



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Esther Jacobo
Interim Secretary

DATE: February 24, 2014

TO: Regional Managing Directors
Child Protective Investigations staff
Community-Based Care Lead Agencies

THROUGH: Pete Digre, Deputy Secretary

FROM: H. Stephen Pennypacker, Esq., Assistant Secretary for Programs

SUBJECT: Status update on child welfare-related revisions to Florida Administrative Code

The Department's Office of Child Welfare has been drafting revisions to Florida Administrative Code to reflect changes in laws governing child welfare. The rule development process includes public notices and multiple opportunities for our child welfare partners and stakeholders, anyone who will be affected by the rule, and the general public to suggest language or other changes to the proposed rules. We welcome that feedback and have tried to be especially inclusive and responsive to suggestions as we implement the new Safety Methodology and the new law extending foster care to age 21.

When I was appointed Assistant Secretary for Programs in September, I came to the Tallahassee office with, undoubtedly, a thought many of you have had: Why does it take so long to get certain things out of Headquarters? I held that view particularly about the rulemaking process. I have since seen firsthand in the past five months many of the complexities that challenge our work. And as we learn lessons from our phased-in implementation of the new Safety Methodology and continue to receive input from you, our frontline partners, I believe our rulemaking process must be especially deliberate. That means it will take longer.

We also have received feedback on the draft rules from the Office of Fiscal Accountability and Regulatory Reform (OFARR) and the Joint Administrative Procedures Committee (JAPC). OFARR must approve all new regulatory activity proposed by state agencies under the direction of the Governor. JAPC is a joint standing committee of the Legislature whose responsibility is to ensure that rules adopted by executive branch agencies do not create new law, but rather stay within the authority specifically delegated by the legislature.

We have several open rules, and here is what you can expect in the coming months.

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Child Welfare Rules: There are eight open rules related to child protective investigations, out-of-home care, adoptions and licensing of foster parents and group homes. Those rules are:

- 65C-13 (Foster Care Licensing)
- 65C-14 (Group Care)
- 65C-16 (Adoptions)
- 65C-28 (Out-of-Home Care)
- 65C-29 (Protective Investigations)
- 65C-30 (General Child Welfare Provisions)
- 65C-37 (Child Welfare Certification)
- 65C-38 (Criminal History and Abuse Records Checks for the Investigation of Reports or Abuse, Neglect, or Abandonment and for the Placement of Children).

You may have participated in last week's workshop webinar for 65C-13 (Foster Care Licensing), held on Feb. 19. Comments on the draft will be accepted through Feb. 28 via the Center for Child Welfare at this Web address:
(<http://centerforchildwelfare.fmhi.usf.edu/HorizontalTab/FloridaAdminCode.shtml>).

The other above-mentioned rules are in various stages of promulgation. If you have not previously received notices of rule workshops and hearings, please send your contact information to carrie_toy@dcf.state.fl.us to ensure you are added to the Department's notification list.

Extended Foster Care-Postsecondary Education Services and Support: As you know, the new law implementing foster care to age 21 and redesigning the Independent Living program took effect Jan. 1. There are three open rules related to teens and young adults in foster care or who formerly were in care (65C-31, 65C-41 and 65C-42).

Many of you worked with the Department to draft rules that would cover Extended Foster Care (proposed 65C-41) and the Road to Independence programs, including Postsecondary Education Services and Support (PESS) and Aftercare Services (proposed 65C-42). Additional changes also are required for 65C-31 (Independent Living).

Despite significant input from our stakeholders prior to completing a draft rule, there were concerns expressed to JAPC and OFARR about the draft rules. As a result, we are rewriting them. This delays our ability to provide quick guidance. We also are collecting CBC requests for policy interpretations to be promulgated consistent with the rulemaking process in the statute. We hope to share revised drafts by March 14.

Resources: Thank you for your input and patience as we together work through the rulemaking process.

If you are interested in learning more about rule development, these links may be helpful:

www.flrules.org
www.japc.state.fl.us
www.floridahasarighttoknow.com/regulation_rulemaking.php.

Please share this information with all child welfare partners. And please be assured of our commitment to being transparent and collaborative as we revise these rules.

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Florida State Foster and Adoptive Parents Association
Office of Court Improvement