

Section I
**Notice of Development of Proposed Rules
and Negotiated Rulemaking**

STATE BOARD OF ADMINISTRATION

RULE NO.: **RULE TITLE:**
19-9.001 Investment Policy Statement

PURPOSE AND EFFECT: To adopt the revised Investment Policy Statement approved by the Trustees effective February 6, 2014 for the Florida Retirement System Investment Plan.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statement for the Florida Retirement System Investment Plan.

RULEMAKING AUTHORITY: 121.4501(8), 215.52 FS.

LAW IMPLEMENTED: 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, August 20, 2015, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1197; tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: : Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.001	Definitions
19-11.002	Beneficiary Designations and Distributions for FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.008	Forfeitures
19-11.011	Employer and Employee Contributions and ABO or Present Value Transfer Procedures
19-11.012	Rollovers or Plan to Plan Transfers to or from the FRS Investment Plan
19-11.013	FRS Investment Plan Self-Directed Brokerage Account

PURPOSE AND EFFECT: To amend Rule 19-11.001, F.A.C. to clarify some definitions. To amend Rule 19-11.002, F.A.C. to incorporate the latest version of the beneficiary designation form and to reference the latest versions of the enrollment forms; to indicate what documents must be supplied by a beneficiary who receives account proceeds per Florida law; and to indicate the name of the fund to which account proceeds are held until a beneficiary can be located. To amend Rule 19-11.003, F.A.C. to indicate that monies from a DROP rollover are available for immediate distribution; to adopt the latest version of the Employment Termination Form; and to indicate that if a member or beneficiary requests documentation of a distribution made prior to January 1, 2010, there will be a special service charge imposed due the extensive resources required. To amend Rule 19-11.004, F.A.C. to indicate what constitutes an incomplete transfer request form. To amend Rule 19-11.005, F.A.C. to adopt the latest version of the FRS Investment Plan Complaint Procedures package. To amend Rule 19-11.006 to adopt the latest versions of the applicable enrollment forms; to indicate that a member has the responsibility for ensuring the enrollment form is timely received; and to indicate that if a member terminates before making a plan choice, the member will have another opportunity to make a plan choice if rehired by an FRS-participating employer. To amend Rule 19-11.007, F.A.C. to adopt the latest versions of the Second Election

enrollment forms; to indicate that a member has the responsibility for ensuring the Second Election enrollment form is timely received; and to indicate the default fund if the member fails to make an investment selection. To amend Rule 19-11.008, F.A.C. to state that if a member terminates employment before vesting, the member will be entitled only to a return of the member's own required contributions. To amend Rule 19-11.011, F.A.C. to state that market loss calculations will be applied to benefit transfers that relate due to employer errors or corrections; and to indicate that an age-appropriate retirement date fund will be the default fund if a member fails to select an investment option when the member's ABO or present value of the member's FRS Pension Plan benefits are transferred to the member's FRS Investment Plan account. Rule 19-11.012, F.A.C. is amended to adopt the latest version of the rollover forms. Rule 19-11.013, F.A.C. is amended to set forth how the Self-Directed Brokerage Account enrollment form can be accessed on line.

SUBJECT AREA TO BE ADDRESSED: To adopt updated forms; to clarify certain information; and to update the names of the default investment vehicles where no funds are selected by the members.

RULEMAKING AUTHORITY: 121.78(3)(c); 121.4501(8) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.021, 121.051, 121.055, 121.091, 121.35, 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), 121.591, 121.71, 121.72, 121.74, 121.77, 121.78, 215.44(8), 732.802, 744.301, 1012.875(3) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com

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STATE BOARD OF ADMINISTRATION

RULE NOS.: RULE TITLES:

19-13.001 Roles and Responsibilities of the State Board of Administration of Florida

19-13.004 Role and Responsibilities of Third Party Vendors

PURPOSE AND EFFECT: To update certain information regarding the duties and responsibilities of the State Board of Administration and its third party vendors concerning the FRS Investment Plan.

SUBJECT AREA TO BE ADDRESSED: To update and clarify information for the benefit of the public.

RULEMAKING AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.4501(4), (8) (9), (10), (14), (15), (19) FS.

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Section II Proposed Rules

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The proposed amendment is to change the procedures for approval of attendance at continuing education courses.

SUMMARY: Procedure for approval of attendance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the continuing education requirements. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken. ~~The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.~~ Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 468.365(1)(a), F.S.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded ~~contact~~ continuing education hours for:

(a) through (c) No change.

(d) Successful completion of the following certification classes, up to a maximum total of 16 hours per biennium;

1. through 2. No change.

3. Pediatric advanced life support;

4. Any course offered by the National Board of Respiratory Care (NBRC).

(e) through (f) No change.

(g) Attendance at scheduled public meetings of the Board of Respiratory Care, where the licensee has not been required by the Board to appear, up to a maximum of 8 continuing education ~~direct delivery~~ hours per biennium.

~~(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of nondirect patient care continuing education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.~~

~~(3)(a) Credit for two (2) hours of direct patient care shall be awarded for completion of a FEMA Emergency Management/ Preparedness continuing education course that covers the following topics: natural disasters, manmade disasters and bioterrorism, pandemic flu, and respiratory care disaster response~~ complies with the requirements set forth in rule paragraph (3)(c).

~~(b) Continuing education courses in emergency preparedness, at a minimum, must cover the following topics: natural disasters, manmade disasters and bioterrorism, pandemic flu, and respiratory care disaster response.~~

(4) Each licensee who is presenting a continuing education course as either the lecturer of the offering or as author of the course materials may earn a maximum 12 ~~contact~~ hours of continuing education credit per biennium. Each licensee who is either participating as a lecturer of a continuing education course or an author of a continuing education program may receive credit for the portion of the offering he/she presented or authored to the total hours awarded for the offering.

(a) No change.

(b) In order for a continuing education credit to be awarded to each licensee participating as either faculty or author, the format of the continuing education program must comply ~~conform~~ with all applicable sections of this rule chapter.

~~(c) Continuing education credit for publications is limited to continuing education offerings.~~

~~(c)(4)~~ The number of ~~contact~~ hours to be awarded to each licensee who participates in a continuing education program as either a lecturer or author is based on the definition of 50 minute contact "hour" employed within this rule chapter.

(5) Members of the Board's Probable Cause Panel shall receive two hours of medical errors and 3 hours of continuing education ~~direct patient care~~ credit per biennium for their service on the Panel.

(6) No change.

Rulemaking Authority 468.353(~~+~~), 468.361(~~±~~) FS. Law Implemented 468.361(~~±~~) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04, 4-19-07, 10-8-07, 9-3-09, 2-18-10, 5-25-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 15, 2015

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

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

PURPOSE AND EFFECT: Chapter 2013-178, Laws of Florida, substantially changed the Road to Independence Program, which provides services and supports to youth formerly in the custody of the Department. In addition, Aftercare Support Services and Transitional Support Services were repealed. The Department intends to repeal all references to services which are no longer available and/or being utilized. Substantial changes to Section 409.1451, Florida Statutes necessitate amendments to Chapter 65C-31, F.A.C. In addition, the Department is correcting language that is double underlined and typed in the incorrect font in the existing rule.

SUMMARY: These rules govern children currently being served under the Road to Independence Program as it existed prior to the legislatively mandated changes to the program. The proposed rule repeals concern services which are no longer available and/or being utilized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 409.1451(10) FS.

LAW IMPLEMENTED: Ch.13-178, Section 12, at 32, Laws of Fla. (2013)

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189

THE FULL TEXT OF THE PROPOSED RULE IS:

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.~~

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

~~(2)(3)~~ “Case File” means all information for a case contained in the department’s Statewide Automated Child Welfare Information System (SACWIS), i.e., Florida Safe Families Network (FSFN) 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 Ddepartment’s SACWIS is the primary record for each investigation and case.

