

RULEMAKING AUTHORITY: 395.0199 FS.
 LAW IMPLEMENTED: Section 35, Ch. 2009-223, Laws of Florida.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308, or at William.McCort@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-15.002 Definitions.

Rulemaking Specific Authority 395.037 FS. Law Implemented 395.0172 FS. History–New 2-18-92, Formerly 10D-111.002, Repealed.

59A-15.004 Registration Requirements.

Rulemaking Specific Authority 395.1055 FS. Law Implemented 395.0199 FS. History–New 2-18-92, Formerly 10D-111.004, Amended 3-18-96, Repealed.

59A-15.009 Confidentiality.

Rulemaking Specific Authority 395.037 FS. Law Implemented 395.0172 FS. History–New 2-18-92, Formerly 10D-111.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill McCort
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Interim Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 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."

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-6.003	Definitions
5J-6.005	Licensing Requirement, Commercial Telephone Seller, Salesperson
5J-6.013	Exemption

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NO.:	RULE TITLE:
11D-2.005	Methamphetamine Precursor Electronic Monitoring System

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 40, October 8, 2010 issue of the Florida Administrative Weekly. The Summary of the Rule filed for Rule 11D-2.005, F.A.C., published in Florida Administrative Code, Vol. 36, No. 40, October 8, 2010, is being corrected to include the following language at the bottom of the summary: HB 1565 (Chapter 2010-279, L.O.F.) IMPACT None. The remainder of the Summary of the Rule for Rule 11D-2.005, F.A.C., remains unchanged.

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12A-19.100	Public Use Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12A-19.100, F.A.C., published in Vol. 36, No. 40, pp. 4864-4868, October 8, 2010, issue of the Florida Administrative Weekly.

After further consideration, the proposed changes to the instructions for reporting a collection allowance adjustment in Column C of Schedule III, Direct-to-Home Satellite Services Adjustments (Page 22), and in Columns D, H, and N of Schedule IV, Adjustments (Pages 22-24), on Form DR-700016, Florida Communications Services Tax Return, revision dates 08/10 and 01/11, have been withdrawn.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12C-2.0115	Public Use Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12C-2.0115, F.A.C., published in Vol. 36, No. 40, pp. 4874-4875, October 8, 2010, issue of the Florida Administrative Weekly. After further consideration, the proposed changes to renumber Question 13 to Question 5, to renumber Question 14 to Question 11, and to renumber subsequent questions on Page 2, Form DR-601G, Governmental Leasehold Intangible Personal Property Tax Return For 2010 Tax Year, have been withdrawn.

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 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:
65C-31.001	Definitions
65C-31.002	Case Management for Young Adults Formerly in Licensed Foster Care
65C-31.003	Aftercare Support Services for Young Adults Formerly in Licensed Foster Care
65C-31.004	Road to Independence Program (RTI)
65C-31.005	Transitional Support Services for Young Adults Formerly in Licensed Foster Care
65C-31.006	Young Adult Services Documentation Requirements
65C-31.007	High School Needs Assessment
65C-31.008	Post Secondary Needs Assessment
65C-31.009	Independent Living Benefits Due Process Notification
65C-31.010	Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department
65C-31.011	Independent Living Program Budget Management

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 38, September 24, 2010 issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-31.001 Definitions.

(1) "Aftercare Support Services" means services intended to assist young adults in developing "the skills and abilities necessary for independent living". These services specifically include temporary financial assistance, mentoring and tutoring, mental health services and substance abuse counseling, life

skills classes, including credit management and preventive health activities, parenting classes, job skills training, and counselor consultations. Temporary assistance to prevent homelessness should be considered emergency assistance.

(2) "Approval Authority" means the staff member(s) designated by the district/region/Community-based care agency 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 licensed foster care eligible to receive independent living services and youth who were adopted from licensed 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 incorporated by reference. A copy of the federal regulation is available upon request by contacting the Office of Family Safety, 1317 Winewood Blvd., Tallahassee, Florida 32399. 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 can be found in Rule 65C-31.009, F.A.C. 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.

(11) "Initial Application" means the "Initial Road to Independence Program Application" CF-FSP 5295, September 2010, incorporated by reference, is required for the initial Road to Independence Program stipend, 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 or a facility which is owned, operated by, or licensed by, a governmental entity and which provides housing, including all utilities, and meals, without charge to the resident.

