

7-31-02

Malone

AT

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

FILED
03 JAN -6 AM 10:29

ADMINISTRATIVE
HEARINGS

JAKE CHESKIN,

Petitioner,

CASE NO. 02-1652

PHM-C 605

vs.

Rendition No. DCF-03-002-FO

DEPARTMENT OF CHILDREN AND
FAMILY SERVICES

FILED

Respondent.

JAN 03 2003

DCF Department Clerk

FINAL ORDER ADOPTING RECOMMENDED ORDER

THIS CAUSE is before me as the result of a Recommended Order that was issued by an Administrative Law Judge assigned by the Division of Administrative Hearings, to hear this case. Transcripts of the hearing were filed. Both parties filed Proposed Recommended Orders. Neither party filed exceptions to the Recommended Order.

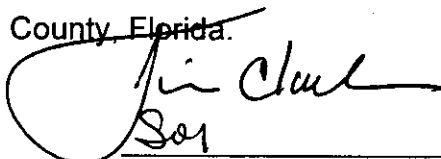
The Recommended Order concludes that the Petitioner was not entitled to receive services as a developmentally disabled individual because, even though he is eligible for such services, he is on the waiting list for services from Waiver Program funding and the Department is precluded from using IFS funds to provide services to individuals awaiting services funded under the Waiver Program. I accept, adopt and incorporate herein, the Recommended Order, in its entirety.

And the undersigned being otherwise duly advised, it is hereby ORDERED that the Petition on the issue of Department's denial of requested services is DISMISSED, and further, that the Petitioner shall remain on the waiting list for Home and Community-Based

Waiver Services under the Developmental Disabilities Program and that the Petitioner shall be provided with the physical, occupational, and speech therapy services for which he is eligible as soon as a vacancy occurs or additional funding is available under the Department's Developmental Disabilities Program.

DONE and **ORDERED** on this 2nd day of January, 200~~2~~³ in

Tallahassee, Leon County, Florida.



**LUCY D. HADI, Deputy Secretary
Department of Children and Family Services**

Copies of this Final Order are being furnished to:

PATRICIA HART MALONO
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Mark R. Cheskin, Esquire
7860 Southwest 52nd Court
Miami, Florida 33143

Hilda Fluriach, Esquire
Department of Children and Family Services
401 Northwest Second Avenue
Suite N-1020
Miami, Florida 33128

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 copy of the foregoing FINAL ORDER has been sent by U.S. Mail or hand delivery to each of the persons named above on this 3^d day of January, 200~~2~~³.



PAUL FLOUNLACKER, Agency Clerk
Department of Children and Family Services
1317 Winewood Blvd. Bldg. 2 Room 204
Tallahassee, FL 32399-0700

¹The 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.