

SPECIFIC AUTHORITY: 490.004(4), 947.005(9) FS.

LAW IMPLEMENTED: 947.005(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-18.001 Qualifications to Evaluate and Treat Sex Offenders Under "Qualified Practitioner" Status.

Prior to holding oneself out as a "Qualified Practitioner," eligible to evaluate and treat sex offenders, complete a "risk assessment" or prepare a "safety plan," as defined in Sections 947.005(9), (10), and (11), Florida Statutes, a Florida licensed psychologist must:

(1) Possess 55 hours of doctoral (based on the formula: one doctoral hour equals 10 continuing education hours) or continuing education in the following core areas:

- (a) Etiology of sexual deviance;
- (b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific basis;
- (c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders (i.e., the female and developmentally delayed);
- (d) Use of plethysmography, visual reaction time, and polygraphy in the evaluation, treatment, and monitoring of sexual offenders;
- (e) Sex offenders and relevant DSM-IV diagnosis;
- (f) Safety planning/Family safety planning;
- (g) Report writing;
- (h) Legal and ethical issues in the evaluation and treatment of sexual offenders; and
- (i) Relapse prevention treatment model.

(2) Have documented 2,000 hours of supervised experience in the evaluation and treatment of sexual offenders under the supervision of a "Qualified Practitioner" or Board-approved equivalent or be a clinical member of the Association for Treatment of Sexual Abusers (ATSA).

Specific Authority 947.005(9), 490.004(4) FS. Law Implemented 947.005(9) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034 RULE TITLE: Polling Place Procedures Manual

NOTICE OF CORRECTION

A NOTICE OF PUBLIC HEARING on the above proposed rule amendment was published in the January 6, 2006 issue of the Florida Administrative Weekly, Vol. 31, No. 53. The date of the public hearing was incorrectly listed. The correct date and time of the public hearing is:

TIME AND DATE: 1:00 p.m., Tuesday, January 17, 2006
PLACE: Florida Heritage Hall, R. A. Gray Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Division of Elections, 500 S. Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399, (850)245-6262

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.003	Distributions from FRS Investment Plan Accounts and Reemployment with an FRS-covered Employer
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 31, No. 47, which is the November 23, 2005, issue of the Florida Administrative Weekly. The changes are made in response to comments from the Joint Administrative Procedures Committee and in response to written material received before the hearing.

The rules will be changed as follows:

(1) Rule 19-11.003(3)(b): the following sentences will be added to this paragraph:

“An equivalent form shall mean that all of the information required in the blanks spaces on Form ETF-2 for both the participant and the employer shall be on the equivalent form. In addition, the five items in the “Termination Agreement” section shall be reproduced and signed and dated.”

(2) Rule 19-11.004(1)(c): in the last sentence, the word “rule” will be returned to “policy.”

(3) Rule 19-11.004(3)(b)2.a.: the reference to “three full calendar months” will be changed to “twelve full calendar months.”

(4) Rule 19-11.005(3)(b)2.: the words “FRS Investment Plan Request for Intervention” will be inserted just before “Form SBA-RFI06/04” in the first sentence.

(5) Rule 19-11.005(3)(c)1.: the words “FRS Investment Plan Petition for Hearing” will be inserted just before “Form SBA-PFH06/04” in the first sentence.

(6) Rule 19-11.005(3)(c)1.: the words “FRS Investment Plan Petition for Hearing” will be inserted just before “Form SBA-PFH06/04” in the first sentence.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 46, (11-18-05), and Vol. 31, No. 50, (12-16-05) issues of the Florida Administrative Weekly:

33-602.210 Use of Force.

(1) Non-~~deadly lethal~~ force. This subsection applies only to non-~~deadly lethal~~ levels of force; use of deadly force is addressed in subsections (2) and (3). In accordance with Section 944.35, F.S., employees are authorized to apply physical force only when and to the degree that it reasonably appears necessary in order:

(a) through (h) No change.

(2) Use of Deadly Force – General. ~~In accordance with Chapter 776, F.S., A~~ correctional officers ~~is~~ **are** authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, ~~or to prevent the imminent commission of a forcible felony. A forcible felony, as defined by Section 776.08, F.S., includes treason; murder; manslaughter; sexual battery; carjacking; home invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing or discharging of a destructive device or bomb; or any other felony which involves the use or threat of physical force or violence against any individual.~~

(3) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. through 2. No change.

3. Warning shots are only authorized as provided in subparagraphs (3)(a)1. and 2. above. In all other instances where ~~deadly lethal~~ force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) No change.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. ~~Deadly Lethal~~ force is only authorized in accordance with paragraph (1)(c), when the officers are in immediate active pursuit of the escapee. The escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and ~~deadly lethal~~ force is only authorized for self defense or to defend others against deadly use of force.

(4) through (10) No change.

(11) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(3)(d)(~~5~~), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection (22) of this rule.

(12) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.255 Prescribed Drug Coverage Denials
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 26, July 1, 2005 issue of the Florida Administrative Weekly, and Notice of

Change published in Vol. 31, No. 52, December 30, 2005 issue of the Florida Administrative Weekly. These changes were in response to written comments received prior to the public hearing and from comments received from the Joint Administrative Procedures Committee.

The rule incorporates by reference the two signs: Important Notice to Medicaid Recipients and Aviso Importante a Recipientes de Medicaid. The date 5/14/2004 was added to the signs. The Notice of Change published on December 30, 2005, erroneously stated the date that was added to the signs was 5/14/2003. The correct date is 5/14/2004. The date in the rule text was corrected to read 5/14/2004, and we added the date after the names of both the English and Spanish signs.

The rule text was corrected as follows:

59G-4.255 Prescription Drug Coverage Denials.

(2) Medicaid-participating pharmacies shall post two signs, Important Notice to Medicaid Recipients, 5/14/2004, and Aviso Importante a Recipientes de Medicaid, 5/14/2004, which are incorporated by reference, in a conspicuous location that is visible to recipients. The signs inform recipients of a toll-free number that can be called if the prescription is denied and the pharmacy failed to provide the denial information and an Important Information About Your Florida Medicaid Prescription Drug Benefits or Información Importante A cerca de sus beneficios de medicamentos con receta del Medicaid de la Florida pamphlet to the recipient. The signs are available from the Agency for Health Care Administration's website at http://ahca.myflorida.com/Medicaid/Prescribed_Drug/multi_source.shtml.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-15.007
 RULE TITLE: Developer, Defined
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 45, November 10, 2005, issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Subsection 61B-15.007(1) is amended to read:

(1) For purposes of filing under Sections 718.202, 718.502, 718.503, 718.504 and 718.505, Florida Statutes, and subsection 61B-23.003(9), Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(16), Florida Statutes, or these rules:

- (a) through (c) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.002
 RULE TITLE: Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements

NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on the above-referenced rule to be held:

TIME AND DATE: 2:00 p.m., Thursday, February 2, 2006
 PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Dania Beach, Florida 33004.

The rule was originally published in Vol. 31, No. 45, of the November 10, 2005, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.001
 RULE TITLE: Continuing Education for Licensure Renewal

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 40, October 7, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined changes to the Rule should be made.

- (1) No change.
- (2) No change.

~~(3) A newly licensed Nursing Home Administrator shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.~~

(4) During the license renewal period, the Department will send to each license holder at the last address of record, a notice for renewal. Failure to receive any notification does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he completed the required hours of approved continuing education.

(3)(5) Each licensee shall be responsible for maintaining the documentation as may be necessary to prove his/her compliance with the continuing education requirements for a period of four years during the current renewal period and the one immediately preceding and shall provide such documentation to the Department upon request.

(4)(6) The Department shall audit at random a number of licensees as necessary to ensure that these continuing education requirements are met.

(5)(7)(a) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.

(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by Section 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: Root cause analysis; error reduction and prevention; and patient safety.

(6)(8) A licensee who attends a meeting of a national association involved in the establishment of standards of practice for nursing home administrators or the regulation of nursing home administrators may apply to the Board for approval of that activity as a continuing education activity. In order to receive said approval, the licensee must submit a written statement to the Board within 60 days of attendance or participation in said conference, stating the name of the organization conducting the meeting, dates of attendance, and a brief statement as to how the course that activity contributed to the enhancement of the licensee's skills, or otherwise enabled the licensee to keep abreast of changes affecting the practice of nursing home administration. The Board may approve up to 5 hours of continuing education per year in one year under this paragraph.

(7) Three hours of continuing education may be obtained by the following:

(a) Attending one full day of a board meeting in compliance with the following:

1. The licensee must sign in with the Executive Director/Program Operations Administrator of the board before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director/Program Operations Administrator at the end of the meeting. A licensee shall receive continuing education credit in risk management for attending a board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the board meeting for another purpose.

(9) A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

(10) In addition to the continuing education credits authorized above, a maximum of three (3) hours of credit in the area of risk management may be earned each biennium in the following manner:

(a) Attend a board meeting where a licensee is disciplined.

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65-30	Human Resources
RULE NOS.:	RULE TITLES:
65-30.001	Disciplinary Standards
65-30.002	General Principles
65-30.003	Status Upon Appointment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 48, December 2, 2005 issue, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program Office

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-31	Services to Young Adults Formerly in the Custody of the Department
RULE NOS.:	RULE TITLES:
65C-31.001	Definitions
65C-31.002	Case Management for Young Adults Formerly in Foster Care
65C-31.003	Aftercare Support Services for Young Adults Formerly in Foster Care
65C-31.004	Road to Independence Scholarship
65C-31.005	Transitional Support Services for Young Adults Formerly in Foster Care
65C-31.006	Young Adult Services Documentation Requirements
65C-31.007	High School Needs Assessment
65C-31.008	Post Secondary Needs Assessment
65C-31.009	Independent Living Benefits Due Process Notification
65C-31.010	Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department
65C-31.011	Independent Living Program Budget Management

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 49, of the December 9, 2005 issue of the Florida Administrative Weekly. The changes are based upon comments received subsequent to the October 28, 2005 publication of the proposed rule.

The revised proposed rule is as follows:

65C-31.001 Definitions.

(1) “Aftercare Support Services” means services intended to assist young adults in developing “the skills and abilities necessary for independent living”. These services specifically include temporary financial assistance, mentoring and tutoring, mental health services and substance abuse counseling, life skills classes, including credit management and preventive health activities, parenting classes, job skills training, and counselor consultations. Temporary assistance to prevent homelessness should be considered emergency assistance.

(2) “Approval Authority” means the staff member(s) designated by the district/region/Community-based care with fiscal authority to approve cash payments. (Note: reviewing and approval authorities may be the same person(s).)

(3) “Case File” means all information for a case contained in the department’s Statewide Automated Child Welfare Information System (SACWIS), i.e., HomeSafenet, as well as the supporting paper documentation gathered during provision of services to that family. The “case file” may also refer to a duplicate, paper copy of the electronic case file and the supporting paper documentation. The department’s SACWIS is the primary record for each investigation and case.

(4) “Contracted Service Provider” means a private agency that has entered into a contract with the department or with a community-based care lead agency to provide supervision of and services to dependent children and children who are at risk of abuse, neglect, or abandonment.

(5) “Denial” means full denial or partial denial, in cases where the department or its contracted service provider does not approve the full amount of funding or services requested.

(6) “Designated staff” means those staff assigned by the district/region or its contracted service provider to work with youth age 13 up to the 23rd birthday to implement and conduct a program for independent living as mandated by Section 409.1451, F.S.

(7) “Education and Training Vouchers” (ETV) means federal funds provided to young adults formerly in foster care eligible to receive independent living services and youth who were adopted from foster care at age 16 or 17. Students receiving ETV funds must be attending an institution of higher education. ETV funds provide financial assistance to young adults to promote educational and vocational training opportunities.

(8) “Fair Hearings” means the appeals process federally mandated for the title IV-E independent living program by 45 C.F.R. 1356.10 and 45 C.F.R. 1355.30. The required details of this appeals process are provided in 45 C.F.R. 205.10. The Department of Children and Families has already incorporated this appeals process, in Chapter 65-2, F.A.C., for other federal public assistance programs. However, certain provisions for Independent Living Fair Hearings which differ from those for other programs will be listed in the [next] draft of Rule 65C-28.0200, F.A.C.

(9) “Interim Child Welfare Services Information System (ICWSIS)”, means the department’s automated system containing invoice data pertaining to services provided to children under the department’s supervision. The ICWSIS is the state’s primary audit record for client specific expenditures until such time that the system’s functionality is subsumed by SACWIS.

(10) “Independent Living benefit” means any type of financial aid or service provided to eligible young adults pursuant to Section 409.1451(5), F.S. These benefits are categorized as either aftercare support services, transitional services, or the Road to Independence Scholarship.

(11) “Initial Application” means the “Road to Independence Scholarship and/or ETV Funds Application” CF-FSP 5295, September 2005, incorporated by reference, is required for the initial Road to Independence Scholarship, which can be made anytime prior to the young adult’s 21st birthday.

(12) “Institution of Higher Education” means a school that awards a bachelor’s degree or not less than a two year program that provides credit towards a degree or, provides not less than one year of training towards gainful employment or, is a vocational program that provides training for gainful employment and has been in existence for at least two years. The school must be accredited or preaccredited and is authorized to operate in that state.

(13) “Reinstatement Application” means the “Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application”, CF-FSP 5297, September 2005, incorporated by reference, that must be submitted by a former recipient of the Road to Independence scholarship prior to his or her 23rd birthday in order to reinstate their scholarship award after an interruption of benefits.

(14) “Renewal Application” means the “Road to Independence Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, September 2005, incorporated by reference, means the application that must be submitted by Road to Independence scholarship recipients on an annual basis in order to continue his or her scholarship award.

(15) “Reviewing Authority” means the staff member(s) or committee head(s) designated by the district/region or community-based care to review the applications associated with Section 409.1451 F.S., and determine eligibility.

(16) “Road to Independence Scholarship Program” means the financial educational assistance available to qualifying young adults under the eligibility requirements contained in Section 409.1451(5)(b), F.S.

(17) “Services Worker” means an employee of the department or its contracted service provider who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children and families under supervision. This includes an individual assigned to assist a young adult formerly in the custody of the department who is receiving independent living services.

(18) “Special Immigrant Juvenile Status” means an immigration benefit that allows undocumented children who have been abused, abandoned or neglected to petition for permanent resident status as long as he or she meets the following criteria:

(a) The child is eligible for long term foster care;

(b) It is in the best interest of the child to remain in the United States; and

(c) The child remains under the jurisdiction of the juvenile court.

(19) “Statewide Automated Child Welfare Information System (SACWIS)” (i.e., HomeSafenet), means the department’s statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and related child safety assessments and safety actions or plans and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and some case management functions, including the Child’s Resource Record. The SACWIS is the state’s primary record for each investigation and case and all documentation requirements of the system shall be met.

(20) “Transition Plan”, CF-FSP 5293, September 2005, incorporated by reference means the required written plan that contains specific strategies to assist the young adult with achieving self-sufficiency and developing a personal support system. This plan is created by the young adult with the assistance of the department or its contracted service provider.

(21) “Transitional Support Services” means “other appropriate short-term services” to be provided if the young adult demonstrates that the services are critical to the young adult’s own efforts to achieve self-sufficiency and to develop a personal support system. These may include financial, housing, counseling, employment, education, mental health, disability, and other services. Financial transitional support services may be provided in increments of up to 3 months. The young adult must apply again to obtain further transitional funds. See paragraph 65C-31.005(4)(b), F.A.C.

Specific Authority 39.5075(8), 409.1451(10) FS. Law Implemented 39.5075, 409.1451 FS. History—New _____.

65C-31.002 Case Management for Young Adults Formerly in Foster Care.

(1) The services that shall be provided to young adults formerly in foster care to transition successfully to independent living shall include, as appropriate for the individual young adult:

(a) Aftercare support services,

(b) Road to Independence Scholarship Program, and

(c) Transitional support services, as specified in Section 409.1451(5)(c)1., F.S.

(2) Case Management/Contact with Young Adults Formerly in Foster Care/Support by Services Worker.

(a) Depending upon the stated wishes and needs of the young adult formerly in foster care, services worker support through home visits, office visits, and other types of contact shall occur.

(b) A plan for transition is required for all recipients of scholarship and/or transitional support funds.

(c) The services worker shall arrange and provide services to support young adults formerly in foster care between the ages of 18 and up to his or her 23rd birthday.

(d) The services worker shall provide young adults formerly in foster care with developmental disabilities, mental health needs, and/or other special needs more contact, as necessary, to assist in the ability of the young adult to transition successfully to independent living.

(e) The frequency of contact by the services worker with the young adult shall be determined by the young adult in consultation with the services worker.

(3) Preparation and Education of the Child/Youth Age 16-17 in Foster Care. The services worker shall arrange or provide the services necessary to ensure that preparation/education for the young adult formerly in foster care to achieve independence occurs.

(4) Initial Application, Renewal and Reinstatement for the Road to Independence Scholarship The Road to Independence Act provides specific direction for young adults formerly in foster care to renew or continue receiving benefits and to reinstate benefits for young adults whose scholarship benefits were interrupted and who wishes to begin receiving benefits again.

(5) Selecting the Appropriate Funding Source for Young Adult Services (Chafee or ETV).

(a) Two major types of federal funding sources are available to support the program for young adults formerly in foster care: Chafee funds and Education and Training Voucher (ETV) funds. The services worker shall determine the appropriate fund in order to comply with federal regulations and to maximize available funding.

(b) ETV funds have more restrictions than Chafee funds and shall be used for eligible students as the first option.

1. ETV may be used only for eligible students attending postsecondary (college, university or vocational) school either part-time or full-time.

2. Chafee funds may be used for any of the young adult services identified in Florida Statutes, though not for young adults age 21 or 22.

3. State funds must be used for young adults age 21 and 22 if they are not eligible for ETV funds.

(6) Young Adults Formerly in Foster Care with Children of Their Own.

(a) The services worker shall determine which funds may be used for children whose parents are young adults formerly in foster care.

(b) If the parent of a child in a dependency case is a young adult formerly in foster care, the processes required in Chapter 39, F.S., for any parent still apply. Case planning, case management and required contacts shall continue as with any other dependency case.

(7) Selection of Placements for Young Adults Formerly in Foster Care. Prior to his or her 18th birthday, each young adult formerly in foster care shall choose the placement that best

suits his or her needs. The services worker assigned to work with a young adult shall provide information to the young adult so as to assist in the best decision making.

(a) If the young adult elects to reside in the same or different licensed placement after reaching age 18, the services worker assigned to work with the young adult shall assist both the placement provider and the young adult understand the roles and the responsibilities of continuing this placement after the young adult's eighteenth birthday.

(b) A young adult who continues with the foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(8) Implementation Plan, Steps for Effective Implementation.

(a) Program for Young Adults Formerly in Foster Care. This plan shall be used in order to develop each departmental district/region or contracted service provider specific implementation plan.

(b) Steps for Effective Implementation.

1. Departmental districts/regions and contracted service providers shall designate staff responsible for receiving inquiries about services available to young adults formerly in foster care. The departmental district/region and contracted service providers shall also develop methods to provide information about ETV, prior to their 18th birthday, to youth adopted from foster care at ages 16 & 17, and to perform outreach for those adopted since July 1, 1999.

2. District/region and/or contracted service providers shall develop a process with fiscal/budget staff to ensure expedited and/or emergency assistance is provided.

3. District/region and/or contracted service providers shall develop a tracking system for approved cash assistance payments until such time as HSn can capture this information.

4. Pursuant to Chapter 39 and Section 409.1451, F.S., District/region and community-based care agencies must inform all youth aging out of foster care, prior to age 18, of these benefits.

(9) Education and Training Voucher Funds.

(a) Education and Training Voucher (ETV) Program Requirements.

1. Young adult must have been:

a. Adjudicated dependent, pursuant to Chapter 39, F.S., have been in the custody of the State of Florida on his or her 18th birthday and have spent at least 6 months in foster care prior to reaching his or her 18th birthday; or

b. Adopted from the Florida foster care system at age 16 or 17 as of July 1, 1999;

2. Young adults are potentially eligible for services from age 18 through age 22.

3. Initial application must be completed before 21st birthday.

4. Benefits from this and other federal sources may not exceed the "cost of attendance" at an "institution of higher education".

5. The young adult must be attending an institution of higher education.

6. The young adult may receive a maximum of \$5000 per year towards the payment RTI Scholarship awards.

7. ETV funds of up to \$5000 per year may also be used to pay for Transitional Support Services for students attending an institution of higher education on a part-time basis.

8. The young adult shall provide proof of enrollment and satisfactory progress.

(b) Application for ETV Funds.

1. Students applying for the Road to Independence (RTI) Scholarship will use the application form "Road to Independence Scholarship and/or ETV Funds Application", CF-FSP 5295, September 2005, incorporated by reference, unless they are attending school part-time. If determined eligible for ETV, a portion of the student's RTI scholarship award will be covered by ETV funds. The maximum per student per year is \$5000.

2. Students attending school at least part-time may receive ETV funds. These students shall complete the "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2005, incorporated by reference, and can receive up to \$5000 per year, which may be funded by ETV.

3. ETV funds are used for educational assistance currently authorized in Florida Statutes. The only new eligible group is young adults formerly in foster care adopted at age 16 or 17.

4. Chafee funds shall be used to cover the costs of Road to Independence Scholarships for high school/GED students, for those students attending institutions not meeting the federal definition of higher education, for transitional support services (exclusive of support for attendance at institutions of higher education), and for aftercare services.

5. Upon application for any independent living services, youth shall be provided with information regarding the appeal process, as well as the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 2005, incorporated by reference. This includes applications for services made in anticipation of the youth's 18th birthday.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451 FS. History--New_____.

65C-31.003 Aftercare Support Services for Young Adults Formerly in Foster Care.

(1) The services worker shall provide support to young adults formerly in foster care through making of service referrals in the community to assist young adults in developing "the skills and abilities necessary for independent living".

(2) Eligibility for Aftercare Support. A young adult who leaves foster care at age 18 years of age but requests services prior to his or her 23rd birthday shall be eligible for aftercare support services. There is no formal written application to receive aftercare support service referrals.

(3) Application Process for Aftercare Support Cash Assistance.

(a) The services worker shall assist the young adult to receive cash assistance for housing, electric, water, gas, sewer service and emergency food, as necessary to prevent homelessness. Prior to arranging for the provision of cash assistance, the services worker shall explore the feasibility of agreements with community providers to waive fees, contacting relatives and other such options.

(b) The young adult shall complete the "Aftercare Support Services Cash Assistance Application", CF-FSP 5294, September 2005, incorporated by reference.

(c) If young adult requests further services, see Rule 65C-31.005, F.A.C., Transitional Support Services for Young Adults Formerly in Foster Care.

(4) Payment Requirements for Aftercare Support Services Recipients. The services worker responsible for the case shall choose between making one payment directly to the young adult formerly in foster care or, at the request of the young adult, paying all or a portion of the funds to a service provider.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(a) FS. History--New_____.

65C-31.004 Road to Independence Scholarship.

(1) Initial Application for Scholarship Eligibility. Each student, with the assistance of the services worker if requested by the young adult, shall complete an RTI Scholarship Application. This application shall be completed and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file.

(a) For the initial award, a young adult formerly in foster care must:

1. Be age 18, 19 or 20;

2. Have been a dependent child pursuant to Chapter 39, F.S.;

3. Be or have been in the legal and/or physical custody of the Department of Children and Families at the time of his or her 18th birthday.

4. Have spent at least 6 months in foster care before reaching his or her 18th birthday, which may include the time the youth spent in shelter status in state custody;

5. Be a resident of Florida per Section 1009.40, F.S.; and

6. Meet one of the following educational requirements:

a. Earned a standard high school diploma or its equivalent as described in Section 1003.43, F.S., or Section 1003.435, F.S., or earned a special diploma or special certificate of completion as described in Section 1003.438, F.S., and has

been admitted for full-time enrollment in an eligible postsecondary education institution as defined in Section 1009.533, F.S.

b. Is enrolled full time in an accredited high school, unless he or she has a documented disability and has provided documentation that part-time attendance is a necessary accommodation; or

c. Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent, unless he or she has a documented disability and has provided documentation that part-time attendance is a necessary accommodation.

(b) In addition, young adults age 18 up to their 23rd birthday who were adopted from foster care at age 16 or 17 and are attending an institution of higher education, whether on a full or part time basis, and meet the other criteria set forth for scholarship eligibility are eligible to receive the scholarship award. The same application shall be used for children adopted at age 16 or 17 applying for ETV funds. These funds are intended to assist in meeting the student's living expenses or provide for basic personal needs.

(c) Application Process for Scholarship.

1. The services worker shall assist each youth between the ages 17 years, 6 months and 18 years of age to apply for the Road to Independence Scholarship. The youth shall:

a. Complete the application.

b. Obtain document of proof of enrollment.

2. Each departmental district/region or contracted service provider shall designate a services worker to assist each young adult applying for or receiving independent living services. The young adult shall submit his or her application to the Independent Living services worker designated by the department or its contracted service provider. The Independent Living services worker shall have 10 working days to review the application and approve or deny the scholarship award or, if not the approval authority, shall forward the request to the approval authority early enough to have it approved within the ten day period.

3. If approved, the services worker or Independent Living services worker shall notify the youth in writing within 10 working days of the determination. The monthly scholarship award shall be distributed at the beginning of the month that the recipient turns 18 years of age or, if approval occurs after the youth's 18th birthday, at the beginning of the next month following approval of the application. For youth approved prior to their 18th birthday, the first monthly scholarship award shall not be prorated regardless of the day of the month recipient turns 18 years of age.

4. If the application is denied, the services worker or services worker shall notify the youth in writing within 10 working days of the determination and shall provide the youth the procedure for filing an appeal and the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11,

September 2005, incorporated by reference", and notify the youth of other available benefits, including transitional support services or aftercare support.

5. If a young adult formerly in foster care did not complete the application process prior to his or her 18th birthday, or if the application was not approved, the young adult may apply once prior to his or her 21st birthday. The eligibility requirements contained in paragraph 65C-31.004(1)(a), F.A.C., apply. No retroactive benefits are available due to delayed completion of the application process by the youth.

(2) Scholarship Renewal. The services worker shall evaluate for renewal each scholarship award annually during the 90-day period before the student's birthday. In order to be eligible for a renewal award for the subsequent year the student shall:

(a) Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

(b) Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

(3) Scholarship Reinstatement. A student who has lost eligibility for the RTI scholarship or who choose not to renew the award may apply for reinstatement one time before his or her 23rd birthday using "Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application", CF-FSP 5297, September 2005, incorporated by reference. In order to be eligible for reinstatement the student must meet the eligibility criteria and the criteria for scholarship renewal.

(4) RTI Scholarship Needs Assessment. An RTI Needs Assessment must be completed on each student who has been awarded the RTI scholarship.

(a) State Requirements. The amount of the award, whether it is being used by a young adult working toward completion of a high school diploma or its equivalent or working toward completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult.

(b) Federal Requirements. The total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher

Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal and Federally supported programs.

(5) Payment Requirements for Scholarship Recipients.

1. The services worker responsible for the case shall determine how the monthly scholarship awards will be paid according to either of the two following methods:

a. Direct payment to the young adult.

b. Payment of a portion of the scholarship award to a service provider and the balance to the young adult, if requested by the young adult. If the young adult makes this request, it must be made in writing.

2. ETV funds are available pursuant to the following.

a. For students attending an institution of higher education, including community college, university or vocational education courses. High school or GED attendance does not qualify.

b. For youth adopted at age 16 or 17 from foster care who are attending an institution of higher learning.

c. Part-time attendance at an institution of higher education may qualify young adults under Florida's transitional support services component.

(g) Renewal of Road to Independence Scholarships.

1. Young adults formerly in foster care are required to renew their scholarships on an annual basis.

2. Departmental districts/regions or contracted service provider agencies shall develop a plan for renewal of scholarships. At a minimum, the plan shall address the tracking and scheduling of scholarship renewals and those staff responsible for notifying for these activities as well as notifying the scholarship recipient of his or her obligations during the renewal period.

3. Each approved award shall be evaluated and renewed during the 90-day period prior to the young adult's birthday.

4. If the young adult is awarded a scholarship within 90 days prior to his or her next birthday, he/she is not required to file for renewal until the following birthday.

5. For young adults who were adopted from foster care at age 16 or 17, the same procedures established above shall be followed when renewing their ETV funds.

(h) Eligibility to Renew Road to Independence Scholarships. The young adult shall:

1. Make one application for the initial award prior to his or her 21st birthday.

2. Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

3. Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time

during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

(i) Documentation Requirements for Scholarship Recipients. All eligible recipients shall:

1. Provide documentation of enrollment in a high school or institution of higher education; and

2. Provide documentation of progress made in his or her course of study during the most recently completed school term.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(b) FS. History--New _____.

65C-31.005 Transitional Support Services for Young Adults Formerly in Foster Care.

(1) A young adult formerly in foster care may request Transitional Support Services in addition to aftercare referrals, cash assistance or the Road to Independence Scholarship if the young adult demonstrates that the services are critical to his or her own efforts to achieve self-sufficiency and develop a personal support system.

(2) Eligibility/Assessment for Transitional Support. In order to be eligible, the young adult shall:

(a) Be age 18, 19, 20, 21 or 22;

(b) Have been a dependent child pursuant to Chapter 39, F.S.:

(c) Be or have been in the legal and/or physical custody of the Department of Children and Families at the time of his or her 18th birthday.

(d) Have spent at least 6 months in foster care before his or her 18th birthday.

(e) Demonstrate that the services are critical to his or her own efforts to achieve self-sufficiency and to develop a personal support system. The young adult shall complete a "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference, with designated staff of the department or its contracted service provider.

(3) If at any time the services are determined by the services worker as no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated or reapplication denied.

(4) Application Process to Receive Transitional Support Services.

(a) A Transitional Support Services application shall be completed by the young adult with assistance from the assigned services worker. The "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2005, incorporated by reference, shall be used to apply for these services.

(b) An application for Transitional Support Services is limited to a maximum three-month benefit period. A young adult may re-apply for Transitional Support Services after the three-month period but must demonstrate that the services are vital for achieving self-sufficiency.

(5) Transition Plan. Each young adult requesting transitional support services shall prepare a transition plan using "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference. This plan shall:

(a) Outline the types of services being provided by the department and the types of activities that the young adult will complete in order to achieve self-sufficiency.

(b) Be reviewed a minimum of every three months, if the young adult intends to re-apply for services, and adjusted according to the young adult's needs at the time of review and reapplication.

(6) Service Worker and Young Adult Contact Requirements. The services worker shall work with the young adult formerly in foster care to determine the need for contact.

(7) Payment Requirements for Transitional Support Services Recipients. Payments shall be made directly to the young adult formerly in foster care unless the young adult requests all or a portion of the funds be paid to a service provider. This request shall be made in writing.

(8) Confidentiality. The youth's status as a former foster youth and recipient of public benefits is confidential and shall not be revealed to anyone without the youth's permission. Staff shall not have direct contact with the youth's landlords or third parties, unless the youth provides written permission.

(9) Mandatory Access to Application for Services.

(a) Services workers shall process a young adult's request for assistance. If a young adult requests assistance in completing the application, the services worker shall provide the requested assistance.

(b) Each office of the department or its contracted service provider involved in serving young adults formerly in the custody of the department shall maintain application forms for the Road to Independence Scholarship, Transitional Support Services and Aftercare Support Services in a visible area and shall assist the youth with completing the application forms.

(10) Youth with Disabilities. Youth who have disabilities shall be provided with an equal opportunity to participate in the continuum of independent living services.

(a) Though a youth who has a physical, emotional, or learning disability may need additional support, he or she still is eligible for all independent living and post-18 services.

(b) Each office of the department or its contracted service provider involved in serving young adults formerly in the custody of the department involved in serving young adults formerly in the custody of the department shall provide youth with disabilities with reasonable accommodations and appropriate services to ensure the equal opportunities and participation of these youth.

(11) Youth who are Pregnant or Parenting. Youth who are pregnant or who are parenting shall be provided with an equal opportunity to participate in the continuum of independent living and post-18 services. The services worker shall assist these youth with accessing needed services, such as prenatal care, daycare, other public benefits, and appropriate housing.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(c) FS. History--New _____.

65C-31.006 Young Adult Services Documentation Requirements.

(1) General Documentation Requirements.

(a) Pursuant to federal documentation requirements, for each young adult receiving funding from the Road to Independence Scholarship, transitional support services and/or aftercare support services the department or its contracted service provider shall have an active case and a case file containing at minimum:

1. A document that contains current demographic information on the student such as, name, address, DOB, social security number, school attending, etc.

2. Completed applications signed by the young adult and review and approval authorities.

3. Follow up renewal applications or evidence of review of transitional support services cases.

4. Completed Needs Assessments for RTI cases.

5. Documentation to support eligibility requirements for the services provided.

(b) When requesting documentation from the young adult, the services worker shall use "Request for Road to Independence Scholarship Documentation" CF-FSP 5302, September 2005, incorporated by reference.

(2) Documentation Requirements for Aftercare Support Services. The following documentation requirements apply to both referrals and cash assistance.

(a) Requests for Aftercare Support service referrals shall be recorded in the young adult's case file.

(b) Requests for Aftercare support cash assistance to prevent homelessness shall be recorded in the young adult's case file. The application shall be kept in a hard copy file.

(c) The services worker shall verify the young adult is in need of services through an eviction notice; utility cut-off notice or similar document; estimate of move-in costs, or by assessing the situation through an interview with the young adult.

(3) Documentation Requirements for Road to Independence Scholarship. The services worker or other designated staff of the department or its contracted service provider shall maintain the following documentation in the case file of each young adult receiving the Road to Independence Scholarship to verify the young adult's eligibility for the initial application, ongoing eligibility, at renewal and for reinstatement.

(a) Initial Scholarship Approval Documentation Requirements. In order for a student to be eligible for the Road to Independence Scholarship.

1. Documentation of application(s) for the RTI Scholarship, including the initial, renewal and reinstatement applications. The services worker shall maintain the following documentation in the young adult's case file:

a. Renewal checklists.

b. Chronological entries of contacts made.

c. All completed scholarship applications, including as appropriate, the initial, renewal and reinstatement applications.

d. A log of financial disbursements, and

e. Any other pertinent supporting documentation.

2. Documentation for Eligibility Requirements.

a. Each student, with the assistance of the services worker, shall complete an RTI Scholarship Application. This "application" shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

b. Adjudication of dependency shall be documented by placement in the case file of at least one of the following documents:

(I) Adjudicatory Order if there is follow up documentation indicating that the student was placed in foster care.

(II) Dispositional Order if the order placed the student in foster care or if there is follow up documentation indication that the student was placed in foster care.

(III) Judicial Review Order if the order indicates that the student was adjudicated dependent and placed in foster care. The Judicial Review Social Study Report shall be an acceptable source of supporting documentation if information regarding adjudication of dependency and status in foster care are mentioned in the report.

(IV) A Criminal Justice Information System (CJIS) if it is a complete report that includes adjudication date and date placed in foster care.

c. Documentation that the student was living in licensed foster care at age 18 shall be provided by placement in the case file of at least one of the following documents:

(I) Judicial Review Order or other Court Order if the order indicates that the student was living in foster care on his or her 18th birthday. The order may contain language releasing child from foster care on 18th birthday. The Judicial Review Social Study Report shall be an acceptable source of supporting documentation if information regarding adjudication of dependency and status in foster care are mentioned in the report.

(II) An Integrated Child Welfare Services Information System (ICWSIS) printout showing child in placement on 18th birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

d. Documentation that the student spent at least 6 months in foster care before reaching his or her 18th birthday shall be provided by placement in the case file of at least one of the following documents:

(I) An Integrated Child Welfare Services Information System (ICWSIS) printout providing at least six months of residing in licensed care prior to the students 18th birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

(II) A Statewide Automated Child Welfare Information System printout showing six months of licensed placement.

e. Documentation that the student is a Florida resident shall be provided by placement in the case file of at least one of the following documents:

(I) Driver's license or Florida Identification card.

(II) Document proving Florida residence, including but not limited to, a copy of a RTI check, an electric bill, a lease, a current school enrollment form.

3. Documentation for Educational Requirements.

a. Full-time enrollment by the student in university, college or community college shall be documented by placement in the case file of at least one of the following documents:

(I) A current enrollment form or letter from the institution clearly showing the student enrolled for at least 12 credit hours.

(II) If the student is enrolled fewer than 12 hours, a current enrollment form or letter from the institution stating that the student is enrolled full-time.

b. Full-time enrollment by the student in vocational school, high school or GED shall be documented by placement in the case file of an enrollment form or letter from the school that states that he or she is a full-time student.

c. Students must be able to periodically prove that they continue to be enrolled and attending school full-time. This shall be verified by placement in the case file of at least one of the following forms of documentation:

(I) A progress reports from the school.

(II) Document in case notes that a school official has been contacted and has verified continued full-time enrollment of the student. The name, title, school and phone number for the school official who has been contacted shall also be included in the case note.

d. At the end of each semester the student shall provide the following documents and a copy shall be placed in the case file:

(I) A report card showing completion of classes registered for previously; and

(II) An enrollment form or letter from the educational institution showing full-time enrollment for the following semester.

(b) Scholarship Renewal Documentation Requirements.

1. For each student the services worker shall complete a “Road to Independence Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, September 2005, incorporated by reference. The completed checklist shall be signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

2. The case file shall also contain:

a. Proof of full-time enrollment at the institution, unless exempted, and

b. Proof satisfactory progress at the institution.

(c) Scholarship Reinstatement Documentation Requirements.

1. Each student who wishes to apply for reinstatement shall complete a “Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application”, CF-FSP 5297, September 2005, incorporated by reference.

2. This application shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

3. The case file shall also contain:

a. Proof of eligibility.

b. Proof of full-time enrollment at the institution, unless exempted, and

c. Proof satisfactory progress at the institution.

(d) RTI Scholarship Needs Assessment. An RTI Needs Assessment shall be completed on each student who has been awarded the RTI scholarship. See Rule 65C-31.007, F.A.C., High School Needs Assessment, and Rule 65C-31.008, F.A.C., Postsecondary Needs Assessment.

(4) Documentation Requirements for Transitional Support Services.

(a) A case shall be open in the Statewide Automated Child Welfare Information System and a hard copy case folder is required for any documentation not contained in the electronic system.

(b) Staff are required to maintain the following documentation in the youth’s case file: chronological entries to document face to face contacts, phone calls, and other contacts such as letters, facsimile transmissions or e-mail correspondence, documentation of referrals for services and documentation of young adults progress in attaining his or her transition plan, including:

1. Completing the attached application.

2. Obtaining a copy of documentation of grade point average.

3. Obtaining document of proof of enrollment.

4. Performing any other specific tasks identified in transition plan.

(c) Other required documentation for Transitional Support Services that shall be maintained in the case file is:

1. The completed transitional support services Application.

2. The completed transitional plan, and

3. Documentation that the young adults meets the requirements for eligibility for transitional support services.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(a)-(c) FS. History—New _____.

65C-31.007 High School Needs Assessment.

(1) The Road to Independence Scholarship Needs Assessment for high school education has been developed to determine the funding needs of a young adult student formerly in foster care attending high school after considering other income sources.

(2) Procedure:

(a) Before completing the Road to Independence Scholarship Needs Assessment, the services worker shall verify that the student has submitted an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month.

(c) In order to complete the Road to Independence Scholarship Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student and obtain the required information and, when applicable, supporting documentation. For students located out-of-state, a phone interview is sufficient.

(d) If the student has not provided all necessary documentation and information the services worker shall provide a written list of items needed for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted to ensure that benefits will not be reduced or interrupted. This list shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed;

2. A date by which the information must be received; and

3. A statement that the student’s benefits will be initially established or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(e) No later than 30 days prior to the student’s 18th birthday, or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award (See attachment E).

(3) Elements of the Tool: The elements listed below correspond to the elements in the “Road to Independence Scholarship High School Needs Assessment Tool” CF-FSP 5299, September 2005, incorporated by reference. An explanation of each element and instructions for obtaining the correct figures are included. There is an electronic version of the form that will perform the required calculations as data is entered on the form.

(a) Total Cost of Attendance: The maximum award that a student can receive is equivalent to the amount one would earn by working a full-time federal minimum wage job. The monthly amount has been computed to a yearly amount and has been included in the “cost/need” column on the “Total Cost of Attendance” (COA) line. Deductions will be subtracted from this figure to establish the RTI award amount.

1. In addition to the RTI award, a high school student may apply for aftercare and/or transitional support services, when needed.

2. Funds received from aftercare and transitional support services do not count against the “cost of attendance” for high school students.

(b) Special Needs Allowance: If a student expects to incur special costs during the academic year the services worker shall obtain documentation of the special needs from the student and enter the amount on the “Special Needs Allowance” line on the needs assessment tool.

1. Costs that can be included in the “Special Needs Allowance” include but are not limited to: costs associated with a special field of study requiring additional costs such as nursing uniforms for nursing students, special equipment or assistance needed for disabled students, child care costs for students with dependent children, and medical or dental expenses not covered by medical insurance.

2. The services worker shall determine the validity of the request for special needs allowance, determine that the cost is associated with assisting in educational achievement and that the costs are not already included in the cost of attendance figure.

(c) Earned Income: If the student is employed, a verification of his or her earned income is required.

1. The services worker shall provide the student with two options for verifying earned income:

a. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount.

b. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage.

2. Include the amount in the “income” column on the “Student’s Monthly Wages” line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(d) Income Protection Allowance: The “Income Protection Allowance” figure is already included on the needs assessment form. This figure is equal to what a student would earn by working 20 hours per week at Florida’s minimum wage computed over 12 months. Any student income less than or equal to this amount is disregarded for purposes of computing the scholarship amount. This means that a student may work the equivalent of a part-time job at Florida’s minimum wage without impacting his or her RTI award.

(e) Student’s Available Income: This is the amount of student income after deducting the “Income Protection Allowance.” The electronic version of the form calculates this amount automatically.

(f) Contribution from Income: The federal financial aid application process allows for half of the “Student’s Available Income” to count as a deduction when determining financial need. The electronic version of the needs assessment form automatically calculates the “Contribution from Income” figure and enters it in the “deductions” column.

(g) Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the student is receiving funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. The staff shall assist the student in maximizing all benefits to attend school and for his or her living needs. Any child support or other funds received (i.e. WAGES, Food Stamps, etc.) on behalf of the student’s child shall not be included as income in the needs assessment.

(h) Totals: The electronic version of the needs assessment form automatically calculates the totals in the “cost/need” column and the “deductions” column.

(i) Total Need: The electronic version of the needs assessment form automatically subtracts the “deductions” from “cost/need” to get the “total need” amount.

(j) Adjusted Total Need: If the “Total Need” figure exceeds the amount equal to a full-time federal minimum wage job computed over 12 months the electronic version of the needs assessment form will automatically adjust the figure to that amount and enter the adjusted figure in the “cost/need” column.

(k) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds that have been provided to the student during the fiscal year (July 1st through June 30th). These funds shall not be factored as a deduction for the monthly scholarship award.

(l) Monthly Scholarship Award: The electronic version of the needs assessment form automatically calculates the monthly award amount by dividing the “adjusted total need”

by 12 months. The electronic version of the form automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month.

(4) Needs Assessment Totals. The bottom of the electronic version of the needs assessment form displays calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. The totals calculated are:

(a) Total Earned and Unearned Income: This shows the student's annual amount of Earned Income plus Other Income, without deductions.

(b) Annual RTI Scholarship Award: This is the monthly scholarship award multiplied by 12.

(c) Total Annual Income Available to the Student: This is the amount of income from all sources and represents the total amount of income available to the student for educational and living needs.

(d) Monthly Income Available to the Student: This is the amount of income available to the student on a monthly basis.

(5) Documentation and Signature.

(a) The services worker shall obtain the student's signature on the "Road to Independence (RTI) Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, September 2005, incorporated by reference. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the student's case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 11, incorporated by reference, attached to the needs assessment tool.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451 (5)(b)4. FS. History--New _____.

65C-31.008 Post Secondary Needs Assessment.

(1) The Road to Independence (RTI) Scholarship Needs Assessment for post secondary education has been developed to determine the funding needs of an adult student formerly in foster care attending a postsecondary institution after considering other income sources and educational scholarships.

(2) Procedure:

(a) Before completing the Road to Independence Scholarship needs assessment, the services worker shall verify that the student has submitted an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month. The total amount of federal funds

provided to a student from all federal sources shall not exceed the "total cost of attendance" figure for the educational institution.

(c) In order to complete the Road to Independence Scholarship Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student and obtain the required information and, when applicable, supporting documentation. For students located out-of-state, a phone interview is sufficient.

(d) If the student has not provided all necessary documentation the services worker shall provide a written list of items necessary for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted. The list shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed; and

2. A date by which the information must be received; and

3. A statement that the student's benefits will be initially established at or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(e) No later than 30 days prior to the student's 18th birthday or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award (See attachment E).

(3) Elements of the Tool: (For Postsecondary Students) The elements listed below correspond to the "Road to Independence Scholarship Post Secondary Needs Assessment" tool, CF-FSP 5300, September 2005, incorporated by reference. An explanation of each element and instructions for obtaining the correct figures are included. There is an electronic version of the form that will perform the required calculations as data is entered on the form.

(a) Total Cost of Attendance: Each university, college, community college and vocational school establishes a "Total Cost of Attendance" figure. "Cost of Attendance" (COA) is also used in determining the student's financial need for federal scholarships such as the Pell Grant. This figure is an average cost for a student to attend the institution including tuition and fees, room and board, transportation and other costs. If the student is paying his or her own rent or dorm fees, a room and board amount must be included in the COA. The COA figure can be obtained by visiting the institution's website or by contacting the institution directly. It has been noted that not all institutions supply a complete COA figure on their website. A protocol has been developed to assist in obtaining COA and room and board figures when this information is not readily available.

1. The protocol involves four (4) sequenced steps that are to be used in order, as needed:

a. Step #1. Obtain the Total Cost of Attendance information from the institution's website or call the institution directly. These figures are normally found in the "financial aid" section of the website;

b. Step #2. Go to the website recommended by the National Resource Center for Youth Development (NRCYD) (www.nces.ed.gov/ipeds/cool/) to obtain the missing information. After accessing the website, in order to find a particular educational institution, insert the state and the city in which the institution is located. This is the only information that will be needed to find most institutions;

c. Step #3. Use room and board figures from an institution in the same geographic area as the institution attended by the student;

d. Step #4. Contact the Department of Children and Families, Office of Family Safety for assistance.

1. Costs that can be included in the Special Needs Allowance include but are not limited to: costs associated with a special field of study requiring additional costs such as nursing uniforms for nursing students, special equipment or assistance needed for disabled students, child care costs for students with dependent children, and medical or dental expenses not covered by medical insurance.

2. Enter the cost of attendance figure in the "cost/need" column on the "Total Cost of Attendance" line.

(b) Special Needs Allowance: Many students incur costs that are not included in the school's cost of attendance figures. If a student expects to incur special costs during the academic year the services worker shall obtain documentation of the special needs from the student and enter the amount on the "Special Needs Allowance" line on the needs assessment tool. Summer school costs shall not be considered in this special needs category but shall be addressed in subsection (6) "Summer School Incentive."

2. The services worker must determine the validity of the request for special needs allowance, determine that the cost is associated with assisting in educational achievement and that the costs are not already included in the cost of attendance figure.

(c) Fee Exemption: Each institution's "cost of attendance" figure is broken down into several categories. Tuition and fees is one category in the COA. Enter the amount listed on the COA for average cost of tuition and fees in the "deductions" column on the Fee Exemption line. The full amount of "Fee Exemption" shall be entered unless the student provides proof that he or she was denied an exemption through no fault of his or her own.

(d) Federal Scholarships received: The annual amount of federal scholarships awarded. This includes Pell Grants and other federal scholarships and grants. The staff member must obtain a copy of the award letter or verify the amount of annual

scholarships provided to the student by contacting the institution. Enter the annual award amount in the "deductions" column on the "Federal Scholarships received" line.

(e) Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the student is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. The staff shall assist the student in maximizing all benefits to attend school and for his or her living needs. Any child support or other funds received (i.e. WAGES, Food Stamps, etc.) on behalf of the student's child shall not be included as income in the needs assessment.

(f) Earned Income: If the student is employed, a verification of his or her earned income is required.

1. The services worker shall provide the student with two options for verifying earned income:

a. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount, or

b. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage.

2. Include the monthly amount in the "income" column on the "Student's Monthly Wages" line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(g) Income Protection Allowance: The "Income Protection Allowance" figure is already included on the needs assessment form. This figure is equal to what a student would earn by working 20 hours per week at Florida's minimum wage computed over 12 months. Any student income less than or equal to this amount is disregarded for purposes of computing the scholarship amount. This means that a student can work the equivalent of a part-time job at Florida's minimum wage without affecting his or her RTI award.

(h) Student's Available Income: This is the amount of student income after deducting the "Income Protection Allowance." The electronic version of the form calculates this amount automatically.

(i) Contribution from Income: The federal financial aid application process allows for half of the "Student's Available Income" to count as a deduction when determining financial need. The electronic version of the needs assessment form automatically calculates the "contribution from income" figure and enters it in the "deductions" column.

(j) Other Grants and Scholarships from State and/or Community Sources: The services worker shall inquire whether the student is receiving any state or community scholarships and include the annual amount on the "income" column on the "Other Scholarships and Grants" line. A \$1500

disregard will automatically be provided and the "amount deducted" will automatically be calculated on the electronic version of the form and appear in the "deductions" column.

(k) Totals: The electronic version of the needs assessment form automatically calculates the totals in the "cost/need" column and the "deductions" column.

(l) Total Need: The electronic version of the needs assessment form automatically subtracts the "deductions" from "cost/need" to get the "Total Need" amount.

(m) Adjusted Total Need: If the "Total Need" figure exceeds the amount equal to a full-time federal minimum wage job computed over 12 months the needs assessment form will automatically adjust the figure to that amount and enter the adjusted figure in the "cost/need" column.

(n) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds that have been provided to the student during the fiscal year. (July 1st through June 30th). These funds shall not be deducted from the COA and factored as a deduction for the monthly scholarship award. However these funds will show in the "Breakdown of Educational/Financial Resources Available to the Student" section and will count as federal funds received.

(o) Monthly Scholarship Award: The electronic version of the needs assessment form automatically calculates the monthly award amount by dividing the "Adjusted Total Need" by 12 months. The electronic version of the form automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month.

(4) Needs Assessment Totals: The bottom of the electronic version of the needs assessment form displays calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. The totals calculated are:

(a) Total Earned Income/State and Local Scholarships: The total amount of earned income plus state and local scholarships that are available to the student annually, without deductions.

(b) Annual RTI Scholarship Award: This is the monthly scholarship award multiplied by 12.

(c) Federal Scholarships and Aftercare/Transitional: This is the annual amount of federal scholarships received by the student, including Pell Grants and the amount of Transitional Support and Aftercare Support funds received.

(d) Other Federal Income: (SSI/SSA Benefits): This is the annual amount of SSI or SSA income received by the student.

(e) Federal Funds Received Counting Toward COA: This is the total amount of federal scholarships including RTI and Pell Grants along with transitional support and aftercare support funds received.

(f) Amount below COA: This is the amount remaining after considering federal funds received counting toward COA.

(g) Total Federal Funds Received: This is the annual RTI Scholarship Award plus Federal Scholarships and Other Federal Income. This amount cannot exceed the "Total Cost of Attendance for 2004-2005" figure from the top of the page.

(h) Total Annual Income Available to the Student: This is the amount of income from all sources and represents the total amount of income available to the student for educational and living needs.

(i) Monthly Income Available to the Student: This is the amount of income available to the student on a monthly basis.

(j) Average Annual Fee Exemption: This is the amount of funds the student saved by using the "Fee Exemption."

(5) Documentation and Signature:

(a) At the face to face meeting with the student, the services worker shall obtain the student's signature on the "Road to Independence (RTI) Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, September 2005, incorporated by reference. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the student's case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 11, incorporated by reference, attached to the needs assessment tool.

(6) Summer School Incentive:

(a) As an incentive for postsecondary students to attend summer school the student may be provided funds through Transitional Support Services in addition to the student's regular RTI award stipend. Funds provided to the student attending summer school will not be counted in the needs assessment and will not affect the total cost of attendance figures. In order to qualify for these funds the following conditions must be met:

(b) The student must first complete the Transitional Support Services application to request the "Summer School Incentive." Once the application has been completed:

1. The student may qualify for up to \$1500 for attending summer school if:

a. The student provides proof of full-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. Funds are available to the agency providing the scholarship to the student.

Or

2. The student may qualify for up to \$750 for attending summer school if:

a. The student provides proof of, at least, part-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. Funds are available to the agency providing the scholarship to the student.

(c) This incentive shall not be provided to students that require summer school enrollment to make up for failed classes or to make up work for classes from previous semesters.

(7) Considerations:

(a) Each student applicant shall apply for the fee exemption if attending a public university, college, community college or vocational school.

1. If the student has been provided the appropriate paperwork and fails to submit it to the educational institution, the full amount of average tuition and fees shall be entered in the Fee Exemption line.

2. If the student, through no fault of his or her own, is not provided a fee exemption by the educational institution and is then required to pay tuition and fees, no deduction shall be taken.

(b) Each student shall make application for federal financial aid through the Free Application for Federal Student Aid (FAFSA).

1. If the student does not make application for federal aid or does not provide a financial aid award letter, the full amount of Pell Grant award shall be entered in the Federal Scholarships Received line.

2. If the student makes application but is not awarded a federal scholarship, no deduction shall be taken as long as the denial is verified.

3. If the student is unable to make application through no fault of his or her own, no deduction shall be taken for one semester but a re-determination of award shall be scheduled prior to the next semester.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(b)4. FS. History--New _____.

65C-31.009 Independent Living Benefits Due Process Notification.

(1) The Independent Living program and its departmental or contracted service provider staff shall seek to treat all young adults fairly and to afford them due process. A young adult applying for or receiving Independent Living benefits has the right to receive adequate written notice of adverse actions by the department or its contracted service provider, to present grievances about adverse actions by the department or its contracted service provider, and to resolve issues about eligibility by meeting informally with representatives of the department or its contracted service provider or through the fair hearing process.

(2) The services worker shall, at the time of application for in for independent living benefits, provide the applying young adult a copy of the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, September 2005, incorporated by reference. As stated in the brochure, the young adult's services worker shall be available to help with the request for a fair hearing at any time that an adverse decision is made regarding the benefit.

(3) Actions by the department or its contracted service provider that require due process notification:

(a) The young adult is for any reason initially determined to be ineligible for any Independent Living benefit;

(b) The young adult is denied an Independent Living benefit due to lack of available funding;

(c) The young adult's services are reduced or terminated for any reason other than at the request of the young adult;

(4) Actions by the department or its contracted service provider that require confirmation: Voluntary reductions or terminations of services by a young adult. Due process notification is not required for these voluntary actions on the part of the young adult.

(a) A voluntary decision made by a young adult to reduce, terminate, or suspend services does not require due process notification. A decision to reduce, terminate, or suspend services is voluntary when the young adult determines that he or she does not need the service or scope of the service at issue and requests a reduction or termination of the service without being pressured to do so by staff of the department or its contracted service provider.

(b) Each young adult who makes a voluntary reduction or termination shall be allowed ten calendar days from the date the letter of confirmation was sent to reconsider. If after ten calendar days the young adult has not contacted the services worker in response to the letter of confirmation, the reduction or termination shall take effect.

(c) If the young adult contacts the services worker within ten (10) days to indicate that he or she does not agree to a voluntary reduction or termination of services, then services shall continue.

(5) Common bases on which Independent Living funding requests may be denied, or otherwise acted on in a manner adverse to the beneficiary. Most often, a request for Independent Living funding may be adversely acted upon (i.e., denied, reduced, or terminated) for one of the three following reasons:

(a) The young adult does not qualify for post-foster care Independent Living benefits;

(b) The young adult is not eligible (or is no longer eligible) for the Road to Independence Scholarship, or is eligible only for a reduced amount; or

(c) There are no available funds for Independent Living benefits.

(6) Determination of Service Denial. A determination regarding eligibility or continued eligibility for an Independent Living benefit shall be made by the young adult's services worker.

(7) Supervisory review of the determination prior to issuance of a letter denying, terminating, reducing or suspending an Independent Living benefit shall occur as follows:

(a) Before a letter is issued that denies, terminates, or reduces an Independent Living benefit request, the supervisor of the Independent Living services worker shall review the letter.

(b) The supervisory review shall consist of a review of all documents relied upon in denying, reducing, or terminating the service request, to ensure that the necessary documentation is present and to ensure that the decision to deny the service is supported by the documentation and pertinent policies regarding the requested Independent Living benefit.

(c) The purpose of the supervisory review is to ensure that the correct decision has been made with respect to the request for services. If the supervisor determines that an incorrect decision has been made, the service shall not be denied, but rather approved. If the supervisor determines that the denial was appropriate, the supervisor shall document that the supervisory review has occurred.

(d) Only after the supervisory review is successfully completed, and a determination is made by the supervisor that the denial is appropriate, shall the due process notification letter regarding denial, reduction, or termination of Independent Living benefits be issued (See attached Sample Letters, Attachments "A" through "D"). A decision to deny, reduce or terminate benefits shall be documented on "Documentation of Supervisory Review for Notices of Denial, Reduction or Termination of Benefits" or an alternate form that provides the same information (See Attachment G).

(8) Signing the Letter/Notice of adverse action. After the supervisory review is successfully completed, the young adult's services worker shall sign the letter notifying the young adult of the intended adverse action and providing due process information.

(9) Notification of Adverse Action. The services worker shall provide written notice to the young adult regarding any of the actions listed in subsection 65C-31.009(3), F.A.C.

(a) In the Notice, the young adult shall be advised of his or her right to request a fair hearing in accordance with 45 CFR § 1355.30 and 45 CFR 205.10.

(b) The notice shall notify the young adult of the adverse action and the date the young adult can expect that action to be implemented.

(c) The services worker shall inform a young adult of the adverse action regarding eligibility within the following time frames:

1. One (1) calendar day of receiving a request for aftercare assistance to prevent homelessness;

2. Five (5) business days of receiving a request for transitional benefits or aftercare benefits other than assistance to prevent homelessness; OR

3. Ten (10) business days of receiving a request and required documentation for the Road to Independence program.

(d) Notices regarding reduction or termination of benefits shall be sent at least 10 days in advance of the adverse action. The notices shall provide the day prior to the effective date of the reduction or termination as the deadline for a request for a fair hearing to continue benefits until the hearing process is complete. If the day prior to the effective date is on a weekend or holiday, the deadline must be on the effective date itself.

(10) Form of Notification. Notification shall be in writing. One of the attached sample letters shall be used to notify young adults of the adverse action (See Attachments "A" through "D"). All relevant reasons for the adverse action must be indicated on the appropriate notice.

(a) The completed notification shall include notice of action, reason(s) for action, and relevant citations. The form shall be completed in its entirety and all relevant blanks shall be filled in. If there are multiple reasons for denial, reduction, or termination, all shall be listed.

(b) A "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September 2005, incorporated by reference, and the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, September 2005, incorporated by reference, shall be attached to the Notice.

(c) A Notice that pertains to fair hearing rights shall include the name, address and phone number of the services worker responsible for providing Independent Living Services to the young adult.

(d) The Notice shall be sent by Certified Mail or provided to the young adult by hand delivery. Documentation of hand delivery shall be made in the young adult's file contemporaneously with the hand delivery. The certified mail receipt shall also be placed in the young adult's file.

(e) Timeframes for response shall be clearly defined.

1. The request for a fair hearing shall be received by the services worker no later than thirty (30) calendar days from the date the notice was mailed or hand delivered to the individual.

2. If a request for hearing is received by the services worker on or before the day prior to the effective date of the reduction or termination of benefits, those benefits shall continue at their current level until the fair hearing process is completed. If the day prior to the effective date of the reduction or termination is on a weekend or holiday, the deadline to request a fair hearing and continue benefits shall be the effective date of the reduction or termination. The deadline shall be clearly stated in the Notice.

(f) The request for a fair hearing may be made orally or in writing.

1. The form "Oral Request for Fair Hearing "CF-FSP 5303, September 2005, incorporated by reference, shall be used by the services worker to document oral requests for a fair hearing.

2. Written requests shall be prepared by the young adult on "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September 2005, incorporated by reference.

3. The right to request a fair hearing shall be exercised within thirty (30) days of the date the notice of adverse action was mailed or hand delivered. However, the issue of whether a request was timely made is one that shall be determined by the hearing officer. A request for a hearing can be rejected or dismissed only by the hearing officer. Therefore, if a request for a hearing is not within the given timeframes, the request shall not be refused. It shall be taken and forwarded to the Florida Department of Children and Families Office of Appeal Hearings with a notation on the "Independent Living Fair Hearing Request", which is used as a Fax cover sheet, (Attachment F) that the request was late. The Office of Appeal Hearings will handle late-filed requests from the central office.

(11) Timeframes.

(a) Response to a Notice of Action of Termination or Reduction of Existing Benefits. When a young adult receives notice of recommended action from the services worker, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing shall be made no later than thirty (30) days from the date a notice is mailed or hand delivered to the young adult.

2. When a request for a fair hearing is made at least one calendar day prior to the date of the reduction or termination of benefits, (See attached Sample Letters, Attachments "B" and "C"), the request shall suspend or stay the termination or reduction action until the conclusion of the hearing process. If the day prior to the date of the reduction or termination is a weekend day or holiday, a request for a fair hearing received on the date of the reduction or termination shall also suspend or stay the reduction or termination action until the conclusion of the hearing process.

(b) Response to a Notice of Action of Denial of an Application for Benefits. When a young adult receives notice of denial of benefits (for benefits which have not yet been received, rather than the reduction or termination of benefits currently being received) from the services worker, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing shall be made no later than thirty (30) days from the date a notice is mailed to the young adult.

2. The young adult shall not receive the denied services until the hearing officer rules in favor of the individual (but may receive other services for which he or she has not been denied).

(12) Transmittal of Hearing Request to the Department or Its Contracted Service Provider.

(a) The completed "Oral Request for Fair Hearing" form or the written request on the "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits" form and a copy of the Due Process notice letter shall be faxed by the services worker, using as a cover sheet the form "Independent Living Fair Hearing Request" (Attachment F), within one (1) business day of receipt to the District Legal Counsel, the Attorney General's Office and the Office of Appeal Hearings of the Department of Children and Families, whose address and fax number is noted on the cover sheet (Attachment F).

(b) The services worker receiving the request shall forward a copy of all documentation supporting the decision regarding the Independent Living benefit at issue to the District Legal Counsel and the Office of the Attorney General within three (3) business days.

(13) Additional Local Preparation for Fair Hearings.

(a) The services worker receiving the request shall immediately prepare copies of the young adult's complete Independent Living file to provide to both the young adult and the legal representative for the department or its contracted service provider. The services worker shall provide the complete file to both the young adult and the legal representative for the department or its contracted service provider, whether or not a request has been made.

(b) The Office of the Attorney General (OAG) will appear as counsel to defend the adverse action only if the OAG has received copies of the written request, the due process letter, and all the documentation supporting the decision at least 14 days before a scheduled hearing. Otherwise, the District Legal Counsel is responsible for the hearing.

(c) The services worker responsible for the young adult's Independent Living benefits case (the services worker in the county where the young adult's involvement in independent living services originated) shall coordinate and participate in the Fair Hearing, even if the hearing takes place in a different county or district. The Fair Hearing will take place wherever the young adult lives.

(d) Staff in each departmental zone shall be available to provide technical assistance regarding Independent Living requirements to counsel for the department and its contracted service provider in preparation for the Fair Hearing. Therefore, the legal representative for the department and its contracted service provider shall be provided access to the young adult's Independent Living file by departmental zone staff when needed as part of trial preparation.

(14) Update to the department's Interim Child Welfare Services Information System (ICWSIS) or contracted service provider payment system:

(a) Update after initial notice of termination or reduction.

1. No update shall be made to the ICWSIS system to reduce or terminate funding for any service until the 11th day after the notice was sent to the individual, or the effective date of the reduction, whichever occurs later, and only if the individual has not requested a hearing and continuation or reinstatement of services.

2. If the young adult files for a hearing in accordance with the timeframes in subsection 65C-31.009(11), F.A.C., no adjustment shall be made to ICWSIS until after the appeal hearing decision is rendered.

(b) Update after Hearing Officer's decision.

1. If ICWSIS was not initially adjusted and the decision is in favor of the Department, ICWSIS will be adjusted within five days after the Department receives a copy of the order to reflect the decision of the officer.

2. If the decision is in favor of the individual and ICWSIS had not been adjusted because the individual requested a hearing in accordance with subsection 65C-31.009(11), F.A.C., then no change shall be made to ICWSIS and services will continue.

(15) Local [Informal] Review. Upon receipt of a Request for Hearing, an informal Local Review is mandated prior to the Fair Hearing itself.

(a) In view of the fact that a hearing may be scheduled fairly quickly, the Local Review shall occur no later than 10 days after receipt of the request for hearing. This Review shall mirror the supervisory review done prior to the issuance of the due process letter (Section 6 above).

(b) The Local Review shall be done by the local department administrator or the administrator of its contracted service provider in charge of the Independent Living program in consultation with the services worker's supervisor.

(c) The Local Review shall include an informal meeting with the young adult and/or the young adult's legal representative, if the young adult requests such a meeting.

(d) The young adult or the young adult's legal representative shall be provided, without charge, with a copy of all of the records and documents of the department or its contracted service provider relating to the denied, reduced, or terminated benefit within three (3) business days of the receipt of the Request for a Hearing by the department or its contracted service provider.

(e) If the Local Review or interview resolves the issue to the satisfaction of the young adult, the request for hearing shall be withdrawn. Should an error be discovered during the Local Review, immediate action shall be taken to rectify it, and the young adult or the young adult's legal representative shall be advised.

(f) The informal review determination by the department or its contracted service provider, including specific findings, shall be provided in writing to the young adult or the young adult's legal representative, the District Legal Counsel, the Office of the Attorney General and the Department's Office of Appeal Hearings.

(16) Hearing Officer Decisions for all due process actions regarding denials, reductions and terminations of service.

(a) Hearing Officer Rules in favor of the department or its contracted service provider.

1. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, the services worker shall terminate or reduce services if they were continued or reinstated during the appeals process. The services worker shall implement the order five (5) days after the date the order is received by the department or its contracted service provider. The services worker shall immediately notify the young adult or the young adult's legal representative in writing informing him or her of the hearing officer's order and the effective date of the termination or reduction.

2. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, and the services have not been continued during the appeal process, the department or its contracted service provider does not need to take any further action regarding the services at issue. The Final Order shall be sent directly to the young adult and the young adult's legal representative as well as to the services worker.

(b) Hearing Officer Rules in favor of the Individual.

1. If services were discontinued pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then service(s) shall be reinstated according to the hearing officer's decision. This decision shall make clear the required corrective action, including retroactive payment. The services worker shall reinstate services according to the hearing officer's decision within five (5) business days of the date the department or its contracted service provider receives the order.

2. If services were continued or reinstated pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then the service(s) shall continue in accordance with the hearing officer's decision.

3. If services were denied, the services worker shall provide those services, pursuant to the hearing officer's decision, within five (5) business days of receiving the order.

(17) Termination upon failure to renew Road to Independence Scholarship. When a services worker is unable to update a young adult's Road to Independence Scholarship during the 3 months prior to the young adult's birthday due to an inability to either locate or gain the cooperation of the young adult, the following action shall be taken:

(a) The services worker shall document in the case file “due diligence” in trying to locate or secure the cooperation of the young adult to update his or her continued eligibility for the Road to Independence Scholarship. This shall include checking with the post office for a forwarding address and sending the Request for Road to Independence Documentation form to the last known address, requesting forwarding by the post office, and allowing the individual 30 days from date of receipt (or 35 days from date the letter is mailed) to contact the services worker and renew the Road to Independence Scholarship.

(b) If after 35 days, there has been no contact by the young adult, or if it has been verified that the young adult has been terminated from the rolls of the post-secondary school, a letter (See Attachment “C”) shall be sent by U.S. mail, certified, return receipt, to the last known address to notify the young adult that he or she is terminated from the program. The effective date of termination shall be calculated at 35 days following the date the oral request form was mailed.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(e) FS. History—New _____.

65C-31.010 Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department.

(1) Continued Court Jurisdiction for Young Adults Formerly In The Legal Custody of the Department.

(a) These requirements apply to all staff providing services to children in custody of the department and young adults formerly in foster care who wish to petition the court for continued jurisdiction, as well as, young adults whose jurisdiction has been retained for the purpose of allowing continued consideration of a special immigrant juvenile status petition and application. The young adult shall use the “Petition to Extend Jurisdiction or to Reinstate Jurisdiction and to Schedule Hearing” CF-FSP 5301, September 2005, incorporated by reference.

(b) Reasons for Continuing Court Jurisdiction for Young Adults:

1. A youth may petition the court, for continued jurisdiction, anytime before his or her 19th birthday. This jurisdiction may continue for a period not to exceed one year beyond the youth’s 18th birthday. The youth does not maintain “foster care” status as those who are under the age of 18, but instead the courts maintain jurisdiction for the purpose of determining whether the young adult is receiving appropriate adult services, which may include:

- a. Aftercare Support;
- b. Road-to-Independence Scholarship;
- c. Transitional Support;
- d. Mental Health; and
- e. Developmental Disabilities Services.

2. The court may retain jurisdiction over a previously dependent young adult solely for the purpose of allowing continued consideration of a petition for special immigrant

juvenile status and an application for adjustment that was not granted by the time the youth reached 18 years of age. Court jurisdiction in these cases:

a. Terminates upon the final decision of the federal authorities or upon the young adult’s 22nd birthday.

b. Does not affect the status of the services available to a young adult under Section 409.1451, F.S.

c. Does not require a petition from the youth. Courts themselves may retain jurisdiction.

(c) Judicial review responsibilities.

1. Continued jurisdiction to monitor adult services. The services worker and Child Welfare Legal Services attorney shall participate in judicial review hearings for young adults as required by the court and shall provide reports to the court, as requested.

2. Continued jurisdiction to monitor special immigrant juvenile status. Review hearings for the young adults shall be for the sole purpose of determining the status of the petition and application.

(d) Case Management responsibilities.

1. Case management to ensure delivery of appropriate young adult services. Though case management for young adults is not required, the department or its contracted service provider shall assign a services worker to provide any needed case management services and provide reports required by the court. Responsibilities of the services worker shall be to:

a. Monitor the provision of aftercare support, RTI scholarship and transitional support services to ensure that services are being provided as authorized by law.

b. Collaborate with staff from adult mental health and developmental disability services to ensure appropriate services are being provided as authorized by law.

c. Provide judicial review and/or other status reports to the courts as directed.

2. Case management for special immigrant juvenile cases. Once the petition and application has been filed on behalf of a foster child very little case management responsibilities exist once the age of majority is reached. Disposition of the case rests with the federal authorities and the only case management responsibilities shall be to check the status of the case periodically and report to the court when directed to do so.

(2) Provision of Foster and Group Home Placement for Young Adults Who Are Eligible for The Road-To-Independence Scholarship.

(a) These requirements apply to all staff providing services to children in custody of the department and young adults formerly in foster care and the responsibility to inform the youth of the option for placement in licensed care after reaching age 18 and to arrange for these placements.

(b) Case Management responsibilities for licensed placement after age 18.

1. Children Under the Age of 18. Prior to the youth reaching the age of 18, the services worker shall ensure that the youth is aware of licensed care placement options after the age of 18. In order to ensure that the youth is aware of this option the services worker shall:

a. Provide the youth with all necessary information relating to the RTI scholarship, including eligibility requirements, application forms and assistance in completing the forms.

b. Inform the youth that, if he or she is eligible for the RTI scholarship, he or she may reside in a licensed foster care placement, arranged by the department or its contracted service provider, after the age of 18.

c. Consult with the youth and his or her foster parents or group home provider as early as possible during the youth's 17th year to discuss the possibility of continued placement after the youth's 18th birthday.

d. If the youth's current placement will not be available once he or she reaches age 18 and the youth wishes to be placed in another licensed home that will provide residence after age 18, the services worker shall research other placement options as early as possible in order to provide a smooth transition.

2. Young Adults Age 18 and Over. A young adult formerly in the legal custody of the department is eligible to remain in his or her foster or group home, or another licensed placement arranged by the department or its contracted service provider as long as he or she remains eligible for the RTI scholarship.

(c) Payment of Board Rate. The board rate payment for foster or group home placement shall come from the young adult's RTI scholarship award.

1. Since group home rates are in many cases higher than the RTI award, when a young adult continues to reside in a group care facility the services worker shall attempt to negotiate a lower rate or make other arrangements, such as young adult contribution from earned income or state or community funds available to the department or its contracted service provider to make up the difference.

2. The services worker responsible for the case shall choose one of two ways to ensure the young adult receives his or her RTI scholarship award and that the board rate payment is made. The young adult shall either:

a. Receive 100% of his or her scholarship award and enter into a contract with the foster parent or group home to make monthly board payments; or

b. Have two checks generated for his or her scholarship award. One check would be generated by the or department or its contracted service provider and paid directly to the foster or group for board rate payment and a second check would be generated for any remaining award funds to be sent directly to the young adult.

(d) Conduct and House Rules. Although these students are considered adults they shall be informed of rules that they must follow in order to be able to continue in the placement.

(3) Medical Assistance for Young Adults Formerly in Foster Care.

(a) The department is obligated to enroll in the Florida KidCare Program, outside the enrollment period, specified young adults following foster care placement. Each young adult who has reached age 18 years of age but is not yet 19 years of age and who was in licensed foster care when he or she turned 18 years of age, is eligible to enroll, with the following exceptions:

1. A young adult who has exited foster care and has health insurance coverage from a third party through his or her employer, or

2. A young adult who is eligible for Medicaid is not eligible for enrollment.

(b) Payment of Premiums. Each young adult who the department or its contracted service provider has enrolled into the Florida KidCare Program is required to pay the coverage premiums.

(c) Procedural Requirements.

1. Notification. The services worker shall provide written notification to assist the young adult in obtaining access to information regarding the availability of Florida KidCare insurance coverage and how to obtain more information about the program.

2. Applications. The services worker shall consult the Florida KidCare website at www.floridakidcare.org for information regarding the application process and required documents to assist, when requested, all young adults under age 19 who have exited the foster care system to apply for Florida's KidCare Program if they:

a. Have been denied in his or her initial application for the RTI scholarship award; or

b. Are not eligible to apply for the initial RTI scholarship award; or

c. Choose not to apply for the initial RTI scholarship award; or

d. Have had his or her RTI scholarship award terminated, and

e. Have no access to other medical insurance coverage.

(d) Other Medical Insurance/Care Options for Young Adults Formerly in Foster Care. The department or its contracted service provider shall ensure the availability of a current resource list of possible medical insurance/care options for young adults formerly in foster care who do not or no longer qualify for Medicaid or Florida KidCare coverage.

1. This list shall contain eligibility criteria, procedure for application and costs, when available.

2. If a young adult no longer qualifies for Medicaid or Florida KidCare insurance, the services worker shall provide the young adult with the available medical insurance/care resources within the community.

