

candidate's ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

~~(5)~~~~(4)~~ Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

- (a) Unnecessary noise or other disturbance that interferes with the examination process.
- (b) Cheating or attempting to cheat.
- (c) Observing the examination questions or answers of those candidates being tested.
- (d) Removal of any examination materials from the examination room.

Conduct from candidates resulting in the exclusion from an examination shall be grounds for denial of licensure by the Office of Financial Regulation.

~~(6)~~~~(5)~~ Candidates failing the examination will be notified of the review procedures and will be responsible for rescheduling another mortgage broker examination through the REAL System. Candidates will not be permitted to schedule an examination that will be conducted on a date beyond the candidate's will automatically be rescheduled for the next examination date provided that date is within their ninety (90) day application period. Candidates who fail the examination may review their examination one time, for a \$30 fee, and must do so at the time and place designated. Requests for a review of an examination and the examination review fee must be filed with the Office of Financial Regulation through the REAL System. Candidates reviewing shall have the right to have access to the examination questions, their examination responses, and the correct answers. Rules of examinee conduct during the review are the same as those for the examination.

~~(7)~~~~(6)~~ Examinations will be written and composed of 100 multiple choice questions. Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:

- (a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.
- (b) The examination will be scored on the basis of 100 points.
- (c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years from the date of passing the examination.
- (d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.
- (e) Candidates may use a non-programmable hand held or battery type calculator.
- (f) Test scores will be derived from the number of correct responses.

(g) Candidates will not be permitted to refer to any notes, books or memoranda.

~~(8)~~~~(7)~~ Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period. Candidates will be permitted to use a non-programmable hand held or battery type calculator.

~~(9)~~~~(8)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee.

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History--New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended 3-23-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, Phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.004	Notice Requirements
6A-22.006	Screening Process
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers' Compensation Administrative Trust Fund

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 20, May 16, 2008 Florida Administrative Weekly has been continued from June 17, 2008 to August 19, 2008.

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 ELDER AFFAIRS

Home Care for the Elderly

RULE NOS.:	RULE TITLES:
58H-1.001	Purpose
58H-1.002	Definitions
58H-1.003	Administration
58H-1.004	Access to the Program
58H-1.005	Client Functional and Financial Eligibility
58H-1.006	Caregiver Requirements
58H-1.007	Dwelling Requirements
58H-1.008	Appeal Proceedings
58H-1.009	Program Forms
58H-1.010	Confidentiality and Disclosure Information

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 21, May 23, 2008 issue of the Florida Administrative Weekly. The section entitled "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:" is corrected to read June 24, 2005 instead of June 25, 2005.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.:	RULE TITLE:
61A-10.0021	Stamping Agent – Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, January 20, 2006 issue of the Florida Administrative Weekly.

61A-10.0021 Stamping Agent – Requirements.

The Division shall authorize a wholesale dealer as a stamping agent to affix stamps to packages of cigarettes provided the dealer furnishes the Division with:

- (1) An irrevocable letter of credit, certificate of deposit, unconditional guaranty contract, or a surety bond, issued by a solvent surety company registered to do business in this state,

equal to 110% of the estimated monthly tax liability, but not less than \$2,000, as required in Sections 210.05 and 210.08, F.S. The Division shall determine the estimated monthly tax liability based on the packs of unstamped cigarettes purchased for resale within the state of Florida.

(a) Surety amounts will be reviewed with every audit to verify compliance with this Rule. The surety amount will be based on the highest month's total liability.

(b) Liability for stamp purchases shall not exceed the surety amount.

(c) Stamping agents will provide the Division with a continuation certificate of the surety when the stamping agents pay their surety premium.

(d) If a surety instrument is cancelled, the stamping agent must cease operation.

(e) Applicants shall properly execute and submit form DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (). Instructions for filling out form DBPR ABT-6032 are provided in form DBPR ABT-6032i, Instructions for Completing DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective ().

(2) through (4) No change.

Specific Authority 210.10 FS. Law Implemented 210.01, 210.05, 210.08, 210.15, 210.40 History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.:	RULE TITLE:
61A-10.081	Application for Cigarette Permit, Wholesale Dealer, Exporter, or Cigarette Distributing Agent

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, January 20, 2006 issue of the Florida Administrative Weekly.

61A-10.081 Application for Cigarette Permit, Wholesale Dealer, Exporter, or Cigarette Distributing Agent.

