

**CHAPTER 65C-13  
FOSTER CARE LICENSING**

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**65C-13.001 Definitions.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Amended 7-18-95, Formerly 10M-6.015, Amended 11-30-97, Repealed 4-6-08.*

**65C-13.002 Private Agency Foster Homes.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.016, Repealed 4-6-08.*

**65C-13.003 Pre-Service and In-Service Training.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.017, Repealed 4-6-08.*

**65C-13.004 Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.018, Repealed 4-6-08.*

**65C-13.005 Changes During the Licensed Year.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.019, Repealed 4-6-08.*

**65C-13.006 Relicensing Procedures.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.020, Repealed 4-6-08.*

**65C-13.007 Respite Care.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.022, Repealed 4-6-08.*

**65C-13.008 Prospective Foster Parent Inquiries.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 7-18-95, Formerly 10M-6.0221, Repealed 4-6-08.*

**65C-13.009 Parent Preparation and Mutual Selection.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.023, Repealed 4-6-08.*

**65C-13.010 Substitute Care Parents' Role as a Team Member.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.024, Amended 11-30-97, Repealed 4-6-08.*

**65C-13.011 Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.025, Amended 11-30-97, Repealed 4-6-08.*

**65C-13.012 Substitute Family Records.**

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.028, Repealed 4-6-08.*

**65C-13.013 Definitions and Glossary.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.45, 409.145, 409.165 FS. History—New 5-20-92, Amended 7-18-95, Formerly 10M-6.125, Repealed 4-6-08.*

**65C-13.014 Entry into Foster Care.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.126, Repealed 4-6-08.*

**65C-13.015 The Prevention and Management of Sexual Assault in Foster Care.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.132, Repealed 4-6-08.*

**65C-13.016 Health Care.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.45, 39.46, 409.145, 409.165, 743.0645 FS. History—New 5-20-92,*

*Formerly 10M-6.138, Repealed 4-6-08.*

**65C-13.017 Services for HIV Infected Children.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.45, 39.46, 381.004, 384.29, 384.30, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.140, Repealed 4-6-08.*

**65C-13.018 Services to Parents of Children in Foster Care.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.143, Amended 9-10-98, Repealed 4-6-08.*

**65C-13.019 Administrative Review.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.148, Repealed 4-6-08.*

**65C-13.020 Permanency Staffings.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.01, 39.41, 39.46, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.150, Repealed 4-6-08.*

**65C-13.021 Post-Placement and Protective Supervision.**

*Rulemaking Authority 39.012 FS. Law Implemented 39.001, 39.41, 39.45, 39.46, 409.145, 409.165 FS. History—New 5-20-92, Formerly 10M-6.152, Repealed 4-6-08.*

**65C-13.022 Definitions.**

All definitions for this rule are located in Rule 65C-30.001, F.A.C.

*Rulemaking Authority 39.012, 39.0121, 409.175 FS Law Implemented 39.012 FS. History—New 4-6-08.*

**65C-13.023 Background Screening Requirements.**

(1) The department shall conduct background screenings for all persons considered by the department for initial licensure or re-licensure as an out-of-home caregiver and all adult household members pursuant to Section 409.175, F.S. The five year re-screens for the relicensing process must include fingerprints. The supervising agency or the department has the discretion to request background screening for other individuals if there is reasonable belief that:

- (a) The person is a household member; or
- (b) His or her presence in the family foster home adversely affects the health, safety and welfare of the children in the home; or
- (c) The person has or potential exists for unsupervised contact with the children.

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

purposes. For homes being considered for licensure for longer than one year under Section 409.175(6)(j), F.S., all abuse reports with any findings shall be considered.

(3) Each applicant and adult household member being screened shall sign an “Affidavit of Good Moral Character”, CF 1649, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03560> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), and a “Release of Information”, CF-FSP 5090, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03563> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/).

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

(5) Young adults ages 18 through 22 who are receiving services through Chapter 65C-31, F.A.C., and who have had no break in service provision are not required to be screened.

(6) When the individual who is being screened is a former dependent child under 23 years of age and the security background screening reveals a disqualifying offense which was committed during or prior to the time that the child was dependent, that offense shall not automatically affect the licensure of the out-of-home caregivers. Exemptions for disqualifying offenses may be sought under Section 435.07, F.S.

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

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

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

*Rulemaking Authority 39.012, 39.0121, 409.175, 435.01(2) FS. Law Implemented 39.0121, 409.175, 435.04 FS. History—New 4-6-08, Amended 3-6-14.*

#### **65C-13.024 Parent Preparation Pre-service Training.**

(1) Parent preparation pre-service training shall meet the requirements of Section 409.175, F.S., and shall include training for out-of-home caregivers on decision-making related to the balance of normalcy for children in care and their safety. The parent preparation pre-service curriculum shall also include training related to the administration of psychotropic medication, the social and emotional development of children and youth, the role of mentors and other helpers, development of life skills for teens in care, and the caregiver’s role in supporting and promoting the educational progress of the child. The training on administration of psychotropic medication shall consist of a review of the proper dosage of medication and the importance of monitoring for possible side effects and intended effects of the specific medications administered to the child. All caregivers are required to complete a minimum of 21 hours of pre-service training.

(2) Each parent preparation pre-service training class shall be led by a certified child protection professional according to Section 402.40, F.S., who has a bachelor’s degree or a master’s degree from an accredited college or university, and who has also successfully met any curriculum-specific requirements to train the department approved parent preparation pre-service training curriculum (e.g., curriculum trainer certification). Each parent preparation pre-service training class shall follow the recommendations of the curriculum designer regarding the number and type of facilitators involved in the training process. If the

agency is the designer of the curriculum, the number and types of facilitators to be involved in the training process must be clearly defined.

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

(4) The lead agency is authorized to approve the completion of individualized pre-service training. If individualized training is done, the certified child protection professional is responsible for complying with the requirements set forth for parent preparation pre-service training in Section 409.175, F.S., and the requirements set forth in this chapter.

(5) Prospective out-of-home caregivers and adoptive parents have the option to attend parent preparation pre-service training as defined in subsection (2) of this section, offered by any licensed child placing agency. Agencies shall work cooperatively with each other and prospective licensed out-of-home caregivers and adoptive parents to ensure the ongoing availability of such training.

(6) Exemptions to the parent preparation pre-service training for individuals who have successfully completed parent preparation pre-service training equivalent to the parent preparation pre-service training offered by the local supervising agency are based on whether the training was completed within the last five years and on the condition that the individual provides proof of successful completion. If there have been changes or updates in the curriculum, the individual must take those portions of the course only. Supervising agencies must request any information regarding the curriculum completed for the purposes of making a recommendation to the department. The Regional Licensing authority shall review the curriculum content and consider the recommendation of the supervising agency in determining whether the individual is exempt from attending the parent preparation pre-service training.

(7) When prospective out-of-home caregivers successfully complete or who commence and fail to complete a parent preparation pre-service training but do not continue the licensing process, the supervising agency staff shall document the reason the process was discontinued on the Person Provider Page, under the Training Tab, in Florida Safe Families Network (FSFN). Completed parent preparation pre-service training is valid for five years from the date of verified curriculum completion. Previously licensed out-of-home caregivers who have a break in service of eighteen months or less, but who completed parent preparation pre-service training within the last five year have the option to apply to be licensed without completing parent preparation pre-service training.

*Rulemaking Authority 409.175, 402.40(6) FS. Law Implemented 409.175, 402.40 FS. History--New 4-6-08, Amended 3-6-14.*

### **65C-13.025 Initial Licensing.**

#### **(1) General.**

(a) Each applicant wishing to become a licensed out-of-home caregiver shall complete the "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, Revised July 2014, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). Parenting figures living together shall both be licensed. After successfully completing training and the home study process, any person who requests an application either verbally or in writing shall be provided one.

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

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

(2) Employees, Relatives and Sub-Contractors as Licensed Out-of-Home Caregivers. Licensing of employees of the department, County Sheriff's Offices, Lead Agencies and their subcontracted providers or their relatives who desire to become out-of-home caregivers is allowable as long as the following conditions are met:

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

(b) The licensing study is completed by a licensed child-placing agency outside of the employee's service area and submitted to the Regional Licensing Authority for approval;

(c) The lead agency responsible for submitting the licensing packet (traditional or attestation) to the department has a procedure approved by the Regional Licensing Authority, which requires the executive director or designee in upper level management of the lead agency to review and approve the submission of all such applications to the department.