~~(3)(4)~~ “Contracted Service Provider” means a private agency that has entered into a contract with the Ddepartment 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.

~~(4)(5)~~ “Denial” means full denial or partial denial, in cases where the Ddepartment or its contracted service provider does not approve the full amount of funding or services requested.

~~(5)(6)~~ “Designated Staff” means those staff assigned by the circuit district/region or its contracted service provider to work with youth age 13 up to the youth’s 23rd birthday to implement and conduct a program for independent living as mandated by Section, 409.1451, F.S.

(7) is renumbered (6) No change.

~~(7)(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 Family Services 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.~~

~~(8)(10)~~ “Independent Living Benefit” means any type of financial aid or service provided to eligible young adults pursuant to Section 409.1451(5), Florida Statutes. 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.~~

~~(9)(12) “Institution of Higher Education” means a school that awards a bachelor’s degree or not less than a two (2) year program that provides credit towards a degree or, provides not less than one (1) 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 (2) 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.~~

~~(10)(14) “Renewal Application” means the “Road to Independence Program 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.~~

~~(11)(15) “Reviewing Authority” means the staff member(s) or committee head(s) designated by the circuit district /region or community-based care lead agency to review the applications associated with Section 409.1451, F.S., and determine eligibility.~~

~~(12)(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.~~

~~(13)(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.~~

~~(14)(19) “Statewide Automated Child Welfare Information System (SACWIS)” (i.e., Florida Safe Families Network (FSFN) HomeSafenet), means the Department’s statewide electronic 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.~~

~~Rulemaking Specific Authority 39.5075(8), 409.1451(10) FS. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013), 39.5075, 409.1451 FS. History–New 7-27-06, Amended _____.~~

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

~~(1) The Road to Independence (RTI) Scholarship Program services that shall be provided to young adults formerly in foster care to transition successfully to independent living.~~

(2) A plan for transition is required for all recipients of a scholarship, 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.

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

- (a) No change.

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

- (c) through (e) are renumbered (b) through (d) No change.

(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 of 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) through (6) are renumbered (4) through (5) No change.

(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 and 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, Florida Statutes, district/region and community based care agencies must inform all youth aging out of foster care, prior to age 18, of these benefits:

(6)(9) Education and Training Voucher Funds.

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

- 1. is renumbered (a) No change.

1a. 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 six (6) months in foster care prior to reaching his or her 18th birthday; or

- b. is renumbered 2. No change.

- 2. through 3. are renumbered (b) through (c) No change.

(d)4. Benefits from this and other federal educational assistance educational assistance sources may not exceed the young adult's young adult's "cost of attendance" at an "institution of higher education," as defined by federal statute. ," as defined by federal statute.

- 5. is renumbered (e) No change.

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

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

- 8. is renumbered (g) No change.

(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.~~

~~Rulemaking Specific Authority 409.1451(10) FS. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013) 409.1451 FS. History-New 7-27-06. Amended _____.~~

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

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(a) F.S. History-New 7-27-06, Repealed _____.

65C-31.004 Road to Independence Scholarship Renewal.

(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;~~
3. ~~Be or have been in the legal and/or physical custody of the Department of Children and Family Services 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 Sections 1003.43 or 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) is renumbered (1) No change.

(a) No change.

(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.~~

~~(2)(4) Road to Independence (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 ETV funds and any other federal ETV funds and any other federal educational assistance to the young adult the young adult shall not exceed the young adult's cost of attendance young adult's cost of attendance.~~

(5) is renumbered (3) No change.

(a) 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:

1. through 2. No change.

(b) ETV funds are available pursuant to the following:

~~1. fFor students attending an institution of higher education, including community college, university or vocational education courses. High school or GED attendance does not qualify.~~

~~2. For youth adopted at age 16 or 17 from foster care who are attending an institution of higher learning.~~

~~3. Part time attendance at an institution of higher education may qualify young adults under Florida's transitional support services component.~~

(c) No change.

1. No change.

2. Departmental circuits ~~districts~~/regions or contracted service provider agencies shall develop a plan for renewal of scholarships. ~~At a minimum, T~~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. through 5. No change.

(d) through (e)2. No change.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013) 409.1451(1), (2), (3)(a), (c), (d), (5)(b) FS. History–New 7-27-06, Amended _____.

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

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(c) FS. History–New 7-27-06, Repealed _____.

65C-31.006 Young Adult Services Documentation Requirements.

(1) No change.

(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, date of birth ~~DOB~~, social security number, and school attending, ~~etc.~~

2. No change.

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

4. through 5. No change.

(b) When requesting documentation from the young adult, the services worker shall use “Request for Road to Independence Scholarship Documentation” CF-FSP 5302, July 2006 September 2005, incorporated by reference and available at www.dcf.state.fl.us/dcf/forms/Search/DCFFormSearch.aspx and https://www.flrules.org/gateway/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 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.~~

~~(2)(3) Documentation Requirements for Road to Independence Scholarship Renewal. 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.~~

~~e. 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 six 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 an 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 report 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.~~

~~(a)(b) — Scholarship — Renewal — Documentation Requirements.~~

~~1. For each student the services worker shall complete a “Road to Independence Program Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, July 2007 September 2005, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/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:~~

~~(b)a. Proof of full-time enrollment at the institution, unless exempted; and~~

~~b. is renumbered (c) No change.~~

~~(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 of satisfactory progress at the institution.~~

~~(3)(d) RTI Scholarship Needs Assessment. An RTI Needs Assessment shall be completed on each student whose who has been awarded the RTI scholarship has been renewed. 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 adult meets the requirements for eligibility for transitional support services.~~

~~Rulemaking Specific Authority 409.1451(10) FS. Law Implemented Ch.13-178, section 12, at 32, Laws of Fla. (2013) 409.1451(1), (2), (3)(a), (c), (d), (5)(a), (e) FS. History—New 7-27-06, Amended _____.~~

65C-31.007 High School Needs Assessment.

(1) ~~The services worker shall complete “The Road to Independence Program High School Scholarship Needs Assessment Tool.” CF-FSP 5299, March 2009, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/reference>, 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 Program High School Scholarship Needs Assessment Tool, the services worker shall verify that the young adult continues to be eligible for 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.~~

(3)(e) ~~In order to complete the Road to Independence Program High School Scholarship Needs Assessment Tool, the services worker shall:~~

(a) ~~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.~~

(b)(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. through 2. No change.

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 seven (7) calendar days to process the needs assessment.

(c)(e) ~~No later than 30 days prior to the student’s 18th birthday, or, if the student is 18 years of age or older, Wwithin 30 days after receipt of receiving the application and all required documentation and information, the Ddepartment 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).~~

(d) ~~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.~~

(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) is renumbered (4) No change.~~

~~(a) The services worker shall obtain the student's signature on the "Road to Independence (RTI) Program Scholarship Needs Assessment Face to Face Consultation Form" form, CF-FSP 5298, July 2006 September 2005, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/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 (2) 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, November 2008 September 2005, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/reference>, reference attached to the needs assessment tool.~~

Rulemaking Specific Authority 409.1451(10) F.S. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013), 409.1451(5)(b)4. F.S. History—New 7-27-06, Amended _____.

65C-31.008 Post Secondary Needs Assessment.

(1) The Road to Independence (RTI) Program Post Secondary Scholarship Needs Assessment for post secondary education has been developed to determine the funding needs of young adults formerly in foster care attending a post-secondary institution, after considering other income sources and educational scholarships.

(2) Procedure:

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

(b) No change.

(c) In order to complete the Road to Independence Program Post Secondary Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student. For students located out-of-state, a phone interview is sufficient.

(d) No change.

