

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF CHILDREN AND FAMILIES Office of Licensing

RULE NO.:	RULE TITLE:
65C-46.001	Definitions
65C-46.002	Application Packet and Licensing Documents
65C-46.003	Administration and Organization
65C-46.004	Buildings, Grounds, Equipment and Interior Accommodations
65C-46.008	Individual Needs and Rights of Children In Care
65C-46.009	Discipline and Behavior Management
65C-46.010	Child Records and Confidentiality Requirements
65C-46.011	Personnel and Staffing Requirements
65C-46.012	Admission, Placement, and Ongoing Services
65C-46.014	Administrative Actions, Appeals and Closures
<u>65C-46.0141</u>	<u>Corrective Action Plans</u>
65C-46.021	Standards for Qualified Residential Treatment Program Credential
65C-46.023	Standards for Traditional and Residential Homes

**PURPOSE AND EFFECT:** Amendments remove obsolete rule provisions, streamline the licensing process, and align the rule language with Department policy regarding child-caring agency licensing.

**SUMMARY:** Amendments include (1) clarifies, adds, and removes obsolete definitions, (2) updates forms, (3) clarifying application and licensing document requirements, (4) updates citations, (5) adds confidentiality policies for the responsibilities of the governing body, (6) adds requirements to notify the Department of changes to the executive director, statement of purpose, admission criteria, business name, address, or licensing setting, (7) removes language regarding building requirements, (8) adds interpreters, translators and language options for individual needs and rights of children in care, (9) updates the discipline and behavior management used by the child-caring agency, (10) updates requirements for personnel and staffing requirements including training requirements, (11) updates admission requirements for each child in the care and custody of the Department, (12) updates language regarding administrative actions and closures, (13) adds new section for corrective action plans, (14) updates grammatical errors and terminology, and (15) updates the standards for traditional and residential homes.

### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 409.175(5) FS., 409.175(5)(a) FS., 381.004(2)(e)11. FS., 409.145(4) FS., 435.01 FS.

LAW IMPLEMENTED: 409.175 FS., 409.175(5) FS., 409.175(6) FS., 409.175(5)(b)1., 8. FS., 409.175(5)(b)2., 3. FS., 409.175(5)(b)2., 12. FS., 409.175(5)(a)1., 13. FS., 409.175(5)(b)1., 9., 13., 381.004(2)(e)11., (f) FS., 409.175(5)(b)1., 4., 5., 7., 9., 435.05 FS., 409.175(5)(b)1., (6), (9)(a) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elizabeth Floyd. Elizabeth can be reached at [Elizabeth.Floyd@myflfamilies.com](mailto:Elizabeth.Floyd@myflfamilies.com) or 850-488-2381.

THE FULL TEXT OF THE PROPOSED RULE IS:

**65C-46.001 Definitions.**

(1) through (2) No change.

(3) "Child or youth at risk of sex trafficking" means an individual who has experienced trauma, such as abuse, neglect, and/or maltreatment, and presents with one or more of the accompanying risk factors:

(a) through (d) No change.

(e) Out-of-home placement instability demonstrated by repeated moves from less restrictive levels of care due to disruptive behaviors.

(4) No change.

(5) "Direct care staff" means personnel who are employed, contracted, or volunteer as a caregiver ~~or have unsupervised contact with to provide care and supervision to children.~~

(6) through (7) No change.

(8) ~~"Florida Association of Christian Child Caring Agencies (FACCCA)" means the authority responsible for the registration and oversight of faith based residential group homes, family foster homes, and adoption agencies.~~

(9) ~~"Gender" or "gender identity" means a person's internal identification or self image as male or female. Gender identity may or may not correspond to the gender that is listed on the person's birth certificate. The terms "male," "female," or "nonbinary" describe how a person identifies.~~

(10) ~~"Gender expression" refers to the way a person expresses gender through appearance, dress, grooming habits, mannerisms and other characteristics.~~

(11) through (13) are redesignated (8) through (10) No change.

(11)(14) "Non-direct care staff" means personnel who are employed, contracted, or volunteer in positions that

are not in a caregiver role ~~and do not have direct or unsupervised contact with children.~~

~~(15) "Public institution" means a child caring agency owned or run by the County, State, or Federal Government that provides 24 hour care.~~

(16) through (19) are redesignated (12) through (15) No change.

~~(16) "Sex" means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.~~

~~(20) "Sexual orientation" means a person's emotional or physical attraction to members of the same gender, a different gender, or any gender.~~

(21) through (22) are redesignated (17) through (18) No change.

~~(23) "Transgender" means having a gender identity that is different than the person's gender listed on the person's birth certificate.~~

(24) through (27) are redesignated (19) through (22) No change.

~~(28) "Qualified residential treatment program (Q RTP)" means a licensed therapeutic group home with a child caring agency credential that provides care for youth who have serious emotional or behavioral disorders or disturbances.~~

(29) is redesignated (23) No change.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175(5) FS. History—New 7-1-87, Amended 9-19-90, Formerly 10M-9.003, Amended 11-30-97, 10-20-16, 5-26-21, Formerly 64C-14.001, Amended \_\_\_\_\_.

#### **65C-46.002 Application Packet and Licensing Documents.**

(1) Licensing packets for a child-caring agency shall be uploaded into the states official system of record and include the following:

(a) The "License Application for Child-Caring and Child Placing Agencies," CF-FSP 5412, (October 2025) Apr 2024, incorporated by reference and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18939> <http://www.flrules.org/Gateway/reference.asp?No=Ref-13068> and all supporting documentation. The application shall be signed by the licensee who is the executive director exercising authority over and has the responsibility for the operation, policies, and practices of the agency. If the application packet is approved, a license shall be issued. The license shall include the name and physical address of the provider, the license capacity, and the dates for which

the license is valid. The Department shall sign the license. Any limitations shall be displayed on the license.

(b) Agencies providing care for one to six or seven to 14 children shall complete the “Community Residential Homes Local Ordinance Certification,” CF 1786, (October 2025) May 2015, incorporated by reference and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18940> <http://www.flrules.org/Gateway/reference.asp?No=Ref-13065>. This application form certifies to the Department that the proposed group home meets the dispersion and notification requirements of Chapter 419, F.S.

~~(c) For child caring agencies obtaining federal grants, loans, contracts, property, discounts, or other federal financial assistance, the executive director shall sign the “Civil Rights Certificate,” CF 707, Apr 2021, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13062>.~~

(d) is redesignated (c) No change.

~~(e) Disaster preparedness and evacuation plan. The written plan shall include the components required in subsection 65C-46.005(7), F.A.C.~~

~~(f) The following documentation to support the administration and organization pursuant to Rule 65C-46.003, F.A.C.:~~

- ~~1. Statement of purpose.~~
- ~~2. Organizational chart.~~
- ~~3. Board members.~~
- ~~4. Annual budget and financial audit.~~
- ~~5. Business registration.~~
- ~~6. Documentation of six months of operating expenses (initial licensure only).~~
- ~~7. Employee roster.~~

~~(g) Documentation to support the safety, sanitation, and food service requirements pursuant to Rule 65C-46.005, F.A.C.:~~

- ~~1. Annual health and fire inspection.~~
- ~~2. Radon test results, if applicable.~~
- ~~3. Verification of car and liability insurance.~~
- ~~4. Menus approved by the registered dietitian.~~
- ~~5. Certification of registered dietitian.~~

- (h) Confirmation of local zoning notification.
- (i) Verification of accreditation, as applicable.
- (j) Applicant reference check from the current or previous licensing authority, if licensed in another region or state, pursuant to Rule 65C-46.011, F.A.C.

(2) Policies and procedures must be available for review and approved by the Department's licensing team prior to initial licensure. Any policies or procedures that are updated during the licensing year ~~year~~ must be made available for review prior to the implementation ~~implementaiton~~ of proposed changes.

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(6) FS. History—New 7-1-87 Amended 9-19-90, 2-17-93, Formerly 10M-9.005, Amended 10-20-16, 1-2-18, 5-26-21, Formerly 64C-14.003, Amended 7-27-22.

CF-FSP 5412, License Application for Child-Caring Agencies is substantially rewritten. See F.A.C. for present text at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13068>.

#### **65C-46.003 Administration and Organization.**

- (1) through (2) No change.
- (3) Governing Body. Each incorporated child-caring agency shall have a governing body.
  - (a) No change.
  - (b) The child-caring agency shall maintain a list of the members of its governing body. This list shall be available to the Department and must shall:
    1. through 2. No change.
  - (c) The governing body shall meet no less than once per year. Membership of the governing body shall not be fewer than three ~~five~~ (5) members.
- (4) Responsibilities of the Governing Body.
  - (a) Employ a qualified executive director, as prescribed in subsection 65C-46.011(9) ~~65C-46.011(8)~~, F.A.C., and delegate responsibilities to that person for the administration and operation of the child-caring agency.
  - (b) through (g) No change.
  - (h) Adhere to the confidentiality policies of the child-caring agency and the Department. The governing body shall not have access to resident names or files maintained by the child-caring agency. The files must use unique identification numbers for each resident to replace the resident's name.

(5) Grievance. The child-caring agency shall have a written and posted grievance procedure which allows children in care or others to make complaints without fear of retaliation.

(a) through (c) No change.

(d) The child-caring agency will post the contact information phone number of the Department's Ombudsman (~~1-844-KIDS-FLA~~) in areas frequented by children and where they can read it without scrutiny.

(6) Organizational Chart.

(a) The child-caring agency shall maintain a current organizational chart showing the administrative structure including the lines of authority. The organizational chart shall indicate direct care roles and non-direct care roles. This chart shall be available to the Department. ~~The child caring agency shall also maintain an employee roster indicating staff with direct and non-direct roles.~~

(b) ~~The child-caring agency shall also maintain an employee roster indicating staff with direct and non-direct roles, date of hire and termination, and identification of staff that are trained in cardiopulmonary resuscitation. The child caring agency shall provide written notification to the Department's regional licensing team within 30 days of changes in the agency's executive director, statement of purpose, admission criteria, business name, address, or licensing setting.~~

(c) ~~The child-caring agency shall provide written notification to the Department's regional licensing team within 30 days prior of changes in the agency's executive director, statement of purpose, admission criteria, business name, address, or licensing setting.~~

(7) Finance. The child-caring agency shall provide written documentation that it has sufficient funds to meet all requirements for licensure.

(a) Facilities beginning operation shall provide evidence of sufficient funding for operation of the program for at least six (6) months.

(b) No change.

(c) The child-caring agency shall have financial records audited annually.

1. Financial audits are required for nonprofit and or for-profit child-caring agencies who expend equal to or in excess of \$750,000 of state financial assistance, as outlined in Section 215.97, F.S. Annual audits must be conducted by an independent certified public accountant (CPA) licensed pursuant to Chapter 473, F.S.

2. No change.

(d) through (e) No change.

(8) No change.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175(5)(b)1., 8. FS. History—New 7-1-87, Formerly 10M-9.015, Amended 10-20-16, 5-26-21, Formerly 64C-14.006, Amended \_\_\_\_\_.

**65C-46.004 Buildings, Grounds, Equipment, and Interior Accommodations.**

(1) No change.

(2) Interior Accommodations Accomodations.

(a) through (g) No change.

(h) Bedrooms.

1. through 3. No change.

4. Children over 36 months of age shall not share a bedroom with a child of a different sex gender unless efforts are being made to maintain a sibling group or doing so is required for the safety or wellbeing of each child. The group home, licensing agent and case manager shall work together in determining arrangements for the safety and best interests of each child involved and obtain written approval from the community-based care agency. Rationale for any decision made for children over the age of 36 months to share a bedroom with a child(ren) of a different sex gender shall be documented in the state's official system of record.

5. through 6. No change.

(i) No change.

(3) Buildings.

(a) through (e) No change.

(f) The facility shall have at least one (1) bedroom for every four (4) children. However, if the applicant or licensee, in a written request, demonstrates that it is in the best interest of each child in a particular set of children in a particular circumstance to have more than four (4) children in a bedroom, the Department, upon on-site inspection, shall grant the request if it determines that the evidence and statement support the applicant's or licensee's request. The approval of the request shall be valid only for the particular set of children in the particular circumstances cited in the written request. The bedrooms shall have 50 square feet for the initial occupant and an additional 50 square feet for each additional occupant, and a ceiling height of at least 7 feet, 6 inches. Programs established prior to July 1, 1987, may utilize dormitory style bedrooms, but new construction or facilities applying for initial licensure must

~~comply with the size and occupancy requirements.~~

(g) through (h) No change.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175(5)(b)2., 3. FS. History—New 7-1-87, Formerly 10M-9.016, Amended 10-20-16, 5-26-21, Formerly 64C-14.007, Amended \_\_\_\_\_.

**65C-46.008 Individual Needs and Rights of Children in Care.**

(1) through (6) No change.

(7) The child-caring agency shall ensure that each child has the individual items necessary for personal hygiene and grooming.

(a) No change.

(b) Each child shall have training in personal care, hygiene, and grooming appropriate to the child's age and sex, gender, gender expression, race, culture and development.

(8) No change.

(9) The child-caring agency shall involve the child in the selection, care and maintenance of the child's personal clothing, as appropriate to the child's age and ability. The child-caring agency shall allow a child to possess and bring personal belongings. The child-caring agency may limit or supervise the use of these items while the child is in care using with the reasonable and prudent parent standard in accordance with Section 409.145(3), F.S.; however, it may not restrict items based on the child's gender identity or expression.

