

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE:	RULE NOS.:
Definitions	66B-2.003
Application Process	66B-2.006
Project Eligibility	66B-2.008

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Add specific waterways essential to the Inland Waterway Navigation system to the definition of eligible waterways; Revise the application process to clarify a complete application; and include additional language clarifying the property control requirement.

The effect of the rule development is to implement changes in the administration of the District’s Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Application Process, Project Eligibility, and the addition of a Small-Scale Spoil Island Restoration and Enhancement Projects program.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., November 13, 2002

PLACE: District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Applicability and Scope	4-154.102
Guaranteed Availability of Individual Health Coverage to Eligible Individuals	4-154.112

PURPOSE, EFFECT AND SUMMARY: To amend Florida Administrative Code to reflect out-of state insurers obligation to comply with Chapter 4-154. Additionally, the amendment clarifies requirements for quoting insurance coverage.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308, 627.643, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.642, 627.643, 627.6487 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., Thursday, December 12, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE FULL TEXT OF THE PROPOSED RULES IS:

4-154.102 Applicability and Scope.

(1) These rules shall apply to all individual and family accident and health insurance policies, subscriber contracts of medical, surgical, or health maintenance organizations and to franchise insurance policies issued or issued for delivery in this state on and after the effective date hereof (except for policies issued to employees or members who are being added to existing franchise plans). The requirements contained in these rules shall be in addition to any other applicable rules previously adopted.

(2) Rules 4-154.110 through 4-154.112 and Rules 4-154.114 through 4-154.116, F.A.C., shall also apply to insurance coverage subject to the provisions of Section 627.6487, Florida Statutes.

Specific Authority 624.308, 627.643 FS. Law Implemented 624.307(1), 627.642, ~~627.6425~~, 627.643, 627.6487 FS. History--New 1-1-75, Formerly 4-37.02, 4-37.002, Amended 9-19-00, _____.

4-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

(1) through (2) No change.

(3) ~~(a)~~ To enable the Department to monitor this coverage, the issuer shall file, no later than March 1 of each year, report the information in 1. through 5. on an annual (calendar year)

basis. Form D14-1386, (rev. 11/01), Individual Health Coverage Policy Forms Issued/Renewed in Florida, which is hereby adopted and incorporated by reference. Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Tallahassee, FL 32399-0328, or submitted electronically through <https://portal.fldoi.com>. Forms are also available and may be printed from the Department's website: www.doi.state.fl.us.

~~(b) In determining the policy forms to be offered during calendar year 1998, first year earned premium volume for the period January 1, 1996 through June 30, 1997 shall be reported and used.~~

- ~~1. Issuer name and address.~~
 - ~~2. Contact person telephone number.~~
 - ~~3. Information on all products offered by the issuer in the individual market. Such information shall include:

 - ~~a. Policy name for each policy;~~
 - ~~b. Description of each policy;~~
 - ~~c. Total number of all individual policies in force; and~~
 - ~~d. Total first year earned premium volume of all individual policies in force.~~~~
 - ~~4. For the policies offered to eligible individuals, a health insurance issuer shall report for each policy:

 - ~~a. Policy name;~~
 - ~~b. Policy number;~~
 - ~~c. Date approved by the Department;~~
 - ~~d. Total number of policyholders covered by each of these policies; and~~
 - ~~e. Total premium first year earned volume.~~~~
 - ~~5. The issuer shall also provide:

 - ~~a. A copy of each policy;~~
 - ~~b. An explanation of how the issuer will inform eligible individuals of these policy forms; and~~
 - ~~c. Copies of all marketing materials.~~~~
- ~~(4) through (5) No change.~~

~~(6) Each issuer offering health insurance coverage in the individual market must disclose, in writing, to all applicants at the time of application the availability of guarantee issue coverage for eligible individuals. Each issuer offering health insurance coverage in the individual market is responsible for obtaining at the time of application the information necessary to determining whether an applicant for coverage is an eligible individual as defined in Section 627.6487(3), Florida Statutes, as follows:~~

- ~~(a) through (c) No change.~~
- ~~(7) through (8) No change.~~

~~Specific Authority 624.308, 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History--New 9-19-00, Amended 9-30-01 _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Form and Rates, Division of Insurer Services, Department of Insurance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

DEPARTMENT OF INSURANCE

Division of Workers' Compensation

RULE TITLE: Confidentiality of Records Produced RULE NO.: 4L-6.022

by the Division PURPOSE AND EFFECT: The purpose and effect of the rule is to facilitate compliance with the confidentiality requirements of Sections 440.185(11) and 440.125, F.S.

SUMMARY: The rule specifies what constitutes information that would identify an injured worker, which would be exempt from disclosure. The rule also provides a means for persons whose information is protected by the statutes to waive confidentiality of the information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The impact of the rule is not expected to be significant, however businesses, which sell information from, state workers' compensation records, and law firms, which use such information to market their services, may be affected.

Any person, who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 440.185(10), 440.591 FS.
 LAW IMPLEMENTED: 440.125, 440.185(11) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m. November 7, 2002
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Employee Assistance Office, Division of Workers' Compensation, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)488-5201, Ext. 401

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-6.022 Confidentiality of Records Produced by the Division.

(1) Section 440.185(11), F.S., provides that any information in a report of injury or illness filed with the Division pursuant to Section 440.185, Florida Statutes that would identify an ill or injured employee is confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Constitution of the State of Florida. Section 440.125, Florida Statutes, provides in part that any information identifying an injured employee in medical bills which are provided to the Division pursuant to Section 440.13, Florida Statutes is confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Constitution of the State of Florida.

(2) For purposes of maintaining the confidentiality of information as required pursuant to Sections 440.125 and 440.185(11), Florida Statutes, the following constitutes information that would identify an ill or injured employee: the ill or injured employee's

- (a) Name or signature;
- (b) Social security number;
- (c) Business, residence, and mailing addresses; and
- (d) Residence and business telephone number.

(3) In the Division's response to a public records request, information that would identify an ill or injured employee will be redacted from any report of injury or illness filed with the Division pursuant to Section 440.185, Florida Statutes, and from any medical bill provided to the Division pursuant to Section 440.13, Florida Statutes, unless the employee that would be identified in such records waives the confidentiality provisions of Sections 440.125 or 440.185(11), Florida Statutes and consents to the production of confidential information or records through submission to the Division of a completed Form DI4-1545 (DWC) (Rev. 9/02) Consent And Waiver For Release of Confidential Records, which is hereby adopted and incorporated herein by reference.

Specific Authority 440.185(10), 440.591 FS. Law Implemented 440.125, 440.185(11) FS. History—New _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, 200 East Gaines Street, Tallahassee, FL 32399-4228, (850)922-4480

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director, Division on Workers' Compensation, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002. Pursuant to §120.54(2)(c), F.S., the Department explains that a workshop is unnecessary because of the urgent need for the clarity that the rule provides, and the fact that the public hearing will provide ample opportunity for public comment on the proposed rule.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES:	RULE NOS.:
Introduction to the Rules	6E-1.001
Authority of the Board	6E-1.002
Definition of Terms	6E-1.003
Licensure Required; Exemptions from Licensure	6E-1.0031
Fair Consumer Practices	6E-1.0032
Diploma Programs	6E-1.0033
Fees and Expenses	6E-1.0034
Permission to Operate	6E-1.0035
Honorary Degrees	6E-1.0041
Minimum Standards for Use of the Term "College" and "University"	6E-1.0045

PURPOSE AND EFFECT: The purpose of the proposed new rules is to define terms used in the rules, clarify requirements for fair consumer practices, update the standards for offering honorary degrees, and repeal obsolete or redundant rules. The effect is that the Commission and the licensed institutions will have updated and consistent definitions and requirements to reflect the merging of two boards into one agency.

SUMMARY: The proposed new rules provide definitions of new terms introduced in the new law and other revised rules, and combine definitions from both former boards; provide updated fair consumer practices, taking into consideration the entire spectrum of nonpublic postsecondary education; and update the requirements for awarding honorary degrees; several obsolete or redundant rules are repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31, 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.06, 1005.21, 1005.22, 1005.31, 1005.33, 1005.34, 1005.35 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Friday, November 15, 2002

PLACE: Sheraton Suites Hotel, 4400 West Cypress Street, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)488-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-1.001 Introduction to the Rules.

Specific Authority 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 246.011, 246.041(1)(g),(n),(q),(r),(t), 246.051, 246.081, 246.085, 246.087, 246.095 FS. History—Repromulgated 12-5-74, Readopted 11-11-75, Formerly 6E-1.01, Amended 11-27-88, 10-19-93, Repealed.

6E-1.002 Authority of the Board.

Specific Authority 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 246.041(1)(f), 246.051(2) FS. History—Repromulgated 12-5-74, Formerly 6E-5.01, Readopted 11-11-75, Amended 10-13-83, Formerly 6E-1.02, Amended 11-27-88, Repealed.

(Substantial rewording of Rule 6E-1.003 follows. See Florida Administrative Code for present text.)

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) “Advertising” includes any form of public notice, however disseminated or utilized, offering training or education to the public or recruiting students to enroll in a school or college program. The term includes publications and promotional items which may be seen or encountered by prospective students, including catalogs and other institutional publications which contain institutional policies or disclosures; mailing pieces, such as bulletins, brochures, or flyers; classified advertisements; news releases; posters; electronic notices provided through Internet, radio or television; or any other form of public notice resulting from the institution’s recruiting and promotional efforts.

(2) “Chartered” means incorporated according to the requirements of the Florida Department of State, Division of Corporations or similar authority in another jurisdiction.

(3) “Collegiate” describes a college or university which is licensed by the Commission to offer degrees as defined in s. 1005.02(7), Florida Statutes, or the degree programs offered by such an institution.

(4) “Course” means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, Algebra II, or Introduction to Computers.

(5) “Curriculum” means the specific courses required for completion of a given program.

(6) “Enrollment” means registering a student to take courses in an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

(7) “Executive Director” means the chief executive officer of the Commission.

(8) “Fair consumer practices” means the honest, accurate and equitable conduct of business and academic relations between institutions and their students or prospective students.

(9) “General education courses” are those college-level courses designed to place emphasis on principles and theory rather than on practical applications associated with a vocational, occupational, or professional objective. General education courses may include, but is not limited to, English, history, philosophy, literature, religion, art, music, sociology, foreign languages, humanities, mathematics, chemistry, biology, and psychology, when such courses are not within the area of concentration of a vocational, occupational, or professional program. For example, English Composition is considered a general education course, but Business English is not. Courses designated as “applied,” “specialized,” “technical,” or similar designation do not meet this definition.

(10) “Noncollegiate” or “nondegree” describes a nonpublic career school licensed by the Commission to offer certificate or diploma programs as defined in s. 1005.02(16), Florida Statutes, or the certificate or diploma programs below the degree level offered by any institution under the jurisdiction of the Commission.

(11) “Program” means a prescribed group of courses, taken in the proper sequence to attain mastery of a body of knowledge or set of skills, and leading to a certificate, diploma, or degree.

(12) “Substantive change” means any change of control, level of credentials offered, purpose, financial soundness, or accreditation. A change of accreditation includes change of accrediting agency, level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to threaten the continued operation or stability of the institution, or the quality of the educational programs offered.

Specific Authority 1005.22(1)(e) 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.22, 1005.31 246.021, 246.041(1)(g), 246.051(2), 246.084, 246.093 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 12-11-96, 4-11-00, _____.

6E-1.0031 Licensure Required; Exemptions from Licensure.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.081(2), 246.085(4),(5) FS. Law Implemented 246.011, 246.041(1)(n), 246.081(2), 246.084, 246.085, 246.087(1), 246.111 FS. History—New 10-13-83, Formerly 6E-1.031, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-11-00, Repealed _____.

(Substantial rewording of Rule 6E-1.0032 follows. See Florida Administrative Code for present text.)

6E-1.0032 Fair Consumer Practices.

(1) This rule implements the provisions of ss. 1005.04 and 1005.34, Florida Statutes, and establishes the regulations and standards of the Commission relative to fair consumer practices and the operation of independent postsecondary education institutions in Florida.

(2) This rule applies to those institutions as specified in s. 1005.04(1), Florida Statutes, unless expressly stated to apply only to licensed institutions. All such institutions and locations specified in s. 1005.04(1), Florida Statutes, shall demonstrate compliance with fair consumer practices.

(3) The definitions contained in s. 1005.02, Florida Statutes, and Rule 6E-1.003, F.A.C., apply equally herein unless expressly indicated otherwise.

(4) All advertising and promotional literature shall be accurate and not misleading to the public. The level of educational programs provided shall be disclosed. Compliance with subsection 6E-2.004(11), F.A.C., regarding publications, is required of all institutions operating or soliciting students in Florida. See paragraph (5)(j) of this rule for requirements for statements regarding job opportunities. Salaries shall not be used in advertising, unless a written disclosure is provided to each prospective student, to be signed by the student before collection of any tuition, stating that the advertised salary cannot be guaranteed. If any information is provided to students regarding salaries, such information shall be limited to accurate and unexaggerated representations of entry level salaries reflective of employees having the same skills, education, and experience as the students will have upon graduation. If advertising violations occur, the Commission may require a licensed institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations by a licensed institution may result in probation with conditions and fines, or revocation of licensure pursuant to ss. 1005.34 and 1005.38, Florida Statutes.

(5) In order to demonstrate compliance with fair consumer practices, each institution must make certain disclosures, and must make those disclosures in certain publications of the institution, as determined by the Commission. All disclosures must be in writing, must be clear and accurate, and must not be misleading.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog of a licensed institution shall contain the following required disclosures:

(a) Purpose of the institution: The purpose of the institution must be disclosed, and must be consistent with s. 1005.01, Florida Statutes.

(b) Educational programs and curricula: The curricula shall be published in the catalog and shall state objectives specific to each curriculum and the requirements to be met for successful completion of each curriculum or program. Information relating to course availability and prerequisites shall be available for students. The catalog shall also contain brief course descriptions for each course offered.

(c) Description of physical facilities: All licensed institutions must describe their physical facilities in Florida, which must meet the requirements as set forth in subsection 6E-2.004(9), F.A.C. Information showing compliance with relevant local safety and health standards, such as fire, building, and sanitation shall be disclosed to students.

(d) Licensure and accreditation status: The institution shall disclose its status regarding licensure by the Commission and its status as an accredited institution or program, as applicable. The level and scope of licensure or accreditation shall be disclosed, and any ramifications of accreditation or lack of accreditation (such as ability to sit for professional examinations, or transferability of credits) shall be disclosed. If an institution makes claims that it is accredited by an accrediting agency that is not recognized by the U.S. Department of Education, the following disclosure must be made in large bold type, all capital letters, and is to be inserted in the publications or advertising, as defined in subsection 6E-1.003(1), F.A.C., prior to identification of or mention of any unrecognized accrediting association or agency. The required statement is:

THE ACCREDITING AGENCY(S) OR ASSOCIATION(S) LISTED BELOW IS (ARE) NOT RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AS AN APPROVED ACCREDITING AGENCY. THEREFORE, IF YOU ENROLL IN THIS INSTITUTION, YOU MAY NOT BE ELIGIBLE FOR TITLE IV FEDERAL FINANCIAL ASSISTANCE, STATE STUDENT FINANCIAL ASSISTANCE, OR PROFESSIONAL CERTIFICATION IN FLORIDA. IN ADDITION, CREDITS EARNED AT THIS INSTITUTION MAY NOT BE ACCEPTED FOR TRANSFER TO ANOTHER INSTITUTION, AND MAY NOT BE RECOGNIZED BY EMPLOYERS.

This disclosure statement must be inserted in all advertisements or publications wherever accreditation by an unrecognized accrediting agency is mentioned.

(e) Fee schedule: The institution must disclose all fees required to be paid by students (including tuition, laboratory fees, graduation fees, other required fees), and any nonrefundable fees must be so identified.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student's responsibility to confirm whether or not credits will be accepted by another institution of the student's choice. If the institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by the institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file.

(g) Admissions: The institution shall disclose its method of assessing a student's ability to complete successfully the course of study for which he or she has applied. The method used must be reliable. If the practice of a career has special requirements or limitations, such as certain physical capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career. The requirements for admission (such as high school diploma or GED) and for graduation shall also be disclosed.

(h) Student financial assistance: Information about the availability of financial assistance shall be disclosed to prospective students. In addition, each institution shall make such disclosure in writing, to be signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, the terms and amounts of repayments, and when repayments will begin. References to financial assistance availability in any school catalogs or advertising shall include the phrase, "for those who qualify."

(I) Student refund policies: This rule establishes the Commission's minimum refund guidelines. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans' benefits shall be in compliance with applicable federal regulations. All institutions shall have an equitable prorated refund policy for all students, which shall be disclosed in the catalog and in the enrollment agreement or application for admission, and must be uniformly administered. Any nonrefundable fees or charges shall also be

disclosed. The institution's refund policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled. The refund policy shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term; nor shall an institution collect payment for a future program more than 3 months prior to the program start, without prior approval by the Commission. An institution shall not require payment in advance for more than one semester or quarter if a college, or for more than 4 months of instruction if a noncollegiate institution. The refund policy shall provide for cancellation of any obligation within 3 working days from the student's signing an enrollment agreement, contract, or similar document that legally obligates the student to pay tuition. Refunds shall be made within 30 days of the date that the institution determines that the student has withdrawn. Institutions need not keep attendance, but must adopt and publish an equitable policy by which withdrawal dates will be determined. This policy shall be approved by the Commission before publication. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) Employment placement services: The extent of placement services shall be specifically described. No guarantee of placement shall be made or implied. The institution may disclose information relating to market and job availability, if verified through statistical research; however, the institution shall not promise or imply any specific market or job availability amounts. The institution shall disclose information regarding the relationship of the institution's programs of study to the state licensure standards for practicing related occupations and professions in Florida.

(k) A statement that additional information regarding the institution may be obtained by contacting the Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, toll-free telephone number 888-224-6684.

(6) If the Commission determines that ongoing complaints show a pattern of misinformation, lack of disclosure, or discrepancies between printed, electronic, and verbal information being given to prospective students, the Commission may require that institutions prepare additional documents, to be individually signed and dated by students, to address the problem. Significant deviations from fair consumer practices shall be grounds for probation, denial or revocation of licensure pursuant to Sections 1005.32(7), 1005.34(3), and 1005.38(1), Florida Statutes, and Rule 6E-2.0061, F.A.C.

(7) The institution shall develop, publish in its catalog or student handbook, and follow a procedure for handling complaints, disciplinary actions and appeals. The procedure shall ensure that complaints and disciplinary actions are not

handled in a capricious or arbitrary manner, but are given careful consideration by appropriate levels of administration. It is understood that the health and safety of students and staff are the institution's primary concern. In the event of extreme cases, it may be necessary for the institution to take immediate disciplinary action. If the institution has an emergency disciplinary procedure, this procedure shall be disclosed to prospective students, and grounds for such action shall be specified in as much detail as possible.

(8) Licensed colleges and universities shall adopt, publish in its catalog or student handbook, and uniformly enforce an anti-hazing policy as required by s. 1005.31(13), Florida Statutes, and provide a copy to the Commission.

(9) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students in Florida, whether verbally, electronically, or by other means of communication.

Specific Authority 1005.22(1)1., 1005.34 246.041(1)(e), 246.051(1), 246.071, 246.095(2), 246.111(2) FS. Law Implemented 1005.04, 1005.22(1)(m), 1005.31(13), 1005.32(5), 1005.34 246.041(1)(n), 246.085, 246.095, 246.111 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, _____.

6E-1.0033 Diploma Programs.

Specific Authority 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 246.011(3), 246.081(3), 246.085(3), 246.091(3) FS. History—New 12-10-90, Amended 10-19-93, Repealed.

6E-1.0034 Fees and Expenses.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.093(1), 246.101(1) FS. Law Implemented 246.041(1)(l),(n)7., 246.061, 246.084, 246.093, 246.101, 246.111, 246.31 FS. History—New 7-15-91, Amended 12-7-92, 10-19-93, 11-8-94, 12-11-96, 11-5-00, Repealed.

6E-1.0035 Permission to Operate.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.093(1) FS. Law Implemented 246.011(4), 246.021(1), 246.081(2), 246.087(2), 246.093, 246.101(5)(f) FS. History—New 5-13-87, Amended 11-27-88, 12-10-90, 10-19-93, 4-11-00, 11-5-00, Repealed. Cf. SBICU 600, Application for Authorization to Operate in Florida.

(Substantial rewording of Rule 6E-1.0041 follows. See Florida Administrative Code for present text.)

6E-1.0041 Honorary Degrees.

(1) Among nonpublic postsecondary institutions operating in Florida, only those which operate under Section 1005.06(1)(b), (c), (e), or (f), Florida Statutes, or which are licensed by the Commission as a college or university, may award honorary degrees.

(2) No honorary degree given by a nonpublic college subject to the jurisdiction of the Commission may have substantially the same name as any earned degree given by any institution in Florida authorized to grant degrees.

(3) Each honorary degree shall prominently bear on its face the words, "honorary degree."

Specific Authority 1005.22(1)(e) 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.02(7), 1005.21(1), 1005.33(2) 246.011(1),(2),(4), 246.021(5) FS. History—New 10-13-83, Formerly 6E-1.041, Amended 11-27-88, 10-19-93, _____.

6E-1.0045 Minimum Standards for Use of the Term "College" or "University".

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.121(4) FS. Law Implemented 246.121 FS. History—New 11-24-83, Formerly 6E-1.045, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 12-11-96, 4-11-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, p. 3038, Vol. 28, No. 29

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES:	RULE NOS.:
Approved Applicant Status	6E-2.001
Institutional License	6E-2.002
Minimum Standards for Licensure	6E-2.004
Delivery of Programs through Alternative Assessments, Modes and Methods	6E-2.0041
Medical Clinical Clerkship Programs	6E-2.0042
Actions Against a Licensee; Penalties	6E-2.0061
Approval of Modifications	6E-2.008
Change of Ownership or Control	6E-2.0081
Closing an Institution	6E-2.009
Agents	6E-2.010
Designating Resident Agent	6E-2.015

PURPOSE AND EFFECT: The purpose of the proposed new rules is to combine rules from both the former boards, the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, which have been combined into the Commission for Independent Education; and to add new rules or revisions as necessary to implement the new law, Ch. 1005, F.S. The effect is that the Commission will be able to function effectively with one set of rules reflecting the current situation.

SUMMARY: The proposed new rules provide procedures for receiving approved applicant status, provisional license, annual license, extension of annual license, license by means of accreditation, and agent's license; outline the standards for receiving licensure and the grounds for disciplinary action against licensees; provide standards for nontraditional delivery of educational programs; provide standards for licensure of foreign medical schools to offer clinical clerkships in Florida hospitals, and for case by case approval of occasional

clerkships done by students of other foreign medical schools; provide procedures for the approval of modifications to a licensed institution's programs, owners, services, and other aspects of operation; and repeal a redundant rule requiring out-of-state institutions to designate a resident agent for process of service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1), 1005.31, 1005.32, 1005.33, 1005.38(1), 1005.39 FS.

LAW IMPLEMENTED: 1005.21(1), 1005.22(1)(h), 1005.31, 1005.32, 1005.33(2), 1005.36, 1005.38, 1005.39 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Friday, November 15, 2002

PLACE: Sheraton Suites Hotel, 4400 West Cypress Street, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)488-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 6E-2.001 follows. See Florida Administrative Code for present text.)

6E-2.001 Approved Applicant Status Temporary Licensure of Colleges.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, the institution will be placed on Approved Applicant status while final preparations are made.

(1) Definition. "Complete application" means an application which the Commission staff has reviewed and found to contain all required forms, supporting documentation addressing each standard, all required signatures, and evidence that all appropriate fees have been paid.

(2) Before filing-time frame. Before preparing and filing a formal application, representatives of a new institution seeking licensure in Florida for the first time should confer with Commission staff a minimum of six months prior to the desired opening date of the institution. This period allows time for staff to explain the application process, review the application when it is filed, notify the applicant of any omissions, receive any necessary additional items, write the report and

recommendation for the Commission to review, and schedule the review for the next agenda. The time frame also allows for the period of Approved Applicant status, when operation of the new institution is prohibited, to correct any deficiencies or conditions that must be corrected or fulfilled before the Commission permits operation to begin.

(3) Review and recommendation. If the initial application has omissions, staff will contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application will be presented to the Commission at its next meeting with a recommendation to grant Approved Applicant status.

(4) Deficiencies and conditions. Although an application may be complete, containing material addressing each requirement, there still may be deficiencies in fully meeting the standards for a Provisional License. Deficiencies will be itemized in the recommendation for Approved Applicant status presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission may also attach conditions which must be met before a Provisional License is granted, one of which shall be that a professionally printed and bound catalog will be prepared and submitted, containing all information required by Rule 6E-1.0032, F.A.C.

(5) Confirmation letter. An applicant granted Approved Applicant status will receive a letter confirming and explaining the status, noting what specific activities can be done during Approved Applicant status, and stating the length of time for which the status was granted. A listing of deficiencies to be corrected and conditions to be met shall be attached to the confirmation letter. No certificate or license will be provided. Any agency or member of the public requesting information from the applicant shall be provided a copy of the confirmation letter.

(6) Delegation to staff. Depending upon the significance of the deficiencies and conditions noted in the confirmation letter, the Commission may delegate to its Executive Director the responsibility for determining when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director may issue a Provisional License upon receipt of documentation that a site visit has occurred if required, that all deficiencies have been corrected, and that all requirements for a Provisional License have been met. However, if the Commission considers that the deficiencies and conditions are unusually complex or significant, it may specify that the application be reviewed by the full Commission before a Provisional License is approved.

(7) Time allowed for compliance. Approved Applicant status may be granted for a period up to six months, during which time the applicant institution shall correct any remaining deficiencies, meet all conditions, and demonstrate that it meets the standards for a Provisional License. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances, the Commission may grant one additional six-month extension of Approved Applicant status, for a maximum total of one year in this status. If the applicant has not complied with all standards for a Provisional License during the period specified, including any authorized extension, a new application reflecting the current situation must be submitted and all required fees paid to start the application process again.

(8) Prohibited activities. During the period of Approved Applicant status, a new institution shall not advertise, share information with the news media implying future operations, solicit or recruit students, collect fees or tuition from or on behalf of students, offer programs of study, or engage in any activity not specifically approved by the Commission and noted in the confirmation letter. The applicant shall not use the terms "licensed" or "authorized" or in any way indicate to the public or to other agencies that it has licensure or approval to operate from the Commission or the State of Florida. Any questions from the public or the news media shall be directed to the Commission staff. Any prohibited activities by or on behalf of the institution, including misrepresentation of the Approved Applicant status, may result in suspension or termination of the status for a length of time prescribed by the Commission.

(9) Misrepresentation of status. The granting of Approved Applicant status is not a guarantee that a Provisional License will be attained, and shall not be represented as such. An Approved Applicant status is a recognition that the proposed institution has submitted a complete application for a Provisional License, and does not imply that any current or future operation is or will be approved by the Commission.

Specific Authority 1005.31(2),(3) 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.31(2),(3),(4) 246.051(1), 246.081(2), 246.091(1), 246.101, 246.111, 246.141 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00,

(Substantial rewording of Rule 6E-2.002 follows. See Florida Administrative Code for present text.)

6E-2.002 Institutional Licensure Other Types of College Licensure.

(1) Provisional License.

(a) A new applicant for initial licensure who has received Approved Applicant status shall be granted a Provisional License for a period not to exceed one year when the Commission determines that the applicant is in substantial compliance with the standards for Annual Licensure and the appropriate fees have been paid.

(b) Delegation to staff. In granting initial Approved Applicant status to a new or out-of-state institution, the Commission will note any deficiencies in meeting the standards for a Provisional License and impose any conditions it deems appropriate. If the Commission considers that the deficiencies and conditions attached to the Approved Applicant status are unusually complex or significant, it may specify that the application be reviewed by the full Commission before a Provisional License is approved. Otherwise, the Commission may delegate to its Executive Director the responsibility for determining when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director may issue a Provisional License upon receipt of documentation that all deficiencies have been corrected, and that all conditions and all requirements for Provisional Licensure have been met.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(12), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation.

(d) Time allowed for compliance. A Provisional License may be granted for a period up to one year, during which time the institution shall meet all conditions and demonstrate that it meets the standards for an Annual License or a License by Means of Accreditation. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances caused by considerations such as requirements of an accrediting agency or of other governmental agencies, the Commission may grant an extension of the Provisional License up to one additional year and require payment of the appropriate fee. If the institution has not complied with all necessary standards and conditions within the period specified, including any authorized extension, a new application for licensure reflecting the current situation must be submitted and all required fees paid to start the application process again. Progress reports may be required by the Commission during the period of provisional licensure.

(e) Probable cause. An institution for which probable cause has been found pursuant to Rule 6E-2.0061, F.A.C., shall be issued a Provisional License until the conditions leading to the finding of probable cause have been corrected. Because of

the need for increased monitoring during this time, additional fees shall be assessed on a quarterly basis pursuant to Rule 6E-4.001, F.A.C.

(f) Permissible activities. While holding a Provisional License, an institution may advertise, recruit students, accept fees and tuition from or on behalf of students, and hold classes. A new institution seeking to offer degrees, a nondegree-granting institution seeking to add degree programs, or a new nondegree-granting institution whose credential requires one year or more to earn, shall not award the new degree or credential during provisional licensure. The Commission shall note in the granting of the Provisional License whether any short-term credentials can be awarded during that status, and what specific activities may occur. No programs may be advertised or offered which do not appear on the Provisional License. Fair consumer practices, as provided in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(g) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, Florida Statutes, and in Rule 6E-2.0061, F.A.C.

(2) Annual License.

(a) Granting. An institution that holds a Provisional License, or seeks renewal of an Annual License, shall be granted an Annual License for a period not to exceed one year when the Commission determines that the institution has demonstrated full compliance with all licensure standards and that all appropriate fees have been paid.

(b) Extensions.

1. An Annual License may be extended for up to one year if the institution meets the following requirements:

a. The institution has held an Annual License for a minimum of five consecutive years, and

b. The institution has no complaints pending whereupon probable cause has been found, and

c. The institution has complied with all appropriate rules and statutes, and

d. The institution has paid all appropriate fees.

e. Prior to the beginning of the extended year of the license, the institution shall submit reports to the Commission. The reports shall include the name, location, and license number of the institution; the name of the chief administrative officer; the number of students enrolled, withdrawn, and graduated; the percentage of placement of graduates; a copy of the institution's catalog, and enrollment agreement or application for admission; evidence of the institution's accreditation status if any; and reports fulfilling the Commission's financial reporting requirements. If the Commission has reason to believe that a problem may exist which could affect students, additional reports may be requested.

2. An institution which holds an Annual License or an extension thereof shall revert to a Provisional License if the institution undergoes a substantive change or if probable cause is found.

(c) Permissible Activities.

1. An Annual License shall permit full operation of an institution, including, if applicable, application to the Commission to add new programs or majors, or new locations, pursuant to Rule 6E-2.008, F.A.C.

2. Fair consumer practices, as provided in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(d) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, Florida Statutes, and in Rule 6E-2.0061, F.A.C.

(3) License by Means of Accreditation.

(a) Requirements. An institution may apply for a License by Means of Accreditation if appropriate fees have been paid and if the following requirements have been met:

1. The institution has operated legally in the state of Florida for a minimum of five consecutive years; and

2. The institution is a Florida corporation; and

3. The institution holds institutional accreditation granted by an accrediting agency as defined by s. 1005.02(1), Florida Statutes, which has been evaluated and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commission's licensure standards. The Chair of the Commission shall appoint a 9-member accreditation review committee to evaluate the standards of accrediting agencies that have been submitted for approval to the Commission, accompanied by the appropriate fee. The evaluation shall be repeated as needed. Any member of the accreditation review committee whose institution is accredited by, or who is personally affiliated with, an accrediting agency being reviewed shall not vote on approval of that accrediting agency; and

4. The institution has consistently followed fair consumer practices, as provided in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and

5. The institution has had no unresolved complaints or other actions in the past 12 months; and

6. The institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation.

7. An institution that was exempt from licensure in 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain the exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(b) Annual review. At the time of annual review of a License by Means of Accreditation, the institution shall submit: a current institutional catalog; a copy of materials provided to its accrediting agency since the last license review, except in the case of a self-study, a copy of the executive summary thereof will suffice; a copy of any correspondence, including letters, motions, records of actions taken, and other similar documents provided by the accrediting agency to the institution since the last review, and the institution's response; a copy of the annual independent institutional audit, pursuant to subsection 6E-2.004(6), F.A.C.; materials documenting that fair consumer practices are followed by the institution; and, if requested by the Commission, materials documenting that the institution has in place procedures for following the Commission's requirements for orderly closing.

(c) Duration.

1. A License by Means of Accreditation is valid for the same period as the grant of accreditation, except as noted in subparagraph 3 of this paragraph.

2. At the conclusion of the period of the grant of accreditation for which the licensure was granted, the license will expire unless the institution has paid appropriate fees and submitted evidence that the institution continues to be eligible for a License by Means of Accreditation. In the event that the accrediting agency has deferred consideration of a renewal of the institution's accreditation, the Commission shall consider the circumstances in making a decision whether to extend the license.

3. An institution that holds a License by Means of Accreditation and undergoes a substantive change as defined in subsection 6E-1.003(12), F.A.C., or is found to be in substantial noncompliance with Commission standards or fair consumer practices, or is the object of a complaint whereupon probable cause has been found, shall revert to an Annual or Provisional License until the Commission determines that the institution is eligible for a License by Means of Accreditation or other type of license.

(d) Before offering a program that exceeds the scope or level of its grant of accreditation, an institution holding a License by Means of Accreditation must apply for and receive an Annual or Provisional License. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.

(e) Disciplinary actions. Pursuant to s. 1005.32(7), Florida Statutes, repeated failure to comply with the statutory requirements for this status may lead to denial, probation, or revocation of the status as outlined in Rule 6E-2.0061, F.A.C. If the License by Means of Accreditation is revoked or denied, the institution must immediately seek an Annual License.

Specific Authority 1005.31(2),(3) 246.041(1)(c), 246.051(1), 246.071 FS. Law Implemented 1005.22(1)(e),(2),(d), 1005.31, 1005.32, 1005.33 246.051(1), 246.081(2), 246.091(1), 246.101, 246.111, 246.141 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96.

(Substantial rewording of Rule 6E-2.004 follows. See Florida Administrative Code for present text.)

6E-2.004 Minimum Standards for Licensure.

Each institution applying for a license, moving to a new level of licensure, or submitting an annual review of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is substantially incomplete or unorganized shall be returned to the institution with a request to complete, organize, and resubmit the material.

(1) Standard 1: Name.

(a) Noncollegiate Schools: A school's name must clearly indicate that the primary purpose of the institution is education. If an institution desires to include the occupation within its name, the name must clearly reflect the type of training offered by the institution. Noncollegiate schools may not use the words "college" or "university" in their names. No institution may use a name that may lead the student to believe that institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the school provides documentation that such name is registered with the Secretary of State. If using a fictitious name, the school must disclose its official corporate name in its catalog.

(b) Use of the Term "College":

1. A college's name must clearly indicate that the primary purpose of the institution is education. If an institution desires to include an occupation within its name, the name must clearly reflect the type of training offered by the institution.

2. An institution may use the term "college" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree.

3. If an out-of-state institution whose official name includes the term "college" seeks to operate in Florida and use the term "college" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

4. The institution must lease or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

5. The institution must show evidence of continued operations as an educational institution at the college level.

(c) Use of the Term "University":

1. An institution may use the term "university" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and at least one graduate degree program, or if only graduate degrees are offered, a minimum of three graduate degree programs.

2. If an out-of-state institution whose official name includes "university" seeks to operate in Florida and use the term "university" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and at least one graduate degree program, or if only graduate degrees are offered, a minimum of three graduate degree programs. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease or own physical facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the university level.

(d) Change of Name: All institutions must notify the Commission at least 30 days prior to the institution's change of name. All institutions must receive approval of the Commission prior to using the new name in advertisements or promotions. Accredited institutions must document to the Commission that the accrediting agency has been notified of the change of name and does not object to the new name.

(2) Standard 2: Purpose.

(a) An institution must adopt a clearly defined purpose or mission statement appropriate to the offerings of the institution, as well as to its specific educational objectives. This statement must describe clearly the characteristics and components of the institution and its operations. The statement of purpose must be accurately stated in the institution's current catalog.

(b) The statement of purpose serves as a foundation for the institution's programs and activities. The practice and scope of the institution must be consistent with its statement of purpose. The statement of purpose must be approved by the governing body of the institution and reviewed periodically.

(3) Standard 3: Administrative Organization.

(a) Noncollegiate institutions:

1. Each school shall provide a qualified and competent administrative staff and such policies and procedures as are necessary to ensure the accomplishment of its purpose.

2. Each school shall have as its school director a person who has at least two years of supervisory experience in an executive or managerial position in a similar school or related business.

3. Each owner, director, and administrator of the school is subject to a criminal justice information investigation pursuant to s. 1005.38, Florida Statutes.

4. Each school shall have as its director of training a person who has completed at least four years of academic or job experience beyond high school, and who has a minimum of two years of practical experience in a supervisory, administrative, or teaching position related to the programs offered by the school. The director of training shall have sufficient educational background, experience, and administrative competence to properly plan and supervise the training program.

5. Pursuant to s. 1005.39, Florida Statutes, individuals holding the following positions in licensed schools shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider approved by the Commission: school director, director of education or training, placement director, admissions director, and financial aid director. Each school shall provide, at the time of initial application or review of licensure, documentation that the required training was received. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

6. Each school shall be a Florida corporation or registered as a foreign corporation, pursuant to the requirements of the Florida Secretary of State. Upon initial licensure and subsequent renewal the school must provide proof of active corporate status.

(b) Collegiate institutions. Colleges and universities shall address four elements of administration: organizational structure, qualifications of administrators, adoption and dissemination of administrative policies, and institutional effectiveness.

1. The organizational structure shall reflect the provisions contained in the articles of incorporation, bylaws, and other governing documents, and shall provide a clearly delineated chain of authority and responsibility. In addition to a narrative statement describing how the college meets this standard, the college shall submit the following documentation:

a. A statement describing the college's governing board, including the manner in which it is constituted and its operating procedures, together with a listing of the members of the governing board, their addresses and occupations.

b. A copy of the articles of incorporation, including all amendments, approved by the Florida Secretary of State or comparable official if incorporated in another state or

jurisdiction. If the college is incorporated in another jurisdiction, it shall also provide a copy of its registration with the Florida Secretary of State as a foreign corporation.

c. A chart showing the administrative organization of the college.

d. A chart showing the proposed college's relationship, if any, to any other corporate entities within or outside the state of Florida; and a copy of the articles of incorporation of each entity thus directly or indirectly related to the college.

2. The qualifications of the administrators of the proposed college shall include academic preparation and experience appropriate for the position held. Position descriptions and minimum qualifications for each administrative position shall be developed and submitted by the college. In addition to a narrative statement describing how the college meets this standard, the college shall submit the following documentation:

a. A copy of the position description and minimum qualifications for each administrative position in Florida, including the president or chief executive officer, vice presidents, chief financial officer or business manager, deans or program directors, and other individuals with supervisory responsibility for major operating units of the college.

b. A copy of the resumes of each Florida administrator currently employed by the college or involved in the planning and development process.

3. Adoption and dissemination of administrative policies shall be addressed in the plan. Policies shall be officially adopted and communicated to all appropriate personnel. These policies shall include such matters as responsibilities of administrative officers, faculty organization, evaluation and improvement of institutional effectiveness, and other such policies and regulations affecting the members of the college's faculty, staff, and students. In addition to a narrative statement describing how the college meets this standard, the college shall submit at least the following documentation:

a. A copy of the official minutes of meetings at which policies were officially adopted, or if an initial application for licensure, a schedule showing when such policies will be officially adopted and submitted to the Commission.

b. A copy of any and all documents, such as student or faculty handbooks, newsletters, and similar printed materials, which communicate applicable policies and procedures to affected groups, or if an initial application for licensure, a schedule showing when such documents will be prepared and submitted to the Commission.

4. From the developmental stages of the college through its lifetime, it shall have an ongoing program of institutional planning and evaluation to determine institutional effectiveness in meeting its purpose and goals. This program shall be a formal process, involving all constituencies of the college, and shall be evaluated periodically. In addition to a

narrative statement describing how the college meets this standard, the college shall submit at least the following documentation:

a. A copy of the officially adopted policy providing for an ongoing program to evaluate and improve institutional effectiveness.

b. A chart showing the process, the involvement of all college constituencies, and a schedule for related activities for the next two years of operation.

5. For review and renewal of licensure:

a. Any changes to the administrative organization of the college shall be reflected in an updated organizational chart which shall be submitted to the Commission, with the changes indicated.

b. A resume shall be submitted for each administrator employed by the college since the last review, showing compliance with the standard regarding qualifications of administrators. Any unfilled key administrative position shall be noted.

c. Any modifications to the administrative policies as previously reported shall be noted, and the college shall document that the modifications have been communicated to affected groups.

d. The institutional effectiveness plan shall be resubmitted if any modifications have been made since the last review. The college shall also submit reports of any institutional effectiveness meetings which have occurred since the last review, and any actions taken to improve the institution based upon concerns identified in the course of the institutional effectiveness process.

6. Pursuant to s. 1005.39, Florida Statutes, certain officials of licensed colleges shall complete at least eight continuing education contact hours of training related to their positions each year. Such training may be provided by the Commission or by another provider approved by the Commission. The Florida officials required to have such training include the Florida or regional director or chief executive officer, chief academic officer, placement director, admissions director, and financial aid director. Each college shall provide, at the time of initial application or review of licensure, documentation that the required training was received. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational fields for which students are being prepared. If the practice of the occupation is regulated, licensed, or certified by a state or national agency, the institution must document to the Commission that successful completion of the program will qualify the graduate to take the licensing examination or to receive the appropriate certification.

(c) The amount of time scheduled for a program shall be appropriate to enable the student to acquire marketable and other skills to the degree claimed in the school's published documents, including the defined objectives and performance outcomes.

(d) Among the policies to be officially adopted by the administration and governing board of an institution offering programs 600 clock hours in length or longer shall be a policy giving faculty a significant role in the development and continual reassessment of all curricula. The policy shall be published in a faculty handbook, and shall be implemented as published.

(e) For each course to be offered, a course outline and a list of competencies required for successful completion of the course shall be adopted by qualified faculty and be provided in writing for all students no later than the first meeting of each class. A copy of these documents shall be kept in the institution's files and be made available for inspection by representatives of the Commission.

(f) Qualified faculty shall evaluate the competencies of students in each subject or course included in each curriculum, including independent study courses.

(g) It is the responsibility of the institution to demonstrate, upon request of the Commission, that the scope and sequence of a proposed or operating curriculum are consistent with appropriate criteria or standards in the subject matter involved, and of an appropriate level of difficulty for the program to be offered. The Commission may request assistance from other appropriate regulatory agencies as provided in s. 1005.22(2)(d), Florida Statutes, or appoint committees to review curricula.

(h) Evidence of faculty involvement in the development of curricula shall be demonstrated with copies of minutes of meetings in which curricular issues were discussed. These minutes must be retained by the institution for at least 3 calendar years.

(i) Educational programs of 600 clock hours in length or longer shall be periodically reviewed by a committee of faculty, administrators, employers, and advisors drawn from relevant community and alumni groups, in an ongoing formalized process of evaluation and revision. The aim of this process is to ensure that educational programs and curricula continue to provide students with relevant competencies required by employers, and continue to reflect current

knowledge and applications. The institution shall ensure that minutes of the meetings of such committees are drawn and retained by the institution for at least 3 calendar years. An institution offering programs of less than 600 clock hours in length shall adopt a schedule and process for reviewing each such program periodically to ensure that the instruction remains timely and appropriate for the current requirements to practice the career for which the student is being trained.

(j) A licensed institution making a substantive change, as defined in subsection 6E-1.003(12), F.A.C., shall receive a Provisional License pursuant to s. 1005.31(5), Florida Statutes, and paragraph 6E-2.002(1)(c), F.A.C.

(k) An institution holding an Annual License or extended Annual License, and that plans to add new programs or majors or make other changes not constituting a substantive change, shall follow the provisions of Rule 6E-2.008, F.A.C., Approval of Modifications, and receive approval from the Commission before publicizing or implementing the changes.

(l) A licensed institution wishing to offer all or part of its educational programs by distance education or other alternative methods shall follow the provisions of Rule 6E-2.0041, F.A.C., and receive approval from the Commission before publicizing or implementing such programs.

(m) At least 25 percent of the credits or hours required for a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in s. 1005.02(1), Florida Statutes, while the student was a member of the U.S. armed services.

(n) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience, delineating each party's responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student's work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience.

(o) Policies regarding course or program cancellations shall be adopted, published, and followed by the institution.

(p) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.