(14) "Reinstatement Application" means the "Road to Independence Program Reinstatement Application", CF-FSP 5297, September 2010, incorporated by reference, that must be submitted by a former recipient of the Road to Independence Program prior to his or her 23rd birthday in order to reinstate their stipend 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) "Renewal Application" means the "Road to Independence Program Funds Renewal Checklist" CF-FSP 5296, September 2010, incorporated by reference, ~~means the~~ application that must be submitted by Road to Independence recipients on an annual basis in order to continue his or her stipend ~~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) "Reviewing Authority" means the staff member(s) or committee head(s) designated by the district/region or community-based care agency to review the applications associated with Section 409.1451, F.S., and determine eligibility.

(17) "Road to Independence 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) "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) "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 licensed 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) "Statewide Automated Child Welfare Information System (SACWIS)" (i.e., Florida Safe Families Network 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) "Transition Plan", CF-FSP 5293, September 2010, 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) "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 Support Services funds. See paragraph 65C-31.005(4)(b), F.A.C.

Rulemaking Authority 39.5075(8), 409.1451(10) FS. Law Implemented 39.5075, 409.1451 FS. History--New 7-27-06, Amended_____.

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

(1) The services that shall be provided to young adults formerly in licensed 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) 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 Licensed Foster Care/Support by Services Worker.

(a) Depending upon the stated wishes and needs of the young adult formerly in licensed 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 and/or transitional support funds.

(c) The services worker shall arrange and provide services to support young adults formerly in licensed 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 licensed 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 in consultation with the young adult.

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

(4) Initial Application, Renewal and Reinstatement for the RTI Program. The RTI Act provides specific direction for young adults formerly in licensed foster care to renew or continue receiving benefits and to reinstate, one time only, benefits for young adults whose 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 licensed foster care: Chafee funds and 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 Section 409.1451(5), 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 Licensed 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 licensed foster care.

(b) If the parent of a child in a dependency case is a young adult formerly in licensed 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. The services worker shall coordinate with the dependency case manager to minimize scheduling or other conflicts between the dependency case plan and the young adult's transitional plan.

(7) Selection of Placements for Young Adults Formerly in Licensed Foster Care. Prior to his or her 18th birthday, each young adult formerly in licensed 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 Licensed 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 licensed 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 licensed 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) 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 licensed 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 Funds.

(a) 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 licensed foster care prior to reaching his or her 18th birthday; or

b. Adopted from the Florida licensed 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 in the Higher Education Act of 1965 (Section 472, 20 U.S.C. 1087I) incorporated by reference. A copy of the U.S. Code is available at: www.house.gov. ~~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 ~~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 will use the application form "Road to Independence Program Application", CF-FSP 5295, September 2010, 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 ~~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 2010, 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 Section 409.1451(5), F.S. Florida Statutes. The only new eligible group is young adults formerly in licensed foster care adopted at age 16 or 17.

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

5. Upon application for any Independent Living services, youth shall be provided with information regarding the appeal process, as well as the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 2010, 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.

(10) Chafee funds shall be used to cover the costs of RTI stipends 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.

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

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

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

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

(3) Application Process for Aftercare Support Services Cash Assistance.

(a) The services worker shall assist the young adult to receive cash assistance for housing, electric, water, gas, sewer service, food, and any other provisions permitted under Section 409.1451(5)(a), F.S. Prior to arranging for the provision of cash assistance, the services worker shall explore the feasibility of agreements with community providers to waive fees, contacting relatives and other such options.

(b) The young adult shall complete the “Aftercare Support Services Cash Assistance Application”, CF-FSP 5294, September 2010, 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.

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

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

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

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

(1) Initial Application for RTI Program Eligibility. Each student, with the assistance of the services worker if requested by the young adult, shall complete an RTI Program 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 licensed 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 licensed foster care before reaching his or her 18th birthday, which may include the time the youth spent in shelter status in state custody;

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

6. Meet one of the following educational requirements:

a. Earned a standard high school diploma or its equivalent as described in Sections 1003.43 or 1003.435, F.S., or earned a special diploma or special certificate of completion as described in Section 1003.438, F.S., and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in:

(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) Included in Florida’s Eligible Training Providers list that is recognized by Agency for Workforce Innovation and Workforce Florida, Inc. and is located at <http://www.floridajobs.org/etpl/StateList.asp>, incorporated by reference. A copy is available upon request by contacting the Office of Family Safety, 1317 Winewood Blvd., Tallahassee, Florida 32399. 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 licensed 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 eligibility are eligible to receive the RTI stipend ~~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.