(10) through (15) No change.

(16) Interpreters, Translators and Language Options. The child-caring agency shall identify and assess the language needs of each child and provide the following, as needed:

- (a) A range of oral and written language assistance options, including American Sign Language;
- (b) Written materials in languages other than English; and
- (c) Oral language interpretation for children with limited English proficiency.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175(5)(b)2., 12. FS. History—New 7-1-87, Formerly 10M-9.027, Amended 10-20-16, 5-26-21, Formerly 64C-14.018, Amended \_\_\_\_\_.

**65C-46.009 Discipline and Behavior Management.**

(1) No change.

(2) If separation from others is used as a control measure, the facility shall have an unlocked, lighted, well-ventilated room of at least 50 square feet and within hearing distance of a staff member. The time limit for isolation shall not exceed 15 60 minutes.

(3) The child-caring agency must ensure staff use the behavior management techniques, including crisis management and passive physical restraint, in accordance with the training completed by each staff. Facility staff shall not:

(a) Use physical punishment, inflicted in any manner on the body.

(b) Ridicule, intimidate or verbally abuse children.

(c) Use chemical or mechanical restraints.

(d) Employ cruel or humiliating treatment or other emotionally abusive behavior.

(e) Assign excessive exercise or work duties which are inappropriate to the child's age or development.

(f) Deny food, clothing, shelter, medical care or prescribed therapeutic activities, or contacts with family, case manager or legal representatives as a form of punishment.

(g) Threaten a child with removal from the facility.

(h) Engage in discriminatory treatment or harassment on the basis of a child's race, national origin, religion, gender, gender expression, sexual orientation, or disability, or any other characteristic.

(i) Permit harassment or bullying of children by staff or other youth based on their race, national origin, religion, gender, gender expression, sexual orientation, disability, or any other characteristic.

(j) Attempt to change or discourage a child's sexual orientation, gender identity, or gender expression.

(4) The child-caring agency staff must ensure all children are provided with placement free from:

(a) Harassment. Staff shall not ridicule, intimidate, humiliate, or bully children.

(b) Mistreatment. Staff must not threaten a child with removal from the child-caring agency; engage in discrimination prohibited by state or federal law; deny the child of basic necessities, medical treatment, therapeutic services, or contacts with family, case manager or legal representatives as a form of punishment; or assign excessive exercise or work duties that are inappropriate to the child's age or development.

(c) Abuse. Children shall not be physically, mentally, emotionally, or verbally abused or administered chemical or mechanical restraints.

(d) Inappropriate discipline. Staff shall not use physical punishment, inflicted in any manner on the body.

Rulemaking Authority 409.175(5)(a) FS. Law Implemented 409.175(5)(a)1., 13. FS. History–New 7-1-87, Formerly 10M-9.030, Amended 10-20-16, Formerly 64C-14.021, Amended \_\_\_\_\_.

### **65C-46.010 Child Records and Confidentiality Requirements.**

(1) No change.

(2) The child-caring agency shall maintain individual records for each child and document efforts to obtain the information. The child's record shall include the following:

(a) The name, sex gender, race, religion, birth date, and birthplace of the child;

(b) through (d) No change.

(e) Date of admission, source of referral, and any available assessments from the referring agency including the Comprehensive Comprehensive Placement Assessment, incorporated by reference in Rule 65C-30.023 65C-28.004, F.A.C., and the Comprehensive Comprehensive Behavioral Health Assessment, referenced in Rule 65C-28.014, F.A.C.;

(f) through (n) No change.

(3) through (11) No change.

Rulemaking Authority 409.175(5), 381.004(2)(e)11. FS. Law Implemented 409.175(5)(b)1., 9., 13., 381.004(2)(e)11., (f) FS. History–New 7-1-87, Formerly 10M-9.031, Amended 10-20-16, 5-26-21, Formerly 64C-14.022, Amended \_\_\_\_\_.

### **65C-46.011 Personnel and Staffing Requirements.**

(1) Personnel Policy.

(a) The child-caring agency shall have written personnel policies and practices conducive to the recruitment, retention, and effective performance of qualified personnel. These policies and practices shall include the following:

1. through 7. No change.

8. Procedures for when staff are named in an active and closed child abuse and neglect investigation with the Department or when staff have a confirmed report for abuse or neglect with the Department.

9. Procedures and policy mandating all staff to report all state, national, and federal arrests to the provider.

Providers shall report all arrests to the Department within 24 hours of notification from the staff.