2. Each program must have clearly defined and published objectives and occupational performance outcomes. Institutions using occupational outcomes different from those specified in "Career and Technical Program Courses Standards", published by the Florida Department of Education, Division of Workforce Development, shall document their justification for using the outcomes selected.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma or general equivalency diploma. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures that meet with the approval of the Commission, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(q) The following instructional program standards apply to occupational associate degrees:

1. Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar titles approved by the Commission. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester hours, 90 quarter hours, or a number of hours or credits approved by the Commission. The required general education

component shall be at least 9 semester hours or 14 quarter hours, or the clock hour equivalent. All general education courses must meet the definition given in subsection 6E-1.003(8), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes. Institutions using occupational outcomes different from those specified in "Career and Technical Program Courses Standards", as referenced in subparagraph (2)(a)2. of this rule, shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives must be comparable to those found in the curriculum frameworks specified in the "Career and Technical Program Courses Standards."

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma or general equivalency diploma. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures that meet with the approval of the Commission, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, the students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(r) The following instructional program standards apply to academic associate degrees:

1. Program specifications: The credential offered shall be the Associate in Science Degree, Associate of Arts Degree, or any associate degree of a different name that is approved by the commission as an academic associate degree. The duration of the program shall be shall be a minimum of 60 semester hours,

90 quarter hours, or the approved equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester hours, 22.5 quarter hours, or the approved equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester, 54 quarter hours, or the approved equivalent. General education requirements for other academic associate degrees shall be individually approved by the Commission and appropriate to the specific degree. All general education courses must meet the definition given in subsection 6E-1.003(8), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma or general equivalency diploma. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures that meet with the approval of the Commission, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, the students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(s) The following instructional program standards apply to bachelor's degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title approved by the Commission. The duration of the program shall be a minimum of 120 semester hours, 180 quarter hours, or the approved equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester, 45 quarter

hours, or the approved equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester hours, 67.5 quarter hours, or the approved equivalent. The general education requirements for other bachelor's degrees shall be approved by the Commission and appropriate to the specific degree. All general education courses must meet the definition given in subsection 6E-1.003(8), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering bachelor's degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma or general equivalency diploma. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures that meet with the approval of the Commission, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, the students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(t) The following instructional program standards apply to master's degrees:

1. Program specifications: The credential offered shall be the Master of Arts Degree, Master of Science Degree, or other master's degree title approved by the Commission. The duration of the program shall be a minimum of 24 semester hours or 36 quarter hours, or approved equivalent, beyond the bachelor's degree.

2. A bachelor's degree will normally be a prerequisite to formal entrance to a master's degree program, unless the master's degree is a first professional degree.

“First professional degree” means the first degree signifying completion of the minimum academic requirements for practice of a profession. The degree may require four, five, or more academic years, depending on the profession and the particular institution. A first professional degree is most commonly a bachelor’s degree, but may be a master’s or doctor’s degree.

3. Programs must have clearly defined and published objectives and performance outcomes.

(u) The following instructional program standards apply to doctoral degrees:

1. Program specifications: The credential offered shall be the Doctor of Philosophy, Doctor of Medicine, Doctor of Osteopathy, or other doctoral degree term approved by the Commission. The duration of the program shall be a minimum of 60 semester hours, 90 quarter hours, or the recognized equivalent beyond the bachelor’s degree. The degree Doctor of Philosophy, usually abbreviated “Ph.D.,” shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency.

2. A master’s degree will normally be a prerequisite to formal entrance to a doctoral degree program, unless the doctoral degree is a first professional degree.

A first professional degree is the first degree signifying completion of the minimum academic requirements for practice of a profession. The degree may require 4, 5, or more academic years, depending on the profession and the particular institution. A first professional degree is most commonly a bachelor’s degree, but may be a master’s or doctor’s degree.

3. Programs must have clearly defined and published objectives and performance outcomes.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

(a) An institution’s recruitment efforts must be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution. Each institution must develop a reliable method to assess the student’s ability to complete the program successfully, before accepting the student into a program.

(b) Recruiting Practices. Each institution must observe ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:

1. An institution shall use only its own employees, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to conduct student recruiting activities. Outside the United States, its territories, or its possessions, the institution may use third-party agents for recruiting; however, the

institution remains responsible for the accuracy of advertising and of representations made to prospective students regarding the institution, its programs and policies, financial aid eligibility, availability and procedures, and other pertinent information. Other institutional officials who are not licensed agents may participate in occasional College Week or Career Week programs at area high schools or community centers, or give speeches regarding the institution to groups when invited; but no misleading information shall be communicated.

2. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.

3. An institution shall ensure that its recruiting agents and other personnel do not make false or misleading statements about the institution, its personnel, its programs, its services, its licensure status, its accreditation, or any other pertinent information.

4. An institution shall not permit its recruiting agents or other personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, nursing homes, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Institutions may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.

5. An institution must inform each student accurately about financial assistance and obligations for repayment of loans.

6. An institution may not make explicit or implicit promises of employment or salary expectations to prospective students.

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word “free” or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising.

8. An institution must provide the applicant with a copy of the completed enrollment agreement, signed by both parties.

9. Ethical practices shall be followed in all aspects of the recruiting process. An institution shall ensure that its personnel do not discredit other institutions by falsely imputing to them dishonorable conduct, inability to perform contracts, or questionable credit standing; making other false representations; disparaging the character, nature, quality, value or scope of their program of instruction or services; or demeaning their students. An institution shall also ensure that its personnel do not knowingly influence any student to leave

another institution or encourage a student to change plans after signing an enrollment application and paying a registration fee to another institution.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions are based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant's ability to achieve the program's objectives.

1. An institution shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the training provided. The institution shall advise each applicant prior to admission to ensure that the applicant understands the program's responsibilities and demands.

2. An institution must consistently and fairly apply its admission standards. It must determine that applicants admitted meet such standards and are capable of benefitting from the training offered and that applicants rejected did not meet such standards. The institution must ensure that each applicant admitted has the proper qualifications to complete the training and must secure and maintain documentation to demonstrate that each applicant meets all admissions requirements.

3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant's ability to benefit from the training offered must be confirmed as provided in subparagraph (4)(p)3. of this rule.

4. An institution shall not deny admission or discriminate against students enrolled at the institution on the basis of race, creed, color, sex, age, disability or national origin. Institutions must reasonably accommodate applicants and students with disabilities to the extent required by applicable law.

5. An institution shall not accept any enrollment from a person of compulsory school age, nor one attending a school at the secondary level, unless the institution has established through contact with properly responsible parties that pursuit of the training will not be detrimental to the student's regular schoolwork.

6. Prospective students who are denied admissions must be documented as to the reason for the denial. Records of denied applicants must be kept on file for at least one year.

(6) Standard 6: Finances.

(a) All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school must provide the following:

1. Approved Applicant Status:

a. A plan setting forth the sources, kinds and amounts of both current and anticipated financial resources. The plan should include a budget for the institution's first year of operation, clearly identifying sources of revenue to ensure effective operations.

b. A pro forma balance sheet prepared in accordance with Generally Accepted Accounting Principles for the type of institution making application.

c. If the corporation that controls the institution is ongoing, the institution must provide a financial statement of the parent corporation, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. Institutions that are new and do not have a history of educational operations must provide financial statements of the controlling principals, compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

2. Provisional License, Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools must provide annually a review, and licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission may request a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it may take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions must submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If the institution fails to meet the above requirements, the Commission may remove the institution from the status of License by Means of Accreditation and may take actions up to and including revocation of licensure.

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition,

official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Meetings. Institutions shall conduct regularly scheduled faculty meetings and such meetings shall be recorded.

3. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. Any general education and academic courses must be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses may be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor holds a current and valid Florida occupational license in the occupation being taught.

4. Faculty Staffing. The number of faculty shall be sufficient to properly serve the number of students enrolled.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Meetings. Institutions shall conduct regularly scheduled faculty meetings and such meeting shall be recorded.

3. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All general education and academic courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses may be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or

who have completed postsecondary training in either an accredited college or a state licensed school with training in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor holds a current and valid Florida occupational license in the occupation being taught.

4. Faculty Staffing. The number of faculty shall be sufficient to properly serve the number of students enrolled.

(c) Academic Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Meetings. Institutions shall conduct regularly scheduled faculty meetings and such meetings shall be recorded.

3. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold bachelor's degrees, at a minimum.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions may justify to the Commission exceptions to the bachelor's degree requirement for instructors teaching technical or vocational subjects in fields in which bachelor's degrees are not generally available, if the institution demonstrates that the instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the bachelor's degree level, professional certification, or significant related work experience. For all faculty not holding a bachelor's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation taught.

4. Faculty Staffing. The number of faculty shall be sufficient to properly serve the number of students enrolled.

(d) Bachelor's Degrees:

1. Verification of Credentials. Institutions shall follow the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Meetings. Institutions shall conduct regularly scheduled faculty meetings and such meetings shall be recorded.

3. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold master's degrees, at a minimum, except as provided in sub-subparagraph c. below.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions may justify to the Commission exceptions to the master's degree requirement for instructors teaching technical or specialized subjects in fields in which master's degrees are not generally available, if the institution demonstrates that those instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the master's degree level, professional certification, or significant related work experience. For all faculty not holding a master's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of the lower division courses and all upper division courses, including any courses common to nonacademic degree or nondegree programs, shall be taught by faculty members holding graduate degrees, professional degrees such as J.D. or M.D., or bachelor's degrees plus professional certification.

4. Faculty Staffing. The number of faculty shall be sufficient to properly serve the number of students enrolled.

(e) Master's Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Meetings. Institutions shall conduct regularly scheduled faculty meetings and such meetings shall be recorded.

3. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold graduate degrees, at a minimum.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions may justify to the Commission exceptions to the graduate degree requirement for instructors if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field or if the assigned field is one in which graduate degrees

are not widely available. For all faculty not holding graduate degrees, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of all graduate-level courses shall be taught by faculty possessing terminal degrees. A Juris Doctor degree shall be considered a terminal degree for all law-related courses. Professional certification is not an acceptable substitute for the terminal degree requirement.

4. Faculty Staffing. The number of faculty shall be sufficient to properly serve the number of students enrolled.

(f) Doctoral Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Meetings. Institutions shall conduct regularly scheduled faculty meetings and such meetings shall be recorded.

3. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold terminal degrees, at a minimum. A JD shall be considered a terminal degree for all law-related courses. Professional certification is not a substitute for a terminal degree.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions may justify to the Commission occasional exceptions to the terminal degree requirement for instructors, if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field, or that the assigned field is one in which terminal degrees are not widely available.

4. Faculty Staffing. The number of faculty shall be sufficient to properly serve the number of students enrolled.

(8) Standard 8: Library, Learning Resources and Information Services.

(a) Nondegree Diplomas:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must:

a. Develop an appropriate base of learning resources and information services;

b. Ensure access to the resources and services for all students;

c. Develop a continuous assessment and improvement strategy for learning resources and information services;

d. Provide adequate staff to support the learning resources and information services function; and

e. Ensure that students and instructors utilize the learning resources and information services as an integral part of the learning process.

2. Required learning resources. Learning resources, including on-line resources, shall include current titles, periodicals, and professional journals appropriate for the educational programs. At a minimum, institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(b) Occupational Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Required learning resources. The institution shall maintain a learning resource center or area supervised by a staff member who demonstrates competence to provide oversight. Learning resources shall include holdings appropriate to the educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. At a minimum, institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(c) Academic Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall maintain a learning resource center/library. A professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a bachelor's or master's degree in library or information sciences/studies or a comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian, where applicable. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed with allocations expended appropriate to the size and scope of the institution and its program offerings, as determined by the institution and approved by the Commission.

4. Holdings. A collegiate library shall contain holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. A current inventory of learning resources shall be maintained.

(d) Bachelor's Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall maintain a learning resource center/library. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed with allocations expended appropriate to the size and scope of the institution and its program offerings as determined by the institution and approved by the Commission.

4. Holdings. A collegiate library shall contain holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional

journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Institutions shall comply with the provisions of subparagraph (8)(c)5. of this rule.

6. Inventory. A current inventory of learning resources shall be maintained.

(g) Master's and Doctoral Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall maintain a learning resource center/library. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association or state certification or other equivalent qualification to work as a librarian, where applicable. A librarian with special qualifications to aid in research shall be available. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed with allocations expended appropriate to the size and scope of the institution and its program offerings as determined by the institution and approved by the Commission.

4. Holdings. Institutions offering master's or doctoral degree programs shall provide access to substantially different library resources in terms of their depth and breadth from those required for baccalaureate degree programs. These resources shall include bibliographic and monographic references, major professional journals and reference services, research and methodology materials and, as appropriate, information technologies. The depth and breadth of the accessible library holdings shall be such as to exceed the requirements of the average student in order to encourage the intellectual development of superior students and to enrich the professional development of the faculty. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system.

Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. A current inventory of learning resources shall be maintained.

(9) Standard 9: Physical Facilities. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall provide an environment that is conducive to good instruction and learning and that supports the educational programs offered by the institution. The adequacy of the environment is assessed against the demands made upon it by the curricula, faculty and students.

(b) Each institution shall provide and maintain a physical plant with academic classrooms, laboratories, administrative offices, and service areas adequate for the educational programs and the anticipated number of faculty and students. Documentation for this shall include a site plan, annotated floor plan and a narrative description which describes completely the institution's physical plant.

(c) Each physical plant shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, ventilation and any other requirements conducive to health, safety and comfort. Each institution shall provide evidence of compliance with zoning, fire, safety and sanitation standards issued by all applicable regulatory authorities for all instructional and student housing facilities.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduate shall be maintained. Exceptions to this requirement may be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans. An institution shall report its placement rate with each license review. If the rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate, and shall be approved by the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate.

(d) Retention Improvement Plans. An institution shall report its retention rate with each license review. If the rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve the retention rate, and shall be approved by the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on retention personnel, retention activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the retention rate.

(11) Standard 11: Publications.

(a) General Standard. Each institution shall comply with these provisions, regardless of the level of credentials offered. Publications must be presented in a professional manner. Information published must be accurate and factual and reflect the current status of the institution.

(b) Catalog.

1. Pursuant to s. 1005.04(1)(a), Florida Statutes, certain disclosures are required to be made in writing to prospective students one week prior to enrollment or collection of tuition. If the institution uses its catalog as the sole source of those required disclosures, the institution shall ensure that each prospective student is provided a written copy, or has access to an electronic copy, of the catalog one week prior to enrollment or collection of tuition.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

a. Name, address and telephone number of the institution.

b. Identifying data such as volume number and effective dates of the catalog.

c. Table of contents or index. Pages of the catalog shall be numbered and included in the table of contents or index.

d. A statement of legal control which includes the names of the trustees, directors, and officers of the corporation.

e. If the institution is accredited as defined in s. 1005.02(1), Florida Statutes, a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not recognized by the U. S. Department of Education, the following disclosure must be made in large bold type, all capital letters, and is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E-1.003(1), F.A.C., wherever the unrecognized accrediting association or agency is mentioned. The required statement is: THE ACCREDITING AGENCY(S) OR ASSOCIATION(S) NAMED HERE IS (ARE) NOT RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AS AN APPROVED ACCREDITING AGENCY. THEREFORE, IF YOU ENROLL IN THIS INSTITUTION, YOU MAY NOT BE ELIGIBLE FOR TITLE IV FEDERAL FINANCIAL ASSISTANCE, STATE STUDENT FINANCIAL ASSISTANCE, OR PROFESSIONAL CERTIFICATION IN FLORIDA. IN ADDITION, CREDITS EARNED AT THIS INSTITUTION MAY NOT BE ACCEPTED FOR TRANSFER TO ANOTHER INSTITUTION, AND MAY NOT BE RECOGNIZED BY EMPLOYERS.

f. The following statement: "Licensed by the Commission for Independent Education, Florida Department of Education. Additional information regarding this institution may be obtained by contacting the Commission at 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, toll-free telephone number (888)224-6684."

g. The names and titles of all full-time and part-time administrators.

h. A listing of all faculty indicating degrees held, if applicable, and institutions awarding the degrees.

i. A statement of the purpose of the institution.

j. An academic calendar showing beginning and ending dates of enrollment periods, programs, terms, quarters, or semesters; holidays; registration dates; and other significant dates and deadlines.

k. The institution's admission requirements, policies, and procedures, including the basis for admissions, and minimum test score requirements, if applicable, for each program offered. Admissions requirements shall be in compliance with the provisions of paragraph 6E-1.0032(6)(g), F.A.C.

l. Specific procedures for the granting of credit for prior learning or by examination, if offered, including the maximum amount of credit which can be obtained in this manner, pursuant to Rule 6E-2.0041, F.A.C.

m. A statement regarding the transfer of credit both to and from the institution, in compliance with the provisions of paragraph 6E-1.0032(6)(f), F.A.C.

n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each subject; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion.

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course, and prerequisites, if any.

p. A description of the course numbering system, which shall not be based upon the Florida Statewide Course Numbering System (SCNS) unless the institution's courses have been approved and guaranteed for transfer by that system. If all of the institution's courses are not approved and guaranteed for transfer by that system, only those courses that are approved and guaranteed for transfer may use the SCNS number, and the institution shall clearly disclose in conjunction with any reference to the SCNS the limitations of its approval or participation.

q. An explanation of the grading or marking system, which is consistent with that appearing on the transcript.

r. A definition of the unit of credit. If credit hour, the institution shall clearly specify whether quarter or semester. For purposes of this rule, a clock hour is defined as comprising a period of sixty minutes which includes a minimum of fifty minutes of instruction in the presence of an instructor.

s. A complete explanation of the standards of satisfactory academic process. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress.

t. A description of all diplomas or degrees awarded, together with a statement of the requirements to be met for satisfactory completion of each.

u. A detailed description of the charges for tuition, fees, books, supplies, tools, equipment, student activities, service charges, rentals, deposits and any other applicable charges. All nonrefundable charges shall be clearly indicated as such.

v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships, in-house loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility standards and conditions shall be stated for

each type of financial aid offered. Obligations to repay loans shall be clearly disclosed and explained to students, along with anticipated repayment terms, dates and amounts.

w. A statement of the refund policy and procedures for the refund of the unused portion of tuition, fees and other charges in the event the student does not enter the program, withdraws from the program, or is discharged from the program. The refund policy shall comply with the provisions of subsection 6E-1.0032(6), F.A.C., and other applicable federal and state requirements.

x. A complete description of the institution's physical facilities and equipment.

y. A description of the nature and extent of student services offered.

z. A description of the institution's policy regarding absences, make-up work and tardiness.

aa. The institution's policy on student conduct and conditions of dismissal for unsatisfactory conduct.

bb. The institution's procedures for students to appeal academic or disciplinary actions.

cc. If required by law, the institution's anti-hazing policy.

dd. The procedures by which complaints will be considered and addressed by the institution.

ee. If the institution offers courses through distance education or other alternative means, the catalog must include the information specified in subsection 6E-2.0041(12), F.A.C.

3. Catalogs for Multiple Institutions. All institutions utilizing a common catalog must be of common ownership. Photographs of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The faculty and staff of each institution and the members of the administration for the group of institutions must be clearly identified with respect to each institution and to the overall administration. Any information contained in the catalog that is not common to all institutions in the group should be presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.

(12) Standard 12: Disclosures. Each institution, regardless of the level of credentials offered, shall comply with the applicable provisions of Rule 6E-1.0032, F.A.C. Any additional disclosures required by the Commission or by other governmental agencies or accrediting agencies shall be made using the form and text required by the agency.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 246.011, 246.041(2)(d), 246.051(1), 246.081(2), 246.087(1), 246.091(1), 246.095, 246.121 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-1-00, _____ Cf. Forms incorporated in 6E-2.001, F.A.C.

(Substantial rewording of Rule 6E-2.0041 follows. See Florida Administrative Code for present text.)

6E-2.0041 Delivery of Programs through Alternative Assessments, Modes and Methods Nontraditional College Programs.

(1) Introduction. In addition to its responsibility for the maintenance of high standards of quality, the Commission also serves to encourage responsible innovation in postsecondary education to meet societal needs for creatively designed programs delivered in alternative ways. It is the intention of the Commission that its standards and procedures shall foster the development of quality innovative programs and emerging new fields of study, and shall not unreasonably hinder educational innovation and competition.

(a) Institutions offering nontraditional programs of study shall document that the instructional methods used will lead to the achievement of stated learning objectives, and that all nontraditional instruction shall be consistent with the abilities, educational skills, experience, and needs of the students enrolled in the programs.

(b) Institutions offering nontraditional programs of study that employ innovative delivery systems or innovative methods, or that carry on research and teaching in emerging fields of study, shall demonstrate that they will achieve the intent of each of the standards contained in Rule 6E-2.004, F.A.C., for the appropriate level of licensure and for annual reviews.

(c) In addition to providing to the Commission the documentation required for each standard contained in Rule 6E-2.004, F.A.C., showing how the intent of each standard will be met in the nontraditional program or delivery system, the institution shall also furnish for each course to be offered:

1. An inventory of equipment and materials to be provided to each student;

2. A detailed description of how each program will be conducted, including detailed course outlines or syllabi, procedures for distribution of materials, examination and evaluation of student work, timely response to students' questions and comments, record keeping, appropriate student services, and technical support.

(d) Institutions holding accreditation as defined in s. 1005.02(1), Florida Statutes, by an accrediting agency recognized by the U. S. Department of Education to deliver nontraditional education, may substitute proof of such accreditation, in good standing, for the above requirements.

(2) For purposes of this rule, the following definitions shall be used:

(a) "Asynchronous" means that students may access a prepared educational program electronically or by other means, at a time of their own choosing rather than at a specified time.

(b) "Compressed time period" means a significantly shorter period than those described in this section in the definitions of "Semester" and "Quarter".

(c) "Correspondence learning" means instruction through mail or e-mail requiring the institution to mail a syllabus, texts, lessons, and other materials to the student and to provide adequate educational services, responses, comments, and evaluations in a timely manner to the student.

(d) "Credit by examination" means credit awarded upon determining the level of students' competencies in a specific subject area through standardized tests or institutionally developed examinations.

(e) "Credit for prior learning" means credit for learning acquired outside the licensed institution, that has resulted in a level of knowledge and skills appropriate and comparable to the level and content of the program or credential offered. Such learning must be validated and documented by qualified instructors using consistent, educationally defensible procedures and standards.

(f) "Direct contact instruction" means the physical presence of one or more students and one or more instructors at the same physical location. Direct contact instruction includes instruction and learning that takes place in a seminar, workshop, lecture, colloquium, laboratory, or tutorial, in a setting consistent with the stated mission, purposes, and objectives of the institution and the specific program or course. A learning agreement or learning contract should be a central feature of direct contact instruction.

(g) "Distance education" means planned learning that normally occurs in a different place from teaching and as a result requires special techniques in course design, special instructional techniques, special methods of communication by electronic and other technology, and special organizational and administrative arrangements.

