

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Richard Robleto, Bureau Chief, Bureau of Life and Health
 Forms and Rates, Office of Insurance Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Lisa Miller, Deputy Directory, Life
 and Health Forms and Rates, Office of Insurance Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 20, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 17, 2004

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
 6E-2.004 Standards and Procedures for
 Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 27, July 2, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee and as the result of further Board review at its duly noticed meeting on October 12, 2004.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions ~~Each institution~~ applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission ~~the following specific information,~~ in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents 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) through (4) No change.

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

(a) through (b)6. No change.

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. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. through (c)6. No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License: Approved Applicant Status:~~

a. through b. No change.

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

d. No change.

2. ~~Provisional License, Annual License, Extended Annual License, or Annual Review:~~ Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. ~~Licensed, 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 an explanation of the financial condition of the institution including a financial improvement plan, or 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. If an institution does not meet the above requirements, the Commission shall require an

explanation of the financial condition of the institution including a financial improvement plan or 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.

(7) through (10) No change.

(11) Standard 11: Publications and Advertising.

(a) through (n) No change.

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

p. through u. No change.

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. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C. Obligations to repay loans shall be clearly disclosed and explained to students, along with anticipated repayment terms, dates and amounts;

w. through dd. No change.

ee. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY REDUCE EMPLOYABILITY WHERE ENGLISH IS REQUIRED.

3. through (12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04,

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-3 Florida Building Commission:
Operational Procedures

RULE NO.: RULE TITLE:
9B-3.047 State Building Code Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 13, March 26, 2004, issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 edition, as revised by the Florida Building Commission on June 30, 2003, is hereby adopted and incorporated by reference as the building code for the State of Florida.

(2) No change.

PROPOSED EFFECTIVE DATE IS July 1, 2005.

Specific Authority 553.73(1),(7), FS. Law Implemented 553.72, 553.73(3),(7),(9) FS. History-New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 7-1-05.

NOTE: The Florida Building Commission has approved an effective date of July 1, 2005, for the 2004 Edition of the Florida Building Code. The new effective date and the following changes to sections of the Florida Building Code were adopted as a result of public comments received at the rule making hearing on August 31, 2004:

2004 Florida Building Code, Building Volume Chapter 21, Masonry

Section 2109 Empirical Design of Masonry

Section 2109.1.1 Limitations, revise to read as follows:

Section 2109.1.1 Limitations. Empirical masonry design shall not be utilized for any of the following conditions:

- 1. The design or construction of masonry structures located in areas where the basic wind speed exceeds 100 ~~110~~ mph (177 km/hr).

- 2. No change.

Chapter 23, Wood Section

2308 Conventional Light-Frame Construction

Section 2308.2, Limitations, delete the exception under item 4.

2308.2 Limitations. Buildings are permitted to be constructed in accordance with the provisions of conventional light-frame construction, subject to the following limitations, and to further limitations of Sections 2308.11 and 2309.12.....

- 4. Wind speeds shall not exceed 100 miles per hour (mph) (44 m/s) (3-second gust). ~~Exception: Wind speeds shall not exceed 110 mph (48.4 m/s) 3-second gust for buildings in Exposure Category A or B.~~

2004 Florida Building Code, Residential Volume

Chapter 2, Definitions

Section R202 Definitions

Revise the definition of Fire Separation Distance to read as follows:

Fire Separation Distance. The distance measured from the building face to the closest interior lot line, to the centerline of a street, alley, a fire separation distance easement, or public way, or to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the lot line.

Add a new definition, Fire Separation Distance Easement, to read as follows:

Fire Separation Distance Easement. For the purpose of determining a fire separation distance easement shall be defined as a legal binding restriction placed on a property that would prohibit construction within it's confines.

Chapter 3, Building Planning
Section R301 Design Criteria

Section R301.2.1.1, Design criteria, is revised to read as follows:

Section R301.2.1.1 Design criteria. Construction in regions where the basic wind speeds from Figure R301.2(4) equal or exceed ~~100~~ 140 miles per hour (177.1 km/h) shall be designed in accordance with one of the following except as allowed in the specific chapter of this code: (following text remains unchanged).

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., December 7, 2004

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.800
RULE TITLE: Close Management
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, (September 24, 2004), issue of the Florida Administrative Weekly:

33-601.800 Close Management.

(1) through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services ~~the General Counsel~~, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (k) No change.

(l) Form N11-046, Close Management Housing Unit Instructions, effective date _____ ~~4-8-04~~.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE NO.: 59A-11.0125
RULE TITLE: Spontaneous Fetal Demise

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 28, July 9, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.002
RULE TITLE: Licensure by Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments, as noticed in Vol. 30, No. 30, of the Florida Administrative Weekly on July 23, 2004, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Manual Recount Procedures for Touchscreen Voting Systems
RULE NO.: 1SER04-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: As a result of an administrative ruling issued on August 27, 2004, by the administrative law judge in American Civil Liberties Union of Florida, Inc., et al. v. Florida