

- 71A-1.010 Certification, Accreditation, and Security Assessments
- 71A-1.011 Configuration Management
- 71A-1.012 Contingency Planning
- 71A-1.013 Identification and Authentication
- 71A-1.014 Incident Response
- 71A-1.015 Maintenance
- 71A-1.016 Media Protection
- 71A-1.017 Physical and Environmental Protection
- 71A-1.018 System and Application Security Planning
- 71A-1.019 Personnel Security and Acceptable Use
- 71A-1.020 Risk Assessment
- 71A-1.021 Systems, Applications and Services Acquisition and Development
- 71A-1.022 Systems and Communications Protection
- 71A-1.023 Systems and Information Integrity

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly. The notice published on June 18, 2010, should have stated that the agency head who approved the rule was Mike Russo, State Chief Information Officer.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-44 RULE TITLE: Instant Game Number 1075, CHERRY JUBILEE

SUMMARY: This emergency rule describes Instant Game Number 1075, "CHERRY JUBILEE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule

sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-44 Instant Game Number 1075, CHERRY JUBILEE.

(1) Name of Game. Instant Game Number 1075, "CHERRY JUBILEE."

(2) Price. CHERRY JUBILEE lottery tickets sell for \$2.00 per ticket.

(3) CHERRY JUBILEE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CHERRY JUBILEE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The play symbols and play symbol captions are:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are ten (10) spins on a ticket. Each spin is played separately. A ticket having three like play symbols and corresponding play symbol captions in a spin shall entitle the claimant to the prize shown for that spin. A ticket having three

(3) "DOUBLE" play symbols and play symbol captions in a spin shall entitle the player to double the prize shown for that spin.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$400, \$1,000, \$5,000 and \$25,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1075 are as follows:

| GAME PLAY | WIN | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 60 POOLS OF 180,000 TICKETS PER POOL |
|--|-------|------------------------------|---|
| \$1 (THREE CHERRIES) | \$2 | 37.50 | 288,000 |
| \$1 x 2 | \$2 | 37.50 | 288,000 |
| \$2 | \$2 | 21.43 | 504,000 |
| \$1 x 4 | \$4 | 75.00 | 144,000 |
| (\$1 x 2) + \$2 | \$4 | 75.00 | 144,000 |
| \$2 (THREE CHERRIES) | \$4 | 37.50 | 288,000 |
| \$2 x 2 | \$4 | 75.00 | 144,000 |
| \$4 | \$4 | 75.00 | 144,000 |
| \$1 x 5 | \$5 | 375.00 | 28,800 |
| (\$1 x 3) + \$2 | \$5 | 375.00 | 28,800 |
| \$2 (THREE CHERRIES) + \$1 | \$5 | 375.00 | 28,800 |
| \$1 + \$4 | \$5 | 375.00 | 28,800 |
| \$5 | \$5 | 375.00 | 28,800 |
| \$1 x 10 | \$10 | 250.00 | 43,200 |
| \$2 x 5 | \$10 | 250.00 | 43,200 |
| \$5 (THREE CHERRIES) | \$10 | 250.00 | 43,200 |
| \$5 x 2 | \$10 | 250.00 | 43,200 |
| \$10 | \$10 | 250.00 | 43,200 |
| \$5+(\$2x5) | \$15 | 750.00 | 14,400 |
| \$5+\$5(THREE CHERRIES) | \$15 | 750.00 | 14,400 |
| \$2+(\$4x2)+\$5 | \$15 | 750.00 | 14,400 |
| \$5+\$10 | \$15 | 750.00 | 14,400 |
| \$15 | \$15 | 750.00 | 14,400 |
| \$2 x 10 | \$20 | 750.00 | 14,400 |
| \$4 x 5 | \$20 | 750.00 | 14,400 |
| \$10 (THREE CHERRIES) | \$20 | 750.00 | 14,400 |
| \$10 x 2 | \$20 | 750.00 | 14,400 |
| \$20 | \$20 | 750.00 | 14,400 |
| \$4 x 10 | \$40 | 6,000.00 | 1,800 |
| \$5 x 8 | \$40 | 6,000.00 | 1,800 |
| \$10 x 4 | \$40 | 6,000.00 | 1,800 |
| \$20 (THREE CHERRIES) | \$40 | 6,000.00 | 1,800 |
| \$40 | \$40 | 6,000.00 | 1,800 |
| \$10 x 10 | \$100 | 3,600.00 | 3,000 |
| (\$10 x 4) + (\$30 x 2) | \$100 | 3,600.00 | 3,000 |
| \$20 x 5 | \$100 | 3,600.00 | 3,000 |
| \$20 + \$20 (THREE CHERRIES) + \$40 | \$100 | 3,600.00 | 3,000 |
| \$20 + (\$40 x 2) | \$100 | 3,600.00 | 3,000 |
| \$100 | \$100 | 3,600.00 | 3,000 |
| \$20 x 10 | \$200 | 18,000.00 | 600 |
| \$20 + (\$30 x 6) | \$200 | 18,000.00 | 600 |
| \$40 x 5 | \$200 | 18,000.00 | 600 |
| \$100 (THREE CHERRIES) | \$200 | 18,000.00 | 600 |

| | | | |
|-----------------------------|----------|--------------|-----|
| \$200 | \$200 | 18,000.00 | 600 |
| \$40 x 10 | \$400 | 36,000.00 | 300 |
| \$100 x 4 | \$400 | 45,000.00 | 240 |
| \$200 x 2 | \$400 | 45,000.00 | 240 |
| \$200 (THREE CHERRIES) | \$400 | 45,000.00 | 240 |
| \$400 | \$400 | 45,000.00 | 240 |
| \$100 x 10 | \$1,000 | 180,000.00 | 60 |
| \$200 x 5 | \$1,000 | 180,000.00 | 60 |
| \$200 + \$200 | \$1,000 | 180,000.00 | 60 |
| (THREE CHERRIES) + \$400 | \$1,000 | 180,000.00 | 60 |
| \$200 + (\$400 x 2) | \$1,000 | 180,000.00 | 60 |
| \$1,000 | \$1,000 | 180,000.00 | 60 |
| \$5,000 | \$5,000 | 270,000.00 | 40 |
| \$25,000 | \$25,000 | 1,080,000.00 | 10 |

(9) The estimated overall odds of winning some prize in Instant Game Number 1075 are 1 in 4.36. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1075, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for CHERRY JUBILEE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-3-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 3, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-45
 RULE TITLE: Instant Game Number 5001, CUBILETE

SUMMARY: This emergency rule describes Instant Game Number 5001, "CUBILETE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-45 Instant Game Number 5001, CUBILETE.

(1) Name of Game. Instant Game Number 5001, "CUBILETE."

(2) Price. CUBILETE lottery tickets sell for \$2.00 per ticket.

(3) CUBILETE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CUBILETE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The play symbols and play symbol captions are:



(5) The legends are as follows:

ROLL 1 ROLL 2 ROLL 3 ROLL 4 ROLL 5 ROLL 6

(6) Determination of Prizewinners.

(a) There are six (6) rolls on a ticket. Each roll is played separately. A ticket having play symbols and corresponding play symbol captions in a roll that match a pattern shown in the PRIZE LEGEND shall entitle the claimant to the prize shown for that pattern.

(b) The prizes are: \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$300, \$500, \$1,000, \$10,000 and \$25,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 5001 are as follows:

| | | | |
|-------------------------|----------|------------|--------|
| \$10 + \$2 + \$20 | \$20 | 750.00 | 10,880 |
| \$2 + \$2 + \$2 | | | |
| + \$2 | | | |
| \$10 + \$10 | \$20 | 750.00 | 10,880 |
| \$20 | \$20 | 750.00 | 10,880 |
| \$50 | \$50 | 278.00 | 29,308 |
| \$20 + \$20 + \$20 | \$100 | 1,600.00 | 5,100 |
| \$20 | | | |
| \$50 + \$50 | \$100 | 1,600.00 | 5,100 |
| \$100 | \$100 | 2,400.00 | 3,400 |
| \$50 + \$50 + \$50 | \$300 | 6,000.00 | 1,360 |
| \$50 + \$50 | | | |
| \$100 + \$100 | \$300 | 24,000.00 | 340 |
| + \$100 | | | |
| \$100 + \$50 + \$50 | \$300 | 12,000.00 | 680 |
| \$50 + \$50 + \$50 | | | |
| \$300 | \$300 | 120,000.00 | 68 |
| \$100 + \$100 | \$500 | 60,000.00 | 136 |
| + \$100 + \$100 + \$50 | | | |
| \$50 | | | |
| \$100 + \$100 | \$500 | 120,000.00 | 68 |
| + \$100 | | | |
| + \$100 + \$100 | \$500 | 160,000.00 | 51 |
| + \$100 | | | |
| \$500 | \$500 | 480,000.00 | 17 |
| \$500 + \$100 | \$1,000 | 120,000.00 | 68 |
| + \$100 + \$100 + \$100 | | | |
| \$500 + \$500 | \$1,000 | 480,000.00 | 17 |
| \$500 + \$300 | \$1,000 | 160,000.00 | 51 |
| + \$100 + \$100 | | | |
| \$1,000 | \$1,000 | 480,000.00 | 17 |
| \$10,000 | \$10,000 | 480,000.00 | 17 |
| \$25,000 | \$25,000 | 816,000.00 | 10 |

(8) The estimated overall odds of winning some prize in Instant Game Number 5001 are 1 in 4.57. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 5001, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for CUBILETE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-3-10.

| GAME PLAY | VALUE | ESTIMATED | NUMBER OF |
|-----------------------|-------|--------------|---|
| | | ODDS OF 1 IN | WINNERS IN 68 POOLS OF 120,000 TICKETS PER POOL |
| \$2 | \$2 | 9.00 | 924,800 |
| \$2 + \$2 | \$4 | 30.00 | 272,000 |
| \$4 | \$4 | 38.00 | 217,600 |
| \$5 | \$5 | 75.00 | 108,800 |
| \$2 + \$2 + \$2 | \$10 | 150.00 | 54,400 |
| + \$2 + \$2 | | | |
| \$2 + \$2 + \$2 + \$2 | \$10 | 150.00 | 54,400 |
| \$2 + \$4 | | | |
| \$5 + \$5 | \$10 | 250.00 | 32,640 |
| \$10 | \$10 | 375.00 | 21,760 |
| \$4 + \$4 + \$4 | \$20 | 750.00 | 10,880 |
| + \$4 + \$4 | | | |
| \$5 + \$5 + \$5 | \$20 | 750.00 | 10,880 |
| + \$5 | | | |

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 3, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-46
 RULE TITLE: Instant Game Number 1074, THE MONEY GAME

SUMMARY: This emergency rule describes Instant Game Number 1074, "THE MONEY GAME," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

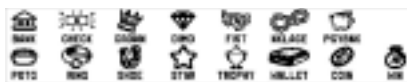
53ER10-46 Instant Game Number 1074, THE MONEY GAME.

(1) Name of Game. Instant Game Number 1074, "THE MONEY GAME."

(2) Price. THE MONEY GAME lottery tickets sell for \$1.00 per ticket.

(3) THE MONEY GAME lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning THE MONEY GAME lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legend is as follows:

CENTER PRIZE

(7) Determination of Prizewinners.

(a) A ticket having a "🎯" play symbol and corresponding play symbol caption in any of the four corners or in the CENTER PRIZE play area shall entitle the claimant to the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500 and \$5,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1074 are as follows:

