14-15.0081  
**RULE TITLE:** Toll Facilities Description and Toll  
Rate Schedule

**PURPOSE AND EFFECT:** The purpose of this rule  
amendment is to set a toll rate schedule for a proposed  
interchange at Pace Road and Polk Parkway. Section  
338.155(1), Florida Statutes, does not permit the use of the  
State’s toll facilities without paying a toll. A hearing is being  
scheduled to allow the public an opportunity to provide input

to changes in the Toll Facilities Description and Toll Rate  
Schedule required by the construction of the Pace Road/Polk  
Parkway interchange.

**SUMMARY:** The Florida Department of Transportation,  
Florida’s Turnpike Enterprise is proposing to construct a  
SunPass-Only interchange in the area near Pace Road and the  
Polk Parkway in Polk County. The project is located in Polk  
County. Tolls are proposed to be collected from vehicles  
accessing to and from the northbound direction. This new  
interchange is located at Milepost 23 and is approximately two  
miles north of the Eastern Toll Plaza and one mile south of the  
interchange at Interstate 4. A public hearing is being held in  
conjunction with a Project Development and Environment  
(PD&E) public hearing for an interchange project, Financial  
Project Identification 416537-2. The toll rate public hearing is  
being held to allow the public an opportunity to comment on  
the proposed toll rate schedule for the Florida Department of  
Transportation’s construction of a SunPass-Only interchange at  
Pace Road located on the Polk Parkway. A rule development  
workshop was not requested for this project.

**SPECIFIC AUTHORITY:** 334.044(2), 338.155(1) FS.

**LAW IMPLEMENTED:** 338.222, 338.231, 338.155 FS.

**SUMMARY OF STATEMENT OF ESTIMATED  
REGULATORY COST:** No Statement of Estimated Regulatory  
cost 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.

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

**DATE AND TIME:** August 22, 2006, Open House 5:30 p.m. –  
6:30 p.m., Public Hearing begins at 6:30 p.m.

**PLACE:** Lakeland Police Department, Community Room, 219  
North Massachusetts Avenue, Lakeland, Florida 33801

**THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULES IS:**

14-15.0081 Toll Facilities Description and Toll Rate  
Schedule.

The Toll Facilities Description and Toll Rate Schedule,  
adopted November 15, 1987, and amended on February 8,  
1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1,  
1991, August 1, 1991, November 6, 1991, July 11, 1993,  
November 28, 1993, September 18, 1994, June 6, 1995, July 9,  
1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2,  
1996, July 28, 1996, September 23, 1997, November 24, 1997,  
February 12, 1998, June 30, 1998, July 29, 1998, January 6,

1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, and \_\_\_\_\_, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Florida’s Turnpike Enterprise  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

**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 CORRECTIONS**

RULE NO.: 33-102.101  
 RULE TITLE: Public Information and Inspection of Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow the department to charge a special service charge when a staff member’s presence is necessary during the inspection of public records to protect the records from alteration or destruction and to modify Form DC1-201, Invoice for Production of Records, to add a line for calculating staff supervision time and hourly rate.

SUMMARY: Amends the rule to provide that the Department shall charge a special service charge for staff member’s presence when it is necessary to protect records during public inspection of records.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 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: Sherry Toothman, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-102.101 Public Information and Inspection of Records.

(1) through (2) No change.

(3) In addition to the actual cost of materials and supplies, a special service charge will be assessed for providing information when the nature or volume of the records requested requires extensive clerical or supervisory assistance by departmental personnel. For the purpose of this rule, “extensive” means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current rate of pay for the paygrade of the person who performed the service and will be assessed regardless of the number of individual copies made. The special service charge shall also be imposed when it is necessary to have a staff member present during inspection of records when the nature of the records being inspected is such that they need a heightened degree of protection from alteration or destruction. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current rate of pay for the paygrade of the person who performed the service.

(4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is \_\_\_\_\_ ~~12-5-05~~.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rosa H. Carson, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tina Hayes, Acting Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**INTERLOCAL AGENCIES**

**Lake Apopka Natural Gas District**

RULE NO.: 54C-1.001  
RULE TITLE: Tariff

PURPOSE AND EFFECT: The purpose is to develop amendments to existing Rule 54C-1.001, F.A.C., the tariff of Lake Apopka Natural Gas District (District), modifying the rate schedules for labor, equipment and material, residential sales service, commercial sales service, interruptible sales service, and transportation service by increasing the fees and charges made by the District, eliminating the rate schedule for residential air conditioning sales service, increasing the deposit requirement for residential customers and otherwise re-adopting the existing tariff. The effect will be that all classes of customers will experience an increase in the cost of gas, gas related services and deposit requirements. Otherwise, the tariff will remain as it currently exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No increase or decrease in regulatory costs is anticipated.

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: Section (12), Chapter 99-454, Laws of Florida, 1999.

LAW IMPLEMENTED: Chapter 99-454, Laws of Florida, 1999.

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

DATE AND TIME: August 28, 2006, 10:00 a.m.

PLACE: The office of Lake Apopka Natural Gas District at 1320 S. Vineland Road (CR 535), Winter Garden, Florida 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George F. Crabtree, General Manager, Lake Apopka Natural Gas District, 1320 South Vineland Road (CR 535), Winter Garden, Florida 34787; telephone: (407)656-2734, facsimile: (407)656-9371

THE FULL TEXT OF THE PROPOSED RULE IS:

54C-1.001 Tariff.

The full text of the proposed rule is set forth in Resolution number ~~0606 0306~~ adopted by the Board of Commissioners of Lake Apopka Natural Gas District on ~~June 26, 2006, November 24, 2003~~, which is hereby incorporated herein in its entirety by reference.

Specific Authority Section (12), Chapter 99-454, Laws of Florida, 1999. Law Implemented Chapter 99-454, Laws of Florida, 1999. History--New 8-11-99, Amended 5-13-01, 2-11-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: The Board of Commissioners of Lake Apopka Natural Gas District

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Commissioners of Lake Apopka Natural Gas District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-20.006  
RULE TITLE: Educational Requirements

PURPOSE AND EFFECT: Purpose and effect is to comply with the Mandate of the Court in Gaudet v. Board of Professional Engineers and promulgate more detailed rules regarding board approval of non-ECA/ABET approved engineering programs.

SUMMARY: The substantial revision of this rule complies with the Mandate of the Court in Gaudet v. Board of Professional Engineers and promulgates more detailed rules regarding board approval of non-ECA/ABET approved engineering programs.

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

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

SPECIFIC AUTHORITY: 471.013(1)(a)3. FS.

LAW IMPLEMENTED: 471.013(1)(a)3., 471.005(6) 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

## THE FULL TEXT OF THE PROPOSED RULE IS:

## 61G15-20.006 Educational Requirements.

(1) The evaluation of curricula and standards of accreditation for approval of degree programs required by Section 471.013, F.S., shall be made by the Education Advisory Committee and shall be based upon an overview of engineering programs within the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET), and an evaluation of such programs and schools, following the definition of the practice of engineering set forth in Section 471.005(6), F.S. Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET) and found in the applicable Annual Report of EAC/ABET, based upon:

(a) An overview of engineering programs within the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (ABET), and

(b) An evaluation of such programs and schools, following the definition of the practice of engineering set forth in Section 471.005(6), F.S.

(2) A non-EAC/ABET accredited engineering degree program (hereinafter "engineering program") which seeks certification pursuant to Section 471.005(6), Florida Statutes, shall submit the following to the Board:

(a) A completed application form and self-study report (which may be obtained from the Board by writing to: Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304);

(b) A registration fee as prescribed by the Board;

(c) A survey fee as prescribed by the Board;

(d) A current catalog and student and faculty handbook.

~~(2) This rule shall not apply to Board approved engineering programs or where ABET accreditation is available to a school or college of engineering.~~

(3) The Board's survey and evaluation of an engineering program shall consist of two elements:

(a) A review of the documents submitted by the applicant. The purpose of the review is initially to determine if the application is complete. The applicant will be notified if the application is not complete. If the application is complete, the Board will begin the survey and evaluation of the engineering program and will provide the documents to any outside consultants which the Board may retain to survey and evaluate the engineering program.

(b) A visit to the engineering school, including visits to facilities at locations other than the main campus, at the expense of the applying engineering program. This site visit

will encompass all elements of the standards for certification set forth in this rule. A site visit is an essential requirement in the review of an engineering program seeking certification, without which no certification may be granted by the Board.

~~(3) Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (ABET) and found in the applicable Annual Report of ABET.~~

(4) The Meaning of Certification.

(a) Purpose.

1. Certification of an engineering program is the responsibility of the Board and is based on standards established by the Board. The same standards as are applied in the accreditation of engineering programs by EAC/ABET will be applied for certification of an engineering program.

2. In practical terms a graduate of an engineering program that has been certified by the State of Florida will be eligible for the Fundamentals and Principles and Practice examinations, or for licensure by endorsement.

3. Certification is entirely voluntary on the part of the school.

(b) Standards.

1. To be certified, engineering programs must meet the standards set forth by the Board in this rule as judged by the Board. These standards are sometimes stated in a fashion that is not susceptible to quantification or to precise definition because the nature of the evaluation is qualitative in character and can be accomplished only by the exercise of professional judgment by qualified persons.

2. In these standards, the words "must" and "should" have been chosen with care. Use of the word "must" indicates that Florida considers meeting the standard to be absolutely necessary if the program is to be certified. Use of the word "should" indicates that Florida considers an attribute to be highly desirable and makes a judgment as to whether or not its absence may compromise substantial compliance with all of the requirements for certification.

~~(4) The evaluation of the applicant's transcript and degree program shall include a determination of whether such a transcript and degree program is comparable to the above mentioned model by the Education Advisory Committee as defined in Rule 61G15-18.015, F.A.C.~~

(5) Objectives.

(a) An essential objective of a program in engineering education leading to a BSE degree must be to meet the standards herein described for certification that its graduates will be prepared to qualify for licensure, to provide competent engineering services and to have the educational background necessary for lifelong learning. An engineering program may establish additional objectives consistent with its available resources. Objectives must be defined in writing and made

known to faculty and students. While recognizing the existence and appropriateness of diverse institutional missions and educational objectives, the Board subscribes to the proposition that local circumstances do not justify certification of a program that fails to meet the standards as set forth in this rule.

(b) Certification is awarded on the basis of evidence of an appropriate balance between the size of the enrollment in each class and the total resources of the program, including the faculty, physical facilities, curricular time and methods of instruction, and the budget. If there is to be substantial change in any of the above functions, the Board must be notified in writing so that reevaluation may be instituted.

~~(5) In order to verify the applicant's curriculum and engineering program the Board may require evidence from the applicant's institution(s) at the cost of the applicant as to the areas mentioned in subsection 61G15-20.006(3), F.A.C., including when the information necessary for the evaluation set forth in subsection (4) above is not available, a site visit by Educational Advisory Committee of the Board at the expense of the applicant.~~

(6) Governance.

(a) Preferably an engineering school should be a component of a university that has other graduate and professional degree granting programs. The environment of a university fosters intellectual challenge, the spirit of inquiry, the seeking of new knowledge and the habit of lifelong learning.

(b) The engineering school must be accredited by an accrediting organization recognized by the U.S. Department of Education.

(7) Administration.

(a) General.

1. Administrative officers and members of an engineering school faculty must be appointed by, or on the authority of, the governing body of the engineering school.

2. If the engineering school is part of a university, the dean must have ready access to the university chief executive officer and to such other university officials as may be necessary to fulfill the dean's responsibilities. If the engineering school is not part of a university, the dean must have ready access to the chief officer of the governing body.

3. The dean must be qualified by education and experience to provide leadership in engineering education, in scholarly activity and research, and in the practice of professional engineering. The dean should have the assistance of such professional associates and staff as are necessary for administration of admissions, student affairs, academic affairs, business affairs, physical facilities and other activities normally associated with the office of the dean.

4. The manner in which the engineering school is organized, including the responsibilities and privileges of administrative officers, faculty, students and committees must be formally set forth in writing. It is through committee

structure and function that faculty and at times students and others become involved in decisions concerning admissions, promotions, curriculum, library, research, etc. The number and composition of committees may vary among engineering programs.

5. A budget, showing available revenue sources and expenditures must be prepared for the engineering school at regular and specified periods. To facilitate effective planning, each engineering program should know in advance a reasonable estimate of its available operating resources.

(b) Geographically Separated Campuses.

1. If components of the program are conducted at sites geographically separated from the main campus of the engineering school, the administration of the engineering school must be fully responsible for the conduct, and maintenance of the quality of the educational experiences offered at these sites and for identification of the faculty at all sites. In order to ensure that all educational components of the school's program are equivalent in quality, the principal academic officer of each geographically separated site must be administratively responsible to the chief academic officer of the engineering school conducting the certified program. Similarly, the faculty in each discipline, in all sites, must be functionally integrated by administrative mechanisms that ensure comparable quality of the geographically separated segments of the program.

2. A large number of program sites or a significant distance between sites may require extra academic and administrative controls in order to maintain the quality of the entire program.

(c) Design and Management.

1. The program's faculty must be responsible for the design, implementation, and evaluation of the educational program. A faculty committee should undertake this responsibility with full support of the chief academic officer and staff. The curriculum of the program leading to the professional engineering degree must be designed to provide a general professional education, recognizing that, this alone, is insufficient to prepare a graduate for independent, unsupervised practice throughout a professional lifetime.

2. The committee responsible for curriculum should give careful attention to the impact on students of the amount of work required. The committee should monitor the content provided in each discipline in order that objectives for education of an engineer are achieved without attempting to present the complete, detailed, systematic body of knowledge in that discipline. The objectives, content, and methods of teaching and learning utilized for each segment of the curriculum, as well as for the entire curriculum, should be subjected to periodic evaluation. Undue repetition and serious omissions and deficiencies in the curriculum identified by these evaluations should be corrected. Review and necessary revision of the curriculum is an ongoing faculty responsibility.

(d) Content.

1. The engineering faculty is responsible for devising a curriculum that permits the student to learn the fundamental principles of engineering, to acquire skills of critical judgment based on evidence and experience, and to develop an ability to use principles and skills wisely in solving engineering problems. In addition, the curriculum must be designed so that students acquire an understanding of the scientific concepts underlying engineering. In designing the curriculum, the faculty must introduce current advances in the basic engineering sciences.

2. The curriculum cannot be all-encompassing. However, it must include the sciences basic to engineering and ethical, behavioral, and socioeconomic subjects pertinent to engineering. There should be presentation of material on engineering ethics and human values. The faculty should foster in students the ability to learn through self-directed, independent study throughout their professional lives.

3. The required subjects which must be offered are probability and statistics, differential calculus, integral calculus, and differential equations; general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional courses may include linear algebra, numerical analysis, and advanced calculus, life sciences (biology), earth sciences (geology), and advanced chemistry or physics.

4. The curriculum should provide grounding in the body of knowledge represented in the disciplines that support the fundamentals of engineering practice, such as, mechanics, thermodynamics, electrical and electronic circuits, and materials science. Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

5. The faculty committee responsible for curriculum should develop, and the chief academic officer should enforce, the same rigorous standards for the content of each year of the program leading to the BSE. The final year should complement and supplement the curriculum of the individual student so that each student will acquire appropriate competence in general engineering care regardless of subsequent career specialty.

6. The curriculum should include elective courses designed to supplement the required courses and to provide opportunities for students to pursue individual scholarly interests. Faculty advisors must be available to guide students in the choice of elective courses. If students are permitted to take electives at other institutions, there should be a system centralized in the dean's office to screen the student's proposed extramural program prior to approval and to ensure the return of a performance appraisal by the host program. Another system, devised and implemented by the dean, should verify the credentials of students from other schools wishing to take

courses at the school, approve assignments, maintain a complete roster of visiting students, and provide evaluations to the parent schools.

(e) Evaluation of Student Performance.

1. The faculty must establish principles and methods for the evaluation of student performance and make decisions regarding promotion and graduation. The varied measures utilized should determine whether or not students have attained the school's standards of performance.

2. The faculty of each discipline should set the standards for performance by students in the study of that discipline. The faculty should review the frequency of examinations and their scheduling, particularly when the students are enrolled in several subjects simultaneously. Schools should develop a system of evaluation that fosters self-initiated learning by students rather than frequent tests which condition students to memorize details for short-term retention only. Examinations should measure cognitive learning, mastery of basic engineering skills, and the ability to use data in realistic problem solving. If geographically separated campuses are operated, a single standard for promotion and graduation of students should be applied.

3. The engineering school must publicize to all faculty members and students its standards and procedures for the evaluation, advancement, and graduation of its students and for disciplinary action. The school should develop and publish a fair and relatively formal process for the faculty or administration to follow when taking any action that adversely affects the status of a student.

4. The institutions must maintain adequate records. These records should include summaries of admission credentials, attendance, measurement of the performance and promotion of the student, and the degree to which requirements of the curriculum have been met. Evaluation of each student in each course should be part of the record.

5. Academic Counseling. The chief academic officer and the directors of all courses must design and implement a system of evaluation of the work of each student during progression through each course. Each student should be evaluated early enough during a unit of study to allow time for remediation. Course directors and faculty assigned to advise students should consider this duty a primary responsibility. All course directors or departmental heads, or their designates, should serve as expert consultants to the chief academic officer for facilitation of performance of both students and faculty.

(8) Resources for the Educational Program.

(a) Finances. The cost of conducting a certified educational program leading to the BSE must be supported by sufficient financial resources. Dependence upon tuition must not cause schools to seek enrollment of more students than their total resources can accommodate and provide with a sound education experience.

(b) Faculty.



1. Members of the faculty must have the capability and continued commitment to be effective teachers. Effective teaching requires knowledge of the discipline, and an understanding of pedagogy, including construction of a curriculum consistent with learning objectives, subject to internal and external formal evaluation. The administration and the faculty should have knowledge of methods for measurement of student performance in accordance with stated educational objectives and national norms.

2. Persons appointed to faculty positions must have demonstrated achievements within their disciplines commensurate with their faculty rank. It is expected that faculty members will have a commitment to continuing scholarly productivity, thereby contributing to the educational environment of the engineering school.

3. In each of the major disciplines basic to engineering sciences, a sufficient number of faculty members must be appointed who possess, in addition to a comprehensive knowledge of their major disciplines, expertise in one or more subdivisions or specialties within each of these disciplines.

4. In addition, engineers practicing in the community can make a significant contribution to the educational program of the engineering school, subject to individual expertise, commitment to engineering education, and availability. Practicing engineers appointed to the faculty, either on a part-time basis or as volunteers, should be effective teachers, serve as role models for students, and provide insight into contemporary engineering methods.

5. There must be clear written policies for the appointment, renewal of appointment, promotion, retention and dismissal of members of the faculty. The appointment process must involve the faculty, the appropriate departmental heads and the dean. Each appointee should receive a clear definition of the terms of appointment, responsibilities, line of communication, privileges and benefits.

6. The education of engineering students requires an academic environment that provides close interaction among the faculty members so that those skilled in teaching and research in the basic sciences can maintain awareness of the relevance of their disciplines to engineering problems.

7. The dean and a committee of the faculty must determine engineering school policies. This committee typically consists of the heads of major departments, but may be organized in any manner that brings reasonable and appropriate faculty influence into the governance and policymaking processes of the school. The full faculty should meet often enough to provide an opportunity for all to discuss, establish, or otherwise become acquainted with engineering school policies and practices.

(c) Library.

1. The engineering school library should be a major component of the school's program of teaching and learning. Attitudes of lifelong learning can only be instilled by

instruction in the production, storage and retrieval of new knowledge. Use and importance of the library can be imparted to students by example of faculty.

2. The engineering students and faculty must have ready access to a well-maintained and catalogued library, sufficient in size and breadth to support the educational programs offered by the institution. The library should receive the leading national and international engineering periodicals, the current numbers of which should be readily accessible. The library and any other learning resources should be equipped to allow students to learn new methods of retrieving and managing information, as well as to use self-instructional materials. A professional library staff should supervise the library and provide instruction in its use.

3. If the library serving the engineering school is part of a university library system, the professional library staff must be responsive to the needs of the engineering school, the faculty, resident staff and students who may require extended access to a journal and reference book collection, some of which may be virtual. The librarian should be familiar with the methods for maintaining relationships between the library and national library systems and resources, and with the current technology available to provide services in non-print materials. If the faculty and students served by the library are dispersed, the utilization of departmental and branch libraries should be facilitated by the librarian and by the administration and faculty of the school.

(9) Site Visit.

(a) The site visit team shall consist of the Educational Advisory Committee and individual(s) designated by the Board who are or have been engineering educators and practitioners experienced in engineering program evaluation. The applicant must assist the Board in making all necessary arrangements for the site visit, including the opportunity to meet trustees, owners or their representatives, administrators, faculty, students, and any others connected with the program.

(b) All costs incurred in making site visits to applicant facilities shall be paid by the applicant.

(c) Following the site visit, the Educational Advisory Committee will report its findings to the Board.

(10) Board Approval.

(a) Upon receipt of a report from the Educational Advisory Committee, the Board will notify the applicant of its intent to grant or deny certification. Certification must be denied if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of engineering.

(b) If the Board gives notice of its intent to deny certification, the notice shall include a specific list of deficiencies and what the Board will require for compliance. The Board shall permit the applicant, on request, to demonstrate by satisfactory evidence, within 90 days, that it has remedied the deficiencies specified by the Board. The

Board shall deny certification if the applicant has not paid all fees and costs required of the Board in connection with the application.

(c) If the Board gives notice of its intent to grant certification, it shall specify which type it intends to grant: provisional or full certification.

(d) Provisional certification may be granted where deficiencies exist but are not of such magnitude to warrant denial of certification entirely. The Board shall determine the period of provisional certification, not to exceed three years, based on the nature of the deficiencies found, and an estimate of the reasonable period of time which may be necessary to remedy the deficiencies. Failure to remedy the deficiencies within the time specified by the Board may be grounds for denial of certification. The Board may, however, extend the period within which deficiencies may be remedied, if there is good cause to do so. A site visit may be required by the Board if it deems it necessary to determine whether the deficiencies have been adequately remedied and whether any other conditions may have changed during the period of provisional certification.

(e) Full certification will be granted to a engineering school which is in substantial compliance with all of the standards for certification set forth in this rule. The school shall submit to the Board evidence of continued compliance annually.

(f) Periodic surveys and evaluations of all certified schools shall be made at least every four years.

(g) Renewal applications will be evaluated on the basis of standards existing at the time renewal is acted upon by the Board. A site visit may be required as an element of the evaluation.

Specific Authority 471.013(1)(a)3. FS. Law Implemented 471.013(1)(a)3., 471.005(6) FS. History--New 8-18-87, Formerly 21H-20.006, Amended 12-26-94,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.001      RULE TITLE: Fees

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is removing Rule 61J1-2.001, F.A.C.'s existing fingerprint processing fee language and is replacing it with

new electronic fingerprint processing fee language to implement the electronic fingerprint requirement of Section 475.615(3), F.A.C., of the Florida Statutes, which became effective on July 1, 2006

SUMMARY: The Florida Real Estate Appraisal Board is removing Rule 61J1-2.001, F.A.C.'s existing fingerprint processing fee language and is replacing it with new electronic fingerprint processing fee language to implement the electronic fingerprint requirement of Section 475.615(3), F.A.C., of the Florida Statutes, which became effective on July 1, 2006.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.271, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-2.001 Fees.
- (1) through (12) No change.
- (13) Electronic Fingerprinting Processing Fee **\$61.00**  
Fingerprint Card Processing Fee **\$47.00**
- (14) through (15) No change.

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.61, 455.271(6)(b) FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-20.02, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 1-17-99, 11-15-99, 11-15-99, 11-10-03, 2-21-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.004  
 RULE TITLE: Exemption of Spouses of Members of Armed Forces from Renewal Provisions

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.004, F.A.C., to comply with the Appraisal Qualifications Board's new continuing education criteria adopted on or about March 22, 2006

SUMMARY: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.004, F.A.C., to remove the licensure renewal exemption for the spouses of licensed and certified appraisers to comply with the Appraisal Qualifications Board's March 22, 2006, continuing education criteria.

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

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

SPECIFIC AUTHORITY: 455.02, 475.614 FS.

LAW IMPLEMENTED: 455.02 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.004 Exemption of Spouses of Members of Armed Forces from Renewal Provisions.

A ~~registered trainee appraiser registrant, licensee or certificate holder~~ who is the spouse of a member of the Armed Forces of the United States now or hereafter on active duty and who is absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from renewal provision under the Rules of the Florida Real Estate Appraisal Board. The exemption shall last during the absence from the state because of the spouse's duties with the Armed Forces and for a period of six months after returning to the state.

Specific Authority 455.02, 475.614 FS. Law Implemented 455.02 FS. History—New 10-15-91, Formerly 21VV-2.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.0045  
 RULE TITLE: Exemption of Members of Armed Forces from Renewal provisions

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is creating new Rule 61J1-2.0045, F.A.C., to comply with the Appraisal Qualifications Board's new continuing education criteria adopted on May 5, 2006

SUMMARY: The Florida Real Estate Appraisal Board is creating new Rule 61J1-2.0045, F.A.C., to require active military duty certified or licensed appraisers to complete all necessary continuing education within 180 days after being discharged from active military duty in order to comply with the Appraisal Qualifications Board's new continuing education criteria adopted on May 5, 2006.

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

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

SPECIFIC AUTHORITY: 455.02, 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.02 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.0045 Exemption of Members of Armed Forces from Renewal provisions.

Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such member, was a certified appraiser in good standing with the Florida Real Estate Appraisal board (Board) and was entitled to practice or engage in real estate appraising in the state shall be kept in good standing by the Board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, provided he or she is not engaged in his or her licensed profession or vocation in the private sector for profit. However, all certified or licensed appraisers must

complete all necessary continuing education requirements within 180 days after being discharged from active military duty with the United State Armed Forces.

Specific Authority 455.02, 475.614, 475.615(2) FS. Law Implemented 455.02 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

**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 NOS.:	RULE TITLES:
62-302.300	Findings, Intent, and Antidegradation Policy for Surface Water Quality
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters
62-302.500	Surface Waters: Minimum Criteria, General Criteria
62-302.530	Table: Surface Water Quality Criteria
62-302.700	Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
62-302.800	Site Specific Alternative Criteria

**PURPOSE AND EFFECT:** The Federal Clean Water Act requires states to conduct a comprehensive review of their surface water quality standards every three years ("triennial review"). The proposed rule amendments were developed under the current triennial review. Two public workshops were held on September 1, 2005 (Orlando) and September 7, 2005 (Tallahassee). A number of surface water quality criteria are revised and an amendment is made to the opening paragraph in Rule 62-302.530, F.A.C., to take into account natural and statistical variability when evaluating ambient waters for the purposes of determining impairment. In addition, a number of non-substantive, editorial changes are made to update cross-references and correct typographical errors.

**SUMMARY:** Proposed rule revisions include amendments to surface water quality criteria for Arsenic, Halomethanes, Cadmium, Iron, and Total Coliforms. In addition, clarifying language is proposed in the introductory paragraph to Rule 62-302.530, F.A.C., to take into account natural and statistical

variability when evaluating ambient waters for the purposes of determining impairment. Finally, a number of non-substantive, editorial changes are made to update cross-references and correct typographical errors.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost has been 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:** 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

**LAW IMPLEMENTED:** 373.414, 403.021, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.201, 403.502, 403.504, 403.702, 403.708, 403.802 FS.

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

**DATE AND TIME:** August 31, 2006, 9:00 a.m. to finish  
**PLACE:** Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, 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: Eric Shaw with the Water Quality Standards and Special Projects Program at (850)245-8429. 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:** Eric Shaw, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8429, email: Eric.Shaw@dep.state.fl.us, or facsimile (850)205-8429

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

62-302.300 Findings, Intent, and Antidegradation Policy for Surface Water Quality.

(1) through (9) No change.

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

(c) This is an even-handed and balanced approach to attainment of water quality objectives. The Commission has specifically recognized that the social, economic and environmental costs may, under certain special circumstances, outweigh the social, economic and environmental benefits if the numerical criteria are enforced statewide. It is for that reason that the Commission has provided for mixing zones, zones of discharge, site specific alternative criteria, exemptions

and other provisions in Chapters 62-302, 62-4, 62-600 and 62-660 ~~62-6~~, F.A.C. Furthermore, the continued availability of the moderating provisions is a vital factor providing a basis for the Commission's determination that water quality standards applicable to water classes in the rule are attainable taking into consideration environmental, technological, social, economic and institutional factors. The companion provisions of Chapters 62-4, 62-600 and 62-660 ~~62-6~~, F.A.C., approved simultaneously with these Water Quality Standards are incorporated herein by reference as a substantive part of the State's comprehensive program for the control, abatement and prevention of water pollution.

- (d) through No change.
- (11) through (18) No change.

Specific Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 373.414, 403.021, 403.061, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, 403.802 FS. History—Formerly 17-3.041, Amended 1-28-90, Formerly 17-3.042, 17-302.300, Amended 12-19-94, 1-23-95, 12-26-96, 5-15-02,\_\_\_\_\_.

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

- (1) through (5) No change.
- (6) Any person regulated by the Department or having a substantial interest in this chapter may seek reclassification of waters of the State by filing a petition with the Secretary in the form required by Section 120.57, F.S. Rule 62-103.040, F.A.C.
- (7) through (10) No change.

(11) Unless otherwise specified, the following shall apply:

- (a) The landward extent of a classification shall coincide with the landward extent of waters of the state, as defined in Rule 62-340.600 ~~62-301.400~~, F.A.C.
- (b) No change.
- (12) No change.

Specific Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS. History—Formerly 28-5.06, 17-3.06, Amended and Renumbered 3-1-79, Amended 1-1-83, 2-1-83, Formerly 17-3.081, Amended 4-25-93, Formerly 17-302.400, Amended 12-26-96, 8-24-00,\_\_\_\_\_.

62-302.500 Surface Waters: Minimum Criteria, General Criteria.

- (1) Minimum Criteria. All surface waters of the State shall at all places and at all times be free from:
  - (a) No change.
  - (b) Thermal components of discharges which, alone, or in combination with other discharges or components of discharges (whether thermal or non-thermal):
    - 1. No change.

2. Do not comply with applicable provisions of Rule 62-302.520 ~~subsection 62-302.500(3)~~, F.A.C.

- (c) No change.
- (2) General Criteria.
  - (a) through (d) No change.
  - (e) A violation of any surface water quality criterion as set forth in this ~~chapter~~ chapter constitutes pollution. For certain pollutants, numeric criteria have been established to protect human health from an unacceptable risk of additional cancer caused by the consumption of water or aquatic organisms. These numeric criteria are based on annual average flow conditions. However, this allowable annual average does not relieve any activity from complying with subsection 62-302.500(1), Rule 62-302.530, F.A.C., or any other provision of water quality standards.
  - (f) No change.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—Formerly 28-5.02, 17-3.02, Amended 10-28-78, Amended and Renumbered 3-1-79, Amended 1-1-83, 10-4-89, Formerly 17-3.051, Amended 4-25-93, Formerly 17-302.500, Amended 1-15-96, 12-26-96, 5-15-02,\_\_\_\_\_.