Specific Authority 39.012, 39.0121(13), 39.5075(8), 409.1451(10) FS. Law Implemented 39.013, 39.5075, 39.701(6)(a), 409.1451(5)(d) FS. History—New _____.

65C-31.011 Independent Living Program Budget Management.

(1) General Requirements. The department or its contracted service provider shall manage and stay within the Independent Living Program's contracted amount provided by the department to provide service payments such as scholarships, transitional, pre-independent living skills and aftercare. The departmental district/region or its contracted service provider shall develop a fundamental methodology of projecting how much funding is needed to support the program; compared to the available contracted amount, and adjust accordingly. If a contracted service provider decides that the need is more than the contracted allocation; the contracted service provider has the flexibility to increase the Independent Living allocation within existing state funds within its contract, but this will not be considered part of the base allocation from the department. The goal of the contracted service provider shall be to provide as many services within the Independent Living Program within the funds available.

(2) Payment Adjustments. Throughout the year a contracted service provider shall have the flexibility to make adjustments to payments in all Independent Living service areas in order to prevent a budgetary shortfall, within the following parameters:

(a) Reduction of new Road to Independence awards or other new benefits based on unavailability of funds. Upon a budget projection that no further full Road to Independence awards or other Independent Living benefits can be provided without impacting current Road to Independence awards, contracted care providers may:

1. Reduce new Road to Independence awards proportionally or down to a minimum award of \$25.00, based on projected availability of funds, AND/OR

2. Reduce or deny new requests for other Independent Living benefits, based on projected availability of funds.

(b) Reduction or termination of current transitional or aftercare financial services. Current transitional and aftercare financial services may be reduced or terminated based on unavailability of funds.

(c) Reduction of current Road to Independence awards.

1. Section 409.1451(10), Florida Statutes, specifically states: "The department shall not adopt rules relating to reductions in scholarship awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance." Therefore, it is clear that while awards may be reduced based on lack of available funding only as a last resort, guidance regarding that reduction may not be addressed in rule.

2. Current Road to Independence awards may be reduced at the time of the annual reassessment.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5) FS. History—New _____.

[Attachment A] SAMPLE LETTER

[Use this form letter when you are denying any type of Independent Living benefits due to the individual’s ineligibility and/or when no funding currently exists].

On Letterhead

NOTICE OF DENIAL OF (type of benefit) AND NOTICE OF RIGHT TO APPEAL

Insert date of Mailing

Name of Applicant (The name of the young adult seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

You recently submitted an application to receive [type of benefit]. Pursuant to Section 409.1451(5), Florida Statutes, and based upon a review of your application and supporting documentation, [CBC name] is denying your application for [type of benefit] because:

OR

Pursuant to Section 409.1451(5), Florida Statutes, your request for [type of benefit] funds cannot be satisfied at this time. Presently, the [Agency name or Department] does not have adequate funds available to meet Independent Living benefit requests. In the event that funding become available, your application will reviewed and you will be contacted again about your specific request.

If you feel that the [CBC Name]’s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC’s street address _____], or you can call or come in and speak with [name & telephone number].

The request for a Fair Hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a Fair Hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]’s decision.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: “Your Rights to Due Process” Brochure
REQUEST FOR FAIR HEARING form

[Attachment B] SAMPLE LETTER

[Use this form letter when you are reducing Road to Independence Scholarship or transitional benefits. Aftercare benefits cannot be received on a periodic basis. Therefore, a reduction of an aftercare benefit would not be possible.]

On Letterhead

NOTICE OF INTENT TO REDUCE [ROAD TO INDEPENDENCE/TRANSITIONAL] BENEFITS
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Client (This is the name of the young adult receiving Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Client):

This letter is to let you know that the [CBC Name] has determined that your [Road to Independence Scholarship/Transitional funds] will be reduced to: _____ as of _____.

Pursuant to Section 409.1451(5), Florida Statutes, the [CBC Name] is reducing your benefits because:

If you feel that the [CBC Name]’s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC’s street address _____], or you can call or come in and speak with [name & telephone number].

The request for a Fair Hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a Fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]’s decision. Any question about whether a request for a Fair Hearing was timely shall be determined by the Fair Hearing Officer.

If you request a Fair Hearing by [ONE CALENDAR DAY BEFORE REDUCTION DATE PROVIDED ABOVE], you will continue to receive benefits at the prior level throughout the Fair Hearing process. If the decision of the Hearing Officer is not in your favor, you may be required to repay the continued benefits for which you were not eligible.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: “Your Rights to Due Process” Brochure
REQUEST FOR A FAIR HEARING form

[Attachment C] SAMPLE LETTER

[Use this form letter when you are terminating Road to Independence Scholarship or transitional benefits. Aftercare benefits cannot be received on a periodic basis. Therefore, termination of an aftercare benefit would not be possible.]

On Letterhead

NOTICE OF INTENT TO TERMINATE [ROAD TO INDEPENDENCE BENEFITS/TRANSITIONAL FUNDS]
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Client (This is the name of the young adult receiving Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Client):

This letter is to let you know that the [CBC Name] is terminating your [Road to Independence Scholarship/transitional funds]. Pursuant to Section 409.1451(5), Florida Statutes, the [CBC Name] has made this decision because:

You will receive your final [Road to Independence Scholarship/transitional fund] check during the month of _____ for the amount of _____.

If you feel that the [CBC Name]'s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC's street address _____], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the (CBC Name)'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

If you request a Fair Hearing by [ONE CALENDAR DAY BEFORE TERMINATION DATE PROVIDED ABOVE], you will continue to receive benefits at the prior level throughout the Fair Hearing process. If the decision of the hearing officer is not in your favor, you may be required to repay the continued benefits for which you were not eligible.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

In addition, you may qualify for [Aftercare Support Services and/or Transitional Support Services]. A description of [these programs] and the applications are also attached.

[If you have not applied for reinstatement of your Road to Independence Scholarship previously, you may apply for reinstatement one time prior to your 23rd birthday.]

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR A FAIR HEARING form

[Attachment D] SAMPLE LETTER

[Use this form letter when approving/providing any amount of requested aftercare or transitional financial support services other than the amount requested.]

On Letterhead

NOTICE OF PARTIAL DENIAL OF [AFTERCARE/TRANSITIONAL] SUPPORT SERVICES FUNDS
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Applicant (This is the name of the individual seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

This letter is to let you know that your request for [Aftercare/Transitional] Support Services funds has been only partially approved. You are eligible to receive funds based on State and Federal guidelines and using information that you have supplied.

You will be provided a check in the amount of _____.

[On your request for Aftercare Support Services funds you indicated that you needed these funds for _____ so that you will not become homeless. This check is being provided to you for this purpose only.]

[In order to avoid emergency situations in the future you may want to take advantage of other services available through Aftercare Support, such as: Mentoring and tutoring; Mental health services and substance abuse counseling; Life skills classes, including credit management and preventive health activities; Parenting classes; Job skills training; and Contact from a caseworker on a regular basis.]

In addition, you may qualify for other [Aftercare/Transitional] Support Services and/or the Road to Independence Scholarship. A description of these programs and the applications for them are also attached.

You originally requested \$ _____. If you feel that the [CBC Name]'s decision to provide you with \$ _____ instead is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC's street address _____], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR A FAIR HEARING form

[Attachment E] SAMPLE LETTER

[Use this letter for approval of Road to Independence Scholarships. The Notice of Right to Appeal is provided in the event that the young adult does not agree with the approved amount, in which case the young adult would have the right to appeal.]

On Letterhead

NOTICE OF APPROVAL OF ROAD TO INDEPENDENCE SCHOLARSHIP
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Applicant (This is the name of the individual seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

Congratulations! This letter is to let you know that your application for the Road to Independence Scholarship has been approved. You are eligible to receive a scholarship award based on your living and educational needs. This award has been determined using State and Federal guidelines and using information that you have supplied. Your initial award is _____ and you will receive your first award check during the month of _____, 20 ____.

At the end of each semester you will be expected to provide updated information in order to determine whether your award must be adjusted. In addition, if you receive additional scholarships, grants or income during the current semester that was not reported previously, you must provide this information immediately.

If you drop out of school or drop below full-time attendance, you must report this information immediately in order to avoid wrongfully receiving funds.

Your continued eligibility for the Road to Independence Scholarship will be reviewed each year during the 90-day period before your birthday.

Pursuant to Section 409.1451(5)(b)1, Florida Statutes, the maximum amount you can receive is \$892. If you feel that the [CBC Name]'s decision regarding \$ _____ is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC's street address _____], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

In addition, you may qualify for Aftercare Support Services and/or Transitional Support Services. A description of these programs and the applications are also attached.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR FAIR HEARING form

[Attachment F]



Independent Living Fair Hearing Request

<p><u>A hearing has been requested for:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____ / _____</p> <p><u>Telephone Number / Social Security Number</u></p>	<p><u>The Authorized Representative (if applicable) is:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____</p> <p><u>Telephone Number</u></p>
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The [CBC/Department] has taken the following action regarding the individual's eligibility for or receipt of Independent Living benefits from the Department through its contracted CBC:

The individual has stated that he/she is not satisfied with this action and is requesting a hearing for the following reasons:

<p><u>The Department's Representative is:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____ / _____</p> <p><u>Telephone Number</u> / <u>Date of Request</u></p>	<p>This hearing request must be mailed or faxed to Office of Appeal Hearings, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700 within 24 hours.</p> <p>Fax # (850)487-0662 or (SC _____).</p> <p>A copy of the letter to which this request pertains should accompany this request for hearing.</p> <p>_____ / _____</p> <p><u>Name / Telephone # of person taking request</u></p>
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[Attachment G]

DOCUMENTATION OF SUPERVISORY REVIEW FOR NOTICES OF DENIAL, REDUCTION, OR
TERMINATION OF BENEFITS

1. Client name: _____
 2. Benefit requested or currently received: _____
 3. Action to be noticed: _____
 4. Reason(s) for action: _____
- _____
- _____

(Supervisor's name and signature)

(Date)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joel Atkinson, 1317 Winewood Blvd., Bldg. 6, Tallahassee, FL, (850)921-4118.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65C-32.001 Disciplinary Standards
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 44, November 4, 2005 issue, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65C-32.002 Appointments and Status
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 47, November 23, 2005 issue, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section V
Petitions and Dispositions Regarding Rule Variance or Waiver**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc. in Docket No. 050922-TL, filed December 20, 2005, seeking waiver from Rules 25-4.066 and 25-4.067, Florida Administrative Code. Rule 25-4.066, Florida Administrative Code, requires each telecommunications company to provide facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telecommunications service subject to the company’s ability to secure, at reasonable expense, suitable facilities and rights for construction and maintenance of such facilities. Rule 25-4.067, Florida Administrative Code, requires each telecommunications company to make reasonable extensions to its lines and services.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. Comments on the petition should be filed with the Commission’s Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact Theresa Tan, Attorney, Office of the General Counsel, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on December 13, 2005, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR # 2005-128), to Sunny Palm Bay Holding, LLC (Petitioner). The Petition for Variance was received by SJRWMD on October 25, 2005. Notice of receipt