

65C-17.003 Planning and Budgeting Functions.
Balancing the current and long-term needs of a Family Safety program Master Trust client beneficiary shall involve the following planning and budgeting functions which must be cooperatively performed by district caseworkers and fiscal office personnel.

(1) No change.

(2) Family Safety ~~and Preservation~~ program Master Trust client beneficiaries who are in substitute care, and who receive Supplemental Security Income (SSI) benefits, are eligible to submit a Plan for Achieving Self-Support (PASS) to the Social Security Administration for approval. The approved Plan enables the department to set aside funds for long-term educational or vocational needs of the client as enumerated in the Plan, without affecting SSI eligibility. A PASS, Independent Living, or other case plan shall be developed for each member of this Master Trust client beneficiary group. A copy of the plan shall be kept in the client's case file and a copy shall also be filed with the court exercising jurisdiction over the client. As part of the PASS or Independent Living plan, the caseworker is responsible for ensuring that a vocational aptitude assessment and report is done on each client who is able to participate. Unless waived or performed in-house, costs of such assessment shall be charged against the client's applicable trust subaccount.

(3) No change.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New 4-6-99, Amended.

65C-17.006 Department Caseworker and Legal Responsibilities.

(1) The caseworker is responsible for ensuring that a copy of the client's most recent quarterly accounting will be filled in the official record of the court having jurisdiction over the client or the client's money and property at the time of each judicial review held in regard to the client.

(2) The department shall apply for an order from the court exercising jurisdiction over the client to direct the disposition of the money and property belonging to that client. The department's attorney of record shall also provide notice of hearing to the Agency for Health Care Administration.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony Owens
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Wynn
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6E-1.003	Definition of Terms
6E-1.0032	Fair Consumer Practices
6E-1.0041	Honorary Degrees

NOTICE OF CHANGE

Notice is hereby given that proposed Rules 6E-1.003, 6E-1.0032, and 6E-1.0041, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002. The proposed rules have been changed so that when adopted they will read:

(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) "Accredited foreign medical schools" means institutions chartered outside the United States, in a nation whose accreditation standards have been determined by the United States Department of Education to be comparable to the accreditation standards applied to United States medical schools, when the foreign medical school has been inspected

and evaluated by the nation's recognized agent and approved or accredited by its home nation using those comparable standards.

(2) "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.

(3) "Applied general education" means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree, in natural and physical sciences, social and behavioral sciences, language and writing skills, and humanities and the arts.

(4) "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.

(5) "Auxiliary classroom space" means a location within 10 miles of a licensed school or college, and under its administrative and academic control and included in its licensure; where classes are held as needed to supplement the physical capacity of the licensed institution; and where the licensed institution is not required to maintain ongoing administrative or faculty offices, but has the responsibility of providing all administrative, academic, and student services.

(6) "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.

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

(8) "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 an M.D. or D.O. degree or the equivalent.

(9) "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.

(10) "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.

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

(12) "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.

(13) "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.

(14) "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.

(15) "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.

(16) "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.

(17) "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.

(18) "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.

(19) "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.

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

(21) “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.

(22) “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.

(23) “Executive Director” means the chief administrative officer of the Commission.

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

(25) “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 doctoral degree.

(26) “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.

(27) “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.

(28) “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.

(29) “Institution” means any college, university or postsecondary career school under the jurisdiction of the Commission as provided in Ch. 1005, Florida Statutes.

(30) “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.

(31) “Main Florida headquarters” means the location designated by an out-of-state institution as its main administrative and academic center in Florida.

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

(33) “Minor modification” means a change to programs and curricula intended to keep 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; or providing a previously approved program to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(34) “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.

(35) “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 deemed by the Commission to have similar quality controls.

(36) “Occasional elective clinical clerkship” means an elective course which does not exceed 6 weeks in length during the fourth year of medical school. “Occasional” in this context

means no more than 3 students from any one unlicensed foreign medical school in any calendar year, with each of the 3 students doing no more than 3 elective clerkships in Florida in any calendar year.

(37) "On-line courses" means courses taken by electronic means through the Internet or other similar delivery system.

(38) "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.

(39) "Quarter" means at least ten weeks of instruction and learning, or its equivalent as described below.

(40) "Quarter credit hour" means either:

(a) A unit consisting of a minimum 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 paragraph 6E-1.003(40)(a) above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(41) "Semester" means at least fifteen weeks of instruction and learning, or its equivalent as described below.

(42) "Semester credit hour" means either:

(a) A unit consisting of a minimum 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 paragraph 6E-1.003(42)(a) above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(43) "Substantive change" means any change of control, level of credentials offered, location, purpose, financial soundness, or accreditation. A change of accreditation includes change of accrediting agency, lowering the 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.

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

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

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)(e), 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.

(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 Sections 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 Section 1005.04(1), Florida Statutes. All such institutions and locations shall demonstrate compliance with fair consumer practices.

(3) The definitions contained in Section 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(5) and paragraph 6E-2.004(11)(c), F.A.C., regarding recruitment, admissions, and advertising, is required of all institutions operating or soliciting students in Florida. See paragraph (6)(j) of this rule for requirements for statements regarding job opportunities. Salaries shall not be used in advertising. 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 shall require an institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations shall result in probation with conditions and fines, or revocation of licensure pursuant to ss. 1005.34 and 1005.38, Florida Statutes.

(5) Any licensed institution offering a program which does not qualify the graduate to take required professional examinations in that field or to practice regulated professions

in that field in Florida must publish a disclosure statement which is determined by the Commission to inform prospective students clearly and unambiguously of this fact.

(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 shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(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 available 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, eligibility for financial aid, or transferability of credits) shall be disclosed. If the 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 statement 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 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 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 shall be inserted in all advertisements or publications wherever accreditation by an unrecognized accrediting agency is mentioned.

(e) Fee schedule: The institution shall 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 a licensed 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 a licensed 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 requirements for admission (such as high school diploma, general equivalency diploma, or its equivalent) and for graduation shall be disclosed. 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.

(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 for licensed institutions. 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 enrollment agreement or similar documents, 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, up to a minimum of 40 percent of a program, if the student is charged tuition for an entire program; or 20 percent, if the institution charges the student for a term, quarter, semester, or other time period that is less than the duration of the entire program. As an alternative, an institution that charges tuition for a term, quarter, semester or other time period that is less than the duration of the entire program may establish a drop/add period which shall be no less than 10 percent of the period for which the student is financially committed, or two weeks, whichever is less. If the student withdraws before the end of the drop/add period, the student will be refunded all tuition and fees, as well as any funds paid for supplies, books, or equipment which can be and are returned to the institution. 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. The refund policy shall provide for cancellation of any obligation, other than a book and supply assessment for supplies, materials and kits which are not returnable because of use, within 3 working days from the student's signing an enrollment agreement or contract. 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, which may include notification by the student or reports from faculty. This policy shall be submitted to the Commission before publication. Nonrefundable application fees for Florida students shall not exceed \$50. 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.

(k) A statement that additional information regarding the institution, if licensed, 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.

(7) 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 shall 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.

(8) The institution shall develop, publish, 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.

(9) Licensed colleges and universities shall adopt, publish, and uniformly enforce an antihazing policy as required by s. 1005.31(13), Florida Statutes, and provide a copy to the Commission.

(10) 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)(e)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)(k), 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,

(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" or "honoris causa."

Specific Authority 1005.22(1)(e) 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.02(7), 1005.21(1) 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,_____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6E-2.001	Approved Applicant Status
6E-2.002	Institutional Licensure
6E-2.004	Standards and Procedures for Licensure
6E-2.0042	Medical Clinical Clerkship Programs
6E-2.0061	Actions Against a Licensee; Penalties
6E-2.009	Closing an Institution

NOTICE OF CHANGE

Notice is hereby given that proposed Rules 6E-2.001, 6E-2.002, 6E-2.004, 6E-2.0042, 6E-2.0061, and 6E-2.009, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002.

The proposed rules have been changed so that when adopted they will read:

(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, as defined in subsection 6E-1.003(11), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) 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.

(2) Review and recommendation. If the initial application has omissions, staff shall 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 shall be presented to the Commission at its next meeting with a recommendation to grant Approved Applicant status.

(3) Deficiencies and conditions. Although an application may be complete, containing material addressing each requirement, still there 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 shall also, if necessary, 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.

(4) 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.

(5) Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the confirmation letter are routine and easily corrected or fulfilled, the Commission shall direct its Executive Director to determine 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 shall 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 shall specify that the application be reviewed by the full Commission before a Provisional License is approved.

(6) Time allowed for compliance. Approved Applicant status shall be granted for a period of up to six months, during which time the applicant institution shall correct any remaining deficiencies, meet all conditions, and demonstrate that it is in substantial compliance with the standards for licensure. 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 shall 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 reached substantial compliance with the standards for licensure 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.

(7) 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 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, shall result in suspension or termination of the status for a length of time prescribed by the Commission.

(8) Misrepresentation of status. The granting of Approved Applicant status is not a guarantee that a Provisional License or higher status 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 shall specify that the application be reviewed by the full

Commission before a Provisional License is approved. Otherwise, the Commission shall 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 shall 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, including an onsite visit if necessary.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(43), 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 shall 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 shall 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 shall be required by the Commission during the period of provisional licensure as necessary to inform the Commission of the institution's progress toward reaching a higher level of 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. A satisfactory on-site visit must occur prior to the granting of an initial Annual License. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement.

(b) Extensions.

1. An annual license shall be extended for up to one year if the institution meets the following requirements:

a. The institution has held Annual Licensure 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 shall 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. Annual licensure 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) The chair of the Commission shall appoint a committee to provide recommendations to the Commission regarding the recognition of accrediting agencies. This committee shall be composed of persons who represent a cross-section of institutions holding an Annual License or extension thereof, or a License by Means of Accreditation. The chair of the Commission shall appoint the chair of the committee. The committee shall meet at the request of the Commission chair. 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 recommendation of that accrediting agency.

1. The committee shall evaluate applications of accrediting agencies recognized by the U.S. Department of Education to provide institutional accreditation for institutions offering primarily residential programs.

2. In evaluating accrediting agencies for recommendation to the Commission, the committee shall:

a. Determine the level and scope at which the agency is recognized by the U.S. Department of Education;

b. Identify the accreditation standards of each agency. An accrediting agency shall be determined to have standards that are substantially equivalent to the standards of the Commission if they include policies and procedures in the following areas: protection of student rights and consumer protection; admission procedures; faculty credentials at various levels; curriculum and educational delivery; student services; library and media resources; outcomes assessment; evaluation of substantive changes; fiscal and administrative capabilities; and educational facilities.

c. Identify the procedures and processes of the accreditation agency to determine sufficient oversight and enforcement of its standards, and to ensure that the agency has effective mechanisms for evaluating an institution's compliance with its standards.

d. Determine the willingness of the accrediting agency to share information in a timely manner about an institution being evaluated or visited by the accrediting agency.

e. Make a recommendation to the Commission whether an accrediting agency meets the above requirements.

f. Review the standards of recognized accrediting agencies periodically as needed to ensure continuing substantial equivalence to Commission standards.

(b) 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 by the accreditation review committee and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commission's licensure standards; 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 no unresolved complaints or other actions in the past twelve 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 an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(c) 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.

(d) 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.

(e) 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 License, pursuant to s. 1005.32(4), Florida Statutes. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.

(f) Disciplinary actions. Pursuant to s. 1005.32(7), Florida Statutes, repeated failure to comply with the statutory requirements for this status shall 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 obtain an Annual License.

Statutory Authority ~~1005.31(2)(3), 246.041(1)(e), 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 and Procedures for Licensure.

Each institution applying for a license or moving to a new level 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 not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, 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 Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the school must disclose its official corporate name in its catalog.

(b) Use of the Term "College":

1. 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.

2. 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.

3. The institution must lease, contract for, or own 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 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 multiple graduate degree programs; 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 the term "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 multiple graduate degree programs; 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, contract for, or own 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 demonstrate to the Commission that the new name will meet the standards given in this rule

prior to using the new name, including advertisements or promotions. Accredited institutions must document to the Commission that the accrediting agency has been notified of the change of 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) Each institution shall provide a qualified administrative staff and such policies and procedures as are necessary to ensure the accomplishment of its purpose.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar school or related business.

(c) Each owner (in a privately held corporation or limited liability partnership), director, and administrator of the institution in a management or supervisory position is subject to a criminal justice information investigation pursuant to s. 1005.38, Florida Statutes.

(d) Each institution shall have as its chief education/academic officer a person who has attained a minimum of an academic credential or recognition equivalent to the institution's highest offering, or, in a school, who has a minimum of two years of practical experience in a supervisory, administrative, or teaching position related to the programs offered by the institution.

(e) Pursuant to s. 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider which the Commission has determined to include relevant information in its training programs: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. Each institution 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.

(f) Each institution shall be a Florida corporation or limited liability partnership, or be registered as a foreign corporation, pursuant to the requirements of the Florida Secretary of State, or be a public institution in another state. Upon initial licensure and subsequent renewal the institution must provide proof of active corporate status.

(g) 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.

(h) Administrative and academic policies shall be officially adopted and communicated to all appropriate personnel. These policies shall include such matters as responsibilities of administrative officers, faculty qualifications and responsibilities, evaluation and improvement of institutional effectiveness, and other such policies and regulations affecting the members of the institution's faculty, staff, and students.

(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 or professional fields for which students are being prepared. If the practice of the occupation or profession 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 extent claimed in the institution'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 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 developed 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 shall request assistance from other appropriate regulatory agencies as provided in s. 1005.22(2)(d), Florida Statutes, or appoint committees to review curricula, when necessary to ensure that specialized programs contain the appropriate material to prepare students to enter those fields.

(h) Faculty, advisory committees, or other qualified individuals must be involved in the development and ongoing review of curricula.

(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.

(j) At least 20 percent of the credits or hours required for completion of 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.

(k) 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 within the agreed and documented length of time required for completion of and graduation from the program; and the institution's enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

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

(m) 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, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System, these objectives and outcomes must conform to the requirements of that system.

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, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, 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, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these 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.

(n) 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 title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(3) or (26), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives and outcomes must conform to the requirements of that system.

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, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, 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, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these 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.

(o) 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 an associate degree of a different name that is considered by the Commission to be appropriate for an academic associate degree. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester credit hours, 22.5 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester credit hours, 54 quarter credit hours, or the recognized clock hour equivalent. General education requirements for other academic associate degrees shall be individually reviewed by the Commission to determine whether they are appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(26), 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, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, 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, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these 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.

(p) 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 considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(26), 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, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, 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, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these 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 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 considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 24 semester credit hours or 36 quarter credit hours, or recognized clock hour 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 as defined in subsection 6E-1.003(25), F.A.C.

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

(r) 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 considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent beyond the bachelor's degree. The degree Doctor of Philosophy shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency within three years of initiating the program, to retain licensure of the program.

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 as defined in subsection 6E-1.003(25), F.A.C.

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 shall be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution.

(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 individuals, whether its own employees or agents, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to enroll students off-campus. 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, no students shall be enrolled, and no tuition or fees shall be collected.

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 shall inform each student accurately about financial assistance and obligations for repayment of loans.

6. An institution shall 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, questionable credit standing, or similar negative characteristics; 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 shall be 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 shall consistently and fairly apply its admission standards as published. It shall 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 shall ensure that each applicant admitted has the proper qualifications, abilities, and skills necessary to complete the training, and shall 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 sub-subparagraph (4)(o)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 enrollment from a person of compulsory school age, or 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. The institution shall document its reasons for denying admission to any prospective student. 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall require 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 shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall 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.

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files shall include 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 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 at least a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other 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; 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 teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly 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 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, at a minimum, a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other 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; 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 teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

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

(d) Bachelor's Degrees:

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

2. 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 shall 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 Juris Doctor (J.D.) or Doctor of Medicine (M.D.), or bachelor's degrees plus professional certification.

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

(e) Master's Degrees:

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

2. 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 shall 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 J.D. 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 serve properly the number of students enrolled.

(f) Doctoral Degrees:

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

2. 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 J.D. degree 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 shall 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 serve properly 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 shall:

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

b. Ensure access to 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, noncollegiate 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 sub-subparagraph (8)(a)1. of this rule.

2. Required learning resources. The institution shall provide access to learning resources 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 sub-subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. 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 by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to 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 sub-subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. 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 by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to 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 sub-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 sub-subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. 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 by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

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. Access to 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 graduates shall be maintained. Exceptions to this requirement shall 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 placement 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 submitted to 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 submitted to 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 and Advertising.

(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 disclosure required in paragraph 6E-1.0032(6)(d), F.A.C., is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E-1.003(2), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;

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 test 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, in compliance with s. 1007.24(7), Florida Statutes, and applicable State Board of Education rule(s).

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 hours, the institution shall clearly specify whether quarter or semester credit hours, as defined in Rule 6E-1.003, F.A.C.;

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 paragraph 6E-1.0032(6)(i), 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 satisfactory academic progress;

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 shall include the information specified in subsection 6E-2.0041(11), 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 shall 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 shall be presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.

(c) Advertising.

1. An institution shall not advertise until a license has been issued.

2. For initial applicants and renewal of licensure, the institution shall submit a copy of all proposed or actual advertising publications, together with any and all materials used for the purpose of recruiting students.

3. All advertising by an institution, including all written and verbal communications, illustrations, and express or implied representations, shall be factual and not misleading to the public. All illustrations in published materials must specifically and accurately represent the institution. If any other illustrations are used, they must be clearly and accurately captioned.

4. An institution shall use its correct name as approved by the Commission in all advertising; no blind advertisements are permitted.

5. An institution shall not offer monetary incentives as an inducement to visit the campus or to enroll in a course or program.

6. All advertising shall clearly state that training and education, not employment, are being offered. All print advertising in classified sections, such as newspapers, telephone directories, periodicals, etc. must appear under a heading that identifies its category as education and training, not employment opportunities.

7. No institution, in its advertising or through activities of its owners, officers, or representatives shall guarantee or imply the guarantee of employment or of any certain wage or salary either before enrollment, during the program(s), or after the completion thereof. Guarantee of acceptance into any union, organization, or achievement of a recognition, certification, or qualification for licensure examination is not permitted. The term "lifetime placement" shall not be used.

8. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

9. The level of educational programs provided shall be clearly defined if used for advertising. No institution shall refer to itself as a "college" or "university" unless authorized to do so by the Commission.

10. No institution shall use the term "accredited" unless fully authorized to do so by an accrediting agency recognized by the United States Department of Education.

11. References to financial assistance availability shall include the phrase, “for those who qualify,” or similar disclaimer. Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.

12. Overstatements, superlatives, and exclusives shall not be used in any advertising. The word “free” shall only be used when there is unconditional access to the item or service for all students, without cost or obligation of any type, and if refunds or loan repayments do not include consideration of the item or service.

13. A new or modified program shall not be advertised until the Commission approves the program.

14. If endorsements are used, they must be factual and reflect present conditions, and must be uncompensated; and the institution must maintain documentation of prior consent by the participant. If an employee of the institution or a person otherwise affiliated with the institution, other than a student or graduate, makes an endorsement, the relationship or affiliation shall be fully disclosed in the advertising.

15. Institutions shall comply with advertising regulations pertaining to the training of individuals who are sponsored by a state or federal agency.

16. A licensed institution shall use only the following phrase to identify its licensure status in any advertising: “Licensed by the Florida Commission for Independent Education, License No. _____.” The use of any other phrase or form shall be considered a violation of this rule.

(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-2.0042 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 and welfare of citizens of

Florida by limiting participation in such 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. Terms used in this rule are defined in Rule 6E-1.003, F.A.C.

(2) 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 United States 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 Doctor of Medicine (M.D.) or Doctor of Osteopathy (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% of 4 weeks, 50% of 8 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 (3) 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 (4) 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 I 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 the State of 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. 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, Agency for Health Care Administration, pursuant to Chapter 393, Florida Statutes.

(3) 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 nominees from international medical schools that have full licensure in Florida who have expertise in governance of medical education and the standards stated above. The review committee shall prepare a report that addresses 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.

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

(5) 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 of 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(43), F.A.C., shall 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.

(6) 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 residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(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 would be provided to U. S. medical schools' students taking clinical training programs in the hospital.

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

(7) Application for individual approval of an occasional clerkship elective. An individual medical student may obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(36), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (j) (k), and (m) of this rule. In addition to the requirements set forth in paragraph (2)(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; and

(e) The method of testing, scoring or evaluation of the student. Upon completion of the occasional clinical teaching 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 available for inspection by Commission representatives, and to other students, if anonymity can be assured.

(8) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedural provisions of Rule 6E-2.0061, F.A.C.

(9) Penalties. See s. 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for 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 shall 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(4)(e), 246.051(4), 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 shall impose conditions designed to correct the infractions identified or to overcome the effects of such infractions, and shall require submission of periodic progress reports on the steps being taken to comply with the conditions and to correct the situation. Unannounced staff visits shall be made to the institution as necessary to monitor its activities. An institution or agent placed on probation 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 shall impose an administrative fine in an amount reflective of the administrative time required for the specific case, 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 shall be carried out as provided in s. 1005.38, Florida Statutes.

(6) Probable cause. Determinations of probable cause shall be made as provided in s. 1005.38, Florida Statutes. Probable cause panels shall 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 shall issue an administrative complaint or notice of denial of licensure, and shall issue a cease and desist order as provided in s. 1005.38, Florida Statutes, if necessary to stop the violations. 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 shall 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 shall 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 which the Commission deems is serious enough that other available remedies are not sufficient to stop the potential damage to the public.

(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), (n)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-2.009 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 owners, directors or administrators 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 and criminal penalties as provided therein.

Specific Authority ~~1005.22(1)(e)1., 246.041(1)(e), 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, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

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

NOTICE OF CHANGE

Notice is hereby given that proposed Rules 6E-4.001 and 6E-4.003, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002. The proposed rules have been changed so that when adopted they will read:

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. To defray the cost of such general services, 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 \$300, and each such institution with an enrollment of 100 or more shall submit annually a Base Fee of \$900. 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. The Base Fee shall be due and collected at the time of annual review of licensure.

(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.

Initial Application for License, or Moving from Nondegree to Degree:

New Nondegree Institutions \$2,000 + \$200 per program + cost of visit

New Degree-Granting Institutions 3,000 + 200 per program + cost of visit

Annual Review of Licensure:

Nondegree Institutions..... 1,500 + \$50 per program

Degree-Granting Institutions 2,500 + \$50 per program

Review of Extended Annual

License or Substantive Change Review 1,000

Licensure by Means of Accreditation, Annually..... 1,250

New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year:

Nondegree Programs 500

Degree Programs 1,000

Site Visits:

One Visit per Year..... Included in licensure fee

Subsequent Visits directed by Commission..... Expenses + Costs + 200 per day

Approval to Use "College" or "University", First Time

or Special Review 500

Annual Licensure of Recruiting

Agents (nontransferable) 200

Criminal Justice Information Investigation 50

Copy of Student Academic Transcript on File 10

(3) Fines and disciplinary oversight:

Fine for Probation

Requiring Oversight Up to 5,000 depending on level and length of oversight required

Continuing Activity after Cease

and Desist Letter, Per Day 1,000

Monitoring Institution under

Probable Cause, Per Calendar Quarter 1,000

(4) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

(5) 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, according to the administrative time required for the specific case, which is payable within 14 days of the official action being taken by the Commission.

(6) 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 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.

(7) 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

DEPARTMENT OF REVENUE**Division of Ad Valorem Tax**

RULE NO.:

12D-10.0044

RULE TITLE:

Uniform Procedures for Hearings;
 Procedures for Information and
 Evidence Exchange Between the
 Petitioner and Property
 Appraiser, Consistent with
 s. 194.032, F.S.; Organizational
 Meeting; Uniform Procedures to
 be Available to Petitioners

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 40, October 4, 2002, issue of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S. Subsections (2),(3),(4),(5),(6),(7),(8),(9),(10) and (11) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, these subsections will read:

(2) Subsequent to the mailing or sending of the hearing notice, and at least 10 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 5 days after the property appraiser receives the petitioner's documentation, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing with copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk.

(4)(a) If the taxpayer does not provide the information to the property appraiser at least ten days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3) and at least five calendar days before the hearing, the taxpayer shall be entitled to reschedule the hearing. If the property appraiser provides the information within the time set forth in subsection (5) but less than five calendar days before the hearing, the petitioner's submission of the information shall qualify as a written request for rescheduling as provided in subsection (9). In such circumstances, the clerk shall reschedule the hearing upon being so advised by the petitioner.

~~(c) If there is insufficient time for the property appraiser to provide the information five days after the receipt of the information from the taxpayer and still at least five days before the hearing the property appraiser shall be entitled to reschedule the hearing.~~

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) calendar days prior to the day of such scheduled delivery, or if emailed or FAXed to an address provided by the other party. It shall be sufficient if at least three FAX or email attempts are made to such address. The taxpayer and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.

(b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.

(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed in subsection (3) or (4) is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1.090(a), Florida Rules of Civil Procedure, entitled Time. If the tenth day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

(6) Level of detail on evidence testimony summary: The summary pursuant to subsections (2) and (3) shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.

(7) Hearing procedures: Neither the Board nor the special master shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section, and shall be taken at a scheduled hearing and based on evidence presented at such hearing. "General action" means a prearranged course of conduct not based on evidence received in a specific case at a scheduled hearing on a petition. A property appraiser shall not appear at the hearing and use undisclosed evidence that was not supplied to the petitioner as required. The normal remedy

for such noncompliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.

(8) The information shall be in writing, and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely. ~~A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) days prior to the day of such scheduled delivery.~~

(9) The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 calendar days before the scheduled appearance.

(10) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with s. 194.032, F.S., subject to the provisions of s. 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than ten days prior to a scheduled hearing pursuant to subsections (2) and (5).

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of the procedures for the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-15
RULE NO.: 14-15.0081
RULE CHAPTER TITLE: Incorporation by Reference
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

NOTICE OF RESCHEDULED HEARING

The Department of Transportation, Florida’s Turnpike Enterprise announces the rescheduling of the public hearing for rulemaking to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule on Florida’s Turnpike at State Road 710/Northlake Boulevard in Palm Beach County. That hearing, which was scheduled for December 3, 2002, is rescheduled as follows:

TIME AND DATE: Informal Open House – 6:00 p.m., Formal Public Hearing – 6:30 p.m., January 7, 2003

PLACE: Palm Beach Gardens Community High School, 4245 Holly Drive, Palm Beach Gardens, Florida

PURPOSE: Florida’s Turnpike Enterprise of the Florida Department of Transportation scheduled a public hearing to allow an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange constructed for SunPass use only on Florida’s Turnpike at State Road 710/Northlake Boulevard in Palm Beach County.

NOTE: A design public hearing, which was scheduled at the same date, time, and place is also being rescheduled by separate notice in Section VI of this Florida Administrative Weekly.

The original Notice of Rulemaking was published in Vol. 28, No. 34, Florida Administrative Weekly, dated August 23, 2002. The Change Notice, which scheduled the December 3, 2002, hearing was published in Vol. 28, No. 45, Florida Administrative Weekly, dated November 8, 2002.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
RULE TITLE: Payment Methodology for Nursing Home Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, pages 3267 and 3268, Vol. 28, No. 30, on July 26, 2002. This change is made to address written concerns expressed by the Centers for Medicare and Medicaid Services (CMS) at the public hearing on November 14, 2002. Rule 59G-6.010 incorporates the Florida Title XIX Long-Term Care Reimbursement Plan by reference.

1. “For purposes of this section, Medicare payment principles refer to Medicare principles of cost reimbursement and the Medicaid upper payment limit will be established using Medicare principles of cost reimbursement” has been added to the reimbursement plan. (Section I.)

2. “This provision shall be implemented to the extent that existing appropriations are available” has been deleted from the plan. (Section IV.J.3.d)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, pages 3268 and 3269, Vol. 28, No. 30, on July 26, 2002. This change is made to address concerns expressed by the Centers for Medicare and Medicaid Services (CMS).

Rule 59G-6.020 incorporates the Florida Title XIX Inpatient Hospital Reimbursement Plan by reference.

1. Appendix B has been added to the plan to specify the 2002-03 Disproportionate Share Hospital (DSH) appropriations as follows:

APPENDIX B TO FLORIDA TITLE XIX INPATIENT HOSPITAL REIMBURSEMENT PLAN
Florida Medicaid Disproportionate Share Hospital (DSH) Appropriations

Disproportionate Share Program	2002-03 State Appropriation*	Plan Section for DSH Formula
Regular DSH	\$134,851,971	(Section V.D.)
Outlier Payments DSH (Regional Perinatal Intensive Care Center)	\$7,455,159	(Section V.E)
Teaching Hospitals DSH	\$20,888,999	(Section V.F.)
Mental Health DSH	\$53,362,198	(Section V.G.)
Rural DSH	\$12,718,166	(Section V.H.)
Specialty DSH	\$2,444,444	(Section V.I)
Primary Care DSH	\$10,772,407	(Section V.J)
Children's DSH	\$0	(Section V.K.)

*These amounts are subject to change to comply with final federal DSH allotments.

2. Section V.C.12 (c), the sentence "Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency" has been removed.

3. "Payments shall comply with the limits set forth in Section 1923(g) of the Social Security Act" has been added to Section V.D (8) of the plan.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-2
 RULE CHAPTER TITLE: Florida Unemployment Compensation Tax

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No.7, February 15, 2002 issue of the Florida Administrative Weekly.

The changes are made in response to objections proposed in accordance with s. 120.54(3)(d)1., F.S, by the Joint Administrative Procedures Committee. The rule is hereby submitted as a substantial change.

THE PERSON TO BE CONTACTED REGARDING THE RULE NOTICE IS: Veronica N. Moss, Agency for Workforce Innovation, Office of General Counsel, 107 E. Madison Street, MSC 150, Tallahassee, Florida 32399-4128

The rule shall now read as follows:

60BB-2.022 Definitions.

For the purpose of administering Chapter 443, Florida Statutes, the following definitions apply:

(1) Address of record: The mailing address of a claimant, employing unit, or authorized representative, provided in writing to the Agency, and to which the Agency shall mail correspondence.

(2) Agency: The Agency for Workforce Innovation and its designee, the Florida Department of Revenue. Pursuant to Section 443.1316, Florida Statutes, the Florida Department of Revenue is designated as a provider of tax collection services for the Agency for Workforce Innovation.

(3) Calendar quarter: Each period of three consecutive calendar months ending on March 31, June 30, September 30, and December 31.

(4) Cash Value of Board, Lodging, or Other Payment in Kind: When, pursuant to Section 443.036(40), Florida Statutes, board, lodging or other payments in kind are determined to be wages:

(a) The value of a place of residence shall be considered to be the greater of:

- 1. The amount agreed upon in the contract of hire, or
- 2. The fair market rental value of the property.

(b) Lodging shall include the cost of utilities, such as heat, electricity, gas, water and sewer service.

(c) Meals shall be valued as agreed upon in the contract of hire or, where no such agreement exists, at the same rate provided for State of Florida Class C travel subsistence as defined in Section 112.061(6)(b), Florida Statutes.

(5) Computation of time: In computing any period of time prescribed, calendar days will be counted; the date of issuance of notice shall not be counted. The last day of the period shall

be counted unless it is a Saturday, Sunday or holiday; in which event, the period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.

(6) **Contributory employer:** An employer who is required or who has elected to pay a tax based on wages paid by that employer.

(7) **Filing date:** The postmark date of the United States Postal Service shall be the date of filing of reports, notices, protests, appeals and other documents mailed to the Agency or its designee, the Department of Revenue.

(8) **Holiday:** Those dates designated by Section 110.117(1) and (2), Florida Statutes, and any other day that the offices of the United States Postal Service are closed, according to 5 U.S.C. § 6103 (1996).

(9) **Reimbursable employer:** An employer which is liable for reimbursement payments in lieu of contributions.

(10) **Wages:**

(a) **Gross wages:** Total wages for insured employment.

(b) **Excess wages:** The difference between total wages and taxable wages.

(c) **Taxable wages:** That portion of an employer's payroll upon which contributions are due.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(18),(19),(g),(20),(40), 443.121, 443.131, 443.171 FS. History—New 8-25-92, Amended 12-28-97, 12-23-98, 5-3-99, Formerly 38B-2.022, Amended _____.

60BB-2.023 General Information.

(1) **Address of Record.** It is the responsibility of each employing unit to maintain a current address of record at all times with the Agency through its designee, the Department of Revenue.

(2) **Reports Prescribed by the Agency** through its designee, the Department of Revenue. Each employing unit shall make and file reports as prescribed by the Agency through its designee, the Department of Revenue, which shall include the worker's social security number.

(3) **Incomplete reports.**

(a) Any required report incomplete as to detail in accordance with instructions thereon, shall not be deemed a report and the employer shall be subject to the penalties imposed by Section 443.141(1)(b), Florida Statutes, until the filing of a signed and completed report in a format approved by the Agency, through its designee, the Department of Revenue.

(b) The Agency through its designee, the Department of Revenue, shall issue notification to employers of incomplete reports by letter or by one of the following forms:

1. Form UCT-FL06A, "Incomplete Report Notice" (Rev 05/01), or

2. Form UCT-FL13A, "Missing Wage Report" (Rev 05/01).

Both forms are incorporated by reference in Rule 60BB-2.037, F.A.C.

(4) **Amended and Corrected Reports.**

(a) **Amended Reports.** Amended reports shall be filed as directed by the Agency or its designee, the Department of Revenue, or as determined necessary by the employing unit. The decision of the Agency through its designee, the Department of Revenue, shall prevail whenever there is disagreement whether an amended report is necessary.

(b) **Corrected Reports.** Corrections to reports shall be made on Form UCT-8A, "Correction to Employer's Quarterly Report (UCT-6)" (Rev 04/01), incorporated by reference in Rule 60BB-2.037, F.A.C.

(5) **Extensions of Time for Filing Reports.** Pursuant to Sections 443.141(1)(b) and 443.141(2)(a), Florida Statutes, when a written request for an extension of time for filing a required report is received prior to the report's delinquent date, the Agency through its designee, the Department of Revenue, shall grant an extension not to exceed 30 days. Reports received within an approved extension period shall be considered timely.

Specific Authority 443.171(2)(a), FS. Law Implemented 443.036(19)(k), 443.141(1)(b),(2), 443.171(1),(2),(3),(7) FS. History—New 8-25-92, Amended 12-28-97, Formerly 38B-2.023, Amended _____.

60BB-2.024 Initial Reports and Notification of Liability.

(1) **Employer Registration Report.**

(a) **Who Must File.** Each employing unit shall file an employer registration report with the Agency through its designee, the Department of Revenue. The report shall be filed on Form DR-1, "Application to Collect and/or Report Tax in Florida" (Rev 05/02), incorporated by reference in Rule 60BB-2.037, F.A.C.

(b) **Signature.** The report shall include the signature and title of a person legally authorized to act on behalf of the employing unit.

(c) **Due Date.** The employer registration report shall be filed on or before the last day of the month immediately following the end of the calendar quarter in which the employing unit commenced operations.

(2) **Notification of Liability.**

(a) The Agency through its designee, the Department of Revenue, shall issue written notification of liability, including the date liability commenced upon finding that an employing unit is liable for payment of contributions.

(b) Pursuant to Section 443.131, Florida Statutes, the notification of liability shall state the contribution rate applicable to the wages paid by the employer.

(3) The Agency or its designee, the Department of Revenue, shall require completion of Form UCS-6061, "Independent Contractor Analysis" (Rev 01/01), which is incorporated by reference in Rule 60BB-2.037, F.A.C., upon finding that more information is necessary to establish whether workers are employees or independent contractors.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(18),(19),(20), 443.131, 443.141(2), 443.171(1),(7) FS. History—New 8-25-92, Formerly 38B-2.024, Amended _____.

60BB-2.025 Reports Required of Liable Employers; Filing of Reports by Electronic Means.

(1) Quarterly Reports.

(a) Each contributory and reimbursable employer is required to file a quarterly report using Form UCT-6, "Employer's Quarterly Report" (Rev 12/01), incorporated by reference in Rule 60BB-2.037, F.A.C.

(b) Each quarterly report shall:

1. Be filed with the Agency through its designee, the Department of Revenue, no later than the last day of the month following the calendar quarter to which it applies, except for reports filed by electronic means which shall be filed as provided in paragraph (6) of this rule entitled "Filing Reports by Electronic Means". (However, an employer reporting for the first time is authorized 15 consecutive calendar days from the notification date of liability to submit an initial reports without penalty charges.); and

2. Be filed for each calendar quarter during which the employer was liable under the law, whether or not any contributions are payable. If there was no employment during the calendar quarter to which the report applies, the report must be completed to so reflect; and

3. Include wages paid at regular and irregular intervals during the calendar quarter; and

4. Include commissions and bonuses and the cash value of all remuneration paid in any medium other than cash during the calendar quarter.

(2) Wages Paid. For the purpose of this section wages have been paid when the wages are:

(a) Actually received by the worker; or

(b) Made available so they may be drawn upon by the worker; or

(c) Brought within the control and disposition of the worker, even if not possessed by the worker.

(3) Change in Status.

(a) Sale, conveyance or other disposition of a business or any part thereof, or any cessation of business for any reason. Every liable employer shall notify the Agency in writing, through its designee, the Department of Revenue of such changes in status. This change shall:

1. Be reported on or before the due date of the next Employer's Quarterly Report; and

2. State the name and address of the person, firm or corporation to whom the business was sold, conveyed or otherwise transferred; and

3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situation; and

4. Be made by the employer's court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed, the report shall be made by the heirs succeeding in interest of the employer; and

5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers shall report other changes in status on Form UCS-3, "Employer Report Account Change Form" (Rev 08/01), incorporated by reference in Rule 60BB-2.037, F.A.C.

(4) Employee Leasing Company Reports.

(a) Client List. Each employee leasing company shall submit a list to the Agency through its designee, the Department of Revenue, that identifies by name and address all clients that lease workers from the company. The name and social security number of each leased worker is to be listed under the respective client.

(b) Filing Date. The client lists shall cover the 6 month periods of time ending June 30 and December 31 of each year. The lists shall become delinquent on August 1st and February 1st respectively.

(5) Special Reports.

(a) The employer shall, upon request of the Agency or its designee, the Department of Revenue, promptly furnish a written statement of the wages of any worker, whenever such statement is necessary to determine such worker's eligibility for and rate of benefits. If such statement includes wages that were earned in a pay period extending over more than one calendar quarter, such wages shall be prorated in accordance with the procedures for monetary determinations contained in Chapter 60BB-3, F.A.C. The employer shall comply with this rule by filing a properly completed UCS-8, "Firm's Statement of Claimant's Work and Earnings" (Rev 04/01), which is adopted by reference in Rule 60BB-2.037, F.A.C.

(b) Magnetic Media Reporting. Employers who report by magnetic media shall submit Form UCT-50T, "Magnetic Media Reporting Transmittal" (Rev 01/01) incorporated by reference in Rule 60BB-2.037, F.A.C.

(6) Filing Reports by Electronic Means. All persons, including employers, who file reports by electronic means shall comply with the Department of Revenue's rule provisions contained in Rule Chapter 12-24, F.A.C., which rule provisions, are incorporated by reference.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.131(3)(g)4., 443.163, 443.171(1),(2),(3),(7) FS. History—New 8-25-92, Formerly 38B-2.025, Amended _____.

60BB-2.026 Determinations to Liable Employers.

(1) Notification of Benefits Paid and Charged. The notice shall be provided on Form UCT-1, "Notice of Benefits Paid" (Rev. 12/00) and Form UCT-29, "Unemployment Compensation Reimbursement Invoice" (Rev. 03/01), which are adopted by reference in Rule 60BB-2.037, F.A.C.

(a) Notification Date. A statement of the benefits paid shall be mailed to the employer within 30 days after the end of each calendar quarter.

(b) Notification Content. The statement will include the name, social security number and the total amount of benefits paid to each claimant during the calendar quarter which have been charged or invoiced to the employer's account.

(c) Application for Redetermination. Such notification shall be conclusive and binding, unless the employer files an application for redetermination with the Agency based on claimant or employer identity within (20) days of the mailing date of such notification. Such application shall not serve to contest employer liability or chargeability for benefits paid in accordance with a determination, redetermination, or a decision pursuant to Section 443.151, Florida Statutes.

(d) Hearing before Appeals Referee.

1. Any appeal from a determination or redetermination with respect to the payment of benefits which involves the issue of whether an employer's account shall be charged as provided in Section 443.131(3)(a), Florida Statutes, and in Rule 60BB-3.018 will be heard and decided by an appeals referee, in accordance with the provisions of Chapter 60BB-5, F.A.C.

2. When an appeal from a determination or redetermination is filed pursuant to section 443.151(4)(b), Florida Statutes, involving the application of Section 443.101, Florida Statutes, the Appeals Referee shall, in the same proceeding, hear and decide any collateral issue with respect to the applicability of Section 443.101, Florida Statutes, and any collateral issue as to whether benefit payments made pursuant to the decision shall be charged to the employer's account.

(2) Adjustment of Charges.

(a) Contributory Employer. When it is found that any benefits charged to an employer's employment record were paid through error, or fraudulently obtained, the record of such employer shall be adjusted to remove such charges. Adjustment of charges to employer records shall be applied to the current calendar quarter. However, when the employer has timely protested the tax rate, or, if the employer determines that the tax rate has been adversely affected by the charge, and applies for a tax rate adjustment, pursuant to Section 443.131(3)(i), Florida Statutes, such adjustment shall be made applicable to the calendar year in which the benefit payments were charged.

(b) Reimbursable Employer: When a reimbursable employer has been billed for benefits which are subsequently determined by the Agency to be overpayments, the amount of

such benefits which are recouped or recovered by the Agency will be credited on a pro rata basis to the reimbursable employer or refunded in the event the employer has no balance due.

(3) Notice of Tax Rate Pursuant to Computation of a Benefit Ratio. When the employer first becomes eligible for computation of a benefit ratio as provided in Section 443.131(3)(b), Florida Statutes, the Agency through its designee, the Department of Revenue, shall:

(a) Assign a contribution rate according to the benefit ratio and adjustment factors. This rate will be effective for the calendar quarter in which eligibility is established and for the remainder of that calendar year.

(b) Notify the employer of the contribution rate not less than fifteen days prior to the end of the calendar quarter for which the rate is to be effective.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.131(3),(4), 443.141(2)(b), 443.151(3)(c),(4)(b)1., 443.171(1) FS. History--New 8-25-92, Formerly 38B-2.026, Amended _____.

60BB-2.027 Payment of Contributions.

(1) Payment to be Submitted with Quarterly Reports. Payment of contributions shall be submitted concurrently with contribution reports except for payment by electronic means which shall be submitted as provided in paragraph (2)(a) of this rule. Contributions shall be payable for each calendar quarter with respect to wages paid during such calendar quarter except as otherwise provided in this rule and Section 443.131(4), Florida Statutes.

(2) Due and Payable Dates.

(a) Contributions are due and payable no later than the last day of the month following the calendar quarter for which they are payable and become delinquent on the first working day of the following month except for payments submitted by electronic means. All persons, including employers, that submit payments by electronic means including but not limited to electronic funds transfer (EFT) or Internet methods shall comply with the Department of Revenue's rule provisions contained in Chapter 12-24, F.A.C., regarding payment by electronic means, which rule provisions are incorporated herein by reference.

(b) The first contribution payment of an employing unit which has become an employer shall include contributions which have accrued for the entire period of liability and shall become due and payable no later than the last day of the month following the close of the calendar quarter in which such employing unit:

1. Met the liability provisions of the law, or
2. Elected, with written approval by the Agency through its designee, the Department of Revenue, to become an employer.

(3) Partial Payments. When an employer has partially paid contributions for any period before the delinquent date, the taxable payroll for such period shall be included in the

employer's annual or quarterly payroll in the proportion that contributions paid for the period bear to the contributions due for such period.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.131(1),(3)(f), 443.121(3), 443.171(1), 443.191 FS. History–New 8-25-92, Formerly 38B-2.027, Amended _____.

60BB-2.028 Delinquent Accounts.

(1) Application of Partial Payments. When a delinquency exists in the account of an employer not in bankruptcy and payment in an amount less than the total delinquency is submitted, the Agency through its designee, the Department of Revenue, shall apply the payment to the delinquency in such manner as the payer directs. In the absence of specific written directions from the employer, the Agency through its designee, the Department of Revenue, shall apply a partial payment to billed quarters of delinquency in a manner most beneficial to the employer, satisfying first contributions, next interest, next penalty, next service fee, and then filing fee, in each quarter in full before application of the remainder of such payment to the next earlier quarter of delinquency. Once payment is applied pursuant to these rules, the application of payment shall not be changed.

(2) Billing. As provided in Section 443.131(3)(h)1., Florida Statutes, the term "incurred by" shall be applicable only after the indebtedness has been billed, but unpaid, for at least four (4) consecutive calendar quarters.

(3) Notice of Indebtedness Affecting Tax Rates.

(a) Notice of indebtedness shall be mailed at least thirty days prior to the effective date of rating to each employer whose tax rate may be affected. Such indebtedness must be paid by the last day of the calendar quarter in which notification was mailed.

(b) An employer who is not notified of indebtedness because it was in an inactive status, as defined in Section 443.121(4), Florida Statutes, will be notified of the indebtedness when it returns to active status and the indebtedness must be paid within 30 days of the mailing date of the notification.

(4) Waiver of Penalty and Interest for Delinquent Reports. Pursuant to Sections 443.1316 and 443.141(1), Florida Statutes, the Agency through its designee, the Department of Revenue is authorized to waive imposition of interest or penalty when the employer files a written request for waiver establishing that the imposition of interest or penalty would be inequitable. Examples of such inequity include situations where the delinquency was caused by one of the following factors:

(a) The required report being addressed or delivered to the wrong state or federal agency.

(b) Death or serious illness of the person responsible for the preparation and filing of the report.

(c) Destruction of the employer's business records by fire or other casualty.

(d) Unscheduled and unavoidable computer down time.

(e) Erroneous information provided to the employer by the Agency or its designee, the Department of Revenue; failure of the Agency through its designee, the Department of Revenue to furnish proper forms upon timely application by the employer; inability of the employer to obtain an interview with a representative of the Agency or its designee, the Department of Revenue. In each of these cases, a diligent attempt to obtain the necessary information or forms must have been made by the employer in sufficient time that prompt action by the Agency through its designee, the Department of Revenue would have allowed the reports to be filed timely.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.121(4), 443.131(3)(f),(h), 443.141, 443.171(1) FS. History–New 8-25-92, Amended 12-23-98, Formerly 38B-2.028, Amended _____.

60BB-2.029 Changing Methods of Reporting – Nonprofit and Governmental Employers.

(1) A nonprofit or governmental employer will be assigned a new employer tax rate pursuant to Section 443.131(3), Florida Statutes, when changing from the reimbursement method to the contribution method of reporting. The wages reported and benefits reimbursed assignable to the period the reimbursement method was in effect will be disregarded for experience rating purposes.

(2) A nonprofit or governmental employer changing from the reimbursement method to the contribution method shall continue reimbursing the fund until no benefit payments are made based on wages paid while reporting under the reimbursement method. The employer's requirement to report and pay taxes will begin with the effective date of the election of the contribution method.

(3) If a nonprofit or governmental employer changes from the contribution method to the reimbursement method and subsequently changes back to the contribution method, the employment experience in both the current and preceding periods of operation under the contribution method will be used.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.121(4), 443.131(4),(5), 443.171(1) FS. History–New 8-25-92, Formerly 38B-2.029.

60BB-2.031 Succession.

When a succession has occurred, the Agency through its designee, the Department of Revenue, shall notify, pursuant to Section 443.131(3) and 443.1316, Florida Statutes, each affected employer of any tax rate change that would result from a transfer of employment records. Upon notification, the successor may, at its discretion, apply for transfer of employment records of the predecessor.

(1) Transfer of Employment Records.

(a) Form to be Used for Application.

1. Total and Partial Succession. Application for transfer of the employment records of a predecessor employer is to be made on Form UCS-1S, "Report to Determine Succession and Application for Transfer of Experience Rating Records," (Rev 12/01) incorporated by reference in Rule 60BB-2.037, F.A.C.

2. Partial Succession. Successor employers when applying for a transfer of employment records due to a partial succession must obtain the consent of the predecessor and, as outlined below, timely report all transfers of identifiable and segregable units. The Agency through its designee, the Department of Revenue, shall then determine the percentage of employment history to be transferred. A portion of the business shall not be considered to be segregable unless that portion is a distinct entity that could operate independently of the remainder of the business. Successor employers when applying for a transfer of employment records due to a partial succession, must additionally;

a. Establish that the records to be transferred are an identifiable and segregable unit and provide the date the unit being transferred first employed workers.

b. Ensure that complete and accurate information is filed with the Agency through its designee, the Department of Revenue, within ninety (90) days of the date the partial succession commenced, or the application shall be denied. Upon receipt of information filed timely, the Agency through its designee, the Department of Revenue, shall find the percentage of employment history to be transferred from the predecessor's records to the successor's record and so notify the employers in accordance with the provisions of this rule. The percentage will be calculated by dividing the number of employees transferred to the successor by the total number of employees of the predecessor prior to the transfer. This percentage will then be applied to the benefit charges and taxable payroll of the predecessor and the resulting amount will create the employment history to be transferred to the successor's account. The employment history that is transferred will be applied to the successor's records in the same quarter as the employment history is removed from the predecessor's records. The predecessor shall remain liable for benefit charges paid to transferred employees for any claim based on wages paid by the predecessor up to the date of succession. Upon being timely notified by the parties of the partial succession, the Agency through its designee, the Department of Revenue, shall notify the parties of their proposed tax rates. The Agency through its designee, the Department of Revenue, shall revoke, within three (3) years of the date of the partial succession, a previously approved transfer if the Agency through its designee, the Department of Revenue, finds that the parties submitted materially inaccurate or incomplete information.

(b) Time Limit for Application. Pursuant to Section 443.131(3)(g)1., Florida Statutes, the Agency through its designee, the Department of Revenue, shall notify each

successor who was not an employer prior to the succession, of liability as a successor and the right to apply for transfer of the predecessor's employment records. The Agency through its designee, the Department of Revenue, shall notify each successor who was already an employer of the right to apply for a transfer of the predecessor's employment records. The successor shall have 30 days from the mailing date of the notification to apply for a transfer of the records of the predecessor. If this time limit is not met, the Agency through its designee, the Department of Revenue, shall not grant the application.

(c) Withdrawal of Application or Permission for Employment Record Transfer. An employer will have 30 days from the mailing date of the notice of proposed tax rate in which to withdraw in writing its application or permission for the transfer. Failure to make timely written withdrawal will constitute acceptance of the transfer.

(2) Tax Rate of Total Successor and Predecessor Upon Transfer of Employment Record.

(a) The tax rate of a successor who was already an employer will remain unchanged for the remainder of the calendar quarter in which the total succession occurred. Thereafter, the rate shall:

1. Be the combination of the successor's own employment experience record with that of the predecessor; and

2. Be assigned from the first day of the calendar quarter immediately following the date of succession; and

3. Remain in effect until the successor next qualifies for a computation of a benefit ratio.

(b) The tax rate of a total successor who was not already an employer shall:

1. Be the tax rate of the predecessor employer from the date of succession; and

2. Remain in effect until the successor qualifies for a computation of a benefit ratio.

(c) The tax rate of the predecessor shall be:

1. The initial rate, if employment is continued; or

2. The earned rate, if the only wages paid are for employment that occurred prior to the succession.

(3) Tax Rate of Predecessor Upon Transfer of Employment Record and Partial Successor.

(a) Tax Rate of the Predecessor.

1. The experience of the transferred portion of the predecessor's account shall be removed from the experience rating record of the predecessor as of the effective date of the succession.

2. The tax rate of the predecessor shall remain unchanged until the predecessor next qualifies for a computation of a benefit ratio. Should this occur prior to the approval of the transfer, the rate computation for the immediately following rate year shall be based on the employment inclusive of the portion sought to be transferred. After approval, the Agency

through its designee, the Department of Revenue, shall recompute the rate of the predecessor for the entire rate year using only that portion of the employment experience remaining after the transfer has been completed.

(b) Tax Rate of the Partial Successor.

1. The tax rate of the partial successor who was already an employer will be based on the combination of the successor's own employment experience, if any, with the transferred employment experience of the predecessor, computed and effective as of the beginning of the calendar quarter immediately following the effective date of the succession.

2. A partial successor who was not already an employer shall become an employer as of the effective date of the succession. The tax rate from between the date of succession and until the partial successor becomes eligible for an earned rate shall be the initial rate provided by Section 443.131(2)(a), Florida Statutes. For each calendar year following, the Agency through its designee, the Department of Revenue, shall compute the tax rate pursuant to Section 443.131(3)(b), Florida Statutes, on the basis of the successor's own experience, if any, combined with the experience of the transferred records.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(18),(19),(20), 443.131(3)(b),(e),(g), 443.171(1) FS. History—New 8-25-92, Amended 12-7-97, Formerly 38B-2.031, Amended _____.

60BB-2.032 Employing Unit Records.

(1) Retention of Records. Each employing unit shall maintain all records pertaining to remuneration for services performed. Such records shall be maintained for a period of five years following the calendar year in which the services were rendered and shall be made available to the Agency or its designee, the Department of Revenue, upon request.

(2) Record Contents. Records shall contain true and accurate information with reference to each worker as follows:

(a) Name and social security number; and

(b) Place of employment within the State. For the purpose of this rule, the place of employment shall be recorded as the county in Florida in which the work was performed. The place of employment of a worker who performs work in more than one county shall be recorded as the county in Florida which serves as the worker's base of operation; or if the worker has no base of operations in Florida, the place of employment shall be recorded as the State of Florida at large; and

(c) Beginning and ending dates of each pay period and dates on which work was performed during each pay period; and

(d) Amount of wages paid to each worker for each pay period and dates of payment. If wages were paid on an hourly or piece rate basis, the records shall state for each day the wages earned on such basis and the dates of payment. If paid on an hourly basis, the number of hours worked in each pay period shall be recorded; and

(e) Date(s) hired, re-hired, and returned to work after temporary separation from work, and the date(s) of separation; and

(f) Special payments of any kind. All special payments, including bonuses, gifts, prizes, etc., shall be recorded separately. The record shall include the amount of money payments, reasonable cash value of other remuneration, the nature of such payments and, if appropriate, the period during which services were performed in return for such payments; and

(g) The address of each location where payroll records are maintained.

(3) Failure to Maintain Records. Liability for any employing unit which fails to maintain and provide records of employment required by this rule shall be effective on the date that the available information indicates employment first occurred. The Agency through its designee, the Department of Revenue, shall advise each employer in writing to keep and maintain the payroll records required by this rule when liability has been determined in accordance with this subsection. Such notice shall be personally served upon the employer or sent by registered or certified mail to the employer's address of record.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.071(2),(3), 443.141(2), 443.171(1),(7) FS. History—New 8-25-92, Formerly 38B-2.032.

60BB-2.035 Protests of Liability, Assessment, Reimbursement and Tax Rate – Special Deputy Hearings.

(1) Statutory References. Special deputies shall conduct hearings and issue recommend orders to the Director or Director's designee on all protests of determinations of liability pursuant to Sections 443.036(18), (19) & (20), Florida Statutes; protests by employers of the assignment of tax rate pursuant to Section 443.131(3)(i)1., Florida Statutes, protests by employers of assessment levied pursuant to Sections 443.141(2)(a) and 443.141(3)(g), Florida Statutes; protests by reimbursable employers of the requirement to reimburse pursuant to Sections 443.131(4)(a)4. and 443.131(4)(b)4. and Section 443.131(5), Florida Statutes.

(2) Parties. The Agency through its designee, the Department of Revenue, shall be a party respondent in all of the above protests. Where a protest arises from a claim or claims for benefits, those claimants shall be joined as parties.

(3) Timely Protest. All applications for review of tax rates and all protests of liability and reimbursement billing must be in writing, signed by the protesting party or an authorized representative, and should contain a short and concise statement of the facts and grounds for disagreement.

(a) Determinations will become final and binding unless application for review and protest is filed with the Agency within 15 days from the mailing date of the determination. If not mailed, the determination will become final 15 days from the date the determination is delivered.

(b) If the protest appears to have been filed untimely, the Agency will issue an Order to Show Cause to the Petitioner, requesting written information as to why the protest should be considered timely. If the Petitioner does not, within 15 days after the mailing date of the Order to Show Cause, provide written evidence that the protest is timely, the protest will be dismissed.

(4) Acceptance or denial by the Agency Director or the Director's designee.

(a) Each application for review of tax rate, assessment, or redetermination filed pursuant to Sections 443.131(3)(i)1., 443.131(4)(b), 443.141(2)(a), Florida Statutes, shall be considered by the Director or Director's Designee. When the application alleges facts which, if true, would entitle the applicant to a favorable redetermination, the Director or the Director's designee shall grant the application for review; otherwise the application shall be denied.

(b) If a timely application for review is granted, the Agency shall conduct an administrative hearing in the matter.

(5) Burden of Proof. The burden of proof shall be on the protesting party to establish by a preponderance of the evidence that the determination of the Agency through its designee, the Department of Revenue was in error.

(6) Hearing Locations. Except for hearings held telephonically, hearings shall be held at a location within a reasonable distance from the protesting employing unit location, unless the parties mutually agree to a different location.