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. 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 and the approval authority shall have a total of 10 working days to review the application and approve or deny the RTI stipend ~~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 ~~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 ~~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, September 2010, incorporated by reference, and notify the youth of other available benefits, including Transitional Support Services or Aftercare Support Services. A copy of the brochure is available upon request by contacting the Office of Family Safety, 1317 Winewood Blvd., Tallahassee, Florida 32399.

5. If a young adult formerly in licensed 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 Renewal. The services worker shall evaluate for renewal each RTI stipend ~~award~~ annually during the 90-day period before the student's birthday. In order to be eligible for a renewal stipend 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, 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 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 Reinstatement. A student who has lost eligibility for the RTI stipend or who chooses not to renew the stipend award may apply for reinstatement one time only before his or her 23rd birthday using "Road to Independence Program Reinstatement Application", CF-FSP 5297, September 2010, 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 renewal.

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

(a) State Requirements. The amount of the stipend 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 Recipients.

(a) The services worker responsible for the case shall determine how the monthly RTI stipend 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 ~~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 licensed 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.

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

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

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

4. If the young adult is approved for awarded a RTI stipend 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 licensed 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. The young adult shall:

1. Make one application for the initial approval 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 RTI stipend 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 RTI stipend scholarship 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 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 Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(a), (b) FS. History—New 7-27-06, Amended_____.

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

(1) A young adult formerly in licensed foster care may request Transitional Support Services in addition to Aftercare Support Services referrals, cash assistance or the Road to Independence Program Scholarship if the young adult

demonstrates that the services are critical to his or her own efforts to achieve self-sufficiency and develop a personal support system.

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

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

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

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

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

(e) Demonstrate that the services are critical to his or her own efforts to achieve self-sufficiency and to develop a personal support system. The young adult shall complete a "Transition Plan", CF-FSP 5293, September 2010, incorporated by reference, with designated staff of the department or its contracted service provider. A copy of the form is available upon request by contacting the Office of Family Safety, 1317 Winewood Blvd., Tallahassee, Florida 32399.

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

(4) Application Process to Receive Transitional Support Services.

(a) A Transitional Support Services application shall be completed by the young adult with assistance from the assigned services worker. The "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2010, incorporated by reference, shall be used to apply for these services. A copy of the form is available upon request by contacting the Office of Family Safety, 1317 Winewood Blvd., Tallahassee, Florida 32399.

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

(5) Transition Plan. Each young adult requesting Transitional Support Services shall prepare a transition plan using "Transition Plan", CF-FSP 5293, September 2010, incorporated by reference. This plan shall:

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

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

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

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

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

(9) Mandatory Access to Application for Services.

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

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

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

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

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

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

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

65C-31.006 Young Adult Services Documentation Requirements.

(1) General Documentation Requirements.

(a) Pursuant to federal documentation requirements, for each young adult receiving funding from the Road To Independence (RTI) Program, 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 Documentation" CF-FSP 5302, September 2010, 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 Services referrals shall be recorded in the young adult's case file.

(b) Requests for Aftercare Support Services 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. 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 to verify the young adult's eligibility for the initial application, ongoing eligibility, at renewal and for reinstatement:-

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

1. Documentation of application(s) for the RTI Program, 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 RTI stipend 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 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 licensed foster care.

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

(III) Judicial Review Order if the order indicates that the student was adjudicated dependent and placed in licensed 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 licensed 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 licensed 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 licensed foster care on his or her 18th birthday. The order may contain language releasing child from licensed 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 licensed 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 licensed 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 ICWSIS printout providing at least six months of residing in licensed care prior to the students 18th birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

(II) A Statewide Automated Child Welfare Information System (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 Educational 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 Renewal Documentation Requirements.

