

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-1.003 Definition of Terms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to include a definition of an additional institutional location in order to assist institutions in complying with existing rule prohibiting modification to a license by adding an additional location while under a provisional license. The purpose and effect is to include a definition of a Florida student.

SUBJECT AREA TO BE ADDRESSED: Definition of Terms.

RULEMAKING AUTHORITY: 1005.22 FS.

LAW IMPLEMENTED: 1005.22, 1005.31, 1005.385 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 20, 2011, 3:00 p.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32546

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

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

(1) No change.

(2) “Additional Locations” means any locations other than auxiliary classroom space that supports a licensed institution.

(3)(2) “Address of Record” means the current mailing address and location of the institution in Florida.

(4)(3) Adequate Clinical Clerkship Library Facilities – Comprehensive resource and information facility sufficient in size, current breadth of holdings and information technology to support its medical education.

(5)(4) Adequate Laboratory Facilities – Industry standard facilities that allow students to engage in scientific research, testing and diagnostic evaluation.

(6)(5) “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.

(7)(6) “Applied General Education” means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree as described in subparagraph 6E-2.004(4)(n)1., F.A.C., in natural and physical sciences, social and behavioral sciences, language, composition, and humanities and the arts.

(8)(7) “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.

(9)(8) “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.

(10)(9) “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.

(11)(10) “Change in Control” means any change in the organization of an institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner’s family or to a person with a pre-existing ownership interest in the institution.

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

~~(13)~~~~(12)~~ “Citation” means an instrument which meets the requirements set forth in Section 1005.385, F.S., and which is served upon a licensee, an applicant, or any other subject within the jurisdiction of this Commission, for the purpose of assessing a penalty in an amount established by this rule.

~~(14)~~~~(13)~~ “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.

~~(15)~~~~(14)~~ “Clock Hour” means a period of 60 minutes with a minimum of 50 minutes of instruction in the presence of an instructor.

~~(16)~~~~(15)~~ “Collegiate” describes a college or university which is licensed by the Commission to offer degrees as defined in Section 1005.02(7), F.S., or the degree programs offered by such an institution.

~~(17)~~~~(16)~~ “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.

~~(18)~~~~(17)~~ “Compressed Time Period” means delivery of required contact clock hours or credit hours in a significantly shorter period than those described in the definitions of “Semester” and “Quarter”.

~~(19)~~~~(18)~~ “Contract Training” means providing a 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.

~~(20)~~~~(19)~~ “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.

~~(21)~~~~(20)~~ “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.

~~(22)~~~~(21)~~ “Costs” means the amount of money directly related to the investigation and prosecution as determined by the Commission.

~~(23)~~~~(22)~~ “Course” means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, College Math, or Introduction to Computers.

~~(24)~~~~(23)~~ “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.

~~(25)~~~~(24)~~ “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.

~~(26)~~~~(25)~~ “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.

~~(27)~~~~(26)~~ “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.

~~(28)~~~~(27)~~ “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.

~~(29)~~~~(28)~~ “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.

~~(30)~~~~(29)~~ “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.

~~(31)~~~~(30)~~ “Enrollment” means registering a student to take programs or courses at an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

~~(32)~~~~(31)~~ “Executive Director” means the chief administrative officer of the Commission.

~~(33)~~~~(32)~~ “Fair consumer practices” means the honest, accurate and equitable conduct of business and academic relations between institutions and their students or prospective students.

~~(34)~~~~(33)~~ “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.

~~(35)~~ “Florida Student” means any student enrolled at a Florida campus of a licensed institution and for distance education, a student whose mailing address for purposes of receiving distance education lessons and materials from the school, is a Florida address.

~~(36)~~~~(34)~~ Foreign Medical School Affiliation Agreement – A signed statement between a teaching hospital and a foreign medical school in which the teaching hospital agrees to make its resources available to a foreign medical school in order for the foreign medical school to offer its educational program at the hospital.

~~(37)~~~~(35)~~ Generally Accepted Accounting Principles (GAAP), effective September 30, 2002, is defined in the Board of Accountancy Rule 61H1-20.007, F.A.C.

~~(38)~~~~(36)~~ “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 are 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.

~~(39)~~~~(37)~~ “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.

~~(40)~~~~(38)~~ “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.

~~(41)~~~~(39)~~ “Institution” means any college, university or postsecondary career school under the jurisdiction of the Commission as provided in Chapter 1005, F.S.

~~(42)~~~~(40)~~ “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.

~~(43)~~~~(41)~~ “Main Florida Headquarters” means the location designated by an out-of-state institution as its main administrative and academic center in Florida.

~~(44)~~~~(42)~~ “Media and Computer Assisted Learning” means instruction through electronic information transfer, data processing, facsimile transmission, or through other technology.

~~(45)~~~~(43)~~ “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 as contract training.

~~(46)~~~~(44)~~ “Noncollegiate” or “Nondegree” describes a nonpublic career school licensed by the Commission to offer certificate or diploma programs as defined in Section 1005.02(16), F.S., or the certificate or diploma programs below the degree level offered by any institution under the jurisdiction of the Commission.

~~(47)~~~~(45)~~ “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.

~~(48)~~~~(46)~~ “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.

~~(49)~~~~(47)~~ “On-line Courses” means courses taken by electronic means through the Internet or other similar delivery system.

~~(50)~~~~(48)~~ Parent Medical Schools – The licensed foreign medical institution that is offering a clinical clerkship program at the Florida teaching hospital.

~~(51)(49)~~ “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.

~~(52)(50)~~ “Quarter” means at least ten weeks of instruction and learning, or its equivalent as described below.

~~(53)(51)~~ “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(44)(a), F.A.C., above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

~~(54)(52)~~ “Semester” means at least fifteen weeks of instruction and learning, or its equivalent as described below.

~~(55)(53)~~ “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(44)(a), F.A.C., above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

~~(56)(54)~~ “Scholarship – a grant-in aid to a student.” The offer of a grant-in-aid to an enrolled student to offset partial or complete costs of a course, program, certificate or degree.

~~(57)(55)~~ “Substantive Change” means any change of control, level of credentials offered, location, a change in the purpose of the institution that exceeds minor corrections or alterations, financial soundness, or accreditation. A change of location includes any change of location that exceeds 45 miles. 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 affect the continued operation or stability of the institution, or the quality of the educational programs offered.

~~(58)(56)~~ “Synchronous” means that students must participate, electronically or by other means, in a distance educational program simultaneously, regardless of time zones.

~~(59)(57)~~ “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.

~~(60)(58)~~ “Transcript” means the form maintained by an institution on student academic information which minimally shall include the following:

- (a) Student name, street address, telephone number, date of birth;
- (b) Enrollment date(s);
- (c) Graduation date(s);
- (d) Required hours for completion;
- (e) Grade scale;
- (f) Courses taken;
 1. Attempted credit or clock hours;
 2. Scheduled start date;
 3. Dates of course completion;
 4. Grades.
- (g) Total hours attended; and
- (h) Credit given for courses transferred in from other institutions.

Rulemaking Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31, 1005.385 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, 4-11-00, 1-7-03, 12-23-03, 7-20-04, 3-28-05, 6-13-05, 2-20-06, 7-23-07, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to include the methodology for determining placement and retention rates for non-accredited institutions in rule, and to incorporate the form to be used to report this information. The purpose of the proposed rule is also to incorporate forms to be used by accredited institutions to report placement and retention data already required by their accrediting entity. The proposed rule also incorporates forms used by institutions to report enrollment data to the Commission. The proposed rule also clarifies the

circumstances when incentives to a prospective student may not be provided. In addition, the proposed rule corrects cross referenced provisions. The purpose and effect of the proposed rule is to incorporate a form on which institutions will report financial information.

SUBJECT AREA TO BE ADDRESSED: Licensing Standards including placement and retention and financial data.

RULEMAKING AUTHORITY: 1005.31(2), (3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 20, 2011, 3:00 p.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions 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 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 (3) No change.

(4) Standard 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) No change.

(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, unless the institution provides the disclosure provided in subsection 6E-1.0032(5), F.A.C., the institution must document to the Commission that successful completion of the program will make qualify the graduate eligible to take the licensing examination or to receive the appropriate certification or practice the profession.

(c) through (m) No change.

(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 pursuant to subsections 6E-1.003(14), (51) and (53)(47) and (49), F.A.C. 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(6) or (33), F.A.C.

2. through 4. No change.

(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(36)(33), F.A.C.

2. through 4. No change.

(p) No change.

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

1. No change.

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(33)(30), F.A.C.

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

(r) 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) No change.

(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. through 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 or visit the institution. 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 9. No change.

(c) No change.

(6) Standard 6: Finances. 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:

(a) Provisional License:

1. No change.

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

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

4. No change.

(b) Annual License, Extended Annual License, or Annual Review:

1. No change.

2. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a

financial statement of the institution and of the controlling ~~principals~~ principles. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

3. No change.

(c) No change.

(d) In addition to the financial information required above, institutions shall submit CIE Form # , entitled Selected Financial Data, effective . This form is incorporated by reference and may be obtained without cost from the Commission's website at www.fldoe.org/cie or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, FL 32399-0400.

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. No change.

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

a. No change.

b. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught. Instructors shall have completed postsecondary training in either a state licensed school or a college accredited by an accrediting agency recognized by the United States Department of Education ~~USDOE~~ plus one year of job experience related to the subjects taught; or have completed a minimum of three years of successful job experience directly related to the subjects taught.

3. through 4. No change.

(b) through (f) No change.

(8) through (9) No change.

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

(a) through (b) No change.

(c) Placement Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its placement rate as defined by the Commission with each license review. If the placement rate falls below 60%, 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. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

An institution accredited by an agency recognized by the United States Department of Education USDOE shall report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and 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 documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(d) Retention Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its retention rate as defined by the Commission with each license review. If the rate falls below 50%, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve other 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 documenting the activities taken by the institution to improve the retention rate. If the progress report is not accepted by the Commission, the Commission shall take actions up to and including revocation of license.

An institution accredited by an agency recognized by United States Department of Education USDOE shall report its retention rate, as required by its respective accrediting agency, with each annual review. If the retention rate does not meet the accrediting agency's requirements the Commission shall place the institution on a retention improvement plan. This plan shall be developed by the institution and 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 documenting the activities taken by the institution to improve the retention rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(e) Institutions shall submit placement and retention information on CIE Form 801, Annual Student Data Collection for Non-Institutionally Accredited Institutions, effective _____, CIE Form 802, Annual Student Data Collection for Institutionally Accredited Institutions, effective _____, CIE Form 803, Placement and Retention Reporting for Institutionally Accredited Institutions – Institutional Reporting, effective _____, and CIE Form 804, Placement and Retention Reporting for Institutionally Accredited Institutions – Programmatic Reporting,

effective _____, as applicable. These forms are incorporated by reference and may be obtained without cost from the Commission's website www.fldoe.org/cie or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(11) Standard 11: Publications and Advertising.

(a) No change.

(b) Catalog.

1. No change.

2. Each institution shall publish and provide to each enrolled student a catalog in written or electronic form. 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. through d. No change.

e. If the institution is accredited as defined in Section 1005.02(1), F.S., a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not recognized by the United States 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(5), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;

f. through r. No change.

s. A complete explanation of the standards of satisfactory academic progress. 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. through cc. No change.

dd. If the institution offers courses through distance education or other alternative means, the catalog shall include the information specified in subsection 6E-2.0041(10)(H), F.A.C.;

ee. No change.

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 clearly disclosed ~~presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.~~

(c) Advertising.

1. No change.

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. No change.

5. An institution shall not offer the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, ~~monetary incentives~~ as an inducement to visit the campus or to enroll in a course or program.

6. through 11 No change.

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. through 16. No change.

(12) No change.

Rulemaking 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, 5-18-05, 7-10-06, 7-23-07, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-4.001 Fees and Expenses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete the fee charged a student by the Commission when the Commission provides the student with a copy of his transcript, to reduce the charge to institutions licensed-by-means of accreditation for adding or modifying a program, to correct the language describing the circumstances when fees will be reduced and to include a date for the end of the fiscal year. The purpose is also to include the description of a Florida student for traditional and distance education.

SUBJECT AREA TO BE ADDRESSED: To adjust the fee schedule charged to prospective institutions and licensed institutions.

RULEMAKING AUTHORITY: 1005.35, 1005.37, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 20, 2011, 3:00 p.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-4.001 Fees and Expenses.

(1) The Base Fee and the Workload Fee shall be assessed at one of six levels based upon the Florida student enrollment (per license issued) for the last reported fiscal year ending on June 30th. For each licensed institution, Florida student enrollment consists of all students enrolled at a Florida campus of a licensed an institution and for plus all Florida residents enrolled in any CIE licensed distance education, a student whose mailing address for purposes of receiving distance education lessons and materials from the school, is a Florida address program. If an institution that holds a license has not submitted enrollment data to the Commission (using the CIE Annual Data Collection) they shall be assessed at the highest level.

- (a) Level 1 = 0 to 100 students
- (b) Level 2 = 101-500 students
- (c) Level 3 = 501-1,000 students
- (d) Level 4 = 1,001 to 5,000 students
- (e) Level 5 = 5,001 to 10,000 students
- (f) Level 6 = over 10,000 students

If the total revenue collected by the Commission during a fiscal year is ~~greater than~~ 12% or greater than ~~of~~ the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to reduce the Base Fee and

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-4.005 Student Protection Fund; Trainout Procedures for Closure.

Subsections (1)-(4), paragraphs (6)(a) and (b) of this rule shall apply to all licensed nonpublic nondegree schools. Subsection (5) and paragraph (6)(c) shall apply to all licensed institutions.

(1) through (2) No change.

(3) Assessment Paid by Licensed Nondegree Schools. Each licensed school shall pay annually to the fund a specified amount equal to .0005 of the annual ~~gross~~ tuition revenue generated in Florida.

(4) Computation and Payment of Assessment.

(a) through (c) No change.

(d) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school, or for changing the status of a school which is Licensed by Means of Accreditation to a Provisional License, or for denial of an application for license renewal.

(e) Licensed nondegree institutions shall report annual tuition revenue generated in Florida on CIE Form XXX, entitled Selected Financial Data. This form is incorporated by reference, effective _____ . CIE Form XXX may be obtained without cost from the Commission's website at www.fldoe.org/cie or by writing to the Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(5) through (6) No change.

Rulemaking Specific Authority 1005.37 FS. Law Implemented 1005.35(4)(g), 1005.36(3), 1005.37 FS. History--New 4-2-03, Amended _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.070	Leases and Licenses of Real Property; Storage of Boats and Aircraft

PURPOSE AND EFFECT: The purpose of this rule development is to discuss guidelines concerning when certain expenditures or payments made by the lessee/tenant are considered part of the total rent or license fee charged for the use of real property that are subject to the tax imposed under Section 212.031, F.S. Examples of expenditures or payments may include, but are not limited to, tenant improvements and maintenance charges.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is the development of updated procedures, consistent with current statutory provisions and court cases, regarding the tax imposed on the rental, lease, or license to use, occupy, or enter upon any real property.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(10)(h), (i), (13), 212.03(6), 212.031 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2011, 9:30 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida. The public can also participate in this rule development workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in this electronic workshop by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be included in the Agenda for this workshop posted on the Department's Proposed Rule site at www.myflorida.com/dor/rules.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: French Brown, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NO.:	RULE TITLE:
18-21.0051	Delegation of Authority

PURPOSE AND EFFECT: Rule 18-21.0051, F.A.C., sets limits on which projects for sovereign submerged land leases can be authorized locally by the Department of Environmental Protection Districts and Water Management Districts and which require review by the Governor and Cabinet, sitting as the Board of Trustees. Amendments are proposed to delete the slip threshold and increase the preempted area threshold from 50,000 square feet to 150,000 square feet. Any projects of

heightened public concern would continue to require final action by the Board of Trustees regardless of their size or preempted area.

One benefit will be to reduce the processing time by approximately 45 days, expediting and streamlining the process for the public and eliminating the cost of taking these leases to the Board of Trustees. It also will be a time and cost savings to agency staff, which includes local district review and staff review in Tallahassee. For the applicant, construction can begin sooner.

SUBJECT AREA TO BE ADDRESSED: Increase the number of projects that can be authorized locally rather than require review by the Board of Trustees.

RULEMAKING AUTHORITY: 253.002, 253.73 FS.

LAW IMPLEMENTED: 253.002, 253.67-.75, 597.010 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's Web Site at: www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 11-0594)

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.601 **RULE TITLE:** Employee Benefit Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move the language of Form DC2-354 into Form DC2-356 so that DC2-354 will be repealed; to clarify the authority of the Assistant Secretary of Institutions and of regional employee benefit trust fund teams over EBTF functions and operations; and to specify the manner in which net recycling proceeds are to be used.

SUBJECT AREA TO BE ADDRESSED: Employee benefit trust fund.

RULEMAKING AUTHORITY: 945.215, 945.21501 FS.

LAW IMPLEMENTED: 945.215, 945.21501 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.601 Employee Benefit Trust Fund.

(1) No change.

(2) The Assistant Secretary of Institutions will provide oversight for the operation of the employee benefit trust fund and for the employee benefit trust fund activities. The primary function of the Assistant Secretary of Institutions will be to standardize the operation of the employee benefit trust fund.

~~(3)(2) The employee benefit trust fund shall be established in the Bureau of Finance and Accounting. A regional employee benefit trust fund team appointed by the regional director of institutions will be established in each region. Oversight and administration of the fund shall be the responsibility of the employee benefit trust fund team under the direction of the Assistant Secretary of Institutions. This team will review and approve the number and location of vending machines and canteens, recommend staffing patterns, and perform a monthly review of checks written. The primary function of the central office team will be to standardize the operation of the employee benefit trust fund. The team shall be made up of the following staff members:~~

- ~~(a) Secretary or designee;~~
- ~~(b) Assistant Secretary of Institutions or designee;~~
- ~~(c) Chief of Staff or designee;~~
- ~~(d) Deputy Assistant Secretary of Institutions or designee;~~
- ~~(e) Director of Administration or designee; and~~
- ~~(f) Chief, Bureau of Finance and Accounting or designee.~~

~~(3) A regional employee benefit trust team appointed by the regional director of institutions will be established in each region. This team will review and approve the number and location of vending machines and canteens, recommend staffing patterns, and perform a monthly review of checks written. The team shall be made up of the following staff members:~~

~~(a) through (5) No change.~~

(6) The One-half of the net proceeds of the department's recycling program will be used to fund employee benefits for each institution community corrections, regional offices, and central office.

(7) Disbursements from the fund will be authorized for the purchase of items for resale or operating supplies as approved by the regional employee benefit trust fund team and expenditures that are in accordance with authorized uses of the fund. Local bank accounts shall be established at each institution for the purchase of items for resale or operating supplies approved by the regional ~~central office~~ employee benefit trust fund team.

(8) The regional ~~central office~~ employee benefit trust fund team will establish an amount to be retained in each local account. Funds in excess of operating needs will be transferred to the central account.

(9) Institutions requesting to withdraw money from the fund for purchases not under their level of approval shall submit a request to the appropriate authority ~~central office team~~ describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-356, EBTF Expenditure Check Request DC2-354, Employee Benefit Trust Fund Expenditure Request. Form DC2-356 DC2-354 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2008.

(10) The appropriate authority ~~central office team~~ shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the request DC2-354 is approved, vendor payments may be requested by e-mail using the bottom portion of Form DC2-356, EBTF Expenditure Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2008.

~~(11) A service charge equal to 7% of canteen revenues will be used to offset administrative costs of the employee benefit trust fund.~~

Rulemaking Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History-New 4-13-08, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.103
 RULE TITLE: Privileged Mail
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that incoming mail from the news media that is individually correspondent in nature, rather than being a publication of the news media organization, should be marked so that staff know to treat the incoming mailing as correspondence rather than a publication.
 SUBJECT AREA TO BE ADDRESSED: Privileged mail.

RULEMAKING AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.103 Privileged Mail.

(1) through (4) No change.

(5) Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no unauthorized items. Incoming mail from the news media that is correspondence as opposed to a publication shall clearly indicate on the outside of the envelope the nature of the mail in order to put staff on notice that it should be handled pursuant to this Rule rather than Rule 33-504.101, F.A.C. ("Admissible Reading Material"), such as by marking it as "privileged," "correspondence," or "not a publication." Only the signature and letterhead of privileged mail may be read. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (5) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(b) through (9) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.11 FS. History-New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, 12-4-02, 9-20-04, 7-18-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
 RULE TITLE: Care of Inmates
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify inmate uniform provisions.
 SUBJECT AREA TO BE ADDRESSED: Care of Inmates.
 RULEMAKING AUTHORITY: 944.09, 945.215 FS.
 LAW IMPLEMENTED: 944.09, 945.215 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with Department rules, procedures, and institution policy.

(a) Class Uniforms will be as follows:

1. No change.

2. The female Class A uniform shall require the following:

a. Either,

i. State issued outer shirt, T-shirt under outer shirt (permissible but not required to be worn underneath buttoned state issued outer shirt), state issued pants, and state issued web belt (except for state issued pants with elastic waistband not requiring a belt); or

~~ii. State issued dress, fully buttoned, with slip (dress shall not be worn in visitation or for work squad assignments including food service), T-shirt under dress (permissible but not required to be worn underneath buttoned state issued dress); or~~

~~ii.iii.~~ Pregnant inmates may wear maternity dresses.

b. through 5. No change.

6. Inmates shall wear either shorts or pants any time inmates are not in their beds, except that females may wear a ~~dress or~~ pajamas with a robe fully buttoned. Pants shall be completely buttoned before exiting the dormitory. The waist of pants and shorts shall be worn above the buttocks, around the natural waist.

7. through (3) No change.

(4) through (11) No change.

(12) Inmate health and comfort items shall be provided in accordance with the guidelines in the Inmate Health and Comfort Items – Issuance, Form NII-071. Form NII-071, Inmate Health and Comfort Items – Issuance, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is October, 2011 ~~5-24-11~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00212>).

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History—New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.203
RULE TITLE: Control of Contraband

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that certain Uniform Commercial Code materials are disallowed.

SUBJECT AREA TO BE ADDRESSED: Contraband.

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 90.505, 944.09, 944.11, 944.803 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

(a) Any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was not ~~neither~~:

1. through 3. No change.

4. Authorized and approved for delivery by mail; or ~~or~~

5. through (6) No change.

(7) No inmate shall manufacture or possess any forms that may be used in the fraudulent filing of Uniform Commercial Code liens and/or publications that promote this practice. An inmate shall not possess any Uniform Commercial Code (UCC) Article 9 form, including but not limited to any financing statement (UCC1, UCC1Ad, UCC1AP, UCC3, UCC3Ad, UCC3AP), or correction statement (UCC5), whether printed, copied, typed or hand written, or any document concerning a scheme involving an inmate's "strawman," "House Joint Resolution 192 of 1933," the "Redemptive Process," "Acceptance for Value" presentments or document indicating copyright or attempted copyright of an inmate's name absent prior written authorization from the warden.

~~(8)(7)~~ Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designed as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, ~~Office of Research,~~

~~Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 3-2-00.

(b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General’s Office for handling. The Inspector General’s Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In either case, the initial confiscating authority will establish the chain of evidence, and insure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.

(c) through (i) No change.

~~(9)(a)(8)(a)~~ All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate’s acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is incorporated by reference in subsection ~~33-602.201(17)~~ ~~33-602.201(16)~~, F.A.C.

(b)1. The Regional Director of Institutions is authorized to declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass search is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. through 3. No change.

4. If an investigation determines that inmate personal property has been damaged or destroyed by Department staff, the procedure as outlined in subsection ~~33-602.201(14)~~ ~~33-602.201(11)~~, F.A.C., shall be followed in order to replace the property.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History–New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-21-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, 11-10-03, 6-28-07,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205
RULE TITLE: Inmate Telephone Use

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to generally modify the provisions concerning inmate telephone use, such as how calls may be made and to whom.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

RULEMAKING AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 945.215 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to generally update, modify, and clarify the provisions of the rule relating to use of force for operational efficiency and to reflect changes in law and policy.

SUBJECT AREA TO BE ADDRESSED: Use of Force.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.624
RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to establish minimum and guidance levels for one of the District's listed priority waters, Lake Wimauma in Hillsborough County, FL pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum and guidance levels for Lake Wimauma in the town of Wimauma, Hillsborough County, Florida. A minimum level is the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area. Members of the District's Governing Board and Basin Boards may attend the Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 20, 2011, 6:00 p.m.

PLACE: SouthShore Regional Library, 15816 Beth Shields Way, Ruskin, FL 33573

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Keith Kolasa, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4236

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-35.100
RULE TITLE: Minimum License Requirements

PURPOSE AND EFFECT: The proposed amendment would revise the uniform licensing rule on issuing licenses to more than one provider at the same physical address. Review of the law implemented cited for this rule has determined that there is not a specific statutory prohibition against issuance of more than one license at a physical address.

SUBJECT AREA TO BE ADDRESSED: Deletion of the prohibition against two licenses of the same type from being issued to the same physical or street address.

RULEMAKING AUTHORITY: 408.819 FS.

LAW IMPLEMENTED: 408.810 FS.

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

DATE AND TIME: September 19, 2011, 10:00 a.m.

PLACE: AHCA Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308, Kaylyn.Boles@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Saliba, Office of the General Counsel, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)412-3336

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.008
RULE TITLE: Certificate of Need Application Procedures

PURPOSE AND EFFECT: The agency is proposing to update the rule to add the CY 2012 and 2013 batching calendars for applications and to delete obsolete language in Rule 59C-1.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule is updated to include CY 2012 and 2013 batching calendar dates and reflect statutory changes that delete burn units and shared services programs currently listed in rule in Rule 59C-1.008, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The proposed rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs. Any person who wishes to provide information regarding a statement of estimated regulatory cost, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.033, 408.034, 408.036(2), 408.037, 408.038, 408.039, 408.042 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marisol Novak, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-4401

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS ALSO AVAILABLE AT THE AGENCY’S CERTIFICATE OF NEED WEBSITE AT: http://ahca.myflorida.com/MCHQ/CON_FA/Proposed_Rules/index.shtml

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category “hospital beds and facilities” includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(l), F.S., and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(j), F.S., and except as provided in Section 408.037(2), F.S., for a general hospital. Unless otherwise directed by Section 408.037(2), F.S., general hospital applications shall conform to the schedules in this rule and will use all the applications and schedules described in paragraph (1)(f). The category “other beds and programs” includes proposals for pediatric open heart surgery, pediatric cardiac catheterization, ~~specialty burn units,~~ organ transplantation, community nursing home projects, hospice programs, hospice inpatient facilities, and intermediate care facilities for the developmentally disabled.

(a) through (f) No change.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

~~Hospital Beds and Facilities~~

~~2nd Batching Cycle—2009~~

Summary Need Projections Published in F.A.W.	7-24-09
Letter of Intent Deadline	8-10-09
Application Deadline	9-09-09
Completeness Review Deadline	9-16-09
Application Omissions Deadline	10-14-09
Agency Initial Decision Deadline	12-11-10

~~Hospital Beds and Facilities~~

~~1st Batching Cycle—2010~~

Summary Need Projections Published in F.A.W.	1-22-10
Letter of Intent Deadline	2-08-10
Application Deadline	3-10-10
Completeness Review Deadline	3-17-10
Application Omissions Deadline	4-14-10
Agency Initial Decision Deadline	6-11-10

~~Hospital Beds and Facilities~~

~~2nd Batching Cycle—2010~~

Summary Need Projections Published in F.A.W.	7-23-10
Letter of Intent Deadline	8-09-10
Application Deadline	9-08-10
Completeness Review Deadline	9-15-10
Application Omissions Deadline	10-13-10
Agency Initial Decision Deadline	12-10-10

~~Hospital Beds and Facilities~~

~~1st Batching Cycle—2011~~

Summary Need Projections Published in F.A.W.	1-21-11
Letter of Intent Deadline	2-07-11
Application Deadline	3-09-11
Completeness Review Deadline	3-16-11
Application Omissions Deadline	4-13-11
Agency Initial Decision Deadline	6-10-11

Hospital Beds and Facilities

2nd Batching Cycle – 2011

Summary Need Projections Published in F.A.W.	7-22-11
Letter of Intent Deadline	8-08-11
Application Deadline	9-07-11
Completeness Review Deadline	9-14-11

<u>Application Deadline</u>	<u>11-14-12</u>
<u>Completeness Review Deadline</u>	<u>11-21-12</u>
<u>Application Omissions Deadline</u>	<u>12-19-12</u>
<u>Agency Initial Decision Deadline</u>	<u>2-15-13</u>

Other Beds and Programs

1st Batching Cycle – 2013

<u>Summary Need Projections Published in F.A.W.</u>	<u>3-29-13</u>
<u>Letter of Intent Deadline</u>	<u>4-15-13</u>
<u>Application Deadline</u>	<u>5-15-13</u>
<u>Completeness Review Deadline</u>	<u>5-22-13</u>
<u>Application Omissions Deadline</u>	<u>6-19-13</u>
<u>Agency Initial Decision Deadline</u>	<u>8-16-13</u>

Other Beds and Programs

2nd Batching Cycle – 2013

<u>Summary Need Projections Published in F.A.W.</u>	<u>09-27-13</u>
<u>Letter of Intent Deadline</u>	<u>10-14-13</u>
<u>Application Deadline</u>	<u>11-13-13</u>
<u>Completeness Review Deadline</u>	<u>11-20-13</u>
<u>Application Omissions Deadline</u>	<u>12-18-13</u>
<u>Agency Initial Decision Deadline</u>	<u>2-14-14</u>

(h) through (i) No change.

~~(j) Persons applying under a shared services agreement must each be named as an applicant for the Certificate of Need, with each separately meeting all requirements for application.~~

(2) through (5) No change.

Rulemaking Authority 408.034(6), 408.15(8) F.S. Law Implemented: 408.033, 408.034, 408.036(2), 408.037, 408.038, 408.039, 408.042 FS. History–New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, 9-28-05, 10-9-07, 4-21-10,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.008 RULE TITLE: License Fees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to reduce the fee charged to process a variance request to zero; to repeal language that duplicates statutory requirements as identified in the rule review completed under Executive Order 11-01; and to change resort license classifications to vacation rentals, as renamed by Chapter 2011-119, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address the amount charged to process a request for a variance from the Division of Hotels and Restaurants rules and the name of the classification for

transient lodging establishments previously classified as resort dwellings and resort condominiums. The proposed rule development also addresses statutory duplication relating to when license fees must be paid.

RULEMAKING AUTHORITY: 509.032, 509.251 FS.

LAW IMPLEMENTED: 509.013, 509.032, 509.251, 509.302 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133, E-Mail: Michelle.Comingore@dbpr.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.008 License Fees.

(1) No change.

~~(2) The license fee shall be paid to the division before a license is issued, and the license fee to be charged shall be determined according to the licensing fee schedule in effect at the time an application for a license is received by the division.~~

~~(2)(3) Fractional License Fees.~~ The licensing fee schedule shall require an establishment which applies for an initial license to pay the full license fee, if application is made during the annual renewal period or more than 6 months prior to the next such renewal period, and one-half of the fee if application is made 6 months or less prior to such period.

~~(3)(4) Amount of License Fee – Public Lodging Establishment.~~ The license fee to conduct a public lodging establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) TRANSIENT LODGING/EXCLUDING TRANSIENT APARTMENTS AND VACATION RENTALS RESORT CONDOMINIUMS AND DWELLINGS.

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$170	\$10	\$10	\$190
2-25	\$170	\$20	\$10	\$200
26-50	\$170	\$35	\$10	\$215
51-100	\$170	\$50	\$10	\$230
101-200	\$170	\$75	\$10	\$255
201-300	\$170	\$105	\$10	\$285

301-400	\$170	\$135	\$10	\$315
401-500	\$170	\$160	\$10	\$340
OVER 500	\$170	\$190	\$10	\$370

(b) No change.

(c) ~~VACATION RENTALS RESORT CONDOMINIUMS AND RESORT DWELLINGS.~~

1. ~~Vacation rentals may be classified as a Resort condominium or and resort dwelling and licenses may be classified as either single, or collective or group, as defined in Rule 61C-1.002, F.A.C.~~

2. Fees for renewal shall be based on the number of existing units under license at the time of the renewal period. Unless timely notification of additions or deletions of units in a group or collective license is given to the division, as set forth in sub-subparagraph 61C-1.002(4)(c)5.c., F.A.C., the fee for renewal shall be based upon the number of units under license when the license was either issued or last renewed, whichever is most recent.

3.a. ~~VACATION RENTALS RESORT CONDOMINIUMS AND DWELLINGS/COLLECTIVE LICENSE.~~

BASIC FEE	PER UNIT FEE	HEP FEE	TOTAL FEE
\$150	\$10	\$10	VARIES

b. ~~VACATION RENTALS RESORT CONDOMINIUMS AND DWELLINGS /GROUP AND SINGLE LICENSE.~~

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$150	\$10	\$10	\$170
2-25	\$150	\$20	\$10	\$180
26-50	\$150	\$35	\$10	\$195
51-100	\$150	\$50	\$10	\$210
101-200	\$150	\$75	\$10	\$235
201-300	\$150	\$105	\$10	\$265
301-400	\$150	\$135	\$10	\$295
401-500	\$150	\$160	\$10	\$320
OVER 500	\$150	\$190	\$10	\$350

(d) through (e) No change.

~~(4)(5)~~ Amount of License Fee – Public Food Service Establishment. The license fee for a public food service establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) through (b) No change.

(c) Plan review fees shall be \$150; variance review process fees shall be \$0.:

1. ~~Routine – \$150; and~~
2. ~~Emergency – \$300.~~

~~(5)(6)~~ Delinquency Fees. A license renewal filed with the division within 30 days after the expiration date shall be accompanied by a delinquency fee of \$50 in addition to the renewal fee and any other fees required by law or rule. A

license renewal filed with the division more than 30 but not more than 60 days after the expiration date shall be accompanied by a delinquency fee of \$100 in addition to the renewal fee and any other fees required by law or rule.

~~Rulemaking Specific Authority 509.032(6), 509.251 FS. Law Implemented 509.013, 509.032(2)(e), 509.032(3)(e), 509.251, 509.302(3) FS. History–New 7-31-79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-92, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98, 9-21-00, 9-9-03, _____.~~

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.005
 RULE TITLE: Counterfeit-resistant Prescription Blanks for Controlled Substance Prescribing

PURPOSE AND EFFECT: Due to statutory changes, the rule must be amended to reflect that use of counterfeit-proof prescription blanks or pads is mandatory. Due to statutory changes, the Department also must impose additional requirements and approve vendors of counterfeit-proof prescription pads.

SUBJECT AREA TO BE ADDRESSED: Counterfeit-resistant/counterfeit-proof prescription pads/blanks for controlled substance prescribing.

RULEMAKING AUTHORITY: 456.42, 893.065 FS.

LAW IMPLEMENTED: 456.42, 893.065 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-4.003
 RULE TITLE: Office Surgery Registration Requirements, Fees

PURPOSE AND EFFECT: This amendment is to update the forms incorporated by reference in the rule and to make the electronic versions of the forms more user friendly.

SUBJECT AREA TO BE ADDRESSED: Office Surgery Registration Requirements Forms.

RULEMAKING AUTHORITY: 456.004, 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 456.0635, 458.309(3), 459.005(2) FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: LaShonda Cloud, Regulatory Specialist, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-4.003 Office Surgery Registration Requirements, Fees.

(1) Registration Requirements.

(a) Every office performing surgery as defined in Sections 458.309(3) and 459.005(2), F.S., must register and maintain a valid registration with the Department of Health. To register, an office must submit Form #DH-MQA 1031, Office Surgery Registration Application for medical physicians or Form #DH-MQA 1071, Office Surgery Registration Application for osteopathic physicians to the Department. Form #DH-MQA 1031, revised August 2011 effective January 2010 and Form #DH-MQA 1071, revised August 2011 effective January 2010, are adopted and incorporated by reference, and can be obtained at _____ and from the Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399 or at http://www.doh.state.fl.us/mqa/medical/osr_home.html or http://www.doh.state.fl.us/mqa/osteopath/osr_home.html.

(b) No change.

(2) No change.

Rulemaking Authority 456.004, 458.309(3), 459.005(2) FS. Law Implemented 456.0635, 458.309(3), 459.005(2) FS. History—New 7-12-04, Amended 5-16-06, 5-12-10, _____.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.001 RULE TITLE: Biennial Licensing

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule to include a limited license for osteopathic physicians and to implement chapter 2011-95, Laws of Florida, regarding area of critical need temporary certificates.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing Temporary Certificates.

RULEMAKING AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635, 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, Bureau Chief, Bureau of Operations & Management Services, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.003 RULE TITLE: Military Spouse Temporary License

PURPOSE AND EFFECT: The Department of Health proposes a new rule to adopt and incorporate by reference a supplemental application by which the spouse of an active duty member of the Armed Forces of the United States assigned to a duty station in Florida may apply for a Florida temporary license as a health care practitioner.

SUBJECT AREA TO BE ADDRESSED: Military Spouse Temporary License.

RULEMAKING AUTHORITY: 456.024(3) FS.

LAW IMPLEMENTED: 456.024(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-28.006 RULE TITLE: Education Course Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the educational course requirements for tattoo artists as specified in Section 381.00775, F.S., which passed during the 2010 Legislative Session.

SUBJECT AREA TO BE ADDRESSED: Requirements for educational course approval and curriculum content.

RULEMAKING AUTHORITY: 381.00789 FS.

LAW IMPLEMENTED: 381.00775 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, gina_vallone@doh.state.fl.us or <http://www.doh.state.fl.us/Environment/community/Tattoo/index.html>

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.:	RULE TITLES:
69K-6.003	Cemetery By-laws
69K-6.0052	Examination Work Papers

PURPOSE AND EFFECT: PURPOSE AND EFFECT: In response to an inquiry by the Joint Administrative Procedures Committee, the Board is amending these rules to resolve the discrepancy between the effective dates of the two forms as they appear in these rules and in Rule 69K-1.001, F.A.C. Both of these forms were most recently incorporated by reference in Rule 69K-1.001, F.A.C., with an effective date of 10/06 and these rules are being amended to reflect the correct effective date.

SUBJECT AREA TO BE ADDRESSED: Effective dates of the Pamphlet for Cemetery By-Law Approval Form and the Examination Workpapers Form.

RULEMAKING AUTHORITY: 497.103(1)(u), (5)(a), 497.276(3) FS.

LAW IMPLEMENTED: 497.268, 497.272, 497.273, 497.276, 497.458, 497.464 FS.

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

DATE AND TIME: September 21, 2011, 10:00 a.m.

PLACE: Room 336J, Pepper Building, 111 W. Madison Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-4957 or LaTonya.Bryant-Parker@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984 or Doug.Shropshire@MyFloridaCFO.com. A copy of the text of the rules is posted on the Department's website at www.MyFloridaCFO.com/LegalServices/ruleHearing/

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-137.001	Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: This rule is being amended to adopt the 2011 NAIC Quarterly Statement Instructions and also adopts the 2011 NAIC accounting practices and procedures manual.

SUBJECT AREA TO BE ADDRESSED: Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By adopting the current versions of these NAIC instructions and manuals, the Office is establishing up-to-date, uniform standards for annual and quarterly reports which will provide the information necessary for the Office to evaluate insurers' financial conditions. In addition, by adopting the 2011 versions of the manuals, the Office is preventing any potential challenges from insurers who may protest the Office using manuals which have not been formally adopted.

RULEMAKING AUTHORITY: 624.308(1), 624.424(1) FS.

LAW IMPLEMENTED: 624.424(1) FS.

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

DATE AND TIME: September 28, 2011, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

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

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.220 RULE TITLE: Youthful Offenders – Definitions
PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to eliminate obsolete definitions.

SUMMARY: The proposed rule eliminates obsolete definitions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on analysis from the Bureau of Classification and Central Records indicating that the rule change merely eliminates definitions that are no longer valid and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.220 Youthful Offenders – Definitions.

~~(1) Central Office Screening Committee — refers to the committee located in the central office, chaired by the Chief of Classification and Central Records and consisting of one additional representative from the Bureau of Classification and Central Records, an individual designated by the Director of the Office of Program Services, and an individual designated by the Director of the Office of Community Corrections. The purpose of this team is to review recommendations for sentence modification and to submit their findings to the Deputy Director of Institutions for final approval or disapproval.~~

~~(2) Inmate Management Plan Team (IMPT) — refers to a team consisting of the inmate’s classification officer and a representative from security and programs. The team members develop the inmate’s management plan which must be approved by the Institutional Classification Team (ICT), monitor the inmate’s progress, determine the inmate’s eligibility for sentence modification and make recommendations to the ICT as necessary in accordance with the rules.~~

~~(1)(3) Extended Day Program – refers to a 16 hour daytime program at youthful offender institutions that is designed to provide at least 12 hours of activities. The program is structured to include work assignments, educational (vocational and academic) programs, counseling, behavior modification, coordinated movement ~~military style drills~~, systematic discipline, and other programmatic opportunities that will reduce inmate idleness and enhance the young inmate’s chance at becoming a law abiding citizen upon re-entry into the community.~~

~~(4) Inmate Management Plan (IMP) — refers to the individualized plan developed for each inmate based upon information collected from various risk and needs assessments and other documents or reports that identify deficiencies. The plan establishes specific goals and performance objectives for meeting assessed needs in program, work and adjustment areas.~~

~~(5) Release Placement Plan — Refers to a report prepared by the Office of Community Corrections field office staff outlining information relative to the inmate’s proposed employment, residence, family ties or support system, financial resources and other resources available to the inmate upon release.~~

~~(2)(6) Sentence Modification – refers to an alteration or amendment by the court of the original sentence. The modification reduces the time to be served and may impose ~~imposes~~ a term of probation, community control or other community sanctions, which, when added to the term of incarceration, will not exceed the length of the original sentence.~~