(7) Furnishing Documents to the Parties. Pursuant to Section 443.171(7), Florida Statutes, the Agency shall produce to a party documents and official records in its possession necessary for the presentation of the case upon receipt of the party's written request prior to the hearing. Any application for information from the Agency shall state, as clearly as possible, the specific information desired.

(8) Subpoenas.

(a) The special deputy may issue subpoenas pursuant to Section 443.171(8), Florida Statutes, requiring the attendance of witnesses or production of records, files and memoranda from any place in the state at any designated place of hearing before a special deputy for the purpose of taking the testimony of such witnesses or inspection of documents upon written application of any party of record or upon the special deputy's own motion. The application for subpoena shall state the full name and address of the witness for whom the subpoena is to be issued and the time and place for the witness to appear. Requests for subpoenas duces tecum must describe with particularity the documents to be brought by the witness. The application must be delivered to the office of the special deputy sufficiently in advance of the scheduled date of the hearing to allow service prior to the hearing.

(b) A subpoena may be served by any person authorized by law to serve process or by any other person who is not a party and who is of majority age. Service may be made by a party's attorney or representative. Proof of personal service shall be made by certification of the person making service if not served by an officer authorized by law to do so. If service is made by certified mail, the returned postal service receipt shall be proof of service.

(c) Any person subject to a subpoena may, for any of the grounds set forth in Section 120.569(2)(k)1., Florida Statutes, file with the special deputy a motion to quash or limit the scope of the subpoena. The motion must be made sufficiently in advance of the date set for compliance with the subpoena to allow the special deputy to rule on the motion and provide notice to the parties of the ruling. If the special deputy's written ruling is not received prior to the date set for compliance, the moving party shall appear at the designated time and place prepared to comply with the subpoena, provided that the moving party shall be entitled to an oral ruling on the motion entered into the record at the inception of the hearing.

(d) If a person fails to comply with a subpoena, the party requesting the subpoena may seek enforcement by filing a petition for enforcement pursuant to Section 120.569(2)(k)2., Florida Statutes, in the circuit court of the judicial circuit wherein the person in noncompliance resides.

(9) Discovery. Parties may obtain discovery as provided in Rules 1.280 through 1.410, Florida Rules of Civil Procedure. Upon request by a party the special deputy is authorized to issue orders to effectuate the purposes of discovery and to prevent delays, including orders shortening the period of time during which discovery is to be performed.

(10) Appeals Procedures. Appeals procedures shall be in accordance with Section 120.57, Florida Statutes, and this rule.

(11) Post Hearing Procedures.

(a) The parties shall have 15 days from the date of the close of testimony to submit written proposed findings and conclusions with supporting reasons. If mailed, the postmark date will be considered the date of submission. However, no additional evidence will be accepted after the hearing has been closed.

(b) The special deputy shall prepare and transmit a recommended order including findings of fact and conclusions of law together with the record of the proceedings and the parties' proposed findings and conclusions to the Director or the Director's designee for decision.

(c) Any party aggrieved by the recommended Order may file written exceptions to the Director or the Director's designee within 15 days of the mailing date of the recommended Order.

(d) Any opposing party may file counter exceptions within 10 days of the mailing of the original exceptions.

(e) A brief in opposition to the counter exceptions may be filed within 10 days of the mailing of the counter exceptions.

(f) Any party initiating correspondence pursuant to items (a) through (e) of this subsection must send a copy of the correspondence to each of the parties contained on the notice of hearing, and indicate that copies were sent.

(12) Extensions of Time. Upon application, an extension of time will be granted for submitting proposed findings of fact and conclusions of law, and for submitting exceptions, counter-exceptions and briefs. The application for extension of time, including the reason for the request and the amount of time requested, must be received by the special deputy, in writing, prior to the expiration of the original deadline.

(13) Non-Appearance of Petitioner. The failure of the petitioner to appear at the hearing or to comply with any lawful order will be cause for dismissing the appeal. Upon written request of the petitioner, the special deputy shall, for good cause, rescind a recommended order of dismissal and reopen the appeal, if the request has been filed within 15 days of the mailing of the recommended order.

(14) Director's Order. The Director or the Director's designee shall make a decision and issue a written order in the matter and serve a copy of the order to the parties by certified mail.

(15) Finality. Orders of the Deputy Director or the Director's designee shall become final after the time has expired for seeking judicial review, provided such review has not been invoked.

Specific Authority 443.171(2)(a) FS. Law Implemented 120.57, 120.58(1),(2),(3), 443.036(18),(19),(20), 443.131(3),(4),(5), 443.141(2),(3), 443.151(3)(c), 443.171(1),(7),(8),(9),(10) FS. History--New 8-25-92, Formerly 38B-2.035, Amended _____.

60BB-2.037 Forms.

(1) The following forms are incorporated by reference.

(a) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 08/01).

(b) LES Form UCS-2A, Questionnaire for Voluntary Election of Unemployment Compensation Coverage Questionnaire (Rev. 09/01).

(c) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 12/01).

(d) Form UCS-2, Voluntary Election to Become an Employer Under the Florida Unemployment Compensation Law (Rev. 08/01).

(e) Form UCS-3, Florida Department of Revenue Employer Account Change Form (Rev. 08/01).

(f) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

(g) Form UCS-6061, Independent Contractor Analysis (Rev. 01/01).

(h) Form UCS-70, Application for Common Paymaster (Rev. 08/01).

(i) Form UCT-1, Notice of Benefits Paid (Rev. 12/00).

(j) Form UCT-6, Employer's Quarterly Report (Rev. 12/01).

(k) Form UCT-8A, Correction to Employer's Quarterly Report (UCT-6) (Rev. 4/01).

(l) Form UCT-18, Notice of Tax Lien (Rev. 12/00).

(m) Form UCT-29, Unemployment Compensation Reimbursement Invoice (Rev. 03/01).

(n) Form UCT-50T, Florida Department of Revenue Magnetic Media Reporting Transmittal (Rev. 01/01).

(o) Form UCT-FL06A, Incomplete Report Notice (Rev. 05/01).

(p) Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

(q) Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/01).

(r) Form UCS-8, Firm's Statement of Claimant's Work and Earnings (Rev. 04/01).

(2) Copies of forms. Forms incorporated in this rule are available from the Agency through its designee, the Department of Revenue by the following methods:

(a) Writing to the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Forms Distribution Center at 850-922-2208;

(c) Visiting any local Department of Revenue Service Center to personally obtain a copy;

(d) Calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site (www.myflorida.com/dor)

(g) Dialing the TDD number for the Department of Revenue at 1-800-367-8331 for persons with hearing or speech impairments.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036 (19)(g),(34), 443.131, 443.171(1) FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.:	RULE TITLE:
60Y-5.004	Executive Director's Investigatory Determination; Notice

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 34, August 25, 2000, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-3.016	Reporting Requirements for Practitioners for Sexually Transmitted Diseases (STDs) Including HIV and AIDS
64D-3.018	Partner Notification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 37, September 13, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(b) of Rule 64D-3.016 shall now read as follows:

(b) Except for AIDS and HIV, as indicated in paragraph 64D-3.016(1)(c), F.A.C., and hepatitis A and B as indicated in subsection 64D-3.002(2), F.A.C., all reports of sexually transmissible diseases shall be completed and submitted on the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, 08/2002. The form, incorporated by reference in this rule, will be furnished by the local county health department.

Subsection (1) of Rule 64D-3.018 shall now read as follows:

(1) The department and its authorized representatives, when deemed necessary to protect public health, shall interview, or cause to be interviewed, all persons infected or suspected of being infected with a sexually transmissible disease.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maresa R. Corder, Bureau of STD, Department of Health, 4052 Bald Cypress Way, Bin #A19, Tallahassee, FL 32399, (850)245-4605, Maresa_Corder@doh.state.fl.us

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
Instant Game Number 459, FAST NEW YEAR'S CASH	53ER02-59

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 459, "FAST NEW YEAR'S CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-59 Instant Game Number 459, FAST NEW YEAR'S CASH.

(1) Name of Game. Instant Game Number 459, "FAST NEW YEAR'S CASH."

(2) Price. FAST NEW YEAR'S CASH lottery tickets sell for \$2.00 per ticket.

(3) FAST NEW YEAR'S CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning FAST NEW YEAR'S CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any FAST NEW YEAR'S CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the