- (1) In order to be permitted as a wholesale dealer, exporter, or cigarette distributing agent, or to make changes to an existing wholesale dealer permit, exporter permit, or cigarette distributing agent permit, a completed application must be submitted to and approved by the Division. A completed application shall consist of the following:

(a) Properly executed application on form DBPR ABT-6024 Application for Wholesale Cigarette Permit, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (____). Instructions for filling out form DBPR ABT-6024 are provided in form DBPR ABT-6024i, Instructions for Completing Application for Wholesale Cigarette Permit, which may be obtained as specified in Rule 61A-5.001 and is incorporated herein by reference and effective (____).

(b) A set of fingerprints for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the permit is being sought. Applicants shall properly execute and submit form DBPR ABT-6021 Division of Alcoholic Beverages and Tobacco Fingerprint Affidavit, which may be obtained as specified in Rule 61A-5.001 and is incorporated herein by reference and effective (____), along with the official fingerprint card. When making changes to an existing permit, fingerprints will only be required for new applicants and for any new person or new persons interested directly or indirectly with the business for which the permit is changed.

(c) Payment of the permit fee of \$100.

(d) If the location for any permit is in the state, the applicant must submit to the Division a sketch of the premises along with a right of occupancy for the location. The sketch of the premises shall display all areas to be covered by the permit being applied for as well as all adjacent areas that currently have or will have another permit issued by the Division.

(e) Applicants shall properly execute and submit form DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (____). Instructions for filling out form DBPR ABT-6032 are provided in form DBPR ABT-6032i, Instructions for Completing DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (____).

(2) through (8) No change.

Specific Authority 210.10, 210.15 FS. Law Implemented 210.01, 210.15, 210.151, 210.1605 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-10.082
 RULE TITLE: Application for a Tobacco Products Wholesale Dealer Permit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, January 20, 2006 issue of the Florida Administrative Weekly.

61A-10.082 Application for a Tobacco Products Wholesale Dealer Permit.

(1) No change.

(2) In order to be permitted as a tobacco products wholesale dealer, or to make changes to an existing permit, a completed application must be submitted to and approved by the Division. A completed application shall consist of the following:

(a) Properly executed application on form DBPR ABT-6005 Application for Tobacco Products Wholesale Dealer’s Permit, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (____). Instructions for filling out form DBPR ABT-6005 are provided in form DBPR ABT-6005i, Instructions for Completing Application for Tobacco Products Wholesale Dealer, which may be obtained as specified in Rule 61A-5.001 and is incorporated herein by reference and effective (____).

(b) Payment of the permit fee of \$25.

(c) If the location for any permit is in the state, the applicant must submit to the Division a sketch of the premises along with a right of occupancy for the location. The sketch of the premises shall display all areas to be covered by the permit being applied for as well as all adjacent areas that currently have or will have another permit issued by the Division.

(d) Submission of a surety bond issued by a surety company authorized to do business in Florida in the amount of no less than \$1,000. The Division shall have discretion in requiring a larger bond amount if the minimum is insufficient to fully protect the state.

(e) Applicants shall properly execute and submit form DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (____). Instructions for filling out form DBPR ABT-6032 are provided in form DBPR ABT-6032i, Instructions for Completing DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (____).

(3) through (7) No change.

Specific Authority 210.75 FS. Law Implemented 210.25, 210.35, 210.40, 210.405, 210.45, 210.51 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 CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-8.001	Definitions
65G-8.002	Approved Emergency Procedure Curriculum
65G-8.003	Reactive Strategy Policy and Procedures
65G-8.004	Initial Assessments
65G-8.005	Authorizations for Specific Reactive Strategies
65G-8.006	Limitations on Use and Duration of Reactive Strategies
65G-8.007	Seclusion and Restraint
65G-8.008	Chemical Restraint
65G-8.009	Prohibited Procedures
65G-8.010	Documentation and Notification
65G-8.011	Access to Rules
65G-8.012	Enforcement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly.

65G-8.001 Definitions.

[alphabetized and renumbered].

(1) “Approved emergency procedure curriculum” means a course of instruction in procedures and techniques for intervening in behavioral emergency situations, approved by the Agency for Persons with Disabilities (“Agency”), and incorporated into a facility’s or program’s policy for utilizing reactive strategies.

(2)(3) “Authorized staff person” means an employee of a facility or program that has completed training in the approved emergency procedure curriculum and is approved by the authorizing agent to use restraint and seclusion procedures.

(3)(2) “Authorizing agent” means an individual authorized by the facility or program manager to approve use of a reactive strategy.

(4)(5) “Behavioral protective device” means a device used as a means of interfering with or preventing specific results of a targeted behavior as part of a behavior program approved by the Local Review Committee.

(5)(14) “Chemical restraint” means the use of medication to effect immediate control of an individual’s behavior. It does not include the medication administered as treatment for a medical or psychiatric condition.

(6)(15) “Client” means any person with a developmental disability receiving services in the State of Florida.

(7)(17) “Containment” means immobilizing an individual with any technique for the purpose of behavioral control.

(8)(6) “Facility” means a residential operation serving Agency clients funded or licensed under Chapter 393, F.S., and includes separate and secure facilities serving forensics clients pursuant to Chapter 916, Part III, F.S.

(9)(7) “Implementation plan” means an individualized plan utilizing services to assist a client with developmental disabilities in acquiring skills that enable the client to improve his or her physical, mental, and social functioning.

(10)(16) “Licensed medical professional” means a physician licensed under Chapter 458 or 459, F.S.; or registered nurse, licensed practical nurse, or Advanced Registered Nurse Practitioner licensed under Chapter 464, F.S.

(11)(4) “Local Review Committee” means the committee required by subsection 65G-4.008(3), F.A.C., to oversee and review all behavior analysis services provided to clients to ensure that the services are designed and approved in accordance with Florida Statutes and agency rules.

(12) “Manual restraint” means the use of hands or body to immobilize a person’s freedom of movement or normal access to his or her body for more than fifteen continuous seconds. It does not include physically guiding or ~~transporting~~ a client during transport or skill training for up to two minutes. Repeated applications and releases of manual restraint in order to circumvent the fifteen-second and two-minute criteria are prohibited.

(13)(10) “Mechanical restraint” means a physical device used to restrict an individual’s movement or restrict the normal function of the individual’s body. The definition does not include the following:

(a) through (b) No change.

(c) Devices used ~~Restraints necessary~~ to support functional body position or proper balance, or to prevent a person from falling out of bed, falling out of a wheelchair; or

(d) Equipment ~~Restraints~~ used for safety during transportation, such as seatbelts or wheelchair tie-downs.

(14)(8) “Medical protective equipment” means health-related protective devices prescribed by a physician or dentist for use during specific medical or surgical procedures, or for use as client protection in response to an existing medical condition.

~~(15)(9)~~ “Reactive strategies” means the procedures or physical crisis management techniques of seclusion or manual, mechanical, or chemical restraint utilized for control of behaviors that create an emergency or crisis situation.

~~(16)(13)~~ “Seclusion” means enforced isolation or confinement of an individual in a room or area. It does not mean “time out” or “time out from positive reinforcement” procedures as defined by this rule, or isolation resulting from medical conditions or symptoms of illness.

~~(17)(14)~~ “Time out” or “time out from positive reinforcement” means a procedure designed to interrupt a specific behavior of an individual by temporarily removing that individual to a separate area or room, or by screening him or her from others, or by signaling that the individual is in “time out.” “Time out” is not a reactive strategy regulated by these rules. “Time out” procedures differ from the reactive strategy of seclusion through the following characteristics:

(a) through (c) No change.

(d) The program is implemented either by a Certified Behavior Analyst certified by the Behavior Analyst Certification Board®, Inc.; a behavior analyst certified by the Agency pursuant to Section 393.17, F.S. and Rule 65G-4.003, F.A.C.; a psychologist licensed under Chapter 490, F.S.; or a clinical social worker, mental health counselor, or therapist licensed under Chapter 491, F.S.; ~~or a behavior analyst certified by the Behavior Analyst Certification Board; or a behavior analyst certified under Chapter 65G-4, F.A.C.;~~

(e) through (h) No change.

Specific Authority ~~393.501, 393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented ~~393.13(4)(h), 916.1093(2)~~ FS. History–New _____.

65G-8.002 Approved Emergency Procedure Curriculum.

(1) All providers and facilities, ~~and programs~~ that use reactive strategies must utilize an emergency procedure training curriculum approved by the Agency, and require all staff utilizing reactive strategies to be trained in that curriculum.

(2) The training curriculum must meet the following minimum requirements for approval:

(a) through (e) No change.

(f) It requires at least ~~twelve sixteen~~ direct training hours;

(g) through (l) No change.

(m) The curriculum includes instruction in reactive strategy precautions and potential hazards; It incorporates transportation procedures that require the cooperation of the person being transported;

(n) No change.

(3) through (5) No change.

(6) The Agency’s Senior Behavior Analyst will refer the proposed curriculum to a multidisciplinary committee or a Peer Review Committee as defined in Rule 65G-4.008, F.A.C., for additional review and comment.

(7) The Senior Behavior Analyst’s ~~r~~Review of a proposed emergency procedure curriculum must include:

(a) through (b) No change.

(c) Review of available data related to implementation of the curriculum; and

(d) No change.

(8) through (10) No change.

Specific Authority ~~393.501, 393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented ~~393.13(4)(h), 916.1093(2)~~ FS. History–New _____.

65G-8.003 Reactive Strategy Policy and Procedures.

(1) All facilities or providers ~~programs~~ subject to this rule shall develop and implement policies and procedures consistent with the provisions of this rule chapter, including adoption of an approved emergency procedure curriculum, appropriate staff training, record maintenance, reporting and recording the use of any reactive strategy, training in the provisions of this rule chapter, data collection, and maintenance of reactive strategy consent information in client ~~patient~~ records, and any other requirements established in this rule chapter.

(2) Facility or provider ~~program~~ policies and procedures may ~~not~~ include only the reactive strategies not provided in the Agency-approved curriculum or vary from the requirements of these rules. No change to the approved curriculum or variation of a specific reactive strategy may be employed without an Agency-approved variance or waiver obtained in advance through Section 120.542, F.S. A proposed variance to a reactive strategy must demonstrate that it is designed for a specific client and the variance request must include documented evidence of need and benefit. Variance requests will be evaluated by the Local Review Committee and the Agency’s Senior Behavior Analyst.

(3) Providers, and facilities ~~and programs~~ that employ reactive strategies are required to implement procedures to ensure the safety of staff and clients during the use of reactive strategies and to ensure that Agency clients are not placed at risk because of existing medical conditions.

(4) All staff implementing reactive strategies must be certified in advance for all reactive strategy techniques used or approved for use by the facility, ~~program,~~ or provider.

(5) A variation of a specific reactive strategy may be employed only if it is designed for a specific client with documented evidence of need and benefit, and only if evaluated and approved in advance of implementation by the Local Review Committee and the Agency’s Senior Behavior Analyst.

~~(5)(6)~~ The provider ~~program~~ or facility must conduct an internal review of its emergency procedures at least annually with a written evaluation that addresses the following issues:

(a) through (c) No change.

The facility, ~~program~~, or provider must maintain this written evaluation for a minimum of five years and make it available to the Agency upon request.

Specific Authority 393.501, ~~393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.004 Initial Assessments.

(1) Upon an individual's admission to a facility or program and at least annually thereafter, the facility or ~~program~~ provider must obtain information and documents relevant to the use of reactive strategies from a variety of sources for the individual's records. Appropriate sources include the individual, his or her family members, treating medical professionals, and other informants familiar with the individual. The individual's records must include the following documentation:

(a) A physician's report of medical release stating that the individual has no medical conditions or physical limitations that would place him or her at risk of physical injury during restraint or seclusion, ~~as permitted by this rule chapter; or otherwise~~

~~(b) A physician's report of any physical limitations that would preclude the use of one or more reactive strategies; and~~

~~(b)(c)~~ Documentation of any history of trauma, such as a history of sexual or physical abuse, that the informants, individual, facility, or providers believe to be relevant to the use of reactive strategies; and

(2) through (3) No change.

Specific Authority 393.501, ~~393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.005 Authorizations for Specific Reactive Strategies.

(1) through (2) No change.

(3) The following reactive strategies can be approved only by the following authorizing agents:

(a) No change.

(b) The authorizing agent for behavioral protective devices must be either a Certified Behavior Analyst certified by the Behavior Analyst Certification Board®, Inc.; a behavior analyst certified by the Agency pursuant to Section 393.17, F.S. and by Rule 65G-4.003, F.A.C.; a psychologist licensed under Chapter 490, F.S.; or a clinical social worker, marriage and family therapist, or mental health counselor licensed under Chapter 491, F.S.; ~~or a Certified Behavior Analyst certified by the Behavior Analyst Certification Board; or a behavior analyst certified by the rule Chapter 65G-4, F.A.C.;~~

(c) The authorizing agent for mechanical restraint must be a Certified Behavior Analyst certified by the Behavior Analyst Certification Board®, Inc.; a behavior analyst certified by the Agency pursuant to Section 393.17, F.S. and by Rule 65G-4.003, F.A.C.; a physician licensed under Chapter 458 or 459, F.S.; a psychologist licensed under Chapter 490, F.S.; or a clinical social worker, marriage and family therapist, or mental

health counselor licensed under Chapter 491, F.S.; ~~or a Certified Behavior Analyst certified by the Behavior Analyst Certification Board; or a behavior analyst certified by the Rule Chapter 65G-4, F.A.C.;~~

(d) through (e) No change.

Specific Authority 393.501, ~~393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.006 Limitations on Use and Duration of Reactive Strategies.

(1) through (9) No change.

(10) The facility or ~~provider program~~ must provide written behavioral criteria for termination of a reactive strategy, conforming to the Agency-approved emergency procedure curriculum, to all staff trained in those techniques.

(11) through (12) No change.

Specific Authority 393.501, ~~393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.007 Seclusion and Restraint.

(1) No change.

(2) Seclusion and restraint as a reactive strategy may be utilized only if certified adequate staff persons are ~~is~~ available in sufficient number to ensure its ~~for~~ safe implementation.

(3) through (5) No change.

(6) Staff must obtain additional authorization for use of seclusion and restraint for a behavioral episode occurring more than fifteen minutes after termination of a prior ~~restraint~~ procedure, and document the additional use ~~of restraint~~ in the individual's record.

(7) Before initiating a seclusion or restraint procedure, staff must inspect the environment and the individual ~~to be restrained~~ in order to ensure that any foreign objects that might present a hazard to the individual's safety are removed.

(8) Any room in which the individual is held must ~~be~~ have sufficient lighting and ventilation to permit the individual to see and breathe normally, and must have enough space to permit him or her to lie down comfortably.

(9) The door to any room in which an individual is secluded without an attending staff person a caregiver ~~must not be locked; however, the door can be held shut by a staff person caregiver~~ using a spring bolt, magnetic hold, or other mechanism that permits the individual in seclusion to leave the room if the caregiver leaves the vicinity. Forensic facilities may seek a waiver or variance from this requirement through Section 120.542, F.S.

(10) No change.

Specific Authority 393.501, ~~393.13(4)(h)2., 916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.008 Chemical Restraint.

(1) through (5) No change.

(6) A licensed medical professional must conduct a face-to-face evaluation of the individual within one hour of administration of a chemical restraint, if the restraint was ~~ordered~~ ~~authorized~~ by telephone. The medical professional must record the results of this evaluation in the individual's records and document whether the administration of medication achieved the expected results.

(7) Staff must monitor an individual who has been chemically restrained at least once every half-hour and record the effects of the restraint in the individual's records.

Specific Authority 393.501, ~~393.13(4)(h)2.~~, ~~916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.009 Prohibited Procedures.

The following reactive strategies are prohibited:

(1) through (9) No change.

(10) Use of any ~~containment immobilizing~~ technique ~~medically contraindicated for an individual prior to obtaining a medical release that rules out increased risk to the individual by use of this position;~~

(11) through (12) No change.

Specific Authority 393.501, ~~393.13(4)(h)2.~~, ~~916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.010 Documentation and Notification.

(1) Staff must document the following information in the individual's records ~~as soon as possible, but no later than the end of the work shift immediately~~ following the use of a reactive strategy:

(a) through (d) No change.

(2) through (4) No change.

Specific Authority 393.501, ~~393.13(4)(h)2.~~, ~~916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.011 Access to Rules.

(1) The ~~provider program~~ or facility employing reactive strategies must maintain on-site a copy of Rule Chapter 65G-8, F.A.C., accessible by these rules and provide access to staff, clients, parents, guardians, and guardian advocates.

(2) No change.

Specific Authority 393.501, ~~393.13(4)(h)2.~~, ~~916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

65G-8.012 Enforcement.

(1) through (2) No change.

Specific Authority 393.501, ~~393.13(4)(h)2.~~, ~~916.1093(2)~~ FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-204.010	Purpose and Scope
69O-204.020	Definitions
69O-204.030	Forms Incorporated By Reference
69O-204.040	Prohibited Practices
69O-204.050	Verification of Coverage
69O-204.060	Required Supplemental Annual Transaction Detail
69O-204.070	Anti-Fraud

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly has been withdrawn.

Section IV
Emergency Rules

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.:	RULE TITLE:
12DER08-13	Repeal of Forms from 2007 Millage Levy Compliance

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321, Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. This act further provided that all conditions imposed by Chapter 120, Florida Statutes are deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321, Laws of Florida. The law provided that these emergency rules could remain in effect for a period of 18 months and that they could be renewed. The Department of Revenue has taken several actions to inform interested parties about the need to repeal forms that are no longer applicable, and to give such parties an opportunity to review and comment. These interested parties include Property Appraisers and counties, municipalities, and independent districts and their associations. The actions that the Department has taken include: e-mailing the Property Appraisers, and posting on the Department's website an announcement, "Repeal of Forms from 2007 Millage Levy Compliance." The forms now being repealed were effective only for 2007 and are not applicable to 2008. This Emergency Rule avoids having two versions of the same form available, and prevents the inadvertent use of outdated forms by the public.