62-302.530 Table: Surface Water Quality Criteria.

The following table contains both numeric and narrative surface water quality criteria to be applied except within zones of mixing. The left-hand column of the Table is a list of constituents for which a surface water criterion exists. The headings for the water quality classifications are found at the top of the Table. Applicable criteria lie within the Table. The individual criteria should be read in conjunction with other provisions in water quality standards, including Rule 62-302.500, F.A.C. The criteria contained in Rule 62-302.500, F.A.C., also apply to all waters unless alternative or more stringent criteria are specified in Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the maximum not to be exceeded at any time. In applying the numeric and narrative water quality criteria to ambient waters for purposes of assessing water bodies in accordance with sections 305(b) and 303(d) of the Federal Clean Water Act, the Department shall take into account the variability occurring in nature and shall recognize the statistical variability inherent in sampling and testing procedures as set forth in Chapter 62-303, F.A.C. In some cases, there are separate or additional limits, which apply independently of the maximum not to be exceeded at any time. For example, annual average (denoted as "annual avg." in the Table) means the maximum concentration at average annual flow conditions (see subsection 62-302.200(2), F.A.C.).

62-302.530, Criteria for Surface Water Quality Classifications							
Parameter	Units	Class III: Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife		Class IV: Agricultural Water Supplies	Class V: Navigation, Utility, and Industrial Use		
		Class I: Potable Water Supply	Class II: Shellfish Propagation or Harvesting			Predominantly Fresh Waters	Predominantly Marine Waters
(1) Alkalinity	Milligrams/L as CaCO <sub>3</sub>	Shall not be depressed below 20		Shall not be depressed below 20		≤ 600	
(2) Aluminum	Milligrams/L		≤ 1.5		≤ 1.5		
(3) Ammonia (un-ionized)	Milligrams/L as NH <sub>3</sub>	≤ 0.02		≤ 0.02			
(4) Antimony	Micrograms/L	≤ 14.0	≤ 4,300	≤ 4,300	≤ 4,300		
(5)(a) Arsenic (total)	Micrograms/L	≤ 10 ≤ 50	≤ 50	≤ 50	≤ 50	≤ 50	≤ 50
(5)(b) Arsenic (trivalent)	Micrograms/L measured as total recoverable Arsenic		≤ 36		≤ 36		
(6) Bacteriological Quality (Fecal Coliform Bacteria)	Number per 100 ml (Most Probable Number (MPN) or Membrane Filter (MF))	MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of 5 samples taken over a 30 day period.	MPN shall not exceed a median value of 14 with not more than 10% of the samples exceeding 43, nor exceed 800 on any one day.	MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of 10 samples taken over a 30 day period.	MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of 10 samples taken over a 30 day period.		

Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO<sub>3</sub>. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.

(7) Bacteriological Quality (Total Coliform Bacteria)	Number per 100 ml (Most Probable Number (MPN) or Membrane Filter (MF))	≤1,000 as a monthly avg.; nor exceed 1,000 in more than 20% of samples examined during any month; nor exceed 2,400 at any time; using either MPN or MF counts.	Median MPN shall not exceed 70; and not more than 10% of the samples shall exceed an MPN of 230.	≤1,000 as a monthly average; nor exceed 1,000 in more than 20% of the samples examined during any month; ≤2,400 at any time. Monthly averages shall be expressed as geometric means based on a minimum of 10 samples taken over a 30 day period; using either the MPN or MF counts.	≤1,000 as a monthly average; nor exceed 1,000 in more than 20% of the samples examined during any month; ≤2,400 at any time. Monthly averages shall be expressed as geometric means based on a minimum of 10 samples taken over a 30 day period; using either the MPN or MF counts.		
(7)(8) Barium	Milligrams/L	≤ 1					
(8)(9) Benzene	Micrograms/L	≤ 1.18	≤ 71.28 annual avg.	≤ 71.28 annual avg.	≤ 71.28 annual avg.		
(9)(10) Beryllium	Micrograms/L	≤ 0.0077 annual avg.	≤ 0.13 annual avg.	≤ 0.13 annual avg.	≤ 0.13 annual avg.	≤ 100 in waters with a hardness in mg/L of CaCO <sub>3</sub> of less than 250 and shall not exceed 500 in harder waters	
(10)(11) Biological Integrity	Per cent reduction of Shannon-Weaver Diversity Index	The Index for benthic macroinvertebrates shall not be reduced to less than 75% of background levels as measured using organisms retained by a U.S. Standard No. 30 sieve and collected and composited from a minimum of three Hester-Dendy type artificial substrate samplers of 0.10 to 0.15 m <sup>2</sup> area each, incubated for a period of four weeks.	The Index for benthic macroinvertebrates shall not be reduced to less than 75% of established background levels as measured using organisms retained by a U. S. Standard No. 30 sieve and collected and composited from a minimum of three natural substrate samples, taken with Ponar type samplers with minimum sampling area of 225 cm <sup>2</sup> .	The Index for benthic macroinvertebrates shall not be reduced to less than 75% of established background levels as measured using organisms retained by a U. S. Standard No. 30 sieve and collected and composited from a minimum of three Hester-Dendy type artificial substrate samplers of 0.10 to 0.15 m <sup>2</sup> area each, incubated for a period of four weeks.	The Index for benthic macroinvertebrates shall not be reduced to less than 75% of established background levels as measured using organisms retained by a U. S. Standard No. 30 sieve and collected and composited from a minimum of three natural substrate samples, taken with Ponar type samplers with minimum sampling area of 225 cm <sup>2</sup> .		

Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO<sub>3</sub>. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.

(11)(12) BOD (Biochemical Oxygen Demand)		Shall not be increased to exceed values which would cause dissolved oxygen to be depressed below the limit established for each class and, in no case, shall it be great enough to produce nuisance conditions.					
(12)(13) Boron	Milligrams/L					≤ 0.75	
(13)(14) Bromates	Milligrams/L		≤ 100		≤ 100		
(14)(15) Bromine (free molecular)	Milligrams/L		≤ 0.1		≤ 0.1		
(15)(16) Cadmium	Micrograms/L See Notes (1) and (3).	$Cd \leq e^{(0.7409[\ln H]-4.719)}$ $e^{(0.7852[\ln H]-3.49)}$	≤ 8.8 9.3	$Cd \leq e^{(0.7409[\ln H]-4.719)}$ $e^{(0.7852[\ln H]-3.49)}$	≤ 8.8 9.3		
(16)(17) Carbon tetrachloride	Micrograms/L	≤ 0.25 annual avg.; 3.0 max	≤ 4.42 annual avg.	≤ 4.42 annual avg.	≤ 4.42 annual avg.		
(17)(18) Chlorides	Milligrams/L	≤ 250	Not increased more than 10% above normal background. Normal daily and seasonal fluctuations shall be maintained.		Not increased more than 10% above normal background. Normal daily and seasonal fluctuations shall be maintained.		In predominantly marine waters, not increased more than 10% above normal background. Normal daily and seasonal fluctuations shall be maintained.
(18)(19) Chlorine (total residual)	Milligrams/L	≤ 0.01	≤ 0.01	≤ 0.01	≤ 0.01		
(19)(20)(a) Chromium (trivalent)	Micrograms/L measured as total recoverable Chromium See Notes (1) and (3).	$Cr(III) \leq e^{(0.819[\ln H]+0.6848)}$		$Cr(III) \leq e^{(0.819[\ln H]+0.6848)}$		$Cr(III) \leq e^{(0.819[\ln H]+0.6848)}$	In predominantly fresh waters, ≤ $e^{(0.819[\ln H]+0.6848)}$
(19)(20)(b) Chromium (hexavalent)	Micrograms/L See Note (3)	≤ 11	≤ 50	≤ 11	≤ 50	≤ 11	In predominantly fresh waters, ≤ 11. In predominantly marine waters, ≤ 50
(20)(21) Chronic Toxicity (see definition in Section 62-302.200(4) 62-302.200(3), F.A.C. and also see below, "Substances in concentrations which...")							
Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							



(21)(22) Color, etc. (see also Minimum Criteria, Odor, Phenols, etc.)	Color, odor, and taste producing substances and other deleterious substances, including other chemical compounds attributable to domestic wastes, industrial wastes, and other wastes					Only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, industrial process water supply purposes, or fish survival.	
(22)(23) Conductance, Specific	Micromhos/cm	Shall not be increased more than 50% above background or to 1275, whichever is greater.		Shall not be increased more than 50% above background or to 1275, whichever is greater.		Shall not be increased more than 50% above background or to 1275, whichever is greater.	Shall not exceed 4,000
(23)(24) Copper	Micrograms/L See Notes (1) and (3).	$Cu \leq e^{(0.8545[\ln H]-1.702)}$	$\leq 3.7$	$Cu \leq e^{(0.8545[\ln H]-1.702)}$	$\leq 3.7$	$\leq 500$	$\leq 500$
(24)(25) Cyanide	Micrograms/L	$\leq 5.2$	$\leq 1.0$	$\leq 5.2$	$\leq 1.0$	$\leq 5.0$	$\leq 5.0$
(25)(26) Definitions (see Section 62-302.200, F.A.C.)							
(26)(27) Detergents	Milligrams/L	$\leq 0.5$	$\leq 0.5$	$\leq 0.5$	$\leq 0.5$	$\leq 0.5$	$\leq 0.5$
(27)(28) 1,1-Dichloroethylene (1,1-dichloroethene)	Micrograms/L	$\leq 0.057$ annual avg.; $\leq 7.0$ max	$\leq 3.2$ annual avg.	$\leq 3.2$ annual avg.	$\leq 3.2$ annual avg.		
(28)(29) Dichloromethane (methylene chloride)	Micrograms/L	$\leq 4.65$ annual avg.	$\leq 1,580$ annual avg.	$\leq 1,580$ annual avg.	$\leq 1,580$ annual avg.		
(29)(30) 2,4-Dinitrotoluene	Micrograms/L	$\leq 0.11$ annual avg.	$\leq 9.1$ annual avg.	$\leq 9.1$ annual avg.	$\leq 9.1$ annual avg.		
(30)(31) Dissolved Oxygen	Milligrams/L	Shall not be less than 5.0. Normal daily and seasonal fluctuations above this level shall be maintained.	Shall not average less than 5.0 in a 24-hour period and shall never be less than 4.0. Normal daily and seasonal fluctuations above these levels shall be maintained.	Shall not be less than 5.0. Normal daily and seasonal fluctuations above these levels shall be maintained.	Shall not average less than 5.0 in a 24-hour period and shall never be less than 4.0. Normal daily and seasonal fluctuations above these levels shall be maintained.	Shall not average less than 4.0 in a 24-hour period and shall never be less than 3.0.	Shall not be less than 0.3, fifty percent of the time on an annual basis for flows greater than or equal to 250 cubic feet per second and shall never be less than 0.1. Normal daily and seasonal fluctuations above these levels shall be maintained.
Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							

(31)(32) Dissolved Solids	Milligrams/L	≤ 500 as a monthly avg.; ≤ 1,000 max					
(32)(33) Fluorides	Milligrams/L	≤ 1.5	≤ 1.5	≤ 10.0	≤ 5.0	≤ 10.0	≤ 10.0
(33)(34) "Free Froms" (see Minimum Criteria in Section 62-302.500, F.A.C.)							
(34)(35) "General Criteria" (see Section 62-302.500 62-302.510, F.A.C. and individual criteria)							
(35)(36)(a) Halomethanes (Total trihalomethanes) (total of bromoform, chlorodibromo-met hane, dichlorobromom-et hane, and chloroform). Individual halomethanes shall not exceed (b)1. to (b)5. below.	Micrograms/L	≤ 80 100					
(35)(36)(b)1. Halomethanes (individual): Bromoform	Micrograms/L	≤ 4.3 annual avg.	≤ 360 annual avg.	≤ 360 annual avg.	≤ 360 annual avg.		
(35)(36)(b)2. Halomethanes (individual): Chlorodibromo-met hane	Micrograms/L	≤ 0.41 annual avg.	≤ 34 annual avg.	≤ 34 annual avg.	≤ 34 annual avg.		
(35)(36)(b)3. Halomethanes (individual): Chloroform	Micrograms/L	≤ 5.67 annual avg.	≤ 470.8 annual avg.	≤ 470.8 annual avg.	≤ 470.8 annual avg.		
(35)(36)(b)4. Halomethanes (individual): Chloromethane (methyl chloride)	Micrograms/L	≤ 5.67 annual avg.	≤ 470.8 annual avg.	≤ 470.8 annual avg.	≤ 470.8 annual avg.		
(35)(36)(b)5. Halomethanes (individual): Dichlorobromo-met hane	Micrograms/L	≤ 0.27 annual avg.	≤ 22 annual avg.	≤ 22 annual avg.	≤ 22 annual avg.		
(36)(37) Hexachlorobuta-die ne	Micrograms/L	≤ 0.45 annual avg.	≤ 49.7 annual avg.	≤ 49.7 annual avg.	≤ 49.7 annual avg.		
(37)(38) Imbalance (see Nutrients)							
(38)(39) Iron	Milligrams/L	≤ 1.0 ≤ 0.3	≤ 0.3	≤ 1.0	≤ 0.3	≤ 1.0	
Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							

(39)(40) Lead	Micrograms/L See Notes (1) and (3).	$Pb \leq e^{(1.273[\ln H] - 4.705)}$ ;	$\leq 8.5$	$Pb \leq e^{(1.273 [\ln H] - 4.705)}$ ;	$\leq 8.5$	$\leq 50$	$\leq 50$
(40)(41) Manganese	Milligrams/L		$\leq 0.1$				
(41)(42) Mercury	Micrograms/L	$\leq 0.012$	$\leq 0.025$	$\leq 0.012$	$\leq 0.025$	$\leq 0.2$	$\leq 0.2$
(42)(43) Minimum Criteria (see Section 62-302.500, F.A.C.)							
(43)(44) Mixing Zones (See Section 62-4.244 62-4.246, F.A.C.)							
(44)(45) Nickel	Micrograms/L See Notes (1) and (3).	$Ni \leq e^{(0.846[\ln H] + 0.0584)}$	$\leq 8.3$	$Ni \leq e^{(0.846[\ln H] + 0.0584)}$	$\leq 8.3$	$\leq 100$	
(45)(46) Nitrate	Milligrams/L as N	$\leq 10$ or that concentration that exceeds the nutrient criteria					
(46)(47) Nuisance Species		Substances in concentrations which result in the dominance of nuisance species: none shall be present.					
(47)(48)(a) Nutrients		The discharge of nutrients shall continue to be limited as needed to prevent violations of other standards contained in this chapter. Man-induced nutrient enrichment (total nitrogen or total phosphorus) shall be considered degradation in relation to the provisions of Sections 62-302.300, 62-302.700, and 62-4.242, F.A.C.					
(47)(48)(b) Nutrients		In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna.					
(48)(49) Odor (also see Color, Minimum Criteria, Phenolic Compounds, etc.)	Threshold odor number		Shall not exceed 24 at 60 degrees C as a daily average.				Odor producing substances: only in such amounts as will not unreasonably interfere with use of the water for the designated purpose of this classification.
(49)(50)(a) Oils and Greases	Milligrams/L	Dissolved or emulsified oils and greases shall not exceed 5.0	Dissolved or emulsified oils and greases shall not exceed 5.0	Dissolved or emulsified oils and greases shall not exceed 5.0	Dissolved or emulsified oils and greases shall not exceed 5.0	Dissolved or emulsified oils and greases shall not exceed 5.0	Dissolved or emulsified oils and greases shall not exceed 10.0
(49)(50)(b) Oils and Greases		No undissolved oil, or visible oil defined as iridescence, shall be present so as to cause taste or odor, or otherwise interfere with the beneficial use of waters.					
(50)(51) Pesticides and Herbicides							
(50)(51)(a) 2,4,5-TP	Micrograms/L	$\leq 10$					
(50)(51)(b) 2-4-D	Micrograms/L	$\leq 100$					
(50)(51)(c) Aldrin	Micrograms/L	$\leq .00013$ annual avg.; 3.0 max	$\leq .00014$ annual avg.; 1.3 max	$\leq .00014$ annual avg.; 3.0 max	$\leq .00014$ annual avg.; 1.3 max		
(50)(51)(d) Betahexachloro-cyclohexane (b-BHC)	Micrograms/L	$\leq 0.014$ annual avg.	$\leq 0.046$ annual avg.	$\leq 0.046$ annual avg.	$\leq 0.046$ annual avg.		
Notes: (1) "In H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							

(50)(51)(e) Chlordane	Micrograms/L	≤ 0.00058 annual avg.; 0.0043 max	≤ 0.00059 annual avg.; 0.004 max	≤ 0.00059 annual avg.; 0.0043 max	≤ 0.00059 annual avg.; 0.004 max		
(50)(51)(f) DDT	Micrograms/L	≤ 0.00059 annual avg.; 0.001 max	≤ 0.00059 annual avg.; 0.001 max	≤ 0.00059 annual avg.; 0.001 max	≤ 0.00059 annual avg.; 0.001 max		
(50)(51)(g) Demeton	Micrograms/L	≤ 0.1	≤ 0.1	≤ 0.1	≤ 0.1		
(50)(51)(h) Dieldrin	Micrograms/L	≤ 0.00014 annual avg.; 0.0019 max	≤ 0.00014 annual avg.; 0.0019 max	≤ 0.00014 annual avg.; 0.0019 max	≤ 0.00014 annual avg.; 0.0019 max		
(50)(51)(i) Endosulfan	Micrograms/L	≤ 0.056	≤ 0.0087	≤ 0.056	≤ 0.0087		
(50)(51)(j) Endrin	Micrograms/L	≤ 0.0023	≤ 0.0023	≤ 0.0023	≤ 0.0023		
(50)(51)(k) Guthion	Micrograms/L	≤ 0.01	≤ 0.01	≤ 0.01	≤ 0.01		
(50)(51)(l) Heptachlor	Micrograms/L	≤ 0.00021 annual avg.; 0.0038 max	≤ 0.00021 annual avg.; 0.0036 max	≤ 0.00021 annual avg.; 0.0038 max	≤ 0.00021 annual avg.; 0.0036 max		
(50)(51)(m) Lindane (g-benzene hexachloride)	Micrograms/L	≤ 0.019 annual avg.; 0.08 max	≤ 0.063 annual avg.; 0.16 max	≤ 0.063 annual avg.; 0.08 max	≤ 0.063 annual avg.; 0.16 max		
(50)(51)(n) Malathion	Micrograms/L	≤ 0.1	≤ 0.1	≤ 0.1	≤ 0.1		
(50)(51)(o) Methoxychlor	Micrograms/L	≤ 0.03	≤ 0.03	≤ 0.03	≤ 0.03		
(50)(51)(p) Mirex	Micrograms/L	≤ 0.001	≤ 0.001	≤ 0.001	≤ 0.001		
(50)(51)(q) Parathion	Micrograms/L	≤ 0.04	≤ 0.04	≤ 0.04	≤ 0.04		
(50)(51)(r) Toxaphene	Micrograms/L	≤ 0.0002	≤ 0.0002	≤ 0.0002	≤ 0.0002		
(51)(52)(a) pH (Class I and Class IV Waters)	Standard Units	Shall not vary more than one unit above or below natural background provided that the pH is not lowered to less than 6 units or raised above 8.5 units. If natural background is less than 6 units, the pH shall not vary below natural background or vary more than one unit above natural background. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below background.					
(51)(52)(b) pH (Class II Waters)	Standard Units	Shall not vary more than one unit above or below natural background of coastal waters as defined in Section 62-302.520(3)(b), F.A.C., or more than two-tenths unit above or below natural background of open waters as defined in Section 62-302.520(3)(f), F.A.C., provided that the pH is not lowered to less than 6.5 units or raised above 8.5 units. If natural background is less than 6.5 units, the pH shall not vary below natural background or vary more than one unit above natural background for coastal waters or more than two-tenths unit above natural background for open waters. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below natural background of coastal waters or more than two-tenths unit below natural background of open waters.					
(51)(52)(c) pH (Class III Waters)	Standard Units	Shall not vary more than one unit above or below natural background of predominantly fresh waters and coastal waters as defined in Section 62-302.520(3)(b), F.A.C. or more than two-tenths unit above or below natural background of open waters as defined in Section 62-302.520(3)(f), F.A.C., provided that the pH is not lowered to less than 6 units in predominantly fresh waters, or less than 6.5 units in predominantly marine waters, or raised above 8.5 units. If natural background is less than 6 units, in predominantly fresh waters or 6.5 units in predominantly marine waters, the pH shall not vary below natural background or vary more than one unit above natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit above natural background of open waters. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit below natural background of open waters.					
(51)(52)(d) pH (Class V Waters)	Standard Units	Not lower than 5.0 nor greater than 9.5 except certain swamp waters which may be as low as 4.5.					
(52)(53)(a) Phenolic Compounds: Total		Phenolic compounds other than those produced by the natural decay of plant material, listed or unlisted, shall not taint the flesh of edible fish or shellfish or produce objectionable taste or odor in a drinking water supply.					
Notes: (1) "In H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							

(52)(53)(b) Total Chlorinated Phenols and Chlorinated Cresols Phenolic Compounds: Total	Micrograms/L	1. The total of all chlorinated phenols, and chlorinated cresols, except as set forth in (c)1. to (c)4. below, shall not exceed 1.0 unless higher values are shown not to be chronically toxic. Such higher values shall be approved in writing by the Secretary. 2. The compounds listed in (c)1. to (c)6. below shall not exceed the limits specified for each compound.					1. The total of the following Phenolic compounds shall not exceed 50: a) Chlorinated phenols; b) Chlorinated cresols; and c) 2,4-dinitrophenol.
(52)(53)(c)1. Phenolic Compound: 2-chlorophenol	Micrograms/L	≤ 120	< 400 See Note (2).	< 400 See Note (2).	< 400 See Note (2).	< 400 See Note (2).	
(52)(53)(c)2. Phenolic Compound: 2,4-dichlorophenol	Micrograms/L	< 93 See Note (2).	< 790 See Note (2).	< 790 See Note (2).	< 790 See Note (2).	< 790 See Note (2).	
(52)(53)(c)3. Phenolic Compound: Pentachlorophenol	Micrograms/L	≤ 30 max; ≤ 0.28 annual avg; ≤ e(1.005[pH]-5.29)	≤ 7.9	≤ 30 max; ≤ 8.2 annual avg; ≤ e(1.005[pH]-5.29)	≤ 7.9	≤ 30	
(52)(53)(c)4. Phenolic Compound: 2,4,6-trichlorophenol	Micrograms/L	≤ 2.1 annual avg.	≤ 6.5 annual avg.	≤ 6.5 annual avg.	≤ 6.5 annual avg.	≤ 6.5 annual avg.	
(52)(53)(c)5. Phenolic Compound: 2,4-dinitrophenol	Milligrams/L	≤ 0.0697 See Note (2).	≤ 14.26 See Note (2).	≤ 14.26 See Note (2).	≤ 14.26 See Note (2).	≤ 14.26 See Note (2).	
(52)(53)(c)6. Phenolic Compound: Phenol	Milligrams/L	≤ 0.3	≤ 0.3	≤ 0.3	≤ 0.3	≤ 0.3	≤ 0.3
(53)(54) Phosphorus (Elemental)	Micrograms/L		≤ 0.1		≤ 0.1		
(54)(55) Phthalate Esters	Micrograms/L	≤ 3.0		≤ 3.0			
(55)(56) Polychlorinated Biphenyls (PCBs)	Micrograms/L	≤ 0.000044 annual avg.; 0.014 max	≤ 0.000045 annual avg.; 0.03 max	≤ 0.000045 annual avg.; 0.014 max	≤ 0.000045 annual avg.; 0.03 max		
Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							

(56)(57)(a) Polycyclic Aromatic Hydrocarbons (PAHs). Total of: Acenaphthylene; Benzo(a) anthracene; Benzo(a) pyrene; Benzo(b) fluoran-thene; Benzo-(ghi) perylene; Benzo(k)fluoranthene; Chrysene; Dibenzo-(a,h)anthracene; Indeno(1,2,3-cd)pyrene; and Phenanthrene	Micrograms/L	≤ 0.0028 annual avg.	≤ 0.031 annual avg.	≤ 0.031 annual avg.	≤ 0.031 annual avg.		
(56)(57)(b)1. (Individual PAHs): Acenaphthene	Milligrams/L	< 1.2 See Note (2).	< 2.7 See Note (2).	< 2.7 See Note (2).	< 2.7 See Note (2).		
(56)(57)(b)2. (Individual PAHs): Anthracene	Milligrams/L	< 9.6 See Note (2).	< 110 See Note (2).	< 110 See Note (2).	< 110 See Note (2).		
(56)(57)(b)3. (Individual PAHs): Fluoranthene	Milligrams/L	< 0.3 See Note (2).	< 0.370 See Note (2).	< 0.370 See Note (2).	< 0.370 See Note (2).		
(56)(57)(b)4. (Individual PAHs): Fluorene	Milligrams/L	< 1.3 See Note (2).	< 14 See Note (2).	< 14 See Note (2).	< 14 See Note (2).		
(56)(57)(b)5. (Individual PAHs): Pyrene	Milligrams/L	< 0.96 See Note (2).	< 11 See Note (2).	< 11 See Note (2).	< 11 See Note (2).		
(57)(58)(a) Radioactive substances (Combined radium 226 and 228)	Picocuries/L	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5
(57)(58)(b) Radioactive substances (Gross alpha particle activity including radium 226, but excluding radon and uranium)	Picocuries/L	≤ 15	≤ 15	≤ 15	≤ 15	≤ 15	≤ 15
(58)(59) Selenium	Micrograms/L	≤ 5.0	≤ 71	≤ 5.0	≤ 71		
(59)(60) Silver	Micrograms/L See Note (3).	≤ 0.07	See Minimum criteria in Section 62-302.500(1)(c)(3)	≤ 0.07	See Minimum criteria in Section 62-302.500(1)(c)(3)		
(60)(61) Specific Conductance (see Conductance, Specific, above)							
Notes: (1) "In H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO <sub>3</sub> . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.							

(61)(62) Substances in concentrations which injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, plants, or animals		None shall be present.					
(62)(63) 1,1,2,2-Tetrachloroethane	Micrograms/L	≤ 0.17 annual avg.	≤ 10.8 annual avg.	≤ 10.8 annual avg.	≤ 10.8 annual avg.		
(63)(64) Tetrachloroethylene (1,1,2,2-tetrachloroethene)	Micrograms/L	≤ 0.8 annual avg., ≤ 3.0 max	≤ 8.85 annual avg.	≤ 8.85 annual avg.	≤ 8.85 annual avg.		
(64)(65) Thallium	Micrograms/L	≤ 1.7	≤ 6.3	≤ 6.3	≤ 6.3		
(65)(66) Thermal Criteria (See Section 62-302.520)							
(66)(67) Total Dissolved Gases	Percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures	≤ 110% of saturation value	≤ 110% of saturation value	≤ 110% of saturation value	≤ 110% of saturation value		
(67)(68) Transparency	Depth of the compensation point for photosynthetic activity	Shall not be reduced by more than 10% as compared to the natural background value.	Shall not be reduced by more than 10% as compared to the natural background value.	Shall not be reduced by more than 10% as compared to the natural background value.	Shall not be reduced by more than 10% as compared to the natural background value.		
(68)(69) Trichloroethylene (trichloroethene)	Micrograms/L	≤ 2.7 annual avg., ≤ 3.0 max	≤ 80.7 annual avg.	≤ 80.7 annual avg.	≤ 80.7 annual avg.		
(69)(70) Turbidity	Nephelometric Turbidity Units (NTU)	≤ 29 above natural background conditions	≤ 29 above natural background conditions	≤ 29 above natural background conditions	≤ 29 above natural background conditions	≤ 29 above natural background conditions	≤ 29 above natural background conditions
(70)(71) Zinc	Micrograms/L See Notes (1) and (3).	$Zn \leq e^{(0.8473[\ln H]+0.84)}$	≤ 86	$Zn \leq e^{(0.8473[\ln H]+0.84)}$	≤ 86	≤ 1,000	≤ 1,000

Notes: (1) "In H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO<sub>3</sub>. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L; (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see 62-302.500(2)(d), F.A.C.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 1-28-90, Formerly 17-3.065, Amended 2-13-92, 6-17-92, Formerly 17-302.540, 17-302.550, 17-302.560, 17-302.570, 17-302.580, Amended 4-25-93, Formerly 17-302.530, Amended 1-23-95, 1-15-96, 5-15-02, 7-19-04, \_\_\_\_\_.

62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters.

(1) through (3) No change.

(4) The following procedure shall be used in designating Outstanding National Resource Waters as well as any Special Water:

(a) Rulemaking procedures pursuant to Chapter 120, F.S.; and Chapter 62-102, F.A.C., shall be followed;

(b) through (e) No change.

(5) through (8) No change.

(9) Outstanding Florida Waters:

(a) through (h) No change.

(i) Special Waters.

1. through 16. No change.

17. Lake Disston – Specifically including Lake Disston plus contiguous wetlands within the following areas: Township 14 South, Range 29 East, Sections 21, 20, 19, 18, 17, 16, 9, 8 and 7 in Flagler County; and Township 14 South, Range 28 East, Sections 13 and 24 in Volusia County except:

a. Artificial water bodies defined as any water body created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in subsection 62-312.020(3), F.A.C.; and

b. Any natural water bodies connected by artificial water bodies to the above-described system (4-4-01).

18. through 39. No change.

40. Wiggins Pass Estuarine Area and the Cocohatchee River System – the estuarine and marine waters from the Lee/Collier County line southward through and including Water Turkey Bay to 50 feet north of S.R. 846 (Bluebill Ave.) 1995 right-of-way; the Cocohatchee River downstream from 50 feet west of U.S. 41 1995 right-of-way; and Wiggins Pass; but excluding maintenance dredging as authorized by Section 403.813(2)(f), F.S., in the following areas:

a. Wiggins Pass from the Gulf of Mexico eastward for 200 linear feet (as measured from the southwestern point of Little Hickory Island);

b. The channel (South Channel, Vanderbilt Channel), that connects Wiggins Pass with Vanderbilt Lagoon through Water Turkey Bay; and

c. East Channel (for purposes of this designation described as the East Channel from its confluence with South Channel to Vanderbilt Drive, including all waters surrounding the spoil islands known as Conklin Point and Island Marine) (7-16-96).

41. No change.

(j) through (n) No change.

(10) No change.