(2) Personnel File. The child-caring agency shall have a personnel file for each employee which shall include the following:

- (a) through (b) No change.
- (c) An A two-year employment history check for staff employed with another agency within the past two years, prior to hire with the child-caring agency;
  - (d) A minimum of two (2) character reference letters or reference checks from individuals unrelated to the applicant verifying that the applicant is of good moral character and is suitable to work with children, and for executive directors, the individual's work performance does not affect their ability to perform in an executive role.  
History and reference checks may be from the prior employer;
    - (e) No change.
    - (f) A signed “Attestation Affidavit of Good Moral Character,” CF 1649, (June 2025) Jan 2015, incorporated by reference and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18941>  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-13076>;
    - (g) A signed “Partnership Plan for Children in Out-of-Home Care,” CF-FSP 5226, (October 2025) January 2015, incorporated by reference and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18942>  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-07451>, for staff employed in a caregiver role.
    - (h) through (n) No change.
- (3) No change.
- (4) Background Screenings.
  - (a) through (d) No change.
  - (e) Child-caring agencies must use the Department approved tool to account for the completion of background screenings for all employees, household members, and volunteers.
  - (f) All staff, household members, and volunteers being screened under this rule shall provide all names under which he or she has been known to complete background screenings.
- (5) No change.
- (6) Any employee or prospective employee with a verified report for sexual abuse is not permitted to work in the child-caring agency. Any employee or prospective employee with a verified report for abuse and neglect other than sexual abuse, and when an employee is named caregiver responsible in a report not substantiated for sexual abuse, and when staff are named in three or more child abuse and neglect investigations within a five year period pursuant to Section 39.302(7), F.S., shall be reviewed by the Department to determine safety concerns for the

employee being considered for hire or continued employment.

(7) Applicants may be hired to work for the parent organization of the child-caring agency to begin pre-service and specialized training once confirmation that the out of state abuse and neglect history requests were made for individuals that resided out of state in the past five years and all background screenings in this paragraph are completed. The applicant shall not be hired to work in the child-caring agency or any program related to the child-caring agency, have contact with any child, and access to child files, until the results of the out of state abuse and neglect histories are received and included in the personnel file.

(7) is redesignated (8) No change.

(9)(8) Qualifications.

(a) Child-caring agency personnel shall have the following qualifications:

1. Executive directors ~~hired after July 1, 1987, shall have a master's degree from an accredited college or university; or bachelor's degree from an accredited college or university and at least three (3) years of experience in management or supervision; or five (5) years of experience in management or supervision and with at least two (2) of the five (5) years having experience in social services.~~

2. through 4. No change.

(b) A child-caring agency shall not hire any individual who does not meet the criteria set forth in subparagraphs (98)(a)2. and 3. above, without the approval of the Department's Regional licensing authority Managing Director or designee. The Regional licensing authority Managing Director or designee shall grant approval if the individual has relevant education, training, and experience in social services to substitute for the requirements set forth in subparagraphs (98)(a)2. and 3., above. The child-caring agency shall provide at least the following information in support of such approval:

1. through 2. No change.

(c) No change.

(10)(9) Training.

(a) No change.

(b) Orientation. The child-caring agency shall provide an initial orientation for all new employees during the first two (2) weeks of their employment. This orientation shall include job responsibilities, agency administrative procedures, confidentiality, Health Insurance Portability and Accountability Accountability Act (HIPAA), program

goals, agency purpose and objectives, resources and services, identification of and reporting responsibilities in regard to child abuse and neglect, and supervision of residents.

(c) Pre-Service Training. All direct care staff shall receive a minimum of 21 hours of caregiver preparation training prior to unsupervised contact with children. Topics shall include, but are not limited to:

1. through 5. No change.
6. ~~Sexual orientation, gender identity, and gender expression;~~
7. through 17. are redesignated 6. Through 16. No change.
17. Missing children procedures in accordance with Rule 65C-30.019, F.A.C.

(d) In-Service Training. The child-caring agency shall ensure that direct care staff receive at least 40 hours of training activities ~~after the first during each full year of employment and every year thereafter~~. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this requirement. Topics shall include, but are not limited to:

1. through 7. No change.

(e) The child-caring agency shall submit training curriculums to the regional licensing team for approval.

~~Training curriculums will be approved if they meet the conditions set forth in paragraphs (9)(b)-(d), above.~~

1. Training curriculums shall:

- a. Meet the conditions set forth in paragraphs (10)(b)-(d), above;
- b. Outline the titles of the training topics;
- c. Hours for each training;
- d. Identify any internal trainings required by the child-caring agency; and
- e. Method of delivery for each training.

2. The child-caring agency may use the same training approved by another contracted agency or accrediting body when the training topics are the same and meet the criteria.

