

agency and accompanied by a non-refundable \$42.25 \$47 processing fee. Form (FL921250Z), Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

- (c) No change.
- (2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History--New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07,_____.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), Florida Statutes, shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$42.25 \$47 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The fingerprint card requirement is waived for those associated persons requesting registration with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC. rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.042	Third-Party Voter Registration Organizations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.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."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-4.051	Exemptions

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. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

in addition to the change published in Vol. 33, No. 36, September 7, 2007 issue of the Florida Administrative Weekly: A paragraph is being added before subsection 40D-4.051(1), F.A.C., to address the District's authority in granting exemptions. The proposed rule language approved by the Southwest Florida Water Management Governing Board on September 25, 2007 is as follows:

The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the District.

- (1) through (14) No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.041	Minimum Flows

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. 33, No. 20, May 18, 2007 issue of the Florida Administrative Weekly. The location for the public hearing requested by Tampa Bay Water pursuant to paragraph 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum flows for the freshwater segment of the Alafia River has been changed. The hearing will be held October 30, 2007, 9:00 a.m., at the Southwest Florida Water Management District Service Office, 6750 Fruitville Road, Sarasota, FL.

A COPY OF THE AGENDA MAY BE OBTAINED BY CONTACTING: Karen Lloyd, Asst. General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 5 days before the hearing by contacting Dianne Lee, (352)796-7211 or 1(800)423-1476, ext. 4658; TDD only number 1(800)231-6103.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.607
RULE TITLE: Permit Application Processing Fees

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. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

TABLE 40E-1.607(4)

PERMIT APPLICATION PROCESSING FEES FOR PROPRIETARY AUTHORIZATIONS UNDER CHAPTERS 253 AND 258, F.S.,

EXCEPT CONSENT OF USE AUTHORIZATIONS

See Chapter 18-21, F.A.C. for application fees for proprietary authorizations, specifically as follows:

- 18-21.008(1)(a)8. Applications for Lease (eff. 8-10-05)
- 18-21.0081(1)(k) Grandfather Structure Applications (eff. 8-10-05)
- 18-21.009(1)(g) Applications for Public Easement (eff. 8-10-05)
- 18-21.010(1)(i) Applications for Private Easement (eff. 8-10-05)
- 18-21.013(1)(l) Applications to Purchase Lands Riparian to Uplands (eff. 3-27-82)
- 18-21.019(7) Applications for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Sovereignty Lands and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost due to Artificial Erosion or Artificial Erosion and Avulsion (eff. 4-13-98)

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.2085
RULE TITLE: Department and Services

NOTICE OF CORRECTION

Notice is hereby given that the following change has been made to the date of the hearing, published in Vol. 33, No. 39, September 28, 2007, Florida Administrative Weekly.

DATE AND TIME: October 30, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Tara E. Ehlers, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, Florida, or call (850)922-0791

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.080
RULE TITLE: Home and Community-Based Services Waivers

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. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

59G-13.080(12). We corrected the title of the procedure code list to read, "Developmental Disabilities Home and Community-Based Services Procedure Codes and Maximum Units of Service."

Appendix F, Page 1, Paragraph 1. Waiver Application and Eligibility Determination. We retitled the section, "Waiver Eligibility Determination," and deleted the first paragraph and paragraph A, which contained references to the Agency for Persons with Disabilities, Application for Services, APDF 04-001. We renamed paragraphs B and C to be paragraphs A and B, and we repaginated the Appendix.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.030
RULE TITLE: Rental Information

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 35, August 31, 2007 issue of the Florida Administrative Weekly.

The correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 1, 2006

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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 NOS.:	RULE TITLES:
63D-7.002	Definitions
63D-7.004	Pre-Release Notification
63D-7.005	Post-Residential Supervision
63D-7.008	Violations
63D-7.009	Termination of Services

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. 33, No. 26, June 29, 2007 issue of the Florida Administrative Weekly.

63D-7.002 Definitions.

For purposes of this rule chapter, the following terms shall be defined as follows:

(1) through (3) No change.

(4) Community-Based Supervision Services – A community treatment option in which the youth is supervised outside a campus setting in the community by staff of an agency contracted to provide deliverables such as supervision, family counseling, service referrals and educational, vocational and skill training based upon an individualized assessment of the youth’s risks and needs.

(5) through (9) No change.

(10) Facility-Based Day Treatment Services – A treatment option, obtained from a contracted provider, for youth who present a minimum risk to public safety, allowing the youth to live at home and either commute or be transported to a service delivery center in which a variety of interventions focusing on delinquency behaviors are provided. The types of services, which can include school, are based upon an individualized assessment of the youth’s risks and needs. ~~community treatment option in which the youth can attend school or receive services or both, based upon an individualized assessment of the youth’s risks and needs, on a non-residential campus setting obtained from a contracted provider.~~

(11) through (23) No change.

(24) Progressive Response System – A written plan developed in each circuit, in consultation with judges, state attorneys and public defenders, that describes in detail a methodology for responding when youth under supervision violate a condition of their supervision plan. These plans are based upon the principle that sanctions should be based upon

public safety, the assessed criminogenic needs and risks of the youth, and how effective the sanction will be in moving the youth to compliant behavior.

~~(25)~~(24) Request for Release Letter – The letter used by the JPO to formally notify the committing judge of the program’s intent to release. The letter indicates the program requesting the release, the date of release and whether the youth is to be transferred to conditional release, post commitment probation or direct discharge with no DJJ supervision. The Request for Release Letter (DJJ/IS Form 13, January 2007) is incorporated and available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

~~(26)~~(25) Residential Commitment Program – A low-risk, moderate-risk, high-risk, or maximum-risk residential delinquency program for committed youth.

~~(27)~~(26) Sexually Violent Predator (SVP) – For purposes of this chapter, SVP eligible refers to a youth being subject to the requirements of Sections 394.910-394.932, F.S.

~~(28)~~(27) Sexually Violent Predator Program Multidisciplinary Team Notification Letter – The letter used by the JPO to formally notify, in writing, the Department of Children and Families’ Multidisciplinary Team of the anticipated release of youth committed on a sexually violent offense. The Sexually Violent Predator Program Multidisciplinary Team Notification Letter (DJJ/BCS Form 24, September 2006) is incorporated and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

~~(29)~~(28) Youth-Empowered Success Plan (YES Plan) – As incorporated in Rule 63D-5.002, F.A.C.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.004 Pre-Release Notification.

(1) through (3) No change.

(4) The residential commitment program shall not release any SVP eligible youth subject to the provisions of Chapter 394, F.S., until the Multidisciplinary Team at the Department of Children and Families (DCF) has determined eligibility and the state attorney’s office has decided whether or not to file a petition. If it ~~is~~s determined that the youth will not be involuntarily committed to DCF then the JPO must notify the program using the Notification of the Decision to Not Involuntarily Commit to DCF Form.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.005 Post-Residential Supervision.

(1) While a youth is on post-residential supervision, he or she will typically reside in their family home or in the home of a legal guardian. However, some youth may be in an

independent living program, and others will live in an alternative setting with a family friend or a relative who is not the legal guardian. One of the objectives of service planning for youth on post-residential status is preparing them to make the transition to self-supporting, pro-social adulthood. Independent Living is a category that focuses on providing an array of specialized services and for some youth an opportunity for a placement outside the family home. The program is intended for youths whose home environment is a barrier to a crime-free return to the community, youths who are homeless, and youths who cannot return to their home. Independent Living incorporates residential and nonresidential components. Independent living programs are required to operate according to specific contractual language and applicable DJJ quality assurance standards. Youths with sexual offenses, developmental disabilities, and youths, ~~whose adjudication of dependency precedes the adjudication of delinquency, are not appropriate for residential independent living programs and should not be referred to participate.~~ Youths with histories of arson, cruelty to animals, or first-degree felonies should be permitted to participate in an independent living option on a case-by-case basis and documentation of the youth's appropriateness must be maintained in the case file. When a youth is prescribed psychotropic medications, a medication evaluation must be completed prior to consideration of residential independent living placement and will be handled on a case-by-case basis. Youths whose adjudication of dependency precedes the adjudication of delinquency should be referred back to the Department of Children and Families for an assessment of eligibility for the independent living program operated for dependent children aging out of foster care.

(2) Department Operated Post-Residential Programs.

(a) Conditional release is the most utilized of the post-residential categories. The youth's stay in the community is conditioned upon his continuing compliance with the conditions of his or her YES plan and with the requirement that he or she commits no new law violations. Services and sanctions are built upon the successes experienced while in the residential commitment facility.

(b) Post-commitment probation is ordered by the court at the disposition hearing. If ordered, then the court ordered conditions of supervision shall be followed. In this case, the JPO must inform the commitment program that the youth will be under DJJ supervision when released. A youth will not be placed on post-commitment probation unless there is a court order specifying the probation. If the commitment order does not specifically state post-commitment probation or direct discharge, the youth is considered to be under conditional release status with the department to be either supervised by a JPO under committed status, or placed into a conditional release program.

(3) No change.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New _____.

63D-7.008 Violations.

(1) Conditional release:

(a) New law violations: Within twenty-four (24) hours of knowledge of a new law violation, the conditional release staff must personally inform the JPO and vice versa. The JPO and/or conditional release staff must make face-to-face contact with the youth within twenty-four (24) hours of knowledge of a new law violation.

(b) Technical Violations: If a conditional release program feels that a youth has committed a technical violation of the rules of the program, the program must consult the circuit's written progressive response system. The progressive response system is intended to guide decision making when choosing what action to take for technical violations of conditional release. The JPO and/or conditional release staff and supervisor will consult the document when making a decision about the appropriate level of response for an apparent violation may request transfer of the youth out of the conditional release program. If transfer is indicated, tThe conditional release program shall put the request to transfer in writing and the department will consider the request to transfer. If the department decides that transfer is appropriate, then the department shall initiate the transfer procedures under Chapter 985, F.S. If the department decides that transfer is not in the best interest of the youth, the conditional release program will continue to work with the youth toward successful completion of the program.

(c) Absconders: Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court in order to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process. Mere absence or not appearing for appointments is not absconding, ~~but may constitute a technical violation if it continues.~~ To constitute absconding, the JPO must have cause to believe that the youth is deliberately avoiding supervision, or has removed himself or herself from the home or community. A youth reported by parents or guardians to have run away, is considered an absconder.

1. At the point the JPO considers the youth to have absconded, the JPO must document all efforts to locate the youth considered an absconder.

2. If a youth absconds from supervision, the conditional release staff is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will within one (1) working day, file an Affidavit for Order to Take Into Custody. If not stipulated otherwise by contract, the conditional release staff is responsible for coordinating with the JPO to obtain an Affidavit for Order to Take Into Custody on youths who abscond or fail to report to the conditional release program. In

this case, when the affidavit is processed, a copy must be forwarded within one (1) workday to the conditional release service provider.

(2) Post-commitment probation:

(a) New law violations: New law violations may generate the need to initiate the process for a violation of probation. If the department decides to file an affidavit with the court on seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(b) Technical violations: Technical violations may generate the need to inform the court of for a violation of probation. Each circuit must develop a written progressive response system to guide decision making when choosing what action to take for technical violations of post-commitment probation. The JPO and JPO supervisor will consult this document when making a decision about the appropriate level of response for an apparent violation. If the department decides to file an affidavit with the court on seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(c) Absconders: If a youth absconds from supervision, the JPO is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will, within one (1) working day, file an Affidavit for Order to Take Into Custody with the court.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.009 Termination of Services.

(1) In general, a youth’s length of stay on any form of post-release status will depend upon the youth’s presenting needs and risk and on the progress made on achieving the objectives of the YES Plan. The minimum length of stay is ninety (90) calendar days. ~~If after one hundred eighty (180) calendar days the youth needs additional supervision, the court may be petitioned to place the youth onto post-commitment probation to fulfill the continued obligations of conditional release.~~

(2) Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the JPO must submit a Progress Report to the court requesting termination, which must include all court ordered sanctions completed by the youth.

(3) The Progress Report will then be used as a termination summary that must include the status of all court ordered sanctions completed by the youth. Documentation of completed sanctions including community service hours and restitution must be forwarded to the court. The JPO shall review the termination summary and obtain supervisor approval prior to submitting a letter and the Progress Report to the court within three (3) working days of receipt of the

summary. The conditional release staff, youth, and the youth’s parent(s)/guardian(s) must also be sent ~~should receive~~ a copy of this letter.

(4) through (7) No change.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

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

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.”

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on May 4, 2007, the St. Johns River Water Management District, received a petition for variance from The Haven at Riviera, LLC, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-106873-1. The permit applicant is proposing to construct a wet detention surface water management system that will serve a 336-unit multi-family residential development and Riviera Drive and at times will discharge to Canals C-72 and C-73 of the Melbourne-Tillman Water Control District canal system in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C.,