(d) Attestation is an option for use during the initial licensure or re-licensing of a family foster home. The Community-Based Care (CBC) lead agency certifies that the supporting documentation for the initial licensure or re-licensure of a family foster home is in compliance with state law and Florida Administrative Code. The CBC lead agency is responsible for the review and maintenance of the supporting documents for initial and re-licensure. The Department issues the license based on a statement attesting that the licensure or re-licensure packet complies with state law and code.

(e) Attestation For Foster Home Licensure, CF-FSP 5357, February 2013, is incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03921> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). The Community-Based Care lead agency must also submit the completed Licensing Standards Checklist For 24-Hour Family Care, CF-FSP 5358, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03572> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). The checklist must be signed by the supervising agency licensing counselor and supervisor.

(f) Community-Based Care agencies participating in the Attestation Model for licensure must enter into a Memorandum of Agreement with the Regional Licensing office. The Memorandum of Agreement, CF-FSP 5356, March 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03570> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/).

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

(a) Demographics: names, dates of birth, addresses, and contact numbers;

(b) Pre-service Experience:

1. Dates of parent preparation pre-service training and a description of the applicant's participation in the classes;
2. Applicant's motivation to foster and his or her commitment to the foster care experience including how other family members and extended family feel about the decision to foster.

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

(d) Home and Neighborhood:

1. Physical description of the home, including the number of bedrooms and bathrooms, type and number of available beds and current sleeping arrangements, storage space for children's personal belongings, living area, dining area and other interior space. Interior and exterior photos must be included. Interior photographs shall include all common living areas, the child's bedroom and bathroom, and the storage space for the child's personal belongings.

2. A description of the home, including location and verification of operating fire extinguishers and smoke detectors, storage of medications, cleaning supplies, toxins and safety net for trampolines. The description shall also include the storage of alcoholic beverages, location of burglar bars, fireplaces, handrails on stairways and space heaters, if applicable;

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

(e) Animals. Provide a description of any household pets, exotic pets, or livestock residing on the premises. The immunization of animals as required by Section 828.30, F.S., shall be verified. Descriptions shall include observations of the care, behavior, and/or maintenance and safety plan relating to each animal. The applicant shall have measures in place to assure safety of children from any potentially dangerous animals and this information shall be documented in the home study, if applicable;

(f) Social History. A description of the following shall be included:

1. Background and Family History. Background and family history including education, types of discipline used in the family, the family's willingness and ability to use appropriate discipline as described in the Partnership Plan for Children in Out-of-Home Care, CF-FSP 5226, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03565> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), family values, and any prior residences in or out of Florida.

2. Marital Status and Other Significant Relationships.

3. Medical History. Medical history including physical and mental health treatments for all household members shall be assessed. This assessment shall include any debilitating, communicable or progressive diseases or conditions. The applicant must supply recent medical and mental health reports and evaluations upon request of the supervising agency or department. Health concerns relating to the applicant and household members, including any history of alcohol or other substance abuse, shall be documented in the home study.

a. Current smoking and alcohol use by household members;

b. Any history of alcohol or substance abuse.

4. Parenting experience of each applicant. All of the applicant's children shall be identified whether they reside in the home or not. If the applicant has parenting experience with children other than their biological or adopted children, circumstances under which this experience was acquired shall be discussed. This section must include a description of the experience, as opposed to just listing the identities of the applicant's children or the children they may have parented.

5. Family Life. Document observations of family members' personalities and their interpersonal relationships. Describe family activities, hobbies and interests and civic involvement including how children placed in the home will participate in these activities, as well as family vacations. For each child living in the home, describe the child's school, grades, achievements and interests. Describe each child's relationship with the applicant and siblings in the home, as well as his or her feelings about having a foster child in the home.

6. Religion. Assess and document the family's attitudes regarding seeking medical treatment, celebrating holidays or birthdays, and respecting the religious beliefs of the child's family of origin.

7. Child Care. Describe child care arrangements, including transportation to and from the child care provider, if applicable.

(g) Transportation. The licensed out-of-home caregiver shall have transportation available twenty-four hours a day. All vehicles used to transport children shall be in safe condition and equipped with seat belts for each child transported as required by Section 316.614, F.S., and car seats as required by Section 316.613, F.S. Vehicles shall be smoke free when children are being transported. The licensed out-of-home caregiver shall ensure appropriate safety equipment is utilized.

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

(i) Financial Capacity and Income. Describe and document the applicant's current financial capacity and how the impact of the additional financial responsibilities of fostering will be addressed.

(j) Other Adult Household Members. The responsibilities the applicant(s) will expect the other adults in the household to have with children placed in the home.

(k) Summary and Recommendations:

1. Characteristics of Applicant. The applicant shall demonstrate the following characteristics:

a. A willingness to work with the supervising agency and all applicable parties including biological parents to work toward permanence for the child as established in the child's case plan; and

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

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

3. Recommendation for licensure shall describe the characteristics of children most appropriate for placement in the home. These characteristics shall include number of children, age, gender(s), types of behaviors, and special needs. Explore and address any limitations or concerns and under what conditions the prospective family would not be willing or able to accept the child.

4. If recommending denial of licensure, the summary shall specify the licensing standards the applicant is unable to meet and attach all supporting documentation. The department must notify the applicant regarding the appeal process.

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

(4) Application Packet Submission and Approval Process.

(a) The complete application packet shall be submitted in accordance with the traditional or Attestation Model for licensure. A request for additional information shall be submitted by the regional licensing authority within ten working calendar days of receipt of the packet.

(b) A traditional licensing application packet shall consist of the following documentation:

1. "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, Revised July 2014, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

2. "Release of Information", CF-FSP 5090, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03563> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

3. “Authorization for Release of Health and Medical Information for Prospective Foster or Adoptive Parents”, CF-FSP 5230, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03566> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/) (as needed);

4. Licensing Home Study;

5. Proof of Income;

6. A Partnership Plan for Out-of-Home Care, CF-FSP 5226, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03565> and [www.dcf.state.fl.us/publications](http://www.dcf.state.fl.us/publications).

7. Parent Preparation Pre-service training certificate;

8. Parent Preparation Pre-service biographical profile which shall be the demographic and narrative portions of the Unified Home Study as completed by the applicant(s);

9. Documentation of water safety training, if applicable. As a prerequisite to licensure, potential licensed out-of-home caregivers who have swimming pools or whose homes are adjacent to bodies of water unprotected by a barrier of at least four feet will be required to complete a basic water safety course administered by the American Red Cross, YMCA or a trainer certified in water safety training. This requirement does not apply to homes with temporary wading pools or, -portable pools with a depth of less than two feet. Standing water shall not remain in wading pools when not in use;

10. “Confidentiality Agreement”, CF-FSP 5087, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03562> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

11. Verification of Criminal History Screening for applicant and all adult household members as specified in subsection 65C-13.023(2), F.A.C., including:

a. “Affidavit of Good Moral Character”, CF 1649, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03560> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/);

b. Local Law Enforcement check;

c. Civil Court records check;

d. Florida Department of Law Enforcement records check;

e. Federal Bureau of Investigation clearance letter;

f. Abuse history background check through the Florida Safe Families Network (FSFN).

g. Abuse registry checks for the previous five years from any previous state of residence if the applicant or adult household members have resided in the State of Florida for less than five years.

12. References including:

a. The applicant(s) shall provide the names of three personal references that are not related to the applicant(s) and that shall have known the applicant(s) for at least two years. Each of the three personal references must provide information related to the applicant’s parenting skills. References are to be verified either verbally or in writing by the supervising agency staff.

b. The supervising agency shall obtain a current employment reference for each applicant. At a minimum, this reference shall include sufficient information to establish or corroborate the applicant’s current employment and income. If current employment is less than two consecutive years in duration, secondary employment references shall be obtained.

c. The supervising agency staff shall make reasonable efforts to obtain references from the adult children of each applicant. These references shall address the applicant’s suitability to become a licensed out-of-home caregiver. All unsuccessful attempts to solicit information shall be documented, and the overall impact of the missing information considered as a part of the recommendation to grant or deny a license.