Specific Authority 403.061, 403.087, 403.088, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708, ~~403.918~~ FS History–New 3-1-79, Amended 8-10-80, 8-24-82, 9-30-82, 11-30-82, 2-1-83, 6-1-83, 3-1-84, 8-16-84, 12-11-84, 1-17-85, 5-8-85, 4-29-86, 5-14-86, 5-22-86, 5-28-86, 10-29-86, 2-18-87, 4-9-87, 11-24-87, 12-15-87, 1-26-88, 4-19-88, 12-28-88, 4-10-89, 9-13-89, 10-4-89, 12-20-89, 1-28-90, Formerly 17-3.041, Amended 10-4-90, 11-8-90, 7-11-91, 8-18-91, 12-11-91, 6-18-92, 1-5-93, 8-8-94, Formerly 17-302.700, Amended 1-23-95, 4-3-95, 4-12-95, 7-16-96, 4-4-01, 12-11-03, 1-9-06,\_\_\_\_\_.

62-302.800 Site Specific Alternative Criteria.

(1) through (3) No change.

(4) Additional relief from criteria established by this Chapter may be provided through exemption pursuant to Rule 62-4.243, F.A.C., or variances as provided for by Rule ~~62-110.104~~ ~~62-103.100~~, F.A.C.

(5) No change.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.201, 403.502 FS. History–Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly 17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mike Sole, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE CHAPTER NO.: 63E-6  
 RULE CHAPTER TITLE: Sheriff’s Training And Respect Programs

RULE NOS.:	RULE TITLES:
63E-6.001	Purpose and Scope
63E-6.002	Definitions
63E-6.003	Admission Criteria
63E-6.004	Admission Procedures
63E-6.005	Program Orientation
63E-6.006	Program Components
63E-6.007	Behavior Management
63E-6.008	Operational Inspections
63E-6.009	Program Administration
63E-6.010	Staff Training Requirements
63E-6.011	Youth Release or Transfer

PURPOSE AND EFFECT: The proposed rule implements Section 985.3091, Florida Statutes, governing the operation and administration of sheriff’s training and respect residential commitment programs.

SUMMARY: The proposed rule establishes the standards and requirements governing the operation, staffing, training, treatment components, scope of services, and administration of sheriff’s training and respect programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost 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: 20.316, 985.405, 985.3091 FS.

LAW IMPLEMENTED: 985.3091 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: August 21, 2006, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, phone number (850)921-4116

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-6.001 Purpose and Scope.

The rule establishes pre-admission, operational, training, evaluation and release requirements governing Sheriff's Training and Respect (STAR) programs.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History-New \_\_\_\_\_.

63E-6.002 Definitions.

(1) Alternative Training – authorized physical activities or extra duty assignments, which are imposed by STAR program staff following a youth's misconduct. Alternative training is intended to correct a youth's behavior by imposing minor sanctions.

(2) Critical Life Safety – a condition or conditions in facility buildings and grounds or in the operation of the program that may adversely affect the health or safety of youth and staff.

(3) Direct Care – means direct contact with youth for the purpose of providing care, supervision, custody, or control of youth in the STAR program.

(4) Extenuating Circumstances – a situation or circumstance beyond the control of the program, including but not limited to hurricanes/Acts of God, facility damage or structural problems, and situations involving a youth prior to his or her admission into the program.

(5) Intensive Mental Health Treatment – treatment for:

(a) Youth with a DSM-IV-TR diagnosis of: Schizophrenia or other Psychotic Disorder; Major Depression, Bipolar Disorder or other Mood Disorder; Generalized Anxiety Disorder or other Anxiety Disorder; Personality Disorder; or

(b) Youth classified as Severely Emotionally Disabled (SED) or Emotionally Handicapped (EH) by the school system; or

(c) Youth who have a psychiatric disorder that requires treatment with psychotropic medication; or

(d) Youth who have a psychiatric disorder (other than Conduct Disorder) and serious impairment in functioning as evidenced by a Global Assessment of Functioning (GAF) Scale rating of 50 or below.

(6) Minimum Thresholds – defined as at least a 60 percent performance overall rating in the department's Quality Assurance evaluation system.

(7) Obstacle Course – a strenuous exercise program, which requires youth to overcome a series of barriers and is designed to promote the development of self-confidence and physical endurance.

(8) Physical Training – a series of organized group calisthenics and exercises designed to develop the physical fitness of a youth to an optimum level.

(10) Post-residential Services Counselor – the person supervising the youth's post-commitment probation or conditional release after residential placement.

(11) Program Director – a STAR program staff member who is responsible for all aspects of the STAR program, including, but not limited to, program content, staff supervision, youth treatment and facility security.

(12) Protective Action Response Policy – the departmental policy governing staff's use of verbal and physical intervention techniques, mechanical restraints, prohibition of aerosol and chemical agents, and Tasers.

(13) Suicidal Risk History – means youth with any history of: suicide attempt; suicide gesture; intentional self-injurious behavior; suicide ideation or suicide threats.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History-New \_\_\_\_\_.

63E-6.003 Admission Criteria.

(1) A youth is eligible for the STAR program if:

(a) He or she is at least 14 years of age but less than 18 years of age at the time of adjudication; and

(b) Has been committed to the department for any offense that, if committed by an adult, would be a felony other than a capital felony, a life felony, or a violent felony of the first degree.

(2) All youth referred to the STAR program shall be screened by the department to determine if they have the physical, psychological and substance abuse profile conducive to successfully completing the rigorous physical aspects and intensive behavioral management inherent in a STAR program. The screening shall include:

(a) A comprehensive physical assessment prior to admission conducted by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S. The assessment shall include a resting electrocardiogram (EKG) to screen for baseline arrhythmias. These assessments shall assist in determining the youth's fitness for the physical demands of the program and to

preliminarily screen out those youth whose health problems would prohibit them from engaging in intensive physical exercise as determined by the program's physical exercise curricula. Any youth with abnormal EKGs shall be automatically excluded;

(b) The comprehensive physical assessment and all required tests must be performed no earlier than 45 days prior to admission into the STAR program;

(c) A preadmission comprehensive evaluation with the psychological component conducted by a licensed mental health professional or a Master's level mental health clinical staff person working under the direct supervision of a licensed mental health professional. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than 80 or classification as "Educable Mentally Handicapped" or "Trainable Mentally Handicapped," a need for intensive mental health treatment, or reveals suicidal risk histories, serious substance abuse histories or indicates high-risk suicidal tendencies or history of self-injurious behavior.

(3) Within 24 hours of admission, a preadmission substance abuse screening test must be conducted or ordered by the department, with results of testing reviewed prior to admission to the STAR program.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7)(a) FS. History-New

#### 63E-6.004 Admission Procedures.

(1) Youth will be placed in a STAR program within the judicial circuit where they were adjudicated, or if there is no STAR program in that circuit, they may be placed in the closest judicial circuit that has a STAR program.

(2) Program directors of STAR programs shall coordinate with the department's regional commitment management staff the admissions and release of youth to and from the STAR program.

(3) Prior to a youth being transported to the receiving STAR program, the sending region shall ensure the commitment package is in order and contains all required documents, to include but not be limited to:

(a) Department generated facesheet, including youth demographics;

(b) Current commitment order;

(c) Pre-disposition report;

(d) Summary of commitment conference; and

(e) The youth's individual healthcare record, if it exists from a prior commitment program or detention placement. The following documents shall be included in the individual healthcare record, or in the commitment packet if the individual healthcare record has not been created:

1. Current document indicating parental consent for evaluation and treatment (a signed copy of the department's Authority for Evaluation and Treatment);

2. Comprehensive physical assessment and EKG report;

3. Hard copy immunization records; and

4. Tuberculosis skin test results, unless contraindicated.

(4) The STAR program shall conduct a physical examination and substance abuse screening during admission.

(5) STAR program directors shall ensure that program staff make diligent efforts to notify the parents or guardians within 24 hours of a youth's admission into the program. Attempts to contact the family shall be documented. If contact is not made within 48 hours, the program staff shall request the youth's Juvenile Probation Officer to make the contact. In addition, a letter signed by the program director shall be sent to the parents or guardians within 48 hours of the youth's arrival at the program. The letter shall include a description of the individual program and its special characteristics, including program rules, visiting procedures and telephone procedures.

(6) Committing judges shall be sent a letter within five days of a youth's arrival indicating the youth's admission.

(7) The probation officer and Post-residential Services Counselor shall be notified in writing within five days of a youth's arrival.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7) FS. History-New

#### 63E-6.005 Program Orientation.

(1) The STAR program shall conduct orientation for youth admitted to the program.

(2) The program orientation shall include, but not be limited to the following:

(a) A program daily schedule;

(b) A written, easily understandable statement, and a verbal description of youth rights and grievance procedures, including how to report abuse;

(c) An introduction to the STAR program concept;

(d) Explanation of program rules, disciplinary procedures and consequences, which result from the violation of program rules;

(e) A review of dress code, hygiene and grooming requirements; and

(f) Explanation of sick call procedures and access to health care services, including health care in emergency situations.

(3) Program orientation and receipt of rules shall be documented with signatures of both the youth and staff.

(4) The signed copy of the orientation and rules receipt shall be placed in the youth's file and a copy given to the youth to be kept in his or her possession.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3) FS. History--New \_\_\_\_\_.

#### 63E-6.006 Program Components.

(1) The STAR program shall contain the following program components or services:

(a) Participation in physical training exercises, which are designed to develop optimum physical conditioning of the youth. The physical conditioning may include the use of an obstacle course;

(b) Educational and vocational services, designed to meet youth abilities, specialized needs and interests;

(c) Community service or work assignments of a productive nature;

(d) Personal development counseling, which shall include training in good decision-making, development of social adjustment skills, and life and job skills education. Counseling services shall also be provided to replace criminal thinking, beliefs and values with pro-social thinking, beliefs and values;

(e) Mental health and substance abuse counseling and services shall be provided, including alcohol and other drug abuse awareness, education, treatment or referral to treatment for youth in need of such services; and

(f) Health care services, sick call and acute and chronic medical treatment provided by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S., or a licensed Registered Nurse within the scope of their training and practice.

(2) While the youth is in the program, assessment shall be made for conditional release, providing for the youth's transition back to his or her home community.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (4) FS. History--New \_\_\_\_\_.

#### 63E-6.007 Behavior Management.

(1) The program's behavior management system shall be clear, emphasizing youth rights, encouraging pro-social behaviors and consequences for violations. The behavior management system shall provide a system of privileges and consequences to encourage youth to fulfill programmatic expectations.

(2) The behavior management system shall clearly state the consequences for violation of program rules. The youth shall have an opportunity to explain the questionable behavior for which behavioral consequences are being considered. Consequences shall have a direct correlation to the inappropriate behavior exhibited. It shall be clear to the youth

that the corrective action taken is a logical consequence of his or her behavior. Behavior management consequences are limited to the following:

#### (a) Privilege suspension:

1. Privilege suspension includes denial of the use of the telephone, home visits, recreation or other special activities outside the program and in accordance with the program's written procedures. Withholding of telephone and visitation privileges shall not include depriving a youth access to his or her attorney, law enforcement, a representative of the clergy, the department's Central Communications Center, Department of Children and Families' Abuse Hotline or the Inspector General's Office.

2. Prior to any youth having a privilege suspended, the youth shall have the reason(s) for the suspension explained to him or her.

3. Privilege suspension shall not include the withholding of regular meals, clothing, sleep, health care services, mental health services, toileting facilities, hygiene necessities, school, exercise, correspondence privileges, or legal assistance.

4. All instances of privilege suspension shall be documented in the youth's individual record and in the program logbook, dated and signed by the staff implementing the discipline procedure, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

#### (b) Alternative training:

1. Alternative training measures shall be applied on a consistent basis as a behavior management tool, and shall be proportionate to the importance of the rule violation. Prior to alternative training the youth shall have the reasons for the imposition explained to him or her, and be given an opportunity to explain his or her behavior. The youth's rights shall be protected at all times during alternative training. Alternative training measures shall be documented in the program logbook, dated and signed by implementing staff and subsequently reviewed by supervisory staff on at least a daily basis, and all instances must be documented in the youth's individual record.

2. Any staff member of the STAR program has the authority to implement the following alternative training measures to youth:

#### a. Extra duty assignments:

b. Extra physical exercise limited to no more than 30 minutes. Staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. Anytime a staff member determines that the health or physical safety of a youth has been compromised or is potentially compromised, the staff member shall remove the youth immediately from all physical activities without prior approval from supervisory or health care staff. If the health care staff cannot determine the cause of the pain or discomfort, the youth shall be immediately transported to the emergency room; and

c. Verbal counseling directed at changing the youth's inappropriate behavior.

(c) Program restriction:

1. Program restriction is the loss of the earned privilege of leaving the program grounds for the purpose of participating in community activities except as it would restrict exercise of client rights such as school, religious observance, health and exercise needs.

2. Prior to any youth being placed on program restriction, the youth shall have the reason(s) for the restriction explained to him. The youth shall also be given an opportunity to explain his or her behavior.

3. Program restriction shall not exceed 30 days.

4. All instances of program restriction shall be documented in the program logbook, dated and signed by the staff implementing the restriction, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(d) Room restriction:

1. Room restriction is the restriction of a youth to his or her room or other area designated by the program director to protect the safety of the youth. Room restriction shall be used only when a youth is dangerous to self or others or there is substantial evidence to indicate the youth is about to escape. The use of room restriction shall serve only a "cooling off" purpose and shall not exceed two hours without authorization from licensed medical or mental health professionals. Room restriction shall not exceed a total of four hours at any given time.

2. Prior to a youth being placed on room restriction, the youth shall have the reason(s) for the restriction explained to him or her. The youth shall also be given an opportunity to explain his or her behavior.

3. Meals, clothing, sleep, health care, prescribed medications, mental health services, toileting facilities, hygiene necessities, religious needs, or staff assistance shall not be denied to a youth on room restriction.

4. The staff member placing the youth on room restriction shall document the justification for room restriction.

5. When a youth is placed on room restriction, the staff member shall talk with the youth at least every 30 minutes in order to evaluate the need for continued restriction.

6. Youth on room restriction shall be visually observed (in person) by a staff member at least every 10 minutes.

7. Youth who have been assessed to be at risk of suicide shall be provided with continual sight and sound supervision and shall be referred for a mental health evaluation immediately.

8. Staff observations and contacts with the youth shall be documented in the program logbook, dated, and signed by the staff imposing the restriction, and subsequently reviewed and signed by supervisory staff on at least a daily basis. All instances must be documented in the youth's individual record.

(3) The use of harmful psychological intimidation techniques is prohibited in the STAR program.

(a) For the purpose of this section, the term "harmful psychological intimidation techniques" includes the following actions when intentionally used as a therapeutic or training technique or as a means to encourage compliance with program requirements:

1. The threat of physical force or violence;

2. An intentional effort to humiliate or embarrass a youth;

3. An intentional effort to diminish a youth's self-confidence or otherwise psychologically break a youth's will; or

4. Any action that would be considered child abuse or neglect under Chapter 39 or 827, F.S.

(b) The term "harmful psychological intimidation techniques" does not include the following actions:

1. Direct and forceful communication to a youth of program requirements or legitimate performance expectations prior to or during participation in program activities, including positive, active encouragement of youth engaged in physical training exercises.

2. Communication necessary to inform a youth of noncompliance with program requirements or appropriate actions to remediate such noncompliance.

3. Communication necessary to inform a youth of poor performance or appropriate actions to remediate such poor performance.

4. Communications or other actions necessary to maintain order or safety in the program.

5. Any lawful and reasonable communications that are permissible for parents, other juvenile justice programs, school officials, or other adults who have custody of or supervisory responsibilities for youth.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (7) FS. History—New \_\_\_\_\_.

63E-6.008 Operational Inspections.

(1) All STAR programs, whether operated by the department, county or municipal government, shall be inspected quarterly during the first year of operations by the department to determine operational compliance. Thereafter, if the program has met the minimum thresholds during the most recent evaluation, the program shall be evaluated at least once annually.

(2) If a STAR program fails to meet the minimum thresholds, the department shall cancel the contract for the program:

(a) Immediately, if the program has a deficiency in a critical life safety aspect of its operations or has failed to train its staff as required.

(b) Within three months, if the program fails to achieve compliance with the minimum thresholds, unless there are documented extenuating circumstances.

(3) Upon cancellation of a STAR program contract under the provisions of this section, the program's operations shall immediately cease and the department shall immediately discontinue any state payments to the program.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(8) FS. History--New \_\_\_\_\_.

63E-6.009 Program Administration.

(1) The program's administration shall include, but is not limited to:

(a) Rule and contract compliance:

1. The inspection shall include operational compliance with admission criteria and screening, behavior management sanctions and privileges.

2. A contractual STAR program will comply with the terms and conditions as identified in the contract.

(b) Safety and security:

1. The STAR program shall ensure the safety and security of staff and youth, conduct security inspections and checks, and provide preventive maintenance and control of safety and security equipment.

2. The program shall develop escape prevention and escape response plans.

3. Youth at the program shall be interviewed regarding their safety and security at the program. The interviews shall address availability of services, abuse allegations, grievances, access to treatment services, and overall treatment.

4. Departmental staff shall meet with STAR program directors to review Protective Action Response reports for trends and conditions that would indicate staff are engaging in excessive or inappropriate use of force.

(c) Treatment:

1. The STAR program shall provide youth treatment and activities, youth work assignments, physical training, delivery of specialized treatment services, and youth case management.

2. The program shall provide for visitation and family involvement, correspondence and telephone communications for the youth in the program.

3. The program shall include academic and vocational activities, life and job skills, and appropriate decision making training for the youth.

(d) Behavior management:

1. The program shall implement a behavior management system, which includes consequences, sanctions and privileges for youth.

2. The behavior management system shall not deny a youth meals, clothing, sleep, education, exercise or physical and mental health services.

(e) Medical:

1. The program shall implement access to and the delivery of medical, substance abuse and mental health services and assessments.

2. The program shall have a written suicide prevention and suicide response plan.

3. The program shall have a designated health authority, defined as the physician (M.D. or D.O. licensed pursuant to Chapter 458 or 459, F.S.) who comes on site weekly.

4. The program shall provide for medication storage, medical documentation, medication monitoring and distribution; sick call and medical appointments; "medical and mental health alerts"; management of health and mental health records and information; and control of infectious and communicable diseases.

5. Anytime the health care staff determines that the health or physical safety of a youth has been compromised or is potentially compromised, they shall remove the youth from all physical activities without prior approval from program staff. Staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. Anytime a staff member determines that the health or physical safety of a youth has been compromised or is potentially compromised, the staff member shall remove the youth immediately from all physical activities without prior approval from supervisory or health care staff. If the health care staff cannot determine the cause of the pain or discomfort the youth should be immediately transported to the emergency room.

6. Health care services must be provided daily from 7:00 a.m. to 9:00 p.m. by a Registered Nurse licensed under Chapter 464, F.S. Around-the-clock, on-call access to a medical professional (Physician or ARNP) must be available at all other times.

7. All STAR program staff shall be CPR and First Aid certified.

8. All STAR programs shall have Automated External Defibrillators (AEDs) on site within 12 months of opening and at least one staff person on every shift shall be AED certified.

(f) Administration:

1. The program shall have a written mission statement.

2. The program shall require the prominent display of the telephone number of the statewide abuse hotline and the department's Central Communication Center and for immediate access by youth in the program, upon request, to a telephone for the purpose of contacting the statewide abuse registry, the public defender's office, his or her attorney, or a law enforcement agency.

(2) All usage of PAR must be documented in accordance with Rule 63H-1.007, F.A.C.

(3) All alleged violations of PAR shall be reviewed by the department's Inspector General.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3)-(5), (7), (9) FS. History--New \_\_\_\_\_.

63E-6.010 Staff Training Requirements.

(1) All STAR program staff must complete, at a minimum, the following training requirements within 90 calendar days of that staff person's hiring date:

(a) Administrative staff must successfully complete 120 contact hours of department-approved training.

(b) Direct care staff who are Criminal Justice Standards and Training Commission (CJSTC) certified correctional, correctional probation or law enforcement officers under Chapter 943 will adhere to the requirements of Rule 63H-1.016, F.A.C.

(c) Direct care staff who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in Protective Action Response and to successfully complete 200 contact hours of department approved training, which must include, but not be limited to:

1. State and federal laws relating to child abuse;
2. Adolescent behavior;
3. Behavior management;
4. Mental health issues;
5. Suicide prevention;
6. Health care;
7. Communication skills-interpersonal and verbal de-escalation skills;
8. Human diversity;
9. Cardiopulmonary resuscitation (CPR)/First Aid certification;
10. Safety;
11. Security; and
12. Emergency procedures.

(2) All department approved training courses must be taught by one or more persons who are certified as, or who have completed the necessary education and training to be, an instructor for the course being taught. A training course in counseling techniques must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology or a related field.

(3) Prior to successful completion of these training requirements, a STAR program direct care staff must be directly supervised by a person who has successfully completed the training requirements in this section.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(6), (9) FS. History–New \_\_\_\_\_.

63E-6.011 Youth Release or Transfer.

(1) The program shall notify the department regarding the removal of a youth from the program if the youth becomes unmanageable or ineligible for the program due to changes in his or her physical, psychological or substance abuse profile.

Preliminary notification to the department shall occur immediately if a youth has a change in physical or mental health status that warrants a:

- (a) Referral to a medical specialist;
- (b) Referral offsite for any imaging other than an x-ray;
- (c) Surgical procedures; or
- (d) Involuntary commitment (Baker Act).

(2) Prior to the release or transfer of a youth from the STAR program, the youth:

(a) Must have a physical examination performed by a licensed physician or a licensed and certified Advanced Registered Nurse Practitioner. Any evidence of abuse as defined in Section 39.01(2), F.S., must be documented and immediately reported by the examiner to the statewide abuse registry and the department.

(b) Must sign an exit statement upon transfer from the residential component to the aftercare component indicating whether his or her rights were observed and whether he or she was subjected to any abuse or harmful psychological intimidation techniques. Any allegation by the youth that:

1. He or she was subjected to abuse while in the STAR program must be investigated by the department and the Department of Children and Family Services under Section 39.302, F.S.

2. His or her rights were not observed or that he or she was subjected to harmful psychological intimidation techniques or to violations of the department's Protective Action Response rule must be investigated by the department's Inspector General.

(c) The STAR program shall deliver a copy of each youth's exit statement at the time it is executed to:

1. The department either by facsimile or electronic mail.
2. The statewide abuse registry if it contains any allegation of abuse as defined in Section 39.01(2), F.S.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(7), (10) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Judy Haynes, SMA II, Residential Services Policy Development and Planning Unit, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Chervanik, Assistant Secretary for Residential Services, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Development and Training**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63H-1	Protective Action Response
RULE NOS.:	RULE TITLES:
63H-1.001	Purpose and Scope
63H-1.002	Definitions
63H-1.003	Authorized Levels of Response
63H-1.004	Authorized Techniques
63H-1.005	Authorized Mechanical Restraints
63H-1.006	Supervision of Youth in Mechanical Restraints
63H-1.007	Documentation and Retention of Records
63H-1.008	Medical Requirements for Training
63H-1.009	Certification
63H-1.010	Cross-Over Training
63H-1.011	Rehired Employee Training
63H-1.012	Annual Training Requirement
63H-1.013	Testing Requirements
63H-1.014	Training Instructor Qualifications
63H-1.015	Training Instructor Certification Renewal
63H-1.016	Law Enforcement Operations and Partnerships

**PURPOSE AND EFFECT:** The proposed rule implements Section 985.4055, F.S., establishing protective action response as the authorized verbal and physical intervention program used in department operated and contracted facilities and programs.

**SUMMARY:** The proposed rule establishes the authorized levels of response, intervention techniques, standards governing the use of mechanical restraints, documentation and reporting requirements, and comprehensive training requirements for direct care employees in department operated and contracted facilities and programs.

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

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

**SPECIFIC AUTHORITY:** 20.316, 985.405, 985.4055 FS.

**LAW IMPLEMENTED:** 985.4055 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:** August 21, 2006, 10:00 a.m.

**PLACE:** DJJ Headquarters, Knight Building, Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, phone number (850)921-4116

THE FULL TEXT OF THE PROPOSED RULES IS:

63H-1.001 Purpose and Scope.

This rule establishes a statewide framework to implement procedures governing the use of verbal and physical intervention techniques and mechanical restraints. Protective Action Response (PAR), as authorized by the department, shall be the verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted facilities and programs.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History--New \_\_\_\_\_.

63H-1.002 Definitions.

(1) Active Resistance – Youth makes physically evasive movements to defeat an employee’s attempts to control; for example, bracing, or attempting to push or pull away from an employee.

(2) Actively Engaged – An employee is participating in the practical performance or application of any one of the approved physical intervention techniques or mechanical restraints.

(3) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or probation circuit.

(4) Aggravated Resistance – Youth makes overt, hostile, attacking movements with or without a weapon with the apparent intent and apparent ability to cause death or great bodily harm to the employee, self, or others; for example, striking with a stick, banging head against the wall, or swinging a razor blade.

(5) CJSTC – Criminal Justice Standards and Training Commission.

(6) Combative Resistance – Youth makes overt, hostile, attacking movements that may cause injury; for example, slapping, pushing, or charging.

(7) Control Techniques – Techniques used to control and/or move a youth from point A to point B with minimum effort by the employee in order to gain and retain control over the youth.

(8) Countermoves – Techniques that impede a youth’s movement toward an employee or others; for example, blocking, distracting, evading, redirecting, or avoiding.

(9) Designated Health Authority – This individual is responsible for the provision of necessary and appropriate health care to youth in the physical custody of a secure detention center or residential/correctional facility. An

individual designated health authority shall be a physician (MD) or osteopathic physician (DO) who holds an active license pursuant to Chapter 458 or 459, F.S., respectively, and who meets all requirements to practice independently in the State of Florida.

(10) Dialogue – A two-way, controlled, non-emotional communication between the employee and the youth aimed at problem identification and/or resolution.

(11) Direct Care – Having direct contact with youth for the provision of care, supervision, custody, or control in a detention facility, delinquency program, or commitment program operated by the department or by a provider under contract with the department.

(12) Facility – A contracted or state-operated staff-secure or physically secure environment that provides custody, care, or confinement of youth alleged or found to have committed a violation of law. This includes, but is not limited to, secure detention, law enforcement operated facilities, and residential commitment programs.

(13) Facility Employee – Any employee who exercises direct care in a facility.

(14) Hard Mechanical Restraints – Restraint devices constructed from inflexible material; for example, metal handcuffs, leg cuffs, and waist chains.

(15) Individual Health Care Record – The compilation of all records related to a youth's medical, dental and mental health.

(16) Master PAR Instructor – An advanced, qualified instructor who assists and monitors PAR instructors in maintaining quality delivery of PAR training and evaluation for PAR certification.

(17) Mechanical Restraints – This includes hard and soft mechanical restraints as defined in this rule.

(18) Mechanical Restraints Supervision Log – The form used to document an employee's use of mechanical restraints as a result of a Level 3 response. The Mechanical Restraints Supervision Log (revised 6/01/06) is incorporated by reference, and is available at the department's website ([www.djj.state.fl.us](http://www.djj.state.fl.us)).

(19) PAR Medical Release – The form signed and dated by a licensed physician that authorizes an employee to perform the physical intervention techniques that were checked on the Medical Status form. The PAR Medical Release (revised 8/15/03) is incorporated by reference, and is available at the department's website ([www.djj.state.fl.us](http://www.djj.state.fl.us)).

(20) PAR Medical Status – The form signed and dated by a licensed physician that identifies the physical intervention techniques listed on the applicable PAR Training Plan an employee cannot perform and why. The PAR Medical Status (revised 6/01/06) is incorporated by reference, and is available at the department's website ([www.djj.state.fl.us](http://www.djj.state.fl.us)).

(21) PAR Medical Review – The review deemed necessary as a result of the Post PAR Interview.

(22) Passive Resistance – The youth physically refuses to comply or respond. The youth does not attempt to physically defeat the actions of the employee but refuses to obey all verbal directives.

(23) Post PAR Interview – The interview conducted by the designated health authority or designee following a Level 2 or Level 3 response.

(24) 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 limited to, probation, non-secure detention, home detention, juvenile assessment centers, Intensive Delinquency Diversion Services (IDDS) programs, conditional release programs, screening and intake units, and day treatment programs. This does not include prevention programs.

(25) Program Employee – Any employee who exercises direct care for a program.

(26) PAR – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with this rule, the Protective Action Response Escalation Matrix, and PAR training curricula.

(27) PAR Certification – This applies to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR trained are authorized to use PAR.

(28) PAR Escalation Matrix – The document that provides guidance as to the authorized level of response based upon the youth's level of resistance. The PAR Escalation Matrix (revised 6/01/06) is incorporated by reference, and is available at the department's website ([www.djj.state.fl.us](http://www.djj.state.fl.us)).

(29) PAR Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques. The PAR Incident Report (revised 6/01/06) is incorporated by reference, and is available at the department's website ([www.djj.state.fl.us](http://www.djj.state.fl.us)).

(30) PAR Performance Evaluation Forms – These forms are used to measure an employee's or PAR Instructor's ability to perform verbal and physical intervention techniques and apply mechanical restraints. The following forms are incorporated by reference and are available at the department's website ([www.djj.state.fl.us](http://www.djj.state.fl.us)):

(a) PAR Performance Evaluation – State operated facility/Contracted detention/ and Law Enforcement operated facility staff (revised 6/01/2006).

(b) PAR Performance Evaluation – Contracted facility staff (revised 6/01/2006).

(c) PAR Performance Evaluation – Program staff (revised 8/15/2003).

(d) PAR Performance Evaluation – PAR Instructors (revised 6/01/2006).



(31) PAR Training Plan forms – These forms identify the specific techniques that program and facility employees shall be trained to use. The identified techniques are the only techniques employees are authorized to use (except where provided in Rule 63H-1.003 and .004, F.A.C.). The following forms are incorporated by reference and are available at the department’s website (www.djj.state.fl.us):

(a) PAR Training Plan – State operated facility/Contracted detention/ and Law Enforcement operated facility staff (revised 6/01/2006)

(b) PAR Training Plan – Contracted facility staff (revised 6/01/2006)

(c) PAR Training Plan – Program staff (revised 8/15/2003).

(32) Soft Mechanical Restraints – Restraint devices that are made with flexible materials; for example, Velcro, nylon flex cuffs (also known as zip cuffs), and leather.

(33) Takedowns – Techniques that redirect a youth to the ground in a controlled manner in order to limit the youth’s physical resistance and to facilitate the application of a restraint device, if needed.

(34) Touch – Employee uses a familiar touch when directing, or a custodial touch prior to escalating to a higher response level.

(35) Verbal Directions – Employee tells or commands a youth to engage in, or refrain from, a specific action or non-action.

(36) Verbal Resistance – Youth verbally refuses to comply with an employee’s verbal attempts to control the situation.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New \_\_\_\_\_.

