

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peggy Cheng, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Peggy.Cheng@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.017 Certificate of Mortgage Release.

There is no actuarially sound premium that may be charged for recording a certificate of mortgage release pursuant to Section 701.041, Florida Statutes. However, a reasonable fee for actual work performed during the recording of the certificate of mortgage release, not to exceed twenty-five dollars, may be charged by title insurers in this state, as a related title insurance service charge.

Specific Authority 701.041(9) FS. Law Implemented 701.041(9) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Koon, Director, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**Section III
Notices of Changes, Corrections and
Withdrawals**

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."

STATE BOARD OF ADMINISTRATION

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| RULE NO.: | RULE TITLE: |
| 19-15.001 | Insurance Capital Build-Up Incentive Program |

INCORPORATED FORM TO BE CHANGED

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that paragraph (8)(e) of Rule 19-15.001, F.A.C., has been removed and language has been added to the acknowledgement by the notary to indicate whether the document is signed by one personally known to the notary or who presented identification.

Paragraph (8)(e) which read as follows has been stricken:

~~(e) A late fee in the amount of 5% of the invoiced amount may be charged if a payment is received five calendar days after the due date except such fee will not be charged if it results from a delay beyond the control of the insurer arising from the Office's disapproval of the payments or delay in issuing approval of the payment of interest or principal.~~

Incorporated Form: Insurance Capital Build-Up Incentive Program Surplus Note, Form SBA 15-2. The insurer is required to provide its NAIC number on page 1. Under the Terms and Conditions section, the following changes have been made: subparagraph (e) in paragraph (4), which addresses late fees, has been removed.

DEPARTMENT OF CITRUS

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 20-7 | Dues Collection on Behalf of Certain Not-for-profit Corporations |

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|-------------------|---|
| RULE NOS.: | RULE TITLES: |
| 20-7.002 | Request Procedure and Conditions |
| 20-7.003 | Commission Consideration of Properly Submitted Requests |
| 20-7.004 | Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities |
| 20-7.005 | Fees and Other Related Costs |

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. 32, No. 44, November 3, 2006 issue of the Florida Administrative Weekly.

- 20-7.001 No change.
- 20-7.002 Request Procedure and Conditions.
 - (1) No change.
 - (a) through (i) No change.

(j) a statement acknowledging that, if the corporation's request is granted by the Department, then the corporation agrees to execute a contract, the duration of which shall not exceed five years, including a continuing indemnity agreement, ~~in the form attached to this Chapter 20-7 as Appendix A, Eff 10-25-06, incorporated herein by reference;~~

- (k) through (l) No change.
- (2) No change.

Specific Authority 601.10(1), 601.992, 837.06 FS. Law Implemented 601.992 FS. History--New _____.

20-7.003 Commission Consideration of Properly Submitted Requests.

- (1) through (2) No change.

(3) After issuance of the Order, the Department shall cause a contract, the duration of which shall be not greater than five years, but which shall be terminable by the Department without cause upon providing the requesting corporation 60 days written notice, and a continuing indemnity agreement ~~in the form attached to this Chapter 20-7 as Appendix A, Eff 10-25-06, incorporated herein by reference~~ to be presented to the requesting corporation identified in the Order. Each such contract shall include a requirement that the requesting corporation pay to the Department a fee equal to, but not exceeding, the amount necessary to ensure that any direct costs incurred by the Department in administering the contract are paid by the requesting corporation as calculated pursuant to Rule 20-7.005, F.A.C. Each such contract shall also include provisions to ensure that the requesting corporation continues to meet the requirements outlined in Section 601.992, F.S., and this Chapter 20-7, F.A.C., throughout the term of said contract. If the requesting corporation and the Department have not mutually agreed to a contract and indemnification agreement, for submission to the Commission for approval, within 63 days of the date of the Commission Order, then the Order shall be of no force and effect, except that the Department's Executive Director or Secretary of the Commission may expand this 63-day time limit if, in their sound discretion, more time is needed to effectuate a contract consistent with the Order.

~~(4) Upon a majority vote of the Commission, any time limit herein may be expanded, condensed, or waived.~~

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History--New _____.

20-7.004 Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities.

Upon the execution of a Commission-approved contract as contemplated by this Chapter 20-7, the Department shall cause a copy of the Order to be sent to each affected licensed citrus fruit dealer licensed by the Department. Pursuant to the terms of the Order, each affected licensed citrus fruit dealer shall

collect the dues, contributions, or any other financial payments on behalf of the corporation named in the Order and shall remit such funds as outlined in the Order.

~~(2) Licensed citrus fruit dealers found by the Department to be in non-compliance with any Resolution duly promulgated hereunder may be subject to disciplinary action of the Florida Department of Agriculture and Consumer Services, including, but not limited to, fines, license suspension or revocation as prescribed in Section 601.67, F.S. and 601.68, F.S.~~

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History--New _____.

20-7.005 Fees and Other Related Costs.

- (1) through (5) No change.

~~(6) The annual contract administration fee established hereunder shall be due as established by contract provision.~~

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History--New _____.

**EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development**

RULE CHAPTER NO.: RULE CHAPTER TITLE:
27M-2 Entertainment Industry – Financial Incentive

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. 32, No. 44, November 3, 2006 issue of the Florida Administrative Weekly.

A notice of rule development on the above rule was published in the October 27, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 43, on page 5003. The rule title was erroneously given as "ENTERTAINMENT INDUSTRY – FINANCIAL INCENTIVE." The correct rule title is "Certification for Retained Spring Training Facilities." In addition, the title of the contact person Ted Banana was erroneously given as "Executive Director." The correct title for Ted Bonanno is "Senior Attorney." The foregoing changes do not affect the substance of the proposed rule. The person to be contacted regarding the above changes is Ted Bonanno, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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|------------|---------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 61D-14.076 | Player Tracking System |
| 61D-14.078 | Patron Slot Machine Wagering Accounts |

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 32, No. 39, September 20, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry, and comments made at a public rule hearing on October 24, 2006.

61D-14.076 Player Tracking System.

(1) Each slot machine licensee that offers the use of a card or device to its patrons for ~~accessing funds from a patron account established under Rule 61D-14.078, F.A.C., or, uses such a card or device for~~ tracking player history, shall include a description of this program or system as part of its internal control procedures and submit the internal control procedures to the division for approval.

(2) Any card or device used as referenced in (1) shall only be used for the establishment of a promotional account slot machine gaming at the slot machine license facility where the card or device was issued.

(3) No change.

(4) Each card or device issued to a patron shall require at least a four digit Personal Identification Number (PIN) for use or redemption of promotional items as outlined in (1).

(5) The following errors related to the use of a card or device shall be recorded by the facility based monitoring system and a message shall be displayed by the slot machine ~~or automatic ticket redemption machine~~ to the patron:

(a) through (b) No change.

(c) Inactive or closed account, ~~as determined by Rule 61D-14.078(2)(g), F.A.C.; or~~

~~(d) Attempt to use a card or device that has been reported to the slot machine licensee as lost or stolen.~~

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(e) FS. History–New _____.

61D-14.078 Patron Slot Machine Wagering Gaming Accounts.

(1) A slot machine licensee shall only establish wagering accounts for its patrons who are real persons. Controls for such wagering accounts (Wagering Patron Accounts) shall be included within the slot machine licensee’s system of internal controls. The licensee’s system of internal controls may allow for the use of test accounts for the purposes of testing and troubleshooting wagering accounts. Test accounts established will be clearly marked in the patron name area as “test” to differentiate the test account from active accounts.

(2) The system of internal controls for Wagering Patron Accounts shall include procedures for the following:

(a) No change.

(b) Retention of a copy of the form of identification produced by the patron and a current photograph of the patron. Should the identification required to be retained by this rule contain a current photograph, then one copy of the identification and correlating photograph will be sufficient.

(c) Maintenance of the last provided ~~current~~ street and mailing address and telephone number of the patron;

(d) through (e) No change.

(f) Reconciliation of the balances of the Wagering Patron Accounts, Wagering Patron Account Transaction Forms, and the log of transactions referenced in (7) made by patrons during a shift;

(g) Auditing and rendering inactive all AFT [Advanced Funds Transfer] – related associations of Wagering Patron Accounts that have had no activity or those having a zero balance for a period of 90 days;

(h) The system shall use, at a minimum, a SAS 6.01 protocol for AFT internal slot system at a minimum; and

(i) A requirement to reactivate a Wagering patron account, the patron shall present identification at the cage as required by Rule 61D-14.010, F.A.C., in person.

(3) through (5)(f) No change.

(g) All voided original and duplicate Wagering Patron Account Transaction Forms shall be marked “VOID” and shall require the signatures and occupational license numbers of the preparer and a supervisor.

(6) After preparation of the Wagering Patron Account Transaction Form, the cashier shall obtain the patron's signature and shall distribute the copies in the following manner:

(a) through (8) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(e) FS. History–New _____.

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 JUVENILE JUSTICE

Probation

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63D-1 Probation

RULE NOS.: RULE TITLES:

63D-1.003 Preliminary Screening

63D-1.004 Documentation

63D-1.005 Documentation

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. 32, No. 36, September 8, 2006 issue of the Florida Administrative Weekly.

INTAKE PROBATION.

63D-1.003 Preliminary Screening.

(1) The juvenile probation officer (JPO) or contracted intake screener shall conduct a preliminary screening on all youth charged with a criminal or delinquent offense, using the Positive Achievement Change Tool (PACT), which is the department-approved screening instrument. The PACT uses a series of risk factors that may indicate the presence of a substance abuse or mental health problem. The PACT is completed while screening a youth for detention eligibility, or during the initial intake conference if the youth was detention screened after hours. The Positive Achievement Change Tool (PACT) (8-27-06) is incorporated, and is available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

(2) The PACT screening instrument is in the Juvenile Justice Information System (JJIS) web-based forms package and is scored automatically to determine the need for further assessments. The screening instrument must be completed in the JJIS. All juvenile assessment centers shall have access to JJIS. If there is no access to JJIS at the time of the screening or intake conference, the PACT screening instrument may be completed and scored by hand. However, the screening instrument must be entered in JJIS within 24 hours after the screening.

(3) The JPO or contracted intake screener administering the PACT screening instrument shall use the score on the PACT screening instrument to determine whether a referral for further assessment or immediate attention must be made. The screener must refer youths directly to the designated assessment provider(s) for the comprehensive assessment.

(4) If the youth is to be released to his or her parents, the parents must be informed of the results of the PACT screening instrument and must be given information as to the location of the comprehensive assessment provider, the appointment time if one could be made, and the importance of delivering the youth for the follow-up appointment to complete any subsequent mental health or substance abuse assessment or any assessment of suicide risk.

(a) When the Suicide Ideation scale of the PACT screening instrument indicates further assessment is needed, or other information obtained at intake/admission suggests potential suicide risk, the youth must be immediately referred by the JPO or Juvenile Assessment Center screener for an assessment of suicide risk and a comprehensive assessment. The assessment of suicide risk must be conducted within 24 hours unless the youth becomes unavailable. The JPO shall explain

to the parent or responsible family member the importance of the assessment and the need to complete the assessment within 24 hours.

(b) If the PACT screening instrument score or treatment history indicates the need for further mental health or substance abuse assessment, the youth must be referred for comprehensive assessment.

(5) The screen is predominantly a self-report tool, and youth sometimes supply inaccurate information about themselves or their situation. The person conducting the PACT screening should use their own observations and those of collateral sources such as parents, agency staff, law enforcement or other informed persons who have knowledge of the youth's behavior and condition. The PACT screening might calculate that no follow-up referral for further assessment is needed. Personal observations or collateral contacts can indicate that the youth's response is a denial of a problem area. In those cases, despite the PACT screening instrument findings, a referral for further assessment must be recommended and contacts documented in writing.

(6) For detained youth, the PACT screening instrument results must be forwarded to the detention center where the youth is detained. The JPO shall provide written notification to the detention center in the detention screening packet of the need for crisis intervention for any youths who are indicated as at-risk for suicide attempts on the suicide screening, and shall notify the detention center of the need for referral to the center's mental health professional for any youths who are indicated as in need of further mental health or substance abuse evaluation as noted on the PACT mental health summary. The JPO must ensure that the detention center is informed of any youth who are to be detained and who are identified by the screening instrument, or identified through special circumstances or collateral information, as in need of crisis intervention/treatment or referral for assessment of suicide risk. The JPO is responsible for ensuring that detention staff are informed of the need for a referral for comprehensive assessment for detained youths.

(7) In all cases in which the PACT screening instrument screens the youth as needing further assessment, a referral shall be made by the JPO or intake screener and a copy of the PACT screening instrument results will be sent to the designated assessment contracted agent within the circuit. The JPO must verbally advise the youth and family of the requirement for further assessment and provide a copy of the referral. The JPO must encourage the youth and family to cooperate with any further evaluations indicated by the PACT screening.

(8) If there is no indication of a substance abuse or mental health problem, the youth has no further involvement with the substance abuse and mental health screening process. The JPO must place the completed screening instrument results in the youth's file.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1)(a)4.c., (4)(a) FS. History--New_____.

63D-1.004 Comprehensive Assessment.

(1) A comprehensive assessment may be completed using either:

(a) The Substance Abuse and Mental Health (SAMH-2 and SAMH-3) process in which an instrument specifically created by the Department of Children and Families is administered to youth in the DJJ system who, as a result of the preliminary screening process, are identified as having risk factors that require further evaluation, or

(b) An equivalent department-approved instrument.

(c) SAMH-2 (DJJ/PP Form 36, June 2000) and SAMH-3 (DJJ/PP Form 37, June 2000) are incorporated and available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

(2) If there is a need for comprehensive assessment and the youth is not detained, the JPO must contact the designated assessment provider directly. If the attempt to schedule the assessment is not successful, the attempt shall be documented and the JPO shall inform or have the parents to make the initial contact within two working days of the screening interview to schedule an appointment for the youth.

(3) The JPO must forward a copy of the completed PACT screening instrument results to the designated comprehensive assessment provider and place another copy in the youth's file.

(4) The JPO shall assist the youth and family in complying with follow-up evaluations by providing directions, copies of documents and referrals to support service providers, if necessary.

(5) Required comprehensive assessments shall be administered in timely fashion, as follows:

(a) The designated contracted agents who perform comprehensive assessments must conduct a comprehensive assessment or equivalent department-approved assessment on all youths referred as a result of intake screening. Providers who perform comprehensive assessments shall conduct an in-depth assessment of the youth gathering information from interviews with the youth and from collateral sources.

(b) The designated comprehensive assessment provider must complete the comprehensive assessment or equivalent department-approved instrument within ten (10) calendar days on youths in secure detention. The designated comprehensive assessment provider must complete the comprehensive assessment or equivalent department-approved instrument within fourteen (14) calendar days on youths not in secure detention. Time frames for completion may be modified by order of the court.

(c) Anytime a provider takes longer than 14 days to complete a comprehensive assessment, the JPO or contracted intake screener shall notify the chief probation officer who shall notify and the Department of Children and Families District Program Administrator, shall be informed and The

Chief Probation Officer shall request the District Program Administrator to develop a plan developed to improve performance or change providers.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1)(a)4.d., (4)(a) FS. History—New_____.

63D-1.005 Documentation.

(1) After the comprehensive assessment or equivalent department-approved instrument is completed, the designated contracted agents who perform comprehensive assessments must complete the SAMH-2, which provides summary results and outlines recommendations for the disposition of the case, for all youths referred for comprehensive assessment or treatment.

(a) Options include recommendations regarding treatment in a substance abuse or mental health setting, further in-depth evaluation to determine appropriate treatment response, or termination of substance abuse/mental health involvement.

(b) ~~In some rare situations, a youth's problems may appear to be complex or his/her symptoms so confusing that an additional evaluation may be required before an appropriate recommendation for treatment can be made.~~ If the designated contracted agents who perform comprehensive assessments determine that a more in-depth ~~such an~~ evaluation is necessary, a referral for further in-depth evaluations must be made prior to making a specific treatment recommendation.