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

e. The supervising agency shall obtain references from the childcare provider of any preschool age child residing in the home who is enrolled in a child care program.

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

13. Family Documents:

a. Documentation of legal Florida residency, proof of legal status in the United States (for non-citizens) for applicants not born in the United States (United States citizenship is not required);

b. Driver’s license(s) and driving records for household members who may transport children;

c. Vehicle insurance.

14. Family Foster Home Safety Documentation:



a. Satisfactory home environmental health inspection report completed by a licensing specialist who has been trained by the state or local health department in the areas of water supply, food holding temperature, plumbing, vermin and vector control, sewage, and garbage and rubbish disposal;

b. Radon testing results when applicable;

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

d. Floor plan;

e. Evacuation and disaster preparedness plans;

f. Documentation of pet vaccinations (if applicable);

g. Photographs of household members and pets.

15. All prospective, licensed out-of-home caregivers must complete The Fire Arms Acknowledgement form CF-FSP 5343, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03567> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/).

(5) Unless otherwise outlined in an Attestation Memorandum of Agreement, CF-FSP 5356, March 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03570> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), the Regional Licensing Authority is responsible for ensuring that the licensing application packet is complete and that all licensing requirements are met for the issuance of the license. The licensing packet shall contain documentation of a review by the lead agency and the department's regional licensing staff and a recommendation for approval or denial by the Regional Licensing Authority.

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

(7) A copy of the license shall be provided by the Regional Licensing Authority to the lead agency.

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

(9) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions.

*Rulemaking Authority 409.175, 435.01 FS. Law Implemented 409.175, 435.04 FS. History—New 4-6-08, Amended 3-6-14.*

#### **65C-13.026 Continuing Education.**

(1) The supervising agency may require therapeutic and medical foster homes to complete additional continuing education hours based on the level of therapeutic and medical care they provide. Licensed out-of-home caregivers shall be offered continuing education opportunities by their supervising agency. Continuing education opportunities shall be offered no less than quarterly and at times and places convenient to the licensed out-of-home caregiver. For those licensed out-of-home caregivers unable to attend, other methods shall be developed for satisfying this requirement. Continuing education materials shall be approved by the supervising agency prior to use. Documentation of completed continuing education shall be documented on the provider training page in Florida Safe Families Network.

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

(3) If the absence of the caregiver during training would leave children without approved adult supervision, the supervising agency shall make arrangements for child care or shall reimburse the caregiver the child care purchased by the parents for children in their care.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

#### **65C-13.027 Changes During the Licensed Year.**

(1) Requirements.

(a) The licensed out-of-home caregiver shall report law enforcement involvement with any household member. Law enforcement involvement includes arrests, incidents of domestic violence, driving infractions and any local law enforcement response to the home over the course of the licensed year. In addition, the caregiver shall report a change in marital status; a change in household composition; a change of physical address; changes in financial situation such as bankruptcy, repossessions and evictions; a serious health issue such as a debilitating injury or communicable disease regarding a household member; change in contact information; change in employment or significant change in work schedule to the supervising agency within 48 business hours of the change occurring. A significant change in work schedule occurs when a licensed caregiver's work schedule differs from the work schedule at initial licensure, and the new schedule causes the caregiver to seek child care. For example, a licensed caregiver's work schedule changes from part-time to full-time employment. The supervising agency shall notify the lead agency within 24 business hours of learning of any of these changes. Failure to do so may be reason to suspend, deny or revoke a license if the non-reported situation threatens the safety or well-being of any child in care or results in the non-conformity with licensing requirements stated in this rule.

(b) The supervising agency shall assess the impact on the household immediately upon learning one of these events has occurred or is likely to occur. Changes in physical address, require re-licensing.

(c) All new household members age 18 and older shall be fingerprinted within five days of residence and those fingerprints shall be submitted to the Florida Department of Law Enforcement within five days of the receipt of the fingerprints by the supervising agency. All household members shall meet the requirements for background screening.

(2) Significant Household Changes.

(a) The licensed out-of-home caregiver must also report the following significant household changes:

Within 10 calendar days from a licensed out-of-home caregiver marrying or reconciling with an unlicensed spouse or partner, the unlicensed spouse or partner shall complete an "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, Revised July 2014, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), submit fingerprints within five calendar days of residence for background screening unless previously completed, attend parent preparation pre-service training, if not previously completed within the last five years, and meet all licensing requirements. The unlicensed spouse or partner shall have six months from the date of marriage or reconciliation to complete pre-service training. Failure to meet the licensing and background screening provisions which may threaten the safety of any child in care, or place the home in violation of the licensing standards, are grounds for denial, suspension or revocation of an application or license. During this evaluation period, the home remains licensed and previously placed children may remain in the home pending the outcome of the assessment. No new children shall be placed in the home until the application has been completed and approved. The supervising agency will update the home study summary, including interviews with all children in the home, verification of satisfactory background screening, and verification of income and expenses, and submit to the lead agency within 30 days of any marriage or reconciliation.

(b) In cases of separation, divorce or death of a spouse, paramour, or partner, the supervising agency shall update the home study summary and assess its impact upon the children placed in the home. The home study summary update shall include interviews with the children, if age appropriate, verification of income and expenses and the remaining caregiver's plan to meet all financial obligations. The updated home study shall be submitted to the Regional Licensing Authority within 45 calendar days for issuance of an amended license.

(c) New Household Member. When new members join the household, the supervising agency shall update the home study summary, address the changes in sleeping arrangements, and submit to the lead agency at the time the home is relicensed.

(d) Once all licensing requirements have been met, the supervising agency shall update the home study summary and submit a request to the licensing authority for the issuance of an amended license.

(3) Change of Location. A license is issued for a specific location and is not transferable. A licensed out-of-home caregiver shall notify the supervising agency no less than 30 days prior to the expected date of the relocation. The supervising agency shall complete a relocation packet for submission to the Regional Licensing Authority for issuance of a license.

(a) Within Region.

1. Changing location within the region shall require an "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, Revised July 2014, available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/); an updated home study which contains a description of the home and neighborhood, school changes, sleeping arrangements, a satisfactory environmental health inspection of the new residence, the current floor plan, disaster

plan, home emergency evacuation plan, fire inspection where required by local zoning laws and radon testing where applicable. A provisional license may be issued prior to the health inspection after the supervising agency conducts a safety assessment of the new location. This provisional license will expire within 90 days of issuance by the Regional Licensing Authority. No new children shall be placed in a home that is provisionally licensed.

2. The supervising agency shall obtain all required documentation and submit it to the lead agency and Regional Licensing Authority for review. The lead agency will submit all required documents to the Regional Licensing Authority to initiate the issuance of a standard license.

3. The supervising agency shall complete at least one home visit as part of the updated licensing home study.

4. If approved, an amended license shall be issued and shall expire on the same date as the previous license.

5. If licensure of the new home is not recommended and there are children currently placed in the home, the primary case manager shall immediately begin assessing alternative placement options.

(b) Between Regions.

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

a. The supervising agency shall assist the licensed out-of-home caregiver in finding a supervising agency in the new region.

b. The current lead agency and supervising agency will work in partnership to secure a commitment from the receiving supervising agency in the new region to complete the requirements for re-licensing.

2. The current supervising agency shall secure a release of information form from the family that is relocating, "Release of Information", CF-FSP 5090, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03563> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). The current supervising agency shall then send the new supervising agency information to allow the agency to access the family's information in FSFN. If the new supervising agency does not have access to FSFN, the current supervising agency shall provide a complete copy of the licensing file including the new contact information for the out-of-home caregiver to the new supervising agency.

3. The new supervising agency will contact the licensed out-of-home caregivers immediately upon notification of the relocation to begin the licensing process.

4. When currently placed children are relocating with the out-of-home caregiver, the new supervising agency shall submit the home study and completed application packet according to the regional licensing submission process within thirty days of notification of relocation.

5. Prior to submission of the home study and application packet, the new home remains unlicensed but a provisional license may be issued after the safety assessment is completed and received by the new Regional Licensing Authority and prior to the satisfactory home environmental health inspection report completed by a licensing specialist who has been trained by the state or local health department to conduct such inspections. This provisional license will expire within 90 days of issuance by the Regional Licensing Authority. No new children shall be placed in a home that is provisionally licensed.

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

7. If the decision is made to deny the new application, the Regional Licensing Authority will notify the applicant and supervising agency by certified mail within five working days of the decision to deny, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S. The denial and reason(s) for denial shall promptly be recorded in the Florida Safe Families Network by the supervising agency. If there are any children that moved with the caregiver from the former region the Regional Licensing Authority will notify the new supervising agency within twenty-four hours of the decision to deny the application. The new supervising agency shall notify the former supervising agency and the contracted service provider responsible for courtesy supervision within twenty-four hours of receiving the notice. All possible placement options, the possible risk to the children and their best interest shall be considered and a decision made regarding their placement within twenty-four hours of receipt of the notification. The removal and placement of the children is the responsibility of the former supervising agency and the contracted service provider with primary responsibility for supervision of the children.

(c) Out of State. The same process as outlined for a change in region is to be followed. However, if the children are to move out of state with the licensed out-of-home caregiver, the primary case manager is required to initiate an Interstate Compact for the Placement of Children request pursuant to Section 409.401, F.S. In any instance where the decision to relocate to another state is made or it is intended to send or bring the child to the receiving state, or the child and existing family unit have already been sent or brought to the receiving state, an ICPC-100A, Interstate Compact Placement Request, CF 0794, October 2005, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03713> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), the required supporting documentation shall be prepared immediately upon the making of the decision, processed within five (5) business days by the sending agency's state compact administrator and transmitted to the receiving state compact administrator with notice of the intended placement date. The sending agency's state compact administrator shall request that the receiving state respond to the case within five (5) business days of receipt of the request and with due regard for the desired time for the child to be sent or brought to the receiving state. If the family unit and child are already present in the receiving state, the receiving state's compact administrator shall determine within five (5) business days of receipt of the 100A and complete home study request packet whether provisional approval shall be granted and provide the decision in writing to the sending state compact administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable. If extenuating circumstances exist, the case manager shall provide an explanation and documentation of the circumstances surrounding the move for consideration and processing by the Florida Interstate Compact for the Placement of Children Office.

(4) Change of Supervising Agency.

(a) A currently licensed out-of-home caregiver wishing to change providers shall file a supplemental "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, Revised July 2014, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), with the desired supervising agency.

(b) The desired supervising agency shall:

1. Request all information concerning the performance of the respective licensed out-of-home caregiver from the current supervising agency, including their recommendation for licensure;
2. Consider the application and advise the applicant in writing of whether it does or does not find the family appropriate for transfer to their agency within thirty days of receipt of the application; and
3. Notify the sending agency and the department of the determination.
4. If the family is found to be inappropriate for continued licensure, the supervising agency and Regional Licensing Authority shall deny the application and the department shall make the family aware of the appeal process. The denial and reason(s) for denial shall promptly be recorded in the Florida Safe Families Network by the supervising agency.

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

(d) If the licensed out-of-home caregiver is accepted, the new supervising agency shall submit a new application packet according to the regional licensing submission process for issuance of the new license.

(e) If the request to change providers occurs during the licensure year, the new supervising agency need only submit an "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, Revised July 2014, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), and letter of acceptance in accordance with the regional licensing submission process. The Regional Licensing Authority will issue an amended license to reflect the new supervising agency for the remainder of the established licensure year. The new supervising agency assumes all responsibility for the annual re-licensure activities.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

**65C-13.028 Re-Licensing.**

(1) Requirements.

(a) Re-licensing procedures shall be initiated by the supervising agency and the re-licensing packet shall be submitted to the licensing authority at least thirty days prior to expiration of the current license. The re-licensing process shall not be initiated more than ninety days prior to the expiration of the current license.

(b) Out-of-home caregivers requesting to be re-licensed shall complete the "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, Revised July 2014, incorporated by reference and available at

<https://www.flrules.org/gateway/reference.asp?NO=Ref-03561> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). Persons living together in a caretaking role shall both sign the application. Any licensed out-of-home caregiver that requests an application either verbally or in writing for re-licensure shall be provided one.

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

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

1. Request a home environmental health inspection report to be completed by a licensing specialist who has been trained by the state or local health department. The request shall be made 60 days in advance of the home's re-licensing due date to facilitate the receipt of a satisfactory environmental health inspection report prior to the expiration of the license. For the homes that are issued a three-year license, the health inspection is not required annually; however, the home health inspection must be completed before the end of the three-year licensure period.

2. Direct the licensed out-of-home caregivers to obtain a radon test every fifth year if required by Section 404.056, F.S.

(e) The supervising agency shall ensure that all required background screening has been completed.

(f) References. The supervising agency responsible for completing the re-licensing home study shall obtain and review information about the home from the "Case Manager's Review of the Licensed Out-of-Home Caregiver's Performance", CF-FSP 5223, March 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03564> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/), for the case managers who have supervised children in the home during the previous licensing year.

(g) The supervising agency shall obtain from the case managers the completed Exit Interview with Foster Child about Foster Parents form, CF-FSP 5353, March 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03569> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). This form must be completed when children over the age of five exit the home following a placement of thirty days or more. The supervising agency will review the exit interviews and must address issues raised in the exit interviews in the relicensing summary. The re-licensing packet must contain exit interviews. If exit interviews are not provided with the re-licensing packet, the proper administrator of the lead agency shall be notified.

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

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

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

(2) Re-licensing Procedures.

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

(b) The supervising agency shall review and discuss The Partnership Plan for Children in Out-of-Home Care, CF-FSP 5226, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03565> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/) with the applicants.

(c) The licensing counselor shall inspect the entire premises of the home, including all interior and exterior areas, for continued compliance with initial licensing standards.

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

(e) Fire drill logs shall be reviewed and discussed to ensure continued compliance with initial licensing standards. The evacuation plan and disaster preparedness plan shall be reviewed and discussed.

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

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

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

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

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

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

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

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

(h) Discipline. Description of how the licensed out-of-home caregiver has managed behavior with children placed in the home;

(i) Family life.

1. Documentation of the licensed out-of-home caregiver's support and integration of children into the family such as attendance at and involvement with children's activities; ensuring children have reliable transportation to school, social events, medical appointments, and inclusion in other family activities. The supervising agency will describe the licensed out-of-home caregiver's attentiveness to the provision of clothing and allowances to the children in their care.

2. Documentation of the level of cooperation of licensed out-of-home caregivers with the children's families, including visitation for any children placed in the home during the previous licensing year. Describe of how the family has worked with the supervising agency and other service providers.

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

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

(j) Child care. Assess and document the current arrangements for child care and after school care;

(k) Transportation Safety.

1. The licensed out-of-home caregiver shall have transportation available twenty-four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children as required by law. Vehicles shall be smoke free when children are being transported. The licensed out-of-home caregiver shall have the ability to safely transport the number of children in his or her care. The licensed out-of-home caregiver shall ensure appropriate safety equipment is utilized.

2. The licensed out-of-home caregiver shall have all vehicles insured.

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

(m) Safety. Assess and document continuing compliance with initial licensing standards as they relate to the safety of the home;

(n) Other Adult Household Members. Documentation of the responsibilities the applicant(s) will expect the other adults in the household to have with children placed in the home.

(o) Background Screening. The results of all background screening information shall be obtained, reviewed and assessed for each individual in the home who is older than twelve years of age;

(p) History of Placement Activity. Placement activity during the previous licensing year shall be identified and discussed. If the family requested that a child be moved, the reasons and circumstances must be addressed. The narrative must provide detail about each child who has left the home and address how the family has worked with each child;

(q) Youth Exit Interviews. An exit interview, Exit Interview with Foster Child About Foster Parents, CF-FSP 5353, March 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03569> and [www.dcf.state.fl.us/publications](http://www.dcf.state.fl.us/publications) must be conducted and assessed with every child ages five through eighteen who lived in the home for 30 days or longer.

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

(s) Investigations, Special Condition Referrals, Concerns or Complaints. A summary assessment of investigations and special condition referrals, incident reports, accidents and complaints during the previous licensing period must be included;

(t) Summary. All forms and information obtained as a part of the relicensing process shall be summarized in a written narrative. The narrative should include the characteristics of children for whom the family is most appropriate, including number of children,

age, gender, special needs and behaviors. A summary of the family's ability to continue the provision of foster care services shall be completed and encompass the following:

1. A recommendation concerning the appropriateness of continued licensure including a professional development plan.
2. An on-going continuing education needs assessment;
3. If re-licensure is not recommended, the applicant must be made aware of the appeal process by the Regional Licensing Authority. Attempts must be made to assist the licensed out-of-home caregiver in overcoming identified deficiencies. The denial of re-licensure and reason(s) for denial shall promptly be recorded in the Florida Safe Families Network by the supervising agency;
4. The home study shall be reviewed, signed and dated by the counselor responsible for completing the study and the counselor's supervisor. The licensed out-of-home caregiver shall be offered an opportunity to sign the home study and must be provided a copy;

(4) Re-licensing Process.

(a) If the region and community based care lead agency do not participate in the attestation model for license, the Regional Licensing Authority shall determine if the re-licensing application packet is complete and notify the lead agency in writing of the need for any additional materials or information within 10 working days of receipt of the re-licensing packet. The lead agency must submit the necessary materials or information to the Regional Licensing Authority within ten working days of receipt of the written notice. A license cannot be issued until all information has been received in order to ensure the safety and well-being of children.

(b) If approved, a license shall be issued to the applicant no later than ten working days from receipt of the complete re-licensing packet.

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

(d) If the submitted application packet is not complete at the time the existing license expires, the renewal date of licensure shall be the actual date of approval by the Regional Licensing Authority. No child shall be placed or remain in an unlicensed setting.

(e) A copy of the license shall be provided by the Regional Licensing Authority to the lead agency for dissemination to the supervising agency. The supervising agency is responsible for sending the license to the family.

(f) If the supervising agency or Regional Licensing Authority determines that the out-of-home caregivers have not satisfactorily met the standards for continued licensure, the licensing authority shall consult with the Regional Legal Counsel, lead agency and supervising agency, concerning the appropriate course of action.

(g) If the Regional Licensing Authority denies the application for re-licensure, and the applicant does not voluntarily withdraw the application, the Regional Licensing Authority shall proceed with formal actions.

(h) Licensed out-of-home caregivers meeting the criteria of Section 409.175, F.S., may be issued a license for longer than one year, but no longer than three years. During the three-year period the licensing counselor shall annually conduct a minimum of one face to face visit in the home. The licensing agency shall submit local law enforcement screenings, abuse registry checks, FBI and FDLE clearance based on the five year renewal date and other documentation outlined in this section and submit it to the Regional Licensing Authority with a statement certifying that the family continues to meet all licensing requirements annually.

(5) Three-Year License. Section 409.175, F.S., and paragraph 65C-13.028(4)(h), F.A.C., grant the authority to licensing agents to issue a license for up to three years to a family foster home (this includes medical or therapeutic foster homes) meeting specific criteria. A family foster home shall meet the following criteria to be considered for a three year license:

- (a) The family has been licensed for three years or longer.
- (b) The family has not been the subject of a report of child abuse or neglect or foster care referral with findings of maltreatment and is recommended by the assigned Child-Placing Agency and the lead agency for a three-year license.
- (c) The family has not been placed on a performance improvement plan/corrective action plan.
- (d) The family has clear background checks.
- (e) The home is not licensed for more than five children.
- (f) The family has no infractions of good moral character.
- (g) The number and frequency of placements that result in disruptions will be considered and used in the decision as to whether to issue a three-year license.

(6) Documentation. A brief, yet concise summary that is completed annually using the Unified Home Study module in FSFN will replace the Re-licensing Summary for Licensed Homes for Dependent Children. This summary must address all changes that

have occurred in the household during the licensing year and allow foster parents to discuss any issues, concerns or triumphs they experienced during the licensing period. The summary shall include:

- (a) Youth exit interviews and case manager reviews;
- (b) Documentation of at least eight hours (annually) of in-service training;
- (c) Documentation of updated water safety training, if applicable;
- (d) Background screening which includes local law enforcement records checks completed prior to the one year expiration date on existing checks, abuse history checks, and FDLE re-screening, if applicable;
- (e) Pet vaccinations;
- (f) Documentation of driver's license (s) and vehicle insurance;
- (g) Updated evacuation and disaster preparedness plan if changes in the layout of the home or means of egress have occurred;
- (h) The annual health inspection is waived for three-year licensed homes and only occurs at the expiration of the three year licensing period.

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

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

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

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

(8) Re-opening of Previously Licensed Out-of-Home Caregivers within the Region.

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

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

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

(d) Required background screening for previously licensed out-of-home caregivers shall be completed no more than 90 days prior to the submission of the application.

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

(f) A copy of the license shall be provided by the Regional Licensing Authority to the supervising agency.

(g) If the Regional Licensing Authority denies the application for re-licensure and the applicant does not voluntarily withdraw the application, the Regional Licensing Authority shall proceed with formal actions. The denial of re-licensure and reason(s) for denial shall promptly be recorded in the Florida Safe Families Network by the supervising agency.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

### **65C-13.029 Licensed Out-of-Home Team Member Roles.**

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

(a) The licensed out-of-home caregiver shall be a member of a team that supports children and youth in out-of-home care. The team consists of the professionals representing the department, the lead agency, the Regional Licensing Authority or supervising agency, the case manager, caregiver, and other professionals with responsibility for the welfare of children in care. Caregivers have



primary responsibility for the care, nurture and development of a child in his or her home. The caregiver is required to promote normalcy for the child to the fullest extent possible. Therefore, caregivers shall:

1. Provide input into the development of the child's case plan and other decisions made by the team.
  2. Ensure that children in their care are safe, loved, and nurtured.
  3. Allow the child to participate in age-appropriate activities at home, in school, and in the community.
  4. Advocate for and support the child in order to minimize trauma to the greatest degree possible, including trauma stemming from the transition from and to their home and other placements.
  5. Support the child in maintaining progress in school or exceeding past performance when possible.
  6. Help the child to acquire life and social skills consistent with their age and maturity level.
  7. Ensure that the child receives appropriate health, dental, and mental health care as needed.
  8. Work with families, where permitted by the court, to promote visitation and the safe return of children to their families' care.
  9. Share their perspectives with team members and the courts with respect to the best interest of the child(ren) in their care.
- (b) All children in the home shall be protected from abandonment, exploitation, neglect, and abuse. Suspected child abuse or neglect including incidents of child-on-child sexual abuse shall be reported immediately to the Florida Abuse Hotline.
- (c) The child must be assisted in understanding and accepting who he or she is, and helped to deal with any feelings about his or her parents and the circumstances which brought him or her into out-of-home care.
- (d) Licensed out-of-home caregivers shall provide a loving environment, acceptance, and care to a child without expecting a demonstration of appreciation from the child.
- (e) Licensed out-of-home caregivers shall provide the child with opportunities for normal growth and development.
- (f) Licensed out-of-home caregivers shall accept the direction and supervision given by the Regional Licensing Authority or supervising agency in caring for the children.
- (g) Licensed out-of-home caregivers shall promote the following conditions for the child in the home:
1. Opportunities and encouragement to communicate and have contact with family members, friends, and other people important to the child. The only exception is when the court specifically bars contact with an individual;
  2. Promote and encourage the child's educational progress, and ensure that the child completes assignments and homework;
  3. Respect for the child's body, person, possessions, bed and personal space;
  4. Opportunities to develop interests and skills through participation in school and community activities;
  5. Encourage and support the child in making new friends and maintaining past friends who have had a positive relationship with the child;
  6. Licensed out-of-home caregivers shall keep records of school reports.
  7. Licensed out-of-home caregivers shall never make negative statements about a child's family and shall work to preserve the child's cultural history and family connections.
  8. Licensed out-of-home caregivers shall work in partnership with the child's case manager in maintaining awards, legal documents, special recognitions, family photos, and other items that will help the child maintain a sense of his or her identity and connections.
- (h) Licensed out-of-home caregivers shall allow children and their legal family, including siblings, to communicate by mail and by telephone in accordance with the child's case plan and in keeping with the directions of the court.
- (i) Licensed out-of-home caregivers shall not open the child's mail, monitor telephone conversations or otherwise interfere with free communication with the legal family, except as necessary to comply with the directions of the court.
- (j) Licensed out-of-home caregiver shall provide children opportunities in the home and through life skills classes and other organized activities to learn and practice skills needed for independent living, such as food preparation, money management, consumer awareness, personal hygiene and appearance, housekeeping and care of personal belongings, accessing health care services, transportation, job seeking, education, study skills and interpersonal relationship building or other skills provided for in the child's independent living skills plan.
- (k) The licensed out-of-home caregiver shall support the child's efforts to learn to drive a car and obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver, case manager and legal parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out-of-home caregiver must pay for a car, or insurance on behalf of the youth in their care.

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

(m) As part of the licensed out-of-home caregiver's responsibility for promoting educational success, the caregiver will work with each foster child each day on homework and reading skills, and ensure that homework is completed.

(n) Family Care Activities.

1. Daily living tasks.

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

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

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

d. Children in out-of-home care will be encouraged by the licensed out-of-home caregiver to assume household chores reasonable for their age and ability but not to exceed those expected of their own children.

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

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

g. Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out-of-home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. The case manager shall be available for consultation. The child's case manager shall be notified within 48 hours of overnight trips exceeding one night. These trips must not interfere with visitation schedules. Background screening is not necessary for participation in normal school or community activities and outings, such as school field trips, dating, scout campouts and activities with friends, families, school and church groups.

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

i. The licensed out of home caregiver shall be sensitive to the parent's input regarding the types of activities in which the child can participate and the parents must be included, when practicable, in the decision making process.

2. Food and Nutrition.

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

b. Licensed out-of-home caregivers are expected to provide for any special dietary needs of children placed in their home. The licensed out of home caregiver shall be sensitive to the parent's input regarding special dietary needs.

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

3. Clothing and Personal Belongings.

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

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

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

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

4. Religion and ethnic heritage. A licensed out-of-home caregiver shall cooperate with the child's case manager in arranging opportunities for a child to participate in the faith of his or her choice or that is requested by the child's family. The child's licensed out-of-home caregiver shall coordinate appropriate arrangements for the child's attendance at religious activities in partnership with the child's case manager.

5. Discipline.

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

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

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

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

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

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

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

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

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

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

6. Health Care. Licensed out-of-home caregivers are responsible for ensuring the child has routine medical, vision and dental care. The case manager shall promptly provide licensed out-of-home caregivers with the child's prescription medication and information regarding any medical, vision and dental interventions necessary for the child's health and well-being. Licensed out-of-home caregivers are responsible for administering and documenting medication prescribed for the child. The amount, date and time the medication is administered to the child shall be documented and kept with the child's resource record. Licensed out-of-home caregivers shall keep accurate records of the administering of all medications, including psychotropic medications, and of medical treatment and interventions. No child shall be given prescription medication without a physician's prescription or medication prescribed to another person.

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

8. Resource Records. The child's resource record (CPR) shall be maintained by the licensed out of home care giver. The CRR is a standardized record developed and maintained for every child entering out-of-home care that contains copies of the basic legal, demographic, available and accessible educational, and available and accessible medical and psychological information pertaining to a specific child, as well as any documents necessary for a child to receive medical treatment and educational services. Where medical or educational information is not available and accessible, written documentation of the efforts made to obtain the information must be in the file. The Child's Resource Record (CRR) shall be housed where the child is placed and shall accompany the child to every health encounter and shall be updated as events occur.

9. Education. Licensed out-of-home caregivers shall work in partnership with the child's case manager to address the child's educational needs and to allow for the continuation of school attendance. To further promote visibility within the community, children in care may not be home schooled.

10. Allowances. Children in licensed out-of-home care shall receive an allowance. The licensed out-of-home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities. Allowances are not to be withheld as a form of discipline.

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

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

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

(c) Licensed out-of-home caregivers shall work in partnership with the case manager to maintain child resource records in a secure manner, which ensures confidentiality for the child and the child's parents.

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

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

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

(g) Licensed out-of-home caregivers shall notify the child's case manager in advance of vacations in which the child shall be participating.

(h) Licensed out-of-home caregivers shall notify the child's case manager within 24 hours of any sexually inappropriate action or behavior by the child.

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

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

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

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

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

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

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

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

### (4) Responsibilities of the Licensed Out-of-Home Caregivers to the Regional Licensing Authority and Supervising Agency.

(a) When a foster child age 12 or older is believed to be missing, within four hours the licensed out-of-home caregiver shall notify law enforcement and request that a missing child report be opened and obtain the case number, inspect the child's belongings to determine what items are missing and assist the child's case manager in efforts to locate the child. Children age 11 or younger should always be immediately reported to local law enforcement as missing.

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

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

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

(e) Licensed out-of-home caregivers shall keep confidential all information about the child and the child's family. Discussing this information shall be limited to a Regional Licensing Authority or agency staff member, Guardian Ad Litem, or other authorized professional working with the child.

(5) Responsibilities of the Supervising Agency and the Regional Licensing Authority to the Licensed Out-of-Home Caregiver and Children in Care.

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

(b) The supervising agency must share all available information on each child placed with the licensed out-of-home caregiver.

(c) The supervising agency shall provide the child resource record to the licensed out-of-home caregiver at the time of placement or within 72 hours of the placement.

(d) The supervising agency shall provide licensed out-of-home caregivers with the names and phone numbers of persons who should be contacted in emergencies.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

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

#### **(1) Requirements.**

(a) There shall be no more than five children in a licensed home, including the licensed out-of-home caregiver's children unless an over capacity exception has been approved.

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

(c) There shall be no more than two children placed in a therapeutic family foster home unless an exception has been approved.

(d) Each licensed out-of-home caregiver shall sign a Partnership Plan for Children in Out-of-Home Care, CF-FSP 5226, February 2013, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03565> and [www.dcf.state.fl.us/publications](http://www.dcf.state.fl.us/publications). The agreement shall be reviewed, and discussed with a licensing counselor prior to initial licensure and again at each re-licensure. The document must be signed by a representative from the supervising agency and the potential or licensed out-of-home caregiver.

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

#### **(f) Licensed Out-of-Home Caregivers Providing Child Care.**

1. Licensed out-of-home caregivers contracting with a lead agency are authorized by Section 409.1671, F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302, F.S., and may be dually licensed. A dually licensed family foster home cannot provide care for more than five children, including biological, foster, and adopted children. Therapeutic or Medical Family Foster Homes shall not be dually licensed.

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

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

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

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

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

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

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

#### **(2) Personal Standards.**

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

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

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

(d) Child care. Child care for children in licensed out-of-home care shall be chosen by the caregiver(s) according to the following order:

1. Gold Seal accredited child care providers or providers participating in a quality rating system;
2. Licensed child care providers;
3. Public school providers;
4. License exempt child care providers, including religious exempt, registered, and non-public schools. These providers must be participating in the school readiness program through the local early learning coalition.

If there is no available Gold Seal accredited child care provider or space for the child at the Gold Seal provider, then the caregiver shall chose a licensed child care provider. If a licensed child care provider has no availability, the caregiver shall chose a public school provider. If there is no availability at a public school provider, the caregiver shall chose a license exempt child care provider as required by this subparagraph 65C-13.030(2)(d)4., F.A.C. The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

(3) Physical Environment.

(a) The home shall be inspected by a licensing specialist who has been trained by the state or local health department to conduct such inspections. The home must receive a satisfactory inspection result for water supply, food holding temperature, plumbing, vermin and vector control, sewage, and garbage and rubbish disposal, prior to initial licensing and annually prior to re-licensing.

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

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

- (I) Before license approval;
- (II) At least every 12 months;
- (III) Upon relocation;
- (IV) Before having the well placed in service after construction, repair, or modification; or
- (V) After an emergency situation, such as a flood, that may introduce contaminants to the system.

b. Test results must be negative for bacteriological contamination.

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

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

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

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

3. Vector Control.

a. Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches, and other vectors and vermin on the premises. Effective measures shall include any method or device or the application of any substance to prevent, destroy, repel, mitigate, curb, control any pest in, on, or under the structure or lawn.

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

4. Sewage. Any home not on a municipal sewage system and having an onsite sewage treatment and disposal system or septic tank, shall meet applicable standards in Chapter 64E-6, F.A.C.

5. Garbage and Rubbish Disposal. All garbage, trash, and rubbish from the kitchen area shall be collected daily and placed in garbage receptacles. Garbage or trash containing diapers or any odor-causing agent shall also be collected daily and placed in garbage receptacles. Garbage or trash consisting only of paper items must be collected weekly and placed in garbage receptacles. Garbage shall be removed from garbage receptacles frequently enough to prevent a sanitary nuisance, as defined in Chapter 386,

F.S. Wet garbage shall be collected and stored in impermeable, leak proof, fly tight containers pending disposal. All containers, storage areas and, surrounding premises shall be kept clean.

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

(c) Outdoor Area.

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

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

(d) Water Safety and Supervision.

1. Children shall be supervised visually at all times when they are in close proximity to any body of water. Children shall never be left alone with access to swimming pools and bodies of water.

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

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

4. All pools above or in ground shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd’s hook of sufficient length to cover the area.

(e) In Ground Swimming Pools.

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

2. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or another lock that is not accessible to children. Any exterior door leading from the house to the pool area shall have two of the safety features.

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

4. Swimming pools, in ground and above ground, shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd’s hook of sufficient length to cover the area.

(f) Above Ground Pools.

1. If the sides of an above ground pool are four feet tall, they may be used as the barrier for that pool.

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

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

4. Hot tubs and spas not adjoined to an in ground pool shall be required to have a safety cover that is locked when not in use.

(g) Other Bodies of Water.

1. Children shall be in line of sight supervision at all times when in the proximity of any body of water.

2. Children who are placed in a licensed home that is adjacent to any body of water shall be instructed in water safety regardless of age or swimming capability.

(h) Interior Environment.

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

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

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

4. The door of each bathroom shall have a lock.

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

6. Each family foster home shall have a working telephone in the home that is accessible at all times. Emergency telephone numbers shall be displayed prominently in the home. Licensed out-of-home caregivers shall immediately notify the supervising agency if their telephone number changes.

7. All toys and equipment shall be in safe condition and kept clean and sanitary.
8. All rooms used by children shall be at a comfortable temperature. Rooms shall be dry and well ventilated.
9. All doors and windows used for ventilation shall be screened.
10. Rooms used by children shall be clean and well lit.
11. Homes shall be free of tobacco smoke.

(i) Sleeping Arrangements.

1. All sleeping areas shall be in bedrooms separate from the public areas of the house. Children's bedrooms shall have adequate space for the number of children sleeping in the room.
2. An adult shall be within hearing distance and accessible to the rooms where children under six years of age are sleeping.
3. Each child shall be provided with a clean, comfortable, permanent bed and mattress of their own. The bed shall be of sufficient size to comfortably accommodate the child.
4. Infants shall have their own crib which shall be maintained in good and safe condition and have a clean and comfortable mattress that fits snugly in the crib frame. Cribs shall not have drop sides or be placed close to windows with curtains or cords in which the child might become entangled.
5. Bunk beds shall be safe and sturdy. Bunk beds shall be equipped with safety rails on the upper tier for a child under the age of ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. Beds bunked higher than two tiers must have a manufacturer sticker of safety and must not be placed under or near ceiling fans. Children five years old and younger may not sleep on the third tier of a three tiered bunk bed.
6. A licensed out-of-home caregiver shall provide each child with clean linens. A child shall not be required to sleep on linens soiled by urine or excrement. Waterproof mattress covers should be provided for all beds and cribs of children experiencing enuresis or encopresis. Plastic garbage bags must not be used as mattress covers.
7. Children of any age shall not sleep on a living room sofa, cot or foldaway bed except in extenuating circumstances.
8. The entry to a child's bedroom shall not be located so as to require the child to pass through another bedroom or bathroom in order to enter their bedroom.
9. Children may never share a bed with an adult, regardless of age.
10. Children may not share a bed.
11. Children over thirty-six months of age shall not share a bedroom with a child of the opposite sex unless efforts are being made to maintain a sibling group. In instances where efforts are being made to maintain a sibling group or maintain a viable placement, the foster family, licensing agent and case manager shall work together in determining arrangements for the safety and best interests of the children involved. Rationale for any decision made for children over the age of thirty-six months to share a bedroom shall be documented in Florida Safe Families Network.
12. Children over the age of twelve months shall not share a bedroom with an adult. The only exception to this would be if one of the children sharing a bedroom reaches his or her eighteenth birthday and the out-of-home caregiver and the supervising agency approve this sleeping arrangement. This exception applies only to the circumstances described above and not to any new placements in the home.
13. Infants twelve months of age or younger may share a bedroom with an adult provided the infant sleeps in their crib.
14. Children over the age of twelve months may share a bedroom with an adult when it is deemed to be medically necessary. A doctor's note shall be placed in the licensing file of the supervising agency. For children transitioning past their first birthday exceptions may be approved in consultation with the child's case manager and the licensing agency.

(j) Family Foster Home Safety.

1. The licensed out-of-home caregiver shall make every effort to identify and immediately correct any hazard to the safety of children while in the home or while being transported.
2. All poisonous chemicals shall be in a locked location. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for poisonous chemicals. Cleaning materials shall be made inaccessible to children.
3. Each licensed home shall have a first aid kit available and accessible to all caregivers.
4. All medications shall be stored in a location that is locked and inaccessible to children. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for medications.
5. Alcoholic beverages shall be stored in a location out of reach of children.



6. Storage of guns shall comply with the requirements in Section 790.174, F.S., and all agencies shall, as a part of the home study process, require applicants to sign CF-FSP 5343, Acknowledgement of Firearms Safety Requirements, effective February 2013, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?NO=Ref-03567> and [www.dcf.state.fl.us/publications/](http://www.dcf.state.fl.us/publications/). A copy of the form is also available upon request by contacting the Office of Family Safety at 1317 Winewood Boulevard, Tallahassee, Florida 32399.

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

(k) Fire Safety.

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

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

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

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

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

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

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

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

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

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

(l) Transportation Safety.

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

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

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

4. The licensed out-of-home caregiver shall not transport children in vehicles such as truck beds, motorcycles, or any other high-risk method of transportation. The licensed out-of-home caregiver shall follow Chapter 316, F.S., related to transportation of children.

(m) Disaster Plans.

1. Each licensed out-of-home caregiver shall have a current written plan for evacuation in the event of a natural or man made disaster.

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

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 7-21-10, 3-6-14.*

### **65C-13.031 Terms of a License.**

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

(2) The Regional Licensing Authority shall request in writing, any additional information legally required for the purposes of making a licensing determination, within ten working days of receipt of an application packet. The Regional Licensing Authority shall grant or deny an initial license application within ten working days of receipt of a complete application packet.

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

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

(5) The license shall reflect the name of the licensee, the licensee's physical address, city and county, the name of the supervising agency and the license number along with its beginning and expiration dates. An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.

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

(a) Has maintained a license with the Regional Licensing Authority for three consecutive years;

(b) Is in good standing with the supervising agency and the Regional Licensing Authority;

(c) Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.

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

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

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

(10) Provisional License.

(a) Provisional licenses are non-renewable and the duration shall not exceed twelve months. Provisional licenses shall not be issued without the submission of a corrective action plan to the licensing Regional Licensing Authority identifying the deficiencies and time frames for correcting the deficiencies prior to the expiration of the provisional license.

(b) No license shall be issued if there is a failure to comply with background screening requirements.

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

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

(11) License Modifications.

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

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

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

(12) Record Confidentiality. Any information made confidential by Section 409.175, F.S., shall be exempt from release unless otherwise ordered by the court. This confidentiality and exemption also applies to records maintained by community-based care providers acting as contractors for the department.

(13) File Retention.

(a) The Regional Licensing Authority and supervising agent shall maintain a central file in the region for every family foster home licensed. The file shall include, at a minimum:

1. All initial and subsequent licensing documentation;
2. Complaint investigation information;
3. Waivers and exceptions; and
4. Other additional documentation obtained regarding the licensed home.

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

(c) An electronic version of the licensing file shall be maintained by the supervising agency in the electronic filing cabinet located in Florida Safe Families Network. The supervising agency in partnership with the lead agency shall develop a policy that addresses the destruction of paper files; this policy must be reviewed and approved by regional licensing administrator.

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

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

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

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

### **65C-13.032 Over-Capacity Assessments and Exceptions.**

(1) Capacity.

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

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

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

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

(a) The needs of each child in care;

(b) The ability of the licensed out-of-home caregiver to meet the individual needs of each child, including any of the out-of-home caregiver's own children living in the home;

(c) The amount of safe space;

(d) The ratio of active and appropriate adult supervision to the number of children; and

(e) The background, experience, and skill of the licensed out-of-home caregivers.

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

(a) Assessment approvals for more than five children or more than two infants under twenty-four months shall be given prior to placement by the supervisor in writing or via electronic method for the following situations and shall be approved personally and in writing the next business day by the Regional Administrator or the Chief Executive Officer for the Community Based Care Lead Agency or their designee. The following circumstances require an assessment:

1. To accommodate a sibling group. This may be a sibling group with some of the children already in the home as well as a sibling group being placed for the first time;

2. To accommodate a child or sibling group needing placement who has previously lived in the home;

3. To allow a teen parent in care to have his or her child or children placed in the same home.

4. If denial of the placement would be contrary to the child's best interest.

(b) The assessment of each child in the home and of the child being placed in the home shall be completed by the placement staff.

1. The assessment shall include:

a. The medical, mental, physical and behavioral needs of each child;

b. A clear, concise explanation of why the over-capacity waiver should be approved including the reason it has been determined that this is the most appropriate available placement;

c. A description of any special services or support systems which may be necessary to assure the well-being of the child being placed;

d. A description of how this home can physically accommodate the additional child. Accommodations shall include a bed, adequate closet space and room for personal possessions and adequate privacy;

e. Information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected;

f. Placement needs and risk factors for children who have been sexually victimized or who are sexually aggressive;

g. Verification that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement; and

h. The duration of the waiver; Initial assessment approval shall not exceed 30 days. Subsequent approvals for the same child or children may be approved for (90) day extensions personally and in writing by the Regional Administrator or by the Community-Based Care Lead Agency Chief Executive Officer or their designees.

2. Requirements for the Assessment.

a. The placement staff shall provide to the case manager a copy of the completed assessment within five working days of the child's placement.

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

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

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

(a) Written approval of the exception shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded. The exception shall be approved by the supervisor in writing or via electronic method and shall be approved personally and in writing the next business day by the Regional Managing Director or the Chief Executive Officer for the Community-Based Care Lead Agency or their designee.

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

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

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

(e) All child placements shall be recorded in the Florida Safe Families Network by the supervising agency within forty-eight hours of placement. When such a placement causes a home to exceed a total of five children, the approval shall be recorded on the provider licensing screen.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175(3)(a), 409.175(3)(b), (c), 409.175(5)(a)4. FS. History--New 4-6-08, Amended 3-6-14.*

### **65C-13.033 Babysitting, Overnight Care, Extended Overnight Care and Other Supervision Arrangements.**

(1) All persons who provide respite care in their own homes shall be licensed pursuant to Section 409.175, F.S. Respite providers already licensed without having been through pre-service training shall be excluded from the requirement for training under this rule.

(2) A licensed out-of-home caregiver is entitled to paid respite. Six hours or more shall constitute a paid respite day. Each licensed out-of-home caregiver may receive up to twelve paid respite days per year.

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

(4) Babysitting and Other Short Term Home Based Care.

(a) Babysitters shall be at least sixteen years of age or older except for youth age 14-15 who have completed a recognized babysitting course. The local Community-Based Care (CBC) lead agency has the authority to approve the educational course on babysitting.

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

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

(d) Babysitting does not have to occur in a licensed setting.

(5) Extended overnight care.

(a) Families shall take children in their care on family vacations and trips whenever possible.

(b) The following procedures apply when the parent must be absent for more than 48 hours and the child cannot reasonably accompany them:

1. Foster parents will be allowed to select families or individuals who are well known to them to care for the children in their absence.

2. Except in emergency circumstances, the adults in these families must have criminal and child abuse background checks including finger printing. In emergency circumstances, the CBC or designee will perform a local criminal abuse background check and a child abuse background check within 24 hours of the family or individual taking responsibility for the child(ren). A full background screening will be initiated the next business day. Foster parents are strongly encouraged to identify and screen multiple persons to provide care in emergency situations. Such persons shall be recorded in the Unified Home Study module in Florida Safe Families Network.

3. The foster parent will certify to the CBC or CBC designee that the home is safe and free from hazards considering the age, maturity and developmental level of the child.

4. The CBC shall develop a process for approving these supervision arrangements and the case manager will be informed of the arrangements.

(6) General Provisions. All care providers shall be furnished with written information on the children in their care including:

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

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

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

(d) Physicians' name and telephone number(s);

(e) School;

(f) Medicaid number; and

(g) Medical, physical or behavioral concerns.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

#### **65C-13.034 Foster Care Referrals and Investigations.**

(1) The Regional Licensing Authority maintains responsibility for ensuring appropriate follow-up actions are taken on all foster care referrals and investigations. The supervising agency shall ensure that all licensed out-of-home caregivers are notified of foster care referrals. Licensed out-of-home caregivers shall be notified of investigations by the child protective investigator.

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

(3) Foster Care Referrals. Upon receipt of a foster care referral by the child protection investigation unit, the foster care referral shall be immediately forwarded to the appropriate licensing staff. If the foster care referral is regarding a family foster home, the referral shall be immediately forwarded by the child protection investigator to the supervising agency. The licensing staff receiving the foster care referral shall:

(a) Respond to the foster care referral and document any needed actions within forty-eight hours.

(b) The supervising agency shall prepare a written corrective action plan to correct the deficiencies that are a result of a foster care referral. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the Regional Licensing Authority.

(c) If there are concerns regarding abuse or neglect, a call shall be made to the Abuse Hotline. The Abuse Hotline staff shall immediately notify the placement unit, or on-call unit if after hours.

(4) Investigations. When the supervising agency or regional licensing authority is notified of an investigation a staffing shall be coordinated according to local protocol. If licensing violations are found which do not pose an immediate threat to the health, safety or well-being of the child, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the Regional Licensing Authority.

*Rulemaking Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08, Amended 3-6-14.*

### **65C-13.035 Administrative Actions, Appeals and Closures.**

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

(a) The denial, revocation, or suspension of a license shall promptly be recorded in the Florida Safe Families Network by the supervising agency.

(b) The Regional Licensing Authority shall notify the lead agency and supervising agency immediately of negative action taken regarding a license.

(2) Documentation Requirements Prior to Administrative Action.

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

1. All qualifying abuse reports and all reports of licensing violations and the outcome of the investigation;
2. List of all deficiencies or conditions, other than abuse or neglect of the children, which compromise the safety or well-being of the children;
3. The length of time and frequency of the noncompliance with the licensing requirements or deficiencies in caring for children;
4. The date of written notification to the licensee as to the deficiency and time given to the licensee to correct the deficiency;
5. The licensing staff's efforts to help the licensee come into compliance;
6. Barriers, if any, which prohibit the licensee from correcting the deficiencies;
7. All license revocations and denials shall comply with requirements of Chapter 120, F.S.; and
8. All documentation shall be reviewed with the department's legal counsel. The notice of revocation or denial shall not be sent to the out-of-home caregiver without approval of both the department's legal counsel and the Regional Licensing Authority.

(3) Denial of Initial Licensure.

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

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

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

(4) Administrative Action for Existing Family Foster Homes.

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

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

(c) Written notification shall be sent to the licensed out-of-home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the license being suspended, denied, or revoked. The approved corrective action plan shall be put in writing by the supervising agency and signed by the licensed out-of-home caregiver.

(d) Corrective action plans are created for licensed out-of-home caregivers who have the ability to understand and correct the infraction. Corrective action plans are not created for licensed out-of-home caregivers who have previously committed licensing violations and were unable to benefit from remedial efforts. In these cases, the supervising agency shall work with the licensing authority, the department's legal counsel and lead agency to determine whether action should be taken to suspend, deny or revoke the license.

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

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

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

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

(5) Voluntary Closures.

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

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

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

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