#### 63H-1.003 Authorized Levels of Response.

(1) LEVEL 1 RESPONSE – This level of employee response consists of verbal intervention techniques and shall be utilized in response to all levels of resistance by the youth. Verbal intervention techniques shall be the initial response by an employee to resistance by a youth except where physical intervention techniques are necessary to prevent: physical harm to the youth, employee or another person; property damage; or the youth escaping or absconding from lawful supervision.

(2) LEVEL 2 RESPONSE – In this level of response, verbal attempts to diffuse a youth or situation have been exhausted, and the youth has initiated passive, active, combative, or aggravated resistance. Physical intervention techniques may encompass the use of touch, countermoves, control techniques, or takedowns as described in Rule 63H-1.004, F.A.C.

(3) LEVEL 3 RESPONSE – This level of response involves the use of mechanical restraints. The use of mechanical restraints is authorized in situations where a youth has initiated active, combative, or aggravated resistance, and in

situations where a youth poses a physical threat to self, employees, or others. Rules 63H-1.005-.007, F.A.C., explain the duties and responsibilities of employees when using mechanical restraints. Rule 63H-1.004, F.A.C., describes the authorized mechanical restraint techniques for facility employees.

(4) All responses shall be commensurate with the youth’s level of resistance according to the PAR Escalation Matrix and this rule.

(a) Additionally, responses shall only be used when reasonably necessary to control youth and only after all reasonable alternatives have been exhausted, including verbal persuasion, warnings, and verbal intervention techniques; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior.

(b) Prior authorization for the use of physical intervention techniques and mechanical restraints shall be obtained from the supervisor or acting supervisor unless doing so could result in physical harm to the youth, employee or another person, property damage, or the youth escaping or absconding from lawful supervision.

(c) PAR certified employees shall immediately report the following intervention actions to their immediate supervisor or acting supervisor, and these incidents shall be documented per Rule 63H-1.007, F.A.C.:

1. Level 2 responses including counter moves, control techniques, and takedowns.

2. Level 3 applications of soft or hard mechanical restraints.

(d) In the event a youth is armed with a weapon and there is imminent danger of bodily harm or death, facility and program employees shall immediately request emergency assistance from local law enforcement, and if possible, isolate or contain the youth. Employees certified in CJSTC tactics shall use approved CJSTC tactics to control the youth, and then, if necessary, call for assistance from local law enforcement.

(e) If a youth is in the process of inflicting grave bodily harm, or possible death, upon others or self, facility and program employees shall immediately contact law enforcement. Employees are authorized to use reasonable and necessary means to stabilize the situation even if they fall beyond the scope of PAR. Employees certified in CJSTC tactics shall use approved CJSTC tactics to control the youth, and then if necessary, call for assistance from local law enforcement.

(5) This rule prohibits the use of:

(a) A Taser on a youth;

(b) Aerosol or chemical agents, including but not limited to oleoresin capsicum spray; and

(c) Ammonia capsules, unless required for medical treatment of the youth by a licensed medical professional.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New \_\_\_\_\_.

63H-1.004 Authorized Techniques.

(1) Protective Action Response, as authorized by the department, shall be the verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted facilities and programs.

(2) On or before August 31, 2006, existing contracted facilities shall submit a new PAR Training Plan to the Assistant Secretary of Staff Development and Training or designee through the department’s Regional Director or designee, and thereafter notice of any change to this plan shall be submitted as described above within 30 calendar days of the changes’ effective date. Newly contracted facilities, except contracted detention facilities, shall submit their PAR Training Plan as described above no less than 30 calendar days prior to becoming operational. The PAR Training Plan for contracted facility employees shall specify the following:

(a.) All Stance and Body Movement techniques.

(b) All Countermoves.

(c) At a minimum, one (1) Touch technique.

(d) At a minimum, three (3) Control techniques.

(e) At a minimum, three (3) Takedown techniques.

(f) The following uses of Mechanical Restraints: standing front handcuffing and uncuffing, one (1) rear handcuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall). Other uses of mechanical restraints, if authorized under Rule 63H-1.005, F.A.C., may also be specified.

(g) Searches.

(h) The Wrap Around Control technique, and the Wrap Around to a Takedown technique will not be used on pregnant youth.

(3) Contracted Detention facilities shall comply with the PAR Training Plan for State-Operated/Contracted Detention Facility Employees.

(4) The PAR Training Plan for State-Operated facility employees, Law Enforcement Operated employees, and Contracted Detention employees shall specify the following:

(a) All Stance and Body Movement techniques.

(b) All Countermoves.

(c) Searches.

(d) The Straight Arm Escort – Extended and Close Positions.

(e) All Control techniques, Supportive Hold Control.

(f) All Takedowns, except Wrap-Around to a Single Person Takedown, Wrap-Around to a Team Takedown, and Stages 4 and 5 of Supportive Hold to a Takedown.

(g) Handcuffs and Leg Cuffs.

(h) The Wrap Around Control technique will not be used on pregnant youth.

(5) Direct Care employees in law enforcement operated facilities having been dually certified in the PAR Escalation Matrix, and the CJSTC use of force continuum shall be authorized to use the CJSTC tactics when reasonably necessary to control a youth after the youth exhibits combative physical resistance as defined in this rule or aggressive physical resistance as defined in CJSTC standards, and after PAR Escalation Matrix techniques have been exhausted; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior.

(6) The PAR Training Plan for Program employees shall specify:

(a) All Stance and Body Movement techniques; and

(b) All Countermoves.

(7) PAR certified facility and program employees shall only use the techniques and mechanical restraints that are specified on the applicable PAR Training Plan.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New \_\_\_\_\_.

63H-1.005 Authorized Mechanical Restraints.

(1) The department authorizes the use of only those mechanical restraints addressed in this rule. All mechanical restraints shall be designed and manufactured for the specific purpose of secure transport or restraint.

(a) Authorized mechanical restraints to be used within a facility are as follows: handcuffs, leg restraints, restraint belt, soft restraints, and waist chains.

1. Handcuffs. The availability and versatility of handcuffs make their use practical in most restraint situations. Handcuffs are light, flexible, and easy to apply. Standard handcuffs, used by most law enforcement agencies, are approved for use.

2. Restraint Belt. A restraint belt may be used with handcuffs when added security is needed. The restraint belt is a leather or nylon belt that is secured behind the back of the youth with an independent lock, buckle, or Velcro fastener. The belt is fashioned so that handcuffs secured to the front of the belt provide an alternative to restraining a youth’s hands in the behind-the-back position.

3. Leg restraints. Leg restraints are similar to handcuffs, but usually have a 15-inch chain separating the restraints. Leg restraints are typically used in conjunction with handcuffs to restrict the movement of the feet and legs.

4. Soft restraints. Soft restraints, such as nylon flex cuffs (also known as zip cuffs), or Velcro or leather devices, are authorized for use as an alternative to hard restraints.

5. Waist chains. Waist chains are designed to limit arm movement and keep hands visible at all times by securing them at the youth’s waist. Waist chains are typically used only for transportation. There are two basic types: a nickel plated chain, usually 60 inches long with a sturdy cuff clip to permit quick attachment of handcuffs; or a similar chain with handcuffs permanently attached.

(b) The use of mechanical restraints, and the circumstances surrounding their use, shall be carefully reviewed and regularly monitored by the regional office to ensure compliance with this rule.

(c) Mechanical restraints are authorized for use while transporting youth.

(d) There are two authorized methods to use when handcuffing a youth: hands in front of the youth, and hands behind the youth's back.

(e) All facilities, except low and moderate risk facilities, shall use mechanical restraints to transport youth. Leg restraints and front handcuffing shall be used to transport. The use of handcuffs and leg restraints is not required when transporting youth residing in low and moderate-risk facilities except when a youth has demonstrated that he or she cannot be transported by less restrictive methods, and has been assessed as a security risk.

(f) Prohibited use of mechanical restraints includes the use of neck restraints, the restraint chair, and the securing of youth to a fixed object.

(g) No more than two youth may be chained or handcuffed together.

(h) A youth's legs and hands may be secured together in the front with the use of waist chains or a restraint belt, in which case the length of the chain securing the youth's legs and hands together shall not prohibit the youth from standing in a full upright position. Securing a youth's legs and hands together behind the youth's back is prohibited.

(i) If handcuffs are used on pregnant youth, they shall be cuffed in front. Leg restraints, waist chains, and the restraint belt shall not be used on pregnant youth.

(k) Except as provided herein, during transports all violent and escape risk youth shall be handcuffed with their hands in front with the use of a restraint belt or waist chains; or the hands shall be cuffed behind the back.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History—New \_\_\_\_\_.

#### 63H-1.006 Supervision of Youth in Mechanical Restraints.

(1) Youth secured in mechanical restraints pursuant to Rule 63H-1.003, F.A.C., shall be supervised in accordance with this section.

(2) At no time will a youth be left without constant, full, and direct visual supervision by an employee. The youth shall not be placed in an upper bunk or in any position that does not permit constant, full, and direct visual supervision. Youth shall not be stripped of their clothing.

(3) Employees responsible for providing constant, full, and direct visual supervision shall have physical possession of the key to unlock the mechanical restraints.

(4) While a youth is placed in mechanical restraints, employees shall:

(a) Employ verbal intervention techniques designed to de-escalate the need for mechanical restraints.

(b) Continually monitor the youth's level of resistance, aggressiveness, and willingness to comply with instructions to determine whether removal of restraints is safe and advisable.

(c) Conduct breathing and circulation checks at ten-minute intervals. These ten- minute checks shall be documented on the Mechanical Restraints Supervision Log.

(5) If a restrained youth continues to exhibit negative, hostile, and/or aggressive behavior so that removal of mechanical restraints is unsafe, the supervisor or acting supervisor shall interview the youth and decide if it is safe to remove the mechanical restraints. This interview shall occur no more than 30 minutes after the youth is placed in restraints. If it is decided that it is unsafe to remove the restraints, the supervisor or acting supervisor shall document the decision on the Mechanical Restraints Supervision Log. If authorization is obtained from the Superintendent, Residential Program Director, or designee to continue the use of restraints, another interview shall occur no more than one (1) hour after the previous interview. Each time the decision is made that it is unsafe to remove the restraints, the decision shall be documented as described above.

#### (6) Authorization Requirements:

(a) A youth may remain in mechanical restraints up to 60 minutes with the supervisor's or acting supervisor's authorization.

(b) In order to keep the youth in mechanical restraints for 60 to 120 minutes, the supervisor or acting supervisor shall obtain authorization from the Superintendent, Residential Program Director, or designee who shall first consult with a licensed medical and/or mental health professional before authorizing additional time. This authorization shall be obtained within the initial 60-minute timeframe. This consultation and authorization shall be documented on the Mechanical Restraints Supervision Log by specifying the name of the professional who was consulted, the time contacted, and the amount of time authorized.

(c) In order to keep the youth in mechanical restraints beyond 120 minutes, the same procedures apply as described in paragraph (b) above for each subsequent 60-minute timeframe.

(7) If at any point during the restraint it is determined that transportation to an appropriate treatment center is necessary, the supervisor or acting supervisor shall request verbal authorization from the Superintendent, Residential Program Director, or designee to initiate procedures to transport the youth. This verbal authorization and the time the authorization was received shall be documented on the Mechanical Restraints Supervision Log. The licensed medical or mental health professional may come to the facility or the youth may be transported to an appropriate treatment center.

(8) If a youth is being transported to a mental health facility, the facility shall be telephoned in advance that the youth is being transported.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New \_\_\_\_\_.

63H-1.007 Documentation and Retention of Records.

(1) Documentation:

(a) A PAR Report shall be completed after an incident involving the use of countermoves, control techniques, takedowns, or application of mechanical restraints.

(b) The employees who were engaged with the youth shall complete the PAR Report and shall complete it no later than the end of the employee’s workday.

(c) When mechanical restraints are used, the Mechanical Restraints Supervision Log shall be completed.

(d) All reports of incidents in which employees are trained in the use of CJSTC techniques that utilize PAR or CJSTC techniques shall be completed according to the facility’s reporting documentation procedures.

(2) Review and Retention of Records:

(a) The PAR Report shall be reviewed by the administrator or designee within 72-hours of the incident, excluding weekends and holidays.

(b) Post PAR Interview: The designated health authority or administrator’s designee shall interview the youth. The purpose of the interview is to determine whether obvious injuries occurred, if the youth complains of pain, or if the youth exhibits signs or symptoms that to a lay person indicate a PAR Medical Review is necessary. This interview must be conducted as soon as possible after the incident. The findings of the interview shall be placed in the youth’s individual health care record, and labeled “Post PAR Interview” and shall be dated, timed, and signed by the individual conducting the interview. This individual shall also sign and date the PAR Report.

(c) PAR Medical Review:

1. If the Post PAR Interview indicates the need for a PAR Medical Review the youth shall be referred to a certified medical health professional

2. The purpose of the Medical Review is to determine, from a medical perspective, if injuries or complications occurred as a result of the physical intervention or application of mechanical restraints, and if the youth requires medical treatment.

3. Descriptions of injuries or complications and medical treatment provided shall be filed in the youth’s individual health care record.

4. If an onsite review is conducted, the documentation shall be labeled, “PAR Medical Review,” and it shall conform to professional standards. If an offsite review is conducted, the youth’s individual health care record and medication administration record shall accompany the youth to the review.

Prior to placing the documentation in the individual health care record, the top of each page returned by the reviewer shall be dated and labeled, with “PAR Medical Review.”

(d) The Post PAR Interview and the PAR Medical Review shall occur after the supervisor or acting supervisor has reviewed the PAR Report and prior to the report being submitted to the Administrator or designee.

(e) The Administrator shall establish and maintain a centralized file, which shall include:

1. PAR Incident Reports, and attachments to the PAR Incident Report.

2. Any other incident reports or investigative reports related to the application of physical intervention techniques and/or mechanical restraints.

3. A copy of the PAR Report shall be placed in the facility’s or program’s centralized file within 48 hours of being signed by the Administrator.

(f) Facilities/Programs shall retain a copy of the PAR Incident Report for three (3) years following the youth’s release.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New \_\_\_\_\_.

63H-1.008 Medical Requirements for Training.

(1) The following provisions apply to the Medical Status form:

(a) If an employee believes a medical condition exists that will prohibit performance of one or more physical intervention techniques, the employee shall submit the Medical Status form attached to this rule to his or her licensed physician for completion. The physician shall specify the date by which he or she anticipates that the employee will be able to perform the techniques, or shall specify that the employee is permanently unable to perform the techniques. If the employee is permanently unable to perform the techniques, he or she will no longer be eligible to work in a direct care position.

(b) The employee’s physician shall be provided with a description or a video of the techniques by the employee’s facility, program or circuit office.

(c) Upon completion by the physician, the employee shall submit the Medical Status form to the Administrator. The Administrator shall review the form on a case-by-case basis. The Administrator shall have the authority to take necessary and appropriate personnel action based upon his or her review of the form or if the Medical Status form is not submitted within 45 calendar days.

(d) It shall be within the Administrator’s discretion as to whether the employee is eligible to attend a PAR training course or sit for the PAR written examination. However, the employee shall not practice or be evaluated on the physical intervention techniques until a Medical Release form is

obtained. If the employee is registered for a PAR training course, the sending facility/program shall notify the PAR Instructor that the employee is on Medical Status.

(2) Upon expiration of the date specified on the Medical Status form or when an employee is able to perform the specified physical intervention techniques, whichever is earlier, the employee shall submit the Medical Release form attached to this rule to his or her licensed physician for completion. Upon completion by the physician, the employee shall submit the Medical Release form within 10 working days. If a sending facility/program has an employee who previously attended a PAR training course and who was on Medical Status, the facility/program shall notify the PAR Instructor that the employee has been issued a Medical Release and is eligible to practice and be evaluated on the physical intervention techniques.

(3) Medical Status and Medical Release forms, or copies thereof, are confidential records and shall be maintained in accordance with state Personnel rules, or if a contracted facility or program, in accordance with the organization's applicable policy. The Medical Status and Medical Release forms shall not be submitted to the PAR Instructor.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New

#### 63H-1.009 Certification.

(1) Any employee not PAR Certified prior to 7/01/2006 shall be required to become PAR certified by 9/30/2006.

(2) Any employee hired on or after 7/01/2006, must become PAR certified within 90 calendar days following his or her date of hire.

(3) Any employee who exercises direct care prior to receiving PAR certification must be directly supervised by an employee who is PAR certified.

(4) Employees shall be PAR certified by successfully completing the PAR training designed for facility or program employees, whichever is applicable. Successful completion requires:

(a) Attendance and participation in the training hours specified in the employee's PAR curriculum. Employees shall participate in the performance of all physical intervention techniques and mechanical restraints being taught during the training session.

(b) A minimum score of seventy-five percent (75%) on the PAR written examination.

(c) One-hundred percent (100%) satisfactory performance of the techniques specified on the applicable PAR Performance Evaluation form.

(5) To ensure that all employees are properly observed, are able to receive constructive feedback, and are properly evaluated, the instructor to employee ratio, for employees who are actively engaged, shall be no more than 1:8 during the

performance-based segment of a PAR training session. There is no required ratio during the non performance-based segment of a PAR training session.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b), (e) FS. History--New

#### 63H-1.010 Cross-Over Training.

(1) A PAR certified employee who crosses over from a program position to a facility position, or vice versa, shall successfully complete all objectives of the PAR certification curriculum applicable to his or her new position which are not duplicative of the PAR certification objectives previously completed by the employee. Such completion must occur within 90 calendar days following the employee's cross-over date. The department shall determine the training and testing required for each cross-over situation.

(2) When a state-operated or contracted facility hires a PAR certified facility employee who was trained under a different PAR Training Plan, a PAR Instructor shall train the employee, and evaluate the employee's performance on any techniques that the employee has not been trained to perform. The employee is not required to re-take the written PAR examination. The PAR Instructor shall use the PAR Performance Evaluation for facility employees. If the employee is unable to perform the new techniques, even after reasonable remediation, the employee shall not be considered PAR certified for purpose of his or her employment in the new facility or program.

(3) When a PAR Performance Evaluation is completed for PAR certification or PAR Instructor certification, a copy shall be provided to the exam administrator at the written examination site. For PAR Train-the-Trainer courses, a copy of the PAR Instructor Skills Evaluation form shall also be provided to the exam administrator.

(a) If the PAR Performance Evaluation or PAR Instructor Skills Evaluation forms cannot be completed prior to the written examination, it shall be submitted to the Assistant Secretary of Staff Development and Training as soon as possible after completion.

(b) The PAR Performance Evaluation shall be submitted for everyone regardless of whether they passed or failed the evaluation or have a Medical Status form.

(4) CJSTC certified employees are governed by Rule 63H-1.016, F.A.C.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New

#### 63H-1.011 Rehired Employee Training.

(1) Employees who resign from their employment with the department or contracted facility or program and are subsequently re-hired shall have their PAR certification reinstated by successfully completing PAR training for facility or program employees, whichever is applicable. This

paragraph is applicable only if the employee has failed to timely and successfully complete the annual in-service training requirement addressed in this section prior to terminating employment.

(a) If an employee is rehired within 12 calendar months of termination and has successfully completed the annual in-service requirements, the employee's PAR Certification is current.

(b) If an employee is rehired after 12 calendar months of termination, the employee must satisfy the following requirements:

1. Attend a minimum of 8 hours of remedial training, and
2. Obtain 100% satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History—New \_\_\_\_\_.

#### 63H-1.012 Annual Training Requirement.

(1) Program employees shall complete a minimum of four (4) hours of annual in-service training. Facility employees shall complete a minimum of eight (8) hours.

(2) The annual in-service training shall include, at a minimum, the following:

(a) A review of this rule, including revisions, and other facility or program PAR administrative procedures.

(b) Instructions on how and when to properly complete the PAR Report.

(c) Practice of all physical intervention techniques checked on the applicable PAR Training Plan and, at a minimum, practice in the use of all mechanical restraints authorized by the facility's PAR Training Plan.

(3) Successful completion of the annual in-service training requires 100 percent attendance and participation in the training program. The training hours do not have to be consecutive. If a facility or program employee fails to successfully complete this annual in-service training within twelve (12) months of their last PAR Training, they will no longer be authorized to use Level 2 or Level 3 Responses, and must attend a minimum of 8 hours of remedial training, to include 100 percent satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History—New \_\_\_\_\_.

#### 63H-1.013 Testing Requirements.

(1) If a candidate fails the PAR written examination, they are only required to attend the remedial classroom training.

(2) PAR Instructors shall conduct a practical examination utilizing the applicable PAR Performance Evaluation to evaluate a facility or program employee's ability to perform

verbal intervention techniques and the physical intervention techniques and mechanical restraints that are specified on the PAR Training Plan.

(a) If a PAR Instructor candidate or facility or program employee fails the PAR Performance Evaluation, the PAR Instructor candidate or employee is considered to only have failed the performance evaluation. Therefore, when remedial training is provided, the PAR Instructor candidate or employee is only required to attend the performance-based segment of the training.

(b) Test candidates shall have no more than three (3) attempts to pass the written exam. Accommodations based upon the Americans with Disabilities Act will be made as necessary.

(c) Test candidates shall adhere to the following schedule for second and third attempts to pass the written exam:

1. The second attempt shall occur no less than 3 calendar days after and no more than 45 calendar days after the first attempt.

2. The third attempt shall occur no less than 21 calendar days after and no more than 45 calendar days after the second attempt.

(3) For annual in-service training, use of the PAR Performance Evaluation is not required.

(4) One PAR Performance Evaluation form shall be used for each attempt that a facility or program employee makes to pass the performance evaluation. The term, "attempt," is described below.

(a) ATTEMPT 1: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's first attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 1 shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques.

(b) ATTEMPT 2: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employees on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's second attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 2 shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques.

(c) ATTEMPT 3: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's third attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee is considered to have failed his or her third attempt. An employee who fails four (4) or more techniques on Attempt 3 shall not have an opportunity to receive remediation and is considered to have failed his or her third attempt.

(5) Program employees shall be evaluated, using the PAR Performance Evaluation for Program employees, on all physical intervention techniques that are specified in the PAR Training Plan for Program employees.

(6) State-Operated facility employees, Law Enforcement operated employees and contracted detention facility employees shall be evaluated, using the PAR Performance Evaluation for State-Operated facility employees/Law enforcement operated employees/Contracted Detention Facility employees, on various physical intervention techniques specified on the PAR Training Plan for State-Operated facility employees/Contracted Detention Facility employees, using the following guidelines:

(a) All Stance and Body Movement techniques;

(b) All Countermoves;

(c) The Straight Arm Escort – Extended and Close Positions;

(d) Three (3) Control techniques, as selected by the employee;

(e) Three (3) Takedown techniques, as selected by the employee;

(f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include front handcuffing and uncuffing, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

(7) Contracted facility employees, shall be evaluated using the PAR Performance Evaluation for Contracted Facility employees, on various physical intervention techniques specified on the employee's PAR Training Plan for Contracted Facility employees, using the following guidelines:

(a) All Stance and Body Movement techniques;

(b) All Countermoves;

(c) One (1) Touch technique, as selected by the employee;

(d) Three (3) Control techniques, as selected by the employee;

(e) Three (3) Takedown techniques, as selected by the employee;

(f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include one (1) front handcuffing and uncuffing technique, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History–New \_\_\_\_\_.

63H-1.014 Training Instructor Qualifications.

(1) PAR Instructor Candidate requirements:

(a) One year of experience, working full time, in the juvenile justice or related field;

(b) PAR certification;

(c) Criminal Justice Standards & Training Commission Instructor Techniques Workshop (ITW) certified; and

(d) Successful completion of the PAR Train-the-Trainer course. An instructor candidate shall be allowed to attend a PAR Train-the-Trainer course only if he or she has achieved the requirements in paragraphs (a), (b), and (c).

(e) PAR Instructor candidates shall demonstrate proficiency for all physical intervention techniques and mechanical restraints listed on the PAR Instructor Performance Evaluation form. In addition, the Instructor candidate must demonstrate the ability to verbally communicate how the techniques are to be performed. The demonstration shall be evaluated by one Master PAR Instructor and one PAR Instructor.

(f) Satisfactory demonstration of presentation skills using the PAR Instructor Skills Evaluation form. The PAR Instructor Skills Evaluation form (revised 6/01/06) is incorporated by reference, and is available at the department's website (<http://www.djj.state.fl.us>).

(3) A score of 85 percent or higher on the PAR written examination. The instructor candidate shall have two attempts to pass the examination.

(4) One PAR Performance Evaluation for PAR Instructors form shall be used for each attempt that the instructor candidate makes to pass the performance evaluation. The instructor candidate shall have two attempts to pass the evaluation.

(a) If remediation is required, the Master PAR Instructor shall have the discretion to determine whether remediation will be conducted on-site or at a future date. If remediation occurs at a future date, the instructor candidate shall be evaluated, at the second attempt, on all techniques initially evaluated.

(b) If the instructor candidate fails the second attempt, he or she shall not be certified as a PAR Instructor. However, this candidate is eligible to attend the PAR Train-the-Trainer course again, provided all other criteria for becoming a PAR Instructor remain current.

(5) Demonstrations of the physical intervention techniques and presentation skills shall be videotaped. The videotapes shall be submitted to the Assistant Secretary for Staff Development and Training within thirty (30) working days after completion of the evaluations.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History–New \_\_\_\_\_.

63H-1.015 Training Instructor Certification Renewal.

(1) PAR instructors must conduct 20 hours of PAR training annually to maintain certification. Failure to meet this requirement will necessitate remedial training conducted by a Master PAR instructor.

(2) Instructors must attend and participate in a 16-hour in-service training program once every four years as conducted by a Master PAR Instructor to include a review of this rule and demonstration of the physical intervention techniques.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History–New \_\_\_\_\_.

63H-1.016 Law Enforcement Operations and Partnerships.

(1) All Law Enforcement/Correction/Detention employees must complete, at a minimum, the following training requirements within 90 calendar days of either the employee’s hire date or the effective date of this rule, whichever is later:

(a) Direct care employees who are certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to successfully complete PAR crossover training for law enforcement personnel. Successful completion requires:

1. Attendance and participation in a minimum of twenty (20) hours of PAR Training.
2. A minimum score of seventy-five percent (75%) on the written examination.
3. One-hundred percent (100%) satisfactory performance on the techniques specified on the applicable PAR Performance Evaluation form.

(b) Direct care employees who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in PAR.

(2) CJSTC certified employees and non-CJSTC certified employees shall adhere to the annual training requirements set forth in Rule 63H-1.012, F.A.C., for facility employees.

(4) All Law Enforcement operated facilities or programs shall submit a PAR Training Plan in accordance with Rule 63H-1.004, F.A.C.

(5) Facilities or programs that are required to have PAR certified employees must certify employees within the timeframes set forth herein.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(d) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCaffrey, Advanced and Specialized Training, Bureau of Staff Development and Training, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eber Brown, Assistant Secretary for Staff Development and Training, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-9.005  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: Repeal Rule 64B1-9.005, F.A.C.

SUMMARY: Repealing a redundant and outdated rule.

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

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

SPECIFIC AUTHORITY: 456.072, 457.104, 457.109, 457.116(1)(b) FS.

LAW IMPLEMENTED: 456.072, 457.109, 457.116(1)(b) 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.005 Definitions.

Specific Authority 456.072, 457.104, 457.109, 457.116(1)(b) FS. Law Implemented 456.072, 457.109, 457.116(1)(b) FS. History–New 10-15-91, Formerly 21VV-3.002, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2006



**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.011  
RULE TITLE: Requirements to be a Qualified Practitioner for completing Risk Assessments and Treatment of Sexual Offenders

PURPOSE AND EFFECT: The Board proposes the development of rules to address the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SUMMARY: Rules to address the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders are established.

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

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

SPECIFIC AUTHORITY: 947.005(9), 948.001(6), 459.005 FS.

LAW IMPLEMENTED: 947.005, 948.30 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.011 Requirements to be a Qualified Practitioner for completing Risk Assessments and Treatment of Sexual Offenders.

(1) In order to be a qualified practitioner for completing risk assessments for sexual offenders, one must hold an active license under Chapter 459, Florida Statutes, and be specialty board certified or board eligible in psychiatry.

(2) A qualified practitioner under this rule shall possess 55 hours of education from an accredited medical training program or AMA, AOA or ACGME programs, completed 5 years prior to approval as a qualified treatment provider in the following core areas:

- (a) Etiology of sexual deviance;
- (b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific bases;
- (c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders (i.e. female & developmentally delayed)

- (d) Sexual offenders and relevant DSM-IV diagnosis;
- (e) Safety planning/Family Safety planning;
- (f) Report writing;
- (g) Legal and ethical issues in the evaluation and treatment of sexual offenders;
- (i) Collateral sources;
- (i) Co-morbidity and substance abuse issues
- (j) Relapse prevention;
- (3) Possess 500 hours in the evaluation and treatment of sexual offenders
- (4) A qualified practitioner under this rule must complete 20 hours of biennial continuing education in the assessment, evaluation and treatment of sexual offenders; relapse prevention, experience and training in working with victims; and related legal and ethical issues.

Specific Authority 947.005(9), 948.001(6), 459.005 FS. Law Implemented 947.005, 948.30 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.001  
RULE TITLE: Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the scores required for passing the reading comprehension and listening comprehension components of the Test of English as a Foreign Language (TOEFL).

SUMMARY: The scores required for passing the reading comprehension and listening comprehension components of the Test of English as a Foreign Language will be changed.

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

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

SPECIFIC AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4) No change.
- (5) Has attained and submitted to the Board the following:
  - (a) through (c) No change.
  - (d) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidence by a minimum total score of 89 of the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 ~~18~~ in reading comprehension; and 18 ~~24~~ in listening comprehension.
  - (e) through (f) No change.

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-4.001                      RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the scores required for passing the reading comprehension and listening comprehension components of the Test of English as a Foreign Language (TOEFL).

SUMMARY: The scores required for passing the reading comprehension and listening comprehension components of the Test of English as a Foreign Language will be changed.

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

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

SPECIFIC AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4) No change.
- (5) Has attained and submitted to the Board the following:
  - (a) No change.
  - (b) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidence by a minimum total score of 89 of the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 ~~18~~ in reading comprehension; and 18 ~~24~~ in listening comprehension.
  - (c) through (d) No change.

Specific Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03, 4-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-12.011      RULE TITLE: Assessment Fees

PURPOSE AND EFFECT: The Board proposes the new rule to establish and clarify the one time assessment fee on all podiatric physicians.

SUMMARY: The new rule is to establish and clarify the one time assessment fee on all Podiatric physicians.

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

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

SPECIFIC AUTHORITY: 456.025(5), 461.005 FS.

LAW IMPLEMENTED: 456.025, 461.005 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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-12.011 Assessment Fees.

In order to maintain fiscal integrity, the Board is assessing a one time assessment fee on all podiatric physicians of \$375.00, payable by March 31, 2007.

Specific Authority 456.025(5), 461.005 FS. Law Implemented 456.025, 461.005 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.002      RULE TITLE: Penalties

PURPOSE AND EFFECT: The Board proposes to add language clarifying penalties for termination from impaired practitioner treatment program and for failure to comply with a lawful order of Board suspension.