(h) "Distance learning" is a general term used to cover the broad range of teaching and learning events in which the student is separated (at a distance) from the instructor, or other fellow learners.

(i) "Emerging field of study" means a subject area not yet offered by traditional institutions as a discipline for study leading to a particular credential, but that is deemed worthy of exploration and development.

(j) "Indirect contact instruction" means a delivery method which does not require the physical presence of students and instructors at the same location, but provides for interaction between students and instructors by such means as telecommunications, electronic and computer-augmented educational services, correspondence, postal service, and facsimile transmission. Detailed course outlines or comprehensive syllabi are central to indirect contact instruction and learning, along with specified competencies to be mastered, details of interaction and feedback from the instructor, and specified procedures and timetables for evaluation.

(k) “Innovative method of instruction” means a new method of instruction not in use by traditional institutions, but one that provides effective and appropriate instruction in a way that ensures delivery, learning, evaluation, and timely communication with students.

(l) “Learning agreement or learning contract” means a document drawn up between the instructor or the institution and the student(s), describing in detail the planned learning experiences that must be completed, the specific competencies to be mastered, and the evaluation methods to be used. An important characteristic of a learning agreement or learning contract is that it may be individualized to fit the needs of the student.

(m) “Media and computer assisted learning” means instruction through electronic information transfer, data processing, facsimile transmission, or through other technology.

(n) “Nontraditional education” means any positive progress toward a credential that is earned through experiential means or distance education and approved by the faculty of the institution granting the credential, or other sources verified by the American Council on Education, or testing from recognized sources such as but not limited to the Defense Activity for Non-traditional Education Support (DANTES), Servicemembers Opportunity Colleges (SOC), or other sources approved by the Commission.

(o) “On-line courses” means courses taken by electronic means through the Internet or other similar delivery system.

(p) “Quarter” means, in a nontraditional program, at least ten weeks of instruction and learning, or its equivalent as described below:

1. “Quarter hour” means either:

a. A unit consisting of ten hours of instruction appropriate to the level of credential sought, during a quarter, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

b. Planned learning experiences equivalent to the learning and preparation described in sub-subparagraph a. above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(q) “Semester/Sessions” means, in a nontraditional program, at least fifteen weeks of instruction and learning, or its equivalent as described below:

1. “Semester hour” means either:

a. A unit consisting of fifteen hours of instruction appropriate to the level of credential sought, during a semester, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

b. Planned learning experiences equivalent to the learning and preparation described in sub-subparagraph a. above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(r) “Synchronous” means that students must participate, electronically or by other means, in a distance educational program simultaneously, regardless of time zones.

(3) Awarding of credit.

(a) Units or credits applied toward the award of a credential in nontraditional programs may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution’s program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(b) Graduation requirements for nontraditional degree programs shall always include provisions for general education appropriate to the type of degree, as specified in Rule 6E-2.004, F.A.C. The Doctor of Philosophy degree, commonly abbreviated Ph.D., shall not be offered or awarded through distance or nontraditional learning without appropriate recognized accreditation.

(c) At least 25 percent of the units required in a nontraditional degree program shall be given by the institution awarding the degree, and shall not be derived from transfer, examination, or experiential learning; however, active U.S. military members are excluded from this requirement due to the transient nature of the service.

(4) Direct contact instruction. Institutions licensed to operate in Florida and wishing to offer programs or courses through directed individual and group study using direct contact instruction shall describe the teaching-learning methodology to be used, and shall submit illustrative course outlines and competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or for subsequent annual reviews.

(5) Indirect contact instruction.

(a) Institutions licensed to operate in Florida and wishing to offer programs or courses through individual and group study mediated and assisted by telecommunications, computer augmented educational services, facsimile transmission, the postal service, or another technological method, shall describe the teaching-learning methodology to be used, and shall submit illustrative course outlines, competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or for subsequent annual reviews. For programs conducted through electronic or other technological means, the institution shall ensure prompt and

competent technological support to correct problems occurring with the technology, and shall communicate with students the procedures for reporting such problems. The institution shall allow for deviation from deadlines caused by documented technical interruptions in the delivery system.

(b) In addition to the other requirements of Rule 6E-2.004, F.A.C., and other applicable rules, an institution offering instruction by correspondence shall employ a sufficient number of qualified instructors to assure that:

1. The academic content is designed by qualified faculty;

2. Each student lesson is evaluated by qualified instructors, and the instructor's response to or evaluation of each student lesson is sent to the student within ten days after the lesson is received by the institution; and

3. Each student project, examination, or paper is evaluated by qualified instructors, and the instructor's response to or evaluation of each student project, examination, or paper is sent to the student within the time disclosed in the catalog.

(c) The institution shall maintain a record of the dates on which lessons, projects, examinations, and papers were received and responses were sent.

(d) For programs that require the development of a manual or technical skill, such as the use of equipment or tools, the institution must ensure that the student has the opportunity to gain practical hands-on experience appropriate to master the skill. This experience, wherever gained, shall be documented in the student's file and shall be done under proper supervision and with meaningful evaluation of the competency outcomes. The technical aspects must be designed by qualified technicians.

(6) Credit for prior learning. An institution may grant credit to a student for prior experiential learning only if all of the following apply:

(a) The prior learning is equivalent to the level of learning in which the student is enrolling.

(b) The prior learning is demonstrated to provide a balance between theory and practice, for academic programs; or a verifiable mastery of appropriate skills, for vocational courses or programs. For courses or programs requiring a combination of theory and skills, the prior learning is demonstrated to provide the appropriate combination.

(c) The credit awarded for the prior learning directly relates to the student's course or program and is applied in satisfaction of some of the credential requirements.

(d) College or university level learning for which credit is sought shall be documented by the student in writing, and validated, confirmed, and evaluated by faculty qualified in that specific subject area, who shall ascertain to what college or university level learning the student's prior learning is equivalent, and how many credits toward a degree may be granted for that prior learning. The faculty evaluating the prior learning shall prepare a written report indicating all of the

following, which report shall be retained by the college or university for review by visiting Commission representatives upon request:

1. The documents in the student's file on which the faculty relied in determining and confirming the nature of the student's prior learning;

2. The basis for determining that the prior learning is equivalent to college or university level learning, and demonstrates a balance between theory and practice; and

3. The basis for determining to what college or university level the prior learning is equivalent, and the proper number of credits to be awarded toward the degree, based upon that prior learning.

(f) No more than 25 percent of the units required and validated through the institution's internal review process for a degree shall be awarded for prior experiential learning. No degree shall be awarded entirely or substantially based on prior experiential learning.

(7) Credits earned in a compressed time period. Institutions licensed in Florida and wishing to offer courses or programs in a compressed time period shall show evidence to the Commission that the intent of all standards for licensure, as set forth in Rule 6E-2.004, F.A.C., shall be met. The institution shall also demonstrate that the delivery modes to be used in compressed time periods allow students adequate opportunity for study, reflection and analysis before and after the teaching/learning event, and for adequate hands-on practice if a technical skill is included in the learning program.

(8) Instructors. Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall employ or contract with appropriately qualified instructors sufficient in number to provide the instruction, student interaction, and learning outcomes evaluation necessary for the institution to document achievement of its stated purpose, and for students to achieve the specific learning objectives and competencies required for each program so offered. It shall be the responsibility of the licensed institution to validate each instructor's competence to use the interactive electronic media program or distance learning program effectively, and to provide training in the use of the delivery system if needed.

(9) Library and other learning resources.

(a) Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall document to the Commission how they provide, ensure, and maintain access for all students to the information resources and services appropriate to support each program or course.

(b) Institutions shall document how they provide, ensure, and maintain security of examinations and papers.

(c) Institutions shall collect and use student evaluations of content, delivery, and services.

(10) Laboratory experiences. In the case of courses in the experimental or clinical sciences, or other courses requiring hands-on experience, each licensed institution wishing to offer

nontraditional programs shall document to the Commission that arrangements have been made to ensure that the requisite laboratory, field, or equivalent experience is available to and used consistently by every enrolled student. Such experience shall be documented in the student's file, and shall occur under appropriate supervision and meaningful evaluation of the competency outcomes.

(11) Study groups. Each institution offering programs through distance learning shall assist its students to convene, electronically or otherwise, as a study group requirement.

(12) Catalog. Each institution licensed in Florida and wishing to offer nontraditional programs or courses shall comply with all requirements of Rules 6E-1.0032 and 2.004, F.A.C., and in addition shall publish information in the catalog, whether printed or electronic, pertaining to each of the following:

(a) The institution's policies and procedures for the award of credit for prior learning, including confirmation and validation, assessment policies and procedures, provisions for appeal of decisions, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(b) The institution's policies regarding the acceptance of credits earned by the student through successful completion of challenge examinations or standardized tests, acceptable scores for each, whether and how many times examinations may be repeated to achieve an acceptable score, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(c) If the institution offers instruction by correspondence, schedules for normal progress or completion of the course or program, and all fees that a student may be required to pay.

(d) A description of the institution's practices that are designed to foster student interaction for learning purposes in nontraditional programs, including policies for convening study groups.

(13) Student records.

(a) Institutions wishing to offer nontraditional programs or courses shall maintain a file for each student, conforming to the general requirements of Rule 6E-2.004, F.A.C., and contain the following:

1. All documents evidencing a student's prior learning upon which the instructors and the institution base the award of any credit or credential.

2. For directed individual or group contact instruction, copies of the learning agreements or learning contracts signed by the instructors and administrators who evaluated the agreements and contracts.

(b) An academic transcript shall be maintained, kept current, and retained permanently for each student. Institutions offering nontraditional courses and programs shall adopt a policy requiring that credits awarded for prior learning, including internal credit by challenge examination, shall be so

identified on the student's academic transcript. Institutions shall adopt a policy regarding the length of time for retention of records documenting evaluation, assessment and awarding of nontraditional credit. Retention time shall be sufficient for reasonable future review and confirmation of student work.

(14) Fair consumer practices, as described in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

Specific Authority 1005.22(1)(c)1., 1005.31(2),(3) 246.041(1)(c), 246.051(1), 246.071 FS. Law Implemented 1005.31 246.011(2),(4), 246.087(1), 246.095 FS. History—New 10-13-83, Formerly 6E-2.041, Amended 11-27-88, 6-20-95.

(Substantial rewording of Rule 6E-2.0042 follows. See Florida Administrative Code for present text.)

6E-2.0042 Medical Clinical Clerkship Programs.

(1) Purpose. The purpose of this rule is to establish criteria for licensure by the Commission of qualified, accredited foreign medical schools to provide clinical clerkship training in Florida hospitals or approved facilities as defined in subsection (2) of this rule. Clinical clerkships are a required part of the foreign medical schools' education programs, which are not wholly located in Florida. This rule also establishes criteria for students of foreign medical schools who apply for individual approval for an occasional elective clerkship in Florida. This rule is intended to protect the health, safety and welfare of citizens of Florida by limiting participation in clinical clerkships to students of qualified, accredited foreign medical institutions who demonstrate the capacity to profit from such clinical instruction; to benefit the medical students by establishing standards which will promote the acquisition of a minimum satisfactory medical education; to protect the students from deceptive, fraudulent or substandard education; and to protect the integrity of medical degrees held by Florida citizens.

(2) Definitions.

(a) "Accredited foreign medical school" means an institution chartered outside the United States, in a nation whose accreditation standards have been determined by the U.S. Department of Education to be comparable to the accreditation standards applied to United States medical schools, when the foreign medical school has been evaluated and approved or accredited by its home nation using those comparable standards.

(b) "Board-certified," "board-eligible," and "board licensed" refer to the appropriate recognition by the State Board of Medicine or other recognized agency which regulates the practice of medicine in the jurisdiction where the foreign medical school operates and where clerkships are offered.

(c) "Clinical clerkship" means supervised instruction in medical disciplines with an opportunity to observe and to participate in the theory and practice of expert care of patients with a broad spectrum of traumatic conditions, psychiatric

disorders, disease, or other human ailments, in order for the students to achieve comprehensive knowledge in medical diagnosis and treatment as part of a course of instruction leading to a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree or the equivalent.

(d) "Core clinical clerkship" means initial clinical training required of every medical student, generally taken in the third year of medical school, in such fields as internal medicine, pediatrics, surgery, obstetrics and gynecology, psychiatry, and family medicine.

(e) "Elective clinical clerkship" means additional specialized clinical training, chosen by the medical student from an approved list of electives published by the medical school, taken in the fourth year of medical school.

(f) "Occasional elective clinical clerkship" means an elective clinical course which does not exceed six weeks in length, provided during the fourth year of medical school. "Occasional" in this context means no more than five students from any one unlicensed accredited foreign medical school in any calendar year, with each of the five students doing no more than three elective clerkships in Florida in any calendar year.

(g) "Teaching hospital" means a hospital having a residency program in a medical discipline accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA), or which is part of such a program through an affiliation approved by the ACGME or the AOA, or which has a written affiliation with an accredited U.S. Medical School to provide clinical training to its students; or an ambulatory care setting which is affiliated with a teaching hospital or an accredited U.S. Medical School for clinical teaching purposes.

(3) Applications for licensure of clinical clerkship programs. In addition to submitting all the forms and documents, accurately, fully and satisfactorily completed as required for each step of licensure in accordance with these rules, for the applicant medical school to be found qualified for licensure it must:

(a) Document to the Commission that it has been determined by the U.S. Department of Education that the medical accreditation standards used by its chartering nation to evaluate and approve the applicant school were comparable to the standards used to evaluate programs leading to the M.D. or D.O. degree in the United States.

(b) Document that the applicant medical school has on staff a board-certified clinical chairperson for each core clerkship subject area.

(c) Document that the principal academic officer of the clinical clerkship program has been designated by the chief academic officer of the parent medical school and possesses academic and experiential qualifications appropriate to the assignment.

(d) Ensure that the application contains sufficiently detailed information showing that the educational program, faculty planning, teaching, budgeting and allocation of other educational resources, faculty appointments and student assignments are coordinated and integrated with the overall program of the parent medical school. Formal agreements shall be executed between the parent medical school and the teaching hospital or approved facility in which the students are to be engaged in clinical clerkships and shall be submitted to the Commission. The formal agreement between the parent medical school and the teaching hospital or approved facility shall vest responsibility and authority for the conduct and evaluation of the educational program in the parent medical school.

(e) Document that the faculty of the clinical clerkship program and of the parent medical school have joint responsibility for developing the curriculum for each clerkship. Evidence of such action may take the form of minutes of faculty meetings in which such involvement took place. Copies shall be filed with the Commission of officially adopted policies of the parent medical school, outlining procedures for such faculty involvement and the means of ensuring that such procedures are implemented, or similar documentation acceptable to the Commission. The parent medical school shall also describe how it will ensure that the curriculum developed for each clerkship will actually be adhered to at each teaching hospital or approved facility.

(f) Provide, for each clerkship at each teaching hospital or approved facility, a summary of the instructional program for the clerkship, which shall include the title of the clerkship, the sponsoring teaching hospital or approved facility, a description of the course objectives, resumes of faculty participants, a statement of the extent of each faculty member's duties in the clerkship, the meeting time, the meeting place, the length of the clerkship, the maximum number of students who will be enrolled in that clerkship at a given time, and the proportion of the student time which shall be spent in that clerkship (e.g. 100 percent of four weeks, 50 percent of eight weeks).

(g) Provide a copy of the faculty handbook or other medium of communication with the faculty, which shall contain procedures and requirements for involvement of faculty in curriculum development, in both basic sciences and clinical clerkship programs, and the means for ensuring that such procedures are implemented.

(h) Document that provisions have been made for continual reassessment and evaluation of the educational program, and for improvement of instruction. The application for licensure shall include a copy of policies adopted by the parent medical school regarding reassessment of clinical clerkship programs and improvement of instruction, and the means of ensuring that such policies are implemented.

(i) Document that the parent medical school provides an appropriate sequence of clinical rotations for students to attain those competencies that the clinical clerkship program is designed to impart. Qualified faculty shall evaluate the competencies of students in each clinical discipline.

(j) The application for licensure shall describe the procedures by which the parent medical school shall ensure that only students who meet the requirements of the following standard participate in clinical clerkship training in Florida and document that all students participating in core clinical clerkship programs have:

1. Completed at least three years of undergraduate education at a legitimate, recognized college or university consistent with a generally acceptable premedical curriculum.

2. Completed a basic science program totaling at least four semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.

3. Obtained a passing score on Step 1 of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(k) Fully disclose all payments made by the parent medical school to the teaching hospital or approved facility, or to any officer or employee thereof, attributable to participation in clinical clerkship programs by students of the parent medical school, either on a flat fee basis or on the basis of X dollars per student per term. In no event may any payment be made contingent on successful completion of a rotation by students, and neither shall any such contingency payment be a part of the ongoing budget of the teaching hospital or approved facility. This shall be demonstrated by the parent medical school's submitting evidence of the percentage of the total budget made up by these payments.

(l) Document that a core of teaching faculty of the parent medical school shall be appointed to the clinical clerkship program at each teaching hospital or approved facility, with the requisite time and appropriate skills required to supervise the students assigned. The core teaching faculties that are appointed to the basic science program of the parent medical school shall be sufficient in number and background. Regardless of geographic assignment, all faculty shall meet appropriate institutional standards for appointment, promotion, privileges and benefits. The relationship of the clinical program faculty to the parent medical school shall be clearly defined. Faculty in clinical clerkship programs in Florida shall possess requisite qualifications, including formal academic training and background experience to instruct and to supervise clinical experiences, and shall be licensed in Florida to practice medicine. The parent medical school shall demonstrate

adequate instruction by documenting to the Commission the appropriate number and adequacy of qualified faculty assigned to the teaching hospital or approved facility. Supervision provided by the parent medical school shall be by staff members who devote the requisite time necessary to careful supervision of the clinical students.

(m) Demonstrate that the hospital has adequate library facilities to support a medical education program leading to the M.D. or D.O. degree.

(n) Affirm that the medical school will conduct clinical clerkships only in either a teaching hospital as defined in this rule, or in an approved facility, which is defined as a residential developmental services institution licensed by the State of Florida, Department of Health and Rehabilitative Services, pursuant to Chapter 393, Florida Statutes, and approved by this Commission.

(4) An application for initial licensure of a clinical clerkship program shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall be selected from licensed foreign medical schools in Florida, and shall have expertise in the governance of medical education and knowledge of, and experience in, complying with the standards stated above. The review committee shall submit to the Commission a written report addressing whether or not the applicant for licensure has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(5) The Commission may require an independent review or audit of any applicant medical school's submission from the school's original records to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(6) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list the names of students who have studied in Florida, the Florida clinical programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(12), F.A.C., shall be approved by the Commission prior to implementation, and will result in the medical school receiving a Provisional License pursuant to the provisions of s. 1005.31(5), Florida Statutes, and subsection 6E-2.002(1), F.A.C. Other changes shall be approved in compliance with Rule 6E-2.008, F.A.C.

(7) Students of a licensed foreign medical school, when such license permits a clinical clerkship rotation in Florida, may participate in other clerkships in Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides ACGME or AOA approved residency programs.

(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the medical school and the teaching hospital specifying responsibility for planning, managing and supervising the clerkship in each discipline.

(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as are provided to U. S. medical schools' students participating in clinical training programs in the hospital.

(d) The licensed medical school's appointed faculty will be responsible for providing the same quality in the educational program to the licensed medical school's students as is provided to students of an accredited U.S. medical school.

(8) Application for individual approval of an occasional clerkship elective. An individual medical student may obtain approval for an occasional clerkship elective as defined in subsection (2) of this rule, provided they demonstrate compliance with paragraphs (3)(c), (f), (j) (k), and (m) of this rule. In addition to the requirements set forth in paragraph (3)(j), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical school shall sign a temporary written affiliation agreement detailing the responsibilities of both parties for the clinical teaching program. Such agreement shall include:

(a) The number of lecture hours, course content and reading assignments.

(b) The patient census for the subject being taught and number of rounds per week.

(c) A provision that the board-certified physicians delegated by the hospital to assume responsibility for the student's clinical training shall receive a temporary faculty appointment by the medical school covering the occasional clerkship elective.

(d) Certification that adequate malpractice insurance is being provided to cover the student during the elective rotation.

(e) The method of testing, scoring or evaluation of the student.

Upon completion of the occasional clinical clerkship, the hospital, the medical school and the student shall report their evaluations of the teaching program, which shall be kept on file at the foreign medical school and made available for inspection by Commission representatives and other students.

(9) Violations and Penalties. See s. 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for grounds, penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action may be taken by the Commission to suspend the privileges permitted under the medical school's license until due process has been followed.

Specific Authority 1005.22(1)(e)1., 1005.31(2),(3),(11) 246.041(1)(e)-246.051(1), 246.071 FS. Law Implemented 1005.31(11) 246.081 FS. History--New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96.

(Substantial rewording of Rule 6E-2.0061 follows. See Florida Administrative Code for present text.)

6E-2.0061 Actions Against a Licensee: Penalties Denial, Probation, or Revocation of Licensure or Other Status.

(1) Denial. Any Provisional License, Annual License, License by Means of Accreditation, agent's license, approval to use the terms "college" or "university," approval of modifications, approval of occasional elective clinical clerkships, or other authorization under the Commission's jurisdiction shall be denied upon a determination by the Commission that the applicant does not meet the requirements of Chapter 1005, Florida Statutes, or the applicable standards in Chapters 6E-1 and 6E-2, F.A.C., or for specific grounds as stated in ss. 1005.32(7), 1005.34(3), and 1005.38, Florida Statutes.

(2) Probation.

(a) A Provisional License, Annual License, or License by Means of Accreditation, agent's license, or other authorization under the Commission's jurisdiction shall be placed on probation when the Commission finds an infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment threatens the efficient operation of the institution or the quality of the educational programs or services offered, damages the reputation of another institution, or deceives the public.

(b) The Commission may impose conditions designed to correct the infractions identified or to overcome the effects of such infractions, and may require submission of periodic progress reports on the steps being taken to comply with the conditions and to correct the situation. Unannounced staff visits may be made to the institution to monitor its activities. institution or agent shall provide satisfactory documentation to the Commission that remedial action has been taken to correct the situation or activities leading to probation. When it is documented to the Commission that the situation or activities have been corrected, and policies have been adopted by the institution to prevent the recurrence of the infractions, the Commission shall remove the probation. If competent evidence is not presented showing that the situation or activities leading to probation have been corrected within the period of time specified by the Commission, or if similar infractions recur, procedures shall be initiated to revoke the license or other authorization.

(c) If the conditions set by the Commission in conjunction with the probation require oversight and monitoring by the Commission or its staff, the Commission may impose an administrative fine in an amount up to \$5,000 as provided in s. 1005.38(1), Florida Statutes.

(3) Revocation. Any Provisional License, Annual License, or License by Means of Accreditation, agent's license, or other authorization under the Commission's jurisdiction shall be revoked when the Commission finds:

(a) An infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment is so serious as to threaten the continued operation of the institution, or the health, safety and welfare of its students or staff or of the general public; or

(b) That the institution or agent continues to engage in activities in noncompliance with applicable laws after directed by the Commission to cease and desist; or

(c) That the institution or agent has failed to correct, within the allotted period, the situation or activities for which probation has been imposed.

If a license is revoked, the college or agent affected shall cease operations in Florida. Any new application for licensure shall follow the procedures and requirements of the applicable statute and rules.

(4) Grounds for Imposing Disciplinary Actions.

(a) Attempting to obtain action from the Commission by fraudulent misrepresentation, bribery, or through an error of the Commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(f) Failure to maintain the licensure standards as set forth in ss. 1005.31 and 1005.32, Florida Statutes, and applicable rules.

(g) Failure to comply with fair consumer practices as set forth in ss. 1005.04 and 1005.34, Florida Statutes, and applicable rules.

(h) Previously operating an institution in a manner contrary to the health, education, or welfare of the public, as described in s. 1005.38(4), Florida Statutes.

(i) Failure of the licensee to comply with any conditions or limitations placed by the Commission upon its licensure or operation.

(5) Investigations. Investigations on behalf of the Commission may be carried out as provided in s. 1005.38, Florida Statutes.

(6) Probable cause. Determinations of probable cause may be made as provided in s. 1005.38, Florida Statutes. Probable cause panels may be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission may issue an

administrative complaint or notice of denial of licensure, and may issue a cease and desist order as provided in s. 1005.38, Florida Statutes. Probable cause panels shall be appointed and shall serve as follows:

(a) The chair of the Commission shall appoint three people to a probable cause panel, and shall designate its chair. At least one panel member shall be a current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities, or State Board of Nonpublic Career Education. Each probable cause panel shall serve on an ad hoc basis to review specific cases referred to it by the Commission.

(b) Current commission members who serve on a probable cause panel cannot vote for final agency action on institutions whose current cases they have reviewed while serving on the panel.

(c) If a Commission member has reviewed a case as a member of the probable cause panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.

(7) Cease and desist orders. Cease and desist orders may be issued by the Commission upon finding probable cause, and shall comply with s. 1005.38, Florida Statutes, and other applicable laws.

(8) Injunctions. The Commission may seek injunctive relief and other applicable civil penalties as provided by s. 1005.38, Florida Statutes, and other applicable laws, after conducting an investigation and confirming that a violation of Chapter 1005, Florida Statutes, has occurred.

(9) Due process procedures. The Commission shall notify the institution or agent by certified mail of any disciplinary action, giving the grounds for the action and an explanation of the institution's or agent's right to a hearing. The institution or agent shall have twenty (20) days to respond, by certified mail, indicating any request for a formal or informal hearing or concurring with the Commission's action.

(a) Failure on the part of the institution or agent to respond by certified mail within twenty (20) days shall constitute default. At its next regular or special meeting, the Commission shall then receive evidence in the case and enter its Final Order.

(b) The institution or agent may request an informal hearing by the Commission if no material facts are disputed, or if the institution or agent and the Commission agree to hold an informal hearing in lieu of a formal hearing. Procedures for informal hearings shall be in accordance with Section 120.57(2), Florida Statutes. After hearing the presentations of the representatives of the Commission and of the institution or agent, the Commission shall enter its Final Order.

(c) The institution or agent may request a formal hearing by an administrative judge of the Division of Administrative Hearings if material facts are in dispute. Procedures for formal

hearings shall be in accordance with Section 120.57(1), Florida Statutes. After receiving a Recommended Order from the hearing officer, the Commission shall enter its Final Order.

(d) An affected party who has been served with a cease and desist order by the Commission may request a formal or informal review of the order as set forth in this subsection above, and may request the Commission or the Division of Administrative Hearings to modify or abate the cease and desist order. If the affected party is aggrieved by the decision produced by this review, the party may seek interlocutory judicial review by the appropriate district court of appeal, as provided in s. 1005.38(7), Florida Statutes.

Specific Authority 1005.32(7), 1005.38, 246.041(1)(e)7, 246.051(1), 246.071, 246.085(5), 246.111 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38, 246.011(4), 246.041(1)(n), 246.081(4), 246.083(6), 246.085(5), 246.095(4), 246.111 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93,_____.

(Substantial rewording of Rule 6E-2.008 follows. See Florida Administrative Code for present text.)

6E-2.008 Approval of Modifications Amendments to Applications.

(1) No licensed institution shall add new degrees, programs or majors to its offerings or alter any licensed program by more than 20%, change the title of a program or the credential awarded, or discontinue a program, unless it holds an Annual License or License by Means of Accreditation and first receives approval from the Commission. Such approval is contingent upon:

(a) A finding by the Commission that the licensee meets the standards contained in Rule 6E-2.004, F.A.C., for each proposed new degree, program or major;

(b) Documentation that the modifications are congruent with the guidelines of state or national professional licensing boards or accreditors;

(c) The licensee's filing the required documentation; and

(d) The licensee's paying the fee required by rule.

(2) In the event that it is deemed necessary by the Commission, a representative of the Commission or a visiting committee shall visit the institution prior to consideration of the modification and shall provide a written report to the Commission of its findings, to be used as one of the bases upon which the Commission will make a determination regarding the modification.

(3) Any other significant change in the information provided in the initial application for or last review of licensure, or in subsequent modifications approved by the Commission, including but not limited to change in corporate charter, purpose, administrative structure, finance, or physical facilities, shall be filed with the Commission at least 30 days prior to implementation.

(4) Additional locations, including classroom sites, shall be added only after the institution has attained an Annual License or License by Means of Accreditation and received

prior approval by the Commission. For colleges and universities, If the additional location or classroom site is more than 30 miles distant from the main Florida headquarters, separate licensure from the Commission is required before operations begin. For nondegree schools, each location shall be licensed separately. Information to be submitted to the Commission for prior approval of additional college locations or classroom sites less than 30 miles distant shall include the following:

(a) Address and description of the facilities;

(b) Description of the activities and programs to be offered at the location;

(c) A list of personnel (administrators and faculty) to be present at the location and their schedules, including availability to students outside class time;

(d) Anticipated number of students to be involved;

(e) Anticipated length of time that the location will be in use;

(f) Method of making library resources available to the students at the location, on a comparable accessibility basis to students at the main location in Florida;

(g) A budget of anticipated costs and income associated with the location;

(h) A copy of any written agreements involving the location; and

(i) A description of how student services will be provided at the location comparable to those provided at the main Florida headquarters.

(5) Any substantive change, as defined in subsection 6E-1.003(12), F.A.C., shall result in the institution's receiving a Provisional License pursuant to Section 1005.31(5), Florida Statutes, and subsection 6E-2.002(1), F.A.C.

(6) "Minor modifications" are defined as changes to programs and curricula intended to keep the educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or direction of the program. Such minor modifications may be reviewed and approved by Commission staff, if they are shown to be desirable improvements and are congruent with the guidelines of state or national professional licensing boards or accreditors, and do not increase tuition or length of time necessary for completion of the program. The license fee will include one such staff review of minor modifications per year, whether done at the time of licensure review or during the interim between reviews. However, minor modifications to the same program or curriculum requested more than once a year will be taken to the Commission for review and will incur a special review fee.

Specific Authority 1005.33(2), 246.041(1)(e), 246.051(1), 246.071, 246.091(3) FS. Law Implemented 1005.33(2), 246.051, 246.087(1), 246.091(2),(3) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(2)(c), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.08, Amended 5-13-87, 11-29-89, 10-19-93, 4-2-96, 4-11-00,_____.

6E-2.0081 Change of Ownership or Control.

(1) Pursuant to s. 1005.31(8), Florida Statutes, a licensed institution shall notify the Commission prior to a change of ownership or control. The notification shall be made in writing and shall include documentation of any changes that will result in the purpose, educational programs, administrators, student services, and other aspects of the institution. A license does not automatically transfer to a new owner or group of owners. The Commission must take affirmative action to issue a new license after receipt and evaluation of the appropriate documentation and payment of the required fee.

(2) If the Commission determines that a change of ownership will have no significant effect or a positive effect on the programs or services offered by the institution, the financial stability of the institution, or the students enrolled in the institution, a new license may be issued based on the information received.

(3) If the Commission determines that the anticipated effects of the change will meet the definition of "substantive change" in subsection 6E-1.0032(12), F.A.C., the institution will receive a Provisional License pursuant to s. 1005.31(5), Florida Statutes.

(4) If the Commission determines that the practical result of the changes will transform the licensed institution into a substantially different entity insofar as the majority of its programs and services are concerned, a new application for licensure is required. During the time that the new application is being prepared, submitted, and evaluated, the Commission shall not interrupt the progress of currently enrolled students solely because of the change of ownership or control.

(5) Each licensed institution shall be responsible for arranging and conducting a change in ownership or control in a manner and at a time so that there is no adverse impact on the opportunity of currently enrolled students to complete their training and receive counseling and placement services. In addition, the institution shall remain responsible for properly completing the training of the enrolled students and for providing the counseling and placement services, and shall be subject to disciplinary action for any violations of statutes and rules which may occur in that regard during the transition. A change of ownership or control of a institution, or the issuance of a new license, shall not in any manner release the institution from its legal obligations to enrolled students to provide education and services required under the student's enrollment agreement, Chapter 1005, Florida Statutes, or the rules of the Commission. The institution shall be under a continuing obligation to fulfill the terms of its contracts with the enrolled students.

(6) A change in control shall include: any change in the composition of a licensee's board of directors; any change of administrative officers; and any change in the personnel or organization of a institution which affects who has the authority to establish or modify institution policies, standards,

and procedures or who has the authority to make the effective decisions regarding the implementation or enforcement of institution policies, standards, and procedures.

(7) If a change of ownership or control occurs in the period between Commission meetings, and if it appears to meet the description in subsection (2) of this rule, interim executive approval of the change may be done by the Executive Director and reported to the Commission at its next meeting. However, if it appears that the change of ownership or control will result in substantial changes to the licensed institution, and the legalities of the change of ownership or control cannot be delayed until after the next regular Commission meeting, a special telephonic meeting may be scheduled and noticed.

Specific Authority 1005.31(8)(b) FS. Law Implemented 1005.31(5),(8) FS. History—New _____.

(Substantial rewording of Rule 6E-2.009 follows. See Florida Administrative Code for present text.)

6E-2.009 Closing an Institution Colleges Which Discontinue Operation.

At least 30 days prior to closing an institution, its officials shall notify the Commission in writing, and follow the provisions of s. 1005.36, Florida Statutes. Failure to comply with the statute shall be grounds for civil penalties as provided therein.

Specific Authority 1005.36, 246.041(1)(c), 246.051(1), 246.071, 246.091(5) FS. Law Implemented 1005.36, 246.051, 246.091(5) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(5), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.09, Amended 11-29-89, 12-10-90, 10-19-93, 4-11-00, _____.

(Substantial rewording of Rule 6E-2.010 follows. See Florida Administrative Code for present text.)

6E-2.010 Agents; License Required; Procedures for Licensure.

The following provisions shall apply to persons meeting the statutory definition of "agent" found in Section 1005.02(2), Florida Statutes.

(1) No agent shall recruit for an institution required to be licensed under Section 1005.31(1), Florida Statutes, unless the institution is so licensed.

(2) It shall be the responsibility of each institution to require a specific training program for its admissions director, who shall supervise and train all agents and admissions staff employed by the institution. This training shall include information to familiarize them with the Florida Statutes and rules regarding agents, and with the institution's programs, services, costs, terms of payment, financial aid available for qualified students, refund policy, transferability of credits to other institutions, reasonable employment projections and accurate placement data, status of the institution regarding licensure and accreditation, facts regarding the eligibility of graduates to sit for licensure examinations or fulfill other requirements to practice in Florida the career or profession for

which the prospective student wishes to be trained, and other relevant facts. The training program shall reflect the fair consumer practices outlined in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C. The training program shall be updated as necessary to reflect changes in applicable laws, rules, and institutional policies; and all agents and admissions staff shall be provided with updated training as necessary.

(3) Each agent applying for licensure shall file with the Commission the required documentation and the appropriate application fee, as well as a fee for the cost of an investigation of criminal justice information as provided in Section 1005.22(1)(h), Florida Statutes, and defined in Section 943.045(3), Florida Statutes.

(4) Persons seeking licensure as recruiting agents for institutions shall submit the following materials in conjunction with the application fee:

(a) Confirmation by the chief executive officer or president of the institution that the individual has been appointed as a recruiting agent for the institution;

(b) Documentation that the institution is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) A statement of the institution's status regarding accreditation;

(d) A copy of the institution's current catalog; and

(e) An affirmation signed by the chief executive officer or president of the institution, stating that the institution shall be responsible for the correct and accurate representation of the institution by the agent in Florida; that the agent will not be compensated by commissions, bonuses, or nonmonetary rewards of value based upon the number of students recruited; and that all printed materials, advertisements, and verbal information disseminated in Florida by the agent regarding the institution shall conform to the applicable requirements of Florida law and rules, including: Chapter 501, Florida Statutes; Chapter 1005, Florida Statutes; and Chapters 6E-1 through 6E-4, F.A.C.

(5) Upon receipt of the required materials and results of the criminal justice information investigation required for new applicants by Section 1005.22(1)(h), Florida Statutes, showing that the applicant has not been found in violation of laws or rules governing recruiting practices or other relevant matters, the staff of the Commission shall review the materials and make a recommendation to the Executive Director regarding licensure of the applicant. The staff shall request additional information regarding the applicant or the institution to be represented, if the materials submitted do not contain the information necessary to determine eligibility. If the Executive Director finds that the applicant and the institution to be represented meet the standards set forth in this rule and in Chapter 1005, Florida Statutes, the agent's license shall be

issued or extended for one year. A report of agents issued licenses or extensions shall be provided to the Commission on a quarterly basis. If the criminal background investigation reveals relevant convictions or pleas, the application will be denied.

(6) The criteria for licensure of a recruiting agent are:

(a) Evidence of appointment by the institution to be a recruiting agent for the institution;

(b) Evidence that the institution to be represented is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) Evidence that the agent has satisfactorily completed an approved training program and has demonstrated competent knowledge and mastery of the content;

(d) Affirmation that the agent has not had an agent's license or similar authorization revoked in Florida or in another state or other jurisdiction, and has not been found in violation of laws or rules governing recruiting practices;

(e) Affirmation that the agent will represent the institution correctly and accurately and will comply with all applicable laws and rules; and

(f) Affirmation that the agent will not be compensated based upon the number of students recruited, if the institution represented offers programs of 600 clock hours or more.

(7) Each agent's license shall be effective for a period of one year from the date of issuance, and is not transferable to another agent or to another institution to be represented. If an individual recruits students for more than one institution, that individual must receive a separate agent's license and receive and document separate agent's training for each institution represented.

(8) Each initial agent's license shall be issued for a maximum period of one year from the date of issuance. After receiving initial licensure, an agent may apply for annual renewal of the license by submitting the appropriate documentation and fee.

(9) Each institution employing recruiting agents shall notify the Commission in writing within ten days after the resignation or dismissal of an agent, together with the cause for dismissal. Every effort shall be made by the institution to return the agent's license to the Commission.

(10) An agent's license may be denied, placed on probation, or revoked as set forth in Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C. Grounds shall include violation of applicable Florida law; misrepresentation of the institution, its programs, or other pertinent facts; obtaining an agent's license by fraudulent misrepresentation, bribery, or through an error of the Commission; failure to follow fair consumer practices; failure to comply with the provisions of this rule or of Chapter 1005, Florida Statutes; prior revocation or disciplinary action against the agent for violation of these or

similar standards; revocation of the represented institution's license in Florida or of its authorization to operate in the state or other jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located; or, in the case of an out-of-state institution not licensed by the Commission, any activity by or on behalf of the institution which would be grounds for denial or revocation of its licensure under the provisions of Rule 6E-2.0061, F.A.C., if it were subject to licensure in Florida. A person whose agent's application has been denied or revoked shall not solicit students, nor shall a person solicit students while his or her agent's license is under probation.

(11) Revocation of an agent's license may lead to an investigation of the licensed institution to determine whether the institution's license should be placed on probation or revoked for failing to train or supervise its agents adequately, or for allowing or encouraging its agents to violate the provisions of Florida Statutes and rules.

(12) All monies collected by an agent from or on behalf of students recruited shall be turned over to the institution represented. All checks received shall be made payable to the institution represented, and receipts for cash shall be given to the student in the name of the institution.

(13) The term "counselor" or "advisor" or modifications thereof shall not be used by anyone soliciting or enrolling students for institutions under the jurisdiction of the Commission. All persons who are employed by an institution for the primary purpose of inducing students to enroll in the institution shall be called "agent," "admissions representative," "sales representative," or "field representative." The term "academic" or "education" or forms thereof shall not be used in referring to these employees.

(14) It is the responsibility of each licensed agent, and the institution represented, to determine that the prospective student being recruited has a reasonable ability to complete successfully the course of study or training for which he or she is being recruited, prior to accepting any nonrefundable application or tuition fees. Agents shall not have the authority to enroll students without a complete review and approval by the admissions director or registrar of the institution of the student's application and documentation. If an applicant student is determined not to be eligible to enroll or not to possess the ability to complete the program successfully, all monies paid to an agent shall be refunded to the student within 30 days.

(15) It is the responsibility of the agent to explain clearly and accurately to each prospective student the institution's refund policy, transferability of credits earned at the institution to other institutions in the area, eligibility of graduates to sit for professional examinations or otherwise qualify to practice the profession or career for which the institution will train the student, the length of the program of study, entrance and graduation requirements, and other consumer protection

information. This information may be provided to the prospective student in writing, but in such cases, the agent shall give the prospective student time to read the information and shall answer any questions regarding it, prior to collecting any money, obtaining the prospective student's signature, or obligating the prospective student in any way. The agent shall not verbally or otherwise make misleading or inaccurate representations regarding job opportunities, future salaries, accreditation, or transferability or recognition of credits earned at the institution.

(16) An agent shall not offer a bonus or discount to the prospective student for signing up within a certain time period or for bringing in other new students, and shall not make statements indicating that the prospective student must make a decision immediately or within a short period of time. No reference shall be made, either verbally or in writing, that other inducements, including but not limited to travel, equipment or textbooks, will be provided "free" to the prospective student for signing up during a specific period of time or for bringing in other new students.

Specific Authority 1005.31(10) FS. Law Implemented 1005.04, 1005.22(1)(h), 1005.31(10), 1005.33, 1005.38(1), 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(4), Readopted 11-11-75, Amended 2-6-78, Formerly 6E-2.10, 6E-2.11, Amended 5-13-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-11-00.

6E-2.015 Designating Resident Agent.

Specific Authority 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 246.051, 246.081 FS. History—New 5-7-79, Formerly 6E-2.15, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, p. 3038, Vol. 28, No. 29

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Administration of the Commission

RULE NO.: 6E-3.002

PURPOSE AND EFFECT: The purpose of the proposed new rule is to provide guidelines for the government and administration of the Commission. The effect is that the Commission will have policies to follow consistently in its activities.

SUMMARY: The proposed new rule provides for election of officers, appointment of the executive director, appointment of committees, quorum, voting, agenda, regular and special meetings, emergency meetings, rulemaking, and other administrative provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1)(d) FS.

LAW IMPLEMENTED: 1005.22(1)(d) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Friday, November 15, 2002

PLACE: Sheraton Suites Hotel, 4400 West Cypress Street, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)488-8695

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6E-3.002 follows. See Florida Administrative Code for present text.)

6E-3.002 Administration of the Commission Board.

(1) The Commission shall maintain its office of record in the corporate limits of Tallahassee, Leon County, Florida.

(2) The Commission has designated its executive director as its agency clerk. The office is located at 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The office is closed on official state holidays. The telephone number of the office is (850)488-8695.

(3) The provisions for appointment of Commission members, the composition of the Commission, terms of office, and reimbursement are stated in Section 1005.21, Florida Statutes.

(4) The powers and duties of the Commission are stated in Section 1005.22, Florida Statutes.

(5) The officers of the Commission shall be the chairperson, the vice chairperson, and the executive director. The chairperson and vice chairperson shall be elected by the Commission members to terms of one (1) year. Election of officers shall be held annually at the last Commission meeting prior to the last day of June, and officers shall assume office on the first day of July each year. The chairperson and vice chairperson shall serve no more than three (3) consecutive terms as such officers. In the event of a vacancy, an election

may be held at the next regular or special Commission meeting, and the officer elected shall assume office immediately to serve the unexpired term. The chairperson or vice chairperson may be removed at any time by the affirmative vote of five (5) or more members of the Commission.

(a) The chairperson shall be selected from among the Commission members representing other than publicly-supported institutions. The chairperson shall appoint the members of, and shall serve as an ex officio member of, all committees of the Commission; shall execute all contracts on authority of and in the name of the Commission; shall transmit the annual report of the Commission to the Governor; shall preside over Commission meetings and hearings conducted by the Commission; and shall affix his or her signature to all licenses, certificates, and final orders issued by the Commission.

(b) The vice chairperson shall be selected from among all members of the Commission, and shall perform the duties of the chairperson with full authority during the absence or disability of the chairperson.

(c) In the absence of both the chairperson and vice chairperson, the third member of the executive committee shall preside at meetings.

(d) The executive director, who is the chief administrative officer of the Commission, shall serve on appointment by and at the pleasure of the Commission upon recommendation by the chairperson. During the absence or disability of the executive director, the chairperson may designate a member of the Commission's staff to function as the executive director in an acting capacity. The executive Director shall also be the secretary of the Commission and shall be responsible for all of the administrative operations of the Commission. The executive director shall make reports to the chairperson regarding the employment of all staff employees, and may make recommendations to the Commission regarding any of the Commission's activities. The Commission may agree to delegate to the executive director any routine matters under its jurisdiction, and may request written reports periodically regarding such matters.

(6) Committees of the Commission.

(a) The Executive Committee shall consist, ex officio, of the chairperson and vice chairperson, and a third member of the Commission appointed by the chairperson. The Executive Committee shall have the full authority of the Commission to act during the interim between Commission meetings, except in matters of licensure. The Commission may delegate specific duties to the executive committee, consistent with the provisions of Chapter 28-1, F.A.C. In cases of such delegation, the Commission shall review at its next meeting any action taken during the interim by the executive committee, and either

ratify or reverse the action of the executive committee. Minutes of executive committee meetings shall be presented to the Commission at its next meeting.