1. Living and eEducational eExpenses.

a. An individual itemized “Cost of Attendance” (COA) for the academic year from the school the student will attend. ~~The financial aid office at every university, college, community college, and vocational school establishes a COA, also referred to as a “student budget,” for each of its students. Some institutions automatically factor into the individual COA certain qualifying costs, including dependent care and costs associated with a particular course of study. Other institutions will consider adjustments to the COA for certain qualifying costs on a case-by-case basis upon request by the student. The COA will also indicate the length of the academic year considered.~~

b. No change.

c. ~~In addition to establishing the individual COA for each student, many institutions publish an average or estimated COA. If a student fails to provide his or her individual COA, the services worker shall obtain the most current average or estimated COA from published by the institution. The services worker shall make reasonable efforts to obtain the most current COA information by contacting the financial aid office. If COA information cannot be obtained via the financial aid office, the case worker shall use the most current COA information listed on the institution’s website.~~

d. No change.

2. through 3. No change.

4. Other ~~fFederal iIncome~~ (SSI, Social Security).

5. Earned ~~iIncome~~ (pay stubs or other documentation).

6. through 7. No change.

(e) No change.

1. through 2. No change.

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

(f) ~~No later than 30 days prior to the student’s 18th birthday or, if the student is 18 years of age or older, W~~within 30 days after receiving the application and all required documentation and information, DCF 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) Calculating Awards for Post-Secondary Students. The award for post-secondary students shall be calculated no less than twice each year—once for the academic year and once for the summer months. The award may also be recalculated upon a change of circumstance, as provided for under subsection 65C-31.008(5), F.A.C., ~~below~~. The award shall be calculated as follows:

(a) Academic Year Needs Assessment. The services worker shall use the form “ROAD TO INDEPENDENCE PROGRAM SCHOLARSHIP POST SECONDARY NEEDS ASSESSMENT – ACADEMIC YEAR”, ~~(CF-FSP 5300, March 2009 – May 2006)~~, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/reference>, DCF has supplied an electronic version of the form that will perform the required calculations as data is entered by the services worker.

1. ~~Living and Educational Expenses: Enter the total academic year COA. (See Rule 65C 31.008(2)(d)1., F.A.C.)~~

2. ~~Fee Exemption (Tuition and Fees): Enter Tuition and Fee waiver amount. This amount is deducted from the Living and Educational Expenses.~~

3. ~~Federal Scholarships Received: Enter the total amount of all Federal Scholarships received. This includes the amount of any Pell Grant received. Calculate the monthly amount of Federal Scholarships received by dividing the total amount by 12, then multiply the monthly amount by the number of months in the institution’s academic year. This amount is deducted from the Living and Educational Expenses.~~

4. ~~Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the young adult is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The young adult 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 young adult in maximizing all benefits to attend school and for his or her living needs. If the young adult elects to have SSI or SSA benefits included as a deduction, the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of months in the academic year.~~

5. ~~Available Income:~~

a. ~~Earned income. Calculate the student's expected earned income for the academic year on a monthly basis. The student may verify his or her monthly income by providing recent pay stubs or a letter from his or her employer indicating the number of hours to be worked and the hourly wage. Enter the number of months in the academic year. The months of a specific institution's academic year can be determined from the COA. Multiply to determine the "earned income" for the academic year.~~

b. ~~Income protection allowance. Calculate 20 hours per week at Florida's minimum wage on a monthly basis. Multiply by number of months in the academic year to determine the income protection allowance.~~

c. ~~Total available income is determined by subtracting the income protection allowance from the student's earned income. This amount is deducted from the Living and Educational Expenses.~~

6. ~~Other Scholarships and Grants: Enter all other scholarships and grants to be received for the academic year. This amount is deducted from the Living and Educational Expenses, except that a \$1,500 disregard shall apply to offset any deduction to the award based on other scholarships and grants.~~

7. ~~Alternate Sources of Funds and Services: To the extent that any of the expenses contained in the COA can be reduced through alternate funding sources or services at a reduced cost, the services worker shall employ such alternate funding sources and/or services and assist the student as needed in applying for such funding and/or services. Enter the amount of funds from alternate sources employed to pay for any portion of the academic year Living and Educational Expenses. This amount is deducted from the Living and Educational Expenses.~~

8. ~~Total Academic Year Award: The total academic year award is calculated by subtracting all the deductions from the Living and Educational Expenses her living needs. If the young adult elects to have SSI or SSA benefits included as a deduction, the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of summer months.~~

e. ~~Available Income:~~

(I) ~~Earned income. Calculate the student's expected earned income for the summer on a monthly basis. The student may verify his or her monthly income by providing recent pay stubs or a letter from his or her employer indicating the number of hours to be worked and the hourly wage. Enter the number of summer months. The summer months are those not included in the institution's academic year. Multiply to determine the "earned income" for the summer months.~~

(II) ~~Income protection allowance. Calculate 20 hours per week at Florida's minimum wage on a monthly basis. Multiply by the number of summer months to determine the income protection allowance.~~

(III) ~~Total available income is determined by subtracting the income protection allowance from the student's earned income. This amount is deducted from the Living and Educational Expenses.~~

f. ~~Other Scholarships and Grants: Enter all other scholarships and grants to be received for summer school. This amount is deducted from the Living and Educational Expenses, except that a \$500 disregard shall apply to offset any deduction to the award based on other scholarships and grants.~~

g. ~~Alternate Sources of Funds and Services: To the extent that any of the summer Living and Educational expenses can be reduced through alternate funding sources or services at a reduced cost, the services worker shall employ such alternate funding sources and/or services and assist the student as needed in applying for such funding and/or services. Enter the amount of funds from alternate sources employed to pay for any portion of the summer Living and Educational Expenses. This amount is deducted from the summer Living and Educational Expenses.~~

h. ~~Total Summer Award: The total summer award is calculated by subtracting all the deductions from the summer Living and Educational Expenses.~~

i. ~~Monthly Summer Award: The monthly summer award is determined by dividing the total summer award by the number of summer months, which is the number of months not included in the institution's academic year.~~

2. Student not attending school. The case worker shall use the form "ROAD TO INDEPENDENCE SCHOLARSHIP POST SECONDARY NEEDS ASSESSMENT – SUMMER MONTHS – Not attending school", (CF-FSP 5300b, March 2009, – May 2006 incorporated by reference and available at www.dcf.state.fl.us/dcf/forms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/reference>).²—DCF has supplied an electronic version of the form that will perform the required calculation as the data is entered by the services worker.

a. ~~Summer Living Expenses: The summer living expenses are determined based on the student's academic year COA. The case worker shall reduce the academic year COA by the academic related costs and divide by the number of months in that institution's academic year to determine the monthly living expenses. Multiply the monthly living expenses by the number of summer months to determine the summer living expenses.~~

b. ~~Federal Scholarships Received: Enter the total amount of all Federal Scholarships received. This includes the amount of any Pell Grant received. Calculate the monthly amount of Federal Scholarships received by dividing the total amount by 12, then multiply the monthly amount by the number of summer months. This amount is deducted from the Living Expenses.~~

c. ~~Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the young adult is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The young adult 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 young adult in maximizing all benefits to attend school and for his or her living needs. If the young adult elects to have SSI or SSA benefits included as a deduction, the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of summer months.~~

d. ~~Available income:~~

i. ~~Earned income. Calculate the student's expected earned income for the summer on a monthly basis. The student may verify his or her monthly income by providing recent pay stubs or a letter from his or her employer indicating the number of hours to be worked and the hourly wage. Enter the number of summer months. The summer months are those not included in the institution's academic year. Multiply to determine the "earned income" for the summer months.~~

ii. ~~Income protection allowance. Calculate 20 hours per week at Florida's minimum wage on a monthly basis. Multiply by the number of summer months to determine the income protection allowance.~~

iii. ~~Total available income is determined by subtracting the income protection allowance from the student's earned income. This amount is deducted from the Living Expenses.~~

e. ~~Alternate Sources of Funds and Services: To the extent that any of the summer Living expenses can be reduced through alternate funding sources or services at a reduced cost, the services worker shall employ such alternate funding sources and/or services and assist the student as needed in applying for such funding and/or services. Enter the amount of funds from alternate sources employed to pay for any portion of the summer Living Expenses. This amount is deducted from the summer Living Expenses.~~

f. ~~Total Summer Award: The total summer award is calculated by subtracting the deductions from the summer living expenses.~~

g. ~~Monthly Summer Award: The monthly summer award is determined by dividing the total summer award by the number of summer months, which is the number of months not included in the institution's academic year.~~

h. through i. renumbered a. through b. No change.

cj. The young adult is required to inform the case worker of successful summer job placement within seven (7) days.

(4) Documentation and Signature:

(a) At the face-to-face meeting with the young adult, the services worker shall obtain the young adult's signature on the "Road to Independence (RTI) Program Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, July 2006 September, 2005, incorporated by reference in 65C-31.007(4)(a), F.A.C. By signing the form the young adult is only certifying that he or 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 young adult's case file. The second copy shall be provided to the young adult, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, November 2008 September 2005, incorporated by reference in 65C-31.007(4)(b), F.A.C., attached to the needs assessment tool.

(5) Needs Assessment Recalculations.

(a) Changes in circumstances: The needs assessment may be recalculated at any time upon request by the young adult or the services worker to address material changes in the young adult's circumstances. Such a recalculation shall be completed within seven (7) working days of the request.

~~(b)4-~~ Changes in circumstances ~~may include, but are not limited to,~~ changes in the amount of grants, transfer to another academic institution, changes in the amount of earned income, and changes in living and educational expenses.

2. is renumbered (c) No change.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013) 409.1451(1), (2), (3)(a), (c), (d), (5)(b) FS. History—New 7-27-06, Amended _____.

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 renewal 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~~ independent living benefits are terminated or denied renewal, provide the applying young adult a copy of the brochure “Independent Living Benefits Due Process Rights”, CF/PI 175-11, November 2008 ~~September 2005~~, incorporated by reference in 65C-31.007(4)(b), F.A.C. 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) is renumbered (a) No change.

~~(b)(e)~~ The young adult’s services are ~~reduced or terminated~~ or his or her renewal denied 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 10 ~~ten~~ calendar days from the date the letter of confirmation was sent to reconsider. If after 10 ~~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) A Road to Independence scholarship award ~~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;~~

~~(a)(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) is renumbered (b) No change.

(6) No change.

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

(a) Before a letter is issued that denies renewal or 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 renewal, ~~reducing,~~ or terminating the service request, to ensure that the necessary documentation is present and to ensure that the decision to deny renewal or terminate 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 changed ~~denied, but rather approved~~. If the supervisor determines that the renewal denial or termination 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 renewal denial or termination was ~~is~~ appropriate, shall the due process notification letter regarding renewal denial, reduction, or termination of Independent Living benefits be issued (See attached ~~Sample Letters~~, Attachments “A” and “C” through “D”). A decision to deny renewal, 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) No change.

(9) No change.

(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) No change.

~~(e) 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.~~

~~(c)(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” and “C” 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 renewal denial, reduction, or termination, all shall be listed.

(b) A “Request for Fair Hearing on Denial of Renewal or Termination, or Reduction of Independent Living Benefits”, CF-FSP 5304, July 2006 ~~September 2005~~, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/reference>, and the brochure “Independent Living Benefits Due Process Rights”, CF/PI 175-11, November 2008 ~~September 2005~~, incorporated by reference in 65C-31.007(4)(b) F.A.C., 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) No change.

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.

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 Family Services Office of Appeal Hearings with a notation on the “Independent Living Fair Hearing Request”, which is used as

a Fax cover sheet, (See Attachment F) that the request was late. The Office of Appeal Hearings will handle late-filed requests from the central office.

(f) No change.

1. The form "Oral Request for Fair Hearing" CF-FSP 5303, September 2005, incorporated by reference and available at www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx and <https://www.flrules.org/gateway/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 of Renewal or Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September 2005, incorporated by reference in subsection (10)(b) of this rule.

(11) No change.

~~(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:

~~(a)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.

~~(b)2.~~ When a request for a fair hearing is made at least one (1) calendar day prior to the date of the ~~reduction or~~ termination of benefits, (See attached ~~Sample Letter Letters~~, Attachment 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 Family Services, 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) is renumbered (12) No change.

(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 Circuit 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 circuit 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 regional zone staff when needed as part of trial preparation.

~~(13)(14)~~ Update to Florida Safe Families Network (FSFN) 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 ~~in FSFN 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 ~~in FSFN to ICWSIS~~ until after the appeal hearing decision is rendered.

(b) No change.

1. If ~~FSFN ICWSIS~~ was not initially adjusted and the decision is in favor of the Department, ~~FSFN ICWSIS~~ will be adjusted within five (5) 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 ~~FSFN 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 ~~in FSFN to ICWSIS~~ and services will continue.

(15) is renumbered (14) No change.

(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, as delineated in (subsection (7) of this rule 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 ~~worker~~ supervisor.

(c) No change.

(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 renewal, 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. ~~If Should~~ an error is 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 Circuit District Legal Counsel, the Office of the Attorney General and the Department's Office of Appeal Hearings.

~~(15)(16)~~ Hearing ~~o~~fficer ~~d~~ecisions for all due process actions regarding denials of renewal or, ~~reductions and~~ terminations of service.

(a) ~~If the h~~earing ~~o~~fficer ~~r~~ules 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) ~~If the h~~earing ~~o~~fficer ~~r~~ules in favor of the young adult: 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.~~

~~(16)(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 three (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. Due diligence means 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) No change.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013), 409.1451(5)(e) FS. History–New 7-27-06, Amended _____.

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 and available at www.def.state.fl.us/defforms/Search/DCFFormSearch.aspx.~~

~~(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;~~
- ~~e. 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.~~
- ~~e. 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.~~
- ~~e. 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 maturity 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.~~

~~(1)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 Road to Independence (RTI) scholarship award.~~

~~(c) is renumbered (2) No change.~~

~~(a)4. 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. is renumbered (b) No change.~~

~~a. is renumbered 1. No change.~~

~~2b. Have two checks generated for his or her scholarship award. One check would be generated by the Department or its contracted service provider and paid directly to the foster or group home 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) is renumbered (3) No change.~~

~~(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 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.~~

[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 B~~ 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 becomes available, your application will be 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 street address _____], or you can call or come in and speak with [name and 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~~

~~2. NOTICE OF INTENT TO REDUCE [ROAD TO INDEPENDENCE/ TRANSITIONAL] BENEFITS~~

3. 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 and 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 Award 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

4. 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/Award/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 Award/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 and 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

(2)

~~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 and 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 Scholarship Awards 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 ~~\$1256~~ \$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 and 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]

(a) Independent Living Fair Hearing Request

A hearing has been requested for:	The Authorized Representative (if applicable) is:
_____ Name	_____ Name
_____ Address	_____ Address
_____ City, State, Zip Code	_____ City, State, Zip Code
_____ Telephone Number / Social Security Number	_____ Telephone Number

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:

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

[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)

Rulemaking 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 7-27-06, Amended _____.

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 and ~~transitional~~, pre-independent living skills and ~~aftercare~~. The departmental circuit 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), F.S., 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.~~

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented Ch.13-178, Section 12, at 32, Laws of Fla. (2013) 409.1451(5) FS. History--New 7-27-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kirk Brown

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 2, 2015

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
 69A-41.103 Standards of the National Fire Protection Association Adopted

69A-41.106 Inspections

PURPOSE AND EFFECT: The proposed amendments will update the rules to include the most recently adopted NFPA standards.

SUMMARY: This rulemaking adopts the most current version of the applicable NFPA Standard.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments do not impose any costs. The Division of State Fire Marshal conducted an analysis of the proposed rule’s potential economic impact and determined that the impact does not exceed any of the criteria established in subsection 120.541(1), F.S., and the rule amendment therefore does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 409.175(6)(f), 633.104(1) FS.

LAW IMPLEMENTED: 409.175(6)(f), 633.206(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, September 1, 2015, 9:00 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Casia Sinco, (850)413-3620 or Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone (850)413-3620 or Casia.Sinco@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-41.103 Standards of the National Fire Protection Association Adopted.

(1) The following portions of NFPA 101, known as the Life Safety Code, current 2003 edition, adopted in Rule Chapter 69A-60, F.A.C., are hereby adopted and incorporated herein by reference:

- (a) through (c) No change.
- (2) No change.

Rulemaking Authority 409.175(6)(f), 633.104(1) FS. Law Implemented 409.175(6)(f), 633.206(1)(b) FS. History—New 9-17-03, Formerly 4A-41.103, Amended.

69A-41.106 Inspections.

- (1) through (8) No change.

(9) For the purpose of meeting the fire safety inspection requirements of this subsection, a family foster home shall comply with the following:

(a) Install smoke detectors in accordance with Section 24.3.4.1 of NFPA 101, current 2003 edition, adopted in Rule Chapter 69A-60, F.A.C.;

- (b) through (k) No change.

Rulemaking Authority 409.175(6)(f), 633.104(1) FS. Law Implemented 409.175(6)(f), 633.206(1)(b) FS. History—New 9-17-03, Formerly 4A-41.106, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 16, 2015

DEPARTMENT OF FINANCIAL SERVICES**Division of State Fire Marshal**

RULE NO.: RULE TITLE:

69A-50.015 Submission Procedures

PURPOSE AND EFFECT: The State Fire Marshal's office is updating all references to incorporated documents in Rule 69A-50.015, F.A.C., to reflect the most recent versions. Further, the rule is being amended to make editorial changes and provide an internet address for the adopted federal regulation.

SUMMARY: This rulemaking adopts the current version of Form DFS-K3-362 and the applicable federal regulation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments do not impose any costs. The Division of State Fire Marshal conducted an analysis of the proposed rule's potential economic impact and determined that the impact does not exceed any of the criteria established in subsection 120.541(1), F.S., and the rule amendment therefore does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 624.308(1), 791.013(1), (3) FS.

LAW IMPLEMENTED: 791.01, 791.013, 791.015, 791.02, 791.04 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, September 1, 2015, 9:15 a.m. or at the conclusion of the Rule Chapter 69A-41, F.A.C. hearing
PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Casia Sinco, (850)413-3620 or Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone: (850)413-3620 or Casia.Sinco@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-50.015 Submission Procedures.

(1) The submission procedures outlined in this rule apply to those persons submitting product samples to the division for testing to determine whether those products meet the definition of sparklers as set out in subsection Section 791.01(8), F.S. Products to be sold as sparklers shall be tested and approved by the division before they are legal for sale. It is not necessary for each person wishing to sell a particular item to submit that item personally. Rather, it is only necessary that the particular item be submitted by someone for testing. Processing of the submitted product samples is subject to the provisions of Chapter 120, F.S., including Section 120.60, F.S.

(2) Five (5) samples of each product shall be submitted for testing. The State Fire Marshal, however, reserves the right to request additional samples up to a maximum of ten (10), if needed, to determine whether the product conforms to the standards set forth in Section 791.01, F.S. Samples shall be accompanied by Form DFS-K3-362 ~~DI4-362~~, entitled "Request for Sparkler Analysis," revised _____ and dated 9/93, which is hereby adopted and incorporated by reference. Copies of Form DFS-K3-362 ~~DI4-362~~ are available from the Bureau of Fire and Arson Investigations, 200 East Gaines Street, Tallahassee, Florida 32399-0300. The "Request for Sparkler Analysis" form shall be accurately completed. The form shall be accompanied by a letter of approval issued by the United States Department of Transportation with an identifying "Ex" number on the product and a chemical composition laboratory report issued in compliance with 49 CFR the C.F.R. 49, Parts 100-177, October 1, 2014 1992 Edition, which is hereby adopted and incorporated by

reference, and available from the internet at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title49-vol2/pdf/CFR-2014-title49-vol2.pdf> by a letter of approval issued by the United States Department of Transportation with an identifying "Ex" number for each product.

(3) Samples of products submitted for analysis shall be sent prepaid to: Bureau of Forensic Fire and Explosives Analysis, 38 Academy Drive, Havana, Florida 32333.

(a) Each shipping container shall include an accurately completed Form DFS-K3-362 ~~DI4-362~~, as incorporated in subsection 69A-50.015(2), F.A.C., listing each sample product within the container. Each sample listed on the Form DFS-K3-362 ~~Form DI4-362~~ shall contain the name of the sample product as printed on the product.

(b) A chemical composition laboratory report issued in compliance with 49 CFR the C.F.R. 49, Parts 100-177, current 1992 Edition edition adopted in subsection 69A-50.015(2), F.A.C., and a letter of approval issued by the United States Department of Transportation with an identifying "Ex" number shall be attached to ~~the~~ Form DFS-K3-362 ~~DI4-362~~ for each sample product in the shipping container.

(c) No change.

(4) No change.

(5) A shipping container of sample products shall be returned to the sender post-collect or freight-collect and will not be tested for approval if any of the following occur:

(a) ~~The~~ Form DFS-K3-362 ~~DI4-362~~ "~~Request for Sparkler Analysis~~" is not accurately completed for each sample product submitted in a shipping container.

(b) A chemical composition laboratory report issued in compliance with 49 CFR the C.F.R. 49, Parts 100-177, current 1992 Edition edition adopted in subsection 69A-50.015(2), F.A.C., and a letter of approval issued by the United States Department of Transportation with an identifying "Ex" number does not accompany ~~the~~ Form DFS-K3-362 ~~DI4-362~~ for each sample product in the shipping container.

(c) through (e) No change.

(6) No change.

Rulemaking Specific Authority 624.308(1), 791.013(1), (3) FS. Law Implemented 791.01, 791.013, 791.015, 791.02, 791.04 FS. History—New 6-1-88, Amended 7-29-90, 10-20-93, Formerly 4A-50.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 16, 2015

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-54.006 Mattresses

PURPOSE AND EFFECT: The State Fire Marshal's office is updating Rule 69A-54.006, F.A.C., to refer to the most recent editions of the NFPA Standard. Further, the proposed amendments delete outdated standards and regulations.

SUMMARY: This rulemaking adopts the most current version of the applicable NFPA Standard and deletes standards and regulations that are no longer applicable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments do not impose any costs. The Division of State Fire Marshal conducted an analysis of the proposed rule's potential economic impact and determined that the impact does not exceed any of the criteria established in subsection 120.541(1), F.S., and the rule amendment therefore does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 633.104(1) FS.
 LAW IMPLEMENTED: 633.104(1), 633.206(1)(b) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 DATE AND TIME: Tuesday, September 1, 2015, 9:30 a.m. or at the conclusion of Rule 69A-50.015, F.A.C. hearing.
 PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Casia Sinco, (850)413-3620 or Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone: (850)413-3620 or Casia.Sinco@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-54.006 Mattresses.

~~(1) Polyurethane mattresses are prohibited in correctional facilities.~~

~~(1)(2)~~ Existing cotton core mattresses, with fire retardant treated cotton, may be used in areas of high risk of intentional ignition or where rescue or evacuation will be impeded. Wherever possible, cover existing cotton mattresses with a fire retardant outer cover.

~~(2)(3)~~ New purchases of mattresses for new or existing correctional facilities shall meet ~~be for fire retardant cotton core with durable fire retardant outer coverage, or fiber filled material conforming to the flammability requirements set forth in~~ as provided in NFPA 101, Life Safety Code, as adopted in Rule 69A-3.012, F.A.C. the following standards:

~~(a) 16 Code of Federal Regulations, Part 1632, revised as of January 1, 2001, which is incorporated herein by reference; or~~

~~(b) U.L. Standard 1895, Standard for Fire Test of Mattresses, Third Edition, Dated February 11, 2000, which is incorporated herein by reference, or~~

~~(c) ASTM E 906 99, which is incorporated herein by reference.~~

~~(4) General Services Standard, 850 500 170 may be obtained by writing to the State Fire Marshal at 200 East Gaines Street, Tallahassee, Florida 32399 0340, or by visiting the office of the State Fire Marshal at the Atrium, Third Floor, 325 John Knox Road, Tallahassee, Florida 32303.~~

~~(5) ASTM E 906 may be obtained by contacting the American National Standards Institute, Inc., 11 West 42nd Street, 13th Floor, New York, New York 10036 or by visiting the office of the State Fire Marshal at the Atrium, Third Floor, 325 John Knox Road, Tallahassee, Florida 32303.~~

Rulemaking Authority 633.104(1) FS. Law Implemented 633.104(1), 633.206(1)(b) FS. History—New 6-6-90, Amended 4-4-95, 11-21-01, Formerly 4A-54.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 16, 2015

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-61.001 Initial Investigation of Fires

PURPOSE AND EFFECT: The State Fire Marshal’s office is amending Rule 69A-61.001, F.A.C., to clarify the purpose statement, amend the definitions to more closely track the implementing statute, and articulate that investigations will include explosions in addition to fires.

SUMMARY: This rulemaking updates the purpose statement and definition section. Further, the word “explosion” has been added as necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments do not impose any costs. The

Division of State Fire Marshal conducted an analysis of the proposed rule's potential economic impact and determined that the impact does not exceed any of the criteria established in subsection 120.541(1), F.S., and the rule amendment therefore does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 633.104, 633.112(6)(c), 633.518 FS.

LAW IMPLEMENTED: 633.104, 633.112, 633.518 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, September 1, 2015, 9:45a.m. or at the conclusion of the Rule 69A-54.006 hearing

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joseph Steadman, (850)413-3620 or Joseph.Steadman@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joseph Steadman, Chief, Bureau of Fire & Arson Investigations, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone: (850)413-3620 or Joseph.Steadman@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-61.001 Initial Investigation of Fires.

(1)(a) PURPOSE. The purpose of this rule is to assist local fire officials and law enforcement officers in determining the ~~established~~ responsibilities with respect to the initial or preliminary assessment of fire scenes; and ~~in the determining determination~~ of whether probable cause exists to refer such scenes to the Division for an investigation pursuant to Section

633.112, F.S. Experience shows that the most effective deterrent to arson lies in ~~the effective investigation of suspicious and incendiary fires.~~ This requires a commitment ~~by~~ of fire officials, law enforcement, and the Division to direct investigative resources to those fires that are the result of carelessness or design of a suspicious nature, or are believed to be incendiary, and to more effectively prosecute offenders that commit the crime of arson. This rule imposes no ~~additional or~~ new obligations on local fire officials or law enforcement, but serves solely to clarify the conditions that necessitate the engagement and assistance of State Fire Marshal, Bureau of Fire and Arson Investigations', resources upon the occurrence of a fire or explosion.

(b) SCOPE. Pursuant to Section 633.112, F.S., the State Fire Marshal is required to investigate any fire in which property has been damaged or destroyed and where there is probable cause to believe that the fire was the result of carelessness or design. The Bureau of Fire and Arson Investigations of the Division of State Fire Marshal is a law enforcement agency whose personnel are sworn law enforcement officers pursuant to Chapter 943, F.S. The State Fire Marshal is charged with enforcing all laws and rules adopted pursuant thereto for purposes of the prevention of fire and explosion through the regulation of conditions which could cause fire or explosion, pursuant to paragraph Section 633.104(2)(a), F.S. The purpose of the Bureau of Fire and Arson Investigations is to investigate crimes or criminal activity related to fires. This section sets forth the requirements and procedures for such investigations.

(2) DEFINITIONS. For purposes of this section, the following words or terms have the following definitions:

(a) No change.

(b) "Carelessness" means an act with sufficient evidence to support a reasonable good faith belief that an investigation could result in administrative, civil or criminal proceedings culpable negligence within the contemplation of Section 784.05, F.S., manslaughter as defined in Section 782.07(1), F.S., gross negligence, or a reckless disregard for property or life, so extreme that it is punishable as a crime. "Carelessness" ~~does not mean or include ordinary carelessness, ordinary negligence, simple negligence, or any similar concept.~~

(c) "Design" means the specific intent to intentional ignition of a fire or explosion ~~commit a crime or the general intent to commit any act that constitutes, or may result in, the commission of a crime.~~

(d) through (h) No change.

(i) "Probable cause" means reasonable cause or reasonable grounds to believe that a fire or explosion that was the result of carelessness or design ~~an unlawful act has been committed or that an unlawful event has occurred.~~

(j) "Property damage" means that any property, real, personal, or mixed, tangible or intangible, having some value to any person has been damaged to such extent that its value has been diminished; or ~~has been destroyed, and includes injury or death to any person.~~

(3) CONDUCT OF INITIAL INVESTIGATION.

(a) Any time a fire or explosion has occurred which results in property damage in any municipality, county, or special district having an organized fire department or designated arson investigations unit within its law enforcement providers, any local fire official whose intent is to request the State Fire Marshal to perform an investigation under Section 633.112, F.S., shall make or shall cause to be made an initial investigation of the circumstances surrounding the cause and origin of such fire or explosion. Law enforcement officers are permitted to, if any chooses, conduct such initial investigations.

(b) If the fire or explosion occurs in a municipality, county, or special district which has no organized fire department or designated arson investigations unit within its law enforcement providers, the municipality, county, or special district is permitted to request the bureau to conduct such initial investigation.

(4) FINDING OF PROBABLE CAUSE.

(a) If the local fire official or any law enforcement officer determines that there is probable cause to believe that the fire or explosion was the result of carelessness or design as provided ~~for~~ in Section 633.112, F.S., and as defined herein, the local fire official or any law enforcement officer seeking Bureau of Fire and Arson Investigations investigative resources shall report to the bureau the information identified in paragraph (b) of this subsection (4) to enable facts and circumstances constituting such probable cause, ~~for~~ the bureau to determine whether an investigation under Section 633.112, F.S., will be made and resources committed.

(b) Such report need not be in any particular form, but shall contain at a minimum the following information:

1. The date and time of the fire or explosion;
2. through 5. No change.

6. The facts and circumstances considered by the local fire official or law enforcement officer to constitute probable cause to believe that the fire or explosion was the result of carelessness or design.

(c) No change.

(5) FINDING OF NO PROBABLE CAUSE. If the local fire official or law enforcement officer determines that there is no probable cause to believe that the fire or explosion was the result of carelessness or design, and the fire or explosion does not meet the criteria in subsections (9) or (10), the local fire official or law enforcement officer shall have no obligation to refer the matter to the bureau.

(6) CONSULTATIONS WITH THE BUREAU. The local fire official or law enforcement officer is permitted to, at any time, verbally confer or consult with a law enforcement investigator or other law enforcement officer employed by the bureau to assist in a determination of whether probable cause exists to believe that the fire or explosion was the result of carelessness or design; however, such conference or consultation shall not relieve the local fire official or law enforcement officer of his or her responsibility to conduct the initial investigation required by subsection (3), or to make the determinations referred to in subsections (4) or (5).

(7) RESPONSIBILITIES OF THE BUREAU.

(a) If, after the immediate review of the report information provided pursuant to ~~in~~ paragraph (b) of subsection (4), the bureau determines that there is probable cause to believe that such fire or explosion was the result of carelessness or design, or the fire meets the criteria in subsections (9) or (10), the bureau shall immediately initiate a complete investigation of the subject fire or explosion, pursuant to the requirements of Section 633.112, F.S., or, in the event that an immediate response is not necessary based on the facts and circumstances, the bureau shall take all appropriate action to insure that the integrity of the evidence or the potential evidence is preserved until an investigation can be made.

(b) If, after the immediate review of the report information provided in paragraph (b) of subsection (4), the bureau determines that there is no probable cause to believe that such fire or explosion was the result of carelessness or design, and the fire or explosion does not meet the criteria in subsections (9) or (10), the bureau is not required to initiate an investigation of the fire or explosion. Verbal notification of this determination shall be provided to the requesting fire official or law enforcement officer by the bureau. The bureau shall provide notice to the requesting local fire official or law enforcement officer of such determination containing an explanation of the reason or reasons the bureau does not find probable cause, in writing, and shall close the case without ~~with no further~~ investigation.

(c) In the absence of an investigation by the bureau, nothing in these rules prohibits a local fire official or any law enforcement officer from conducting any investigation resulting from a fire or explosion that such fire official or law enforcement officer deems appropriate or necessary.

(8) STANDARD PROCEDURES FOR INITIAL INVESTIGATIONS.

(a) The bureau will not normally perform the initial investigation to determine whether probable cause exists to believe that the fire or explosion was the result of carelessness or design in any municipality, county, or special district having an organized fire department, or in any jurisdiction in which any law enforcement officer assumes the responsibility for such investigations.

(b) The bureau will normally perform the initial investigation to determine whether probable cause exists to believe that the fire or explosion was the result of carelessness or design in a municipality, county, or special district which has no organized fire department, but only after a request has been made verbally or in writing by the municipality, county, or special district having no organized fire department requesting such initial investigation.

(9) DEATH OR INJURY OF A FIREFIGHTER. Notwithstanding anything else contained in this section, any time a firefighter is:

(a) No change.

(b) Killed as the result of, during, while combating, or otherwise engaged in any act or action related to a fire or explosion; the local fire official or law enforcement officer shall immediately notify the division of the information contained in paragraph (b) of subsection (4) to permit the division to conduct an investigation pursuant to subsection 633.508(7) ~~Section 633.206~~, F.S., and, if applicable, an investigation pursuant to Section 633.112, F.S.

(10) PRESUMPTIONS FOR PURPOSES OF BUREAU INVESTIGATIONS.

(a) Fires or explosions meeting the following criteria shall be presumed by the bureau to be by carelessness or design for the sole purpose of activation of the bureau's resources in accordance with this rule:

1. Any fire or explosion with a projected direct dollar loss exceeding \$1,000,000 (one million dollars); or
2. Any fire or explosion involving a civilian death, or an injury that is likely to result in death; or
3. Any fire or explosion in which the cause is not readily determined by an initial investigation; or
4. Any fire or explosion involving the suspected failure of a fire suppression or fire detection system.

(b) The bureau shall cause an investigation to be made of all fires or explosions meeting the criteria in subparagraphs 1., 2., 3., or 4.

Rulemaking Authority 633.104, 633.112(6)(c), 633.508(7), 633.518 FS. Law Implemented 633.104, 633.112, 633.508(7), 633.518 FS. History—New 8-13-03, Formerly 4A-61.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph Steadman, Chief, Bureau of Fire & Arson Investigations, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 16, 2015

Section III
Notice of Changes, Corrections and
Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on July 3, 2015, the Criminal Justice Standards and Training Commission, received a petition for temporary waiver of paragraph 11B-27.002(4)(a), F.A.C. from petitioner Phu Dac Nguyen. Petitioner wishes to temporarily waive for 180 days that portion of the rule that states: Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer. Petitioner states that he began basic

recruit training on June 1, 2011, completing such on November 31, 2011, and passed the State Officer Certification Exam on December 16, 2011. Petitioner states that since passing the SOCE he has diligently and persistently attempted to gain employment as a law enforcement officer, applying to 13 different agencies. Petitioner states that due to the economic downturn and other factors he has yet to gain employment as an officer. Petitioner states that he is currently in the hiring process with the City of Homestead and Miami-Dade County police departments. Petitioner states that he a full time employee as a Custom Protection Officer with G4S security clearance. Petitioner states that strict application of the rule forcing him to re-take basic recruit training would create a substantial economic hardship on him and his family and would be unfair and unreasonable in this instance. Petitioner states that the purpose of the underlying statute would be satisfied if the waiver were granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on August 3, 2015, the Board of Massage Therapy, received a petition for Linda S. Fontenot, seeking a variance or waiver of Rule 64B7-29, F.A.C. regarding a waiver of the theory portion of the Massage Therapy Apprenticeship Program. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588 or by electronic mail: christy.robinson@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on August 3, 2015, the Board of Massage Therapy, received a petition for Skye Lin Walker seeking a variance or waiver of Rule 64B7-32.002, F.A.C. regarding the requirement of providing an official transcript. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588 or by electronic mail: christy.robinson@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on July 29, 2015, the Board of Massage Therapy, received a petition for Barbara Stratton, seeking a variance or waiver of Section 120.542, Florida Statutes. The Petitioner seeks a waiver from the Board regarding the requirement of twelve C.E.U.s in person. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588 or by electronic mail: christy.robinson@flhealth.gov.

Section VI

Notice of Meetings, Workshops and Public Hearings

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The West Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 17, 2015, 2:30 p.m., Executive Committee Meeting; 3:30 p.m., Regular Business Meeting

PLACE: Crestview City Hall, 198 N Wilson Street, Crestview, FL 32536

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the West Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: terry.joseph@wfrpc.org, 1(800)226-8914, ext. 201.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: terry.joseph@wfrpc.org, 1(800)226-8914, ext. 201. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: terry.joseph@wfrpc.org, 1(800)226-8914, ext. 201.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority
 The Tampa Bay Water - A Regional Water Supply Authority announces a public meeting to which all persons are invited.
 DATE AND TIME: Monday, August 17, 2015, 9:30 a.m.
 PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department, (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Records Department, (727)796-2355.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 12, 2015, 9:00 a.m. – 1:00 p.m.

PLACE: Florida State Capitol, Cabinet Meeting Room – Lower Level. 400 South Monroe Street, Tallahassee, FL 32399

Any person interested in watching the live stream of the meeting, please go to the Florida Channel’s website at <http://thefloridachannel.org/>. If you have any difficulty accessing the live stream, please call the Florida Center’s main number at (850)412-3730.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Commission on Healthcare and Hospital Funding. The Commission was created by the Governor’s Executive Order Number 15-99, to investigate and advise on the role of taxpayer funding for hospitals, insurers, and health care providers, and the affordability, access, and quality of healthcare services they provide to Florida families as a return on taxpayer investment. ****Please note that this meeting will be recorded****

A copy of the agenda may be obtained by contacting: The agenda will be posted at the Commission on Healthcare and Hospital Funding website, at: <http://healthandhospitalcommission.com>. You may also contact us at, FLHospitalCommission@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Betty Schmidt, Florida Center for Health Information and Policy Analysis at Betty.Schmidt@ahca.myflorida.com or (850)412-3770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Betty Schmidt, Florida Center for Health Information and Policy Analysis at Betty.Schmidt@ahca.myflorida.com or (850)412-3770.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2015, 8:30 am

PLACE: Safety Harbor Resort & Spa, 105 North Bayshore Drive, Safety Harbor, FL 34695, (727)726-1161

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to the meeting.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.016 U.S. Department of Agriculture Soil Textural Classification System

The Florida Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 20, 2015, 3:00 p.m., Eastern Time
PLACE: Conference call meeting, Teleconference Phone
Number: 1(888)670-3525, At the prompt, enter the Participant
Code: 2980 214 500

For those who wish to attend the meeting in person, the conference call will originate from: Capital Circle Office Complex, Conference Room 130 L, 4025 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Technical Review and Advisory Panel will discuss a proposal to repeal Rule 64E-6.016, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATES AND TIME: September 2-3, 2015, 8:30 a.m. each day

PLACE: Hilton Fort Lauderdale Marina - 1881 SE 17th Street, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues. The meeting may include fact finding field trips to Commission managed areas or facilities and to other areas to learn about management, and enforcement activities.

A copy of the agenda may be obtained by contacting: Lisa Zullo, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

DEPARTMENT OF MILITARY AFFAIRS

The Department Of Military Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 12, 2015, 9:00 a.m.

PLACE: Moody Hall Conference Center, Camp Blanding Joint Training Center, Starke, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The CBRAC will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

A copy of the agenda may be obtained by contacting: Sondra Vaughn, (904)823-0201.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Sondra Vaughn, (904)823-0201. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Sondra Vaughn, (904)823-0201.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: August 12, 2015, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman’s report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The Center for Independent Living of South Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: August 22, 2015, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. If alternative format or ASL interpreter or other accommodation is required, please request at least 7 days in advance of the meeting date. RSVP to Email: Mary@soflacil.org or call (305)751-8025.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or call (305)751-8025.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

Request for Proposal No. 14/15-038WR

The Suwannee River Water Management District (District) is conducting a Request for Proposals (RFP) to update five existing, but dated, Surface Water Improvement and Management (SWIM) plans into two plans: one for the Suwannee River watershed and a second for the coastal river basins within the Suwannee River Water Management District. These revised plans will need to incorporate a high level of citizen, local government, state and federal agency input into draft development and review of drafts. They need to address issues related to the SWIM Act, Deepwater Horizon oil spill response, other watershed and coastal restoration and state and federal agency funding opportunities.

The selected Contractor shall be responsible for performance of the work according to schedule and for providing data of acceptable quality to the District. The contract shall be from October, 2015 through September 30, 2017. This work is to be funded by a grant to the District from the National Fish and Wildlife Foundation (NFWF). The SWIM Plan contract is contingent upon a signed funding agreement between the District and NFWF.

A mandatory meeting to answer questions will be held at 10:00 a.m. on August 14, 2015, at District Headquarters in Live Oak, Florida.

Proposals are due September 10, 2015, 4:00 p.m.

For more information, contact Erich Marzolf, ERM@srwmd.org, or visit our website: www.mysuwanneeriver.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BDC04-15/16 Sebastian Inlet State Park: Campground Septic System Replacement

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC04-14/15 Sebastian Inlet State Park – Campground Septic System Replacement. More info @ http://tinyurl.com/BDC04-15-16.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

DFS FM ITB 14/15-16

Purchase and Installation of Emergency Lighting, Sirens and other Equipment for Law Enforcement Vehicles

The Department of Financial Services, Division of State Fire Marshal is soliciting responses from interested parties to enter into a 3 year contract with renewal options to outfit newly purchased law enforcement vehicles for the Department. These vehicles come from the manufacturer without lights, sirens and other needed equipment for law enforcement cars, trucks and SUV's. The Department intends to make a single award from this ITB.

Point of Contact/Procurement Officer: All questions must be in writing and should reference the above solicitation number and title. Submit all questions to Procurement Officer, Nancy Jewett via email at nancy.jewett@myfloridacfo.com.

Response Due Date: On or prior to 3:00 p.m. EST, Wednesday, September 23, 2015, to the Procurement Officer identified to the following office location:

Department of Financial Services, 200 East Gaines Street, Larson Building, Purchasing Services, Room B24, Tallahassee, Florida 32399-0317.

The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to any public meeting identified within the solicitation. The Department will post notice of any changes regarding this solicitation or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise the notice in the Florida Administrative Register (FAR). To access the VBS go to the following web address: http://vbs.dms.state.fl.us/vbs/main_menu.

ADA Requirements: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Procurement Officer – see above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DAYTONA STATE COLLEGE

Architectural Design Services
RFQ #16-001

Pursuant to the provisions of Section 287.055, Florida Statutes, the “Consultants’ Competitive Negotiations Act”, Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural design services. The project consists of programming and design for the new Student Center/Workforce-Transition Building. The total project budget is \$30M inclusive of all fees and furnishings. Firms desiring consideration must submit proposals no later than 12:00 p.m. on September 4, 2015, to the Facilities Planning Department, Daytona State College, Building 430A/Room 100, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting nielseb@daytonastate.edu or by visiting our website at <http://www.daytonastate.edu/fp/proposals.html>

County: Miami-Dade District: 11
Date Filed: 8/3/2015 LOI #: H1508003
Facility/Project: The Public Health Trust of Miami-Dade County, Florida
Applicant: The Public Health Trust of Miami-Dade County, Florida
Project Description: To establish a new general acute care hospital of up to 100 licensed acute care beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 14, 2015, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 9, 2015.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco
NOTICE OF QUOTA BEVERAGE LICENSE DRAWING ENTRY PERIOD

The division will accept Quota Beverage License Drawing Entry Forms for 45 days beginning August 17, 2015. Entry forms will be accepted from August 17, 2015, until 5:00 p.m., on September 30, 2015, for the following counties and amounts: BROWARD (2), DADE (5), DUVAL (3), ESCAMBIA (1), HILLSBOROUGH (3), LAKE (1), LEE (2), LEON (1), MANATEE (1), ORANGE (3), OSCEOLA (1), PALM BEACH (2), PASCO (1), PINELLAS (1)*, POLK (2), ST. JOHNS (1).

* One (1) or more revoked licenses re-issued pursuant to 561.19(2)(a).

The division must receive all entry forms before this deadline. No exceptions. Mail or hand deliver the completed entry form, including payment (check or money order made payable to the division), to: Division of Alcoholic Beverages and Tobacco, Attention: Quota Beverage License Drawing, 1940 North Monroe Street, Tallahassee, Florida 32399-1019.

DBPR ABT-6033 is the only entry form that will be accepted for filing into these drawings. All interested persons should contact the Division’s district office serving their area of interest or visit the Division’s Internet website: <http://www.myfloridalicense.com/dbpr/abt> to obtain the proper entry form. The entry form will be available upon opening of the entry period on August 17, 2015.

Further information may also be obtained by calling: (850)488-8284 or writing to Division of Alcoholic Beverages and Tobacco, Quota Beverage License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1019.

Section XII
Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

Letters of Intent

The Agency for Health Care Administration received and accepted the following letters of intent for the September 2, 2015 application filing date for Hospital Beds and Facilities batching cycle:

County: Clay District: 4
Date Filed: 8/3/2015 LOI #: H1508001
Facility/Project: Baptist Medical Center of Clay, Inc.
Applicant: Baptist Medical Center of Clay, Inc.
Project Description: Establish a new general hospital of up to 100 acute care beds

County: Miami-Dade District: 11
Date Filed: 8/3/2015 LOI #: H1508002
Facility/Project: East Florida - DMC, Inc.
Applicant: East Florida - DMC, Inc.
Project Description: To establish a new general acute care hospital of up to 100 licensed acute care beds

DEPARTMENT OF HEALTH

Board of Medicine

Notice of Emergency Action

On August 3, 2015, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Grace M. Guastella, M.D., License # ME 73992. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On August 3, 2015, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Lisa J. Smith, L.P.N., License #: PN5195849. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On August 3, 2015, State Surgeon General issued an Order of Emergency Suspension of Certificate with regard to the certificate of Lechaylla A. Wells, Certificate #: CNA 208158. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII

Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