3. The child-caring agency must submit the training curriculum(s) for review every seven years by the Department.

(f) Child-caring agencies that require specialized training for staff must be completed within two months from the completion of pre-service training. This does not apply to safe houses outlined in Rule 65C-46.020, F.A.C.

(g) The child-caring agency may accept the training hours of newly hired staff that complete training with

another child-caring agency.

1. Training hours shall be reviewed and approved by the child-caring agency to ensure the trainings meet the agency's program requirements and all licensing requirements outlined in paragraphs (10)(b)-(d), above and all specialized training in accordance with the child-caring agency's license.

2. Staff that terminated employment prior to completing the in-service training must provide written confirmation that the pre-service training was completed in the past five (5) years.

(h) Child caring agencies who change license types, shall come into compliance with new training requirements within four (4) months of the new license being issued.

(10) is redesignated (11) No change.

(12)(11) Staff Ratio.

(a) through (b) No change.

(c) The child-caring agency shall develop and follow a written staff to child ratio formula. The formula shall be appropriate to the agency's purpose and to the types, ages, and functioning levels of the children in care. The staff to child ratio shall assure the children's safety, protection and privacy, as well as physical, hygienic, emotional and developmental needs. The staff to child ratio shall be at least:

1. through 2. No change.

3. For child-caring agencies group homes that serve house parenting young adults, the child of the young adult shall be counted in the staff to child ratio if the child is in the custody of the Department. The child of the young adult shall not be counted in the staff to child ratio if the child is in the custody of the young adult.

4. through 7. No change.

(12) ~~This rule will be reviewed and repealed, modified, or renewed through the rulemaking process five years from the effective date.~~

Rulemaking Authority 409.145(4), 409.175(5), 435.01 FS. Law Implemented 409.175(5)(b)1., 4., 5., 7., 9., 435.05 FS. History—New 7-1-87, Formerly 10M-9.033, Amended 10-20-16, 5-26-21, Formerly 64C-14.023, Amended 10-24-21.

CF 1649, Attestation of Good Moral Character is substantially rewritten. See F.A.C. for present text at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13076>.

#### **65C-46.012 Admission, Placement, and Ongoing Services.**

(1) through (3) No change.

(4) The admission of each child in the care and custody of the Department to a child-caring agency shall follow completion of a pre-admission study completed by the child-placing agency, and shall include the following:

(a) through (e) No change.

(f) ~~For transgender youth, a determination whether the youth should be placed with their gender listed on their birth certificate or their identified gender. Factors to be considered shall include:~~

1. ~~The physical safety of the transgender youth;~~
2. ~~The emotional well-being of the transgender youth;~~
3. ~~The youth's preference;~~
4. ~~The recommendation of the youth's guardian ad litem;~~
5. ~~The recommendation of the youth's parent, when parental rights have not been terminated;~~
6. ~~The recommendation of the youth's case manager; and~~
7. ~~The recommendation of the youth's therapist, if applicable.~~

(5) ~~Each child shall be provided with a safe and appropriate placement free from harassment, mistreatment, or abuse. The placement shall be the most suitable in meeting the child's individual needs. No child shall be denied services by any child-placing agency based on race, religion, gender, gender expression, sexual orientation, or transgenderism. A child placing agency has the obligation to place each child in the most suitable setting according to that child's individual needs, taking into account the capacity of the placement to meet the child's needs, and the needs of the other children already placed in that setting.~~

(6) Age Differential.

(a) through (d) No change.

(e) A youth who turns 18 years old may remain in the child-caring agency if ~~receiving receiving~~ services under the Department's Extended Foster Care Program and Road to Independence Program. Young adults may continue room sharing ~~arrangements arrangements~~ until there is a disruption or transition, at which point the young adult can no longer share a room with a minor. Young adults residing in the child-caring agency are included in the overall capacity. All young adults age 18 and older residing in a licensed setting serving children under the age of 18 must comply with finger printing screenings and abuse check requirements pursuant to paragraph 65C-46.011(4)(a)  
65C46.023(4)(a), F.A.C.

(f) The child-caring agency can not admit a young adult who is 18 years old upon admission unless they meet

the requirements of the extended foster care program under Chapter 65C-41 Rule 65C-46.023, F.A.C., are met.

(7) Admission Orientation.

(a) The child-caring agency shall provide prior to or at admission an orientation to living in the facility for each child and the child's parent or guardian or child-placing agency staff. The orientation shall include the following:

1. through 2. No change.
3. Expectations for the child which include being respectful of others in the home regardless of differing cultural, religious, or ethnic values;
4. Services offered; and
5. Behavior management practices; and
6. ~~The inherent diversity of group home populations, including race, ethnicity, gender, religion, sexual orientation, gender expression, and transgenderism.~~

(b) through (c) No change.