(b) The Commission may create such standing and special committees as it deems necessary for the discharge of its responsibilities. The chairperson shall appoint the members of such committees for terms not to extend beyond the following June 30.

(c) If the Commission, in regular or special session, authorizes a committee to act on a matter referred to it, the chairperson of the committee shall report to the Commission in writing the action taken; otherwise, the committee action shall be reported as a recommendation for consideration and action by the Commission at a regular or special meeting.

(7) The Commission shall hold regular meetings not less than four times in every fiscal year, and all meetings shall be open to the public. Persons interested in attending meetings or in providing information to the Commission for any meeting should consult the Commission's office staff or the Florida Administrative Weekly for specific meeting dates, times, and places.

(a) Special meetings may be called by the chairperson, in which case the notice of the meeting shall be distributed in writing to the Commission members at least fifteen (15) days in advance of the special meeting. Public notice of special meetings shall be published in the Florida Administrative Weekly. The business transacted at any special meeting shall be confined to such matters as have been specified in the notice of the meeting, except that if at least five (5) members are present, any internal administrative business not concerning licensure, rulemaking, or policymaking may be placed on the agenda by a unanimous vote of the members present. In this case, a majority vote of the members present is required to dispose of the business.

(b) Emergency meetings may be called by the chairperson if a situation under the Commission's purview represents an immediate danger to the public health, safety, or welfare. Such meetings and any decisions made as a result of them shall be conducted in compliance with Chapter 120, Florida Statutes.

(c) All meetings of the Commission, whether regular, special, committee or emergency meetings, are open to the public. Notice of regular and special meetings will be published in the Florida Administrative Weekly.

(8) Quorum and voting.

(a) Four (4) members of the Commission in actual attendance shall constitute a quorum for the transaction of business at all meetings of the full Commission, except as specified in paragraphs 6E-3.002(7)(a) and (8)(b), F.A.C.

(b) Action regarding election of Commission officers, and determination of regulatory policy, including adoption and amendment of rules, shall be transacted on the affirmative vote of five (5) or more members of the Commission.

(9) Agenda.

(a) The Executive director shall prepare the agenda for all meetings of the Commission.

(b) A copy of the draft agenda shall accompany the notice of meeting to all members of the Commission, and to others as requested. The draft agenda shall be ready for distribution at least seven (7) days prior to each meeting, and may be obtained through the Commission's office in Tallahassee or the Commission's web site.

(c) The regular order of business at meetings of the Commission shall include such items as the following, but not necessarily in this order:

1. Call to order.

2. Roll call.

3. Introduction of guests.

4. Consideration of minutes of previous meetings.

5. Appeals and hearings.

6. Reports of committees.

7. Reports and recommendations of staff regarding institutional licensure and related matters.

8. Special reports.

9. Other business.

(d) Matters on the agenda may be taken up out of stated order for good cause stated in the record, with the approval of the chairperson or presiding officer.

(10) Adoption and amendment of rules.

(a) New rules, or amendments to existing rules, may be suggested by members of the Commission or the Commission's staff; other interested persons may petition to initiate rule-making proceedings under Chapter 120, Florida Statutes, and Chapter 28-3, F.A.C. Proposed additions or changes to the rules shall be referred to the Rules Committee of the Commission, who shall consider the proposals and make recommendations to the Commission.

(b) The Commission shall consider the recommendations of the Rules Committee, in advertised public meeting, and shall afford the opportunity for any interested person to be heard in regard to proposed amendments or additions to the rules. Commission adoption of such amendments or additions to the rules shall be by affirmative vote of five (5) members of the Commission.

(c) Upon adoption by the Commission of amendments or additions to the rules, such changes will be forwarded to the State Board of Education for approval or disapproval within sixty (60) days, pursuant to Section 1005.22, Florida Statutes. Public hearings shall be provided during the process as specified by law.

(11) Records held in the Commission office are open for public inspection as specified in Chapter 119, Florida Statutes. The place of inspection is the Commission office, at the address given in subsection 6E-3.002(2), F.A.C. Appointments

may be made during the office hours specified in that section. Departmental policy authorizes charges to be made for the cost of photocopying materials.

(12) Roberts Rules of Order shall be followed in the conduct of all meetings of the Commission.

Specific Authority ~~120.53(1)(a), 1.005.22(1)(d), 246.041(1)(d), (e), 246.051(1), 246.071~~ F.S. Law Implemented 20.052, 120.53(1)(b), ~~1.005.22, 246.031, 246.041(1)(d), (e), 246.051~~ FS. History—New 10-13-83, Formerly 6E-3.02, Amended 11-27-88, 10-19-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, p. 3038, Vol. 28, No. 29

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES:	RULE NOS.:
Fees and Expenses	6E-4.001
Institutional Assessment Trust Fund	6E-4.003
Student Protection Fund	6E-4.005

PURPOSE AND EFFECT: The purpose of the proposed new rule chapter is to place into one chapter all rules regarding fiscal matters related to the Commission. The effect is that public access to financial topics will be simplified and the information will be coordinated.

SUMMARY: The proposed new rule chapter provides for setting and collecting base fees and workload fees, depositing them into the Institutional Assessment Trust Fund; and clarifies the provisions for making claims to the Student Protection Fund.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1)(d) FS.

LAW IMPLEMENTED: 1005.22(1)(d) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Friday, November 15, 2002

PLACE: Sheraton Suites Hotel, 4400 West Cypress Street, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, telephone (850)488-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-4.001 Fees and Expenses.

(1) Base Fee. All nonpublic institutions and centers of out-of-state institutions under the jurisdiction of the Commission derive benefit from the services performed by the Commission. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. Each institution holding a provisional or annual license, or a license by means of accreditation, with an enrollment of less than 100, shall submit annually a base fee of \$400, and each such institution with an enrollment of 100 or more shall submit annually a base fee of \$1,200, payable no later than August 15 of each year. Base fees shall be prorated for new institutions. Enrollment shall be determined by the total student headcount in Florida, full-time and part-time, reported by each institution in its annual data report; or for a new institution, by its anticipated enrollment in Florida during its first year of operation.

(2) Workload Fees. Each Florida location of each institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and making reviews. The following workload fees are assessed in addition to the base fee, and must be received prior to Commission consideration of each action.

<u>Initial Application for Provisional License</u>	<u>\$5,000</u>
<u>Moving from nondegree to degree-granting</u>	<u>\$4,000</u>
<u>Special Review (Substantive changes, or resubmitting applications)</u>	<u>\$2,500</u>
<u>Annual Review of Annual License</u>	
<u>Main Florida Headquarters</u>	<u>\$2,500</u>
<u>Each Additional Florida Location</u>	<u>\$1,000</u>
<u>Annual Review of License by Means of Accreditation</u>	<u>\$1,000</u>
<u>Midcycle Review of Extended Annual License</u>	<u>\$1,000</u>
<u>Site Visits</u>	
<u>One visit per year</u>	<u>Included in licensure fee</u>
<u>Subsequent visits</u>	<u>Actual Expenses and</u>
<u>Administrative Costs</u>	
<u>Approval to Use "College" or "University"</u>	
<u>First time or special review</u>	<u>\$500</u>
<u>Annual Licensure of Recruiting Agents</u>	<u>\$350</u>
<u>Evaluation of Accrediting Agency</u>	<u>\$500</u>

Student Protection Fund (nondegree schools).....	\$750
Fine for Probation Requiring Oversight.....	Up to \$5,000
Continuing Activity after Cease and Desist Letter, Per Day	\$1,000
Criminal Justice Information Investigation.....	\$50
Copy of Student Academic Transcript on File	\$10

(3) For purposes of fee assessment, “main Florida headquarters” means the location designated by the institution as its main administrative and academic center in Florida. “Additional Florida location” means any location away from the designated main Florida headquarters, but under the centralized administrative and academic control of the designated main Florida headquarters. This does not include temporary classroom sites used by the institution in close geographical proximity to the main Florida headquarters or an additional Florida location.

(4) Investigations and Resolution of Complaints. In cases where the Commission must investigate complaints pertaining to fair consumer practices, initiate Probable Cause proceedings, render findings of fact, and issue decisions, the institution shall be assessed a fee of no less than \$500 and no more than \$2,000, which is payable within fourteen (14) days of the official action being taken by the Commission.

(5) Failure to Submit Materials in a Timely Manner. In cases where the Commission has set a specific date for the filing of materials regarding licensure or other matters under its purview, and the institution has not filed said materials within fourteen (14) calendar days of the specified date, the Commission shall assess the college \$100 per working day until the materials are received by the Commission. The postal date on the envelope or package containing the materials shall serve as the date of receipt.

(6) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in s. 1010.83, Florida Statutes, and identified as a separate revenue account for the authorized expenses of the Commission under the provisions of s. 1010.83, Florida Statutes.

Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New _____.

6E-4.003 Institutional Assessment Trust Fund.

(1) To implement the Institutional Assessment Trust Fund as established by s. 1010.83, Florida Statutes, the Commission shall be responsible for authorizing the expenditure of funds consisting of the fees, fines, and other receipts of money collected from institutions under its jurisdiction. Such authorization shall be in the form of an operating budget establishing categories of expenditures consistent with the Department of Education accounting system. The operating budget shall be established by resolution of the Commission and enacted at its last regularly scheduled meeting of each

fiscal year. The Commission may transfer funds among and within budget categories as necessary and desirable for the efficient and effective administration of Chapter 1005, Florida Statutes.

(2) The Commission shall establish a fee schedule to generate the funds to cover its operating budget each year. Fees and other charges may be adjusted as necessary to meet the operating expenses, pursuant to s. 1005.35(2), Florida Statutes.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22(1)(e), 1005.35, 1010.83 FS. History—New _____.

6E-4.005 Student Protection Fund.

(1) Establishment of fund. There is hereby established a fund to be known as the Student Protection Fund, pursuant to s. 1005.37, Florida Statutes.

(2) This rule shall apply to all licensed nonpublic nondegree schools which cease operations or terminate a program while students are enrolled, regardless of whether the cessation of the school’s operations or termination of the program is due to a decision by the school, an order from the Commission, an action by another governmental entity, or any other cause.

(3) Assessment paid by licensed nondegree schools. Each licensed school shall pay to the fund a specified amount for each student who enrolls and begins attending a program (new start), which amount is based on the length of the program as follows, and which is in addition to regular workload fees or base fees:

<u>Program Hours or Credit Hour Equivalent</u>	<u>Amount Per Student</u>
<u>1-300</u>	<u>\$1.00</u>
<u>301-600</u>	<u>2.00</u>
<u>601-900</u>	<u>3.00</u>
<u>901-1200</u>	<u>4.00</u>
<u>1201 and above</u>	<u>5.00</u>

(4) Computation and Payment of Assessment.

(a) The amount of the assessment due from each licensed school shall be computed by multiplying the “amount per student” which applies to each program offered by the school by the sum of the new starts which occurred in that program during the applicable counting period, and by summing the total amount due for each program.

(b) The counting period shall be the period of July 1 through June 30 which immediately precedes the date of expiration of the school’s current license. For schools that are granted initial licensure, the first counting period shall begin on the date the initial provisional license is issued.

(c) Each school shall remit the total assessment due with its review of licensure, except that a school holding an extended annual license shall also submit the total assessment due for each new start during the first counting period during its extended license period with the report submitted at the close of the first year of an extended license period.

(d) For programs offered by correspondence or distance education, and for programs offered as a combination of distance education and residential training, only Florida students shall be counted for purposes of computing the assessment. For purposes of this rule, a Florida student is a student whose mailing address for purposes of receiving distance education lessons and materials from the school is a Florida address, and who is a student who begins attendance in a residential portion of a combination program at a location within Florida. For purposes of determining the applicable "amount per student", the residential training portion of a combination program shall be treated separately from the distance education portion. If a student attending a residential portion of a combination program at a location within Florida is a resident of a state where the licensed school contributes to a student protection fund, the school will not be required to contribute for that student in Florida.

(e) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school or for denial of an application for license renewal.

(5) Application for and granting of train-out awards.

(a) Any student who is enrolled in a licensed school but is unable to complete a program at such school because the school has ceased operations or terminated the program in which the student was enrolled, and who has paid tuition for such program from his or her own personal funds, may make application to the Commission for a train-out award from the fund in an amount not to exceed the personal funds expended, for which the student presents an official receipt. The Commission may, on its own initiative, identify students who may be eligible, notify them of the opportunity, and waive or modify the application requirement.

(b) An affected student may apply for the award by letter to the Commission office requesting a train-out award and identifying the school which ceased operations; the last known date the school was open, or the closing date, if known; the program in which the student was enrolled; the date the student's program was terminated; the student's Social Security number; and the approximate date on which the student began that program. The letter may also identify a school in which the student would like to complete the program. The student shall be eligible for an award if the Commission determines that there was a cessation of operations or termination of a program, the student was enrolled in the school that ceased operations or the program that was terminated, and the student had not yet successfully completed the program at the time operations ceased or the program was terminated.

(c) The Commission shall determine whether there is another licensed school or other educational institution that can complete the training (train-out school), the amount of tuition that would have been necessary for the student to complete the

program at the closed school or the terminated program, and the amount to be awarded for each eligible student. Where appropriate to the sound fiscal management of the fund, the Commission may determine that the amount of the train-out award will be less than the amount of the tuition required by the train-out school for its own similar program. The train-out award shall not exceed the amount of tuition which the student had paid from his or her own personal funds to the school which ceased operations or terminated the program. Amounts paid on behalf of the student by federal financial assistance will not be refunded from the Student Protection Fund; amounts paid by other lenders will be considered on a case-by-case basis.

(d) If the amount of the award is less than the amount of the necessary tuition and the train-out school will not waive the difference, the student shall be responsible for paying the difference. The Commission shall pay the award to the train-out school within 45 days of the time the student enrolls.

(6) Additional Provisions.

(a) A direct expense for the administration of the fund shall be charged to the fund.

(b) The school that ceased operations or terminated a program shall be liable to the Commission for the total amount of the train-out awards which were made because of the cessation of that school's operations or termination of the program. Failure to pay that liability to the Commission shall be grounds for disciplinary or civil action against the school. Improper closing of a school without meeting the obligations required by Ch. 1005, F.S., and these rules may result in actions as provided in ss. 1005.36 and 1005.38, Florida Statutes.

(c) Depending upon the actuarial soundness of the fund, the Commission may suspend the requirement that licensed schools pay assessments to the fund by issuing written notice of such suspension, and may reinstate the requirement by issuing written notice of such reinstatement. The notices shall be mailed to all licensed schools and shall specify the pertinent counting periods and other information to enable schools to comply. Likewise, the Commission may determine that a school will not be required to continue paying into the fund after a certain number of years without causing claims on the fund, or may determine that payments must be increased for all schools.

(d) The Commission may make exceptions to any provision in this rule on a case-by-case basis for good cause, by issuing an order which specifies the exception, the terms and conditions thereof, and the reasons for the exception.

(e) Moneys in the student protection fund may be used to retrieve student academic records from a closed school if the school has not forwarded the records to the Commission as required by s. 1005.36, Florida Statutes; and to store safely, sort, microfilm, and index copies of student academic records in the Commission's possession. The Commission may charge

a nominal fee to recover the costs of searching for, copying, and mailing to a student or the student's designee a copy of the student's academic record.

(f) The student protection fund shall exist until terminated by the Commission or the Legislature. Upon the dissolution of the fund or the cessation of its activities, and after the payment of all loans outstanding and expenses incurred, the remaining assets shall be paid, upon direction of the Commission, to licensed schools on a pro-rata basis determined by the amount each such institution initially contributed.

Specific Authority 1005.37 FS. Law Implemented 1005.35(4)(g), 1005.36(3), 1005.37 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, p. 3038, Vol. 28, No. 29

PUBLIC SERVICE COMMISSION

DOCKET NO. 020398-EQ

RULE TITLE: Selection of Generating Capacity
RULE NO.: 25-22.082

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to refine the Commission's requirement that utilities issue a Request for Proposals for all generating capacity additions that must receive certification under Florida's Power Plant Siting Act, Sections 403.501-518, Florida Statutes as an effective means to ensure the cost-effectiveness of the additional generating capacity.

SUMMARY: The proposed amendments to Rule 25-22.082, F.A.C.; 1) clarify the scope and intent of the rule, 2) clarify the definitions of "public utility" and "participant", 3) require additional information to be included by the public utilities in their Requests for Proposals (RFP), 4) require pre-RFP and post-RFP meetings with participants to answer questions about and explain the terms of the RFP, 5) provide for expedited consideration of objections to RFP terms, and provide that those objections must be filed within 10 days of issuance of the RFP, 6) require public utilities to fairly evaluate all proposals against the public utilities' next planned generating unit identified in the RFP, and 7) explicitly recognize existing regulatory processes and prudence limitations on cost-recovery of capacity additions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), 366.06(2), 366.07, 366.051 FS.

LAW IMPLEMENTED: 403.519, 366.04(1), 366.04(2), 366.04(5), 366.06(1), 366.06(2), 366.07, 366.041, 366.051 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 9:30 a.m., December 5-6, 2002

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Ballinger, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.082 Selection of Generating Capacity.

(1) Scope and Intent. A Public Utility is required to provide reasonably sufficient, adequate, and efficient service to the public at fair and reasonable rates. In order to assure an adequate and reliable source of energy, a public utility must plan and construct or purchase sufficient generating capacity. To assure fair and reasonable rates and to avoid the further uneconomic duplication of generation, transmission, and distribution facilities in Florida, a public utility must select the most economical and cost-effective mix of supply-side and demand-side resources to meet the demand and energy requirements of its end-use consumers. The intent of this rule is to provide the Commission information to evaluate a public utility's decision regarding the addition of generating capacity pursuant to Chapter 403.519, Florida Statutes. The use of a Request for Proposals (RFP) process is an appropriate means to ensure that a public utility's selection of a proposed generation addition is the most cost-effective alternative available.

~~(2)~~(4) Definitions. For the purpose of this rule, the following terms shall have the following meaning:

(a) Public Utility: all electric utilities subject to the Florida Public Service Commission's ratemaking authority, as defined in Section 366.02(1), Florida Statutes.

~~(b)~~(a) No change.

~~(c)(b)~~ Request for Proposals (RFP): a document in which a ~~public investor-owned~~ utility publishes the price and non-price attributes of its next planned generating unit in order to solicit and screen, for potential subsequent contract negotiations, competitive proposals for supply-side alternatives to the public utility's next planned generating unit.

~~(d)(e)~~ Participant: a potential generation supplier who submits a proposal in compliance with both the schedule and informational requirements of a public utility's RFP. A participant may include, but is not limited to, utility and non-utility generators, Exempt Wholesale Generators (EWGs), Qualifying Facilities (QFs), marketers, and affiliates of public utilities, as well as providers of turnkey offerings, distributed generation, and other ~~utility~~ supply side alternatives.

~~(e)(d)~~ Finalist: one or more participants selected by the public utility with whom to conduct subsequent contract negotiations.

~~(3)(2)~~ No change.

~~(4)(3)~~ Each public investor-owned utility shall provide timely notification of its issuance of an RFP by publishing public notices in major newspapers, periodicals and trade publications to ensure statewide and national circulation. The public notice given shall include, at a minimum:

(a) No change.

(b) A general description of the public utility's next planned generating unit, including its planned in-service date, MW size, location, fuel type and technology; and

(c) No change.

~~(5)(4)~~ Each public utility's RFP shall include, at a minimum:

(a) A detailed technical description of the public utility's next planned generating unit or units on which the RFP is based, as well as the financial assumptions and parameters associated with it, including, at a minimum, the following information:

1. A description of the public utility's next planned generating unit(s) and its proposed location(s);

2. through 13. No change.

(b) Detailed information regarding the public utility's ten year historical and ten year projected net energy for load;

~~(c)(b)~~ A schedule of critical dates for solicitation, evaluation, screening of proposals, selection of finalists, and subsequent contract negotiations;

~~(d)(e)~~ A description of the price and non-price attributes to be addressed by each alternative generating proposal including, but not limited to:

1. through 6. No change.;

7. Performance criteria; and

8. Pricing structure; and

~~(e)(d)~~ No change.

~~(f)~~ All criteria, including all weighting and ranking factors that will be applied to select the finalists. Such criteria may include price and non-price considerations, but no criterion shall be employed that is not expressly identified in the RFP absent a showing of good cause;

~~(g)~~ Any application fees that will be required of a participant. Any such fees or deposits shall be cost-based;

~~(h)~~ Any information regarding system-specific conditions which may include, but not be limited to, preferred locations proximate to load centers, transmission constraints, the need for voltage support in particular areas, and/or the public utility's need or desire for greater diversity of fuel sources.

~~(6)(5)~~ As part of its RFP, the public utility shall require each participant to publish a notice in a newspaper of general circulation in each county in which the participant's proposed to build an electrical power plant generating facility would be located. The notice shall be at least one-quarter of a page and shall be published no later than 10 days after the date that proposals are due. The notice shall state that the participant has submitted a proposal to build an electrical power plant, and shall include the name and address of the participant submitting the proposal, the name and address of the public utility that solicited proposals, and a general description of the proposed power plant and its location.

~~(7)(6)~~ Within 30 days after the public utility has selected finalists, if any, from the participants who responded to the RFP, the public utility shall publish notice in a newspaper of general circulation in each county in which a finalist ~~has~~ proposed to build an electrical power plant. The notice shall include the name and address of each finalist, the name and address of the public utility, and a general description of each proposed electrical power plant, including its location, size, fuel type, and associated facilities.

~~(8)(7)~~ Each public electric utility shall file a copy of its RFP with the Commission upon issuance.

~~(9)~~ The public utility shall allow participants to formulate creative responses to the RFP. The public utility shall evaluate all proposals.

~~(10)~~ The public utility shall conduct a meeting prior to the release of the RFP with potential participants to discuss the requirements of the RFP. The public utility shall also conduct a meeting within two weeks after the issuance of the RFP and prior to the submission of any proposals. The Office of Public Counsel and the Commission staff shall be notified in a timely manner of the date, time, and location of such meetings.

~~(11)~~ A potential participant who attended the public utility's post-issuance meeting may file with the Commission specific objections to any terms of the RFP within 10 days of the post-issuance meeting. Failure to file objections within 10 days shall constitute a waiver of those objections. The Commission will address any objections to the terms of the RFP on an expedited basis.

(12) A minimum of 60 days shall be provided between the issuance of the RFP, and the due date for proposals in response to the RFP.

(13) The public utility shall evaluate the proposals received in response to the RFP in a fair comparison with the public utility's next planned generating unit identified in the RFP.

(14) If the Commission approves a purchase power agreement as a result of the RFP, the public utility shall be authorized to recover the prudently incurred costs of the agreement through the public utility's capacity, and fuel and purchased power cost recovery clauses absent evidence of fraud, mistake, or similar grounds sufficient to disturb the finality of the approval under governing law. If the public utility selects a self-build option, any costs in addition to those identified in the need determination proceeding shall not be recoverable unless the utility can demonstrate that such costs were prudently incurred and unforeseen and beyond its control.

(8) through (9) renumbered (15) through (16) No change.

Specific Authority 350.127(2), 366.05(1), 366.06(2), 366.07, 366.051 FS. Law Implemented 403.519, 366.04(1)(2)(5), 366.06(1)(2), 366.07, 366.041, 366.051 FS. History--New 1-10-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Ballinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 37, September 13, 2002

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Grievances – Terminology and Definitions	33-103.002
Inmate Grievances – Miscellaneous Provisions	33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of ‘grievance of reprisal’ and to clarify which reviewing authority is designated to respond to each type of grievance.

SUMMARY: The proposed rule clarifies the definition of ‘grievance of reprisal’ and clarifies which reviewing authority is designated to respond to each type of grievance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) through (8) No change.

(9) Grievance of Reprisal: refers to a grievance submitted by an inmate alleging that staff have or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure ~~or for a particular incident.~~

(10) through (12) No change.

(13) Reviewing Authority: Staff who are authorized to sign grievances as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) through (d) No change.

(e) The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

(14) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, _____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (5) No change.

(6) At no time will an inmate who is alleging that he was physically abused as described in s. 944.35(3), Florida Statutes, or alleging reprisal by staff, as defined in subsection 33-103.002(9), F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES: RULE NOS.:

Policy 40E-7.214

Definitions 40E-7.215

Cure Notice 40E-7216

Termination for Default Notice 40E-7.217

Factors to Determine Whether a Contracting Entity Should be Placed on the Temporary or Permanent Suspension List 40E-7.218

Administrative Hearings 40E-7.219

PURPOSE AND EFFECT: The District has legislative authority to temporarily or permanently suspend vendors and contractors who materially breach their contracts with the District from doing future business with the District.

SUMMARY: The rule will define material breach, as well as the process vendors and contractors must follow in order to be removed from the suspension list. Vendors and contractors who are notified that they will be placed on the suspension list will be entitled to an Administrative Hearing pursuant to Chapter 120, Fla. Stat.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule is anticipate to result in cost savings to the District by giving the District the ability to suspend, either temporarily or permanently, contractors from working with the district who materially breach contracts with the District. As contractors with a history of material contract breach are filtered out from those bidding on District contracts, the costs of procurement are expected to

decline. In addition to reductions in procurement costs, the District is expected to achieve cost savings through reduced re-procurement costs and the ability to recover re-procurement costs associated with materially breached contracts. These costs are expected to more than offset the cost of implementing this rule.

The cost to contractors is simply the cost associated with filling out a form indicating that neither their own company nor any of its subcontractors are on the suspension list.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.610 FS.

LAW IMPLEMENTED: 373.610 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., December 12, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Engelbrecht, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6378

THE FULL TEXT OF THE PROPOSED RULES IS:

SUSPENSION OF DISTRICT CONTRACTORS FROM WORKING WITH THE DISTRICT FOR MATERIAL BREACH OF CONTRACT

40E-7.214 Policy.

(1) This rule establishes policies and procedures for suspending a contractor from working with the District, either temporarily or permanently, whenever a contractor materially breaches its contract with the District.

(2) The District’s objective in enacting this rule is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District contract.

(3) The District Governing Board, upon recommendation by the Director of Procurement, shall be authorized to temporarily or permanently suspend a contractor from doing business with the District. Suspension must be based on adequate evidence indicating that the contractor has materially breached its contract with the District.

(4) Temporarily or permanently suspending a contractor from doing business with the District does not preclude the District from seeking any other legal or equitable remedies for breach of contract.

Specific Authority 373.610 FS. Law Implemented 373.610 FS. History—New _____.

40E-7.215 Definitions.

(1) “Contractor”: any individual or contracting entity with whom the District has entered into a legally binding agreement for performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions.

(2) “Contracting Entity”: an individual, partnership, corporation, joint venture, professional association, an obligor to a third party beneficiary contract, or any other legal entity doing business in the State of Florida which has entered into a contract with the District.

(3) “Cure Notice”: a letter citing the specific nature of the material breach, the corrective action required by the District and a thirty (30) day time frame for curing the breach – from receipt of the Cure Notice. The letter also shall state that if the contracting entity fails to cure the breach within the thirty (30) day period, the contracting entity will be found in default and may be placed on the District’s Temporary or Permanent Suspension List. The Cure Notice is Form No. 1111, “Cure Notice”, effective date _____, which is hereby incorporated by reference.

(4) “Material Breach”: any substantial, unexcused non-performance. The breach is either failing to perform an act that is an important part of the transaction or performing an act inconsistent with the terms and conditions of the contract.

(5) “Statement of No Suspension”: a document that all contracting entities shall sign at the time of bid or proposal submission to the District, affirming that the contracting entities and proposed subcontractors or subconsultants are not presently on the District’s Temporary or Permanent Suspension List and that the District shall be notified of any changed circumstances prior to contract award. The “Statement of No Suspension” is Form No. 1112, “Statement of No Suspension”, effective date _____, which is hereby incorporated by reference.

(6) “Obligor”: an entity that has promised or is otherwise legally obligated to perform an act or deed for the benefit of a third party beneficiary. Obligors to the District include but are not limited to insurance companies and surety companies.

(7) “Principal(s)”: for purposes of this rule, a sole proprietor, partner, owner, officer or director of the contracting entity that breached a District contract.

(8) “Re-Procurement Costs”: the total amount of additional expense, over and above the contract price, which may include attorney’s fees, that the District will incur in order to obtain substitute goods or services from another contracting entity to complete a requirement that can no longer be performed by the contracting entity that materially breached a District contract.

(9) “Suspension Notice”: a letter from the District to the contracting entity stating that the District will temporarily or permanently bar a contracting entity from doing business with the District because the contracting entity has materially breached its contract with the District. The letter also shall

inform the contracting entity that its principals shall not attempt to do business with the District under a different name or form a new legal entity in order to do business with the District while the principals of the contracting entity remain on the Suspension List. The “Temporary Suspension Notice” is Form No. 1113, “Temporary Suspension Notice”, effective date _____, and the “Permanent Suspension Notice” is Form No. 1114, “Permanent Suspension Notice,” effective date _____, which are hereby incorporated by reference.

(10) “Suspension List”: a list of contracting entities maintained by the District that are temporarily or permanently barred from doing business with the District.

(11) “Termination for Default Notice”: a letter from the District to the contracting entity stating that the contracting entity is in default for failing to cure the material breach within the thirty (30) day timeframe referenced in the Cure Notice. The letter also shall state that the District’s Governing Board shall determine whether the contracting entity should be placed on the District’s Temporary or Permanent Suspension List. The Termination for Default Notice is Form No. 1115, “Termination for Default Notice”, effective date _____, which is hereby incorporated by reference.

(12) “Third Party Beneficiary”: for purposes of this rule, whenever the District is the intended beneficiary of a contract but is not a party to the contract.

Specific Authority 373.610 FS. Law Implemented 373.610 FS. History—New

40E-7.216 Cure Notice.

(1) The Director of Procurement shall establish whether a material breach as defined in subsection 40E-7.215(4), F.A.C., has occurred. If the Director of Procurement determines that a contracting entity materially breached its contract with the District, the Director of Procurement shall initiate termination for default and suspension procedures.

(2) The Director of Procurement shall notify the contracting entity of the material breach of its contract with the District by forwarding a Cure Notice sent Certified U.S. Mail, return receipt requested.

Specific Authority 373.610 FS. Law Implemented 373.610 FS. History—New

40E-7.217 Termination for Default Notice.

In the event that the contracting entity fails to cure the material breach within the time specified in the Cure Notice, the District shall issue a Termination for Default Notice by Certified U.S. Mail, return receipt requested.

Specific Authority 373.610 FS. Law Implemented 373.610 FS. History—New

40E-7.218 Factors to Determine Whether a Contracting Entity Should be Placed on the Temporary or Permanent Suspension List.

(1) Once the District has notified a contracting entity that it has materially breached its contract with the District by sending a Termination for Default Notice, the District's Governing Board shall determine whether the contracting entity should be suspended, and if so, whether it should be temporarily suspended and for what period of time, or permanently suspended from doing business with the District.

(2) In making such a determination, the District's Governing Board shall consider the following factors:

(a) The economic impact of the material breach to the District;

(b) Whether the breach caused or will cause delay in the completion of a District project;

(c) If the breach caused a delay in performance, whether it was a substantial delay;

(d) If the breach caused a delay in performance, whether the District will be impacted in attempting to meet legislative deadlines;

(e) Whether the breach involved willful or gross misconduct;

(f) Whether the breach involved the commission of fraud or a criminal offense in connection with the obtainment or performance of the District contract;

(g) Whether the breach was a violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors and bid rigging;

(h) Whether the breach involved the falsification or destruction of records;

(i) Whether the contracting entity was on the District's suspension list at the time it breached its current contract with the District;

(j) Whether the contracting entity has materially breached a contract with the District in the past, and if so, how many times since the effective date of this rule;

(k) Whether the contracting entity was on another Federal or State suspension or debarment list at the time it breached its current contract with the District;

(l) Whether the breach involved discrimination on the basis of race, color, creed, national origin, sex, age or handicap;

(m) Whether the breach involved the commission of embezzlement, theft, forgery or bribery; falsification of statements or claims; receipt of stolen property; or obstruction of justice;

(n) Whether the breach involved the commission of any other offense indicating a lack of business integrity or business honesty;

(o) Whether the breach involved knowingly doing business with a suspended contracting entity;

(p) Whether the breach involved a violation of the District's MBE Contracting Rule.

(q) Whether the contracting entity can pay re-procurement costs in a time manner.

(3) All contracting entities placed on the Temporary Suspension List shall pay the District re-procurement costs prior to being removed from the Suspension List.

(4) Contracting entities that are placed on the Permanent Suspension List will be permanently barred from doing business with the District.

Specific Authority 373.610 FS. Law Implemented 373.610 FS. History--New

40E-7.219 Administrative Hearings.

(1) Any contracting entity that believes it has been wrongly suspended either temporarily or permanently from doing business with the District may file a request for an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., in the form of a petition in accordance with Rule 28-106, F.A.C., within 21 days of receipt of the Temporary or Permanent Suspension Notice. If no request for a hearing is filed by the entity within the timeframes prescribed by Chapter 120, F.S., the suspension shall become final agency action.

Specific Authority 373.610 FS. Law Implemented 373.610 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Engelbrecht

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Frank Hayden

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

**LAND AND WATER ADJUDICATORY COMMISSION
Bellalago Community Development District**

RULE CHAPTER TITLE: Bellalago Community Development District

RULE CHAPTER NO.: 42II-1

RULE TITLES: Establishment

Boundary 42II-1.001

Supervisors 42II-1.002

42II-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Bellalago Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Avatar Properties, Inc., (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Bellalago CDD. A Notice of Receipt of Petition for the Bellalago CDD

was published in the April 26, 2002, edition of the Florida Administrative Weekly. The land area proposed to be served by the District consists of approximately 1,313 acres located within the boundaries of Osceola County. The District is bounded on the east by Lake Tohopekaliga and undeveloped property; bounded on the west by Pleasant Hill Road; bounded on the north by Osceola County Regional Park; and bounded on the south by undeveloped property and a single-family residence, which is located in the southwest corner bordering the proposed District. The District is planned as a residential community of approximately 1,700 single-family and 600 multi-family residential dwelling units, passive recreational areas, parks, and a clubhouse. The land use designation on the Osceola County Comprehensive Plan Future Land Use Map for the District is "Rural/Agricultural" and "Suburban/Overlay." The Petitioner is pursuing approval of a Development of Regional Impact and related Comprehensive Plan amendment that would permit development of a total of approximately 2,300 units within the District. The District, if established, currently intends to fund off-site roadway improvements, stormwater management, drainage structures, mitigation creation, mitigation area acquisition, stormwater land acquisition, a potable water supply system, and a sanitary sewer system for the lands within the District.

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.006(1) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 7 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule of who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Osceola County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), the FLWAC and State of Florida will incur minimal administrative costs. Osceola County will also incur

one-time administrative costs which are offset by the required filing fee paid to Osceola County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. Under section (d), approval of the petition to establish the District will have only incidental or a positive impact on a small business and will not have any impact on small counties and cities. Osceola County is not a small county as defined. Under section (e), the analysis is based on the straightforward application of economic theory, with input received from the developer's engineer and other professionals associated with the developer.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

IF REQUESTED WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – Noon, Tuesday, November 19, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least 2 business days in advance to make appropriate arrangements.

COPIES OF THE PROPOSED RULE AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Julie Kendig-Schrader, Greenberg Traurig, P.A., 450 South Orange Avenue, Sixth Floor, Orlando, Florida 32801, telephone (407)420-1000 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

BELLALAGO COMMUNITY DEVELOPMENT DISTRICT

42II-1.001 Establishment.

The Bellalago Community Development District is hereby established.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS.
History—New _____.

42II-1.002 Boundary.

The boundaries of the District are as follows:

ALL OF GOVERNMENT LOT 4 AND THAT PORTION OF GOVERNMENT LOT 3 LYING SOUTH OF THE OSCEOLA COUNTY PROPERTY AS DESCRIBED IN DEED BOOK 1174, PAGE 1288, LYING ABOVE THE HIGH WATER MARK OF LAKE TOHOPEKALIGA, IN SECTION 28, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA.

AND

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, 1545.3 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE, 500.0 FEET; RUN THENCE WEST, PARALLEL TO SAID SOUTH LINE, 347 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF PLEASANT HILL ROAD; RUN THENCE SOUTHERLY ALONG THE EAST RIGHT OF WAY OF SAID ROAD, TO THE SOUTH LINE OF SAID SOUTHWEST 1/4; RUN THENCE EAST, 441.41 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND

ALL OF THE EAST 1/2, AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 29 EAST.

AND

ALL OF THE WEST 1/2, AND GOVERNMENT LOTS 1 AND 2 ABOVE THE ORDINARY HIGH WATER LINE OF LAKE TOHOPEKALIGA, OF SECTION 33, TOWNSHIP 26 SOUTH, RANGE 29 EAST.

LESS THE DIPPING VAT AT EDGEWATER PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA; THENCE RUN SOUTH 67°08'14" EAST, A DISTANCE OF 1190.53 FEET TO THE POINT OF BEGINNING; THENCE RUN EAST, A DISTANCE OF 450.00 FEET; THENCE RUN SOUTH, A DISTANCE OF 550.00 FEET; THENCE RUN WEST, A DISTANCE OF 450.00 FEET; THENCE RUN NORTH, A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 26 SOUTH, RANGE 29 EAST, IN OSCEOLA COUNTY, FLORIDA; BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 26 SOUTH, RANGE 29 EAST; THENCE NORTH 89°43'56" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, A DISTANCE OF 110.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PLEASANT HILL ROAD (CR-531); THENCE DEPART SAID NORTH LINE ON A BEARING OF SOUTH 01°02'01" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 642.58 FEET; THENCE SOUTH 00°59'19" EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 646.44 FEET; THENCE SOUTH 00°07'22" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 835.64 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 2220.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 731.56 FEET THROUGH A CENTRAL ANGLE OF 18°52'51" (CHORD DISTANCE 728.26 FEET; CHORD BEARING SOUTH 09°33'47" EAST) TO THE POINT OF TANGENCY; THENCE SOUTH 19°00'13" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 416.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 19°00'13" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 400.20 FEET; THENCE DEPART SAID RIGHT OF WAY LINE ON A BEARING OF NORTH 75°13'36" EAST, A DISTANCE OF 1002.89 FEET; THENCE NORTH 18°35'45" WEST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 75°13'36" WEST, A DISTANCE OF 1005.75 FEET TO THE POINT OF BEGINNING.

AND

THAT PORTION OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 32, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA, LYING EAST OF PLEASANT HILL ROAD; LESS AND EXCEPT: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4, OF THE SOUTHWEST 1/4 OF SECTION 32, THENCE N 89°59'51" E, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET; THENCE S 00°10'19" E, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET; THENCE S 89°59'51" W, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE N 00°10'19" WEST, ALONG SAID WEST LINE, A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING, LESS THE WEST 60.00 FEET THEREOF FOR RIGHT OF WAY OF PLEASANT HILL ROAD.

ALSO LESS AND EXCEPT: (CEMETERY ENCROACHMENT AREA)
COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA, THENCE N 89°59'51" E, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°59'51" E, ALONG SAID NORTH LINE, 34.16 FEET; THENCE S 00°06'59" W, A DISTANCE OF 437.29 FEET; THENCE S 89°39'03" W, A DISTANCE OF 391.96 FEET TO THE EAST RIGHT OF WAY LINE OF PLEASANT HILL ROAD; THENCE N 00°10'19" W, ALONG SAID EAST RIGHT OF WAY LINE 19.66 FEET; THENCE N 89°59'51" E, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 360.00 FEET; THENCE N 00°10'19" W, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING.

(LESS PROPERTY TO BE DEEDED TO CEMETERY)

LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA; THENCE N 89°59'51" E, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 454.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°59'51" E, ALONG SAID NORTH LINE, 80.00 FEET; THENCE S 00°06'59" W A DISTANCE OF 456.64 FEET; THENCE S 89°39'03" W, A DISTANCE OF 471.79 FEET TO THE EAST RIGHT OF WAY LINE OF PLEASANT HILL ROAD; THENCE N 00°10'19" W, ALONG SAID EAST RIGHT OF WAY LINE, 20.00 FEET; THENCE N 89°39'03" E, A DISTANCE OF 391.96 FEET; THENCE N 00°06'59" E, A DISTANCE OF 437.29 FEET TO THE POINT OF BEGINNING.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New

42II-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Anthony S. Iorio, Dennis J. Getman, William Cowart, Charles L. McNairy, and Jeffrey S. Mitchem.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.006(1) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida, 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES:	RULE NOS.:
Definitions	59A-12.002
Administration, Forms, Fees	59A-12.003
Governing Body	59A-12.004
Quality of Care	59A-12.006
Quality Assurance	59A-12.007
Accreditation	59A-12.0071
Accreditation Organizations	59A-12.0072
Subscriber Grievance Procedure	59A-12.010

PURPOSE AND EFFECT: The Agency for Health Care Administration (AHCA) is proposing to amend rules 59A-12.002, 59A-12.003, 59A-12.004, 59A-12.006, 59A-12.07, 59A-12.0071, 59A-12.0072, 59A-12.010, and 59A-12.012, F.A.C. to implement section 641.56, Florida Statutes. The effect of the proposed changes will establish and clarify application procedures for a Health Care Provider Certificate, determine the governing body responsibility, specify quality improvement requirements including information to subscribers, and identify the department that establishes financial viability.

SUMMARY: Health Maintenance Organizations (HMO) and Prepaid Health Clinics (PHP). These proposed changes will specify: (a) Clarification of the definition of an HMO and PCP medical staff; (b) Requirements to submit an application for a Health Care Provider Certificate and identify a form to submit for an annual regulatory assessment; (c) Governing Body's responsibility for risk management programs; (d) Quality of care guidelines and subscribers rights; (e) Quality assurance requirements; (f) Identification of the department that determines organizations' financial viability; and (g) Reporting requirements for accreditation organizations;

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 641.56 FS.

LAW IMPLEMENTED: 641, Part III FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 8:30 a.m. – 12:30 p.m., November 19, 2002

PLACE: 2727 Mahan Drive, Building 3, Room A, 1st Floor Conference Room, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Betty Jean Cettie, Medical/HealthCare Program Analyst, Bureau of Managed Health Care, Agency for Health Care Administration, (850)414-8971

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-12.002 Definitions.

(1) through (3) No change.

(4) PCP. Primary Care Provider shall be abbreviated as PCP in these rules.

~~(5)(4)~~ No change.

~~(6)(5)~~ Medical Staff of the HMO or PHC. A formal organization of employed physicians or a contracted network of providers in an HMO or PHC with the delegated responsibility to maintain acceptable standards in the delivery of health care and to plan for continued betterment of that care.

~~(7)(6)~~ Minimum Services. Minimum services include the following:

(a) Emergency Care. Emergency inpatient, outpatient and physician services shall be available on a 24-hour, 7-day a week basis, either by the HMO or PHC through its own facilities or through arrangements with providers. Emergency resuscitation supplies shall be available. In addition, emergency services, as defined in these rules, shall be covered by the HMO or PHC:-

(b) Inpatient Hospital Services. Inpatient hospital services shall be available on a 24-hour, 7-day a week basis either through the HMO's own facility or through arrangements with hospitals. Inpatient hospital services shall include, for example: room and board, general nursing care, meals and special diets when medically necessary, use of operating room and related facilities, use of intensive care unit and services, x-ray services, laboratory and other diagnostic tests, drugs, medications, biologicals, anesthesia and oxygen services, radiation therapy, inhalation therapy, and administration of whole blood and blood plasma;:-~~220~~

(c) Physician Care. Physician care, provided or supervised by physicians licensed under Chapter 458, 459, 460 or 461, F.S., to include PCPs and specialists of sufficient type and

~~number~~ to adequately provide for the contracted services. Physician care shall include consultant and referral services by a physician:-

(d) Ambulatory Diagnostic Treatment. Outpatient diagnostic treatment services with an emphasis directed toward primary care. Ambulatory diagnostic treatment shall include diagnostic laboratory and diagnostic radiological services;- and

(e) Preventive Health Care Services. A program of health evaluation, education and immunizations which is designed to prevent illness and disease and to improve the general health of HMO or PHC subscribers. This program shall include at least the following:

1. Well-child care from birth;

2. Periodic health evaluations for adults;

3. Eye and ear screenings by a physician for children through age 21 ~~17~~ to determine the need for vision or hearing correction; and

4. Pediatric and adult immunizations, in accord with accepted medical practice.

(7) through (10) renumbered (8) through (11) No change.

~~(12)(11)~~ Second medical opinion. A consultation by a physician other than the member's primary care physician, whose ~~specialty~~ speciality is appropriate to the need, and whose services are obtained when the member disputes the appropriateness or necessity of a surgical procedure, is subject to a serious injury or illness, including failure to respond to the current treatment plan.

~~(13)(12)~~ No change.

Specific Authority 641.56 FS. Law Implemented 641.51 FS. History--New 1-28-88, Amended 3-11-92, Formerly 10D-100.002, Amended.

59A-12.003 Administration, Forms, Fees.