| GAME PLAY | WIN | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 50 POOLS OF TICKETS PER POOL |
|--------------------------|-------|------------------------|---|
| \$1 | \$1 | 10.71 | 1,120,000 |
| \$1 x 2 | \$2 | 30.00 | 400,000 |
| \$2 | \$2 | 30.00 | 400,000 |
| \$1 x 4 | \$4 | 150.00 | 80,000 |
| (\$1 x 2) + \$2 | \$4 | 300.00 | 40,000 |
| \$2 x 2 | \$4 | 150.00 | 80,000 |
| \$4 | \$4 | 150.00 | 80,000 |
| \$1 x 5 | \$5 | 750.00 | 16,000 |
| (\$1 x 3) + \$2 | \$5 | 750.00 | 16,000 |
| (\$2 x 2) + \$1 | \$5 | 750.00 | 16,000 |
| \$4 + \$1 | \$5 | 750.00 | 16,000 |
| \$5 | \$5 | 750.00 | 16,000 |
| \$2 x 5 | \$10 | 500.00 | 24,000 |
| (\$2 x 3) + \$4 | \$10 | 500.00 | 24,000 |
| \$1 + (\$2 x 2) + \$5 | \$10 | 500.00 | 24,000 |
| \$5 x 2 | \$10 | 500.00 | 24,000 |
| \$10 | \$10 | 500.00 | 24,000 |
| \$4 x 5 | \$20 | 1,500.00 | 8,000 |
| \$5 x 4 | \$20 | 1,500.00 | 8,000 |
| (\$5 x 2) + \$10 | \$20 | 1,500.00 | 8,000 |
| \$10 x 2 | \$20 | 1,500.00 | 8,000 |
| \$20 | \$20 | 1,500.00 | 8,000 |
| (\$5 x 4) + \$10 | \$30 | 8,000.00 | 1,500 |
| (\$5 x 2) + (\$10 x 2) | \$30 | 8,000.00 | 1,500 |
| \$10 x 3 | \$30 | 8,000.00 | 1,500 |
| \$10 + \$20 | \$30 | 8,000.00 | 1,500 |
| \$30 | \$30 | 8,000.00 | 1,500 |
| \$10 x 5 | \$50 | 8,000.00 | 1,500 |
| (\$10 x 3) + \$20 | \$50 | 9,600.00 | 1,250 |
| (\$10 x 2) + \$30 | \$50 | 9,600.00 | 1,250 |
| \$20 + \$30 | \$50 | 9,600.00 | 1,250 |
| \$50 | \$50 | 9,600.00 | 1,250 |
| \$20 x 5 | \$100 | 20,000.00 | 600 |
| (\$10 x 2) + \$30 + \$50 | \$100 | 24,000.00 | 500 |

| | | |
|---------------------------|-----------|------------|
| (\$10 x 2) + \$20 + \$100 | 24,000.00 | 500 |
| (\$30 x 2) | | |
| (\$20 x 2) + (\$30 x 2) | \$100 | 24,000.00 |
| \$100 | \$100 | 24,000.00 |
| \$20 + \$30 + (\$50 x 3) | \$200 | 120,000.00 |
| \$50 x 4 | \$200 | 120,000.00 |
| (\$50 x 2) + \$100 | \$200 | 120,000.00 |
| \$100 x 2 | \$200 | 120,000.00 |
| \$200 | \$200 | 120,000.00 |
| \$100 x 5 | \$500 | 240,000.00 |
| (\$100 x 3) + \$200 | \$500 | 240,000.00 |
| \$100 + (\$200 x 2) | \$500 | 240,000.00 |
| \$500 | \$500 | 240,000.00 |
| \$5,000 | \$5,000 | 240,000.00 |

(9) The estimated overall odds of winning some prize in Instant Game Number 1074 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1074, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for THE MONEY GAME lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-3-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 3, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-47
 RULE TITLE: Instant Game Number 1076, CRUISE FOR CASH

SUMMARY: This emergency rule describes Instant Game Number 1076, "CRUISE FOR CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-47 Instant Game Number 1076, CRUISE FOR CASH.

(1) Name of Game. Instant Game Number 1076, "CRUISE FOR CASH."

(2) Price. CRUISE FOR CASH lottery tickets sell for \$5.00 per ticket.

(3) CRUISE FOR CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CRUISE FOR CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



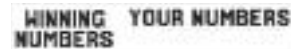
(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a "WIN ALL" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$100, \$500, \$1,000 and \$200,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1076 are as follows:

| GAME PLAY | WIN | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 52 POOLS OF 120,000 TICKETS PER POOL |
|---|-----------|------------------------|---|
| \$5 | \$5 | 8.57 | 728,000 |
| \$2 x 5 | \$10 | 60.00 | 104,000 |
| \$5 x 2 | \$10 | 30.00 | 208,000 |
| \$10 | \$10 | 30.00 | 208,000 |
| \$2 x 10 | \$20 | 150.00 | 41,600 |
| (\$5 x 2) + \$10 | \$20 | 150.00 | 41,600 |
| \$5 x 4 | \$20 | 150.00 | 41,600 |
| \$10 x 2 | \$20 | 150.00 | 41,600 |
| \$20 | \$20 | 150.00 | 41,600 |
| (\$2 x 10) + \$5 | \$25 | 363.64 | 17,160 |
| (\$10 x 2) + \$5 | \$25 | 363.64 | 17,160 |
| \$5 x 5 | \$25 | 363.64 | 17,160 |
| (\$2 x 5) + (\$5 x 3) | \$25 | 369.23 | 16,900 |
| \$25 | \$25 | 369.23 | 16,900 |
| (\$2 x 10) + (\$10 x 2) (CROWN) | \$40 | 685.71 | 9,100 |
| \$25 + \$10 + \$5 | \$40 | 685.71 | 9,100 |
| \$10 x 4 | \$40 | 685.71 | 9,100 |
| \$20 x 2 | \$40 | 685.71 | 9,100 |
| \$40 | \$40 | 685.71 | 9,100 |
| (\$5 x 8) + (\$10 x 2) + (\$20 x 2) (CROWN) | \$100 | 1,000.00 | 6,240 |
| \$10 x 10 | \$100 | 1,333.33 | 4,680 |
| \$20 x 5 | \$100 | 1,333.33 | 4,680 |
| \$25 x 4 | \$100 | 1,411.76 | 4,420 |
| \$100 | \$100 | 1,500.00 | 4,160 |
| (\$40 x 5) + (\$100 x 3) | \$500 | 24,000.00 | 260 |
| \$100 x 5 | \$500 | 24,000.00 | 260 |
| \$500 | \$500 | 12,000.00 | 520 |
| (\$40 x 10) + \$100 + \$500 (CROWN) | \$1,000 | 120,000.00 | 52 |
| \$100 x 10 | \$1,000 | 120,000.00 | 52 |
| (\$100 x 5) + \$500 | \$1,000 | 120,000.00 | 52 |
| \$500 x 2 | \$1,000 | 120,000.00 | 52 |
| \$1,000 | \$1,000 | 120,000.00 | 52 |
| (\$100 x 5) + (\$500 x 4) | \$2,500 | 312,000.00 | 20 |
| (\$1,000 x 2) + \$500 | \$2,500 | 312,000.00 | 20 |
| \$500 X 5 | \$2,500 | 312,000.00 | 20 |
| \$200,000 | \$200,000 | 1,560,000.00 | 4 |

(10) The estimated overall odds of winning some prize in Instant Game Number 1076 are 1 in 3.87. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1076, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for CRUISE FOR CASH lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-3-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 3, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-48
 RULE TITLE: Royal Caribbean International® Cruise Package Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Royal Caribbean International® Cruise Package Second Chance Drawing from September 7, 2010 to December 15, 2010, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-48 Royal Caribbean International® Cruise Package Second Chance Drawing.

(1) Beginning Tuesday, September 7, 2010, players can enter their non-winning Florida Lottery CRUISE FOR CASH Scratch-Off ticket(s) in the Royal Caribbean International® Cruise Package Second Chance Drawing on the Florida Lottery's Web site or by mail to win an eight (8)-day, seven (7)-night cruise package as described below.

(2) Four (4) Web entry drawings and one (1) mail-in entry drawing will be held between October 6 and December 15, 2010, from entries received by midnight the night before each drawing for the Web drawings and by December 13, 2010 for the mail-in entries. Entries will be good for one (1) drawing only. The draw dates are:

| Web Drawing | Web Draw Date | Web Entry Period | Cruise Packages Awarded |
|-------------|------------------------------|--------------------------------|-------------------------|
| 1 | Wednesday, October 6, 2010 | September 7 – October 5, 2010 | 27 |
| 2 | Wednesday, October 27, 2010 | October 6 – October 26, 2010 | 27 |
| 3 | Wednesday, November 17, 2010 | October 27 – November 16, 2010 | 27 |
| 4 | Wednesday, December 8, 2010 | November 17 – December 7, 2010 | 27 |

| Mail-In Drawing | Mail-In Draw Date | Mail-In Entry Period | Cruise Packages Awarded |
|-----------------|------------------------------|---------------------------------|-------------------------|
| 1 | Wednesday, December 15, 2010 | September 7 - December 13, 2010 | 4 |

(3) Each cruise package includes the following:

(a) An eight (8)-day, seven (7)-night cruise for two (2) on one of Royal Caribbean’s cruise ships. Ships, itineraries and dates are subject to availability. Room accommodations will include a stateroom for two (2) with a premium ocean view balcony.

(b) Transportation to and from the port city within the state of Florida with a maximum value of \$1,000. Reasonable accommodations will be made for non-Florida residents up to the \$1,000 maximum.

(c) Deluxe hotel accommodations for the night before the cruise departure.

(d) Ground transportation from the hotel to the port where the cruise ship is located.

(e) A pre-paid \$1,000 credit account for on-board purchases.

(4) Internet Web Entry. To enter a non-winning ticket in the Web entry Royal Caribbean International® Cruise Package Second Chance Drawing, visit the Florida Lottery’s Web site at flalottery.com, click on the Royal Caribbean International® Cruise Package Second Chance Drawing icon and follow the directions. The ticket number is located below the play instructions on the front of a CRUISE FOR CASH Scratch-Off ticket. Scratch off the latex covering to reveal the 24-digit ticket number.

(5) Mail-In Entry. To enter a non-winning ticket in the mail-in entry Royal Caribbean International® Cruise Package Second Chance Drawing, players must complete the player information section on the back of the ticket and mail to: Florida Lottery Royal Caribbean International® Cruise Package Second Chance Drawing, P. O. Box 7456, Tallahassee, Florida 32314-7456. Entries mailed to a different address will not be included in the drawing. If drawn, incomplete, illegible or mutilated, tickets will be disqualified. Tickets entered in a Web drawing are not eligible for the mail-in drawing. The risk of loss or late delivery of a ticket submitted by mail remains with the player.

(6) Winning CRUISE FOR CASH Scratch-Off tickets cannot be used for entry in the second chance drawings. The odds of winning are dependent upon the number of entries received.

(7) Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one (1) time, for one (1) entry in the second chance drawings.

(8) Twenty-seven (27) entries will be selected in each Web entry drawing and four (4) entries will be selected in the mail-in drawing. An additional fifteen (15) entries will be selected in each Web drawing and an additional twenty (20)

entries will be selected in the mail-in drawing to serve as alternates in the event a prize cannot be awarded to a winner or a mail-in entry is disqualified. The prizewinners in each second chance drawing will be posted on flalottery.com on the day of the draw. The Florida Lottery will attempt to notify each of the prize winners by telephone, U.S. mail or e-mail using the contact information provided in the winner’s registration data no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. If the Florida Lottery is unable to contact the alternate winner within three (3) weeks of the date of award of the prize, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Lottery is unable to contact an alternate, the prize will not be awarded.

(9) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a cruise prize, winners must submit a completed Winner Claim Form DOL 173-2, or Spanish Winner Claim Form DOL 173-2S, as referenced in Rule 53ER10-1, F.A.C., appropriate identification, and a notarized Florida Lottery Release and Authorization Form DOL-474, revised 10/08. Winners in a Web entry second chance drawing must also submit to the Florida Lottery the original valid non-winning CRUISE FOR CASH Scratch-Off ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. All forms must be submitted within seven (7) days of notification by the Florida Lottery that they are a winner. If the winner does not return the required forms within seven (7) days of notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. Form DOL-474 is hereby incorporated by reference and may be obtained at any Lottery office, from the Florida Lottery’s Web site at www.flalottery.com, or by writing to: Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(10) The Lottery will provide each winner with a certificate describing the winner’s prize. The certificate will contain the name and contact information for the person the prizewinner is to contact to make reservations to fulfill the prize package won. All cruise packages shall remain valid and available for booking for two (2) years after commencement of sales for the game (September 7, 2010), or for one (1) year after a cruise package has been claimed, whichever is latest. A cruise package winner has up to one (1) year from booking to take the cruise. If a winner fails to appear at the winner’s elected/designated time of departure, the entire cruise package shall be forfeited; provided, however, that the entire cruise

shall not be forfeited if the winner, at his or her own expense, makes arrangements to join the cruise at one of its scheduled stops.

(11) Winners may transfer a cruise package once within the period described in subsection (10) above at no additional cost; however, the value of the cruise package will remain taxable income to the winner. Transferability after booking shall be governed by the policies of Royal Caribbean.

(12) The right to claim a prize is not assignable to another person or entity.

(13) The Florida Lottery will pay applicable federal withholding tax on the value of the cruise (approximately \$7,950). Any additional federal, state and/or local taxes or fees will be the responsibility of the winner.

(14) No cash option or substitute is available in lieu of Royal Caribbean International® Cruise Package Second Chance Drawing prizes.

(15) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Prizes will be paid in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(16) Players must be at least eighteen (18) years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(17) By entering the Royal Caribbean International® Cruise Package Second Chance Drawing, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to Alchemy³, LLC, a representative of Royal Caribbean International®, for prize fulfillment purposes.

(18) By entering the Royal Caribbean International® Cruise Package Second Chance Drawing, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(19) Royal Caribbean International® Cruise Package Second Chance Drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Web site at flalottery.com.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 9-3-10.

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EFFECTIVE DATE: September 3, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 65CER10-6 | Definitions |
| 65CER10-7 | Case Management for Young Adults Formerly in Foster Care |
| 65CER10-8 | Road to Independence Program (RTI) |
| 65CER10-9 | Young Adult Services Documentation Requirements |
| 65CER10-10 | High School Needs Assessment |
| 65CER10-11 | Post Secondary Needs Assessment |
| 65CER10-12 | Independent Living Benefits Due Process Notification |
| 65CER10-13 | Independent Living Program Budget Management |

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The number of young adults formerly in foster care who are eligible for Independent Living services continues to increase. However, the FY 2010-2011 program funding allocation cannot be sustained at the previous year's level. Prior to July 1, 2010, Section 409.1451(10), F.S., specifically prohibited the Department from adopting rules relating to the reduction in Road-to-Independence awards. The Legislature amended this sub-section during the 2010 legislative session requiring the Department to adopt rules governing the payments and conditions relating to payments for services to youth or young adults provided under Section 409.1451, F.S.

The Department has the obligation to ensure the equitable treatment of young adults formerly in foster care and to ensure their safety and well-being. The health, safety, and welfare of young adults formerly in foster care are in danger. The inability to fully sustain the needs of these young adults may result in them becoming victims of crimes, homeless and destitute and it could lead to statewide inequitable treatment of these young adults. These changes will provide increased fiscal oversight and accountability at all levels including the Department, Community-Based Care Lead Agencies, and young adults so as to maximize the effective and efficient operation of the Independent Living Program.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure is fair under the circumstances because it ensures equitable treatment of young adults formerly in foster care.

SUMMARY: This rule makes changes to permanent Rules 65C-31.001, 65C-31.002, 65C-31.004, 65C-31.006, 65C-31.007, 65C-31.008, 65C-31.009, and 65C-31.011, F.A.C., relating to the Independent Living Services Program.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Marci Kirkland, Office of Family Safety, 1317 Winewood Boulevard, Tallahassee, Florida 32399, Phone: (850)487-2464, Email: Marci_Kirkland@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULES IS:

65CER10-6 (65C-31.001) Definitions.

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

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

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

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

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

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

(7) "Education and Training Vouchers" (ETV) means federal funds provided to young adults formerly in foster care eligible to receive independent living services and youth who were adopted from foster care at age 16 or 17. Students receiving ETV funds must be attending an institution of higher

education. ETV funds provide financial assistance to young adults to promote educational and vocational training opportunities.

(8) "Fair Hearings" means the appeals process federally mandated for the title IV-E independent living program by 45 C.F.R. 1356.10 and 45 C.F.R. 1355.30. The required details of this appeals process are provided in 45 C.F.R. 205.10. The Department of Children and 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.

(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 Program Scholarship.

(11) "Initial Application" means the "Initial Road to Independence Program Scholarship and/or ETV Funds Application" CF-FSP 5295, September 2010 2005, incorporated by reference, is required for the initial Road to Independence Program Scholarship, which can be made anytime prior to the young adult's 21st birthday. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

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

(13) "Qualifying residential facility" means a juvenile or adult correctional facility operated by, or licensed by, a governmental entity and which provides housing, including all utilities, and meals, without charge to the resident.

(14)(13) "Reinstatement Application" means the "Road to Independence Program Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application", CF-FSP 5297, September 2010 2005, incorporated by reference, that must be submitted by a former recipient of the Road to Independence Program scholarship prior to his or her 23rd

birthday in order to reinstate their ~~scholarship~~ award after an interruption of benefits. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

~~(15)(14)~~ “Renewal Application” means the “Road to Independence Program Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, ~~September 2010~~ 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 ~~stipend scholarship~~ award. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

~~(16)(15)~~ “Reviewing Authority” means the staff member(s) or committee head(s) designated by the district/region or community-based care to review the applications associated with Section 409.1451, F.S., and determine eligibility.

~~(17)(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.

~~(18)(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.

~~(19)(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.

~~(20)(19)~~ “Statewide Automated Child Welfare Information System (SACWIS)” (i.e., HomeSafenet), means the department’s statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and related child safety assessments and safety actions or plans and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and some case management functions, including the Child’s Resource Record. The SACWIS is the state’s primary record for each investigation and case and all documentation requirements of the system shall be met.

~~(21)(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. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

~~(22)(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 39.5075, 409.1451 FS. History–New 7-27-06, Amended 9-7-10.

65CER10-7 (65C-31.002) Case Management for Young Adults Formerly in Foster Care.

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

- (a) Aftercare support services,
- (b) Road to Independence (RTI) ~~Scholarship~~ Program, and
- (c) Transitional support services, as specified in Section 409.1451(5)(c)1., F.S.

The Independent Living Program is not an entitlement program. Services provided to eligible youth are based on the availability of funds to provide these services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Selection of Placements for Young Adults Formerly in Foster Care. Prior to his or her 18th birthday, each young adult formerly in foster care shall choose the placement that best suits his or her needs. The services worker assigned to work with a young adult shall provide information to the young adult so as to assist in the best decision making.

(a) If the young adult elects to reside in the same or different licensed placement after reaching age 18, the services worker assigned to work with the young adult shall assist both the placement provider and the young adult to 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 Florida Safe Families Network (FSFN) HSA 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. In addition, the agencies must provide information to all youth about public assistance programs (cash assistance, food stamps, Medicaid, etc.) and help in applying for these benefits.

(9) ~~ETV Education and Training Voucher~~ Funds.

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

1. Young adult must have been:

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

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

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

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

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

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

6. The young adult may receive a maximum of \$5000 per year towards the payment of RTI ~~stipend~~ ~~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. The young adult shall provide proof of enrollment and satisfactory progress.

(b) Application for ETV Funds.

1. Students applying for the ~~RTI Program Road to Independence (RTI) Scholarship~~ will use the application form "Road to Independence ~~Program Scholarship and/or ETV Funds~~ Application", CF-FSP 5295, September ~~2010~~ ~~2005~~, incorporated by reference, unless they are attending school part-time. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. If determined eligible for ETV, a portion of the student's RTI ~~stipend~~ ~~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. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

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 ~~RTI stipends~~ ~~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, ~~November 2008~~ ~~September 2005~~, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. This includes applications for services made in anticipation of the youth's 18th birthday. In addition, the youth

must be advised verbally and in writing and must acknowledge in writing that the information supplied in his/her application(s) for services must be true, complete, and correct.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451 FS. History--New 7-27-06, Amended 9-7-10.

65CER10-8 (65C-31.004) Road to Independence Program (RTI) Scholarship.

(1) Initial Application for RTI Program Scholarship Eligibility. Each student, with the assistance of the services worker if requested by the young adult, shall complete an RTI Program 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 Section 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:

(I) Section 1009.533, F.S., if the institution accepts the Florida Tuition and Fee Exemption provided in Section 1009.25, F.S. For good cause shown, the Secretary and/or designee may waive the requirement for educational institutions to comply with Section 1009.25, F.S.; or

(II) Section 445.09(7), F.S., that addresses eligible training providers recognized by Workforce Florida, Inc.

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 RTI Program scholarship eligibility are eligible to receive the

RTI stipend 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 RTI Program 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 RTI Program 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 RTI stipend 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 RTI stipend 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 RTI stipend 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 Independent Living 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, November 2008 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) RTI Program Scholarship Renewal. The services worker shall evaluate for renewal each RTI stipend scholarship award annually during the 90-day period before the student's birthday. In order to be eligible for a renewal award for the subsequent year the student shall:

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

(b) Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the RTI stipend 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) RTI Program Scholarship Reinstatement. A student who has lost eligibility for the RTI stipend scholarship or who choose not to renew the award may apply for reinstatement one time only before his or her 23rd birthday using "Road to Independence Program Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application", CF-FSP 5297, September 2010 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. In order to be eligible for reinstatement the student must meet the eligibility criteria and the criteria for RTI Program scholarship renewal.

(4) RTI Program Scholarship Needs Assessment. An RTI Program Needs Assessment must be completed on each student who has been awarded the RTI stipend 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 educational assistance to the young adult shall not exceed the young adult's cost of attendance.

(5) Payment Requirements for RTI Program Scholarship Recipients.

(a) The services worker responsible for the case shall determine how the monthly RTI stipend scholarship awards will be paid according to either of the two following methods:

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

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

1. For 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) Renewal of Road to Independence Program Scholarships.

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

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

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

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

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

(d) Eligibility to Renew RTI Stipend Road to Independence Scholarships. The young adult shall:

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

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

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

(e) Documentation Requirements for RTI Program Scholarship Recipients. All eligible recipients shall:

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

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

(f) RTI recipients attending institutions of higher education are participating in an activity equivalent to an acceptable food stamp employment and training program component as specified in 7 CFR 273.7. This activity meets the student eligibility criteria for the Food Assistance Program.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(b) FS. History--New 7-27-06, Amended 9-7-10.

65CER10-9 (65C-31.006) Young Adult Services Documentation Requirements.

(1) General Documentation Requirements.

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

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

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

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

4. Completed Needs Assessments for RTI cases.

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

(b) When requesting documentation from the young adult, the services worker shall use "Request for Road to Independence Program Scholarship Documentation" CF-FSP 5302, September ~~2006~~ 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(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.

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

(a) Initial RTI Program 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 Program 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 Program Scholarship Application. This "application" shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

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

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

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

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

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

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

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

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

d. Documentation that the student spent at least 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 student's 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 (SACWIS) 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.

(I) For students in a General Education Development (GED) program, this documentation shall also include documentation in the case file notes that a school official has been contacted and has verified continued full-time enrollment of the student and that the student meets any attendance requirements of the GED program to be considered enrolled full-time.

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.

(III) If participating in a GED program, the student shall submit the results of the most recent exam attempt(s). Full time students must take the full battery of GED exams that they have not previously passed at least twice per year. Community-based care lead agencies shall bear the costs for students to take the exams as required by this provision.

(b) RTI Program 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. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. The completed checklist shall be signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

2. The case file shall also contain:

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

b. Proof of satisfactory progress at the institution.

(c) RTI Program Scholarship Reinstatement Documentation Requirements.

1. Each student who wishes to apply for reinstatement shall complete a "Road to Independence Program Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application", CF-FSP 5297, September 2010 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

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.

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

(4) Documentation Requirements for Transitional Support Services.

(a) A case shall be open in the ~~Statewide Automated Child Welfare Information System (SACWIS)~~ 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 409.1451(1), (2), (3)(a), (c), (d), (5)(a), (c) FS. History--New 7-27-06, Amended 9-7-10.

65CER10-10 (65C-31.007) High School Needs Assessment.

(1) The Road to Independence Program Scholarship Needs Assessment for high school education has been developed to determine the funding needs of a young adult student formerly in foster care attending high school after considering other income sources. This section does not apply to any student who is living in a qualifying residential facility. These students shall be assessed for aftercare and/or transitional support services.

(2) Procedure:

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

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

(c) In order to complete the Road to Independence Program Scholarship Needs Assessment, the services worker shall meet with the student and explain the needs assessment

process to the student and obtain the required information and, when applicable, supporting documentation. For students located out-of-state, a phone interview is sufficient.

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

1. A statement that the requested information is needed before the needs assessment tool is processed;
2. A date by which the information must be received; and
3. A statement that the student's benefits will be initially established or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

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

(3) Elements of the Tool: The elements listed below correspond to the elements in the "Road to Independence Program ~~Scholarship~~ High School Needs Assessment Tool" CF-FSP 5299, ~~September 2010~~ ~~September 2005~~, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. 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. SSA benefits shall be included 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 RTI Program 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 Program Scholarship Award: This is the monthly scholarship award multiplied by 12.

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

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

(5) Documentation and Signature.

(a) The services worker shall obtain the student's signature on the "Road to Independence RTI Program Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, July 2006 September 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the student's case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, November 2008 September 2005, incorporated by reference, attached to the needs assessment tool. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(b)4. FS. History--New 7-27-06, Amended 9-7-10.

65CER10-11 (65C-31.008) Post Secondary Needs Assessment.

(1) The Road to Independence Program (RTI) 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. This section does not apply to any student who is living in a qualifying residential facility. These students shall be assessed for aftercare and/or transitional support services.

(2) Procedure:

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

(b) The amount of the monthly stipend scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month. The total amount of federal educational assistance funds provided to a student from all federal sources shall not exceed the "total cost of attendance" figure determined by the educational institution.