SUMMARY: The proposed rule amendment is to add language clarifying penalties for termination from impaired practitioner treatment programs and for failure to comply with a lawful order of Board suspension.

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

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

SPECIFIC AUTHORITY: 456.072, 456.072(1),(qq), 456.073(3), 456.079, 461.003, 461.005, 461.012, 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, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.002 Penalties

(1) through (2)(qq) No change.

(ss) Termination from impaired practitioner treatment program. The Board shall impose a penalty of suspension until individual proves ability to practice with reasonable skill and safety.

(tt) Failure to comply with a lawful order of the Board. The Board shall impose a penalty of suspension until compliance and payment of fine from \$500.00 to \$1,000.00.

Specific Authority 456.072, 456.072(1)(qq), 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,\_\_\_\_\_.

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: March 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.:                    RULE TITLE:

64B18-14.010               Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language clarifying citations for failure to pay the one time assessment fee.

SUMMARY: The proposed rule amendment is to add language clarifying citations for failure to pay the one time assessment fee.

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

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

SPECIFIC AUTHORITY: 456.077, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.077, 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, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.010 Citations.

(1) through(3)(j) No change.

Violations	Penalties
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(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.
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(4) through (5) No change.

Specific Authority 456.077, 461.005 FS. Law Implemented 456.057, 456.077, 461.012, 461.013 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, \_\_\_\_\_.

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: March 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.:                    RULE TITLE:

64B18-17.005               Continuing Education Requirements After Initial Licensure

PURPOSE AND EFFECT: The Board proposes the new rule to clarify the requirements for continuing education in the area of Risk Management after initial licensure.

SUMMARY: The proposed new rule is to clarify the requirements for continuing education in the area of Risk Management after initial licensure.

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

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

SPECIFIC AUTHORITY: 465.013, 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 465.013, 461.005, 461.007(3) 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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.005 Continuing Education Requirements After Initial Licensure.

During the first biennium after initial licensure, practitioners are required to obtain five hours of continuing education in the subject area of risk management by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted.

Specific Authority 465.013, 456.033, 461.005, 461.007(3) FS. Law Implemented 465.013, 461.005, 461.007(3) FS. History–New \_\_\_\_\_.

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: March 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-9.006  
 RULE TITLE: Recordkeeping and Retention  
 PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standards for Recordkeeping and Retention.  
 SUMMARY: The Board proposed a rule to define and specify the appropriate standards for Recordkeeping and Retention.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.1135(4), 468.1225(1), (2), (3), (4), (5), (6), (7), 468.1245 (1), (2), (3), 468.1246 FS.

LAW IMPLEMENTED: 468.1135, 468.1225, 468.1245, 468.1246 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: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-9.006 Recordkeeping and Retention.

(1) Speech-Language Pathologists. Each licensee who provides speech-language pathology services, as set forth in Section 468.1125(7), F.S., to individuals or groups, shall create and maintain, for a period of 4 years, records and documentation of:

- (a) Each individual to whom services were provided;
- (b) If a group, the names of the individuals in the group to whom services were provided;
- (c) A list of the specific services provided; and
- (d) The date that the specific services were provided.

(2) Audiologists.

(a) Each licensee who provides audiology services, as set forth in Section 468.1125(6), F.S., other than the fitting or selling of a hearing aid, to individuals or groups, shall create and maintain, for a period of 4 years, records and documentation of:

- 1. Each individual to whom services were provided;
- 2. If a group, the names of the individuals in the group to whom services were provided;
- 3. A list of the specific services provided; and
- 4. The date that the specific services were provided.

(b) Each licensee who fits and sells a hearing aid shall create and maintain, for a period of 4 years, records and documentation of:

- 1. Any pure tone audiometric testing conducted by air or bone;
- 2. Any testing to determine speech reception thresholds, speech discrimination, and listening and loudness levels;
- 3. The medical clearance or waiver of medical clearance required by Section 468.1225(4), F.S.;
- 4. When applicable, the waiver required by Section 468.1225(6), F.S., for audiometric testing not conducted in a certified testing room;
- 5. The receipt for the sale of hearing aids required by Section 468.1245(2), F.S.; and
- 6. Notification to the buyer of written notice of the 30-day trial period and money-back guarantee required by Section 468.1246, F.S.

Specific Authority 468.1135(4), 468.1225(1), (2), (3), (4), (5), (6), (7), 468.1245(1), (2), (3), 468.1246 FS. Law Implemented 468.1135, 468.1225, 468.1245, 468.1246 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech- Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June16, 2006

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-5.004  
 RULE TITLE: Retired Status License  
 PURPOSE AND EFFECT: To update the rule.

SUMMARY: This rule amendment corrects the spelling of license and eliminates the requirement that to reactivate a license after 5 years the person must pass an examination.

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

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

SPECIFIC AUTHORITY: 456.036(15), 467.005 FS.

LAW IMPLEMENTED: 456.036(2), (4), (8), (12) 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: Pamela King, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-5.004 Retired Status License.

- (1) No change.
- (2) A licensee may reactivate a retired status license by:
  - (a) Paying the renewal fee for an active status ~~license~~ licensee for each biennial licensure period in which the licensee was in retired status and the reactivation fee as established in Rule Chapter 64B24-3, F.A.C.;
  - (b) No change.
  - (3) For a license in retired status over five years, the licensee also must:
    - (a) ~~Retake and pass the examination designated in Rule 64B24-2.003, F.A.C.;~~
    - (b) through (c) renumbered (a) through (b) No change.

Specific Authority 456.036(15), 467.005 FS. Law Implemented 456.036(2), (4), (8), (12) FS. History--New 5-4-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2006

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-4.002  
 RULE TITLE: Reactivation of Retired Status License

PURPOSE AND EFFECT: The Board proposes the new rule to provide language for reactivation of retired status licenses.

SUMMARY: The proposed rule will provide language for reactivation of retired status licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimate Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.025(1), 456.036(7), (9), 456.065, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 456.025(1), 456.036, 456.065, 468.364 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of license, in order to ensure that he or she has the sufficient skills to re-enter the profession.

(e) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any curriculum topic required by the Commission on Accreditation for Respiratory Care (COARC).

Specific Authority 456.036(7), (9), 468.353(1) FS. Law Implemented 456.036(7), (9) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 7, 2006  
DATE NOTICED OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 17, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-4.201                      RULE TITLE:  
Hardship Extensions and Exemptions  
to Cash Assistance Time Limit

PURPOSE AND EFFECT: This rule amendment will provide clarification of the hearing rights for individuals who have been denied a hardship extension or exemption to the 48-month lifetime limit on the receipt of Temporary Cash Assistance (TCA). The time frame to provide for the continuation or reinstatement of benefits during the appeal process will be aligned with federal regulations in 45 CFR 205.10.

SUMMARY: The proposed rule amendment clarifies the timeframe for requesting the continuation or reinstatement of TCA benefits during the appeal process for an individual who has been denied a hardship extension or exemption to the 48-month lifetime limit on receipt of TCA. The rule amendment provides for the continuation or reinstatement of TCA benefits, in accordance with 45 CFR 205.10, if the request for a hearing is filed within 10 days of the mailing date on the notice of adverse action.

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

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105 FS.

IF REQUESTED IN WRITING 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: August 31, 2006, 1:30 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Economic Self-Sufficiency, 1317 Winewood Boulevard, Bldg. 3, Room 414, Tallahassee, Florida 32399-0700, telephone (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.201 Hardship Extensions and Exemptions to Cash Assistance Time Limit.

(1) through (10) No change.

(11) Hearing rights. Participants whose cash assistance is terminated because they have reached their lifetime limit and have been denied a hardship extension or exemption may request a fair hearing in accordance with Chapter 65-2, F.A.C., Part IV, Hearings and 45 CFR 205.10. Cash assistance may be continued or reinstated, in accordance with 45 CFR 205.10, when the request for a hearing is received within 10 calendar days from the mailing date of the notice of adverse case action. The assistance group must repay cash assistance if the hearing decision is in favor of the department.

(12) No change.

Specific Authority 414.45 FS. Law Implemented 414.105, FS. History--New 9-28-98, Amended 5-27-01, 2-22-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lonna Cichon, Government Operations Consultant II  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Jennifer Lange  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 7, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 10, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-10.001	Definitions
65C-10.002	Reports of Child Abuse and Neglect
65C-10.003	Child Protective Investigations
65C-10.004	Medical Screening and Medical Examination of Children Alleged to be Abuse or Neglected
65C-10.005	Institutional Child Protective Investigations
65C-10.006	Criminal and Abuse History Checks

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

SUMMARY: This rule will be replaced with proposed Rule Chapter 65C-29, Protective Investigations.

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

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

SPECIFIC AUTHORITY: 415.514, 39.012, 39.0121 FS.  
 LAW IMPLEMENTED: 415.502, 415.503, 415.504, 415.505, 415.5055, 415.507, 415.509, 39.01, 39.012, 39.401, 39.402, 39.407 FS.

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

DATE AND TIME: Friday, August 18, 2006, 2:30 p.m. – 3:00 p.m.

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Leon, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)488-8762

THE FULL TEXT OF THE PROPOSED RULES IS:

**65C-10.001 Definitions.**

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

**65C-10.002 Reports of Child Abuse and Neglect.**

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

**65C-10.003 Child Protective Investigations.**

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

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

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

**65C-10.005 Institutional Child Protective Investigations.**

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

**65C-10.006 Criminal and Abuse History Checks.**

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Badland

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Englander

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65C-11.001	Definitions
65C-11.002	Ongoing Assessment and Documentation Requirements
65C-11.003	Relative Placements
65C-11.004	Non-relative Placements
65C-11.005	Termination of Supervision

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

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

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

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

SPECIFIC AUTHORITY: 39.012, 39.0121, 409.026(8), 415.514 FS.

LAW IMPLEMENTED: 39.01, 39.401(3)(a), 39.403(2), 39.409(2), 39.41(1)(a)1., 2., 3., 7., (8), 39.441(2), 39.442(a)1., 409.145(1),(2), 409.175(9), (10), 415.503, 415.504, 415.505(1)(f), 827.04 FS.

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

DATE AND TIME: Friday, August 18, 2006, 10:30 a.m. – 11:00 a.m.

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL  
 THE PERSON TO BE CONTACTED REGARDING TO THE PROPOSED RULES IS: Linda Johns, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)414-9982

THE FULL TEXT OF THE PROPOSED RULES IS:

**65C-11.001 Definitions.**

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.01, 39.403(2), 39.209(2), 39.41(1)(a), 39.441(2), 39.442(2)(a)1., 409.145(1), (2), 415.503, 415.504, 415.505(1)(f), 827.05 FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.008, Repealed.



65C-11.002 Ongoing Assessment and Documentation Requirements.

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

65C-11.003 Relative Placements.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.41(1)(a)1.7., 39.41(1)(a)1., 2., 3., 7., 409.145(1), (2), 415.505(1)(f) FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.032, Repealed.

65C-11.004 Non-relative Placements.

Specific Authority 39.012, 409.026(8), 415.514 FS. Law Implemented 39.401(3)(a)., 7., 409.145(1), (2), 409.175(9), (10), 415.505(1)(f) FS. History–New 5-26-92, Amended 1-18-94, Formerly 10M-5.033, Repealed.

65C-11.005 Termination of Supervision.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Badland

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Englander

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-12.001	Definitions
65C-12.002	Health Screenings and Assessments
65C-12.003	Medical Treatment
65C-12.004	Ongoing Health Care
65C-12.005	Medicaid Eligibility Procedures
65C-12.006	Mental Health and Substance Abuse Services for Children
65C-12.007	Placement Procedures
65C-12.008	Case Supervision Responsibilities
65C-12.009	Voluntary Placements
65C-12.010	Central Placement Authority
65C-12.011	Shelter Audits
65C-12.012	Monitoring of Emergency Shelters

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

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

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

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

SPECIFIC AUTHORITY: 39.012, 39.0121, 409.026(8), 415.514 FS.

LAW IMPLEMENTED: 39.01, 39.40(3), (4), 39.402, 39.403(2)(b), 39.404(3), 39.407, 39.408, 409.145(1)(d), (2)(a), 409.165(1), 409.175(2), 409.903(4), 415.503, 415.505(1)(f)(3), 415.504(4)(c)1.i., 415.505(1)(b)10., 415.508 FS.

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

DATE AND TIME: August 18, 2006, 11:00 a.m. – 11:30 a.m.

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Johns, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)414-9982

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-12.001 Definitions.

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

65C-12.002 Health Screenings and Assessments.

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

65C-12.003 Medical Treatment.

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

65C-12.004 Ongoing Health Care.

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

65C-12.005 Medicaid Eligibility Procedures.

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

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

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

65C-12.007 Placement Procedures.

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

65C-12.008 Case Supervision Responsibilities.

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

65C-12.009 Voluntary Placements.

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

65C-12.010 Central Placement Authority.

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

65C-12.011 Shelter Audits.

Specific Authority 409.026(8) FS. Law Implemented 409.145(1)(d), (2)(a), 409.165(1) FS. History–New 5-26-92, Formerly 10M-41.022, Repealed.

65C-12.012 Monitoring of Emergency Shelters.

Specific Authority 409.026(8) FS. Law Implemented 409.145(1)(d), (2)(a), 409.165(1) FS. History–New 5-26-92, Amended 12-25-96, Formerly 10M-41.024, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Badland

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Englander

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: 65C-16.008  
RULE TITLE: Dispute Resolutions and Appeals

PURPOSE AND EFFECT: Pursuant to Department of Children and Family Services v. I.B. and D.B., 891 So.2d 1168 (1st DCA 2005), this Rule is invalid. Therefore, the rule must be amended to delete subsection (2).

SUMMARY: Pursuant to Department of Children and Family Services v. I.B. and D.B., 891 So.2d 1168 (1st DCA 2005), this Rule is invalid. Therefore, the rule must be amended to delete subsection (2).

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

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

SPECIFIC AUTHORITY: 120.57, 120.68, 409.145 FS.

LAW IMPLEMENTED: 120.68, 409.145 FS.

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

DATE AND TIME: Friday, August 18, 2006, 1:00 p.m. – 2:00 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 4, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Grosdidier, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-5055

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-16.008 Dispute Resolutions and Appeals.

(1) No change.

~~(2) Adoptive applicants do not have the right to appeal the department's decision on the selection of an adoptive home for a particular child.~~

Specific Authority 120.57, 120.68, 409.026(8), 409.145 FS. Law Implemented 120.68, 409.145 FS. History–New 5-20-91, Formerly 10M-8.00514, Amended 4-19-94, 7-18-95, Formerly 10M-8.0054, Amended 8-19-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Badland

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Englander

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
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 (LFCC)

**PURPOSE AND EFFECT:** The proposed amendments by the Child Care Program Office (CCPO) of the Florida Department of Children and Families (DCF) to F.A.C. Chapter 65C-20, F.A.C., are necessary for the uniform and proper administration and enforcement of State of Florida child care training and licensure policies and procedures.

The granting of rule writing authority to the CCPO of all Child Development Associate Equivalency (CDAE) programs by the legislature in 2004 as well as the statewide Voluntary Pre-Kindergarten (VPK) initiative in 2005, warrant the amendments to the rule in the area of child care personnel training in order to provide clarification and unwavering guidance to the public on the "staff credential" policy required by the State in large family child care homes.

The rule amendments in the area of child care licensing are necessary for the clarification of policies and procedures relating to child safety and health issues and to preserve the public welfare generally.

**SUMMARY:** Child Care Standards.

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

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

**SPECIFIC AUTHORITY:** 402.302, 402.305 FS.

**LAW IMPLEMENTED:** 402.302, 402.305 FS.

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

**DATE AND TIME:** August 28, 2006, 9:00 a.m.

**PLACE:** Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

**DATE AND TIME:** August 28, 2006, 9:00 a.m.

**PLACE:** Room 123, Department of Children and Families, 2295 Victoria Ave., Fort Myers, FL 33901

**DATE AND TIME:** August 28, 2006, 9:00 a.m.

**PLACE:** Room 148, 1st Floor, Department of Children and Families, 210 N. Palmetto Ave., Daytona Beach, FL 32114

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Carrie Pafford, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

**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 shall~~ be made on CF-FSP Form 5133, ~~April Feb.~~ 2006~~4~~, Application for a License to Operate a Family Day Care Home, which is incorporated ~~herein~~ by reference, ~~CF-FSP Form 5133 may ean~~ be obtained from the licensing authority or ~~on by going to~~ the Department of Children and Family Services' website at [www.myflorida.com/childcare/information](http://www.myflorida.com/childcare/information).

~~(2) For the purpose of issuing a license, any out of state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.~~

~~(2)(3) A completed CF-FSP Form 5133 application for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the licensing authority.~~

~~(3)(4) An submitted CF-FSP Form 5133 application 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 the operator/applicant provides proof to the licensing authority, that the screening materials have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from~~

previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Aug. 04, which is incorporated by reference, must be completed annually for all operators/applicants. CF-FSP 1649 may be obtained from the licensing authority or by accessing the Department of Children and Family Services' website at [www.myflorida.com/childcare/information](http://www.myflorida.com/childcare/information).

(a) An employment history check is required as part of background screening, must include the previous two (2) years and must be maintained in the department's licensing file.

1. An employment history check conducted under this rule shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

2. CF-FSP Form 1649, September 2005, An Affidavit of Good Moral Character, which is incorporated by reference, must be completed for all operators/applicants and all adult household members annually or in accordance with local licensing agency compliance and must be maintained in the department's licensing file. CF-FSP 1649 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).

3. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

a. A screening conducted under this rule is valid for five (5) years, at which time a five (5) year re-screen must be conducted.

1. The five (5) year re-screen is required for the operator/applicant and all other household members, including juveniles and substitutes, and must be maintained in the department's licensing file.

2. The five (5) year re-screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.

3. An operator/applicant must be re-screened following a break in operation of the family day care home that exceeds 90 days. A person in this category must undergo the same level of screening that was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the five (5) year re-screen has come due during the leave of absence.

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) Definitions.

(a) "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met.

(b) "Early Childhood Education" refers to coursework, certification, a credential or degree that specializes in children ages birth through eight (8).

(c) "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., is a department approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification: "Birth Through Five (formerly the department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification)." A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(d) "National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(e) "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(f) "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(2)(1) Personnel.

(a) Operator. The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. In the event of rental or leased property, the operator shall be the individual who occupies the residence. The operator of a family day care home may not work outside of the home during the hours when the family day care home is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) Substitutes. There shall be a written plan to provide at least one (1) other competent adult, who must be at least 18 years of age, to be available as a substitute for the operator on a temporary or emergency basis. This plan shall include the

name, address and telephone number of the designated substitute. Substitutes may not work over 40 hours per month on average during a 12 ~~twelve~~ month period in any single home for which they have been identified as the designated substitute.

(c) No person shall be an operator, substitute or employee in a family day care home while using, or who is under the influence of narcotics, alcohol, or other drugs that, which impair an individual's their ability to provide supervision and safe child care, shall be an operator or substitute.

~~(3)(2)~~ 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; successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Prior to attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the Department of Children and Family Services' 30 clock-hour Family Child Care Home training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.

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. 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).

c. 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. 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.

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) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5 clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed

on or after January 1, 2005, prior to licensure, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, family day care home operators must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to [www.myflorida.com/childeare/training](http://www.myflorida.com/childeare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(e) Documentation. Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30 clock-hour Family Child Care Home training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training successfully completed prior to July 1, 2004 may be documented either on CF FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript.

(d) Family day care home substitutes who work 40 hours or more a month on average during a 12 month period must successfully complete the 30 clock-hour Family Child Care Home training, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the Department of Children and Family Services' CF FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. All family day care home substitutes who have completed the 30 clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the Department of Children and Family Services' 30 clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. In addition to the 30 clock-hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12 month period, shall complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must select a course from the Department of

Children and Family Services' list of approved literacy training programs, which may be accessed by going to [www.myflorida.com/childeare/training](http://www.myflorida.com/childeare/training) or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(b)(e) 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' three (3) clock-hour Fundamentals of Child Care training prior to caring for children, as documented on the Department of Children and Family Services' CF-FSP Form 5267, May 2003, and the Department of Children and Family Services' child care training transcript. Family day care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training will not be required to complete the 3 clock-hour Fundamentals of Child Care training.

1.(f) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in the operator's home. The statement must be placed in the substitute's file.

2. Family day care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training are not required to complete the three (3) clock-hour Fundamentals of Child Care training.

(g) Prior to licensure, family day care home operators must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. The substitute, prior to caring for children in the family day care home, must have a valid and current certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(4)(3) Annual In-Service Training.

(a) All family day care home operators; must complete a minimum of 10 clock-hours or (1) CEU of in-service training or 1 CEU; annually during the operator's 12 month licensing period state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 years or 1 CEU; must be completed in one (1) or more of the following areas (college level courses will be accepted):

1. through 2. No change.
3. First Aid (this training may only be taken to meet the in-service requirement once every three (3) years);
4. through 22. No change.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268A, April Feb. 200604, Child Care In-Service Training Record, which is incorporated ~~herein~~ by reference, and maintained at the family day care home. CF-FSP Form 5268A may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each licensing fiscal year. ~~In addition to maintaining the training record for the current fiscal year, The in-service training records for the previous two (2) licensing fiscal years must also be maintained at the family day care home for review by the licensing authority~~ College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

~~(5)(4)~~ Supervision.

(a) At all times, which includes when the children are napping or sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to ~~the~~ emergencies and the needs of the children. While children are napping or sleeping in bedrooms, the bedroom doors must remain open. During the daytime hours of operation, children shall have adult supervision, which means watching and directing children's activities; both indoors and outdoors; and responding to each child's needs.

(b) A child who has been placed in an isolation area due to illness as stated in paragraph 65C-20.010(4)(b), F.A.C., must be within sight and hearing of the operator.

(c) Children must be attended at all times when being diapered or when changing clothes.

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, \_\_\_\_\_.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl; and be free from of disease. Custodial pParents or legal guardian must be informed in writing of all animals on the premises of the home. Such information may be provided by way of a parent flier, a notification statement, or a statement included in the child's enrollment form.

(b) All areas and surfaces accessible to children shall be free from of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous, ~~and~~ 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 ~~in locations inaccessible to the children in care.~~

(c) All family day care home operators shall inform custodial parents or legal guardian in writing if someone living in the home smokes. Pursuant to Chapter 386, ~~Florida,~~

~~Statutes,~~ while children are in care, smoking is prohibited within the family day care home, on all outdoor play areas and in vehicles when transporting children.

(d) At all times when children are in care, all firearms and weapons, as defined in Section Chapter 790.001, F.S., shall be stored in a location inaccessible to children and in accordance with Section 790.174, F.S.

(e) Play areas shall be clean; and free from of litter, nails, glass and other hazards.

(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 be fenced; a minimum of four (4) feet in height; if the family day care home property borders any of the following:

1. No change.
2. Road or street open to travel by the public, divided by a median;
3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to Section s. 316.189, F.S.
4. No change.

(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 may not have any gaps or openings that would could 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 ~~instead,~~ 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. The exterior wall of the home, ~~if it has~~ 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.

~~(h)(g)~~ 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, which~~ 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 ~~one~~ 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 ~~site of 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.

~~(i)(h)~~ A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

~~(j)(i)~~ 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.

~~(k)(j)~~ 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 ~~When children remain overnight,~~ playpens, air mattresses, foam mattresses, and mats may not be used for care when children are sleeping are not acceptable and. 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 face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

~~(l)(k)~~ Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. 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.

~~(m)(l)~~ A minimum distance of ~~eighteen (18)~~ inches must be maintained between individual napping spaces. 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.

~~(n)(m)~~ Potable drinking water shall be available to children of all ages at all times. ~~If disposable cups are used, they must be discarded after each use.~~

(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.

~~(p)(n)~~ Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

~~(q)(o)~~ 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.

~~(r)(p)~~ 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 ~~My Food Guide Pyramid for Young Children, April March 2005 1999,~~ 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 ~~one year of ages two (2) and older. The fats and sweets categories "oils" and "discretionary calories" may within the~~ USDA Food Guide Pyramid for Young Children cannot be considered counted as a food groups. Copies of the USDA My Food Guide Pyramid for Young Children may be obtained from the licensing authority, the local county health department or from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov), district child care licensing office or local licensing agency. Using the USDA ~~My Food Guide Pyramid 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, a copy of the physician's order, a copy of the diet and a sample meal plan for the special diet ~~appropriate documentation~~ shall be maintained in the child's file for as long as the child is in care to include the physician's order, a



copy of a diet and sample meal plan for the special diet. 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.

(2) Hygiene and Sanitation.

(a) Operators, substitutes, and children shall wash their hands with soap and running water, ~~drying~~ thoroughly, and following personal hygiene procedures for themselves, or while ~~when~~ assisting others, and immediately after outdoor play.

(b) Soiled items shall immediately be placed in plastic lined, securely covered containers ~~that which~~ are not accessible to children. The container shall be emptied, cleaned and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

(c) No change.

(d) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used, they shall be discarded after each use.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface ~~that which~~ is cleaned with a sanitizing solution after each use. The diaper changing area shall ~~not~~ be located separate from the food preparation, service and feeding area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area not shall they be placed on the diaper changing table in or near the food service area. Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) At least one (1) first aid kit ~~containing materials to administer first aid~~ must be maintained on the premises of the family day care home at all times and on activities away from the home. The first aid kit shall be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. through 11. No change.

(b) 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 home, including major intersections and local landmarks, must be posted on or near all telephones and shall be used to protect the health, safety and well-being of any child in care. To meet the immediate needs of the child, family day care home operators shall call 911 or other emergency numbers in the event of an emergency.

2. Custodial parents or legal guardian's shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the family day care home operator will

contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal guardian.

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented on the day they occur and shared with the custodial parent or legal guardian on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one (1) year.

4. Fire drills shall be conducted monthly and shall be conducted at various times when children are in care. A written record shall be maintained showing the date, time, number of children in attendance and time taken to evacuate the home. This record shall be maintained for six (6) months.

5. After a fire or natural disaster, the operator must notify the licensing agency, within 24 hours, as to their status of operation in order for the department or local licensing agency to ensure health standards are met for continued operation as a family day care home.

(4) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;

2. Difficult or rapid breathing;

3. Stiff neck;

4. Diarrhea (more than one abnormally loose stool within a 24 hour period);

5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;

6. Conjunctivitis (pink eye);

7. Exposed, open skin lesions;

8. Unusually dark urine and/or gray or white stool;

9. Yellowish skin or eyes; or

10. Any other unusual sign or symptom of illness.

(b) The family day care home shall have ~~an~~ 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 other signs of or develops other signs and symptoms listed in paragraph 65C-20.010(4)(a), F.A.C., which include any of the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area. Linens and disposables 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.

(c) A child identified as having ~~who has~~ head lice shall ~~will~~ not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a custodial parent or legal guardian; that treatment has occurred.

(d) An operator or household member who develops signs and symptoms of a communicable disease or who has a ~~which include any of the following~~: fever (of 101 degrees Fahrenheit or higher); in conjunction with any of the ~~other following~~ signs and symptoms listed in paragraph 65C-20.010(4)(a), F.A.C.; ~~diarrhea, rash, pink eye, or skin infection~~ shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.

(5) Medication. Family day care homes are not required to give medication; however, if they choose to do so, the following shall apply:

(a) The family day care home must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the family day care home personnel who gave the medication.

(b) Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, and posted with stored medication.

(c)(a) Prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container. Prescription medication must have a the label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. ~~For the purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the home has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the family day care home of any known allergies to medication, written documentation must be maintained in the child's file.~~

(d) In the event of an emergency, non-prescription medication that is not brought in by the custodial parent or legal guardian can only be dispensed if the family day care home has written authorization from the custodial parent or legal guardian to do so.

(e) Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.

(f) The family day care home must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four (4) months after the last day the child received the dosage. All medicine must have child resistant caps and shall be stored separately and locked or out of a child's reach.

(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.

(b) ~~All medicines shall be kept out of the reach of children and must have child resistant caps.~~

(c) ~~Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.~~

(d) ~~A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication.~~

(e) ~~This record shall be maintained for six months.~~

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, \_\_\_\_\_.

#### 65C-20.011 Health Records.

(1) Children's Health Requirements ~~Immunizations~~. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and a completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which are incorporated by reference in subsection 64D-3.011(9), F.A.C. DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter

458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(a) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B, and or C, or the Religious Exemption from Immunization form, as referenced in Rule 64D-3.011, F.A.C., from the custodial parent or legal guardian. Immunizations received out-of-state are acceptable; however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes" as referenced in Rule 64D-3.011, F.A.C.

(b) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, as referenced in Rule 6A-6.024, F.A.C., or a signed statement by an authorized professional that indicates the results of the components of the form are included in the health examination from the custodial parent or legal guardian, within 30 days of enrollment. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(c) The Student Health Examination form or signed statement is valid for two (2) years from the date the physical was performed and must be on file as long as the child is in care.

(d) School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the family day care home as such records are on file at the school where the child is enrolled.

(e) If the custodial parents or legal guardians need assistance concerning these requirements, the family day care home shall refer them to the Department of Health or to the child's physician.

(f) Medical records in this section are the property of the custodial parent or legal guardian and must be returned when the child is no longer in care. The medical records are transferable if the child is placed in a different family day care home.

(2) Children's Student Health Examination.

~~(a) The family day care home provider is responsible for obtaining from the parent or legal guardian, a current and completed DH Form 3040, (June 02), Student Health Examination, for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home. DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a signed statement by an authorized professional that indicates the results of the components included in the health examination.~~

~~(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.~~

~~(3) Immunization and Health Records.~~

~~(a) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.~~

~~(b) School age children in kindergarten through grade 5, attending public or nonpublic schools are not required to have student health examination (DH Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.~~

~~(2)(4) 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, June 2005 Dec. 02, 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 can be obtained from the local Department of Children and Family Services district service center or the local licensing agency, and is incorporated by reference, or an equivalent that contains all the information required by the department's form.~~

~~(b) Enrollment information shall be kept current and on file for each child in care.~~

~~(c) There shall be signed statements from the custodial parents or legal guardian that the family day care home has provided them with the following information:~~

~~1. The Department of Children and Family Services family day care home brochure, CF/PI 175-28, July 2005, Selecting A Family Day Care Home Provider, which is incorporated by reference. This brochure 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).~~

~~2. Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, containing all the information required by the department.~~

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, \_\_\_\_\_.

65C-20.012 Enforcement.

(1) No change.

(2) 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 which~~ 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) The family day care 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.

(4) Child Safety. Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect constitute a violation of the standards in Section 402.301-.309, F.S.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History--New 7-2-98, Amended 7-13-03, 9-12-04, \_\_\_\_\_.

65C-20.013 Large Family Child Care Homes (LFCCH).

(1) Large Family Child Care Homes. A Large Family Child Care Home is defined by Section 402.3131, F.S., and for the purpose of this rule, as a home which must have been licensed in the State of Florida as and met all the requirements of a family day care home for two (2) consecutive years. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required. Large family child care homes shall meet all of the requirements in Rules 65C-20.008-65C-20.012, F.A.C., in addition to the requirements listed below.

(2) Definitions.

(a) "Full Time Employee" means one (1) additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.

(b) "Hours of Operation" means the hours of the day or night that a large family child care home has enough children in care to meet the definition of a large family child care home.

~~(c) "Large Family Child Care Home," is defined by s. 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed in the State of Florida as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.~~

~~(c)(d)~~ "Operator" means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.

~~(d)(e)~~ "Substitute" means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) Application and License.

(a) Application for a license or for renewal of a license to operate a large family child care home ~~must shall~~ be made on CF-FSP Form 5238, ~~April 2006 Feb. 2004~~, Application for a License to Operate a Large Family Child Care Home, which is incorporated ~~herein~~ by reference, CF-FSP Form 5238 may and can be obtained from the licensing authority or on at the Department of Children and Family Services' website at www.myflorida.com/childcare ~~local district service center or the local licensing agency.~~ A license to operate a Large Family Child Care Home may be used to operate a Family Day Care Home; when the number of children in care meets the definition of a Family Day Care Home. A license to operate a Family Day Care Home cannot be used to operate a Large Family Child Care Home.

(b) The large family child care home license shall be issued in the name of the operator, who must be at least 21 years of age and the resident of the large family child care home. In the event of rental or leased property, the operator shall be the individual who occupies the residence.

~~(c)(b)~~ A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) LFCCH Personnel.

~~(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and the occupant of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.~~

~~(a)(b)~~ The operator of the large family child care home may not work outside of the home during hours ~~when~~ the large family child care home is in operation.



(b)(e) No person shall be an operator, substitute, or employee while using, or who is under the influence of, narcotics, alcohol, or other drugs that, which impair an individual's their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.

(c) Large family child care homes must have one (1) person on the premises during all hours of operation who has a valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training.

(5) LFCCH Staff Training.;

(a) Definitions.

1. "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met.

2. "Begin training for child care personnel" refers to a candidate's commencement of at least one (1) of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance, acquiring an educational exemption from training, beginning a department approved online child care training course, or by completion of a department approved competency examination within the first 90 days of employment in the child care industry. The large family child care home is responsible for obtaining documentation from child care personnel.

3. "Early Childhood Education" refers to coursework, certification, a credential or degree that specializes in children ages birth through eight (8).

4. "Expired" refers to the status of a candidate's awarded credential or certification that is not eligible for renewal.

5. "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., is a department approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification; "Birth Through Five (formerly the department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification)." A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

6. "Florida Department of Education Child Care Apprenticeship Certificate (CCAC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

7. "Florida Department of Education Early Childhood Professional Certificate (ECPC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

8. "Florida Department of Education School-Age Professional Certificate (SAPC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

9. "Inactive" refers to the status of a candidate's awarded credential or certification that remains eligible for renewal.

10. "National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

11. "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

12. "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(b) Large Family Child Care Home Operators. In addition to the training requirements identified in paragraph 65C-20.009(2)(b), F.A.C., large family child care home operators must:

1. Possess one (1) of the following credentials for a minimum of one (1) year:

a. 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.

b. An Employment History Recognition Exemption and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).

c. Credential Renewal Requirements.

(I) A National Early Childhood Credential must be renewed through the agency that awarded the credential. Prior to December 31, 2008, a National Early Childhood Credential may comply with the Birth Through Five Florida Child Care Professional Credential renewal process referenced in sub-subparagraph 65C-20.013(5)(b)1.b.,2., F.A.C., if the credential was issued prior to December 31, 2003.

(II) To maintain an active Birth Through Five FCCPC, every five (5) years a candidate must renew their Birth Through Five FCCPC by completing CF-FSP Form 5273, April 2006, Birth Through Five Florida Child Care Professional Credential Renewal Application, which is incorporated by reference. CF-FSP Form 5273 may be obtained on the Department of Children and Family Service's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(A) A Birth Through Five FCCPC Renewal will be documented on CF-FSP Form 5270. Renewal applications will be submitted by the candidate no earlier than one (1) year prior to the end of the active date of the Birth Through Five FCCPC.

(B) Individuals with a Birth Through Five FCCPC issued before December 31, 2003 will renew the credential by submitting a completed CF-FSP 5273 with the required documentation by December 31, 2008. A Birth Through Five FCCPC issued after December 31, 2003 will have a renewal date of five (5) years from the date of issuance.

(C) An individual with an inactive Birth Through Five FCCPC will submit a renewal application for a period of up to three (3) years after the end of the Birth Through Five FCCPC active period. The application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5273 is processed.

(D) For purposes of participation in the Voluntary Pre-Kindergarten (VPK) Program, an individual must ensure an active credential by July 1, 2006.

(III) To maintain an active School-Age FCCPC, every five (5) years a candidate must renew their School-Age FCCPC by completing CF-FSP Form 5307, April 2006, the School-Age Florida Child Care Professional Credential Renewal Application, which is incorporated by reference. CF-FSP Form

5307 may be obtained on the Department of Children and Family Service's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).

(A) A School-Age FCCPC renewal will be documented on CF-FSP Form 5270. Renewal applications shall be submitted no earlier than one (1) year prior to the end of the active date of the School-Age FCCPC.

(B) An individual with an inactive School-Age FCCPC shall submit a renewal application for the period of up to three (3) years from the end of the School-Age FCCPC active period. The application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5270 is processed.

(IV) To maintain an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC) or Early Childhood Professional Certificate (ECPC), every five (5) years a candidate must renew their CCAC or ECPC by completing CF-FSP Form 5309, April 2006, Florida Department of Education Child Care Apprenticeship Certificate (CCAC) and Early Childhood Professional Certificate (ECPC) Renewal Application, which is incorporated by reference. To maintain an active Florida Department of Education School-Age Professional Certificate (SAPC), every five (5) years a candidate must renew their SAPC by completing CF-FSP Form 5308, April 2006, Florida Department of Education School-Age Professional Certificate (SAPC) Renewal Application, which is incorporated by reference. CF-FSP Forms 5308 and 5309 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(A) A Florida Department of Education CCAC, ECPC or SAPC renewal will be documented on CF-FSP Form 5310, April 2006, Certificate for Florida Department of Education Child Care Apprenticeship Certificate (CCAC)/Early Childhood Professional Certificate (ECPC)/School-Age Professional Certificate (SAPC) Program Renewal, which is incorporated by reference. CF-FSP Forms 5308 and 5309, as applicable, for renewal will be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Florida Department of Education CCAC, ECPC, or SAPC.

(B) An individual with an inactive Florida Department of Education CCAC, ECPC, or SAPC may submit CF-FSP Form 5308 or 5309 for a period of up to three (3) years from the end of the Florida Department of Education CCAC, ECPC, or SAPC active period. CF-FSP Form 5308 or 5309, as applicable, will be reviewed and, if approved, a CF-FSP Form 5310 will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5308 or 5309 is processed.

(V) A staff credential awarded for formal educational qualifications does not need to be renewed to remain active.

2. Within six (6) months of licensure, successfully complete 10 clock-hours of specialized training from the Department of Children and Family Services' Part II specialized training courses as evidenced by successful completion of a competency examination with a weighted score of 70 or better. These courses include:

- a. Infant and Toddler Appropriate Practices (10 hours),
- b. Preschool Appropriate Practices (10 hours),
- c. School-Age Appropriate Practices (10 hours),
- d. Special Needs Appropriate Practices (10 hours),
- e. Basic Guidance and Discipline (5 hours online),
- f. Computer Technology for Child Care Professionals (5 hours online),
- g. Early Literacy for Children Ages Birth Through Three (5 hours online),
- h. Early Childhood Computer Learning Centers (5 hours online), or
- i. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

j. 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. Exemption examinations are not available for the department's online Part II specialized training courses.

k. The Department of Children and Family Services or its designated representative shall exempt individuals with a:

(I) B.A., B.S., or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

(II) B.A., B.S., or advanced degree in Elementary Education from the School-Age Appropriate Practices course.

(III) B.A., B.S., or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices course.

(c) Substitutes. Prior to taking care of children, substitutes for the operator of 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. 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.

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:

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.

(d) 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.

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.

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 three (3) clock-hour Fundamentals of Child Care Training. Large family child care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training are not required to complete the three (3) clock-hour Fundamentals of Child Care training.

(f) Documentation of Training. Training completed successfully will be documented on the training transcript or on CF-FSP Form 5267.

(a) In addition to the successful completion of the 30 clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of a competency examination with a score of seventy (70) or better in 10 clock hours of specialized training from the Department of Children and Family Services specialized training from the Department of Children and Family Services specialized training modules within six (6) months of licensure:

1. Infant and Toddler Appropriate Practices (10 hours);
2. Preschool Appropriate Practices (10 hours);
3. School Age Appropriate Practices for school age children (10 hours);
4. Special Needs Appropriate Practices (10 hours);
5. Basic Guidance and Discipline (5 hours web-based);
6. Computer Technology for Child Care Professionals (5 hours web-based); and
7. Early Literacy in the Child Care Environment (5 hours web-based).

(b) Large family child care home operators shall complete 5 clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005, as documented on the certificate of course completion, classroom transcript, or diploma. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, large family child care home operators must select a training course from the Department of Children and Family Services' list of approved training programs, which can be accessed by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July



1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(c) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10 clock hour specialized training modules by successfully completing competency examinations with a score of seventy (70) or better. The 10 hour specialized training must be documented on CF FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. Examination exemptions are not available for the Department of Children and Family Services' web based Part II specialized training modules.

(d) Large family child care homes must have one person on the premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.

(e) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30 clock hour Family Child Care Home training. Prior to attending the training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30 clock hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the Department of Children and Family Services' CF FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. In addition to the 30 clock hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004, shall complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or after January 1, 2005, prior to caring for children, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, employees must select a training course from the Department of Children and Family Services' list of approved

literacy training programs, which can be accessed by going to from the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(f) Prior to taking care of children, substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30 clock hour Family Child Care Home training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30 clock hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Completion of the 30 hour Family Child Care Home training shall be documented on the Department of Children and Family Services' CF FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. In addition to the 30 clock hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5 clock hours or .5 continuing unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the operator hired on or after January 1, 2005, prior to caring for children, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, substitutes must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(g) 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 3 clock hour Fundamentals of Child Care Training.

(h) ~~Prior to taking care of children, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period, shall successfully complete the 30 clock-hour Family Child Care Home training, as demonstrated through passage of a competency examination with a score of seventy (70) or better, documented on the form or transcript referenced above. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period have one opportunity, if they choose, to exempt from the 30 clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. All large family child care home substitutes who have completed the 30 clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. In addition to the 30 clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5 clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the employee; hired on or after January 1, 2005, prior to caring for children, must complete 5 clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes for the employee must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.~~

(6) Annual In-Service Training.

(a) ~~All large family child care home operators and employees, must complete a minimum of 10 clock-hours or one (1) CEU of in-service training or 1 CEU, annually during the operator state's 12 month licensing period fiscal year beginning July 1 and ending June 30.~~

(b) ~~The annual 10-clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 or 1 CEU, must be completed in one (1) or more of the following areas (college level courses will be accepted):~~

1. through 2. No change.
3. First Aid (~~this training~~ may only be taken to meet the in-service requirement once every three (3) years);
4. through 22. No change.

(c) ~~Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268A, Feb. 04, Child Care In-Service Training Record, which is incorporated by reference, and maintained at the large family child care home. CF-FSP Form 5268A may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training). A new in-service training record is required each licensing fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) licensing fiscal years must also be maintained at the large family child day care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.~~

(7) LFCCCH Supervision.

(a) ~~In a large family child care home, direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need. While children are napping or sleeping in bedrooms, the bedroom doors must remain open.~~

(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. Where some children remain in the home, the adult supervision as required in Section 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in Section s. 402.3131, F.S.~~

2. ~~If a large family child care home uses a swimming pool that which exceeds three (3) feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one (1) person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area.~~

(8) Transportation.

(a) ~~When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with Section ss. 322.01-322.70, Florida Statutes.~~

(b) through (f) No change.

1. Driver's Log. ~~A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six (6) months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.~~

2. No change.

a. ~~M~~mark each child off the log as the child departs the vehicle,

b. ~~C~~onduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. ~~S~~ign, date and record the driver's log immediately, verifying that all children were ~~at~~ accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination, a second staff member shall:

a. ~~C~~onduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. ~~S~~ign, date and record the driver's log immediately, verifying that all children were accounted for and that the drivers log is complete.

(g) No change.

(9) Planned and Unplanned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a conspicuous location ~~plac~~ accessible to the custodial parents or legal guardian. The written plan must meet the needs of the children being served and include scheduled activities ~~that which~~:

1. Promote emotional, social, intellectual and physical growth;

2. Include quiet and active play, both indoors and outdoors; and

3. No change.

(b) A permission and transportation release form signed by the custodial parent or legal guardian of the children in care must be on file for planned and unplanned activities.

1. A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

2. Emergency medical forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(10) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with Section ~~s.~~ 402.305(12), F.S.

(b) All child care personnel ~~must of the large family child care home shall~~ 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) No change.

(11) LFCCH General Requirements.

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, ~~Florida Administrative Code~~, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) No change.

1. A large family child care home must have 35 square feet of usable indoor floor space per child ~~that which~~ does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. No change.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity suitable for each child to be involved in activities.

6. No change.

(c) No change.

1. At all large family child care homes, the outdoor play space shall maintain safe and adequate ~~be fenced, or walls,~~ a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

3. No change.

4. 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.

5. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment ~~that which~~ provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free from of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one (1) area.

7. No change.

(d) No change.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees, custodial and parents, and/or legal guardians.

2. ~~In addition to conducting fire drills as specified in 65C-20.010(3)(b)4., F.A.C.,~~ The large family child care home shall maintain and retain a written the fire drill record of monthly fire drills as specified in subparagraph 65C-20.010(3)(b)4., F.A.C. on the premises for twelve months.

~~(12) LFCCH Enforcement. Pursuant to Section 402.3131, F.S., the department or local licensing agency shall deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of ss. 402.301-.319, F.S., or rules adopted thereunder.~~

(a) No change.

(b) Child Safety. Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect constitute a violation of the standards in Section 402.301-.309, F.S.

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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Carrie Pafford, Government Operations Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Winstead, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS:	RULE TITLES:
65C-22.001	General Information
65C-22.002	Physical Environment
65C-22.003	Training
65C-22.004	Health Related Requirements
65C-22.005	Food and Nutrition

65C-22.006	Record Keeping
65C-22.007	Evening Child Care
65C-22.008	School-Age Child Care

PURPOSE AND EFFECT: The proposed amendments by the Child Care Program Office (CCPO) of the Florida Department of Children and Families (DCF) to F.A.C. Chapter 65C-22, F.A.C., are necessary for the uniform and proper administration and enforcement of State of Florida child care training and licensure policies and procedures.

The granting of rule writing authority to the CCPO of all Child Development Associate Equivalency (CDAE) programs by the legislature in 2004 as well as the statewide Voluntary Pre-Kindergarten (VPK) initiative in 2005, warrant the amendments to the rule in the area of child care personnel training in order to provide clarification and unwavering guidance to the public on the "staff credential" policy required by the State in child care facilities.

The rule amendments in the area of child care licensing are necessary for the clarification of policies and procedures relating to child safety and health and sanitation issues and to preserve the public welfare generally.

SUMMARY: Child Care Standards.

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

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

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, THE FOLLOWING HEARINGS WILL BE HELD AT THE DATE, TIME AND PLACES SHOWN BELOW (IF NOT REQUESTED, THESE HEARINGS WILL NOT BE HELD):

DATE AND TIME: August 28, 2006, 9:00 a.m.

PLACE: Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

DATE AND TIME: August 28, 2006, 9:00 a.m.

PLACE: Room 123, Department of Children and Families, 2295 Victoria Ave., Fort Myers, FL 33901

DATE AND TIME: August 28, 2006, 9:00 a.m.

PLACE: Room 148, 1st Floor, Department of Children and Families, 210 N. Palmetto Ave., Daytona Beach, FL 32114

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carrie Pafford, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

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, ~~April Feb. 2006~~<sup>4</sup>, Application for a License to Operate a Child Care Facility, which is incorporated by reference. ~~CF-FSP Form 5017 An application~~ may be obtained from the licensing authority or ~~on by going to~~ the Department of Children and Family Services' website at [www.myflorida.com/childcare/information](http://www.myflorida.com/childcare/information).

(b) Each completed CF-FSP Form 5017 application must be submitted with the licensure fee.

(c) The completed CF-FSP Form 5017 application must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.

(d) For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

(e) A completed CF-FSP Form 5017 application for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. ~~The renewal application and required forms may be obtained from the licensing authority.~~

(f) In order to ~~be classified operate~~ as an urban child care facility, the applicant child care facility must obtain written provide documentation from the local governing body that confirms the geographical area has been declared urban. Urban child care facilities at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority and provide documentation at the time of application that the outdoor play space requirement cannot be met. An urban child care facility will not be approved if outdoor space is found by the licensing authority to be available.

(2) License.

(a) No change.

(b) At least one (1) week prior to changing ownership of a child care facility, in compliance with Section 402.305(18), F.S., at least one week prior to changing ownership of a child care facility, one (1) of the following methods of notification to custodial parents or legal guardians must be observed:

1. Posting a notice in a conspicuous location at the facility;

2. Incorporating information into any existing newsletter, or

3. Individual letters, or fliers.

(3) Minimum Age Requirements.

No change.

(4) Ratios.

(a) The staff-to-children ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children and applies at all times while children are in care.

(b) No change.

1. In groups of mixed age ranges, where children under one (1) year of age are included, one (1) staff member shall be responsible for no more than four (4) children of any age group, at all times.

2. In groups of mixed age ranges, where children one (1) year of age but under two (2) years of age are included, one (1) staff member shall be responsible for no more than six (6) children of any age group, at all times.

(c) For every 20 children, a child care facility must have one (1) credentialed staff member pursuant to Section 402.305(3), F.S.

(5) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to the needs of each child's need. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care, and capable of responding to emergencies, and are accountable for children at all times, ~~which includes~~ when children are separated from their groups.

(b) During nap time, supervision means sufficient staff are in close proximity, within sight and hearing, of all the children. All other staff required to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision, as described in this section, does not include supervision of children up to 24 months of age, who must be directly supervised at all times.

(c) No person shall be an operator, owner, or employee of a child care facility while using, or who is under the influence of, narcotics, alcohol, or other impairing drugs that impair an individual's, which affects their ability to provide supervision and safe child care, ~~shall be an operator, owner, or employee in a child care facility.~~

(d) No change.

1. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one (1) additional adult must be present on all field trips away from the child care facility, ~~for the purpose of safety,~~ to assist in providing direct supervision.

2. If a child care facility uses a swimming pool that which exceeds three (3) feet in depth or uses beach or lake areas for water activities, the child care facility must provide one (1) person with a certified lifeguard certificate or equivalent;

unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (d)1., above.

3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

(6) Transportation. For the purpose of this section, vehicles refer to those that are owned/operated or regularly used by the child care facility; and vehicles that provide transportation through a contract or agreement with an outside entity.

(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a current Florida driver's license, ~~and~~ an annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.

(b) All child care facilities must comply with the ~~inspection responsibilities and~~ insurance requirements found in Section 316.615(4), F.S.

(c) All vehicles regularly used to transport children shall be inspected annually; by a mechanic; to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) through (e) No change.

(f) When transporting children, ~~staff-to-child~~ ratios must be maintained at all times. The driver may be included in the ~~staff-to-child~~ ratio. 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. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of four (4) months. The log shall include each child's name, date, time of departure, ~~and~~ time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. ~~The log shall be retained for a minimum of four months.~~

2. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the children departs the vehicle,

b. No change.

c. Sign, date and record the driver's log immediately, verifying that all children were ~~at~~ accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination, a second staff member shall:

a. No change.

b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the drivers log is complete.

(7) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a conspicuous location ~~place~~ accessible to ~~the~~ parents. The written plan must meet the needs of the children being served and include scheduled activities that which:

1. Promote emotional, social, intellectual and physical growth;-

2. Include quiet and active play, both indoors and outdoors; and:-

3. No change.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to each field trip. Written parental permission must be obtained, ~~either~~ in the form of a general permission slip, ~~or~~ ~~prior to each field trip activity.~~ If special circumstances arise where notification of an event cannot be posted for two (2) working days, ~~then~~ individual permission slips must be obtained from the custodial ~~each~~ parent or legal guardian. Documentation of parental permission for field trips shall be maintained for a minimum of four (4) months from the date of each field trip.

(8) Child Discipline.

(a) Verification that the child care facility has provided, in writing, the disciplinary policy practices used by the facility shall be documented on the enrollment form; with the signature of the custodial parent or legal guardian.

(b) All child care personnel ~~of the child care facility~~ must comply with the facility's written disciplinary policy practices. 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) A copy of the facility's current written disciplinary policy practices must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(9) Access. No change.

(10) Attendance. Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four (4) months.

(11) Child Safety. 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 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, \_\_\_\_\_.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) All child care facilities must be clean, in good repair, and free from health and safety hazards, ~~clean~~, and ~~free~~ from vermin infestation. During the hours that the facility is in operation, no portion of the building shall be used for any activity which endangers the health and safety of ~~the~~ children.

(b) All areas and surfaces accessible to children shall be free from ~~of~~ toxic substances and hazardous materials.

(c) Animals must be properly immunized, free from ~~of~~ disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

(d) 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 in a locked container or a locked area that is inaccessible to children in locations inaccessible to the children in care.

(e) through (g) No change.

(h) Design and construction of a new child care facility or modifications to an existing facility; must meet the minimum requirements of the applicable local governing body.

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three (3) feet from the floor to allow for supervision and for safe methods of entering and exiting each room. In reading, painting, and other close work areas, lighting must be equivalent to 50 foot candles on the work surface. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.

(b) An inside temperature of 65° to 82° degrees Fahrenheit must be maintained at all times.

(c) through (d) No change.

(3) Indoor Floor Space.

(a) No change.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space, for the facility as a whole, is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must also have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

(d)(e) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(e)(d) Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens.

(4) Outdoor Play Area.

(a) There shall be a minimum of ~~forty five (45)~~ square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

(b) The outdoor play area shall be calculated at the rate of ~~forty five (45)~~ square feet per child in any group using the play area at one (1) time.

(c) The outdoor play area shall be clean, free from ~~of~~ litter, nails, glass and other hazards.

1. through 2. No change.

(d) No change.

(e) The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level; and be free from erosion or build-up; to prevent inside or outside access by children or animals.

(f) through (g) No change.

(h) For the purposes of child care facilities who are providing care to school-age children, a fence is not required if all the following conditions are met:

1. The children using the outdoor play area are in five-year-old kindergarten and grades one (1) or above;

2. In addition to the established staff-to-children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and

4. The licensing authority has provided written authorization to the program to operate without a fence.

(5) Napping and Sleeping Space. For the purposes of these standards, sleeping refers to the normal ~~overnight~~ time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each facility must include a designated area where each child can sit quietly or and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Bedding means a cot, bed, crib, playpen, mattress (excluding an air mattress or a foam mattress) or floor mat. Floor mats must be at least one (1) inch thick and covered with an impermeable surface. Floor mats, foam mattresses, air mattresses, and playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size. Bedding is not required for school-age children; however, the program or facility shall provide an area as described in paragraph 65C-22.002(5)(a), F.A.C., for those children choosing to rest.

(c) Linens, if used, must be laundered at least once each week and more often if soiled or dirty. Linens, if used for more than one (1) child shall be laundered between usage. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) No change.

(e) A minimum distance of ~~eighteen~~ (18) inches must be maintained around individual napping and sleeping spaces. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own 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 (2 3/8) 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 should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS) unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Each child care facility shall provide and maintain toilet and bath facilities ~~that, which~~ are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) For facilities having from one (1) to ~~15~~ fifteen children, there shall be one (1) toilet and one (1) wash basin. There shall be one (1) additional toilet and basin for every ~~30~~ thirty children thereafter. For design and construction of a new child care facility or modification to an existing facility, paragraph 65C-22.002(1)(h)~~(j)~~, F.A.C., shall apply.

1. If only diapered infants are cared for in the facility, ~~then there need be only one (1) toilet plus two (2) basins per 30 for each thirty infants is required.~~

2. No change.

(c) through (d) No change.

(e) At least one (1) portable or permanent bath facility shall be provided and be available for bathing children.

(f) Running water, soap, trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained, ~~soap and trash receptacles~~ shall be available and within reach of children using the toileting facility.

(g) No change.

(7) Fire Safety.

(a) No change.

(b) There shall be at least one (1) corded telephone in the child care facility ~~that which~~ is neither locked nor located at a pay station and is available to all staff during the hours of operation.

(c) Fire drills shall be conducted monthly at various times and shall be conducted when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four (4) months from the date of the fire drill.

(8) Health and Sanitation.

(a) General Requirements.

1. No change.

2. Following personal hygiene procedures for themselves or when assisting others, and immediately after outdoor play, Employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. No change.

4. If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines are practiced, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(b) Diapering Requirements.



1. Hand washing facilities ~~that which~~ include a basin with running water, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained, ~~soap, and trash receptacle~~ shall be provided ~~maintained~~ in the infant room or in an adjoining room which opens into the room where infants or children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure. Handwashing sinks shall not be used for food service preparation or food clean up.

2. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface ~~that which~~ is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

3. ~~The~~ Diaper changing area shall be located in a separate area from the ~~feeding or food preparation, service and feeding~~ area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.

4. There shall be a supply of clean diapers, clothing and linens at all times. ~~When diapers, clothing or linens that are in use become soiled or wet, they shall be changed immediately or removed and properly disposed of, which shall be changed or removed promptly when soiled or wet.~~

5. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container ~~that, which~~ is not accessible to children. The container shall be emptied and sanitized, at least, daily.

6. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container ~~that which~~ is not accessible to children. The container shall be emptied and sanitized, at least, daily.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

1. through 2. No change.

(b) Outdoor Equipment.

1. A child care facility shall provide and maintain 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; and all connectors; and moving parts.

3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment ~~that which~~ 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 facility's premises shall be free from ~~of~~ sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one (1) area.

5. No change.

Specific Authority ~~402.301, 402.305~~ FS. Law Implemented 402.301, 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05, \_\_\_\_\_.

65C-22.003 Training.

(1) Definitions.

(a) "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met. "CDA" Child Development Associate is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.

(b) "Before-school and after-school site" refers to a program, regardless of location, that provides child care for children who are at least five (5) years old and are enrolled in and attend a kindergarten program or grades one (1) and above during a school district's calendar year. This is limited to programs that provide care only before and after the recognized hours of a district's school day and on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year. "State Approved CDA Equivalency" is a training program that has been approved by the Department of Children and Family Services as meeting or exceeding the criteria established for an equivalency program.

(c) "Begin training for child care personnel" refers to a candidate's commencement of at least one (1) of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance, acquiring an educational exemption from training, beginning a department-approved online child care training course, or by completion of a department-approved competency examination within the first 90 days of employment in the child care industry. The child care facility is responsible for obtaining documentation from child care personnel.

~~(d)(e)~~ "Director," pursuant to for the purpose of this section and consistent with the statutory definition of "operator," in Section 402.302(11), F.S., is refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of a the child care facility.

~~(e)(d)~~ "Director Credential" is means a department-approved comprehensive credentialing program that consistsing of two levels of education and experiential requirements as referenced outlined in paragraph subsection 65C-22.003(8)(a), F.A.C.

~~(e)~~ "Before-school and after-school sites" for the purposes of this section means, no matter their location, providing child care for children who are five years old and

above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district's calendar year. This is limited to programs providing care before and after the school day, only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

(f) "Begin training for child care personnel" means to commence coursework by attendance, by educational exemption, or by completing a competency examination for one of the statutorily mandated child care training modules. The begin date for training is the initial date an individual commences training in the child care field.

(f) Early childhood education" refers to coursework, certification, a credential or degree that specializes in children ages birth through eight (8).

(g) "Expired" refers to the status of a candidate's awarded credential or certification that is not eligible for renewal.

(h) "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., is a department-approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification: "Birth Through Five (formerly the department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification)." A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(i) "Florida Department of Education Child Care Apprenticeship Certificate (CCAC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(j) "Florida Department of Education Early Childhood Professional Certificate (ECPC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(k) "Florida Department of Education School-Age Professional Certificate (SAPC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and

recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(l) "Inactive" refers to the status of a candidate's awarded credential or certification that remains eligible for renewal.

(m) "National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(n)(g) "Training Transcript" is the official electronic documentation of for statutorily mandated training and staff credentialing qualifications requirements for of all child care personnel. Training transcripts may ~~can~~ be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare), downloaded and printed by the individual if desired or will be issued to the individual if requested.

(o) "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(2) Training Requirements.

(a) Child care personnel hired on or after October 1, 1992 must successfully complete the Department of Children and Family Services' 40 hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Child care personnel who successfully completed the mandatory 40 hour Introductory Child Care Training prior to January 1, 2004 are not required to fulfill the competency examination requirement.

1. All child care personnel must complete training within 12 months from the date training begins and may not exceed 15 months from the date of employment in the child care industry.

~~2.(a)~~ The 40 hour Introductory Child Care Training requirement is divided into two (2) parts. Part I is comprised of 30 hours of training that, ~~consists of~~ the Department of Children and Family Services' training courses ~~modules~~, developed by the department, identified below:

~~a.1-~~ Child Care Facility State & Local Rules and Regulations;

~~b.2-~~ Health, Safety, and Nutrition;

~~c.3-~~ Identifying and Reporting Child Abuse and Neglect;

- d.4. Child Growth and Development; and
- e.5. Behavioral Observation and Screening.

3.(b) Part II is comprised of 10 hours of training that, consisting of a selection from the Department of Children and Family Services' specialized training courses modules, developed by the department, identified below:

- a.1. Infant and Toddler Appropriate Practices (10 hours);
- b.2. Preschool Appropriate Practices (10 hours);
- c.3. School-Age Appropriate Practices (10 hours);
- d.4. Special Needs Appropriate Practices (10 hours);
- e.5. Basic Guidance and Discipline (5 hours online web based);
- f.6. Computer Technology for Child Care Professionals (5 hours online web-based); and
- g.7. Early Literacy for Children Age Birth to Three (5 hours online web-based);
- h. Early Childhood Computer Learning Centers (5 hours online), or
- i. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

(c) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the Department of Children and Family Services' 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. Child care personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(b)(4) Pursuant to Section 402.305(2)(d)5., F.S., all child care personnel must complete a single course 5-clock hours or .5 continuing education units (CEU's) of training in early literacy and language development of children ages birth through to five (5) years of age. Literacy training must be a single class or course that is a minimum of no less than five (5) clock-hours or .5 CEUs in duration and focuses on early literacy and language development of children from birth to 5 years of age.

1. All child care personnel employed on or before December 31, 2004, shall complete 5-clock hours or .5 documented continuing education units (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005.

1.2. All child care personnel must hired on or after January 1, 2005, shall complete early literacy training within 12 months of date of employment in the child care industry. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma.

2.3. In order to meet the literacy training this requirement, child care personnel 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/training](http://www.myflorida.com/childcare/training); or
- b. One (1) of the department's approved literacy training courses. A training course from the Department of Children and Family Services' list of these courses may approved literacy training programs, which can be obtained from accessed by contacting the licensing authority or on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (training. The Department of Children and Family Services will continue to approve literacy courses through May 31, 2005. After this date, no additional courses will be approved by the department) added to the list; or
- c. One (1) college level early literacy course (for credit or non-credit) if taken (for credit or non-credit) within the last five (5) years.

4. Literacy training that was taken between July 1, 1999 and July 1, 2004, will be accepted by the licensing authority if it meets all the required components stated above.

(c) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Department of Children and Family Services or its designated representative.

1. The successful completion of Part I and Part II modules will be documented on either CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript.

2. A copy of the certificate or training transcript must be included in the child care personnel record and maintained at each facility.

3. A copy of the certificate or training transcript for the director and owner must be included in the department's official licensing file.

(3) Exemptions from the Introductory Child Care Training.

(a) Competency Examination Exemptions. Prior to attending the training, child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more any of the department's 40-hour Introductory Child Care Training courses modules prior to attending training by successfully completion of corresponding competency examinations with a weighted score of seventy (70) or better. Examination Exemptions examinations are not available for the department's online of Children and Family Services' web-based Part II specialized training courses modules.

(b) Educational Exemptions.

1. The Department of Children and Family Services or its designated representative shall exempt child care personnel with one of the following educational qualifications, 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 Modules:

a. Associate's Two-year degree or higher with six (6) college credit hours in early childhood/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

b. An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC). ~~Child Development Associate credential, state-approved Florida CDA Equivalency course.~~

2. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course module and Preschool Appropriate Practices course module.

3. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices course module.

4. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices course module.

5. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses or from the department's online training courses.

(4) Documentation of Training. Training ~~successfully completed successfully after July 1, 2004~~ will be documented on the ~~child care training transcript only. Training completed prior to July 1, 2004 may be documented either on the child care training transcript or on CF-FSP 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference.~~

(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.

(5) Child Care Trainer Qualifications. Qualified Child care professionals approved to teach the Department of Children and Family Services' Child Care Training courses modules must meet, at a minimum, must meet the following qualifications:

(a) ~~Be~~ At least 21 years of age old.

(b) Have completed the department's six (6) clock-hour Train-the-Trainer course developed by the Department of Children and Family Services.

(c) Meet one (1) of the following educational and experiential credentials verified by the Department of Children and Family Services or its designated representative:

1. Four (4) year college degree or higher with six (6) college credit hours in early childhood education/child growth and development and, plus, 480 hours experience in a child care setting serving children ages birth through eight (8), years of age or a professional educator teaching certificate.

2. ~~Associate's, S. or A.A.~~ degree in Early Childhood Education or Child Development and, plus 480 hours experience in a child care setting serving children ages birth through eight (8) years of age.

3. Associate's degree with six (6) college credit hours in early childhood/child growth and development and, plus 960 hours experience in a child care setting serving children ages birth through eight (8) years of age.

4. Four (4) year college degree with a professional educator certificate and employed by a school district in the state of Florida to teach Early Childhood Education in the Family and Consumer Sciences Program.

~~5.(d)~~ Family child care trainers may meet the qualifications referenced listed above in paragraph 65C-22.003(5)(c), F.A.C., or the following qualifications: a high school diploma or GED, a National Early Childhood Credential CDA or a department state approved Birth Through Five FCCPC Florida CDA equivalent, and three (3) years of full-time experience in licensed family child care within the past five (5) years, and completion of the 6 clock hour Train-the-Trainer course developed by the department.

~~(d)(e)~~ The Department of Children and Family Services or its designated representative may require a trainer to attend a specific child care training course module prior to being approved.

(6) Annual In-Service Training.

(a) All child care facility personnel; must complete a minimum of 10 clock-hours or one (1) CEU of in-service training ~~or 1 CEU~~, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 or 1 CEU, must be completed in one (1) or more of the following areas (college level courses will be accepted):

1. Health and safety; including universal precautions;

2. No change.

3. First Aid (~~this training~~ may only be taken to meet the in-service requirement once every three (3) years);

4. through 13. No change.

14. ~~S~~Playground safety in outdoor play;

15. through 19. No change.

20. Homework assistance for school-age care;

21. through 22. No change.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, April 2006 Feb. 04, 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 by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training). A new in-service training record is required each fiscal year. ~~In addition to maintaining the training record for the current fiscal year, T~~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. ~~College-level courses that cover the topics above may also be counted to meet the annual in-service training requirement.~~

(7) Staff Credentials.

(a) Staff Credential Requirement. Pursuant to Section 402.305(3), F.S., ~~a~~ Every licensed child care facility must have one (1) credentialed staff member of its child care personnel for every 20 children, ~~with one of the following qualifications:~~

1. A credentialed staff member is defined as a child care professional who has been issued a CF-FSP Form 5206, April 2006, Staff Credential Verification, which is incorporated by reference, by the department.

2. To apply for a CF-FSP Form 5206, a candidate must complete CF-FSP Form 5211, April 2006, Staff Credential Application, which is incorporated by reference, copies of which may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare), and meet one (1) of the following six (6) qualifications as cited on CF-FSP Form 5211:

a.1. An active National Early Childhood Development Associate (CDA) Credential (NECC).

b.2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, April 05, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).

c.3. An active Birth Through Five state approved Florida Child Care Professional CDA Equivalency (CDAE) Credential awarded by successful completion of a Birth Through Five FCCPC Training Program as documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, which is incorporated by reference. A list of approved programs is maintained on the Department of Children and Family Service's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

d. An active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) (formerly CDA Equivalent), or School-Age Professional Certificate (SAPC) (formerly School-Age Certification Training).

~~a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, April 05, Application for Child Development Associate (CDA) Equivalency for Training Programs, which is incorporated by reference, to the Department of Children and Family Services for approval. CF-FSP Form 5191 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).~~

~~b. The criterion for programs wishing to be recognized as a state approved CDA Equivalency is determined by the Department of Children and Family Services and is outlined on the Application for Child Development Associate (CDA) Equivalency Training Programs, CF-FSP 5191.~~

~~e. The Department of Children and Family Services will only approve CDA Equivalency programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.~~

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute (a person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care between July 1, 1980 and July 1, 1995, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement), employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. Documentation of employment history recognition must include notarized letters indicating previous employment or other forms of documentation such as W-2 forms, licensing records, or income tax return forms for each place of employment.

e.5. An active Florida School-Age Florida Child Care Professional Credential Certification awarded by successful completion of a School-Age FCCPC Training Program as documented on CF-FSP Form 5270. A list of approved programs is maintained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement.

A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).

f. Employment History Recognition Exemption. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.

a. Training providers seeking to offer the Florida School Age Certification Training Program must utilize the Florida School Age Certification Training Program as approved by the Department of Children and Family Services and must apply for approval on CF-FSP Form 5257, April 05, Application to Provide the Florida School Age Certification Training Program, which is incorporated by reference. The application may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare/training. Effective July 1, 2005, The Department of Children and Family Services will only approve Florida School Age Certification Training Programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.

b. In order to receive the Florida School Age Certification, a candidate must have completed the Department of Children and Family Services, Florida School Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of successful completion of Part I of the training for School Age Child Care Personnel identified in paragraphs 65C 22.008(4)(a) and (b), F.A.C.; and a minimum of 80 clock hours of training using the Department of Children and Family Services approved curriculum, which focuses on the following six competency areas:

(A) Establishment and maintenance of a safe and healthy learning environment.

(B) The advancement of physical and intellectual competence.

(C) The support of social and emotional development and provision of positive guidance.

(D) The establishment of positive and productive relationships with families.

(E) Ensuring a well-run, purposeful program responsive to participant's needs.

(F) The maintenance of a commitment to professionalism.

(H) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school age competency subject areas, and a collection of resource materials as identified in the Department of Children

and Family Services, Florida School Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) Formal observation working with children in a school age setting during the course of the program by a qualified observer.

(IV) 480 hours of direct contact with children in a school age setting within the past five years.

e. Individuals who are enrolled in an existing school age certification training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School Age Certification requirement.

d. Individuals who successfully complete a school age training program offered by one of the branches of the U.S. Military will be recognized as having met the Florida School Age Certification requirement.

e. Early Childhood Education Training providers that offer the Florida School Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School Age Certification Training Program, which is incorporated by reference, for each graduate. Training providers must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative for processing upon completion of all components of the Florida School Age Certification Training Program.

f. The Department of Children and Family Services or its designated representative will update the child care training transcript to document the successful completion of the Florida School Age Certification Training Program.

g. To maintain a valid Florida School Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three hour college credit course in any school age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School Age Certification. This documentation must be submitted to the Department of Children and Family Services or its designated representative to verify completion of the required coursework. The Department of Children and Family Services or its designated representative will issue a new Florida School Age Certification Training Program Certificate upon verification of the documentation.

(b) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraph (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full-time basis for those facilities that operate 20 hours or less per week.

~~(b)(e)~~ Calculation of Number of Personnel Necessary. The required number of credentialed staff for a facility shall be calculated as follows:

1. Child care facilities with 19 or ~~fewer less~~ children or ~~that which~~ operate less than eight (8) hours per week are not subject to the staff credentialing requirement.

2. For every 20 children, a child care facility must have one (1) child care staff member personnel who meets the staff credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one (1) credentialed staff member, facilities with 40-59 children must have two (2) credentialed staff members, and so on. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

3. Child care personnel meeting the staff credential requirement in paragraph 65C-22.003(7)(a), F.A.C., must work at the facility a minimum of 20 hours per week. A credentialed staff person must be on-site during all operational hours for those facilities that operate 20 hours or less per week.

4. Nap time and lunch times are excluded from this calculation.

~~5.3.~~ Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

6. Children who are five (5) years old and who are enrolled in and attend a kindergarten program or grades one (1) and above are excluded from the credentials ratio.

7. An individual with an expired or inactive credential is ineligible to be counted as a credentialed staff member pursuant to subparagraph 65C-22.003(7)(a)1., F.A.C., until the credential is renewed or the individual meets one (1) of the qualifications listed in paragraph 65C-22.003(7)(a), F.A.C.

~~4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.~~

~~(c)5-~~ On-Site Documentation. A copy of the CF-FSP Form 5206 for each credentialed staff member must be maintained on-site at the child care facility, in the employee personnel file, for review by child care licensing staff. In addition to CF-FSP Form 5206, April 05, Child Care Personnel Professional Development Confirmation Form, child care facilities must maintain have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

~~6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.~~

(d) Staff Credential Renewal.

1. A National Early Childhood Credential must be renewed through the agency that awarded the credential. Prior to December 31, 2008, a National Early Childhood Credential may comply with the Birth Through Five Florida Child Care

Professional Credential renewal process referenced in paragraph 65C-22.003(7)(d)(3), F.A.C., if the credential was issued prior to December 31, 2003.

2. A staff credential awarded for formal education qualifications does not need to be renewed to remain active.

~~(d) CDA or CDAE Renewal. A CDA or CDAE must be renewed as specified in subparagraphs 1.-6. below for the purpose of meeting the staff credentials requirement for every 20 children in care, as mandated in Section 402.305(3), F.S.~~

~~3.1. Florida CDAE Renewals. To maintain an active Birth Through Five FCCPC Florida CDAE, every five (5) years a candidate must renew their Birth Through Five FCCPC Florida CDAE by completing the Florida CDAE Renewal Application, CF-FSP 5273, April 200605, Birth Through Five Florida Child Care Professional Credential Renewal Application, which is incorporated by reference, CF-FSP Form 5273 and may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare/training. The Florida CDAE Renewal will be documented on CF-FSP 5270, April 05, Florida CDA Equivalency Certificate of Renewal, which is incorporated by reference. Renewal applications may be submitted no earlier than one year prior to the expiration date of the active CDAE certificate. The completed renewal application must be submitted to the Department of Children and Family Services and include documentation of the following criteria:~~

~~a. A Birth Through Five FCCPC renewal will be documented on CF-FSP Form 5270. Renewal applications may be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Birth Through Five FCCPC.~~

~~b. Individuals with a Birth Through Five FCCPC issued before December 31, 2003 may renew the credential by submitting a CF-FSP 5273 with the required documentation by December 31, 2008. A Birth Through Five FCCPC issued after December 31, 2003 will have a renewal date of five (5) years from the date of issuance.~~

~~c. An individual with an inactive Birth Through Five FCCPC may submit a renewal application for a period of up to three (3) years from the end of the Birth Through Five FCCPC active period. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5273 is processed.~~

~~d. For purposes of participation in the Voluntary Pre-Kindergarten (VPK) Program, child care personnel must ensure an active credential by July 1, 2006.~~

~~4. To maintain an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC), every five (5) years a candidate must renew their Florida Department of Education CCAC, ECPC by completing CF-FSP Form 5309, April 2006, Florida Department of Education Child Care~~

Apprenticeship Certificate (CCAC) and Early Childhood Professional Certificate (ECPC) Renewal Application, which is incorporated by reference. To maintain an active Florida Department of Education School-Age Professional Certificate (SAPC), every five (5) years a candidate must renew their SAPC by completing CF-FSP Form 5308, April 2006, Florida Department of Education School-Age Professional Certificate (SAPC) Renewal Application, which is incorporated by reference. CF-FSP Forms 5308 and 5309 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. A Florida Department of Education CCAC, ECPC or SAPC renewal will be documented on CF-FSP Form 5310, April 2006, Certificate for Florida Department of Education Child Care Apprenticeship Certificate (CCAC)/Early Childhood Professional Certificate (ECPC)/School-Age Professional Certificate (SAPC) Program Renewal, which is incorporated by reference. CF-FSP Forms 5308 and 5309, as applicable, may be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Florida Department of Education CCAC, ECPC or SAPC.

b. An individual with an inactive Florida Department of Education CCAC, ECPC or SAPC may submit a renewal application for a period of up to three (3) years from the end of the Florida Department of Education CCAC, ECPC or SAPC active period. CF-FSP Form 5308 or 5309, as applicable, will be reviewed and, if approved, a CF-FSP Form 5310 will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5308 or 5309 is processed.

5. To maintain an active School-Age FCCPC, every five (5) years a candidate must renew their School-Age FCCPC by completing CF-FSP Form 5307, April 2006, the School-Age Florida Child Care Professional Credential Renewal Application, which is incorporated by reference. CF-FSP Form 5307 may be obtained on the Department of Children and Family Service's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. A School-Age FCCPC renewal will be documented on CF-FSP Form 5270. Renewal applications may be submitted no earlier than one (1) year prior to the end of the active date of the School-Age FCCPC.

b. An individual with an inactive School-Age FCCPC may submit a renewal application for a period of up to three (3) years from the end of the School-Age FCCPC active period. The application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5270 is processed.

6. A staff credential awarded for Employment History Recognition Exemption does not require renewal to remain active.

(e) Florida Child Care Professional Credential Training Program Providers.

#### 1. Birth Through Five FCCPC Training Providers.

a. Training providers seeking to offer the Birth Through Five FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5191, April 2006, Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program Application, which is incorporated by reference. CF-FSP Form 5191 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Training providers must submit a completed CF-FSP Form 5191 to the department for approval.

b. Training providers that offer the Birth Through Five FCCPC shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the department for issuance of the Birth Through Five FCCPC and to update the graduate's child care training transcript.

c. Training providers approved to offer the Birth Through Five FCCPC must annually complete, sign, date and submit the attestation page of CF-FSP 5191 to the Department of Children and Family Services for review and approval based on the provider's anniversary date listed on CF-FSP 5191.

#### 2. School-Age FCCPC Training Providers.

a. Training providers seeking to offer the School-Age FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5257, April 2006, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Application, which is incorporated by reference. CF-FSP Form 5257 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Training providers must submit a completed CF-FSP Form 5257 to the department for approval.

b. Training providers that offer the School-Age FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the department for issuance of the School-Age FCCPC and to update the graduate's child care training transcript.

a. Proof of a current First Aid Certificate;

b. Proof of 45 hours of professional education obtained within the past five years by meeting one of the following:

(I) At least 4.5 Continuing Education Units (CEUs);

(II) Three college credits in early childhood education/child development;

(III) Forty five (45) clock hours of early childhood education/child development training completed at a Florida Career Education Center (public vocational or technical school), Florida Community Colleges, or an institution licensed by the Florida Commission for Independent Education.

(IV) Any combination of the professional education outlined in subparagraphs 65C-22.003(7)(d)1.b.(I)-(III), F.A.C., listed above.



e. Proof of recent (within current year) work experience with young children or families of young children (a minimum of 80 hours);

d. Proof of recent (within current year) membership in a national, state or local early childhood professional organization;

e. A letter of recommendation regarding competency in working with young children, provided by an Early Childhood Education Professional such as the Child Care Facility Director, Assistant Director, Observer, or Lead Teacher; and

f. Copy of a CDA or CDAE credential.

g. The fee for processing the Florida CDAE renewal application shall be \$25.00. Payment must be via a business check or a money order. No personal checks will be accepted.

2. Individuals with a Florida CDAE credential obtained before December 31, 2003 will have the opportunity to renew this credential by submitting a completed Florida CDAE Renewal Application, CF-FSP 5273, with the required documentation, by December 31, 2008. A Florida CDAE issued after December 31, 2003 will have a renewal date of 5 years from the date of issuance.

3. If a CDAE credential is not renewed prior to the expiration date, an individual with an expired CDAE credential may submit a renewal application for a period up to three (3) years after the CDAE credential expiration date. The application will be reviewed, and if approved, a certificate issued with a five-year expiration date based on the date the completed renewal application is processed.

4. National CDA Renewals. To renew a National CDA, individuals may contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310, or follow the Florida CDAE renewal process outlined in subparagraphs 65C 22.003(7)(b) 1-4., F.A.C.

5. An individual with an expired CDA or CDAE is ineligible to be counted as a credentialed staff person pursuant to paragraph 65C-22.003(7)(a), F.A.C., until the CDA or CDAE credential is renewed or the individual meets one of the other qualifications listed in subparagraph 65C-22.003(7)(a) 1-4, F.A.C.

(e) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs 65C 20.003 (7)(a)1-5. of this section, are responsible for completing and submitting to the Department of Children and Family Services or its designated representative CF-FSP Form 5211, April 05, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation

Form, which is incorporated by reference, for the individual's records. The individual may also request a copy of CF-FSP Form 5206, from the Department of Children and Family Services or its designated representative, for a nominal fee determined by the Department of Children and Family Services.

3. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.

(8) Director Credential.

(a) Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., every child care facility director must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential or Advanced Director Credential must meet the requirements referenced in CF-FSP Form 5290, April 2006, Florida Child Care Director Credential Verification and Application, which is incorporated by reference. CF-FSP Form 5290 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. All applications and documentation will be verified and the credential issued by the Department of Children and Family Services on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, incorporated by reference, credential by January 1, 2004, which consists of the foundational level or the advanced level. As of January 1, 2004, every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

1. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

1.2. An individual may not be the director of child care facilities that has an overlap in the hours of operation.

2.3. Each child care facility must have a credentialed director that is on-site a majority of hours per day that the facility is in operation.

3. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

4. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional

license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

5.4. CF-FSP Form 5252 The director credential must be posted in a conspicuous location at the facility.

(b) As it relates to the director credential, the following exceptions to the Director Credential apply:

1. No change.

2. Pursuant to Section 402.305(1)(c), F.S., a credentialed director holding a foundational or advanced level Florida director credential may supervise multiple before-school and after-school sites as outlined in paragraph 65C-22.003(8)(c), F.A.C within the same organization. As of January 1, 2004, every applicant for a license to operate a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

(c) Director Credential Requirement for before-school and after-school sites.

1. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:

a. Three (3) sites regardless of the number of children enrolled, or

b. More than three (3) sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included four (4) year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve four (4) year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraphs 65C-22.003(7)(a), F.A.C., in order to accommodate the four (4) year-old children.

2. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:

a. At least 21 years of age;

b. Have completed the approved 40 clock-hour Introductory Child Care Training approved by the Department of Children and Family Services; and

c. Have completed the Department of Children and Family Services' Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight (8) hours of in-service training in serving children with disabilities; or

d. Have completed the Department of Children and Family Services' School-Age Appropriate Practices specialized training module.

~~(e) The foundational level applicants must meet the following educational and experiential requirements:~~

~~1. High school diploma or GED; and~~

~~2. The Department of Children and Family Services' 30-clock-hour Introductory Child Care Training (Part I); and~~

~~3. The Department of Children and Family Services' Special Needs Appropriate Practices module or a minimum of 8 hours of in-service training in serving children with disabilities; and~~

~~4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state approved Florida CDA Equivalency; the Florida School Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and~~

~~5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post-Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and~~

~~6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential will be granted.~~

~~(d) The advanced level applicants must meet the following educational and experiential requirements:~~

~~1. High school diploma or GED; and~~

~~2. The Department of Children and Family Services' 30-clock-hour Introductory Child Care Training (Part I); and~~

~~3. The department's Special Needs Appropriate Practices module or a minimum of 8 hours in-service training or course in serving children with disabilities; and~~

~~4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state approved Florida CDA Equivalency; the approved Florida School Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and~~

~~5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and~~

~~6. Two years of experience on site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential will be granted.~~

~~(e) All applications and documentation will be verified and credentials issued by the Department of Children and Family Services.~~

(f) Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(8)(e)1, 4, and 6., F.A.C., and any of the following:

1. An A.S. degree in child care center management, or
2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care management/administration, business administration or educational administration, or
3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care management/administration, business administration or educational administration, or
4. Five or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care and three college credit hours in child care management/administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

(g) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the Department of Children and Family Services with a minimum score of 70 percent.

(d)(h) Director Credential Renewal.

1. To maintain an active temporary Director Credential or Director Credential at either level, every 5 years, candidates must meet the requirements referenced on CF-FSP Form 5306, April 2006, Florida Director Credential Renewal Application, which is incorporated by reference. CF-FSP Form 5306 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). have an active staff credential documented on CF-FSP 5206, Child Care Personnel Professional Development Confirmation Form, and 4.5 Continuing Education Units (CEUs), or three college credit hours in any one of the curriculum areas listed in subparagraph 65C-22.003(8)(e)5., F.A.C. Coursework must be in addition to the original coursework required for the

credential. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following:

- a. Serve as an officer or committee member in a professional organization related to the field of early childhood or school-age programs;
- b. Make presentation or provide training in the field of early childhood or school-age programs;
- c. Serve as a validator or advisor for a Florida-recognized accreditation program, as a CDA advisor, or as a school-age certification representative for the Florida School Age Certification Training Program;
- d. Advocate for an issue in the field of early childhood or school-age programs;
- e. Publish an item related to the field of early childhood or school-age program;
- f. Document program improvements by completing a Florida-recognized accreditation program;
- g. Serve as a consultant or mentor to another early childhood or school-age program;
- h. Participate in an educational research or innovation project related to early childhood or school-age programs; or
- i. Participate in a creative activity, outside of the candidate's child care program, relating to the field of early childhood or school-age programs.

2. A Director Credential issued prior to January 1, 2004, will have an initial renewal, as documented on CF-FSP Form 5252, is active for five (date of January 1, 2009, and every 5) years from the date of issuance thereafter. A Director Credential issued after January 1, 2004, will have an initial renewal date after 5 years and every 5 years thereafter. The completed renewal application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential Renewal Certificate no earlier than one (1) year prior to the end expiration date of the active period of the Director Credential. The Director Credential renewal date is will be determined by the end date of the active period Director Credential expiration date.

3. If a renewal application is received after the end of the active period for the Director Credential expiration date, the Director Credential Renewal Application will be reviewed, and, if approved, a certificate will be issued with a renewal date of five (5) years from the expiration date based on the date the completed renewal application was is processed.

4. An individual with an inactive Director Credential is ineligible to be the director of a child care facility.

(e)(i) Director Credential Training Providers Coursework Recognition and Approval.

1. The Department of Children and Family Services is responsible for reviewing existing and approving developing “Overview of Child Care Management” courses work, offered through vocational-technical schools, community colleges and universities; to determine if the requirements for it meets the requirements for the Director Credential coursework are met. Vocational-technical schools, community colleges and universities shall submit CFFSP Form 5247 for course review and approval, hereby incorporated by reference. Applications for new cCoursework will no longer be accepted by the department be reviewed and approved according to the guidelines found in “Florida Child Care and Education Program Director Credential, Curriculum Areas,” hereby incorporated by reference, and copies of which can be obtained from the Department of Children and Family Services. 2. A list of approved “Overview of Child Care Management” courses may must be obmaintained on and will be available through the Department of Children and Family Services’ website at www.myflorida.com/childcare.

2. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

a. Child Care and Education Organizational Leadership and Management

b. Child Care and Education Financial and Legal Issues

c. Child Care and Education Programming.

(j) ~~Before school and after school sites.~~

1. A director holding a foundational or advanced Director Credential may supervise multiple before school and after school sites for a single organization as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before and after school program shall be calculated and viewed as separate programs.

e. In counties where the public school district has included 4 year old children in public before school and after school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4 year old children in the before school and after school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraphs 65C-22.003(7)(a)1-5., F.A.C., in order to accommodate the 4 year old children.

2. When a credentialed director is supervising multiple sites, the person left in charge of the site during the director’s absence must meet the following requirements:

a. Be at least 21 years of age;

b. Have completed the approved 40 clock hour Introductory Child Care Training (Parts I and II), approved by the Department of Children and Family Services; and

e. ~~Have completed the Department of Children and Family Services basic training in serving children with special needs, by completing the Part II, specialized training module, Special Needs Appropriate Practices, or through completion of a minimum of 8 hours of in-service training in serving children with disabilities; or~~

d. ~~Have completed the Department of Children and Family Services School Age Appropriate Practices specialized training module.~~

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,\_\_\_\_\_.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization; or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;;
2. Difficult or rapid breathing;;
3. Stiff neck;;
4. Diarrhea (more than one abnormally loose stool within a 24 hour period);;
5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;;
6. Conjunctivitis (pink eye);;
7. Exposed, open skin lesions;;
8. Unusually dark urine and/or gray or white stool;;
9. Yellowish skin or eyes;;
10. No change.

(b) A child identified who has having head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred.

(c) Isolation Area. Each facility shall have a designated isolation area for a child who becomes ill at the facility. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use ~~and- Until cleaned or disposed, the~~ used linens and disposables shall be kept in a closed container in the isolation area until cleaned or disposed of. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

(d) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected outbreak occurs when two (2) or more children or employees have the onset of similar signs or symptoms, as outlined in subparagraphs (1)(2)(a)1.-10., F.A.C., above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) Each child care facility must have at least one (1) staff member with current and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures. One (1) staff member satisfying these training requirements shall be present at all times that children are in the care of the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off.

(b) Certificate(s) 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. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction. Documentation that identifies staff members have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the child care facility.

(c) At least one (1) first aid kit ~~containing materials to administer first aid~~ must be maintained on the premises of ~~the~~ all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid." The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must, at a minimum, include:

1. through 2. No change.
3. Disposable non-porous latex gloves,
4. through 11. 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 ~~as necessary~~ to protect the health, safety and well-being of any child in day care.

2. No change.

3. All accidents and incidents which occur at a facility or while a child is in the care of facility staff must be documented ~~and shared with the custodial parent or legal guardian~~ on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence.

Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian and maintained for one (1) year.

4. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours as to their status of operation in order for the licensing authority to ensure health standards are being met for continued operation.

5. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(3) Medication. Child care facilities are not required to give medication; however, if a facility ~~they~~ chooses to do so, the following shall apply:

(a) The facility must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the facility personnel who gave the medication.

b. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with staff and posted with stored medication.

~~(c)(a)~~ Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. ~~For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication.~~

(d) In the event of an emergency, non-prescription medication that is not brought in by the custodial parent or legal guardian can be dispensed only if the facility has written authorization from the custodial parent or legal guardian to do so.

(e) Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.

(f) The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four (4) months after the last day the child received the dosage.

(g)(b) All medicines must have child resistant caps and shall be stored separately and locked or placed out of a child's reach.

(h)(e) 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 facility.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, \_\_\_\_\_.

#### 65C-22.005 Food and Nutrition.

##### (1) Nutrition.

(a) If a facility chooses to supply food, ~~it they~~ shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA ~~My Food Guide Pyramid for Young Children, April 2005 March 1999,~~ 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 ~~one year of~~ ages two (2) and older. The ~~fats and sweets~~ categories "oils" and "discretionary calories" ~~within the USDA Food Guide Pyramid for Young Children may cannot be considered counted as a food groups.~~ Copies of the USDA ~~My Food Guide Pyramid for Young Children~~ may be obtained from the licensing authority, ~~or the local county health department or from the USDA website at www.mypyramid.gov.~~ Using the USDA ~~My Food Guide Pyramid 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.

(b) No change.

(c) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's ~~facility~~ file. If the custodial parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu. Daily meal and snack menus shall be maintained for a minimum of one (1) month.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section, to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

##### (3) Food Service.

(a) No change.

(b) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles, and sippy cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(c)(b) There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner at all times before and after use. 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.

(d)(e) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(e)(d) Facilities shall provide sufficient age appropriate seating so that children are seated at tables for meals.

(e) ~~Single service paper or plastic plates, utensils, and cups shall not be reused.~~

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, \_\_\_\_\_.

#### 65C-22.006 Record Keeping.

##### (1) General Requirements.

(a) ~~All R~~ecords required to document compliance with Section 402.305, F.S., and rules adopted thereunder, shall be maintained at the facility and available during the hours of operation for review by the licensing authority.

(b) A copy of all background screening documents for the director and owner must be included in the department's official licensing file.

(c)(b) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

##### (2) Children's Health Requirements.

(a) The child care facility is responsible for obtaining for each child in care a current, and completed and properly executed DH Form 3040, June 2002, Student Health Examination form as referenced in Section 6A-6.024, F.A.C., from the parent or legal guardian for each child in care, within 30 days of enrollment and maintaining a current copy on file while the child is enrolled at the facility. DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR or a signed statement by authorized professionals that indicates the results of the components of the Student Health Examination form are included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination or the signed statement is valid for two (2) years from the date the physical was performed. An up-to-date version must be on file for as long as the child is enrolled at the facility.

