

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF CHILDREN AND FAMILIES Office of Licensing

RULE NO.:      RULE TITLE:  
**65C-15.010**    **Finances.**

PURPOSE AND EFFECT: Amendments add requirements for adoption entities to submit information to the Department quarterly pursuant to Chapter Law 2024-177 and add requirements for Child-Placing Agencies regarding finances.

SUMMARY: Amendments include: (1) updates standards for annual budgets and financial audits, (2) adds requirements for fee schedule for child-placing agencies when changes are made during the licensing year, (3) adds requirements for adoption agencies to establish fees based on the costs of services outlines in s. 63.097, F.S., (4) adds requirements for adoption entities to submit information to the Department quarterly.

#### 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, 63.233 FS.

LAW IMPLEMENTED: 409.175, 63.097 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.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### **65C-15.010 Finances.**

(1) Financial Ability. The child-placing agency must provide written documentation of financial ability to operate.

(a) Initial Operational Expenses. ~~Funding:~~ Child-placing agencies beginning operation must ~~shall~~ have the capital necessary for a six (6) month period of operation.

(b)(2) Annual Budget: The child-placing agency ~~must shall~~ prepare a written budget annually of anticipated income and expenditures necessary to provide the services described in its statement of purpose. The child placing agency must provide the annual budget to the Department.

(c)(3) Financial Audit: The child-placing agency ~~must shall~~ have its financial records audited annually. All audit A reports must of this audit shall be submitted at time of license renewal and available to the Department upon request at any time during the licensing year at the licensed location during normal business hours.

1. Financial audits are required for child-placing agencies who expend equal to or in excess of the threshold, 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. Child-placing agencies that do not meet the audit threshold must provide proof of a financial review conducted by an external auditor or an independent certified public accountant (CPA) licensed pursuant to Chapter 473, F.S.

(2)(4) Fees and Costs.

(a) When If fees for services, including adoption and foster care services, are charged, the child-placing agency must shall have a fee schedule disclosing all fees for services, in a written policy which describes the conditions under which fees are charged, waived, or refunded, if applicable. A copy of the fee schedule, including any updates, shall be filed with the Department. This schedule must shall clearly list the specific services covered by each fee. This fee schedule shall be given to all persons. The child-placing agency shall provide applying for adoption services. A fee agreement and any modifications to it shall be executed with each applicant. The fee agreement shall list the fees charged and the services to be provided, including provisions for payment.

1. The child-placing agency must file the fee schedule with the Department at licensure and when changes are made to the fee schedule during the licensing year.

2. Adoption fees must be established based on the costs of services outlined in Section 63.097, F.S. The child-placing agencies must have the fee schedule reviewed by the Department annually and when updates are made to ensure that the schedule complies with Section 63.097, F.S., for adoption related services.

(b) This fee schedule must be given to all persons requesting services from the child-placing agency. The child-placing agency must provide individuals with the fee schedule at the time the application is made.

1. A fee agreement and any modifications to it must be executed with each applicant.

2. The fee agreement must list the fees charged and the services to be provided, including provisions for payment.

(b) Adoption fees shall be established based on the costs of the following services outlined in for the total adoption program:

1. Medical services for the child and the birth mother,

2. Legal services,

3. Counseling services,

4. Homestudy services,

5. Living expense for the birth mother,

6. ~~Foster care services,~~
7. ~~Pre and post placement social services,~~
8. ~~Contracted services, if applicable,~~
9. ~~Other necessary services; and,~~
10. ~~Agency facilities and administrative costs.~~

~~(e) The agency's up to date fee schedule shall be reviewed by the Department annually to ensure that the schedule is in compliance with Section 63.097, F.S., for adoption related services.~~

~~(3)(5) Where payments are made to foster parents:~~

~~(a) The child-placing agency must shall have a written payment schedule and statement on payment procedures; and,~~

~~(b) The child-placing agency must shall provide foster parents with written notification of changes in the schedule at least 30 calendar days prior to the change.~~

~~(4)(6) The child-placing agency must shall not require or coerce applicants, adoptive parents or their representatives to provide gratuities, such as money or other things of value or services, beyond the established fee.~~

~~(5) Adoption entities as defined in Section 63.032, F.S., must submit information quarterly in accordance with Section 63.097, F.S., to the Department's electronic system located on the Department's website.~~

~~(a) This information must be submitted no later than the 15<sup>th</sup> day of the month following the preceding quarter.~~

~~(b) An adoption entity that finalizes an adoption within a quarter must attest no later than the 15<sup>th</sup> day of the month following the preceding quarter that all finalized adoptions have been reported in the Department's electronic system located on the Department's website.~~

~~(c) For purposes of this subsection, the reporting quarters are:~~

~~1. Quarter 1 is January through March,~~

~~2. Quarter 2 is April through June,~~

~~3. Quarter 3 is July through September, and~~

~~4. Quarter 4 is October through December.~~

Rulemaking Authority 409.175, 63.233 FS. Law Implemented 409.175, 63.097 FS. History--New 12-19-90, Formerly 10M-24.019, Amended 11-14-16. Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vanessa Snoddy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shevaun L. Harris

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: