

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES****Division of Plant Industry**

RULE NO.:                   RULE TITLE:  
5B-3.0038                   Quarantine Action

**PURPOSE AND EFFECT:** The purpose of this chapter is to prevent the introduction and subsequent dissemination of plant pests into Florida through the movement of nursery stock and other plants and plant products. This chapter provides for the regulation of nursery stock and other plants and plant products moving into Florida and establishes provisions under which such nursery stock and other plants and plant products can enter the state.

**SUBJECT AREA TO BE ADDRESSED:** Rule 5B-3.0038, F.A.C., Quarantine Action.

(1) Plant pests not known to occur in the state of Florida. Plants and plant products which do not meet Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, or destroyed or treated by an authorized representative of the department. The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Shippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, DACS-08029, revised 8/02, will be completed on all shipments requiring regulatory action. An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS-08029, revised 8/02, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material in Transit, and DACS-08029, Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, may be obtained from the Division of Plant Industry, Bureau of Plant

and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

## (a) Insects.

1. *Aceria litchii* (currently in Hawaii (Litchi mite)).
2. *Anoplophora* spp. (Asian longhorned beetles).
3. *Biprorulus bibax* (spined orange bug).
4. *Bostrichidae* (Bostrichid beetles).
5. *Brevipalpus chilensis* (Chilean false red mite).
6. *Ceratovacuna lanigera* (sugarcane woolly aphid).
7. *Eutetranychus orinetalis* (Oriental red mite).
8. *Exophthalmus* spp. (Caribbean citrus weevils).
9. *Liriomyza huidobrensis* (pea leaf miner).
10. *Maconellicoccus hirsutus* (pink mealybug).
11. *Metamasius* spp. (Neotropical palm and bromeliad weevils).
12. *Musgraveia sulciventris* (bronze orange bug).
13. *Myllocerus* spp. (Asian weevils).
14. *Nephotettix* spp. (Green leafhoppers on rice).
15. *Nilaparvata lugens* (brown plant hopper).
16. *Oxycaenus hyalinipennis* (dusky cottonseed bug).
17. *Prymnotrypes* spp. (Andean potato weevils).
18. *Russelliana solanicola* (a potato psyllid).
19. *Siphoninus pilyllyleae* (Ash whitefly).
20. *Trioza anceps* (avocado psyllid).
21. *Trioza perseae* (avocado psyllid).
22. *Trioza erytrae* (African citrus psyllid).
23. *Tropilaelaps clareae* (*Tropilaelaps* mite).

## (b) Diseases.

1. Citrus chlorotic dwarf.
  2. Citrus leprosis virus.
  3. Citrus variegated chlorosis.
  4. Citrus yellow mosaic virus.
  5. Huanglongbing (citrus greening disease).
  6. *Phytophthora ramorum* (sudden oak death).
  7. *Puccinia horiana* (chrysanthemum white rust).
  - (1) through (7) No change.
  8. *Septoria citri*
  8. Sugarcane bacilliform badnavirus.
  9. Sugarcane yellowleaf syndrome.
  10. *Xanthomonas axonopodis* pv. *citri* (citrus canker).
- Renumber (8)-(10) to (9)-(11).

## (c) Mollusks.

1. *Achatina* spp. (giant African snail and others).
2. *Archachatina marginata* (banana rasp snail).
3. *Cryptomphalus* spp. (brown garden snail and others).
4. *Megalobulimus oblongus* (giant South American snail).
5. *Theba pisana* (white garden snail).

## (d) Nematodes.

1. *Anguina tritici* (wheat gall nematode).

2. *Bursaphelenchus cocophilus* (red ring nematode).
3. *Ditylenchus destructor* (potato rot nematode).
4. *Ditylenchus dispaci* (bud and stem nematode).
5. *Globodera rostochiensis* and *G. Pallida* (potato cyst nematode).
6. *Hemicycliophora arenaria* (citrus sheath nematode).
7. *Heterodera carotae* (carrot cyst nematode).
8. *Heterodera cruciferae* (cabbage cyst nematode).
9. *Heterodera goettingiana* (pea cyst nematode).
10. *Heterodera zae* (corn cyst nematode).
11. *Hoplolaimus columbus* (Columbia lance nematode).
12. *Longidorus africanus* (a needle nematode).
13. *Longidorus belondriodes* (a needle nematode).
14. *Meloidogyne chitwoodi* (Columbia root-knot nematode).
15. *Meloidogyne citri* (a citrus root-knot nematode).
16. *Meloidogyne fujianensis* (citrus root-knot nematode).
17. *Meloidogyne naasi* (cereal root-knot nematode).
18. *Nacobbus aberrans* (false root-knot nematode).
19. *Pratylenchus convallariae* (a lesion nematode).
20. *Pratylenchus crenatus* (a lesion nematode).
21. *Pratylenchus goodeyi* (a lesion nematode).
22. *Xiphinema brevicolle* (a dagger nematode).
23. *Xiphinema bricolensis* (a dagger nematode).
24. *Xiphinema californicum* (a dagger nematode).
25. *Xiphinema diversicaudatum* (a dagger nematode).
26. *Xiphinema index* (California dagger nematode).
27. *Xiphinema insigne* (a dagger nematode).
28. *Xiphinema vuittenezi* (a dagger nematode).
29. *Zygotylenchus* spp. (a lesion nematode).

(2) Plant pests of limited distribution in the state of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine. An agreement for Chemical Treatment, DACS-08081, revised 6/03, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 6/03, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08081, Agreement for Chemical Treatment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Insects.

1. *Diaphorina citri* (Asian citrus psyllid).
2. *Diaprepes abbreviatus* (diaprepes root weevil).

3. *Maconellicoccus hirsutus* (pink mealybug).
4. *Metamasius callizona* (bromeliad weevil).
5. *Metamasius hemipterus* (palm and sugarcane weevil).
6. *Morganella longispina* (scale insect) (plumose scale).
7. *Myllocerus undatus* (weevil).
8. *Opuntiaspis* spp. (scale insect).
9. *Paratachardina lobata* (lobate lac scale).
10. *Parlatoria ziziphi* (black parlatoria scale).
11. *Philephedra* sp. (scale insect).
12. *Phoenicococcus marlatti* (red date scale).
13. *Vinsonia stellifera* (stellate scale).

(b) Diseases.

1. *Agrobacterium tumefaciens* (crown gall).
2. Lethal yellowing of palms.
3. *Phomopsis gardeniae* (gardenia canker).
4. *Puccinia pelargonii – zonalis* (geranium rust).
5. *Sphaceloma poinsettiae* (poinsettia scab).
6. Tomato yellow leaf curl virus.

(c) Mollusks (snails).

1. *Otala lactea* (milk snail).
2. *Zachrysis provisoria* (Cuban land snail).

(d) Nematodes.

1. *Meloidogyne mayaguensis*.

(3) Common Plant Pests. All nursery stock and other plants and plant products found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the plant or plant product. The plant or plant product will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Chemical Treatment, DACS-08081, revised 6/03, may be required for plants and plant products requiring treatment.

SPECIFIC AUTHORITY: 570.07(23), 581.031(4), 581.101 FS.

LAW IMPLEMENTED: 581.031(7), 581.083, 581.101 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Gaskalla

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLE:
6A-1.09412	Course Requirements – Grades 6-12 Basic and Adult Secondary Programs
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of the rule development is to review the Course Code Directory and Instructional Personnel Assignments and the Florida Course Descriptions for Grades 6-12/Adult, Basic Education to ensure consistency between the two documents. This review will not address proposed subject area standards currently under review. The effect of the rule developments is to complete the annual reievw of the documents.

SUBJECT AREA TO BE ADDRESSED: Course Descriptions.

SPECIFIC AUTHORITY: 1001.02(1), 1001.03(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1001.42(7), 1003.42, 1011.62(1)(r) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida, (850)245-9661

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

**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."

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19-8.028	Reimbursement Premium Formula
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., the annual Reimbursement Contract, Rule 19-8.012, F.A.C., the procedures to determine ineligibility or exemption from participation in the Florida Hurricane Catastrophe Fund, Rule 19-8.013, F.A.C., Revenue Bonds, Rule 19-8.028, F.A.C., the annual Reimbursement Premium Formula, Rule 19-8.029, F.A.C., the Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Contract requirements for the 2008-2009 Contract Year, exemption and ineligibility, bonding, premium formula requirements, insurer reporting requirements for the 2008-2009 contract year, and insurer responsibilities.

SPECIFIC AUTHORITY: 215.5595 FS.

LAW IMPLEMENTED: 215.5595 FS.

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

DATE AND TIME: Wednesday, January 9, 2008, 9:00 a.m. – 12:00 p.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida. The conference call number for those who wish to participate by telephone is 1(888)808-6959, conference code 4765251363.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317; [tracy.allen@sbafla.com](mailto:tracy.allen@sbafla.com); telephone (850)413-1341

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-203.601  
 RULE TITLE: Employee Benefit Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth policies and procedures for the operation of the employee benefit trust fund as authorized by Sections 945.215 and 945.21501, F.S.

SUBJECT AREA TO BE ADDRESSED: Employee benefit trust fund.

SPECIFIC AUTHORITY: 945.215, 945.21501 FS.

LAW IMPLEMENTED: 945.215, 945.21501 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.601 Employee Benefit Trust Fund.

(1) The purpose of the trust fund shall be to:

(a) Construct, operate, and maintain training and recreation facilities at correctional facilities for the exclusive use of department employees. Any facility constructed using funds from the Employee Benefit Trust Fund is the property of the department and must provide the maximum benefit to all interested employees, regardless of gender.

(b) Provide funding for employee appreciation programs and activities designed to enhance the morale of employees.

(2) The employee benefit trust fund shall be established in the Bureau of Finance and Accounting. Oversight and administration of the fund shall be the responsibility of the employee benefit trust fund team. The primary function of the central office team will be to standardize the operation of the employee benefit trust fund. The team shall be made up of the following staff members:

- (a) Secretary or designee;
- (b) Assistant Secretary of Institutions or designee;
- (c) Chief of Staff or designee;
- (d) Deputy Assistant Secretary of Institutions or designee
- (e) Director of Administration or designee; and
- (f) Chief, Bureau of Finance and Accounting or designee.

(3) A regional employee benefit trust team appointed by the regional director of institutions will be established in each region. This team will review and approve the number and location of vending machines and canteens, recommend

staffing patterns, and perform a monthly review of checks written. The team shall be made up of the following staff members:

- (a) Regional director of designee, chair;
- (b) Regional business manager or designee;
- (c) A representative from the regional office of institutions;
- (d) An institutional warden; and
- (e) An employee from a major institution.

(4) An institutional employee benefit trust fund team appointed by the warden will be established at each institution. This team will make recommendations for employee benefit projects, make recommendations for the number and location of vending machines and canteens, review canteen operations, establish inventory levels, and develop a methodology to establish pricing. The team shall be made up of the following staff members:

- (a) The warden, chair;
- (b) A security representative from each unit, annex or work camp;
- (c) A representative from classification;
- (d) A representative from medical;
- (e) The general services specialist; and
- (f) One institution employee.

(5) Local institutions are authorized to submit money to the trust fund from the following sources

(a) Proceeds of vending machines, staff canteens, or other such services not intended for use by inmates;

(b) Donations, except donations by, or on behalf of an inmate.

(6) One half of the net proceeds of the department's recycling program will be used to fund employee benefits for community corrections, regional offices, and central office.

(7) Local bank accounts shall be established at each institution for the purchase of items from Form DC2-330, Listing of Authorized Employee Canteen Resale and Supply Items. Form DC2-330 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(8) The central office employee benefit trust fund team will establish an amount to be retained in each local account. Funds in excess of operating needs will be transferred to the central account.

(9) Institutions requesting to withdraw money from the fund shall submit a request to the central office team describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-354, Employee Benefit Trust Fund Expenditure Request. Form DC2-354 is hereby incorporated by reference. Copies of this form are

available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(10) The central office team shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the DC2-354 is approved, vendor payments may be requested by e-mail using the Form DC2-356, EBTF Expenditure Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(11) A service charge equal to 7% of canteen revenues will be used to offset administrative costs of the employee benefit trust fund.

Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History-New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-603.201  
 RULE TITLE: Transfer of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule concerning transport of inmates from one department facility to another.

SUBJECT AREA TO BE ADDRESSED: Transfer of inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-603.201 Transfer of Inmates.