(8) through (15) No change.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175(5) FS. History—New 7-1-87, Formerly 10M-9.041, Amended 10-20-16, 5-26-21, Formerly 64C-14.040, Amended 7-27-22, \_\_\_\_\_.

**65C-46.014 Administrative Actions, Appeals and Closures.**

(1) General Information. The Department is the Regional Licensing Authority for all child-caring agencies and has final authority for approval, denial, revocation, or suspension of any license under Section 120, F.S.

(a) No change.

(b) The Regional Licensing Authority shall notify the community-based care (CBC) lead agency and contracted providers immediately of negative action taken regarding a license.

(2) Denial of Initial and Renewal Licensure Application.

(a) No change.

(b) If the Regional Licensing Authority determines that the applicant should not be licensed, the applicant shall be notified in writing within 10 business 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) The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in the licensing file.

(3) Administrative Action for Existing Child-Caring Agencies.

(a) If a licensing violation requires the children to move out of the home or facility temporarily while the violation is remedied, then the license must be suspended.

(b) The Department shall consider the following factors when determining whether a child-caring agency's license will be revoked:

1. No change.

2. Whether the agency has a history of intakes, institutional abuse and neglect reports, and special condition referrals as outlined in Section 39.302(7), F.S.,

3. No change.

4. Whether the agency can has the ability to protect the children in care,

5. through 6. No change.

~~(e) If as a result of the investigation the Department makes a decision not to revoke, suspend, or deny further licensure, the Department shall prepare a written corrective action plan to correct the deficiencies.~~

~~1. The plan shall be developed in conjunction with the child caring agency.~~

~~2. The plan shall be in writing and signed by the executive director or designee of the child caring agency. A copy of the plan shall be provided to the agency.~~

~~3. Failure of the child caring agency to timely comply with the corrective action plan shall result in suspension, denial of re licensure, or revocation of the license.~~

~~(d) If as a result of the investigation the Department makes a decision to revoke, suspend, or deny further licensure, notice shall be delivered via personal service or certified mail pursuant to Section 120.60(5), F.S., which 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.~~

(4) 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. through 4. No change.

5. The Regional Licensing Authority's, contracted providers, and/or CBC lead agency's efforts to help the licensee come into compliance, and

6. Any barriers Barriers, if any, which prohibit the licensee from correcting the deficiencies, and

7. All license revocations and denials shall comply with requirements of Chapter 120, F.S.

(b) All documentation shall be reviewed with the Department's legal counsel. The notice of revocation or denial shall not be sent to the child-caring agency without approval of the Department's legal counsel and Regional Licensing Authority.

(5) The decision to revoke, suspend, or deny further licensure is made after a review is done in conjunction with the Department's legal counsel. The notice must be delivered via personal service or certified mail. The notice shall include the statutory and rule violations that were found and 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.

(6)(5) Voluntary Agency Closures.

(a) If a Child-caring agencies that close agency closes voluntarily, it shall notify the Department in writing at least 30 calendar days prior to closing.

(b) All child-caring agencies that who cease operation, for any reason, shall coordinate the following:

1. through 2. No change.

(c) The Department shall document in the state's official system of record:

1. No change.

2. Any reasons the child-caring agency If renewal would not be recommended, the reasons re-licensing would not be recommended,

3. If the closure is voluntary and in lieu of revocation or denial of a license, the concerns of the Department regarding the child-caring agency,

4. Confirmation of open and closed records received.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175(5)(b)1., (6), (9)(a) FS. History—New 10-20-16, Amended 7-6-21, Formerly 64C-14.116, Amended \_\_\_\_\_.

#### **65C-46.0141 Corrective Action Plans.**

(1) A corrective action plan (CAP) must be imposed on the child-caring agency when a violation of licensing standards has occurred which do not pose an immediate threat to the health, safety, or welfare of the children, and

the child-placing agency has the ability to understand and correct the infraction.

(2) Corrective action plans are not created for child-caring agencies who have previously committed licensing violations and were unable to benefit from the remedial efforts. The Department may seek action to revoke the license.

(3) The child-caring agency must submit a written CAP to the Department within seven calendar days from the date of receipt of the inspection. The CAP must be signed by the executive director or designee of the child-caring agency.

