

9-25-01

Patricia M.

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JEFFREY DAVIS,

Petitioner,

v.

DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,
(DISTRICT 11)

Respondent.

AT
CASE NO. 01-1711

RENDITION NO. DCF-02- 019-FO
(Denial of DD Services)

FILED
JAN 23 AM 10:40
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

JAN 18 2002

DCF Department Clerk

PHM-CLOS

**FINAL ORDER ADOPTING RECOMMENDED ORDER DENYING ELIGIBILITY FOR
DEVELOPMENTAL DISABILITIES PROGRAM SERVICES**

THIS CAUSE is before me as the result of a Recommended Order that was issued by an Administrative Law Judge (ALJ) who had been assigned to hear the case by the Division of Administrative Hearings. The facts of the case reveal that Petitioner, although suffering from autism and likely to be able to profit from the services offered through the Developmental Disabilities Program of the Department, does not meet the legislatively-mandated criteria for receiving such services. He is therefore ineligible for enrollment in the program.

After hearing all the evidence, the ALJ found that Petitioner's disability did not meet the criteria for receipt of Developmental Disability Program services, although it is likely that he would profit from such services if he were able to receive them. I concur.

The Recommended Order is attached to and incorporated herein by reference. I adopt its findings of fact and conclusions of law.

It is hereby **ORDERED** that the application of Petitioner for enrollment in the Developmental Disabilities Program is **denied** in Case No. 01-1711.

DONE and ORDERED this 15th day of January, 2002, in Tallahassee, Leon County, Florida.


KATHLEEN A. KEARNEY, Secretary
Department of Children and Family Services

Copies of this Final Order are being furnished to:

Charles Auslander, District Administrator
District 11 Legal Office
Department of Children and
Family Services
401 Northwest 2nd Avenue
Miami, FL 33128

Hilda Fluriach
District 11 Asst. Legal Counsel
Department of Children and Family Services
401 Northwest 2nd Avenue
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Orlando Garcia, District 11
District 11 Legal Office
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401 Northwest 2nd Avenue
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Patricia H. Malono
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1630

Susan Dickerson, PDDSB
Program Initiatives
Department of Children and
1317 Winewood Blvd., Bldg. 3
Tallahassee, FL 32399-0700

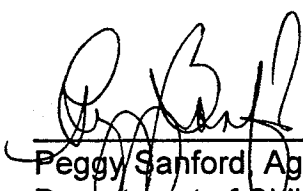
Jeffery Davis
c/o Paula Davis
13911 Southwest 92nd Avenue
Miami, FL 33176

NOTICE OF RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, or with the District Court of Appeal in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.¹

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and copy of the foregoing **FINAL ORDER** has been sent by U.S. Mail or by hand delivery to each of the persons named above on this 18th day of January, 2002.



Peggy Sanford, Agency Clerk
Department of Children and Families
1317 Winewood Blvd. Bldg. 2 Room 204X
Tallahassee, FL 32399-0700

¹ The date of the "rendition" of this Final Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.