1. For each student the services worker shall complete a "Road to Independence Program Funds Renewal Checklist" CF-FSP 5296, September 2010, 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 they have a documented disability as defined in the Americans with Disabilities Act of 1990 as amended in 42U.S.C., section 12102, incorporated by reference and a copy is available at: www.house.gov ~~exempted~~, and

b. Proof of satisfactory progress at the institution.

(c) RTI Program Reinstatement Documentation Requirements.

1. Each student who wishes to apply for reinstatement shall complete a "Road to Independence Program Reinstatement Application", CF-FSP 5297, September 2010, 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 they have a documented disability as defined in the Americans with Disabilities Act of 1990 as amended in 42 U.S.C., section 12102 ~~exempted~~, and

c. Proof of satisfactory progress at the institution.

(d) Road To Independence Program Needs Assessment. A Road To Independence Program Needs Assessment shall be completed on each student who has been approved for awarded

the RTI stipend. 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 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 "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application, CF-FSP 5292, September 2010, 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, 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 ~~T~~ransitional ~~S~~upport ~~S~~ervices application,

2. The completed transitional plan, and

3. Documentation that the young adult meets the requirements for eligibility for ~~T~~ransitional ~~S~~upport ~~S~~ervices.

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

65C-31.007 High School Needs Assessment.

(1) The Road to Independence Program Needs Assessment for high school education has been developed to determine the funding needs of a young adult student formerly in licensed 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 Support Services and/or Transitional Support Services.

(2) Procedure:

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

(c) In order to complete the Road to Independence Program 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 stipend 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 stipend award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the stipend award (See "Notice of Approval of Road To Independence Program and Right To Appeal, CF-FSP 5335, October 2010, 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 attachment E).

(3) Elements of the Tool: The elements listed below correspond to the elements in the "Road to Independence Program High School Needs Assessment Tool" CF-FSP 5299, October 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. An explanation of each element and instructions for obtaining the correct figures are included. An There is an electronic version of the form that will perform the required calculations as data is entered on the form is available at: <http://dnp1.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

(a) Total Cost of Attendance: The maximum stipend 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 stipend award amount.

1. In addition to the RTI stipend award, a high school student may apply for Aftercare Support Services and/or Transitional Support Services, when needed.

2. Funds received from Aftercare Support Services 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 stipend 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 stipend 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 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 Support Services and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare Support Services 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 stipend amount scholarship award.

(l) Monthly RTI Program Stipend 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 Stipend Award to \$25, in the following row, if the stipend award calculates to less than \$25 per month.

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

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

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

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

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

~~(4)(5) Documentation and Signature.~~

(a) The services worker shall obtain the student’s signature on the “Road to Independence (RTI) Program Needs Assessment Face to Face Consultation Form”, CF-FSP 5298, September 2010, 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 stipend award amount determined, two copies shall be printed. One copy shall be maintained in the student’s case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the “Independent Living Benefits Due Process Rights” brochure, CF/PI 175-11, September 2010, 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 Authority 409.1451(10) FS. Law Implemented 409.1451(5)(b)4. FS. History–New 7-27-06, Amended_____.

65C-31.008 Post Secondary Needs Assessment.

(1) The Road to Independence Program Needs Assessment for post secondary education has been developed to determine the funding needs of young adults formerly in licensed 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 Support Services and/or Transitional Support Services.

(2) Procedure:

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

(b) The amount of the monthly stipend 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 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 stipend ~~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 stipend ~~award~~ amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the stipend ~~award~~ (See "Notice of Approval of Road To Independence Program and Right To Appeal, CF-FSP 5335, October 2010, 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 ~~attachment E~~).

(3) Calculating Stipends ~~Awards~~ for Post Secondary Students. The stipend ~~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 stipend ~~award~~ may also be recalculated upon a change of circumstance, as provided for under subsection 65C-31.008(5), F.A.C., below. The stipend ~~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 – ACADEMIC YEAR (CF-FSP 5300 – ~~October~~ September 2010), incorporated by reference. ~~An DCF has supplied an~~ electronic version of the form that will perform the required calculations as data is entered by the services worker is available at: <http://dnp1.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>. 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 subparagraph 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 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 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 stipend 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 Stipend Award: The total academic year stipend award is calculated by subtracting all the deductions from the Living and Educational Expenses.

9. Monthly Academic Year Stipend Award: The monthly academic year stipend award is determined by dividing the total academic year stipend 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 (CF-FSP 5300a – ~~October~~ ~~September~~ 2010)," 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 DCF has supplied an~~ electronic version of the form that will perform the required calculations as data is entered by the services worker is available at: <http://dnp1.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

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 subparagraph 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 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 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 ~~stipend 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 ~~Stipend Award~~: The total summer ~~stipend award~~ is calculated by subtracting all the deductions from the summer Living and Educational Expenses.

i. Monthly Summer ~~Stipend Award~~: The monthly summer ~~stipend award~~ is determined by dividing the total summer ~~stipend 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 (CF-FSP 5300b – October 2010)," 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 DCF has supplied an~~ electronic version of the form that will perform the required

calculations as data is entered by the services worker is available at: <http://dnp1.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

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 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 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 Stipend Award: The total summer stipend award is calculated by subtracting the deductions from the summer living expenses.

g. Monthly Summer Stipend Award: The monthly summer stipend award is determined by dividing the total summer stipend 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 complete and provide the case worker "Work Search Record", CF-FSP 5352, October 2010, incorporated by reference, as with documentation of his or her job search consistent with the documentation required by the office of unemployment compensation on a monthly basis. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. If the unemployed young adult fails to provide such documentation in a given summer month, no award payment shall be issued ~~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 Needs Assessment Face to Face Consultation Form", CF-FSP 5298, October 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. 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 stipend 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, September 2010, 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 stipend award of at least \$50 per month for the remainder of the stipend 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_____.

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.

(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, September 2010, 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 for adverse actions 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~~), include, but are not limited to, for one of the three following three reasons:

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

(b) The young adult is not eligible (or is no longer eligible) for the Road to Independence Program, 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, due process notification letter regarding denial, reduction, or termination of Independent Living benefits be issued (See "Notice of Denial Of Road to Independence, Transitional Support Services, Aftercare Support Services Benefits And Notice Of Right To Appeal" CF-FSP 5331, October 2010, incorporated by reference, "Notice Of Intent To Reduce (Road to Independence/Transitional) Benefits And Notice Of Right To Appeal" CF-FSP 5332, October 2010, incorporated by reference, "Notice Of Intent To Terminate (Road To Independence Benefits/Transitional Funds" CF-FSP 5333, October 2010, incorporated by reference, and "Notice Of Partial Denial Of (Aftercare/Transitional) Support Services Funds And Notice Of Right To Appeal" CF-FSP 5334, October 2010, incorporated by reference. Copies of the forms are available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399 ~~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" CF-FSP 5336, October 2010, incorporated by reference, or an alternate form that provides the same information (~~See Attachment G~~). A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(8) Signing the Letter/Notice of adverse action. After the supervisory review is successfully completed, the young adult's services worker or other representative of either the contracted service provider or the community-based care lead agency 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 Support Services assistance to prevent homelessness;

2. Five (5) business days of receiving a request for Transitional Support Services benefits or Aftercare Support Services 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 using one of the following forms: "Notice of Denial of Road to Independence, Transitional Support Services, Aftercare Support Services Benefits and Right To Appeal" CF-FSP 5331, October 2010, "Notice Of Intent To Reduce (Road to Independence/Transitional)Benefits And Notice Of Right To Appeal" CF-FSP 5332, October 2010, "Notice Of Intent To Terminate (Road to Independence Benefits/Transitional Funds)" CF-FSP 5333, October 2010, and "Notice Of Partial Denial Of (Aftercare/Transitional) Support Services Funds And Notice Of Right To Appeal" CF-FSP 5334, October 2010. ~~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 2010, incorporated by reference, and the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, September 2010, 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 Independent Living Case Coordinator at the Office of the Attorney General Florida Department of Children and Family Services Office of Appeal Hearings with a notation on the "Independent Living Fair Hearing Request", CF-FSP 5330, October 2010, incorporated by reference, 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.~~ A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(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 2010, 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, September 2010, 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 "Notice Of Intent To Reduce (Road to Independence/Transitional) Benefits And Notice Of Right To Appeal" CF-FSP 5332, October 2010, "Notice Of Intent To Terminate (Road to Independence Benefits/Transitional Funds)" CF-FSP 5333, October 2010 (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" CF-FSP 5303, September 2010, form or the written request on the "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits" CF-FSP 5304, September 2010, 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", CF-FSP 5330, October 2010, (Attachment F), within one (1) business day of receipt to the Independent Living Case Coordinator at the Office of the Attorney General. The Independent Living Case Coordinator will forward the hearing request documents 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 hearing 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 if requested by either party or a legal representatiave of the party. 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, when either party requests a copy of the file 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 it 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) Upon request ~~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. When a services worker is unable to update a young adult's Road to Independence stipend Program 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. This shall include checking with the post office for a forwarding address and sending the "Request for Road to Independence Documentation" CF-FSP 5302, September 2010, incorporated by reference, 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 stipend Program.

(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 "Notice Of Intent To Terminate (Road to Independence Benefits/Transitional Funds)" CF-FSP 5333, October 2010, (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 Authority 409.1451(10) FS. Law Implemented 409.1451(5)(e) FS. History—New 7-27-06, Amended_____.

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

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

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

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

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

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

2. The court may retain jurisdiction over a previously dependent young adult solely for the purpose of allowing continued consideration of a petition for special immigrant juvenile status and an application for adjustment that was not granted by the time the youth reached 18 years of age. Court jurisdiction in these cases:

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

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

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

(c) Judicial Review Responsibilities.

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

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

(d) Case Management responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department is obligated to enroll in the Florida KidCare Program, outside the enrollment period, specified young adults following licensed foster care placement. Each young adult who has reached 18 years of age but is not yet 19

years of age and who was in licensed foster care when he or she turned 18 years of age is eligible to enroll, with the following exceptions:

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

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

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

(c) Procedural Requirements.

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

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

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

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

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

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

e. Have no access to other medical insurance coverage.

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

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

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

~~[Attachment A] SAMPLE LETTER~~

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

~~On Letterhead~~

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

Insert date of Mailing
Name of Applicant (The name of the young adult seeking Independent Living Benefits)
Address
City, State, Zip
Dear (enter name of Applicant):
You recently submitted an application to receive [type of benefit]. Pursuant to Section 409.1451(5), Florida Statutes, and based upon a review of your application and supporting documentation, [CBC name] is denying your application for [type of benefit] because:

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

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

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

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

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

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

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

Sincerely,

Name and Title
Attachments: "Your Rights to Due Process" Brochure

REQUEST FOR FAIR HEARING form [Attachment B] SAMPLE LETTER

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

On Letterhead
2. NOTICE OF INTENT TO REDUCE [ROAD TO INDEPENDENCE/ TRANSITIONAL] BENEFITS
3. AND NOTICE OF RIGHT TO APPEAL

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

Address
City, State, Zip

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

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

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

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

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

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

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

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

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

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure

REQUEST FOR A FAIR HEARING form

[Attachment C] SAMPLE LETTER

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

On Letterhead

NOTICE OF INTENT TO TERMINATE

[ROAD TO INDEPENDENCE BENEFITS/TRANSITIONAL FUNDS]

4. AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

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

Address

City, State, Zip

Dear (enter name of Client):

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

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

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

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

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

decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

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

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

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

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

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

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

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure

REQUEST FOR A FAIR HEARING form

[Attachment D] SAMPLE LETTER

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

On Letterhead

(2)

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

Insert Date of Mailing

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

Address

City, State, Zip

Dear (enter name of Applicant):

This letter is to let you know that your request for [Aftercare/Transitional] Support Services funds has been only partially approved.

You are eligible to receive funds based on State and Federal guidelines and using information that you have supplied.

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

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

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

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

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

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

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

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

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

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

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure

REQUEST FOR A FAIR HEARING form

[Attachment E] SAMPLE LETTER

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

On Letterhead

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

Insert Date of Mailing

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

Address

City, State, Zip

Dear (enter name of Applicant):

Congratulations! This letter is to let you know that your application for the Road to Independence Scholarship has been approved.

You are eligible to receive a scholarship award based on your living and educational needs. This award has been determined using State and Federal guidelines and using information that you have supplied. Your initial award is _____ and you will receive your first award check during the month of _____, 20____.

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

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

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

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

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

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

decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

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

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

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

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

Sincerely,

Name and Title

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

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

[Attachment F]

(The Logo printed below is deleted:)



(a) Independent Living Fair Hearing Request

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

The [CBC/Department] has taken the following action regarding the individual's eligibility for or receipt of Independent Living benefits from the Department through its contracted CBC:

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

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

[Attachment G]

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

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

Supervisor's name and signature)

(Date)

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

Rulemaking Authority 39.012, 39.0121(13), 39.5075(8), 409.1451(10) FS. Law Implemented 39.013, 39.5075, 39.701(6)(a), 409.1451(5)(d) FS. History—New 7-27-06, Amended _____.

65C-31.011 Independent Living Program Budget Management.

(1) General Requirements. Based on the availability of funds, the department or its contracted service provider shall manage funding provided by the department to provide Independent Living service payments for such as the Road To Independence Program, transitional support services, pre-independent living skills services, 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 to provide as many services within the Independent Living Program within the funds available.

(2) Plan to Implement Services of Young Adults Formerly in Licensed Foster Care. Each contracted service provider shall provide a plan to the department of the services to be provided to young adults formerly in licensed foster care who are determined eligible for such services. The Plan to Implement Independent Living Services to Young Adults Formerly in Licensed Foster Care (CF-FSP 5350, October ~~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 ~~for~~ 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 for approval or disapproval to the Director of Family Safety Program Office for all submitted Plans to Implement Independent Living Services to Young Adults Formerly in Licensed Foster Care. The following elements will be considered by the Review Team in formulating their recommendations for approval or disapproval:

(a) Whether the spending plan is complete and mathematically correct;

(b) Whether elements of the spending plan, including projected costs, appear valid and reasonable. Tests to determine validity and reasonableness include:

1. A comparison of total projected costs in total and by category compared to prior fiscal year actual costs;

2. A comparison of the percentage each component of cost to the total cost by CBC to the statewide average for the same items;

3. A comparison of average payment amounts to the statewide average of the current year and to the statewide average and the individual CBC average for the prior fiscal year;

4. A comparison of beginning number of clients served per the Spending Plan to the actual number per ICWSIS and/or FSFN; and

5. A comparison of clients served during the plan year compared to expected clients based on current FSFN records.

(c) Where projected costs exceed the Independent Living allocation, whether the plan clearly documents how those excess costs will be funded.

(4) Payment Adjustments. Once the Plan to Implement Independent Living Services to Young Adults Formerly in Licensed 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.

(5) Validation of Payments. At the six (6) month and end of the year departmental reviews of the approved Plan to Implement Independent Living Services to Young Adults Formerly in Licensed Foster Care, a validation of eligibility may be required ~~for~~ 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 Licensed 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 Authority 409.1451(10) FS. Law Implemented 409.1451(5) FS. History—New 7-27-06, Amended_____.

DEPARTMENT OF FINANCIAL SERVICES

Financial Services Commission

RULE NOS.:	RULE TITLES:
69M-236.001	Purpose
69M-236.002	Definitions
69M-236.003	Methodology
69M-236.004	Limitations and Exclusions
69M-236.005	Data Sources

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 32, August 13, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**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.:	RULE TITLE:
53ER10-61	Instant Game Number 1066, FLORIDA LOTTERY™ BLACK

SUMMARY: This emergency rule describes Instant Game Number 1066, “FLORIDA LOTTERY™ BLACK,” 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:

53ER10-61 Instant Game Number 1066, FLORIDA LOTTERY™ BLACK.

(1) Name of Game. Instant Game Number 1066, “FLORIDA LOTTERY™ BLACK.”

(2) Price. FLORIDA LOTTERY BLACK lottery tickets sell for \$5.00 per ticket.

(3) FLORIDA LOTTERY BLACK 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 FLORIDA LOTTERY BLACK 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:

\$2.00	\$5.00	\$10.00	\$20.00
TWO	FIVE	TEN	TWENTY
\$30.00	\$40.00	\$50.00	\$100
THIRTY	FORTY	FIFTY	ONE HUNDRED
\$250	\$500	\$1,000	\$5,000
TWO HUNDRED FIFTY	FIVE HUNDRED	ONE THOUSAND	FIVE THOUSAND
\$250,000	THIRTY-TWO THOUSAND		

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(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 “ ” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to all twelve (12) prizes shown.