(c) The child care facility, if responsible for obtaining for each child in care a current, and completed and properly executed DH Form 680, Florida Certification of Immunization form Part A-1, B, or C (July 2001), or the DH Form 681, Religious Exemption from Immunization form (May 1999), as promulgated by the Florida Department of Health, from the custodial parent or legal guardian, for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681, which are incorporated by reference in subsection 65D 3.011(9), F.A.C., can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A 1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out-of-state are acceptable, however, immunizations must be documented on the Florida Certification of Immunization form and must be DH Form 680 and signed by a practicing physician in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes" as promulgated by the Florida Department of Health.

(d) If the custodial parents or legal guardians fail to provide the documentation required in sub-paragraphs (a) or (c) above within 30 days of enrollment, the facility shall not allow the child to remain in the program.

(e)(d) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

(f) If the custodial parents or legal guardians need assistance concerning these requirements, the facility shall refer them to the Department of Health or to the child's physician.

(g)(e) Medical records in this section are the property of the custodial parent or legal guardian and must be returned to them when the child withdraws from the facility. The medical records and are transferable if the child attends another facility.

### (3) Medication Records.

(a) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and signature of the custodial parent or legal guardian shall be maintained by the facility. This record shall be initialed or signed by the facility personnel who gave the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(3)(4) 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 2005 Dec. 02, 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 by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/information](http://www.myflorida.com/childcare/information).

(a) No change.

(b) The child shall not be released to any person other than the person(s) authorized; or in the manner authorized in writing; by the custodial parent or legal guardians.

(c) There shall be signed statements from the custodial parents or legal guardian that the child care facility has provided them with the following information to parents:

1. The Department of Children and Family Services child care facility brochure, CF/PI 175-24, July 2005 March 2002, Know Your Child Care Facility Center, which is incorporated by reference. This brochure may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/information](http://www.myflorida.com/childcare/information). Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, containing all the information required by the Department of Children and Family Services.

2. The child care facility's written disciplinary policy practices.

~~(4)(5)~~ Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

(a) through (c) No change.

(d) Level 2 screening information documented on CF-FSP Form 5131, Feb. 2004, Background Screening and Personnel File Requirements, which is incorporated by reference. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. ~~The 5-year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition,~~ Child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. ~~A person in this category must undergo the same level of screening which was required upon initial employment.~~ If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five (5) year re-screening has come due during the leave of absence. ~~An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Aug. 04, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.~~

1. A person in this five (5) year re-screen category must undergo the same level of screening that was required upon initial employment and that must include, at a minimum:

a. Statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.

b. An employment history check that includes the previous two (2) years. An employment history check conducted under this shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

c. CF-FSP 1649, September 2005, An Affidavit of Good Moral Character, which is incorporated by reference, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare.

2. A copy of all background screening documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate local licensing agency requirements.

(e) Copies of training information and credentials as described in subsections 65C-22.003(4), (6) and (7), F.A.C., as applicable.

(f) Driver's license and driver physical examination documentation. A copy of the driver's license and (The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

(5)(6) Summary of Other Records. In addition to the documentation outlined in subsections 65C-22.006(1)-(4), F.A.C., the following is a list of records that shall be maintained at the facility and that shall be available during the hours of operation for review by the licensing authority:

a. Driver's log. Must be retained for a minimum of four (4) months as referenced in subparagraph 65C-22.001(6)(f)1., F.A.C.

b. Documentation of parental permission for field trips. Must be retained for a minimum of four (4) months as referenced in paragraph 65C-22.001(7)(b), F.A.C.

c. Facility's written disciplinary policies as referenced in paragraph 65C-22.001(8)(c), F.A.C.

(d)(a) Daily attendance of children records. Must shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four (4) months as referenced in subsection 65C-22.001(10), F.A.C.

(b) Record of accidents and incidents shall be documented daily and maintained for one year. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian.

(e) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(e)(d) The operator shall maintain a Wwritten record of monthly fire drills. Must showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four (4) months as referenced in paragraph 65C-22.002(7)(d), F.A.C from the date of the fire drill.



~~(f)(e)~~ Documentation of ~~that identified~~ staff members ~~that~~ have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement ~~as referenced in paragraph 65C-22.004(2)(b), F.A.C.~~ shall be kept on file at the child care facility.

~~(f)~~ Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

~~(g)~~ Posted emergency telephone numbers and the address of and directions to the facility as referenced in subparagraph 65C-22.004(2)(d)1., F.A.C.

~~(h)~~ Documentation of accidents/incidents. Must be maintained for one (1) year as referenced in subparagraph 65C-22.004(2)(d)3., F.A.C.

~~(i)~~ Emergency evacuation plan as referenced in subparagraph 65C-22.004(2)(d)5., F.A.C.

~~(j)~~ Record for each child receiving medication. Must be maintained for a minimum of four (4) months after the last day the child received the dosage as referenced in paragraph 65C-22.004(3)(f), F.A.C.

~~(k)~~ Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(c), F.A.C.

~~(l)~~ Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(c), F.A.C.

~~(m)(g)~~ Daily meal and snack menus, including meal substitutions. Must ~~shall~~ be maintained for one (1) year as referenced in paragraph 65C-22.005(1)(d), F.A.C. a minimum of one month.

~~(h)~~ Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

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,\_\_\_\_\_.

65C-22.007 Evening Child Care.

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. No change

(3) Exemptions. No change.

(a) No change.

(b) ~~Child Development Associate or C~~erdentialed staff, pursuant to 402.305(3), F.S., are ~~is~~ not required for Evening Child Care staff.

(c) No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 7-2-98, Amended 9-12-04,\_\_\_\_\_.

65C-22.008 School-Age Child Care.

(1) Definitions.

(a) "School-Age Child" – means a child who is at least five (5) years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade five (5).

(b) "School-Age Child Care Program" – means any licensed child care facility serving school-aged children as defined in paragraph 65C-22.008(1)(a), F.A.C., or any before and after school programs that are licensed as a child care facility defined in Section 402.302, F.S., and serve only school-aged children as defined in paragraph 65C-22.008(1)(a), F.A.C.

~~(e)~~ "An After-School Program Serving School-Age Children" is not required to be licensed if the program meets one of the following criteria:

1. Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, and tutorial/academic activities of that program and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or

3. After-school programs that meet all the following criteria:

a. Operate for a period not to exceed a total of 4 hours in any one day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year; and

b. Allow children to enter and leave the program at any time, without adult supervision; and

e. ~~Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and~~

d. ~~Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or~~

4. ~~Programs providing after school care exclusively for children in grades 6 and above.~~

(2) ~~Licensure Requirements.~~

(a) ~~An after school program exempted under subparagraph 65C-22.008(2)(c)1. or 3., F.A.C., may become licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(3), F.A.C.~~

(a) ~~A program that meets the definition of “An After School Program Serving School Age Children” is not required to be licensed.~~

(b) ~~An after school program exempted under subparagraph 65C-22.008(1)(e)1. or 3., F.A.C., may become licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(3), F.A.C.~~

(b)(e) ~~After school programs that choose to expand their program beyond the parameters in subparagraphs 65C-22.008(2)(4)(c)1. through 4., F.A.C. above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school-age child as defined in paragraph 65C-22.008(1)(a), F.A.C., above, must be licensed.~~

(c) ~~An “After School Program” serving school-age children is not required to be licensed if the program meets one of the following criteria:~~

1. ~~Program is located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school-age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or~~

2. ~~Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional and tutorial/academic activities of that program and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to, computer class; ballet; karate; gymnastics; baseball, and other sports; or~~

3. ~~Program meets all of the following criteria:~~

a. ~~Operate for a period not to exceed a total of four (4) hours in any one (1) day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and~~

b. ~~Allow children to enter and leave the program at any time, without adult supervision; and~~

c. ~~Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and~~

d. ~~Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or~~

4. ~~Program provides after school care exclusively for children in grades six (6) and above.~~

(d) ~~Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5272, Feb. 2004, Application for a License to Operate a School-Age Child Care Program, which is incorporated by reference. CF-FSP Form 5272 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).~~

1. ~~Each completed CF-FSP Form 5272 must be submitted with the licensure fee.~~

2. ~~The completed CF-FSP Form 5272 must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.~~

3. ~~For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.~~

4. ~~A completed CF-FSP Form 5272 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur.~~

(e) ~~License. A school-age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school-age child care program is operating.~~

(3) ~~School Age Child Care Standards. No change.~~

(a) ~~Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the school-age child care program and on the premises at all times. Application. Application must be made on CF-FSP Form 5272, Feb. 2004, Application for a License to Operate a School Age Child Care Program, which is incorporated by reference.~~

(b) License. A school-age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school-age child care program is operating.

(c) All provisions under subsections 65C-22.001(1)(b) through (e), (3), (5)(e) through (d), (6), (8), and (9), F.A.C.

(b)(4) Ratios. For children five (5) years of age and older, there must be one (1) child care personnel for every 25 children.

(c)(e) Supervision. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

1. No person shall be an operator, owner, or employee in a school-age child care program while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.

2. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one (1) additional adult must be present on all field trips away from the school-age child care program to assist in providing direct supervision.

3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

4. If a school-age child care program uses a swimming pool that exceeds three (3) feet in depth or uses beach or lake areas for water activities, the school-age child care program must provide one (1) person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the school-age child care program provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (c)2., above.

(d) Access. A school-age child care program must provide the custodial parent or legal guardian access, in person and by telephone, to the program during the program's normal hours of operation or during the time the child is in care.

(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 and out of a child's reach.

4. No firearms or weapons, as defined in Section 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal, state, or local Law Enforcement Officers.

5. No narcotics, alcohol, or other impairing drugs shall be present on the premises.

6. Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

7. Pursuant to Chapter 386, F.S., smoking is prohibited within the school-age child care program, all outdoor play areas, and in vehicles when being used to transport children.

8. Design and construction of a new child care facility or modifications to an existing facility must meet the minimum requirements of the applicable local governing body.

(f) Rooms Occupied by Children.

1. An inside temperature of 65 to 82 degrees Fahrenheit must be maintained at all times.

2. All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

3. Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(g) Napping and Sleeping Space. For the purposes of this standard, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably as described in paragraph 65C-22.008(3)(i), F.A.C.

(h) Toilet and Bath Facilities.

1. Each school-age child care program shall provide and maintain toilet and bath facilities that are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

2. For facilities having from one (1) to 15 children, there shall be at least one (1) toilet and one wash basin. There shall be one (1) additional toilet and basin for every 30 children thereafter. For design and construction of a new child care facility or modification to an existing facility, subparagraph 65C-22.008(3)(e)8., F.A.C., shall apply.

3. Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

4. Running water, soap, trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained shall be available and within reach of children using the toileting facility.

5. Each basin and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.

~~(f) All provisions under paragraphs 65C-22.002(1), (2)(b) through (d), (5)(a), (6)(a), (b), (c), (e), (f), and (g), F.A.C., are required of school age child care programs, except a bath facility.~~

~~(i)(g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C 22.002(3)(a) through (c) and 65C 22.002(4)(a) through (e), F.A.C. However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to either usable indoor floor space as specified in subsection 65C 22.002(3), F.A.C., or outdoor play area as specified in subsection 65C 22.002(4), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.~~

1. A school-age child care program that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A school-age child care program that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a school-age child care program, must have a minimum of 35 square feet of usable indoor floor space for each child.

2. Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture, Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

4. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

5. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to usable indoor floor space as specified in paragraph 65C-22.008(3)(i), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather.

(j) Outdoor Play Area.

1. There shall be a minimum of 45 square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

2. The outdoor play area shall be calculated at the rate of 45 square feet per child in any group using the play area at one (1) time.

3. The outdoor play area shall be clean and free from litter, nails, glass and other hazards.

4. The outdoor play area shall provide shade.

5. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision can be provided.

6. The facility's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

7. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals.

8. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to outdoor floor space as specified in paragraph 65C-22.008(3)(j), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan for inclusion of fine and gross motor skills opportunities. If not requesting an exemption to the outdoor play area, the school-age child care program may operate without a fence if all the following provisions are met:

a. The children using the outdoor play area are in five (5) year old kindergarten and grades one (1) or above;

b. In addition to the established staff-to-child ratios, for the purpose of safety, an additional staff member is present at all times during outdoor activities, to assist in providing direct supervision;

c. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or

unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and

d. The licensing authority has provided written authorization to the program to operate without a fence.

(k) Health and Sanitation.

1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

2. Employees, volunteers, and children shall wash their hands with soap and running water, dry thoroughly and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. School-age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and, if granted, the exemption must be documented and maintained on file at the program.

(l) Equipment and Furnishings.

1. Indoor Equipment.

a. A school-age child care program shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity suitable for each child to be involved in activities.

b. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

2. Outdoor Equipment.

a. A school-age child care program shall provide and maintain equipment and play activities suitable to each child's age and development.

b. 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 and all connectors and moving parts.

c. 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.

d. All equipment, fences, and objects on the program's premises shall be free from sharp, broken and jagged edges and shall be properly placed to prevent overcrowding or safety hazards in any one (1) area.

e. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage and shall be maintained in a safe and sanitary condition.

(m) Health Related Requirements.

1. Communicable Disease Control.

a. Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the school-age child care program suspected of having a communicable disease shall be removed from the program or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

(I) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;

(II) Difficult or rapid breathing;

(III) Stiff neck;

(IV) Diarrhea (more than one abnormally loose stool within a 24 hour period);

(V) Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;

(VI) Conjunctivitis (pink eye);

(VII) Exposed, open skin lesions;

(VIII) Unusually dark urine and/or gray or white stool;

(IX) Yellowish skin or eyes; or

(X) Any other unusual sign or symptom of illness.

b. A child identified as having head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred.

c. Isolation Area. Each school-age child care program shall have a designated isolation area for a child who becomes ill while in care of the program. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use and used linens and disposables shall be kept in a closed container in the isolation area until cleaned or disposed. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

d. Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected outbreak occurs when two (2) or more children or employees have the onset of similar signs or symptoms, as outlined in sub-subparagraphs 65C-22.008(3)(m)1.a., F.A.C., above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

2. First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

a. Each school-age child care program must have at least one (1) staff member with current and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures. One (1) staff member satisfying these training requirements shall be present at all times that children are in the care of the program, both on-site and on field trips. A field trip includes all activities away from the program excluding regular transportation to and from the program, i.e., pick-up and drop-off.

b. Certificate(s) 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 done by classroom instruction. Documentation that identifies staff members have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the school-age child care program facility.

c. At least one (1) first aid kit must be maintained on the premises of the school-age child care program at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must at a minimum include:

(I) Soap,

(II) Band-aids or equivalent,

(III) Disposable non-porous gloves,

(IV) Cotton balls or applicators,

(V) Sterile gauze pads and rolls,

(VI) Adhesive tape,

(VII) Thermometer,

(VIII) Tweezers,

(IX) Pre-moistened wipes,

(X) Scissors, and

(XI) A current resource guide on first aid and CPR procedures.

### 3. Emergency Procedures and Notification.

a. 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 school-age child care program telephones and shall be used to protect the health, safety and well-being of any child in day care.

b. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the school-age child care program owner will contact those persons designated by the custodial parent or

legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

c. All accidents and incidents which occur at a school-age child care program or while a child is in the care of program staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of program staff and custodial parent or legal guardian and maintained for one (1) year.

d. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours as to their status of operation in order for the licensing authority to ensure health standards are being met for continued operation.

e. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit the school-age child care program site in the event of fire or other emergency requiring evacuation of the program and post a copy of the plan in each room of the program site.

4. Medication. School-age child care programs are not required to give medication; however, if a program chooses to do so, the following shall apply:

a. The school-age child care program must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the program personnel who gave the medication.

b. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with staff and posted with stored medication.

c. Prescription and non-prescription medication brought to the school-age child care program by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

d. In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written authorization from the parent or legal guardian to do so.

e. Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.



f. The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four (4) months after the last day the child received the dosage.

g. All medicine must have child resistant caps and shall be stored separately and locked or out of a child's reach.

h. Medication that has expired or that is no longer being dispensed shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled in the school-age child care program.

(n) Child Discipline.

1. Verification that the school-age child care program has provided, in writing, the disciplinary policy used by the program shall be documented on the enrollment form with the signature of the custodial parent or legal guardian.

2. All child care personnel must comply with the school-age child care program's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline that 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.

3. A copy of the school-age child care program's current written disciplinary policies must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(o) Nutrition.

1. If a school-age child care program chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Pyramid 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. Using the USDA My Pyramid, 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. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA My Pyramid may be obtained from the licensing authority, the local county health department or from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov).

2. If a school-age child care program chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

3. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's file. If the parent or legal guardian notifies the school-age child care program of any known food allergies, written

documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

4. Meal and snack menus shall be planned, written, and posted at the beginning of each week. Any menu substitution shall be noted on the menu. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Daily meal and snack menus shall be maintained for a minimum of one (1) month.

(p) Food Preparation Area.

1. All licensed school-age child care programs approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

2. School-age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subparagraph 65C-22.008(3)(p)1., F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(q) Food Service.

1. School-age child care programs shall provide sufficient age appropriate seating so that children are seated at tables for meals.

2. Children shall be supervised during all meals and snacks and offered foods appropriate for their ages.

3. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils and cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

~~(h) If not requesting an exemption to the outdoor play area, the school age child care program may operate without a fence if all the following provisions are met:~~

~~1. The children using the outdoor play area are in five year old kindergarten and grades one or above;~~

~~2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, at all times during outdoor activities, to assist in providing direct supervision;~~

~~3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and~~

~~4. The licensing authority has provided written authorization to the program to operate without a fence.~~

~~(r)(i) Fire Safety. School age child care programs must meet all provisions under subsection 65C-22.002(7), F.A.C. However the program may seek an exemption to state~~

standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and if granted, the exemption must be documented and maintained on file at the program.

1. Unless statutorily exempted, all school-age child care programs shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities, and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority. However, a school-age child care program may seek an exemption to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and, if granted, the exemption must be documented and maintained on file at the program.

2. There shall be at least one (1) corded telephone in the school-age child care program facility that is neither locked nor located at a pay station and is available to all staff during the hours of operation.

3. Fire drills shall be conducted monthly at various times when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

4. The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four (4) months from the date of the fire drill.

(s) Transportation. For the purpose of this section, vehicles refer to those owned/operated or regularly used by the school-age child care program, and vehicles that provide transportation through a contract or agreement with an outside entity.

1. When any vehicle is regularly used by a school-age child care program to provide transportation, the driver shall have a current Florida driver's license, an annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.

2. All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S.

3. All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic shall be maintained in the vehicle.

4. The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

5. Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint unless the vehicle is excluded from this requirement by Florida Statute.

6. When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio.

7. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of four (4) months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.

8. Prior to transporting children, the driver's log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.

9. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the children depart 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. Record, sign, and date the driver's log immediately, verifying that all children were accounted for and that the visual sweep was conducted.

10. Upon arrival at the destination, a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the log is complete.

(t) Record Keeping.

1. General Requirements

a. Each of the records described in this section shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority.

b. A copy of all background screening documents for the director and owner must be included in the department's official licensing file.

c. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

2. Health Records. School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school-age child care program as such records are on file at the school where the child is enrolled.



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, Child Care Application for Enrollment, 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 by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. Enrollment information shall be kept current and on file.

b. The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians.

c. There shall be signed statements from the custodial parents or legal guardian that the school-age child care program has provided them with the following information:

(I) The Department of Children and Family Services child care facility brochure, CF/PI 175-24, Know Your Child Care Facility. This brochure may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services.

(II) The school-age child care program's written disciplinary practices.

3. Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

a. An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

b. Position and date of employment.

c. Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

d. Level 2 screening information documented on CF-FSP Form 5131, Background Screening and Personnel File Requirements. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screen must be conducted. Child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five (5) year re-screen has come due during the leave of absence. A person in this five (5) year re-screen category must undergo the same level of screening which was required upon initial employment and must include, at a minimum:

(I) Statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.

(II) An employment history check that includes the previous two (2) years. An employment history check conducted under this rule shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

(III) CF-FSP 1649, An Affidavit of Good Moral Character, must be completed annually for all child care personnel. CF-FSP 1649 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).

e. A copy of all background screening documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate to local licensing agency requirements.

f. Copies of training information and credentials as described in subsection 65C-22.008(4), F.A.C.

g. Driver's license and driver physical examination documentation. A copy of the driver's license and the physician certification or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

3. Summary of Records. In addition to the documentation outlined in subparagraphs 65C-22.008(3)(t)1., 2. and 3., F.A.C., the following is a list of records that shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority:

a. Driver's log. Must be retained for the previous four (4) months as referenced in subparagraph 65C-22.008(3)(s)7., F.A.C.

b. Facility's written disciplinary policies as referenced in subparagraph 65C-22.008(3)(n)3., F.A.C.

c. Written record of monthly fire drills. Must be maintained for a minimum of four (4) months as referenced in subparagraph 65C-22.008(3)(r)4., F.A.C.

d. Documentation of staff members that have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement as referenced in sub-subparagraph 65C-22.008(3)(m)2.b., F.A.C.

e. Posted emergency telephone numbers and the address of and directions to the facility as referenced in sub-subparagraph 65C-22.008(3)(m)3.a., F.A.C.

f. Documentation of accidents/incidents. Must be maintained for one (1) year as referenced in sub-subparagraph 65C-22.008(3)(m)3.c., F.A.C.

g. Emergency evacuation plan as referenced in subparagraph 65C-22.008(3)(m)3.e., F.A.C.

h. Record for each child receiving medication. Must be maintained for a minimum of four (4) months after the last day the child received the dosage as referenced in sub-subparagraph 65C-22.008(3)(m)3.f., F.A.C.

i. Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in subparagraph 65C-22.008(3)(o)3., F.A.C.

j. Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in subparagraph 65C-22.008(3)(o)3., F.A.C.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for one (1) year as referenced in subparagraph 65C-22.008(3)(o)4., F.A.C.

~~(j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1. through 3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.~~

~~(k) Equipment and Furnishings. All provisions as applicable, under subsection 65C-22.002(9), F.A.C., must be met.~~

~~(l) All provisions under subsections 65C-22.004(1), (2), and (3), F.A.C., must be met.~~

~~(m) All provisions under subsections 65C-22.005(1), (2), (3)(a) and (e), F.A.C., as it pertains to age appropriate food and heated food only, and paragraph 65C-22.005(3)(e), F.A.C. School age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.~~

~~(n) All provisions under subsections 65C-22.006(1), (3), (4), (5) and (6), F.A.C., must be met. School aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school age child care program as such records are on file at the school where the child is enrolled.~~

(4) School-Age Child Care Personnel Training Requirements.

(a) Definitions

1. "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met.

2. "Before-school and after-school site" refers to a program, regardless of location, that provides child care for children who are at least five (5) years old and are enrolled in and attend a kindergarten program or grades one (1) and above during a school district's calendar year. This is limited to

programs that provide care only before and after the recognized hours of a district's school day and on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

3. "Begin training for child care personnel" refers to a candidate's commencement of at least one (1) of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance, acquiring an educational exemption from training, beginning a department-approved online child care training course, or by completion of a department-approved competency examination within the first 90 days of employment in the child care industry. The child care facility is responsible for obtaining documentation from child care personnel.

4. "Director" means "operator" as defined in Section 402.302 (11), F.S., is the onsite administrator or individual who has the primary responsibility for the day-to-day operation, supervision and administration of a child care facility.

5. "Director Credential" is a department-approved comprehensive credential that consists of educational and experiential requirements as referenced in paragraph 65C-22.008(4)(i), F.A.C.

6. "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

7. "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(b) All child care personnel must complete training within 12 months from the date training begins and may not exceed 15 months from the date of employment in the child care industry.

~~(c)(a)~~ Child care personnel hired on or after October 1, 1992 must successfully complete 40 hours of child care training by completing the following (20) twenty hours of the Department of Children and Family Services' training as evidenced by successful completion passage of a competency examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of seventy (70) or better. Child care personnel who successfully completed the following training prior to January 1, 2004 are not required to fulfill the competency examination requirement:

1. Child Care Facilities State and Local Rules and Regulation;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse and Neglect; and
4. School Age-Appropriate Practices.

~~(d)(b)~~ The remaining 20 hours must be met by successfully completing a combination of other Department of Children and Family Services' training identified below as evidenced by successful completion of competency examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better: ~~in paragraphs 65C-22.003(2)(a) and (b), F.A.C., or by completing 20 hours of specialized school-age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency):~~

- ~~1. Child Growth and Development (10 hours),~~
- ~~2. Behavioral Observation and Screening (10 hours),~~
- ~~3. Infant and Toddler Appropriate Practices (10 hours),~~
- ~~4. Preschool Appropriate Practices (10 hours),~~
- ~~5. Special Needs Appropriate Practices (10 hours),~~
- ~~6. Basic Guidance and Discipline (5 hours online),~~
- ~~7. Computer Technology for Child Care Professionals (5 hours online),~~
- ~~8. Early Literacy for Children Ages Birth Through Three (5 hours online),~~
- ~~9. Early Childhood Computer Learning Centers (5 hours online),~~
- ~~10. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or~~
- ~~11. Completion of 20 hours of specialized school-age training, provided by a national organization or its affiliates, that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).~~

~~(e)(e)~~ School-age child care personnel are exempt from the training requirement of five (5) clock-hour early literacy and language development of children from birth to five (5) years of age, under paragraph 65C-22.003(2)(b) ~~(d)~~, F.A.C.

~~(d)~~ Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.

~~(e)~~ All provisions under subsection 65C-22.003(6), F.A.C., must be met.

(f) School-age child care programs are exempt from the staff credentialing requirement as outlined in subsection 65C-22.003(7), F.A.C.

(g) Exemptions from the Introductory Child Care Training.

1. Competency Examination Exemptions. 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. Exemption examinations are not available for the department's online Part II specialized training courses.

## 2. Educational Exemptions.

a. The Department of Children and Family Services or its designated representative shall exempt child care personnel 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.

(II) An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).

b. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

c. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School Age Appropriate Practices course.

d. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices course.

e. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses or from the department's online training courses.

## (h) Annual In-Service Training.

1. All child care facility personnel must complete a minimum of 10 clock-hours or one (1) CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

2. The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 must be completed in one (1) or more of the following areas (college level courses will be accepted):

- a. Health and safety, including universal precautions;
- b. CPR;
- c. First Aid (may only be taken to meet the in-service requirement once every three (3) years);
- d. Nutrition;
- e. Child development – typical and atypical;
- f. Child transportation and safety;

- g. Behavior management;
- h. Working with families;
- i. Design and use of child oriented space;
- j. Community, health and social service resources;
- k. Child abuse;
- l. Child care for multilingual children;
- m. Working with children with disabilities in child care;
- n. Safety in outdoor play;
- o. Literacy;
- p. Guidance and discipline;
- q. Computer technology;
- r. Leadership development/program management and staff supervision;
- s. Age appropriate lesson planning;
- t. Homework assistance for school-age care;
- u. Developing special interest centers/spaces and environments; or
- v. Other course areas relating to child care or child care management.

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, 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](http://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.

(i) Director Credential.

1. Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., a child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential or Advanced Director Credential must meet the requirements referenced in CF-FSP Form 5290, Florida Child Care Director Credential Verification and Application. CF-FSP Form 5290 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). All applications and documentation will be verified and credential issued by the Department of Children and Family Services on CF-FSP Form 5252, Florida Director Credential Certificate.

a. An individual may not be the director of child care facilities that overlap in the hours of operation.

b. Each child care facility must have a credentialed director that is on-site a majority of hours that the facility is in operation.

c. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

d. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

e. CF-FSP Form 5252 must be posted in a conspicuous location at the facility.

2. The following exceptions to the Director Credential apply only to before and after school programs that are licensed as child care facilities defined in Section 402.302, F.S., and serve only school-aged children:

a. A credentialed director is not required during evening hours as defined in Section 402.302(6), F.S.

b. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:

(I) Three (3) sites regardless of the number of children enrolled, or

(II) More than three (3) sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

(III) In counties where the public school district has included four (4) year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts that serve four (4) year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(7)(a), F.A.C., in order to accommodate the four (4)-year-old children.

(IV) When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:

(A) At least 21 years of age;

(B) Have completed the approved 40 clock-hour Introductory Child Care Training approved by the Department of Children and Family Services; and

(C) Have completed the Department of Children and Family Services' Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight (8) hours of in-service training in serving children with disabilities; or

(D) Have completed the Department of Children and Family Services' School-Age Appropriate Practices specialized training module.

3. Director Credential Renewal.

a. To maintain an active Director Credential at either level, candidates must meet the requirements referenced on CF-FSP Form 5306, Florida Director Credential Renewal Application.

CF-FSP Form 5306 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

b. A Director Credential renewal, as documented on CF-FSP Form 5252, is active for five (5) years from the date of issuance. The completed renewal application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential Renewal Certificate no earlier than one (1) year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

c. If a renewal application is received after the end of the active period for the Director Credential, the Director Credential Renewal Application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed renewal application was processed.

4. Director Credential Training Providers.

a. The Department of Children and Family Services is responsible for reviewing and approving "Overview of Child Care Management" courses offered through vocational-technical schools, community colleges and universities to determine if the requirements for the Director Credential coursework are met. Coursework will be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential Curriculum Areas;" copies of which may be obtained from the Department of Children and Family Services.

(I) Vocational-technical schools, community colleges and universities seeking to offer the Director Credential training shall submit CF-FSP Form 5247, Florida Child Care and Education Program Director Credential Course Approval Application to the department for course review and approval. CF-FSP Form 5247 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(II) A list of approved "Overview of Child Care Management" courses may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

b. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

(I) Child Care and Education Organizational Leadership and Management

(II) Child Care and Education Financial and Legal Issues

(III) Child Care and Education Programming.

~~(g) All provisions as applicable under subsection 65C-22.003(8), F.A.C., must be met. A director holding a foundational or advanced Director Credential may supervise multiple sites as specified in paragraph 65C-22.003(8)(j), F.A.C.~~

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 9-12-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carrie Pafford, Government Operations Consultant II  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Winstead, Deputy Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2006

**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."

**PUBLIC SERVICE COMMISSION**

DOCKET NOS. 060172-EU and 060173-EU

RULE NOS.:	RULE TITLES:
25-6.034	Standard of Construction
25-6.0341	Location of the Utility's Electric Distribution Facilities
25-6.0342	Third-Party Attachment Standards and Procedures
25-6.0343	Municipal Electric Utilities and Rural Electric Cooperatives
25-6.0345	Safety Standards for Construction of New Transmission and Distribution Facilities
25-6.064	Contribution-in-Aid-of-Construction for Installation of New or Upgraded Facilities
25-6.078	Schedule of Charges
25-6.115	Facility Charges for Conversion of Existing Overhead Investor-owned Distribution Facilities

**NOTICE OF CHANGE OF HEARING DATE**

The Public Service Commission notifies all interested persons that the date of the hearing in the above dockets has been changed from August 22, 2006 to August 31, 2006, in order to accommodate the Commission's schedule. The notice of rulemaking was published in the July 7, 2006, Florida Administrative Weekly, Vol. 32, No. 27.