(c) In order to complete the Road to Independence Program Scholarship 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) The student shall provide documentation evidencing the following:

1. Living and Educational Expenses.

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. It may be necessary for the student to formally request that the financial aid office make adjustments to his or her COA based on individual circumstances. The student is responsible for collecting and transmitting to the financial aid office any information relevant to the COA adjustments sought. The services worker shall make efforts to facilitate this process. The student shall execute such authorizations as may be necessary to enable the services worker to assist with financial aid issues.

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 average or estimated COA 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. If the student is unable to obtain an individual COA, and an average or estimated COA is unavailable, the case worker shall contact DCF for further guidance.

2. Fee exemption for the academic year.
3. Federal scholarships received (including Pell Grants).
4. Other Federal Income (SSI, Social Security).
5. Earned Income (pay stubs or other documentation).
6. Other scholarships and grants from all sources.
7. Alternate sources of funds and services.

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

1. A statement that the requested information is needed before each needs assessment tool is processed; and
2. A date by which the information must be received; and
3. A statement that the student’s benefits will be initially established at or reduced to the minimum monthly award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(f) No later than 30 days prior to the student’s 18th birthday or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, 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 Post Secondary Needs Assessment ROAD—TO INDEPENDENCE SCHOLARSHIP POST SECONDARY NEEDS ASSESSMENT – ACADEMIC YEAR (FSP 5300 – September 2010 May 2006)”, incorporated by reference, DCF has supplied an electronic version of the form that will perform the required calculations as data is entered by the services worker. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

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. The SSA benefits received by the young adult must be included as a deduction and 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.

9. Monthly Academic Year Award: The monthly academic year award is determined by dividing the total academic year award by the number of months in the institution's academic year.

(b) Summer Months.

1. Student attending school, including internships. The service worker shall use the form "Road To Independence Post Secondary Needs Assessment – Summer Months – ATTENDING SCHOOL ROAD TO INDEPENDENCE POST SECONDARY NEEDS ASSESSMENT – SUMMER MONTHS – Attending School (FSP 5300a – September 2010 March 2006)." Incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

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. Living and Educational Expenses: Enter the total summer school COA. The summer school COA is obtained in the same manner as the academic year COA. (See Rule 65C-31.008(2)(d)1., F.A.C., above.) If no summer school COA is available from the financial aid office or the institution's website, the summer Living and Educational expenses are determined based on the student's academic year COA. The services 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, then add the total summer educational expenses to be incurred, including tuition, fees, and books.

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

c. 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 and Educational Expenses.

d. 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. The SSA benefits received by the young adult must be included as a deduction and 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 Program Post Secondary Needs Assessment – Summer Months – NOT ATTENDING SCHOOL ROAD TO INDEPENDENCE SCHOLARSHIP POST SECONDARY NEEDS ASSESSMENT – SUMMER MONTHS – Not attending school (FSP 5300b – September 2010 May 2006).," incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. 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. The SSA benefits received by the young adult must be included as a deduction and 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. A young adult not attending school is expected to obtain employment for the summer months, and if not employed, has the obligation to diligently seek employment.

i. A young adult seeking employment must provide the case worker with documentation of his or her job search consistent with the documentation required by the office of unemployment compensation on a monthly basis. If the unemployed young adult fails to provide such documentation in a given summer month, no award payment shall issue for the following summer month.

j. The young adult is required to inform the case worker of successful summer job placement within 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. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. 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, attached to the needs assessment tool. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(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 7 working days of the request.

1. 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. A change in circumstances is material if it is likely to result in a change in the amount of the monthly award of at least \$50 per month for the remainder of the award period.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(b) FS. History--New 7-27-06, Amended 9-7-10.

65CER10-12 (65C-31.009) Independent Living Benefits Due Process Notification.

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

(2) The services worker shall, at the time of application for independent living benefits, 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. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. As stated in the brochure, the young adult's services worker shall be available to help with the request for a fair hearing at any time that an adverse decision is made regarding the benefit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September ~~2006~~ 2005, incorporated by reference, and the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, ~~November 2008~~ September 2005, incorporated by reference, shall be attached to the Notice. A copy of the forms are available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

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

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

(e) Timeframes for response shall be clearly defined.

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

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

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 Family Services Office of Appeal Hearings with a notation on the "Independent Living Fair Hearing Request", which is used as a Fax cover sheet, (Attachment F) that the request was late. The Office of Appeal Hearings will handle late-filed requests from the central office.

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

1. The form "Oral Request for Fair Hearing" CF-FSP 5303, September 2005, incorporated by reference, shall be used by the services worker to document oral requests for a fair hearing. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

2. Written requests shall be prepared by the young adult on "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, July 2006 September 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(11) Timeframes.

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

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

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

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

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

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

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

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

(a) The services worker receiving the request shall immediately prepare copies of the young adult's complete Independent Living file to provide to both the young adult and the legal representative for the department or its contracted

service provider. The services worker shall provide the complete file to both the young adult and the legal representative for the department or its contracted service provider, whether or not a request has been made.

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

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

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

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

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

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

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

(b) Update after Hearing Officer's decision.

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

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

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

(a) In view of the fact that a hearing may be scheduled fairly quickly, the Local Review shall occur no later than 10 days after receipt of the request for hearing. This Review shall mirror the supervisory review done prior to the issuance of the due process letter (subsection (7) above).

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

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

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

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

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

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

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

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

2. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, and the services have not been continued during the appeal process, the department or its contracted service provider does not need to take any further action

regarding the services at issue. The Final Order shall be sent directly to the young adult and the young adult's legal representative as well as to the services worker.

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

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

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

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

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

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

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

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(e) FS. History—New 7-27-06, Amended 9-7-10.

65CER10-13 (65C-31.011) Independent Living Program Budget Management.

(1) General Requirements. Based on the availability of funds, the department or its contracted service provider shall manage funding and stay within the Independent Living

Program's contracted amount provided by the department to provide Independent Living service payments such as the Road To Independence Program scholarships, transitional support services, pre-independent living skills, subsidized independent living services, and aftercare support services to eligible young adults. Availability of funds shall include funds that have been appropriated by the Legislature of the State of Florida to the department for the current state fiscal year in which fall under the purview of child welfare services. Availability of funds shall also include unexpended state funds from previous state fiscal years that had been appropriated by the Legislature of the State of Florida to the Department in which fell under the purview of child welfare services, for nonrecurring Independent Living services for the current state fiscal year. A plan shall be provided to the department of the contracted service providers' funding availability and projected Independent Living services to be provided by service type, with the main goal The departmental district/region or its contracted service provider shall develop a fundamental methodology of projecting how much funding is needed to support the program, compared to the available contracted amount, and adjust accordingly. If a contracted service provider decides that the need is more than the contracted allocation, the contracted service provider has the flexibility to increase the Independent Living allocation within existing state funds within its contract, but this will not be considered part of the base allocation from the department. The goal of the contracted service provider shall be to provide as many services within the Independent Living Program within the funds available.

(2) Plan to Implement Services of Young Adults Formerly in Foster Care. Each contracted service provider shall provide a plan to the department of the services to be provided to young adults formerly in foster care who are determined eligible for such services. The Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care (CF-FSP 5350, September 2010), incorporated by reference, shall be completed by each contracted service provider, and submitted to the department by July 31st for each state fiscal year. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. Each plan shall be reviewed and approved by the department by August 31st of each state fiscal year. Plans not approved by the department will be returned to the contracted service provider for adjustments deemed necessary. Once a plan has been approved, a contracted service provider, at any time, may submit a modified plan to the department for approval. Each approved plan will be reviewed six (6) months after its approval date for accuracy and/or to allow for modifications needed at that time. Plans that require modification shall be reviewed and approved by the department. A final review of the approved plan will be completed at the end of the state fiscal year to ensure allowability of final expenditures and eligibility of clients served.

(3) Review Team. The Review Team shall consist of Department representatives from budget, fiscal, contracts, legal, and the Family Safety Program Office. The Secretary may add additional representatives including but not limited to youth, advocates, and community-based care agencies. They will review and make recommendations to the Director of Family Safety Program Office for all submitted Plans to Implement Independent Living Services to Young Adults Formerly in Foster Care.

(4)(2) Payment Adjustments. Once the Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care has been reviewed and approved by the department, if across the board reductions in maximum awards to Road To Independence and/or terminations of Independent Living services are needed due to the availability of funds, a modified plan must be submitted and approved by the department before such reductions and/or terminations are made. 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.

(5) Validation of Payments. At the six (6) month and end of the year reviews of the approved Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care, a validation of eligibility may be required of the

young adults who have received direct Independent Living services' payments. Validation of a client's eligibility could include, but is not limited to:

(a) Completion of Road To Independence – Client Education Verification (CF-FSP 5351, September 2010), incorporated by reference, by the contracted service provider and submitted to the department. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(b) Reconciliation of the Integrated Child Welfare Services Integrated System (ICWSIS) data fields by the department of clients invoiced to the department for accuracy and completeness of these data fields.

(c) Verification of progression in school, attendance document, end of semester grades, class schedules, highest grade of completion, reading assessments, substantial compliance of transition plan goals set in place have been achieved, and/or the client's demonstration of need.

(6) Disallowance of Funds Provided by the Department. At the time of the six (6) month and end of the state fiscal year reviews and validation of payments made on behalf of the Independent Living Program, as specified in the approved Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care, the amount of disallowance caused by the Lead Agency's failure to comply with state or federal regulations or the amount of any incorrect claim discovered in any federal or state audit shall be repaid to the department by the Lead Agency upon discovery.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5) FS. History--New 7-27-06, Amended 9-7-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE:

EFFECTIVE DATE: September 7, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.: 65ER10-14
RULE TITLE: Continuances

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The number of young adults formerly in foster care who are eligible for Independent Living services continues to increase. However, the FY 2010-2011 program funding allocation cannot be sustained at the previous year's level. Prior to July 1, 2010, Section 409.1451(10), F.S., specifically prohibited the Department from adopting rules relating to the reduction in Road-to-Independence awards. The Legislature amended this sub-section during the 2010 legislative session requiring the Department to adopt rules

governing the payments and conditions relating to payments for services to youth or young adults provided under Section 409.1451, F.S.

The Department has the obligation to ensure the equitable treatment of young adults formerly in foster care and to ensure their safety and well-being. The health, safety, and welfare of young adults formerly in foster care are in danger. The inability to fully sustain the needs of these young adults may result in them becoming victims of crimes, homeless and destitute and it could lead to statewide inequitable treatment of these young adults. These changes will provide increased fiscal oversight and accountability at all levels including the Department, Community-Based Care Lead Agencies, and young adults so as to maximize the effective and efficient operation of the Independent Living Program.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure is fair under the circumstances because it ensures equitable treatment of young adults formerly in foster care.

SUMMARY: This rule makes changes to permanent Rule 65-2, relating to continuances for appeal hearings for the Independent Living Services Program.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Marci Kirkland, Office of Family Safety, 1317 Winewood Boulevard, Tallahassee, Florida 32399, Phone: (850)487-2464, Email: Marci_Kirkland@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65ER10-14 (65-2.059) Continuances.

(1) The hearings officer may in his discretion grant a continuance of the hearing for good cause, or upon stipulation of all parties of record and the consent of the hearings officer.

(2) In appeals related to the Food Stamp Program, the household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed.

(3) In appeals related to the Independent Living Services Program for young adults pursuant to Section 409.1451, F.S., a continuance must be requested at least seven (7) days in advance of the scheduled hearing and good cause shown. A hearing officer may only grant a continuance for a hearing received less than seven days in advance upon a showing of emergency circumstances. The rescheduled hearing must take place within thirty (30) days, unless stipulated to by all parties. Any requests for a subsequent continuance may only be granted upon a showing of emergency circumstances. This amendment to be effective March 1, 1979.

Rulemaking Specific Authority 409.285 FS. Law Implemented 409.285 FS. History--New 5-17-78, Amended 3-1-79, Formerly 10-2.59, 10-2.059, Amended 9-7-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 7, 2010

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on September 3, 2010, the Agency for Health Care Administration, received a petition for Petition for Variance or Waiver from of subsection 59A-1.005(35), Florida Administrative Code, from INTERNATIONAL BIOLOGICS. The petition requests a variance of rule provisions requiring HTLV testing for donor tissue. The specific provision on which the waiver is sought is subparagraph 59A-1.005(35)(a)2., Florida Administrative Code. The Petitioner in its request seeks a temporary variance from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 1, 2010, the Board of Orthotists and Prosthetists received a petition for waiver or variance filed by Jeremy McDowell, from paragraph 64B14-4.110(1)(b), F.A.C., with regard to the licensure requirement of Rule 64B14-4.110, F.A.C. that applicants successfully complete required courses before acquiring the two years of direct supervision experience.

Comments on this petition should be filed with the: Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.