(1) Application. "Application for Health Care Provider Certificate", AHCA Form 3002, Feb. 1998, HRS Form 1710, Nov. 87, obtained from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 26, Tallahassee, Florida 32308, which forms are incorporated herein by reference, must be completed in the manner specified within the application in order for each individual item to be considered complete for the purpose of determining that a properly completed application has been filed. The application shall be accompanied by a filing fee of \$1,000.00 payable to ~~the~~ AHCA and shall be completed by each entity desiring to obtain a Health Care Provider Certificate as an HMO or PHC. The application shall specify the contact person or persons for the HMO or PHC. During the review investigation of the entity only contact persons specified within the application shall be allowed access to the application materials submitted.

(2) Application Review Process for Health Care Provider Certificate. Upon receipt of the Application for Health Care Provider Certificate from a proposed HMO or PHC, ~~the~~ AHCA shall review the application within 30 days of receipt. ~~The~~ AHCA shall provide notification to the proposed HMO or PHC

of deficiencies in the application within this 30-day period. The applicant has 90 days from the date of the filing of the application to file any additional information requested by the AHCA. By the end of the 90-day period if the additional information has not been received the application will be denied in accordance with Chapter 120, F.S. Within 90 days after the application has been completed the AHCA shall approve or deny the application.

(3) Certificate of Authority. The application for a Health Care Provider Certificate must include a copy of the letter from the Department of Insurance accepting the receipt of an application for a Certificate of Authority submitted by the organization.

(4)(3) Geographic Area Expansions. The HMO or PHC may not change its geographic area unless it follows the applicable requirements set forth in Section 641.495(2), F.S. Each HMO or PHC shall submit the required notarized "Affidavit by HMO for Expansion of Service Area", AHCA Form 3160-1005, April 2002 HRS Form 1693, Feb. 87, which is hereby adopted and incorporated by reference. Copies may be obtained by writing the AHCA, 2727 Mahan Drive, Mail Stop 26, Tallahassee, Florida 32308.

(5)(4) Annual Assessment. The Agency for Health Care Administration shall determine the regulatory assessment percentage necessary to be imposed for each calendar year. AHCA Form "Regulatory Assessment Worksheet for Health Maintenance Organizations, Prepaid Health Clinics, and Exclusive Provider Organizations", AHCA Form 3160-1004, July 1995, which is hereby adopted and incorporated by reference, will be provided to the organization for calculating the annual regulatory assessment percentage and premium volume. Copies may be obtained by writing the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 26, Tallahassee, Florida 32308. The annual regulatory assessment shall not exceed the statutory limitations and must be paid by the date specified in the Administrative Assessment Order. Assessments. The AHCA shall determine on or before December 1 of each year the regulatory assessment percentage necessary to be imposed for that calendar year which will be payable on or before the following April 1. HRS Form 1711, Nov. 87, "Health Maintenance Organizations or Prepaid Health Clinics Regulatory Assessment Work Sheet", which is hereby adopted and incorporated by reference, will be provided to the organization for calculating the annual regulatory assessment based on assessment percentage and premium volume. The annual regulatory assessment shall not exceed the statutory limitations.

Specific Authority 641.56, 641.36, 641.41, 641.58 FS. Law Implemented 641.21, 641.47, 120.60(2), 641.22, 641.495 FS. History—New 1-28-88, Formerly 10D-100.003, Amended _____.

59A-12.004 Governing Body.

(1) Each HMO or PHC shall have a governing body that sets policy and has overall responsibility for the organization including the following:

(a) Adopting organizational bylaws, rules and regulations or similar form of document which provides a clear concise statement of the mission, goals, and objectives of the organization;

(b) Adopting a quality assurance program that monitors the key areas of health care delivery to identify problems and insure the early recognition of opportunities to improve the delivery of quality health care services; and

(c) Maintaining ultimate responsibility for ongoing quality assurance, risk management programs and credentialing programs.

(2) No change.

Specific Authority 641.56 FS. Law Implemented 641.49(3), 641.22, 641.49 FS. History—New 1-28-88, Formerly 10D-100.004, Amended _____.

59A-12.006 Quality of Care.

Each HMO or PHC shall:

(1) Make available to each member an appropriate health assessment in accordance with preventive health guidelines and professional standards in the community.

(2) Provide for or arrange the following services as a minimum:

(a) Coordination of all necessary care contracted for with the subscriber;

(b) Acute episodic care, with appropriate ancillary services necessary for proper evaluation and treatment, for example:

1. Laboratory studies;
2. Diagnostic radiology;
3. Treatment plan;
4. Specialty consultation referrals.

(c) Chronic disease screening, and follow-up treatment for prevention of complications, for example:

1. Periodic update of history and physical examination;
2. Hypertension follow-up; and
3. Diabetes follow-up.

(d) Health risk appraisal and prevention measures, for example:

1. Dietary counseling counseling;
2. Smoking cessation education;
3. Stress reduction counseling; counseling and
4. Substance abuse education;

(e) Family planning services.

(3) Ensure that the health care services it provides or arranges for are accessible to the subscriber with reasonable promptness.

Such services shall include, at a minimum:

- (a) Establishment of an appointment system;
- (b) A method to distinguish among emergency, urgent, and routine cases.
 - 1. Emergencies will be seen immediately;
 - 2. Urgent cases will be seen within 24 hours;
 - 3. Routine symptomatic cases will be seen within two weeks;
 - 4. Routine non-symptomatic cases will be seen as soon as possible;
- (c) A provision that patients with appointments should have a professional evaluation within one hour of scheduled appointment time. If a delay is unavoidable, patient shall be informed and provided an alternative;
- (d) Average travel time from the HMO geographic services area boundary to the nearest primary care delivery site and to the nearest general hospital under arrangement with the HMO to provide health care services of no longer than 30 minutes under normal circumstances. Average travel time from the HMO geographic services area boundary to the nearest provider of specialty physician services, ancillary services, specialty inpatient hospital services and all other health services of no longer than 60 minutes under normal circumstances. ~~The AHCA shall waive this requirement if the HMO provides sufficient justification as to why the average travel time requirement is not feasible or necessary in a particular geographic service area;~~
- (e) Provision of accessible hours of operation and after hours emergency services;
- (f) Maintenance of staffing patterns within generally accepted HMO or PHC industry norms for meeting projected subscriber needs and for expeditiously satisfying the requirements of the benefit package as offered by the HMO or PHC; and
- (g) Maintenance of a professional staff or arrangements with providers, duly licensed as required to practice in Florida.
- (4) Make grievance files available during normal business hours for inspection by the agency. ~~Department together with~~ The files shall contain a written summary of the actions taken by the HMO or PHC- including actions taken through the review by the quality improvement process.
- (5) through (7) No change.
- (8) Inform subscribers of their rights and responsibilities set forth in Section 381.026, F.S., as well as the rights and responsibilities of the managed care organization incorporated in the member's handbook. Assure that physicians and hospitals treat all HMO and PHC patients with equal dignity and consideration as their non-HMO and non-PHC patients. If the department determines that a physician or hospital is not treating HMO and PHC patients with equal dignity and consideration, the AHCA shall notify the HMO or PHC immediately.

Specific Authority 641.56 FS. Law Implemented 641.49, 641.54, 641.495(3), 641.515 FS. History-New 1-28-88, Amended 3-11-92, Formerly 10D-100.006, Amended.

59A-12.007 Quality Assurance.

- (1) through (2) No change.
- (3) The scope of the program shall include, at a minimum, the following:
 - (a) Evaluation of clinical performance (peer review);
 - (b) Review of medication usage;
 - (c) Evaluation as to appropriate use of tests and studies, for example: lab, x-ray and EKG;
 - (d) Evaluation of subscriber grievances;
 - (e) A utilization review process;
 - ~~(f)(e)~~ Evaluation of outcomes of care using criteria developed by physicians and other health professionals to evaluate patient care patterns and clinical performance for health services provided; and
 - ~~(g)(f)~~ Written procedures for taking appropriate remedial action whenever, as determined under the quality assurance program, inappropriate or substandard services have been provided or services which should have been provided were not.
- (4) No change.

Specific Authority 641.56 FS. Law Implemented 641.49(3)(o), 641.495, 641.51 FS. History-New 1-28-88, Amended 3-11-92, Formerly 10D-100.007, Amended.

59A-12.0071 Accreditation.

As a condition of doing business in the state, each HMO or PHC shall apply for accreditation within 1 year and be accredited within 2 years of the organization's receipt of its Certificate of Authority. HMOs and PHCs with existing Certificates of Authority must apply for accreditation within 1 year and be accredited within 2 years of the effective date of this rule. All HMOs and PHCs must undergo reaccreditations not less than once every 3 years. Accreditation and reaccreditation must be awarded by an accreditation organization approved by the agency pursuant to Rule 59A-12.0072, F.A.C.

- (1) The agency will provide technical assistance, upon request by an HMO or PHC, in order to assist new or existing organizations to develop and maintain quality assurance systems ~~and for the purpose of complying with the accreditation requirement.~~
- (2) through (5) No change.
- (6) For those HMOs and PHCs failing an accreditation survey the agency shall assess the need to mitigate the penalties specified under subsection(5) based upon:
 - (a) The potential threat to subscribers' health, safety, and welfare as determined by assessing compliance with standards specified in Rule 59A-12, F.A.C. The agency shall also assess the findings of the accreditation survey;

(b) The financial viability of the organization as determined by the Department of Insurance; and

(c) The extent of the organization's efforts to initiate corrective action.

(7) through (10) No change.

~~(11) The Agency shall conduct annual validation surveys on accredited HMOs and PHCs to ensure ongoing compliance with accreditation standards. Selection of the organizations to be surveyed shall be based on the following information:~~

~~(a) Reports received from the accreditation organization, Department of Insurance, or other state or federal regulatory agency regarding the quality of care provided by the organization;~~

~~(b) Quality of care grievance reports received pursuant to s. 641.511, F.S.;~~

~~(c) Performance data submitted by the HMO pursuant to ss. 408.704(4), F.S.;~~

~~(d) Quality of care complaints received from subscribers or providers by the agency.~~

Specific Authority 641.56 FS. Law Implemented 641.495, 641.512, 641.515(1), 641.52(1)(e), 641.52(1)(g) FS. History--New 3-11-92, Formerly 10D-100.0071, Amended 11-21-94, _____.

59A-12.0072 Accreditation Organizations.

The accreditation organization must have nationally recognized experience in HMO accreditation activities and in the appraisal of medical practice and quality assurance in an HMO setting. As a minimum requirement for approval of the accreditation organization, the following criteria must be met:

(1) The accreditation organization must allow representatives from the agency department to accompany the accreditation organization throughout the accreditation process, but the agency department representatives shall not participate in the final accreditation or assessment determination.

(2) through (7) No change.

(8) The accreditation organization shall be required to submit its standards for HMO accreditation to the agency department every 3 years for approval.

(9) through (12) No change.

Specific Authority 641.56 FS. Law Implemented 641.512 FS. History--New 3-11-92, Formerly 10D-100.0072, Amended _____.

59A-12.010 Subscriber Grievance Procedure.

Each HMO or PHC shall establish a subscriber grievance procedure as specified under Section 641.511, Florida Statutes provided for by the Department of Insurance rule, Rule 4-31.078, F.A.C.

Specific Authority 641.56 FS. Law Implemented 641.511, 495(8), 641.311 FS. History--New 1-28-88, Formerly 10D-100.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ann-Marie Brattain, Bureau of Managed Health Care, Unit Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Meadows

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 29, Pages 12-19, July 19, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Continuing Education Credits

RULE NO.: 64B16-26.103

PURPOSE AND EFFECT: The Board proposes to update the rule to conform to Section 465.009, Florida Statutes, as amended by Chapter 2002-184, Laws of Florida.

SUMMARY: The Board proposes the rule amendment to address the number of required continuing education hours per biennial period pursuant to Section 465.009, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.103 Continuing Education Credits.

(1) No biennial renewal certificate shall be issued by the Board until the applicant submits proof satisfactory to the Board that during each year of the biennial period preceding the renewal period the applicant that he has participated in not less than 30 ~~45~~ hours of approved courses of continued professional pharmaceutical education for a total of not less than 30 hours in the biennial period preceding the renewal period.

(2) through (8) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Manner of Application – Examination RULE NO.: 64B16-26.203

PURPOSE AND EFFECT: The rule amendment is proposed to provide for approval of certain educational courses upon application for licensure.

SUMMARY: The rule amendment provides for the approval of certain academic course work in medication errors when application for licensure is within one (1) year of receipt of pharmacy degree.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.033, 465.005 FS. LAW IMPLEMENTED: 456.013(1),(7), 456.033, 465.007, 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.203 Manner of Application – Examination.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in subsection 64B16-26.103(3), F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University. All

applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in subsection 64B16-26.103(4), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the subjects listed in subsection 64B16-26.103(4), F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(1) through (3) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1),(7), 456.033, 465.007, 465.022 FS. History–New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Continuing Education – Ordering and Evaluation of Laboratory Tests RULE NO.: 64B16-26.320

PURPOSE AND EFFECT: The Board proposes to update the rule to conform to Section 465.009, Florida Statutes, as amended by Chapter 2002-184, Laws of Florida.

SUMMARY: The Board proposes the rule amendment to address the number of required continuing education hours per biennial period pursuant to Section 465.009, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 465.0125(3), 465.009 FS. LAW IMPLEMENTED: 465.0125(2), 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.320 Continuing Education – Ordering and Evaluation of Laboratory Tests.

(1) through (2) No change.

(3) A consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the requirement that a consultant pharmacist biennially ~~annually~~ complete twenty-four (24) ~~twelve (12)~~ hours of continuing education for renewal of a consultant pharmacist license under Rule 64B16-26.300, or may apply such continuing education hours toward the requirement that a pharmacist biennially ~~annually~~ complete thirty (30) ~~fifteen (15)~~ hours of continuing education for renewal of a pharmacist license under Rules 64B16-26.103 and 64B16-26.606, but may not use the same continuing education hours to satisfy both requirements. A Doctor of Pharmacy who is not a consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the requirement that a pharmacist biennially ~~annually~~ complete thirty (30) ~~fifteen (15)~~ hours of continuing education for renewal of a pharmacist license under Rules 64B16-26.103 and 64B16-26.606.

Specific Authority 465.0125(3), 465.009 FS. Law Implemented 465.0125(2), 465.009 FS. History—New 2-23-98, Amended 6-15-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards for Approval of Courses and Providers

RULE NO.:

64B16-26.601

PURPOSE AND EFFECT: The Board proposes to amend the rule to update and address standards and fees for providers of continuing education.

SUMMARY: The rule amendment addresses the standards and fees for providers of continuing education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 465.004, 465.009 FS.

LAW IMPLEMENTED: 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.601 Standards for Approval of Courses and Providers.

(1) through (4) No change.

(5) Entities or individuals who wish to become approved providers of continuing education must submit an initial approval fee of \$150 and provide information to demonstrate compliance with the requirements of this rule. A provider seeking to renew approved provider status shall pay a renewal fee of \$150.

(6) Entities or individuals applying for approval of an individual program shall submit a fee of \$50 and provide information to demonstrate compliance with this rule.

Specific Authority 465.005, 465.009 FS. Law Implemented 465.009 FS. History—New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Number of Required Hours

RULE NO.:

64B16-26.606

PURPOSE AND EFFECT: The Board proposes to update the rule to conform to Section 465.009, Florida Statutes, as amended by Chapter 2002-184, Laws of Florida.

SUMMARY: The Board proposes the rule amendment to address the number of required continuing education hours per biennial period pursuant to Section 465.009, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.606 Number of Required Hours.

As a condition of the biennial renewal of his license a registered pharmacist must submit proof in the form of certification to the Board the completion of not less than thirty (30) fifteen (15) hours per year of continuing professional education during the preceding biennium which fulfills the requirements of this rule. A pharmacist, upon request by the Board office, shall provide additional proof of the required continued pharmaceutical education credits as provided by Rule 64B16-26.603, F.A.C. At least ten (10) five (5) of the required thirty (30) fifteen (15) hours per year must be obtained either at a live seminar, a live video teleconference, or through an interactive computer based application.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History--New 10-17-79, Formerly 21S-13.07, 21S-13.007, Amended 7-31-91, Formerly 21S-26.606, 61F10-26.606, 59X-26.606, Amended 2-23-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Sterile Products and Special Parenteral/Enteral Compounding RULE NO.: 64B16-28.820

PURPOSE AND EFFECT: The Board proposes to update the rule to conform with a recent rule amendment addressing sterile products.

SUMMARY: The rule addresses the preparation of sterile products by community pharmacy permittees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 465.005, 465.007, 465.022 FS.

LAW IMPLEMENTED: 465.007, 465.018, 465.0196 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.820 Sterile Products and Special Parenteral/Enteral Compounding.

(1) through (5) No change.

(6) A community pharmacy permittee may perform parenteral/enteral compounding or prepare sterile products without obtaining an additional permit under this section, so long as prior to entering into such activities, the community pharmacy meets the requirements of (1)-(5) above and is inspected for compliance by the Department of Health. A community pharmacy permittee that was engaged in the preparation of sterile products other than parenteral/enteral products as of June 1, 2002 shall have until June 1, 2003 to meet the requirements of (1)-(5) above for the preparation of sterile products other than parenteral/enteral products.

Specific Authority 465.005, 465.007, 465.022 FS. Law Implemented 465.007, 465.018, 465.0196 FS. History--New 4-26-84, Formerly 21S-1.40, Amended 7-27-86, Formerly 21S-1.040, Amended 7-31-91, 10-14-91, Formerly 21S-28.820, 61F10-28.820, Amended 3-10-96, 6-4-97, Formerly 59X-28.820, Amended 7-1-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Nuclear Pharmacist - Continuing Education RULE NO.: 64B16-28.904

PURPOSE AND EFFECT: The Board proposes to update the rule to conform to Section 465.009, Florida Statutes, as amended by Chapter 2002-184, Laws of Florida.

SUMMARY: The Board proposes the rule amendment to address the number of required continuing education hours per biennial period pursuant to Section 465.009, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 465.0126, 465.022, 465.009 FS.

LAW IMPLEMENTED: 465.0126, 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.904 Nuclear Pharmacist – Continuing Education.

(1) Proof satisfactory that a nuclear pharmacist licensed pursuant to this section has met the requirements necessary for biennial renewal of this license shall be constituted by the following:

(a) The licensee has completed no less than twenty-four (24) additional hours per biennium (~~12 hours per year~~) of coursework each two year period by or through a Committee-approved provider, instructionally designed to provide in-depth treatment of nuclear pharmacy practice with suggested matter set out in (2).

(b) No change.

(2) No change.

Specific Authority 465.0126, 465.022, 465.009 FS. Law Implemented 465.0126, 465.009 FS. History—New 10-28-91, Formerly 21S-28.904, 61F10-28.904, 59X-28.904, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July12, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE TITLE: Lee County Boating Restricted Areas RULE NO.: 68D-24.136

PURPOSE AND EFFECT: The purpose of this rulemaking is to protect vessel traffic safety on the waters of the Caloosahatchee River between markers 93 and 99, in the vicinity of Shell Point, Lee County, Florida. The effect of this rule is to limit vessel speed to "Slow Speed Minimum Wake" on weekends and holidays from 9:00 a.m. to 7:00 p.m. Lee County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

SUMMARY: This rule will create a "Slow Speed Minimum Wake In Channel, Weekends and Holidays 9:00 a.m. – 7:00 p.m.; 25 MPH All Other Times" boating restricted area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs has not been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., November 22, 2002

PLACE: Hawks' Cay Resort, Overseas Conference Center, Flagler Ballroom, 61 Hawks Cay Boulevard, Duck Key, Florida

This hearing will be held in conjunction with the regularly scheduled meeting of the Florida Fish and Wildlife Conservation Commission.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Tara Alford, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0656, Extension 169

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.136 Lee County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway within Lee County, the following Boating Restricted Areas ~~are~~ is established:

(a) Caloosahatchee River at the Alva Bridge – No change.

(b) Shell Point (Marker 93-99) – A "Slow Speed Minimum Wake In Channel, Weekends and Holidays 9:00 a.m. – 7:00 p.m.; 25 MPH All Other Times" from Shell Point (26°31.5"/81°59.9") generally northeasterly for approximately

1,050 feet to green daymark 93 (26°31.6"/81°59.7") continuing generally southwesterly for approximately 6,000 feet to green daymark 99 (26°31.0"/82°00.9")

(2) Lee County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such ~~the~~ boating restricted areas ~~and~~

~~shall install and maintain "Idle Speed No Wake" and "Resume Normal Safe Operation" markers at the east and western boundaries of the boating restricted area.~~

(3) The boating restricted areas is ~~are~~ depicted in the following drawings:

Drawing A – No change

INSERT DRAWING B

Specific Authority 327.04 FS. Law Implemented 327.46 FS. History--New 11-25-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Tara Alford, Division of Law Enforcement, Boating Safety and Waterway Management Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Captain Alan S. Richard, Boating Safety and Waterway Management Section, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

Section III
Notices of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-11.003
RULE TITLE: Agency Certification Process and Requirements
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. 28, No. 38, September 20, 2002, issue of the Florida Administrative Weekly.

The requirement that a candidate shall sign an affidavit certifying and notarizing information provided as correct is hereby deleted from AHCA Form 5700-001, September 02. The following language is added to AHCA FORM 5700-001, September 02, page one. Written statements and supportive documentation provided by a candidate are subject to the provisions in 837.06, F.S.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-2.005
RULE TITLE: Inactive Registration
NOTICE OF CHANGE

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., F.S., originally published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The changes are for the purpose of publishing the entire text of the rules as amended and proposed by the Florida Real Estate Appraisal Board.

61J1-2.005 Inactive Registration.

(1) An applicant for registration as an appraiser, who has otherwise met the registration requirements, may obtain the registration without the necessity of having designated a licensed or certified appraiser as a primary supervisor. The registration shall automatically be designated inactive upon being issued.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser. Forms may be obtained from the Department. The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of Business and Professional Regulation at 400 W. Robinson St., Orlando, FL 32801.

(3) At any time after obtaining registration as an appraiser the registrant does not have on record with the Department of Business and Professional Regulation the name of a licensed or certified appraiser as a primary supervisor, the registration shall automatically be designated inactive.

(4) Pursuant to s. 475.618(3), F.S., any registration not renewed at the end of the registration period shall automatically be designated inactive.

(5) A registered appraiser, whose registration is designated inactive pursuant to Paragraphs 1, 2 or 3, may request an active registration in such manner as provided by the Department on Form 501.5. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) A registered appraiser, whose registration is designated inactive pursuant to Paragraph 4, or whose inactive status extends beyond the biennial renewal cycle, shall comply with the education and fee requirements of Rule 61J1-4.007 in order to request an active registration.

(7) Any registration which exceeds 4 years in the inactive status shall automatically expire, and the person must meet all the then applicable requirements for initial registration.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History--New 9-22-93, Amended 7-5-94, _____.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, Section VI