(1) For the purposes of this rule “transfer” shall mean the reassignment and movement of inmates from one institutional facility to another. “Transfer” does not include such movement as may be required for the normal operations of the Department such as outside trips sponsored by religious, Jaycee and Alcoholics Anonymous groups and trips by work and maintenance crews. ~~The institutional inmate record and all sub-files must accompany any inmate being routinely transferred between department facilities, except in emergency~~

~~situations.~~ In emergency situations medical records will be transferred with the inmate except that in emergencies such as the evacuation of a facility, the medical records will be boxed together with all records going to one location and forwarded to the receiving institution(s) with the inmates or as soon as possible. In such emergencies, individual packaging of medical records is waived. ~~The institutional inmate record shall also accompany the inmate unless the inmate’s health and welfare would be jeopardized if the transfer were delayed for the amount of time required to obtain the record.~~ Local procedures shall be established to ensure that appropriate facility staff have access to the institutional inmate record during weekends, holidays, and after normal business hours. Such procedures shall ensure that the security of the record is not compromised and that accountability for the record is maintained in the event that access is required other than during normal working hours. Following an emergency transfer, all other sub-files, such as the visiting record, educational record, property record, etc., shall be forwarded by the sending facility within 72 hours following the transfer.

(2) through (5) No change.

~~(6) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by transfer officer while en route. Vehicle inspection shall be conducted during the time the transfer vehicle is stopped prior to departing on or continuing a trip.~~

(7) through (8) renumbered (6) through (7) No change.

~~(8)(9) The Chief Health Officer may specify that an inmate who is mentally or physically ill be transferred separately from the general population inmates.~~ In addition, if there is any indication that an inmate who is to be transferred is not in good physical or mental condition, the transfer officer shall secure the advice of the institution physician before beginning the trip. Transfer of an inmate who is ill or injured shall be undertaken based on the advice of the Chief Health Officer on duty. The Chief Health Officer shall determine if medical staff are to accompany the inmate while being transferred. If he does decide that medical staff need to accompany the inmate, he must assign this staff.

~~(9)(10) In transferring any death row, close management, or disciplinary confinement inmate, or any inmate determined by the Chief of Security to be a high-risk inmate, the following shall be required:~~

~~(a) The inmate shall be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons and transferred in a secure caged vehicle. The driver shall be unarmed in order to handle inmates en route if necessary.~~

~~(b) The transfer vehicle shall be accompanied by a trailing escort vehicle driven by a well armed officer. “Well armed” shall mean possession of a semiautomatic rifle or shotgun.~~

~~(c) If several inmates are being transferred, the transfer vehicle shall have a second armed officer in attendance.~~

~~(a)(d)~~ Communication between the two vehicles is essential and is required between both vehicles and the home station.

~~(e)~~ The Chief of Security or shift supervisor is authorized to make individual exceptions to the assignment of a trailing escort vehicle for close management III and disciplinary confinement inmates.

~~(f)~~ The reception centers shall be authorized to transport close management I, II, and III inmates in the secure caged area within a specially designed secure transfer bus without the necessity of a trailing escort vehicle.

~~(b)(g)~~ Protective management inmates shall not be routinely transported on reception center transfer buses. Specific written instructions will be provided from the transportation section of the Bureau of Sentence Structure and Transportation.

~~(10)(11)~~ No change.

~~(11)(12)~~ If more than one officer is assigned to the transfer trip, at least one officer shall remain with the vehicle to provide supervision during stops. When there is only one officer, the vehicle must be parked in such a way that supervision can be provided for the vehicle and all inmates departing the vehicle. If stops occur within the secure confines of an institution and inmates remain on board the vehicle, the vehicle shall be parked so that the institution can provide proper supervision before the transfer officer leaves the vehicle.

~~(12)(13)~~ Manpower requirements shall vary depending upon the mode of transfer, the distance to be traveled and the type and number of inmates. Each situation must be thoroughly evaluated by the Chief of Security or shift supervisor prior to departure and appropriate personnel assigned. A minimum of one armed correctional officer shall be assigned when there are close custody inmates to transfer except when special approval is received from the Director of Institutions. At all times there must be at least one officer of the same sex as that of the inmate present during the transferring of medium, close, or maximum custody inmates. There shall be no gender restrictions regarding the transfer of community or minimum custody inmates. Community or minimum custody inmates do not require restraints unless they are being transferred with close custody inmates or pose a security risk; however, there shall be an adequate number of officer escorts to provide appropriate supervision.

~~(14)~~ Standard restraint equipment for the normal situation will be handcuffs and a restraint chain. Except as specifically outlined below, additional restraints, such as waist chains with a C and S handcuff cover (black box) and leg irons, shall be necessary when transferring death row and close custody inmates, inmates who are extreme escape risks, inmates with serious assaultive tendencies, or any inmate determined by the Chief of Security to be a high security risk. Being legally responsible for the custody of inmates, the transfer officer in charge has the authority to apply restraints to community

custody inmates and additional restraints to medium or minimum custody inmates when he or she determines that such is necessary to ensure security.

~~(a)~~ When inmates are transferred within the state from one secure perimeter to another secure perimeter and a specially designed secure transfer bus is used, inmates may be restrained with leg irons only. Death row, closed management, and high risk inmates will require restraints as noted in subsection ~~(10)~~ above during any transport.

~~(b)~~ Each medium custody inmate who is not being transferred from one secure perimeter to another secure perimeter in a specially designed secure transfer bus shall be restrained with a minimum of handcuffs. Close custody inmates will require a waist chain with a C and S handcuff cover (black box) and leg irons under these circumstances. The restraints shall be applied prior to leaving the secure perimeter. The restraints shall not be removed until the inmate is returned to a secure perimeter unless circumstances require their removal, that is, federal appearances or medical visits.

~~(c)~~ Use of restraint equipment, except for death row inmates, will not be required at Reception Centers for any transport on state property provided that a specially designed secure transfer bus is used; i.e., from a Reception Center Main Unit to a Reception Center annex that is not separated by property not belonging to the Department of Corrections.

~~(d)~~ During any transport, the level of restraints applied will be commensurate with the highest custody grade being transported.

~~(e)~~ During prenatal and postpartum periods, female inmates will not be restrained with their hands behind the back nor will leg irons be utilized due to the possibility of a fall. Waist chains with the C and S handcuff cover (black box) will not be worn when there is any danger of causing harm to the inmate or fetus.

~~(13)(f)~~ Female inmates, when being transferred on the same vehicle as male inmates, shall be physically separated from the male inmates by security screens and other security measures.

~~(g)~~ All restraint equipment shall be double locked.

~~(h)~~ An inmate shall not be handcuffed behind his or her back or handcuffed to a stationary object in a moving vehicle.

~~(14)(i)~~ A reasonable number of stops shall be made in order for inmates to utilize toilet facilities. Proper security shall be provided inmates when utilizing toilet facilities on or off the transfer vehicle.

~~(15)~~ An Electronic Restraint Belt may be used in cases involving high profile transports outside the secure perimeter of an institution where in the judgment of the security staff the use of the belt is warranted. Prior to usage of the Electronic Restraint Belt, written, signed approval must be obtained from the Office of Institutions, Bureau Chief of Security Operations.

~~(15)(16) Because the carrying of firearms in the transferring of inmates is extremely hazardous, in those instances where it is advisable for firearms to be carried, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Firearms shall not be carried by any of the escorting officers while in a car, plane or train unless the inmate is securely restrained and positive precautionary measures have been taken that will preclude contact between inmates and the armed officer. Use of firearms shall be in accordance with Rule 33-602.210, F.A.C.~~

(17) through (19) renumbered (16) through (18) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 7-12-86, Amended 5-21-92, 1-6-94, 2-12-97, 11-8-98, Formerly 33-7.009, Amended 8-28-01, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.041                      RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: The amendments establish a minimum flow pursuant to Section 373.042, F.S., for Crystal Springs. This water body is listed on the District’s minimum flow and levels priority list for establishment of minimum flows. The minimum flow will be used in the District’s permitting and resource management and development programs.

SUBJECT AREA TO BE ADDRESSED: Establishment of a minimum flow for Crystal Springs located within the Hillsborough River Basin in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-8.041 Minimum Flows.

(1) through (5) No change.

(6) Minimum Flows for Crystal Springs Located Within the Hillsborough River Basin, Hillsborough County, Florida.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the upper Hillsborough River are met.

(b) The Minimum Flow for Crystal Springs is stated as the flow measured by USGS physical measurements. Flows from Crystal Springs are calculated as the difference between upstream flow measurements at USGS Gage No. 02301990 – Hillsborough River Above Crystal Springs near Zephyrhills, FL and downstream flow measurements at USGS Gage No. 02302010 – Hillsborough River Below Crystal Springs near Zephyrhills, FL measurements and constitute the combined flow of the main spring vent and numerous smaller vents in the river channel. The minimum flow for the Crystal Springs complex is 46 cfs based on a 5-year running mean and median.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.003                      RULE TITLE: Filing Claims

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Filing Claims.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.004                      RULE TITLE: Claims Review

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Claims Review.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.108 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.005      RULE TITLE: Payment of Claims

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Payment of claims.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.006      RULE TITLE: Collection Efforts

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language or add language for clarification of the rule.

SUBJECT AREA TO BE ADDRESSED: Collection efforts.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 120.69, 455.227(3)(b), 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Board of Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NOS.: 64B-2.001, 64B-2.002      RULE TITLES: Practitioner Profile, Information Required Upon Renewal

PURPOSE AND EFFECT: The Department determined to update the rules.

SUBJECT AREA TO BE ADDRESSED: Practitioner Profile and Information Required Upon Renewal.

SPECIFIC AUTHORITY: 456.004, 456.044 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3255

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



**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.003                      RULE TITLE: Standards of Practice; Discipline  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language for the second and third offense for failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.  
 SUBJECT AREA TO BE ADDRESSED: Standards of practice; discipline.  
 SPECIFIC AUTHORITY: 456.079, 468.204 FS.  
 LAW IMPLEMENTED: 456.072, 456.079, 468.217 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.005                      RULE TITLE: Citations  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference “for end of life/palliative health care.”  
 SUBJECT AREA TO BE ADDRESSED: Citations.  
 SPECIFIC AUTHORITY: 456.077, 468.204 FS.  
 LAW IMPLEMENTED: 456.072, 456.077 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy /MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**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 to review the existing language in this rule to determine whether changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Licensure as a Physical Therapist by Examination.  
 SPECIFIC AUTHORITY: 486.025(1), 486.031(3) FS.  
 LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: Thursday, March 6, 2008, 4:00 p.m. or as soon thereafter as can be heard.  
 PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812  
 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 five days before the workshop/meeting by contacting: the Board’s Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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) A minimum of 75 professional education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool. Effective April 1, 2008, an applicant must have attained a minimum of 90 professional education credits with no deficiencies in the required content or areas as delineated in the FSBPT coursework evaluation tool.  
         (b) 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, 9-19-06, 3-13-07,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.: RULE TITLES:

64I-6.001 Title  
64I-6.002 Program Components

PURPOSE AND EFFECT: Chapter 64I-6, F.A.C., entitled, Comprehensive Statewide Tobacco Education and Use Prevention Program, has been created to implement Section 27, Article X of the State Constitution and Section 381.84, F.S., requiring funding and implementation of a comprehensive statewide tobacco education and use prevention program.

SUBJECT AREA TO BE ADDRESSED: The proposed rules provide for specific program components to be implemented in accordance with the Federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs, October 2007.

SPECIFIC AUTHORITY: 381.84(3) FS.

LAW IMPLEMENTED: 381.84 FS.

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

DATE AND TIME: January 14, 2008, 2:30 p.m. – 4:00 p.m.

PLACE: Grand Ballroom, Doubletree Hotel 101 South Adams Street, Tallahassee, Florida 32301-7774

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Carlos Martinez 245-4144, ex. 2473. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carlos Martinez 245-4144 ex. 2473

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64I-6.001 Title.

These rules shall be known as “Comprehensive Statewide Tobacco Education and Use Prevention Program”.

Specific Authority 381.84 FS. Law Implemented 381 FS. History—New\_\_\_\_\_.

64I-6.002 Program Components.

(1) The statewide tobacco education and use prevention program shall be implemented in accordance with the United States Centers for Disease Control (CDC) Best Practices for Comprehensive Tobacco Control Programs-2007, as amended.

(2) The CDC Best Practices for Comprehensive Tobacco Control Programs-2007, as amended, is incorporated herein by reference.

Specific Authority 381.84 (3) FS. Law Implemented 381 FS. History—New\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.: RULE TITLES:

65C-16.001 Definitions  
65C-16.002 Adoptive Family Selection  
65C-16.003 Case Reviews  
65C-16.004 Recruitment, Screening and Application Process/Adoptive Applicants  
65C-16.005 Evaluation of Applicants  
65C-16.007 Abuse Hotline and Registry and Criminal Records Checks  
65C-16.008 Dispute Resolutions and Appeals  
65C-16.009 Adoption Placement  
65C-16.010 Adoption Placement – Post-Placement Services  
65C-16.011 Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients  
65C-16.012 Types of Adoption Assistance  
65C-16.013 Determination of Maintenance Subsidy Payments  
65C-16.014 Post Adoption Services  
65C-16.015 Non-Recurring Adoption Expenses  
65C-16.016 Access to Closed Adoption Records  
65C-16.017 Florida Adoption Reunion Registry  
65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies

PURPOSE AND EFFECT: Update Florida Administrative Rules with recent statutory and policy changes.

SUBJECT AREA TO BE ADDRESSED: Adoption of children  
SPECIFIC AUTHORITY: 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS.

LAW IMPLEMENTED: 63.233, 409.166(7), 409.167(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gay Frizzell (850)921-3005

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-16.001 Definitions.

(1) "Abuse Hotline" means the department's single statewide toll-free telephone number established for the purpose of receiving reports of child abuse, abandonment or neglect.

(2) "Adoption" means "adoption" as defined in Section 63.032(2), F.S.

~~(3) "Adoption Assistance" as defined in Section 409.166(2)(b), F.S. means payments and services provided to a special needs child and his or her adoptive family, as specified in the adoption assistance agreement. Such assistance may include maintenance subsidy, medical subsidy, Medicaid and reimbursement of non-recurring expenses associated with the legal adoption. College tuition exemption is also available. State employees may be eligible for an employee adoption benefit.~~

(4) "Adoption Entity" means "adoption entity" as defined in Section 63.032(3), F.S.

(5) "Adoption Exchange" means a mechanism for linking adoptive family resources with children needing adoption placement. The Exchange serves all department adoption and foster care staff, and the staff of licensed child placing agencies in Florida.

(6) "Adoption Home Study" means a written evaluation of the adoptive parents' capacity for adoptive parenthood. The study assesses the applicants' home and living environment, their marriage, family and social activities and relationships.

(7) "Adoption Reunion Registry" means a voluntary computer data base which acts as a repository for current names, addresses and telephone numbers of parties to any Florida adoption.

(8) "Agency" means "agency" as defined in Section 63.032(5), F.S.

(9) "At-Risk Adoptive Placement" means a placement of a minor in the home of an approved adoptive parent prior to the termination of the minors' parents' parental rights.

(10) "Children's Case Manager" means a person who is responsible for participating in the development and implementation of a service plan, linking the behavioral health service providers to a child or adolescent and his or her family, monitoring the delivery of behavioral health services, providing advocacy services, and collecting information to determine the effect of the behavioral health services and treatment.

(11) "Community Based Provider" means a private agency which has entered into a contract with the department to provide supervision of and services to children in out-of-home placements.

(12) "Court" means "court" as defined in Section 63.032(7), F.S.

(13) "Custodian" means a person or entity in whom the legal right to custody of a child is vested.

(14) "Department" means the Department of Children and Family Services.

(15) "Disruption" means the termination of an adoption placement prior to legal finalization.

(16) "Dissolution" means a termination of an adoption following legal finalization.

(17) "District/Region" means a geographic area through which the department plans and administers its programs.

(18) "Intermediary" means "intermediary" as defined in Section 63.032(9), F.S.

(19) "Interstate Compact" means an agreement among states, enacted into law in all 50 states, the District of Columbia and the Virgin Islands, which governs the interstate movement of children. It establishes orderly procedures for the interstate adoptive or out of home placement of children, including post-placement supervision.

(20) "Lead Agency" means "eligible lead community-based provider" as defined in Section 409.1671(1)(e)(e), F.S.

(21) "Licensed Child-Placing Agency" means "licensed child-placing agency" as defined in Section 39.01, F.S.

~~(22)~~(21) "Mental health multidisciplinary team" means the group of people brought together by the child's mental health case manager to plan and coordinate mental health and related services to meet the child's needs in the most appropriate, least restrictive setting. Members of the team should include the child, unless contraindicated, the child's parent or legal guardian, caregiver, targeted case manager, psychiatrist, therapist or behavioral specialists, family safety counselor and any other agency representative who is providing mental health or related services to the child.

~~(23)~~(22) "Non-Recurring Adoption Expenses" means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a special needs child, that were incurred prior to adoption finalization.

~~(24)~~(23) "Placement" means the act of physically moving a minor into the physical custody of the prospective adoptive parent, or in the case of adoption by a foster parent, relative, or other current caretaker, the date the placement agreement is signed.

~~(25)~~(24) "Primary Residence and Place of Employment in Florida" means "Primary Residence and Place of Employment" as defined in Section 63.032(17), F.S.

(26) “Qualifying Adoptive Employee” means a full-time or part-time employee of a state agency who is paid from regular salary appropriations or who otherwise meets the employer’s definition of a regular rather than temporary employee and who adopts a child pursuant to Chapter 63, F.A.C. For purposes of this definition, the term includes instructional personnel, as defined in Section 1012.01, F.S., employed by the Florida School for the Deaf and the Blind.

(27)(25) “Relative” means “relative” as defined in Section 39.01(63)(60), F.S.

(28)(26) “Significant Emotional Tie” means the relationship between a child and his or her caretaker family when a child is bound to that family in such a vital and ardent manner that removal of the child from that family would have detrimental consequences for the child. This term is also used in evaluating a child’s eligibility for adoption subsidy when the question of eligibility rests solely on his adoption by the current caretaker.

(29)(27) “Sibling” means one of two or more individuals having one or both parents in common.

(30)(28) “Single Point of Access” means the designated district/region staff person or Alcohol, Drug Abuse and Mental Health or the authorized agent designated by the department within a geographical area who is identified as the point of contact to assist the family services counselor in accessing mental health assessments and other mental health services for children in the care and custody of the department.

(31)(29) “Special Needs Child” means “special needs child” as defined in Section 409.166(2), F.S.

(32) “State Agency” means a branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions, a state university or community college as defined in Section 100.21, F.S., a school district unit as defined in Section 1001.30, F.S., or a water management district as defined in Section 373.019, F.S.

(33)(30) “Suitability of Intended Placement” means the fitness of the intended placement with primary consideration given to the welfare of the child and the fitness and capabilities of the adoptive parents for a particular child.

(34)(31) “To Place” means the process of giving up a child for adoption and the prospective parents’ receiving and adopting the child including all actions by any person or agency participating in the process.

Specific Authority 63.233, 409.166(7), 409.167(6) FS. Law Implemented 39.001, 39.701, 63.032, 63.092, 63.122, 63.165, 63.192, 63.212, 409.166, 409.167, 409.401 FS. History—New 4-28-92, Amended 4-19-94, Formerly 10M-8.0013, Amended 12-4-97, 8-19-03, \_\_\_\_\_.

#### 65C-16.002 Adoptive Family Selection.

(1) The Department facilitates the adoption of children with special needs. Persons seeking to adopt non-special needs children will be referred to private agencies. Birth parents

seeking adoption planning for their non-special needs children will be referred to private adoption agencies. Any non-special needs children in the care of the department for whom adoption is the goal, will be referred to private adoption agencies for placement planning, unless there is a plan for adoption by the current custodian.

(2) General Policy. A person or government involved in adoption may not deny to any individual the opportunity to become an adoptive parent on the basis of race, color or national origin of the individual or the child. A person or government may not delay or deny the placement of a child for adoption on the basis of race, color or national origin of the adoptive parent or the child.

(3) It is the policy of the state and of the department that adoption placements must be made consistent with the best interest of the child. The role of good judgment in assessing the best interest of the child cannot be replaced by rote policy decrees. The exercise of that judgment must be shaped by the following considerations:

(a) Grandparent priority. Grandparents with whom a child has lived for at least six months must be notified that their grandchild is being considered for adoption as specified in Section 63.0425, F.S. Such grandparents must be afforded the opportunity to have a home study completed and to petition for adoption, and the court is required to give first priority to that petition.

(b) Other relative priority. Other relatives may wish to be considered as an adoption placement for the child. If such a relative is identified and requests consideration for adoption placement, the application of the relative must be evaluated to determine suitability through an adoptive home study.

(c) Current custodian priority. The current custodian of the child may wish to adopt. If the custodian applies to adopt the child, the application must be evaluated to determine suitability through an adoptive home study. The home study must assess the length of time the child has lived in a stable, satisfactory environment and the depth of the relationship existing between the child and the custodian. It should be recognized that individuals who might not be considered the placement of choice for children not known to them, can be the placement of choice for children with whom they have an existing stable relationship. There are some situations in which adoption by the current custodian may not be in the best interest of the child. Examples of these situations include:

1. The current custodians want to adopt a child but not his or her siblings and it is in the best interest of the sibling group to be placed together.

2. The current custodian has returned other adopted children to the department, or has arranged for some other out-of-home informal long-term placement for a previously adopted child.

(d) Non-custodian with whom child has a relationship. Persons known to the child, but who do not have custody of the child, may wish to be considered for adoption. If such persons apply to adopt the child, the application must be evaluated to determine suitability through an adoptive home study. In addition, the depth of the relationship existing between the child and the non-custodial applicant must be examined.

(e) Family new to the child. Many families who pursue adoption do not have a specific child in mind when they apply. These families must be provided information about the children available for adoption through the department, and must be helped, through training, preparation, and the home study process, to determine if special needs adoption is appropriate for their family.

(4) Siblings.

(a) When considering adoption placement of a sibling group, the department must consider the fact that placing siblings together, whenever possible, preserves the family unit.

(b) In situations where consideration is being given to separating siblings, the adoption unit must staff the case as a team. The team must consider the emotional ties existing between and among the siblings and the degree of harm which each child is likely to experience as a result of separation. The positives and negatives of keeping the children together must be thoroughly explored, and at least one member of the team must be assigned the role of defending the position of placing the children together. In particularly difficult cases, professionals who have expertise in this area can be consulted.

(c) The decision to separate siblings must be approved in writing by the district/region Family Safety Program Office or the community based provider staff charged with this responsibility. Adoption staff will prepare a memorandum directed to the district/region Family Safety Program Office or the appropriate community based provider staff describing efforts made to keep the siblings together and an assessment of the short term and long range effects of separation on the children. The memorandum must also include a description of the plan for future contact between the children if separation is approved. The plan must be one to which each adoptive parent and caretaker can commit.

(d) If after placement as a sibling group, one child does not adjust to the family, a decision must be made regarding what is best for all of the children. The adoption staff must review this situation as a team, and choose the plan that will be least detrimental to the children. The decision must be documented in the children's files. This documentation must also include the plan for future contact if the decision is to pursue separate placements.

(e) Sometimes the department may take into custody a child who is a sibling to previously adopted children. The department shall advise the adoptive parents of this occurrence. If this child becomes available for adoption, the adoptive parents of the previously placed sibling shall be given an

opportunity to apply to adopt this child. The application of these adoptive parents will be given the same consideration as an application for adoption by a relative, as described above.

(5) Occasionally a child whose parent's parental rights have been terminated, for whom there is a plan for foster parent adoption, has relatives who indicate an interest in adopting after the termination process is completed. The following factors must be considered in making a decision that represents the best interest of the child in this situation.

(a) Attachment. Consideration must be given to the quality and length of the attachment to the foster parent. The age of the child at placement and the current age must be considered in assessing attachment. The ease with which the child attached to the current family and any indications of attachment difficulty in the child's history must be evaluated. The number of moves the child has experienced will be an important factor in determining the likelihood that the child will form a healthy attachment to the relative.

(b) Kinship. Children who have a shared history with extended family and cultural values and traditions are more likely to be passed on to the child when there is opportunity to grow up in the care of family members. Consideration must be given to the quality of the relationship with the relative. Some children will already know and trust the relative seeking to adopt. If not, the willingness of the relative to participate in pre-placement activities to promote the development of a relationship must be considered.

(c) Permanence. The capacity of the relative and the foster parent to meet the child's need for permanence must be evaluated. The ability of the prospective parent to understand the needs of adoptive children in different developmental stages and their awareness of the inherent challenges of parenting an adopted child must be carefully considered.

(6) In any adoptive placement of a Native American child, the federal "Indian Child Welfare Act" governs the order of placement preference. While the Indian Child Welfare Act gives a placement preference, it allows each tribe to establish a different order of preference by resolution, and that order must be followed. The Act lists the placement preference for adoption of an Indian child in the following order:

- (a) A member of the child's extended family;
- (b) Other members of the Indian child's tribe; or
- (c) Other Indian families.

(7) Study of the Child. Completing the study of the child is an important part of the preparation needed to find an adoptive family. Before preparing the study of the child, the counselor must be thoroughly familiar with the content of the child's foster care record. The record must include all available information regarding the child and the birth family's medical and social history. All available social and medical history information must be provided to the adoptive parents prior to or at the time of the adoption placement. The study of the child,

with identifying information removed, will be a part of the written background information provided to the adopting family. A study of the child will include:

(a) **Developmental History.** A developmental history must be obtained from the birth parents whenever possible. When the child has been in care for a period of time, developmental history obtained from birth parents must be supplemented by direct study and observation by the counselor, foster parents, pediatrician, and if indicated, psychologist, teacher and other consultants. The developmental history must include:

1. Birth and health history;
2. Early development;
3. Child's characteristic way of responding to people;
4. Deviations from the normal range of development; and
5. Child's prior experiences, including continuity of care, separations, and information regarding other known significant relationships the child has had prior to and since entering foster care.

(b) **Medical History.** A medical examination must be completed by a qualified physician, preferably a pediatrician, to determine the child's state of health and significant health factors which may interfere with normal development. The medical history must take into consideration the following:

1. Circumstances of birth and possible birth trauma;
2. Congenital conditions which may have been corrected or need additional correction or treatment;
3. Physical handicaps that may interfere with normal activity and achievement;
4. Significant illnesses and health of the child, parents and other family members; and
5. Immunization record of the child.

(c) **Family History.** Family history will be obtained from birth parents when possible and will include any significant information about both parents and any siblings. Material about the child's birth family, which will be shared with the adoptive family and later with the child, must be carefully and accurately recorded. This information should include:

1. Age of both parents;
2. Race, national origin or ethnicity;
3. Religion;
4. Physical characteristics;
5. Educational achievements and occupations;
6. Health, medical history and possible hereditary problems;
7. Personality traits, special interests and abilities; and
8. Child's past and present relationship with family members and the significance of these relationships.

(d) **Psychological and Psychiatric Evaluations.** Psychological or psychiatric evaluations of children known or suspected of having mental health problems must be obtained prior to the adoption placement. Any child who will be placed for adoption with medical subsidy for treatment of a

psychological or psychiatric condition must have had such an evaluation within the 12 month period preceding the adoption placement.

(e) **Heredity.** There are no hereditary factors that rule out adoptive planning for a child. Genetic and medical professionals will assist in deciding which hereditary conditions entail significant risk because they limit life expectancy or adversely affect normal development. With the recognition that there are adoptive parents who are willing to accept children with special needs, such conditions must be carefully evaluated. An unfavorable diagnosis does not rule out adoption for the child when there are families willing to assume the risks.

(f) **Pre-placement Physical Examination.** Prior to placement every child must be given a complete physical examination. This will be completed when a specific family is being considered for a child and they express interest in proceeding after having received specific information about the child. Should placement with an identified family not occur after the physical has been completed, another examination will not be necessary if the child is placed with a subsequent family within six months of the date of the physical. No child will be placed without a physical which has been conducted within six months of placement. The department will arrange to have the examination completed or if the adoptive family prefers, the examination may be completed by the family's pediatrician at their expense, and a copy provided to the department. It is important that this examination be thorough and provide the potential adoptive family and the counselor with a clear understanding of the child's physical condition.

(8) The information discussed in paragraphs (a) through (f) must be shared in writing with the adoptive parents. The identity of the birth family must be protected when providing this written material to the family.

Specific Authority 39.001, 39.012, 39.0121, 63.233, 409.165 FS. Law Implemented 39.621, 63.0425, 63.052, 63.062(3), 409.145 FS. History—New 2-14-84, Formerly 10M-8.02, Amended 5-20-91, 4-28-92, 4-19-94, 8-17-94, 1-8-95, Formerly 10M-8.002, Amended 12-4-97, 12-23-97, 8-19-03, Repromulgated.

#### 65C-16.003 Case Reviews.

(1) The purpose of case reviews is to ensure that appropriate permanent plans are developed and executed for every child at the earliest possible time.

(2) The case review requirements for children in adoption planning consist of three types of reviews:

(a) **Judicial Review.** All children served by the department's adoption units, including those for whom a termination of parental rights has not been completed and those for whom termination of parental rights has been completed are subject to periodic court review. Children in adoption placements that have not yet finalized are subject to court review until legal finalization of the adoption. Judicial Review

reports for children in adoption planning must include information about reasonable efforts to recruit an adoptive family, place the child for adoption and finalize the adoption.

(b) Quarterly Case Staffings. Local case management staff responsible for planning for children in need of adoption will meet together as a team to staff and assess the needs of waiting children and available families. The teams will meet as often as necessary to assure that permanency needs are met. Each waiting child is to be staffed at least quarterly.

(c) Supervisory Consultation. Supervisory consultation is an on-going function of direct service supervision. Consultation must be directed at ensuring thorough case assessment, case planning and service delivery. Supervisory consultation must be provided to every direct service staff member regardless of prior training and experience, and must include individual supervisory case conferences, at least monthly.

Specific Authority 39.601, 39.701 FS. Law Implemented 39.001, 39.451, 39.453, 39.701, 39.703, 409.145, 409.175, 409.1755 FS. History--New 4-28-92, Amended 4-19-94, Formerly 10M-8.0023, Amended 12-4-97, 8-19-03, Repromulgated.

#### 65C-16.004 Recruitment, Screening and Application Process/Adoptive Applicants.

(1) The department or community based care provider will ensure that an assessment of adoptive parent resource needs is done in each district at the beginning of each calendar year, and that recruitment activities are planned for the year based on the results of the assessment. The districts' annual recruitment plan will be submitted to the headquarters Family Safety Program Office by February 15 of each year. The headquarters Family Safety Program Office staff will develop a statewide recruitment plan, based on the needs of individual districts, as reflected in the district plans.

(2) The recruitment activities must be designed to meet the needs of all children in foster care who need adoptive homes and must include informational meetings for potential adoptive applicants to be held at least every 90 days.

(3) The department and its designees shall recruit adoptive families that reflect the ethnic and racial diversity of children needing adoptive placement.

(4) The prospective adoptive parents' initial inquiry to the Department of Children and Family Services local office, or to the community based provider, whether written or verbal, will receive a written response or a telephone call within seven (7) working days. Prospective adoptive parents who indicate an interest in adopting special needs children must be offered the opportunity to participate in the department's approved adoptive parent training program. If space is limited in scheduled classes, slots in the classes will be assigned in the following priority order:

(a) Persons with an existing relationship with a specifically identified child who is waiting for adoption placement, or that child's sibling.

(b) Persons who have expressed an interest in adopting a specifically identified child waiting for adoption, or that child's sibling.

(c) Persons who have explicitly stated their willingness to adopt children available for placement through the department or its designee; and

(d) Persons expressing a general willingness to adopt special needs children.

(5) An application to adopt must be made on form CF-FSP 5071, PDF 09/2000, Adoptive Home Application, which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 09/2000, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Bldg. 7, Tallahassee, FL.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 63.122, 409.145, 409.401 FS. History--New 7-18-95, Formerly 10M-8.0042, Amended 8-19-03, Repromulgated.

#### 65C-16.005 Evaluation of Applicants.

(1) No person shall be denied the opportunity to become an adoptive parent on the basis of race, color or national origin. The placement of a child with a particular family must not be denied or delayed on the basis of race, color or national origin of the family or the child.

(2) A social study which involves careful observation, screening and evaluation shall be made of the child and adoptive applicants prior to the placement of the child. The aim of this evaluation is to select families who will be able to meet the physical, emotional, social, educational and financial needs of a child, while safeguarding the child from further loss and separation from primary caretakers.

(3) In determining which applications for adoption should be approved, all of the following criteria, not listed in any order of priority, must be considered:

(a) The child's choice, if the child is developmentally able to participate in the decision. The child's consent to the adoption is required if the child is age 12 or older;

(b) The ability and willingness of the adoptive family to adopt some or all of a sibling group, although no individual child shall be impeded or disadvantaged in receiving a loving and nurturing home due to the inability of the adoptive family to adopt all siblings. The needs of each individual child must be promoted;

(c) The commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage and to permit the child the opportunity to know and appreciate that ethnic and racial heritage;

(d) The family's child rearing experience. Applicants with previous child-rearing experience who exhibit the energy, physical stamina, and life expectancy which would allow them to raise the child to adulthood and who have a demonstrated history of having provided consistent financial support to other minor children, either birth or adopted, will be considered. Applicants who do not have previous child rearing experience but who demonstrate the capacity to parent a special needs child will also be considered. Applicants who have experienced an adoption disruption or dissolution in the past must be carefully evaluated. When evaluating the previous disruption or dissolution experience, staff must assess the reasons for the disruption or dissolution, the family's openness in dealing with the problems that led to the disruption, their willingness to accept help with the problems, and their willingness to help the child move to the next placement;

(e) Marital Status. The department and its designees will accept applications to adopt from married couples and from single adults. Couples married less than two years must be given particularly careful evaluation;

(f) Residence. Florida families must be prepared to remain in Florida long enough to have the adoption study completed, the child placed, and the adoption finalized. Families from other states wishing to adopt Florida children may apply and be studied by an agency authorized or licensed to practice adoption in their state of residence. Out of state placements will be facilitated through established regional or national adoption exchanges or directly with out of state agencies, and will comply with the requirements of the Interstate Compact for the Placement of Children;

(g) Income. The family must have income and resources to assure financial stability and security to meet expenses incurred in adequate care of the family. While a family's income must meet the needs of its current members, a family interested in a special needs child must not be precluded from consideration if the availability of an adoption subsidy would enable them to adopt a special needs child. Management of current income and the ability to plan for future changes in income so that the child's social, physical and financial needs will be met are as important as the amount of income;

(h) Housing and neighborhood. Housing and neighborhoods must provide adequate space and the living conditions necessary to promote the health and safety of the family;

(i) Health. Applicants will be required to fully disclose health history, current health status, including any condition that is progressive and debilitating in its course, and any past and current treatment and services received for such condition, regarding themselves and each member of the household. The physical, mental and emotional health of the prospective adoptive household members must not jeopardize the safety and permanency of the child's placement and will be considered in determining the best interest of the child;

(j) Other Children in the Family. When families have children by birth or adoption, the anticipated impact of a new child on the family must be considered;

(k) Working Parents. The willingness and ability of prospective adoptive parents who are employed outside the home to make arrangements to be with the child during the transition period must be considered. It is desirable that one parent be free to devote full time to the care of the child for a period of time after placement. The exact length of time is determined by the needs and the age of the child, and the needs of the child must be given priority over the employment situation of the parent;

(l) Department Employees. Employees of the department and the community based care provider will be considered as adoptive applicants. In situations where the employee has a close working relationship with the foster care or adoption staff in his or her district or provider agency, or had such a relationship in the recent past, the applicants study shall be conducted by another district or a licensed adoption agency. The district Family Safety Program Office or the appropriate entity in the provider agency must be notified immediately when an application to adopt is received from a departmental or provider agency employee. The office or the provider entity will make a decision regarding whether the adoption study for the employee will be completed by the district or provider agency, or if the services of another district or agency will be sought. If the decision is to have the employees adoption study and subsequent placement handled by another district or agency, the district Family Safety Program Office or the provider entity will make the necessary arrangements with the Family Safety program office in the other district or the chosen agency. When an adoptive applicant is a member of a board or group which has actual or perceived authority over the department, its community based provider, its staff or operations, such applicant will be referred to another district or a local licensed child placing agency for handling;

(m) Affidavit of Good Moral Character. All adoptive parent applicants must complete an affidavit of good moral character attesting to their own good moral character. Foster parents who are adopting a foster child in their home and who have completed this affidavit as a part of their licensing requirements need not complete it again;

(n) All adoptive applicants must complete the requirements for background screening as outlined in Rule 65C-16.007, F.A.C.; and

(o) Use of References. A minimum of five written references will be required. At least two of the references will be non-relatives. References must be obtained from persons who have had the opportunity to observe the applicants in situations that may give some indication for their capacity for parenthood or who would have documented knowledge of deviant behavior or immoral character. References should be



obtained from employers of applicants and from schools or day care providers who have had an opportunity to know the family.

(4) Family Preparation and Study Process.

(a) Adoption staff must explain to applicants what to expect during the preparation and study process. The process must also help to establish a relationship with adoptive applicants which will make it possible for them to ask for and use help during the presentation, pre-placement, placement and the post-placement adjustment period.

(b) The department's approved adoptive parent training must be provided to all prospective adoptive parents except licensed foster parents and relative caregivers who have previously attended the approved training or have been determined do understand the challenges and parenting skills needed to successfully parent the children available for adoption from foster care program provides a format through which prospective foster, shelter and adoptive parents can be selected and prepared to work with the department as team members in permanency planning.

(c) At the beginning of each year districts and community based care organizations responsible for adoption services must establish a 12 month training calendar so that inquiring families can be aware of when they can expect to begin the preparation process. Districts and providers must also maintain the ability to conduct extra training groups when there is a need. This will be particularly important when there are significantly higher numbers of families waiting for group than can be accommodated in the regularly scheduled sessions. Districts and providers who assure that all appropriate adoption licensing and foster care staff are trained and certified in the delivery of the adoption training will be prepared to deal with such emergency situations.

(5) Family Preparation Through Use of the Individual Study Process.

(a) Although the most preferred method of preparing applicants for adoptive parenthood is the group process, there will be exceptional cases in which an individual study approach must be used. Some examples of factors which might lead to a decision to prepare an applicant family via an individual study are as follows:

1. Extreme distance which would cause hardship for the family;
2. Small numbers of inquiring families at irregular times;
3. Families who are adopting subsequent children and have already been trained; and
4. Cases in which the child has been living in the home for an extended period and there is evidence of well functioning relationships.

(b) Each decision to use the individual study approach must be approved in writing by the district Family Safety Program Office, or the appropriate entity in the community based agency, and the family's record must include justification for use of this method.

(c) The focus of the individual study, as in group preparation, must be on education and preparation of the family.

(6) Families Who Adopt Again. Prior approval of a family to adopt does not automatically deem the family appropriate to adopt again. Families previously approved in other states or districts/regions should be carefully evaluated. Consideration of any family for placement of a subsequent child requires an updating of the previous study. Such an update will include an assessment of the following:

(a) Issues Related to the Previously Adopted Child. This should include a brief description of the child, his or her incorporation into the family, and the skills the parents have demonstrated in providing for this child;

(b) Motivation of the family in seeking to adopt another child at this time;

(c) School adjustment of the previously adopted child;

(d) Health Needs. Any significant medical problems and any impact they have had on the previous adoption or might be expected to have on subsequent placements must be discussed;

(e) Housing needs and the capacity of the home to comfortably accommodate another child;

(f) Income. Any major changes in the family income must be discussed. A determination should be made as to whether or not the addition of another child, even with adoption subsidy, will tax the family's ability to manage within their current income;

(g) Marriage. The effect of the previous adoption on the marriage must be discussed;

(h) Extended Family and Neighbors. How the previous adoption has been perceived, received or rejected by family and neighbors;

(i) Updated References. References should be asked to address how the family seems to have managed with the previously adopted child and how they believe the family will cope with additional children;

(j) Abuse Hotline/Criminal Records Check. Abuse Hotline and criminal records checks must be conducted as part of each subsequent application to adopt; and

(k) Other Major Changes. Address any additional family members not considered in the initial study. Also address any other major changes such as job changes, deaths, and serious illness or medical conditions which may have had an effect on the family or which may compromise the applicant's ability to meet the needs of another child.

(7) The Written Adoption Study. Whether or not the parent preparation is conducted in a group process or in an individual study, a written report, generally referred to as the adoption home study, must be prepared for each studied family. The written home study must address the issues discussed in subsections (1) through (6) above.

(8) At the conclusion of the preparation and study process, the counselor and supervisor will make a decision about the family's appropriateness to adopt. That decision will be reflected in the final recommendation included in the written study. If the recommendation is for approval, the study and written recommendation will be submitted to the Family Safety Program Administrator or designee or the appropriate entity in the community based care agency for approval. If the counselor and supervisor do not recommend approval the case will be reviewed by Adoption Review Committee according to the directions provided in subsection 65C-16.0061(9), F.A.C.

(9) Adoption Review Committee. Each district and community based care provider responsible for providing adoption services for children in the department's custody must establish an Adoption Review Committee. The committee will consist of at least three (3) persons, and must include one department staff, preferably with adoption expertise ~~may include the district adoption specialist.~~ The district or community based care agency will select a committee member to serve as the committee chair.

(a) The committee will provide consultation and assistance to the adoption counselor on any adoptive home study in which the counselor and supervisor are recommending rejection, or adoption case situations which present challenging issues. Requests for committee review may be made by the adoption counselor, the adoption specialist, the family safety program administrator or the appropriate entities with the community based provider. Requests for committee review will be made in writing and forwarded to the adoption specialist or the appropriate entity in the community based care agency. While the committee is available to review any challenging case, cases with the following issues must be referred to the committee.

1. Health. Cases in which it is determined that the adoptive applicant is experiencing a serious or chronic medical condition and such condition predictably compromises or could compromise the applicant's ability to provide the physical, emotional, social and economic support necessary for the child to thrive.

2. Abuse History. Cases in which the Abuse Hotline clearance reveals verified findings of abuse, neglect, or abandonment which did not result in a disqualifying felony conviction, and cases in which there were some indicators of abuse or neglect.

3. Criminal History. In cases in which the required criminal history checks pursuant to Section 39.0138(1) 435.045(1), F.S., reveal that the applicant(s) have been convicted of crimes specified in Section 39.0138(2) 435.045(1)(a)1., F.S., their application must be rejected. A referral to the adoptive applicant review committee will not be required. The applicant must be advised that he or she cannot be approved. If the criminal history check reveals that the applicant was convicted of a law violation listed in Section

39.0138(3) 435.045(1)(a)2., F.S., within the last five years, the applicant cannot be considered for approval, until five years after the violation was committed. These applicants must be referred to the committee.

4. Cases in which the applicant is a current or former foster parent and the review of the foster parent file reveals that there have been care and supervision concerns or a violation of licensing standards.

5. With the exception of those applicants convicted of a crime specified in Section 39.0138(1) 435.045(1)(a), F.S., counselors must seek the assistance of the committee prior to a decision to reject an applicant.

(b) The adoptive applicant review committee chairperson will convene the committee and issue a written recommendation to district legal counsel and ~~or~~ the appropriate entity within the community based care agency within 30 days of receipt of the request. Following input from district legal counsel ~~or the community based care entity~~, the chairperson will prepare a written report summarizing consensus of the committee and the recommendation from district legal counsel and ~~or~~ the community based care agency entity. The This recommendation to approve the applicant will be submitted to the district administrator or the chief executive officer of the community based care agency. The recommendation to reject the applicant will be submitted to the district administrator and the chief executive officer of the community based care agency.

(c) The chief executive officer of the community based care agency will provide the applicant with written notification of the decision to approve within 10 working days of the decision. The district administrator ~~or chief executive officer~~ will provide the applicant with written notification of the decision to ~~approve or~~ reject the application, within 10 working days of the decision. The written notice must include the reason for the rejection, and must advise the applicant of his/her judicial option as described in the Administrative Procedures Act, Chapter 120, F.S.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 63.122, 409.145, 409.401, 435.045 FS. History—New 2-14-84, Formerly 10M-8.05, Amended 4-28-92, 4-19-94, 8-17-94, 1-8-95, 7-18-95, Formerly 10M-8.005, Amended 12-23-97, 8-19-03,\_\_\_\_\_.

65C-16.007 Abuse Hotline and Registry and Criminal Records Checks.

(1) Abuse Hotline checks must be conducted on all adoptive applicants. The applicants must be informed of this part of the investigation early in the home study process and must provide written consent for the check to be completed. For applicants who have previously been foster parents or have adopted in other states, Abuse Hotline checks must be completed in the previous state. Abuse Hotline checks must be current within 30 days of placement of an adoptive child in the home.

(a) The counselor must submit to the district background screening coordinator, sufficient information to conduct a search of the Florida Abuse Hotline Information System. Abuse Hotline record checks must also be conducted on all other household members who are 12 years of age or older. When the adoptive applicant or other adult household member lived in another State within five years of the request for a home study, a child abuse and neglect registry check of the other State must be completed. If the other State has an ACF-approved delayed effective date or the State does not maintain a registry, the counselor must determine whether to approve the applicant in the absence of the information.

(b) Any request for information from the Abuse Hotline must be in writing and must include a statement of statutory authorization to receive the information.

(c) All Department of Children and Families personnel and other agencies and professionals using information from the Abuse Hotline, or any child abuse case record should be informed that misuse of such information may cause them to be held personally liable, and any person injured or aggrieved by such disclosure may be entitled to damages. Unauthorized release of abuse reports may result in criminal prosecution. The offense is a misdemeanor in the third degree.

(2) Criminal background checks through local, state and federal law enforcement agencies will be conducted on all persons age 18 or older residing in the prospective adoptive home. For applicants who have been foster parents or who have adopted in other states, local and state checks must be completed in the state of previous residence. Should the background reveal that the applicant has been convicted of a crime specified in Section 39.0138(2) 435.045(1)(a)1., F.S., the application must be rejected. Juvenile delinquency checks through the Florida Department of Law Enforcement must be conducted on all household members twelve through seventeen years of age as a public record search. If this check reveals a Juvenile Justice record, this information must be addressed in the home study and a determination must be made regarding possible impact on the adopted child.

(3) For foster parents and relative caregivers who are adopting a department child, federal background checks must be current within 5 years at the time of adoption placement. For potential adoptive parents who are not foster parents or relative caregivers, federal background checks must be current within one year at the time of adoption placement. All potential adoptive parents must have state and local background checks that are current within 90 days of the date of adoption placement.

(4) Applicants who have been convicted of any crime specified under Section 39.0138(3) 435.045(1)(a)2., F.S., within the last five years cannot be considered for approval until five years after the violation was committed. At that time these applicants must also be referred to the adoption review committee. Applicants who have been found guilty or entered

a plea of guilty or nolo contendere for crimes not listed in Section 39.0138(3) 435.045(1)(a), F.S., shall be carefully evaluated as to the extent of their rehabilitation. Factors to be considered will include the severity of the action resulting in the record, how much time has lapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses. Referral of these applicants to the adoption review committee is not required but they must be submitted to the district Family Safety Program Administrator or the appropriate entity in the community based care agency for approval.

(5) Abuse Complaints Against Adoptive Parents.

(a) When the department receives reports of abuse or neglect by adoptive parents whose adoptions have been finalized, they will be handled as any other family on whom a report has been received.

(b) In cases where such reports are received on families whose adoptions are not finalized, the protective investigator will consult with the adoption counselor or supervisor who knows the family and children.

(c) Should an allegation of abuse, neglect or abandonment be made directly to the adoption counselor, the Florida Abuse Hotline must be notified immediately. The report will be transmitted to the district Protective Investigation unit. Complaints which do not contain allegations of abuse, neglect or abandonment and are made directly to the adoption counselor must be investigated by the counselor.

(d) If an investigation of an abuse, neglect or abandonment report by protective investigations reveals that the subject of the report is an adoptive parent whose adoption has not been finalized, the adoption counselor must be notified immediately and must assume responsibilities in the investigation as outlined above. The child should be removed from the adoptive home if he or she meets the criteria for removal pursuant to Section 39.401, F.S.

(e) If abuse or neglect is established but does not warrant immediate or permanent removal of the children, careful consideration should be given to providing services to the family for a specified period of time. ~~Services may be provided by the department's Protective Services unit and a~~ A referral to the mental health multidisciplinary team may be appropriate. Prior to the expiration of the specified period of time, input from the district adoption specialist or the appropriate entity in the community based care agency must be sought to assess progress being made and the likelihood that the consent to the adoption may safely be issued. The district adoption specialist or the appropriate entity in the community based care agency shall convene a meeting ~~to include the protective services counselor and supervisor and the adoption counselor and supervisor.~~ These individuals must decide if the placement will be terminated and the child returned to foster care or if a recommendation to issue consent for finalization of the

adoption will be made to the district administrator for the adoption to finalize. ~~The district administrator must provide written approval of the plan to issue consent.~~

(f) Whether the department recommends finalization of the adoption or removal of the children, information about the complaint, services provided to the family, and reasons for the department's final decision must be documented and provided to the court.

Specific Authority 39.012, 63.233, 409.145 FS. Law Implemented 63.022, 63.092(2)(b), 409.145, 435.045 FS. History—New 5-20-91, Formerly 10M-8.00513, Amended 4-28-92, 4-19-94, 8-17-94, 1-8-95, Formerly 10M-8.0053, Amended 12-23-97, 8-19-03, \_\_\_\_\_.

#### 65C-16.008 Dispute Resolutions and Appeals.

When an adoptive applicant or parent is adversely affected by a decision or action taken by the department, or by a community based agency acting for the department, efforts should be made to settle the dispute at the counselor/supervisor level. If this attempt is unsuccessful, the Adoption Review Committee will be convened as outlined in subsection 65C-16.005(9), F.A.C. If this review results in a decision by the district administrator that supports the departments/agency's original decision, the applicant or parent must be told of that decision in writing and advised of their judicial option as described in the Administrative Procedures Act, Section 120.68, F.S., and of their right to a hearing pursuant to Section 120.57, F.S.

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, Repromulgated \_\_\_\_\_.

#### 65C-16.009 Adoption Placement.

(1) The adoption placement process incorporates the following:

- (a) Selection of the family;
- (b) Presentation of the information to the family regarding the child and to the child regarding the family;
- (c) First meeting;
- (d) Get acquainted period and pre-placement visits; and
- (e) Day of placement.

(2) The decision on final placement is based on the child's readiness and the cues given by the child to the counselor that he is ready to move into his new home.

(3) The mechanics of final placement include:

- (a) An assessment of the child and family's adjustment during the transition activities, and their readiness for placement;
- (b) A decision regarding the appropriate geographical location for placement. Depending on the child's developmental age, the placement may occur in the foster home, the adoptive home, or another location determined suitable by the parties. The child's counselor will be present regardless of the selected location; and

(c) An opportunity for the child to say good-bye to each member of the foster family.

(4) When it is necessary for the child to travel to the home of the adoptive parent for placement, the child should be accompanied by the counselor and the person with whom he or she has the most meaningful relationship. If this person is a member of the foster family the department will provide financial reimbursement for any costs incurred.

(5) Occasionally it may be in the child's best interest to be placed in a prospective adoptive applicant's home prior to completion of legal termination of parental rights. Examples of situations where at-risk placement may be appropriate include:

- (a) The child's termination of parental rights is on appeal;
- (b) The child has been voluntarily surrendered and termination of parental rights by the court is anticipated;
- (c) A petition for termination of parental rights has been filed, as it appears unlikely that the child can be returned to the biological parents within a reasonable period of time; and
- (d) The child must be moved from his or her current foster home placement, and the placement in a pre-adoptive home will result in one less move for the child.

(6) Consideration of a placement under one of the above situations presumes that relatives as placement resources have been considered and found not available or inappropriate. Such placements must only occur with approved adoptive families. These placements must be carefully planned and must have written approval of the district Family Safety Program Office or the appropriate entity with the community based care provider, prior to discussion with the family. The prospective adoptive family must clearly understand the risks involved in such a placement. This is particularly critical if the termination of parental rights is being appealed or if it can be anticipated that the biological family will seek to prevent the severance from occurring. The pre-adoptive family must be given the opportunity to consider the risks and allowed to decide if they are willing to proceed. Families entering into an at-risk placement must indicate in writing that they understand and accept the risks involved.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022, 63.042, 409.145 FS. History—New 4-28-92, Formerly 10M-8.0058, Amended 8-19-03, Repromulgated \_\_\_\_\_.

#### 65C-16.010 Adoption Placement – Post-Placement Services.

(1) The department has a legal responsibility to provide services until the finalization of an adoption. This period is no less than 90 days from the date the child was placed in the physical custody of the adoptive parent. The first home visit must be made within one week after placement. There shall be a minimum of three supervisory visits in placements which are non-problematic. For placements which do not proceed smoothly, additional and more frequent contacts are necessary. The adoptive child or children must be contacted a minimum

of once every calendar month until adoption finalization. The entire family must be seen together at least once during the post-placement supervision period.

(2) Some placements are, by nature, complex and will require additional services during the post-placement period. Examples of these placements include:

(a) Sibling placements. Incorporating a large sibling group into an adoptive family is complex due to the number of new relationships this entails. Another difficult situation occurs when one child in a sibling group experiences difficulty in establishing a relationship with the adoptive family and the other child or children appear to be adjusting well. The counselor must decide whether to separate the siblings. Before making a decision to separate siblings, the adoption unit must staff the case as a team. The positives and negatives of keeping the children together must be thoroughly explored and the team must decide what is in the best interest of the children. If it is determined that the removal of only one child is best, arrangements must be made for continuing contact among the children. Refer to Rule 65C-16.002, F.A.C., for criteria to assist in decision making for sibling placements. The decision and the reasons for the decision must be documented in the case file. The file must also include documentation of a plan to assure on-going contact among separated siblings.

(b) Children with severe emotional and behavioral difficulties. Children who required specialized services to maintain stability in their foster home often need the same services in the adoptive home.

(c) Adolescents. Adoption placement of adolescents can be difficult because the developmental task for this age group is to become free of close family ties and establish independence. This can make the task of attaching to an adoptive family challenging and additional services for the family and the adopted youth may be required.

(d) Children placed transracially. Families adopting children of a different race will face challenges specific to this situation. It is important for adoption staff to assist the family in understanding the importance of race and ethnic heritage and to assist the family in accessing resources to help meet the specific needs of the child who is adopted transracially.

(3) Mental Health Multidisciplinary Team. During the post-placement supervision period, adoptive families may access the services of the Mental Health Multidisciplinary Team. When the services of the team are needed, the adoption counselor should initiate contact with the identified single point of access in the district Alcohol, Drug Abuse and Mental Health Program Office.

(4) Although emotional ties through the parent/child relationship are being established through living together, the legal finalization procedure gives the relationship sanction and protection. Legalization of the adoption assures the child who is adopted the rights and responsibilities of membership in a permanent family.

(a) At the end of the supervisory period, the department adoption supervisor and the counselor, or the appropriate community based provider entity, must make a final assessment of the placement. Before the final adoption hearing, or within 90 days after the adoption petition is filed with the court by the adoptive family, whichever occurs first, a final home evaluation must be completed as directed in Section 63.125, F.S., and a written report on the findings, including a recommendation on the granting of the adoption petition, must be filed with the court. In addition to the requirements of Section 63.125, F.S., the following must be addressed in the written report to the court:

1. A summary of issues discussed in Rule 65C-16.005, F.A.C., Evaluation of Applicants and Rule 65C-16.007, F.A.C., Abuse Hotline and Registry and Criminal Checks.

2. Full discussion and disclosure regarding any unusual circumstances in the adoptive family including health records and findings, and financial problems.

(b) After the post-placement period has been completed, the department supervisor or appropriate community based provider entity, signs the consent to adoption and forwards it to the adoptive parents' attorney. Attached to the consent must be the family medical history containing such information concerning the medical history of the child and birth parents as is available or readily obtainable. This information must be made available to the adopting parents. With the consent and medical history, the attorney can proceed with the filing of the petition for adoption in court. If not previously provided, the adoptive parents must be provided with a copy of the study of the child at this time. If the study contains identifying information about the biological family, that information must be deleted prior to presenting it to the family.

(c) The counselor or community based provider case manager completes the original and two copies of Section A and B of the Certified Statement of Final Decree of Adoption to be used by the Clerk of the Court to obtain the new birth certificate. As soon as the petition is filed, and a copy is routed to the adoption unit, that unit will forward the Certified Statement to the Clerk of the Court for completion and certification and will notify the attorney that the form has been forwarded.

(d) When a placement disrupts, the counselor or community based provider case manager must record a disruption summary, which provides an evaluation and assessment of the reasons for the disruption. In addition to assessing and summarizing the reasons for the disruption, the summary must also assess the impact the failed placement had on the child and issues which must be resolved before another placement can be considered. Any specific attributes which will be necessary in the next adoptive parents must also be included. This summary must be recorded within 10 days after the disruption occurs.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022, 63.122, 63.152, 63.162, 382.015, 382.025, 409.145 FS. History—New 2-14-84, Formerly 10M-8.06, Amended 4-28-92, 4-14-94, 1-8-95, Formerly 10M-8.006, Amended 12-4-97, 8-19-03, Repromulgated.

65C-16.011 Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients.

(1) The department or the community based provider agency shall disclose to adopting parents the name of a child who has been tested for HIV and the results of that test when the decision to adopt the child has been confirmed by the adopting parents and the department. Prior to the confirmation of the decision, the adoptive parents shall be told that the child being considered by them has tested positive for HIV but cannot be told the child's name until after the decision to place has been made.

(2) The adopting parents who have accepted an HIV infected child into their home must be given a written statement which includes the following language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

(3) The adoption record must contain documentation that the written statement was given to the adoptive family.

Specific Authority 381.004(3)(f)11. FS. Law Implemented 381.004(3)(f)11. FS. History—New 5-20-91, Amended 4-19-94, Formerly 10M-8.0061, Amended 8-19-03, Repromulgated.

65C-16.012 Types of Adoption Assistance.

(1) The intent of adoption assistance is to promote the adoption of special needs children who are in the department's foster care program or in the care of a licensed private child placing agency. It is the responsibility of the department or the community based care agency adoption staff to inform prospective adoptive parents of the availability of all of the benefits listed below.

(2) Maintenance Subsidy. A monthly payment may be made for support and maintenance of a special needs child until the child's 18th birthday. Unless approved by the Secretary of the Department pursuant to subsection 65C-16.013(9), F.A.C., the amount of the payment may not exceed the standard foster care board rate for which the child would have been eligible had the adoption placement not taken place. ~~Annual reevaluations of the continued need for subsidy are required.~~

(3) Post Adoption Services ~~Medical Subsidy.~~ In addition to temporary case management and information and referral requests, post adoption services includes medical assistance to cover the cost of medical, surgical, hospital and related

services needed as a result of a physical or mental condition of the child which existed prior to the adoption ~~may be subsidized.~~ The need for medical services for a condition recognized prior to adoption must be established ~~and authorized~~ prior to the placement for adoption, although the service might not be delivered until some time after finalization of the adoption. The need for medical assistance ~~subsidy~~ must be supported by documentation of that need from the appropriate professional, such as a licensed physician or dentist, or qualified mental health professional, ~~and must be reassessed annually.~~

(4) Other Medical Services. Other medical services available may include on-going Medicaid coverage and continuing eligibility with Children's Medical Services for children who were receiving such services prior to adoption.

(5) Reimbursement for Non-recurring Adoption Expenses. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses that are directly related to the legal adoption of a special needs child.

(6) Adoption Benefit for State Employees. State employees as defined in Section 409.1663, F.S. who adopt a ~~dependent~~ child may be eligible for a lump sum payment as defined in Section 409.1663, F.S. ~~in are entitled to financial assistance.~~

(7) Tuition Waiver. Children who were in the custody of the department and who were adopted after May 5, 1997 are eligible for an exemption of undergraduate college tuition fees at Florida universities or community colleges.

(8) Adoption assistance for eligible children will be paid irrespective of the child's state of residence. Adoptive parents receiving adoption assistance are obligated to notify the department of any change of address.

(9) The provision of all adoption assistance is contingent upon the availability of state and federal funds.

Specific Authority 409.166 FS. Law Implemented 409.166 FS. History—New 2-14-84, Formerly 10M-8.18, 10M-8.018, Amended 8-19-03, \_\_\_\_\_.

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) The purpose of adoption subsidy is to make available to prospective adoptive parents financial aid which could enable them to adopt a special needs child. Every adoptive family must be advised of the availability of adoption subsidy and the purpose for which it is intended. Placement without subsidy must be the placement of choice unless it can be shown that such placement is not in the best interest of the child.

(2) The child's and the family's need for subsidy must be determined prior to placement. When this need is not determined prior to placement, and the adoptive parents feel they have been wrongly denied subsidy benefits on behalf of an adopted child, they have the right to request a fair hearing

pursuant to Chapter 120, F.S. If, through the fair hearing process, subsidy is approved, the effective date of the subsidy will be the date the family officially requested subsidy. Retroactive payment dating back to the date of placement will not be approved.

(3) Children with income of less than 200% of the Federal Poverty Level and who reside in Florida may have their subsidies funded with Temporary Assistance for Needy Families (TANF), pursuant to Section 414.045, F.S., and the Title IV-A State Plan. A TANF funded subsidy must be changed to another funding source if the child moves out of Florida. Families receiving TANF funded subsidy must keep the department informed of all changes to the child's income.

(4) Medical or mental health evaluations may be required to document the need for maintenance subsidy. When this is the case, these evaluations must be no more than 12 months old at the time of initial subsidy determination.

(5) Efforts to place the child in a non-subsidized placement must be documented in the child's record. Documentation of this exploration shall be one of the following:

- (a) List of other families considered;
- (b) Letters to agencies specifically seeking a home for the child; and
- (c) Registration of the child on the adoption exchange.

It is not the intent of this requirement that a child remain unnecessarily in foster care while the department searches for a non-subsidized placement, if a family who can meet the special needs of the child is available, but requires a subsidy.

(6) The one exception to the requirement to explore placement without subsidy is when it has been determined that the child's adoption by his current caretaker, with whom he/she has established significant emotional ties, is the placement of choice. However, the current caretaker must be asked if he/she will adopt the child without subsidy. This exploration must be documented in the child's record. The caretaker must understand that being an adoptive parent includes different parental rights and responsibilities. Some of these responsibilities are financial, and adoption subsidy, unlike foster care board rate payments, is not intended to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs.

(7) ~~Initial~~ Basic Maintenance Subsidy. The initial determination of the monthly ~~basic~~ maintenance subsidy ~~payment~~ will be based on the department's published standard foster care board rates. The negotiation of maintenance ~~This initial basic~~ subsidy will be 80% of the standard foster care board rate at the time the payment determination is being made, or, if the child is in medical foster care, 80% of the medical foster care board rate at the time the determination is made. It is important to remember that maintenance ~~basic~~

~~subsidy negotiation determination~~ is based on the needs of the child and the standard board rates, ~~not actual board rates that may have been paid for a particular child.~~

(8) ~~Supplemental Maintenance Payment.~~ ~~An additional supplemental amount may be added to the child's basic subsidy when~~ When a child has a specific and diagnosed physical, mental, emotional, or behavioral problem which requires care, supervision, and structure beyond that ordinarily provided in a family setting, a maintenance subsidy may be negotiated up to 100% of the standard foster care board rate. ~~No subsidy~~ The total of the basic subsidy amount and the supplemental amount may ~~not~~ exceed the standard foster care board rate for which the child was eligible as a foster child, unless an exception is granted by the Secretary as discussed in subsection (9) below. Maintenance subsidy ~~This payment~~ is not intended to cover services which may be obtained through family insurance, Medicaid, Children's Medical Services, medical subsidy, or through special education plans provided by the public school district.

(9) The proposed amount of subsidy, ~~including the supplemental amount~~ must be submitted to the ~~district Family Safety Program Administrator or designee, or the~~ appropriate entity with the community based care provider for approval. Documentation supporting the request for a supplemental payment must be included.

(10) When the Secretary of the Department determines that it is appropriate, an exception may be granted to the policy limiting subsidy to the standard board rate. No adoption subsidy may exceed the actual amount of the foster care board paid for the child. Any request for an this policy exception to exceed the standard foster care board rate must come in writing to the Secretary from the district or region administrator.

(11) The adoption assistance agreement must be signed and dated by all parties prior to the finalization of the adoption. The effective date of the agreement is the date of placement in the adoptive home, or in the case of adoption by the current caregiver, on the date the memorandum of agreement to adopt is signed. ~~Each authorization for subsidy will be for a period of twelve months, effective on the date of placement, or in the case of adoption by the current caregiver, on the date the placement agreement is signed. There must always be a current adoption assistance agreement signed by the parent and the department's representative. Payments may not be made for any months in which there is no current adoption assistance agreement in place.~~

(12) The family must be advised that it is their responsibility to notify the department immediately of any change in circumstances, including moving out of state. ~~changes in the child's need for services covered by the supplemental payment.~~

(13) The adoption subsidy agreement remains in effect until:

- (a) The child reaches 18 years of age;

(b) ~~The parents are no longer legally responsible for the support of the child; or~~

(c) ~~The parents are no longer providing any support to the child. Maintenance subsidy payment will be terminated when the child reaches 18 years of age or if the parents cease having responsibility for the child or the child is no longer receiving support from the parents.~~

(14) ~~No change shall be made to a maintenance subsidy without concurrence of the adoptive parents. Subsidy redeterminations. At redetermination the basic monthly maintenance subsidy amount will remain the same as the amount initially determined. If the child is receiving a supplemental payment, the continued need for the supplemental payment will also be determined at this time. A new or updated prognosis will be required to document the continued need for service and support. If the service is no longer required, the supplemental payment must be discontinued. The total adoption assistance agreement must be re-negotiated with the adoptive parent at each scheduled or unscheduled change to the subsidy payment.~~

(15) No child will have his or her subsidy payment reduced based on application of this rule.

(16) Any child who has been determined eligible for adoption subsidy whose adoption has been dissolved by termination of parental rights or by the death of the adoptive parents will retain his or her original subsidy eligibility if subsequently placed for adoption.

Specific Authority 409.026(8), 409.031, 409.166(7) FS. Law Implemented 409.031, 409.166 FS. History--New 2-14-84, Formerly 10M-8.20, Amended 5-20-91, 4-19-94, Formerly 10M-8.020, Amended 12-23-97, 8-19-03,\_\_\_\_\_.

65C-16.014 ~~Determination of Medical Subsidy Post Adoption Services.~~

(1) ~~After finalization, the adoptive family may The department may pay the adopting parents a subsidy for medical, surgical, hospital and related require services, including medical assistance needed as a result of a physical or mental condition of the child which existed prior to the adoption. The need for medical assistance subsidy must be established and authorized prior to the signing of the subsidy agreement adoption placement, although the service might not actually be needed until a later date. When this need is not established prior to the signing of the subsidy agreement placement and the adoptive parents feel they have been wrongly denied a post adoption service subsidy benefits on behalf of an adopted child, they have the right to request a fair hearing. If, through the fair hearing process, the service subsidy is approved, the effective date of the subsidy service will be the date the family officially requested the service subsidy. Retroactive payment dating back to the date of placement will not be approved.~~

(2) Medical ~~assistance subsidy~~ must be terminated when the condition for which it was granted no longer exists or on the child's 18th birthday, whichever occurs first. Children needing residential mental health services will be referred to the district's Alcohol, Drug Abuse and Mental Health Program Office, children's program for services.

(3) The medical ~~assistance subsidy~~ is not to include those costs which can be or are covered by the adopting family's medical insurance, Children's Medical Services, Children's Mental Health Services, Medicaid or local school districts.

(4) The adoptive parents must obtain the approval of the department or the community based care provider agency prior to planning for the use of medical ~~assistance subsidy funds~~. The adoptive parents must submit a copy of the bill for the service to the department or to the community based care provider agency to initiate reimbursement. The bill must be clearly legible and must specify the name of the child, the service rendered and the date of the service, in addition to the charge for the service.

Specific Authority 409.166 FS. Law Implemented 409.166 FS. History--New 2-14-84, Formerly 10M-8.21, 10M-8.021, Amended 12-23-97, 8-19-03,\_\_\_\_\_.

65C-16.015 Non-Recurring Adoption Expenses.

(1) Under any adoption assistance agreement with adoptive parents of a special needs child, the state is required to make payments to the adoptive parents for non-recurring, one time, expenses incurred in connection with adoption of the special needs child. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of the special needs child. Such costs may include expenditures for physical and psychological examinations of the adoptive parents required as a part of the adoption process as well as transportation, lodging and food for the child or adoptive parents when necessary to complete the placement or adoption process.

(2) Agency adoption fees must be waived for families adopting children who are in custody of the department for whom subsidies will be paid. Such fees need not be waived for families adopting children who are in the custody of licensed child-placing agencies. If these children are otherwise eligible, agency fees shall be counted as an allowable expense under non-recurring adoption expenses. It is not necessary that the family be receiving a money payment to be eligible for this program.

(3) The maximum payment allowable under this program is \$1,000 per adoption placement. In cases where siblings are placed and adopted either separately or as a unit, each child is treated as an individual with separate reimbursement for nonrecurring expenses up to the maximum amount of \$1,000 per child.



(4) There can be no income eligibility requirements for adoptive parents in determining whether payments for non-recurring expenses of adoption will be made.

(5) Parents cannot be reimbursed for out-of-pocket expenses for which they have been otherwise reimbursed.

(6) Except where it would be contrary to the best interest of the child, a reasonable but unsuccessful effort must be made to place the child without adoption assistance prior to reimbursement for non-recurring adoption expenses.

(7) The following procedures will initiate payments for reimbursement of nonrecurring adoption expenses:

(a) All adoptive parents of special needs children will be advised of the availability of nonrecurring expense reimbursement.

(b) Reimbursement for eligible costs may be made to the adoptive parent or directly to a vendor. All parents will be advised to keep copies of receipts of expenditures related to the adoption. Copies of such receipts must be available in the subsidy record. Eligible expenses include court costs, attorney fees, birth certificates, costs of required physicals and psychological examinations, costs of transportation, lodging and food for the child and/or adoptive parents when necessary to complete the adoption process, and the cost of the home study if the child is in the custody of a private agency.

(c) When a placement decision has been made, the adoption assistance agreement will be negotiated with the family and will include a statement of the projected cost to be reimbursed for nonrecurring adoption expenses, as well as proposed maintenance and medical subsidy amounts if appropriate.

(d) Payments for nonrecurring expenses can be made up to two years following the finalization of the adoption. However, every effort should be made to complete these transactions within three months following adoption finalization.

Specific Authority 409.166, 409.301 FS. Law Implemented 409.166, 409.301 FS. History—New 5-20-91, Amended 4-19-94, Formerly 10M-8.0221, Amended 8-19-03, Repromulgated.

#### 65C-16.016 Access to Closed Adoption Records.

(1) The confidentiality of adoption records, original birth records, and court files is protected by sealing them upon adoption finalization. Persons seeking information from those records will be referred to the headquarters Office of Family Safety for assistance. Florida law requires non-identifying information to be released to adoptive parents and adult adoptees but does not allow access to the record by other parties.

(2) Requests for information from closed adoption records must be written, and no information will be released by telephone. Because records must be indexed by names of the adoptive parents, that information must be included in the

letter requesting release of information as well as some form of identification such as a photocopy of the client's driver's license or birth certificate.

(3) In order to respond to written requests from adoptive parents or adult adoptees for non-identifying information, the department or the community based care provider agency must be able to access the adoption records and other records which concern the adoptee. The department or community based care provider agency shall retain as confidential all records relating to each child who became adopted through the department's adoption program. These confidential records shall be referred to as department closed adoption records and shall be retained in the district/region or in the community based care provider agency until called for by the headquarters Office of Family Safety for permanent storage.

(4) The department will assume responsibilities for the closed adoption records of private licensed child placing agencies in Florida who cease to operate.

Specific Authority 63.162, 63.233 FS. Law Implemented 63.162, 63.233 FS. History—New 5-20-91, Amended 4-28-92, 4-19-94, Formerly 10M-8.024, Amended 8-19-03, Repromulgated.

#### 65C-16.017 Florida Adoption Reunion Registry.

(1) The state registry of adoption information created in Section 63.165 F.S., is also known as the Florida Adoption Reunion Registry. The purpose of the registry is to reunite adult adopted persons with members of their family without either party having to take court action to accomplish this goal. The department shall retain and maintain the registry records on a permanent basis. The registry shall be open with respect to all adoptions in the state, regardless of when they took place. The registry shall be available for those persons choosing to enter information, but no one shall be required to do so.

(2) The department operates the state-wide registry for persons who have come forward to voluntarily register information about themselves for release to specified other parties to that adoption. The registry is the mechanism whereby individuals from families separated by adoption may be reunited should each party seek that reunion. All birth and adoptive parents who are parties to an adoption shall be advised of registry services prior to adoption finalization.

#### (3) Procedures for Registration.

(a) Any person may register by completing and submitting the application for registry services, indicating to whom they consent to release identifying information about themselves.

(b) Persons to whom identifying information may be released are limited by Section 63.165, F.S., to the following:

1. Adoptee;
2. Birth father;
3. Birth mother;
4. Adoptive mother;
5. Adoptive father;

6. Birth siblings;
7. Maternal birth grandparents of the adoptee; and
8. Paternal birth grandparents of the adoptee.

(4) Adoptee birth data will be verified by registry staff, with the assistance of the Vital Records section of the Office of Vital Statistics in the Department of Health. In cases where birth information cannot be verified and registration is not possible, applicants will be notified of data used as a basis for search and given opportunity to correct or change that data for resubmission. Should verification of the birth information still not be possible, no further attempts will be made to process that application. If the applicant desires to submit new or different information, a new application and accompanying fee must be submitted.

(5) Original applications, signed by registrants, will be placed on file permanently.

(6) Updating of Registry Information.

(a) Any registrant may change the name, address or telephone number associated with their registration, may limit or restrict their consent to release information, or may completely withdraw from the registry at any time.

(b) Responsibility for update rests with registrants and only the most current information on file will be disclosed to designated recipients upon their completion of registration procedures.

(7) All registry documents containing identifying information shall be handled and stored in accordance with procedures for the handling of confidential information.

(8) The department will offer counseling services to registrants at the time of registration. Counseling, as specified in Section 63.165(2), F.S., consists of professional advice provided by the department, by counselors employed by the department, by agencies licensed by the State of Florida to provide adoption services, or by other persons who have adoption training or experience.

(9) Fee for Service.

(a) The registry fee for initial filing of identifying information with the registry shall be \$35.00. This fee shall be submitted in the form of a money order, bank draft, or personal check by the registrant and shall be deposited in a trust account specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(b) The registry fee for updating information previously filed or for changing, limiting or withdrawing consent to release identifying information shall be \$10.00 for each occurrence. These fees shall be deposited in a trust fund specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(c) Receipts will be mailed to registrants to acknowledge the processing of fees. Accompanying letters of acknowledgement will state the status of the applicant's registration.

(d) Fees are collected to offset costs of researching birth information, processing applications, and providing staff to service client information and other requests. When an application has been accepted by the registry for processing, fees will be deposited and will not be returned to the applicants, even if registration proves to be impossible.

(e) Fees for counseling services shall be set and collected by the department, licensed agency, or other professional who provides the service.

(f) The department shall waive fees in cases where need and hardship can be documented. Acceptable documentation of hardship includes verification that applicant is receiving unemployment benefits, public assistance, social security income or food stamps.

(10) CF1490, PDF 09/2000 Applications for Registry Services, and CF1491, PDF 09/2000 Application to Update Information on File with Adoption Registry, which are incorporated by reference, are available upon request from the Department's Office of Family Safety, Interstate Compact Office at 1317 Winewood Blvd., Tallahassee, FL.

Specific Authority 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.152, 110.201, 110.209, 110.403, 110.603 FS. History—New 1-1-02, Amended 4-3-03, Repromulgated \_\_\_\_\_.

65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

(1) Adoption benefits are available to employees of the state as outlined below:

(a) Payment of benefits is contingent on funding.

(b) Benefits are available only for adoptions that become final after September 30, 2000.

(c) Benefits are available only for a child who is under the age of eighteen at the time of the final order of adoption.

(d) Benefits are available only to qualifying adoptive employees as defined in Section 409.1663(1)(c), F.S., and who adopt a special needs child as specified in Section 409.166, F.S. or a non-special needs child whose permanent custody was awarded to the department or a licensed child-placing agency.

(e) Benefits paid to a part-time qualifying employee shall be prorated based on the employee's full-time equivalency status at the time of application for the benefits.

(f) A qualifying adoptive employee who adopts more than one child is eligible for benefits for each child.

(g) Benefits are limited to one award per child regardless of the number of adoptive parents or employee's change of employer.

(h) The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.

(i) The Department shall hold an annual open enrollment period for submission of applications between the first business day of August and the last business day of October. To apply for this benefit, the applicant shall fully complete and

submit the State of Florida Application for Adoption Benefit Form which is available online at <http://www.dcf.state.fl.us/adoption/adoptbenefitsprogram.shtml>.

1. To complete Part II of the application, the applicant shall apply to his or her agency head, who, upon completion, shall return the original application to the applicant. The applicant is responsible for obtaining all certifications and supporting documentation necessary to complete the application. The applicant shall submit the original application and required documentation to the Department before the close of the annual open enrollment period. The Department shall return any application received outside the open enrollment period.

2. For multiple adoptions, the applicant shall submit a separate application for each child. If the final order of adoption lists all children, the applicant may submit one certified copy of the final order.

(j) The Department shall review all timely applications and determine who is eligible to receive the benefit. If funding is insufficient to pay the benefit to all eligible applicants, those with earlier final orders of adoption shall have priority. If final orders of adoption bear the same date, earlier received applications shall have priority. Eligible applicants who do not receive a benefit due to lack of funds shall submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.

Specific Authority 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.152, 110.201, 110.209, 110.403, 110.603 FS. History—New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
69O-157.301	Rate Increase Standards
69O-157.302	Facility Only Rates
69O-157.303	Home Health Care Only Rates
69O-157.304	Comprehensive Only Rates

PURPOSE AND EFFECT: To establish a framework for evaluating rate increases for long term care insurance, and to ensure that the rate increases are not excessive.

SUBJECT AREA TO BE ADDRESSED: Rate increase standards for long term care insurance.

SPECIFIC AUTHORITY: 627.9408(1) FS.

LAW IMPLEMENTED: 627.031(1)(a), 627.062, 627.9407(7) FS.

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

DATE AND TIME: January 16, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail [gerry.smith@fldfs.com](mailto:gerry.smith@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail [gerry.smith@fldfs.com](mailto:gerry.smith@fldfs.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-157.301 Rate Increase Standards.

(1) Rate increase filings for long term care insurance shall be filed in accordance with filing requirements and standards of Rule Chapters 69O-149 and 69O-157, F.A.C.

(2) The term “policies with similar coverage” has the same meaning as “similar policy forms” as defined in subsection 69O-157.103(17), F.A.C.

(3) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(4) Pursuant to the provisions of Section 627.9407(7)(c), F.S., for insurers that are currently actively marketing and issuing similar coverage, the rates resulting after a rate increase filing shall not exceed the insurer’s new business rate.

(5)(a) Section 627.9407(7)(c), F.S., requires that the office annually determine and publish the currently available new business rates for similar coverage being sold in Florida. The published new business rates represent the maximum annual rate that may be charged after a rate increase for insurers not currently issuing new coverage.

(b) The published rates shall be determined by first identifying those carriers currently issuing policies with similar coverage. For each of the similar coverage categories, the Florida new business earned premium, defined as first year premium in Florida, is determined for the prior calendar year. Those insurers reporting at least the top 80% of that earned premium, cumulatively, starting with the largest, will be used to tabulate the new business rate. The new business rate shall be the weighted average of the insurers’ rates, using the market share, as measured by first year premium in Florida, as the weight.

(c)1. The new business rates are for the standard underwriting class for the insurer. Standard underwriting class is the underwriting class with the most predominant sales, measured by number of policies, regardless of the name given to it by the insurer.

2. The new business rates for other underwriting classes shall bear the same relationship to the standard rate schedules that the insurer has filed and approved. For example, if an insurer's preferred rate is 85% of its standard rate, the premium limit applicable to the rate increase for business sold as preferred will be 85% of the standard rate schedule.

(d)1. The published new business rates represent the particular benefit configuration listed. If an insurer has policies in force that have benefits different from the benefit used to determine the published rates, the insurer may contact the office for the new business rate that reflect the different benefits.

2. The office shall determine the new business rates for the requested benefit configuration in the same manner as it used for determining the published rates. The resulting rates shall be consistent with the published new business rates reflecting benefit differences only.

3. Insurers needing a different benefit configuration should make such request of the office in advance of a rate filing so as to give the office time to determine such rates and provide them to the insurer.

4. If the office is unable to determine the rates by a tabulation of the insurers currently selling similar coverage, the office shall use its best actuarial judgment in determining the new business rates using the information available from the insurers in the 80% market share. Alternatively in such cases, at the option of the insurer, the insurer may submit the results of a model used to price new long term care products by an actuarial consulting firm currently pricing long term care for other clients, who is independent of the insurer, acceptable to the office, and contracted by the insurer. The assumptions used shall be available to the office for review and approval. The model will be used to develop the new business pricing for the insurer's policy benefit configuration, the new business pricing for the published benefit configuration, and to develop a factor which is the ratio of the insurer's policy benefits to the published benefits. It is noted that the provisions of Section 627.9407(7)(c), F.S., provide that the differences shall be benefit differences only; all other provisions of the two policies being modeled shall be identical. Such factor, representing benefit differences only, shall be used to adjust the published new business rates. Independent, as used in this section, shall mean that the actuarial consulting firm or the actuary to be involved in the project has no relationship currently or for the last three years with the insurers for pricing, valuation, or other reviews.

(e) If the application of this rule results in different increases being applied to different plans within the filing, the requirements of subparagraph 69O-149.003(1)(a)4., F.A.C. shall apply.

(f) The published rates apply to sales in Hillsborough County. For all other counties, the rate from the published table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough County.

(g) The premium for all additional benefits provided in the policy or by rider to the policy shall be the same proportion of the base rates after any rate change as they were before such change.

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Repromulgated.

69O-157.302 Facility Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that "[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy."

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 2007~~8~~ rate filings until new rates are published: These annual rates are appropriate for:

- (a) Tax qualified policies;
  - (b) A benefit of \$100/day;
  - (c) An elimination period of 90 days.
  - (d) Policies offering Restoration of Benefits, and
  - (e) Sales in Hillsborough County
- (3)(a) Facility Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$301.98 247.43	\$380.48 302.74	\$505.10 378.50
45	\$344.72 363.53	\$449.60 446.70	\$610.00 555.75
55	\$410.55 522.32	\$550.54 646.08	\$755.90 810.43
65	\$865.58 1,126.33	\$1,126.68 1,406.97	\$1,569.48 1,750.61
75	\$2,346.15 3,073.57	\$3,087.00 3,879.00	\$4,194.18 4,769.07

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
<u>Metropolitan Life Insurance Company</u>	<u>22.1%</u>
<u>Bankers Life &amp; Casualty Company</u>	<u>90.3%</u>
<u>Penn Treaty Network America Insurance Company</u>	<u>64.6%</u>
<u>Company Penn Treaty Network America Insurance Company</u>	<u>9.7%</u>

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended.

69O-157.303 Home Health Care Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, F.S., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 2007~~8~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(3)(a) Home Health Care Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$289.72 166.18	\$338.50 203.65	\$387.94 242.26
45	\$369.28 245.38	\$443.74 306.44	\$508.03 366.65
55	\$529.97 369.58	\$636.44 455.50	\$726.61 548.26
65	\$1,010.63 691.78	\$1,214.83 836.06	\$1,376.28 989.23
75	\$2,106.93 1,318.83	\$2,516.29 1,520.52	\$2,763.85 1,702.93

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Bankers Life & Casualty Company	74.6% 97.2%
Colonial American Life Insurance Company	19.6% 2.3
Penn Treaty Network America Insurance Company	0.5%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History–New 11-1-07, Amended.

69O-157.304 Comprehensive Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 2007~~8~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;

- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(3)(a) Comprehensive Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$311.40 332.88	\$387.86 414.10	\$492.05 574.47
45	\$385.79 474.36	\$492.12 592.44	\$620.13 822.62
55	\$526.60 666.65	\$652.26 824.77	\$848.46 1,151.34
65	\$1,002.89 1,313.19	\$1,245.66 1,640.75	\$1,620.10 2,259.55
75	\$2,722.30 3,288.22	\$3,367.66 4,210.08	\$4,258.26 5,603.51

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Allianz Life Insurance Company of North America	2.7%
Bankers Life & Casualty Insurance Company	3.4% 52.7%
Blue Cross Blue Shield of Florida	6.7% 5.1%
Genworth Life Insurance Company	19.3% 11.5%
Great American Life Insurance Company	9.8%
John Hancock Life Insurance Company	21.2% 14.2%
Metropolitan Life Insurance Company	17.0%
New York Life Insurance Company	2.5%
Northwestern Long Term Care Insurance Company	3.0%
Provident Life & Accident Insurance Company	2.6%
Unum Life Insurance Company of America	4.6%
Metlife Insurance Company	6.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History–New 11-1-07, Amended.

## Section II Proposed Rules

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

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

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.002  
 RULE TITLE: Inmate Grievances – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.