(a) The CAP must include the following:

1. Identify the violation;

2. The actions the child-caring agency will take to correct each of the violations identified;

3. The date by which the violation must be corrected; and

4. The actions the child-caring agency will take to ensure the violation identified does not occur again.

(b) The Department will reject any proposed CAP that fails to identify all the information described in paragraph (a) of this rule or reflects a plan of action that does not address the violation(s). If the Department rejects a proposed CAP, the Department must notify the child-caring agency in writing of the reasons for rejection and require the submission of an amended CAP addressing the deficiency or deficiencies within five calendar days of receipt of the Department's notice rejecting the CAP. Failure to submit a CAP that is sufficient for Department approval within 30 days of the inspection completion date may be considered non-compliant and be subject to administrative action.

(4) Once the CAP is approved by the Department, the date to resolve all violations in the corrective action plan must not exceed 30 days from the inspection completion date, unless a date is directed or extended by the Department.

(5) The Department may deny, suspend, or revoke a license when the child-placing agency does not complete the CAP successfully.

Rulemaking Authority 409.175(5), F.S. Law Implemented 409.175, F.S. New \_\_\_\_\_.

#### **65C-46.021 Standards for Qualified Residential Treatment Program Credential.**

(1) Entities applying for a qualified residential treatment program credential to provide services for youth who have serious emotional or behavioral disorders or disturbances must meet the licensing requirements set

forth in Section 394.875(2), F.S., and rule Chapter 65E-9, F.A.C., in addition to the program standards in this rule.

(2) The entity shall complete the “Application for Credential as a Qualified ~~Qualified~~ Residential Treatment Program” CF-FSP 5452, (October 2025) ~~Apr 2021~~, incorporated by reference and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18943> <http://www.flrules.org/Gateway/reference.asp?No=Ref-13071>.

(3) through (12) No change.

(13) The QRTP must inform the DCF regional licensing authority within one (1) business ~~business~~ day of any disciplinary actions executed by AHCA.

(14) No change.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175 FS. History—New 5-26-21, Formerly 64C-14.121, Amended \_\_\_\_\_.

CF-FSP 5452, Application for Credential as a Qualified Residential Treatment Program is substantially rewritten. See F.A.C. for present text at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13071>.

#### **65C-46.023 Standards for Traditional and Residential Homes.**

(1) The child-caring agency licensed as a traditional group home, as defined in Rule subsection 65C-46.001(22), F.A.C., or residential group home, as defined in Rule subsection 65C-46.001(16), F.A.C., and serving non-dependency youth must meet licensing requirements set forth in Rules 65C-46.001 through 65C-46.014, F.A.C.

(2) Children and youth placed in out-of-home care must have a Comprehensive Placement Assessment that recommends placement in a group care setting/program that has been identified but is unavailable at the time of placement. If serving dependency youth, the child caring agency licensed as a traditional group home, as defined in subsection 65C-46.001(22), F.A.C., or residential group home, as defined in subsection 65C-46.001(16), F.A.C. must meet licensing requirements set forth in Rules 65C-46.001 through 65C-46.014, F.A.C., and must specify in their program description policies which of the following they choose to serve:

(a) Young adults, ages 18-21 years of age, or 22 years of age with documented disability who are enrolled in Extended Foster Care (EFC), or young adults in the Road to Independence Program, or

(b) Children and youth placed in out of home care whose Comprehensive Placement Assessment recommends placement in a group care setting/program that has been identified but is unavailable at the time of placement.

(3) Requirements for Serving Independent Living Young Adults.

~~(a) The minimum staffing ratio for this population is one to eight when young adults are awake and one to 12 when young adults are asleep.~~

~~(b) The child caring agency shall ensure all direct care staff complete pre-service training requirements in paragraph 65C 46.011(9)(c), F.A.C., and receive an additional eight (8) hours of training focused on teaching independent living skills, caring for teens in foster care, and nurturing adolescent development. Of the 40 hours of annual in-service training required in paragraph 65C 46.011(9)(d), F.A.C., eight (8) hours shall be focused on caring for and transition planning for young adults.~~

~~(c) The child caring agency shall collaborate with the child welfare professional and young adult to complete required plans outlined in rule Chapters 65C 41 and 65C 42, F.A.C. Copies shall be included in the young adult's file.~~

~~(d) The child caring agency shall provide the following services:~~

~~1. Life skill instruction.~~

~~2. Counseling.~~

~~3. Educational Support.~~

~~4. Employment preparation and placement.~~

~~5. Development of a supportive network of adults.~~

~~(4) is redesignated (3) No change.~~

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175 FS. History—New 5-26-21, Formerly 64C-14.123<sub>a</sub>  
Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vanessa Snoddy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Taylor N. Hatch

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 10, 2025