(2) The designated contracted agents who perform comprehensive assessments must forward the original comprehensive assessment or equivalent department-approved instrument and SAMH-2 form to the JPO.

(a) The designated comprehensive assessment provider must retain a copy of the comprehensive assessment or equivalent department-approved instrument and SAMH-2 form in the assessment provider client file. The JPO must keep the SAMH-2 form in the youth's file.

(b) When completing the Preliminary Disposition Report (PDR), the JPO must incorporate the findings of the comprehensive assessment recommendation and attach the comprehensive assessment summary to the PDR. The JPO must not attempt to summarize or interpret the comprehensive assessment summary or any subsequent evaluation in the PDR.

(c) All individuals involved in the comprehensive assessment process shall comply with the confidentiality requirements of Section 985.04, Florida Statutes.

(3) If a PDR is required and the results have not been received from the designated assessment provider within seven (7) working days of the date the PDR must be submitted, the JPO must contact the contracted agents and request a comprehensive assessment or inquire as to why the results have not been received. If the youth and family have not participated in the evaluation been cooperative, the JPO must

contact the family by telephone or in writing and inform them of their obligation to participate in the evaluation intervene and encourage them to cooperate.

(4) If the SAMH-2 form is not received after diligent efforts, the JPO must document that fact in the PDR, and all efforts made to obtain the results.

(a) The JPO must notify the chief probation officer, through his/her supervisor, who will report in writing the noncompliance of the designated assessment provider to the district Department of Children and Family Services Alcohol, Drug Abuse and Mental Health Program Office contract manager.

(b) The JPO must also document (chronologically) this information in the chronological section of the case file.

(5) When the comprehensive assessment is received, the JPO will forward the assessment to the detention center for youths held in secure detention.

(6) The JPO is responsible for ensuring that youths are referred for a predisposition comprehensive evaluation when residential commitment disposition is anticipated or recommended. The purpose of the comprehensive evaluation is to collect sufficient information about the youth's medical, academic, psychological, behavioral and sociological needs to ensure an effective match between these needs and the service capacity provided by the residential commitment program.

(7) The JPO is responsible for ensuring that comprehensive assessments are forwarded to the provider(s) contracted to provide comprehensive evaluations. This ensures that data and information provided through the comprehensive assessment is not needlessly duplicated, but is included in the comprehensive evaluation.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1), (4) FS. History--New_____.

DEPARTMENT OF JUVENILE JUSTICE

Probation

| | |
|------------|--------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 63D-2.002 | Procedure for Assessing Risk |
| 63D-2.003 | Detention Risk Assessment Instrument |

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. 32, No. 42, October 20, 2006 issue of the Florida Administrative Weekly.

63D-2.002 Procedure for Assessing Risk.

(1) The Detention Risk Assessment Instrument (DRAI) directs the decision-making process as to whether detention care is warranted and whether the youth should be placed into secure detention, home detention, or some other form of non-secure detention status.

(2) The Admissions Criteria in Section II of the DRAI must be completed for all youths brought to the screening location. A completed DRAI is required for all youths who are delivered to the Department for detention screening.

(3) If a youth is presented for detention screening on non-detainable law violations, the screener is only required to complete sections I, II, V, and VI of the DRAI. If a youth is presented for detention screening on law violations, technical violations of probation, or court orders that hold the potential for secure detention, the screener must complete the entire DRAI accordingly.

(4) In making the decision to detain or release a youth, the screener must take several key factors into consideration:

(a) The placement decision must be based upon an independent assessment of risk as determined by the DRAI. To ensure equality of treatment, supervisors must ensure that screeners, in performing their duties, do not discriminate based upon race, culture, gender, religion, ethnic origin, disability, sexual orientation, or socioeconomic status.

(b) The screener must attempt to contact the parent(s)/guardian(s), arresting law enforcement officer, victim, and others who have knowledge of the youth to obtain their assessment of the youth and the pending charge(s).

(c) The screener must check the Juvenile Justice Information System (JJIS) and, if possible, the Department of Children and Families client information system HomeSafenet (HSN) and Florida Criminal Investigation Center/National Criminal Investigation Center (FCIC/NCIC) systems, to obtain a prior history on the youth. Only eligible certified DJJ, law enforcement, or criminal justice employees are allowed to conduct checks on the HSN or FCIC/NCIC system.

(5) Section III-B of the DRAI is intended to score additional, current, separate, non-related offenses with which the youth is charged, and which are not accounted for in section III-A referencing the most serious current offense.

(6) Section III-E of the DRAI, which scores aggravating or mitigating factors, allows the screener to take into account relevant issues that are not scored in other parts of the DRAI, ensuring the appropriateness of detention and release decisions.

(a) The screener must consider any aggravating and mitigating circumstances that may exist.

(b) Because the DRAI is intended to be an independent and objective measure of the risk posed by each youth, the decision to either aggravate or mitigate must not be determined by pressures from outside influences.

(c) The screener should never consider factors that are already accounted for in the DRAI, such as the absence of prior offenses, or the seriousness of the charge.

(d) The screener must fully explain what factors were considered in the section VI narrative portion of the DRAI.

(7) When the screener believes that a youth who is otherwise eligible for detention should be released, he or she must contact the state attorney to approve the release, as set out in DRAI section IV. The screener must document the reasons for the recommendation in narrative section VI. The state attorney may also approve home or non-secure detention for a youth who scores eligible for secure detention.

Specific Authority 985.213, 985.405 FS. Law Implemented 985.213 FS. History—New_____.

63D-2.003 Detention Risk Assessment Instrument.

The Detention Risk Assessment Instrument shall be as set forth in DJJ Form 2049 (06/2006 ~~02/2005~~), which is incorporated herein, and is available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

Specific Authority 985.213, 985.405 FS. Law Implemented 985.213 FS. History—New_____.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-28.009 Continuing Education

NOTICE OF PUBLIC HEARING

The Board of Massage Therapy announces a hearing regarding the above rule, as noticed in Vol. 32, No. 34, August 25, 2006 Florida Administrative Weekly.

DATE AND TIME: Thursday, January 18, 2007, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Belleview Biltmore Resort, 25 Belleview Blvd., Clearwater, Florida 33756

GENERAL SUBJECT MATTER TO BE CONSIDERED: The previous hearing on this rule which was scheduled for the Board’s October meeting is continued to the above date and location

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-1.004 Address of Record and Place of Practice

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly. The above-proposed rule was published in the November 9, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 45. The date of publishing for the original notice of rule development was erroneously given as October 13, 2006. The correct date is October 20, 2005. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

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. 32, No. 18, May 5, 2006 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

(1) Subsection (2) shall now read as follows:

(2) Applicants must obtain a passing score on the National Physical Therapy Examination for Physical Therapists developed by the Federation of State Boards of Physical Therapy.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NOS.: RULE TITLES:
 65-2.045 Hearings Request
 65-2.057 Conduct of Hearing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 32, No. 34, August 25, 2006, issue of the Florida Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. The specific changes were made in response to comments received from the Joint Administrative Procedures Committee requesting clarification on the dismissal of a hearing requests and stating the need to include a specific citation for the reference to federal regulations.

Specific changes in rule text are as follows:

65-2.045 Hearing Request.

(1) through (2) No change.

(3) A Request for Hearing may be made by the applicant/recipient or someone in his/her behalf. However, if the appeal is filed by someone other than the applicant/recipient, attorney, legal guardian, spouse, next of kin, the grantee relative in cash assistance, or a person allowed by the department as an authorized representative to participate in the eligibility determination, the person making the appeal must have written authorization of the applicant/recipient. Such written authorization must accompany the Hearing Request. Should the request be filed without the written authorization, the authorization must be provided in response to a request from the department or hearing officer, prior to the appeal going forward. Without prior proper written authorization, the department will treat a request for hearing as being made by someone not authorized to do so. Therefore, the appeal will be dismissed.

(4) through (5) No change.

~~(6) This amendment is to be effective March 1, 1979.~~

Specific Authority ~~120.53, 20.05, 409.026,~~ 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58,~~ 409.285 FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.45, 10-2.045, Amended _____.

65-2.057 Conduct of Hearing.

The Hearing is a formal proceeding and shall be conducted pursuant to these rules. At the request of the petitioner, the Hearing may be conducted as an informal proceeding pursuant to Section 120.57(2), F.S.

(1) through (8) No change.

(9) Federal regulations require that public assistance records shall be confidential as set forth in subsections 65A-1.204(2) and (3), F.A.C. Hearings conducted pursuant to these rules are only open to a party or witness, except as provided in federal regulation.

(10) through (13) No change.

Specific Authority ~~120.53, 20.05, 409.026,~~ 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58,~~ 409.285 FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.57, 10-2.057, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: RULE TITLE:
 69L-6.009 Forms and Instructions

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. 32, No. 33, August 18, 2006 issue of the Florida Administrative Weekly.

(1) The following forms are hereby adopted for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, ~~(eff. _____) revised 9/01;~~ and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. _____) Construction Industry Instructions for DWC 250, revised 9/01 and Non-Construction Industry Instructions for DWC 250, revised 2/00.)

(b) through (d) No change.

(2) No change.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

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|--|---|
| 921 North Davis Street, Building B Suite 250 Jacksonville, FL 32209 Telephone (850)798-5806 | 1111 N. E. 25th Avenue, Suite 403 Ocala, FL 34470 Telephone (352)401-5350 |
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| | |
|---|---|
| 2012 Capital Circle, S. E. Suite 102, Hartman Bldg. Tallahassee, FL 32399-2161 Telephone (850)413-1609 | 2686 Chapman Drive Panama City, FL 32405-4914 Telephone (850)747-5425 |
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|---|--|
| 610 East Burgess Road Pensacola, FL 32504-6320 Telephone (850)453-7804/7850 | 3111 South Dixie Highway Suite 123 West Palm Beach, FL 33405 Telephone (561)837-5716/5412 |
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| 499 N.W. 70th Avenue Suite 116 Plantation, FL 33317 Telephone (954)321-2906/3143 | <u>4415 Metro Parkway 12381-S. Cleveland Avenue Suite #300, Suite 506, Ft. Myers, FL 33916/07 Telephone (239)938-1840/278-7239</u> |
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| 1313 <u>North</u> Tampa Street Suite 503 Tampa, FL 33602 Telephone (813)221-6506 | 1718 Main Street Suite 201 Sarasota, FL 34236 Telephone (941)361-6042 |
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|--|---|
| 400 West Robinson Street <u>Suite N Room 512, North Tower</u> Orlando, FL 32801 Telephone (407)835-4406 | 401 N.W. 2nd Avenue South Tower, Suite 321 Miami, FL 33128 Telephone (305)536-0306 |
|--|---|

Specific Authority ~~440.05, 440.05(9), 440.10, 440.185(7), 440.42(2), 440.591, 440.593~~ FS. Law Implemented ~~440.05, 440.103, 440.185(7), (9), 440.38(2), 440.42(2), 440.593~~ FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended

The remainder of the rule reads as previously published.

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 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 V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on October 20, 2006, from the City of Frostproof. The petitioner seeks a permanent waiver of paragraph 9B-43.0051(7)(b), Florida Administrative Code, which imposes a non-performance penalty of five (5) points for every low and moderate income household not served by sewer hookup and septic tank abandonment under the City's 2004 Community Development Block Grant subgrant. The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-271, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Mariposa Utility Company, LLC's petition for waiver of paragraphs 25-30.033(1)(j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code, filed on March 23, 2006, in Docket No. 060276-WS, was approved by the Commission by Order No. PSC-06-0835-PAA-WS, issued October 9, 2006, and consummated Order No. PSC-06-0923-CO-WS, issued November 3, 2006. The rule addresses information required for setting initial rates in original water and wastewater certificate proceedings. The petitioner requested that the rule be waived temporarily to permit bifurcation of the certification proceeding. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on August 18, 2006.

A copy of the Order can be obtained from either the: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on September 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-74), to Sweni International, Inc. The Petition for Variance was received by SJRWMD on July 7, 2006. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 32, No. 29 on July 21, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida