

SUBJECT AREA TO BE ADDRESSED: A Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-38, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-.529 FS.

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

DATE AND TIME: April 16, 2007, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Room, Sixth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

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: Robert Dearduff, (850)488-4197. 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: The preliminary text of the proposed rule development will be available on Florida Housing Finance Corporation's web site, www.floridahousing.org

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 EDUCATION

Commission for Independent Education

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify existing definitions and provide additional definitions for terms used in the institutional licensing and oversight process, and to clarify provisions related to evaluation of institutions, advertising, and disclosures to students.

SUMMARY: These rules are amended to clarify existing definitions and provide additional definitions for terms used in the institutional licensing and oversight process, and to clarify provisions related to evaluation of institutions, advertising, and disclosures to students.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

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

LAW IMPLEMENTED: 1005.04, 1005.22, 1005.31, 1005.32(5), 1005.34 FS.

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

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 7 days before the workshop/meeting by contacting: Office of Equity and Access at (850)245-0511. 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 RULES IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULES 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 this Commission, unless the context clearly indicates otherwise:

(1) through (5) No change.

(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 writing skills~~, and humanities and the arts.

(7) through (9) No change.

(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.

(10) through (12) renumbered (11) through (13) No change.

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

(13) through (14) renumbered (15) through (16) No change.

~~(17)(15)~~ "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".

(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.

(16) through (18) renumbered (19) through (21) No change.

~~(22)(19)~~ "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 Algebra II, or Introduction to Computers.

(20) through (26) renumbered (23) through (29) No change.

~~(30)(27)~~ "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.

(28) through (32) renumbered (31) through (35) No change.

~~(36)(33)~~ "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.

(34) through (39) renumbered (37) through (42) No change.

~~(43)(40)~~ "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 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.

(41) through (54) renumbered (44) through (57) No change.

(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.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 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, _____.

6E-1.0032 Fair Consumer Practices.

(1) through (3) No change.

(4) All advertising and promotional literature shall be accurate and not misleading to the public. A copy of each advertisement shall be available to the Commission upon request for inspection at each location providing administrative services. The level of educational programs provided shall be disclosed. Compliance with subsection 6E-2.004(5) and paragraph 6E-2.004(11)(c), F.A.C., regarding recruitment, admissions, and advertising, is required of all institutions operating or soliciting students in Florida. See paragraph (6)(j) of this rule for requirements for statements regarding job opportunities. ~~Salaries shall not be used in advertising.~~ If any information is provided to students regarding salaries, such information shall be limited to accurate and unexaggerated representations of entry level salaries reflective of employees having the same skills, education, and experience as the

students will have upon graduation. If advertising violations occur, the Commission shall require an institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations shall result in probation with conditions and fines, or revocation of licensure pursuant to Sections 1005.34 and 1005.38, Florida Statutes. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

(5) Any licensed institution offering a program which does not qualify the graduate to take required professional examinations in that field or to practice regulated professions in that field in Florida must publish a disclosure statement ~~which is determined by the Commission~~ to inform prospective students clearly and unambiguously of this fact.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (e) No change.

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

articulation agreement on file. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

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

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

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

(g) through (k) No change.

(7) through (10) No change.

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

(12) Institutions shall maintain a file or keep a record for each student at each location, translated into English and conforming to the requirements of Rule 6E-2.004, F.A.C., and containing the following at a minimum:

(a) Academic transcript;

(b) All documents evidencing a student's eligibility for enrolled programs;

(c) Any certificates or diplomas earned;

(d) Copies of applications or contractual agreements;

(e) Financial records;

(f) Student counseling or advising records; and

(g) Records of progress.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-19-05, 6-21-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peter Crocitto, Chair, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6E-2.002	Institutional Licensure
6E-2.004	Standards and Procedures for Licensure
6E-2.0041	Delivery of Programs Through Nontraditional Assessments, Modes and Methods

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify and provide specificity to provisions related to the criteria and process for licensure.

SUMMARY: The proposed rules are amended to clarify and provide specificity to provisions related to the criteria and process for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(a),(2)(d), 1005.31, 1005.32, 1005.33(1), 1005.34, 1005.39 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-2.002 Institutional Licensure.

(1) Provisional license.

(a) through (b) No change.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(55)(52), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission, except as provided in paragraph 6E-2.002(3)(g), F.A.C. An institution

may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive Director, the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(d) through (g) No change.

(2) No change.

(3) License by Means of Accreditation.

(a) The chair of the Commission shall appoint a committee to provide recommendations to the Commission regarding the recognition of accrediting agencies. This committee shall be composed of persons who represent a cross-section of institutions holding an Annual License or extension thereof, or a License by Means of Accreditation. The chair of the Commission shall appoint the chair of the committee. The committee shall meet at the request of the Commission chair. Any member of the accreditation review committee whose institution is accredited by, or who is personally affiliated with, an accrediting agency being reviewed shall not vote on recommendation of that accrediting agency.

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

2. No change.

(b) through (h) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03, 2-23-05, 7-10-06,_____.

6E-2.004 Standards and Procedures for Licensure.

Institutions applying for a license or moving to a new level of licensure 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) through (d) No change.

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

(f) through (i) No change.

(j) Transferability of credits. At least 25 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), F.S., while the student was a member of the U.S. armed services. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

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

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

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

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

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

(l) No change.

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

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

2. through 4. No change.

(n) through (o) No change.

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

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(36)(33), F.A.C. Unless otherwise required by the accrediting agency, a minimum of 15 of the required general education credit hours or the recognized clock hour equivalents must be obtained at the bachelor's level.

2. through 4. No change.

(q) through (r) No change.

(5) 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) 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

compiled financial statement of the institution and of the controlling 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. Non-Florida corporations having one or more Florida location shall provide a profit and loss statement for each location in order to assess the financial stability of each individual location.

(c) No change.

(7) Standard 7: Faculty.

(a) Non-Degree Diploma Programs:

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

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

~~a. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught. Any general education and academic courses must be taught by instructors who possess at least a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.~~

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

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

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(b) Occupational Associate Degrees:

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

2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(c) Academic Associate Degrees:

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

2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(d) Bachelor's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(e) Master’s Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(f) Doctoral Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(8) No change.

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

(a) through (b) No change.

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

(d) Each institution shall maintain the necessary supplies and equipment for the students enrolled and programs conducted.

(10) No change.

(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 g. No change.

h. A listing of all faculty indicating degrees held, ~~if applicable~~, and institutions or agencies awarding the credentials degrees;

i. through m. No change.

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

o. through ee. No change.

3. No change.

(c) No change.

(12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-19-05, 7-10-06, _____.

6E-2.0041 Delivery of Programs Through Nontraditional Assessments, Modes and Methods.

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

(a) through (b) No change.

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

1. A ~~As~~ detailed inventory of equipment and supplies materials to be provided to each student;

2. A detailed description of how each program will be conducted, including submission of detailed course outlines ~~or syllabi~~, procedures for distribution of materials, examination

and evaluation of student work, timely response to students' questions and comments, record keeping, appropriate student services, and technical support.

(d) Institutions holding license by means of accreditation as defined in subsection 6E-2.002(3), F.A.C. Section 1005.02(1), Florida Statutes, by an accrediting agency recognized by the U.S. Department of Education to deliver nontraditional education, may substitute proof of such accreditation, in good standing, for the ~~above~~ requirements of Rule 6E-2.0041, F.A.C.

(2) through (8) No change.

(9) Laboratory experiences. In the case of courses in the experimental or clinical sciences, or other courses requiring hands-on experience, each licensed institution wishing to offer nontraditional programs shall document to the Commission prior to program approval, that arrangements have been made to ensure that the requisite laboratory, field, or equivalent experience is available to and used consistently by every enrolled student. Such experience shall be documented in the student's file, and shall occur under appropriate supervision and meaningful evaluation of the competency outcomes.

(10) No change.

(11) Student records.

(a) Institutions wishing to offer nontraditional programs or courses shall maintain a file for each student and shall be available to the Commission upon request at each location and translated into English, and conforming to the general requirements of Rule 6E-2.004, F.A.C., and contain the following:

1. through 2. No change.

(b) No change.

(12) No change.

Specific Authority 1005.22(1)(e)1., 1005.31(2), (3) FS. Law Implemented 1005.31 FS. History--New 10-13-83, Formerly 6E-2.041, Amended 11-27-88, 6-20-95, 5-25-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peter Crocitto, Chair, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-63.432	Permit Modifications, Transfers and Renewals
40E-63.434	Permit Duration

PURPOSE AND EFFECT: Pursuant to paragraph 40E-63.460(3)(d), F.A.C., the South Florida Water Management District is required to revise Part IV of Chapter 40E-63, F.A.C., to ensure that the objectives of the Everglades Forever Act, Section 373.4592(4)(f)5., F.S., are met when the C-139 Basin is found to be out of compliance for a fourth time. To allow time for the District to revise these rules, it is necessary to extend the duration of the existing Works of the District permits issued under Part IV of Chapter 40E-63, F.A.C., until such time as the new rules and criteria are adopted and effective.

SUMMARY: The proposed rule amendments will extend the C-139 Works of the District permits for an initial 1 year term. If, after the 1 year term, new rules and criteria are not yet effective, existing permits will be extended automatically for 6 month terms until such time as the revised rules are effective. Once the new rules and criteria are effective, the permit expiration date will be 90 days from that effective date.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS.

LAW IMPLEMENTED: 373.085, 373.4592 FS.

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

DATE AND TIME: May 9, 2007, 9:00 a.m. to complete
 PLACE: Okeechobee Shrine Club, 1855 S.W. 53rd St., Okeechobee, FL 34974, or

DATE AND TIME: May 10, 2007, 9:00 a.m. to complete
 PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: District Clerk's Office (561)682-2087. 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 RULES IS: Jose Gomez, Staff Engineer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 2718 or (561)682-2718, email: jgomez@sfwmd.gov. For procedural issues: Joyce Rader, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6259, or (561)682-6259, email: jrader@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-63.432 Permit Modifications, Transfers and Renewals.

(1) through (2) No change.

(3) A permittee shall apply for a permit renewal prior to the expiration of an existing permit, subject to the following requirements and limitations:

(a) No change.

~~(b) Permit renewals will be effective for 5 years from the date of issuance.~~

~~(b)(e)~~ When timely application is made for a modification or renewal, the existing permit shall not expire until final agency action is taken by the District on the application. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order, or until any resulting legal proceedings are completed.

~~(c)(d)~~ If the permittee allows the permit to expire prior to applying for a permit renewal, an application for a new permit shall be required.

(4) No change.

Specific Authority 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS. Law Implemented 373.085, 373.4592 FS. History--New 1-24-02, Amended _____.

40E-63.434 Permit Duration.

Pursuant to the EFA, Section 373.4592(4)(f)2., F.S., new permits or permit renewals issued pursuant to this Part are valid for a 5-year term, unless:

(1) through (3) No change.

(4) A permit application for a new permit or a permit renewal has been filed by a permittee on a timely basis prior to the expiration date of a previously-issued permit, and the District has not completed review of the application, in which case the previously-issued permit will remain effective until final agency action is taken by the District on the application; or:

(5)(a) The District has begun rulemaking pursuant to paragraph 40E-63.460(3)(d), F.A.C., prior to the expiration of previously-issued permits.

(b) If the District has begun rulemaking pursuant to paragraph 40E-63.460(3)(d), F.A.C., by publishing a Notice of Rule Development as required by Section 120.54(2)(a), F.S., the expiration dates of existing permits under this Part shall be extended automatically for an initial 1 year term. If, after the 1 year term, the revised rules are not effective, existing permits shall be extended automatically for 6 month terms until such time as the revised rules are effective. Once the revised rules are effective, the permit expiration date shall be 90 days from that effective date.

Specific Authority 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS. Law Implemented 373.085, 373.4592 FS. History--New 1-24-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Sievers, Director, Everglades Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010

RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan.

The certified nursing assistant staffing ratio will be modified in accordance with Section 400.23(3), Florida Statutes, and the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 243, effective January 1, 2007.

SUMMARY: The proposed changes to Rule 59G-6.010, F.A.C., incorporate revisions to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Section 400.23(3), Florida Statutes, and the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 243, effective January 1, 2007.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: April 25, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, 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 7 days before the workshop/meeting by contacting: Edwin Stephens, (850)414-2756 or stephene@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 IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXIXXX~~ Effective Date _____ July 1, 2006 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-08-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 7-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Tom Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-5.007
 RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The proposed rule amendment clarifies and makes the rule consistent with statutory references.

SUMMARY: The proposed rule amendment clarifies and makes the rule consistent with statutory references by including plans examination with the concepts of building code administration and inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 455.225, 468.606 FS.

LAW IMPLEMENTED: 455.225, 468.607, 468.621 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.007 Notice of Noncompliance.

In lieu of the disciplinary procedures contained in Sections 455.225 and 468.621, F.S., as an alternative to investigation and prosecuting when a complain is received. The Department shall provide a licensee with a notice of noncompliance on a first offense for the following minor violations.

(1)(a) Engaging in building code administration, plans examination, or inspection with a certificate on inactive or delinquent status; and,

(b) through (2) No change.

Specific Authority 455.225, 468.606 FS. Law Implemented 455.225, 468.607, 468.621 FS. History—New 5-23-94, Amended 12-6-95, 12-7-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-22.0086 RULE TITLE: Standards for Tax Practice

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to update the name of the standards with which the licensee must comply.

SUMMARY: The name of the standards with which the licensee must comply, will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-22.0086 Standards for Tax Practice.

Licensees performing tax services shall comply with the Statement on Standards for Tax Services, Responsibilities in Tax Practice as published by the American Institute of CPAs.

Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 5-20-91, Formerly 21A-22.0086, Amended 9-30-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.002 RULE TITLE: Concentrations in Accounting and Business

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the classes required for the degree to have a concentration in accounting and business, and as required to be eligible for licensure.

SUMMARY: The classes required for the degree for a concentration in accounting and business will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.304, 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.002 Concentrations in Accounting and Business.

(1) No change.

(2) For purposes of Section 473.306, F.S., if application is made after August 1, 1983, an applicant must have at least a baccalaureate degree, or its equivalent, from an accredited college or university with a major in accounting, or its equivalent, plus at least 30 semester hours or 45 quarter hours, or the equivalent from an accredited college or university in excess of those required for the baccalaureate degree including a total education program with a concentration in accounting and business as follows:

(a) 36 semester or 54 quarter hours in accounting education at the upper division ~~above the elementary~~ level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation. Not more than 3 semester or 4 quarter hours may be internship programs which may be applied to the 36 hours in accounting (internship courses must be taken in conjunction with other traditional coursework at an institution and must appear on the transcript.) Further, any remaining internship credit if otherwise acceptable would be applied to the general business requirement, and

- (b) No change.
- (3) through (7) No change.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.304, 473.306 FS. History—New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, 1-31-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.001
RULE TITLE: Certified Public Accountants Required to Comply with this Chapter

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the deadline for submission of the Florida Laws and Rules Examination required for renewal and also to add another way to submit the examination to the Board.

SUMMARY: The deadline for submission of the Florida Laws and Rules Examination will be changed. Another way to submit the examination to the Board will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 473.304, 473.312, 473.313 FS.

LAW IMPLEMENTED: 473.311, 473.312, 473.313 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.001 Certified Public Accountants Required to Comply with this Chapter.

(1) Each certified public accountant who is licensed to practice public accounting in Florida shall be required to reestablish his professional knowledge and competency in conformity with this rule by the completion of continuing professional education programs and passing the examination on Chapters 455, 473, F.S., and related administrative rules approved by the Board. A grade of at least 80 is a passing grade. Each certified public accountant shall, on or before December 31st ~~July 15th~~ prior to biennial license renewal, complete on-line or mail his/her completed answers to the examination on Chapters 455, 473, F.S., and related administrative rules to the Department of Business and Professional Regulation.

- (2) through (3) No change.

Specific Authority 473.304, 473.312, 473.313 FS. Law Implemented 473.311, 473.312, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 12-19-82, Formerly 21A-33.01, Amended 4-8-86, Formerly 21A-33.001, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.007
RULE TITLE: Anesthesiologist Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth continuing education requirements; address renewal for spouses of members of the armed forces; and set forth criteria for reactivation of a retired license.

SUMMARY: The proposed rule amendments set forth revised criteria for continuing education with regard to licensure renewal; address renewal for spouses of members of the armed forces; and establish criteria for those who want to reactivate a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(1), 456.036, 458.309, 458.3075 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.3075 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-31.007 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of one hour ~~For all licensees one hour~~ of Category I American Medical Association Continuing Medical Education, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on

testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, an anesthesiologist assistant may complete continuing education on end of life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that anesthesiologist assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end of life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g)~~ No change.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) through (b) No change.

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the Nova Southeastern University University of South Florida (USF) Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take and successfully complete the NCCAA certification examination.

(d) No change.

(e) Submit proof of completion of 40 hours of continuing medical education for each biennium in which the licensee was inactive;

~~(f)(e)~~ Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(e); (d), (e), ~~(f)~~ and ~~(f) (g)~~, F.A.C., ~~for each biennium in which the license was inactive;~~

(f) through (h) renumbered (g) through (i) No change.

(4) No change.

(5) The renewal and ~~or~~ reactivation fees are found in Rule 64B8-31.012, F.A.C.

(6) No change.

(7) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board in order to obtain

the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

(8) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the anesthesiologist assistant must:

(a) Surrender to the Department the original retired status license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;

(d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University Anesthesia Assistant Program or an equivalent program approved by the Board;

(e) Submit proof of completion of 40 hours of continuing medical education for each biennium in which the licensee was inactive;

(f) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(d)-(f), F.A.C.; and

(g) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B8-31.012(4) and (8), F.A.C.

(h) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCAA.

(9) The Department shall refuse to reactivate the license of a retired status anesthesiologist assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.3475 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.3475 FS. History--New 6-27-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.007
RULE TITLE: Anesthesiologist Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth continuing education requirements; address renewal for spouses of members of the armed forces; and set forth criteria for reactivation of a retired license.

SUMMARY: The proposed rule amendments set forth revised criteria for continuing education with regard to licensure renewal; address renewal for spouses of members of the armed forces; and establish criteria for those who want to reactivate a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 456.036, 459.023 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.007 Anesthesiologist Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
 - (a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a

victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of hour ~~For all licensees one hour~~ of Category I American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/ AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, an anesthesiologist assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that anesthesiologist assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g)~~ No change.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) through (b) No change.

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the Nova Southeastern University University of South Florida (USF) Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take and successfully complete the NCCAA certification examination.

(d) No change.

(e) Submit proof of completion of 40 hours of continuing medical education for each biennium in which the licensee was inactive;

~~(f)(e)~~ Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-7.007(2)(c), (d), (e), ~~(f)~~ and ~~(f)(g)~~, F.A.C., for each biennium in which the license was inactive;

(f) through (h) renumbered (g) through (i) No change.

(5) The renewal and ~~or~~ reactivation fees are found in Rule 64B15-7.012, F.A.C.

(6) No change.

(7) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board in order to obtain the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

(8) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the anesthesiologist assistant must:

(a) Surrender to the Department the original retired status license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;

(d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University Anesthesia Assistant Program or an equivalent program approved by the Board;

(e) Submit proof of completion of 40 hours of continuing medical education for each biennium in which the licensee was inactive;

(f) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-7.007(2)(c)-(f), F.A.C., for each biennium in which the license was inactive; and

(g) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B15-7.012(4) and (8), F.A.C.

(h) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCAA.

(9) The Department shall refuse to reactivate the license of a retired status anesthesiologist assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 459.005, 459.023 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 459.023 FS. History—New 6-27-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistants Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.008
RULE TITLE: Board Approval of Specialty Certifying Bodies

PURPOSE AND EFFECT: The Board proposes to promulgate this rule to implement new legislation.

SUMMARY: New legislation will be implemented with the creation of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 490.0149 FS.

LAW IMPLEMENTED: 490.0149 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-18.008 Board Approval of Specialty Certifying Bodies.

To obtain Board approval as a certifying body, eligible to grant formal recognition declaring a licensed psychologist to be a “certified psychology specialist,” board-certified psychology specialist,” or a “psychology diplomate,” pursuant to Section 490.0149, F.S., an applicant shall file a petition demonstrating that it:

(1) Is an independent body, national in scope, that incorporates standards of the profession, collaborates closely with organizations related to specialization in psychology, and only certifies doctoral-level, licensed psychologists as having advanced qualifications in a particular psychological specialty through demonstrations of competence in the specialty being recognized;

(2) Has clearly described purposes, bylaws, policies, and procedures, that include an internal review and budgetary practices, to ensure effective utilization of resources with an administrative staff, housed in dedicated office space that is appropriate for the certifying body’s program and sufficient for responding to consumer or regulatory inquiries;

(3) Has established standards for specialized practice of psychology and adopts the American Psychological Association (APA) “Ethical Principles of Psychologists and Code of Conduct,” effective June 1, 2003, to guide the practice of its members. The code is incorporated by reference and available for inspection at the Board office as well as at: www.apa.org/ethics/code2002.html; and

(4) Had, at the time of the psychologist’s certification, developed and implemented a comprehensive written assessment procedure, designed to measure the competencies required to provide services characteristic of the specialty area, that describes security and grading standards, and consists of an oral examination and peer-review of practice samples and may include a written examination.

Specific Authority 490.0149, 490.004(4) FS. Law Implemented 490.0149 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 16, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.026
RULE TITLE: Cancer Drug Donation Program
PURPOSE AND EFFECT: The purpose of the rule is to implement the cancer drug donation program authorized by section "1" of Florida Session Law 2006-310. The rule will implement the Florida Cancer Drug Donation statute.
SUMMARY: The rule implements a new statutory section that authorizes the Florida Cancer Drug Donation Program.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
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.
SPECIFIC AUTHORITY: 499.029(8) FS.
LAW IMPLEMENTED: 499.029 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: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4025 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.026 Cancer Drug Donation Program.

The purpose of this section is to establish and maintain a cancer drug donation program under which unused cancer prescription drugs and cancer supplies may be donated and dispensed to eligible individuals who are diagnosed with cancer. This rule applies to the department or any person who donates, receives, dispenses or otherwise participates or wishes to participate in the cancer drug donation program.

(1) Recipient Eligibility Requirements.

(a) A Florida resident who is diagnosed with cancer is eligible to receive drugs or supplies under the cancer drug donation program.

(b) A Florida resident is ineligible to participate in the cancer drug donation program if the person is eligible to receive drugs or supplies through the Medicaid program, third-party insurer or any other prescription drug program funded in whole or in part by the Federal Government, unless benefits have been exhausted, or a certain cancer drug or supply is not covered by the prescription drug program.

(2) Donor Eligibility Requirements.

Any of the following persons may donate legally obtained cancer drugs or supplies to the cancer drug donation program if the drugs and supplies meet the requirements in subsection (6) below, as determined by a pharmacist who is employed by or under contract with a cancer drug donation program participant facility:

(a) A patient or patient's representative whose cancer drugs or supplies have been maintained within closed drug delivery systems such as health care facilities, nursing homes, hospices, or hospitals with closed drug delivery systems;

(b) A physician licensed under Chapter 458 or 459, F.S., who receives cancer drugs or supplies directly from a drug manufacturer, drug wholesaler, or pharmacy;

(c) A pharmacy;

(d) A drug manufacturer;

(e) A medical device manufacturer or supplier;

(f) A wholesaler of drugs or supplies.

(g) Cancer drugs or supplies may not be donated to a specific cancer patient.

(3) Participant Facility Requirements.

(a) Eligibility: Only a Class II Institutional Pharmacy, permitted under Chapter 465, F.S., that accepts, stores and dispenses donated drugs and supplies may participate in the cancer drug donation program.

(b) Notice of Participation: Participation in the cancer drug donation program is voluntary. To be eligible for participation in the cancer drug donation program a Class II Institutional Pharmacy must elect to participate and provide the department with all of the following:

1. The name, permit number, street address, and telephone number of the pharmacy;

2. The name and telephone number of a pharmacist or another contact as determined by the pharmacist who is employed by or under contract with the pharmacy;

3. A statement indicating the pharmacy meets the eligibility requirements under paragraph (3)(a) herein.

(c) Withdrawal from participation: A pharmacy may withdraw from participation in the cancer drug donation program upon at least 10 days written notification to the department.

(d) Storage:

Cancer drugs and supplies donated under the cancer drug donation program shall be stored in a secure storage area under environmental conditions appropriate for the drugs or supplies being stored. Donated drugs and supplies may not be stored with non-donated inventory.

(e) Dispensing:

1. Drugs and supplies shall be dispensed by a licensed pharmacist pursuant to the requirements in Chapter 465, F.S.:

2. The pharmacist shall inspect the donated cancer drugs and supplies for adulteration, misbranding, mislabeling, and the date of expiration before dispensing. Drugs or supplies that are tampered with, expired, adulterated, mislabeled or misbranded may not be dispensed:

3. Before a cancer drug or supply may be dispensed to a recipient, the recipient shall sign a cancer drug donation program Recipient Record and shall be notified, both orally and in writing, that the drug or supply may have been previously dispensed:

4. Drugs and supplies shall be dispensed only to recipients who meet the following eligibility requirements:

i. Individuals who are uninsured;

ii. All other individuals who are otherwise eligible under subsection (1) herein to receive drugs or supplies from the cancer drug donation program.

5. Cancer drugs or supplies may not be donated to a specific cancer patient.

(f) Recordkeeping requirements:

1. Donor and Recipient Records shall be maintained at least 3 years by the participant facility.

2. Destruction Records for donated drugs or supplies shall be maintained at least 3 years by the participant facility. For each drug or supply destroyed the record shall include all of the following information:

i. The date of destruction;

ii. The name, strength and quantity of the cancer drug destroyed;

iii. The name of the person or firm that destroyed the drug;

iv. The source of the drugs or supplies destroyed.

(4) Required Forms for Program Participants.

(a) Cancer Drug Donation Program Recipient Record, DOH form DH-MQA 1098, effective February 2007 and incorporated herein by reference.

(b) Cancer Drug Donation Program Donation and Destruction Record, DOH Form DH-MQA 1099, effective February 2007, and incorporated herein by reference.

(c) Cancer Drug Donation Program Notice of Participation or Withdrawal, DOH Form DH-MQA 1100, effective February 2007, and incorporated herein by reference.

The above referenced required forms are available by contacting the Department of Health, Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Bin C-04, Tallahassee, Florida 32399-3255, or by downloading them from the program's website.

(5) Dispensing Fees.

A cancer drug donation program participant facility may charge the recipient of the drug or supply a handling fee of no more than 300% of the Medicaid dispensing fee or no more than \$15.00, whichever is less, for each cancer drug or supply dispensed.

(6) Categories of drugs and supplies eligible for donation.

(a) Cancer drugs. A cancer drug is eligible for donation under the cancer drug donation program only if all the following requirements are met:

1. The donation is accompanied by a completed cancer drug donation program Donation Record that is signed by the person making the donation or that person's authorized representative;

2. The drug's expiration date is at least 6 months later than the date that the drug was donated and its tamper resistant packaging is intact;

3. The drug is in its original, unopened, sealed, tamper-evident unit dose packaging that includes the drug's lot number and expiration date. Single-unit dose drugs may be accepted if the single-unit dose packaging is unopened;

4. Cancer drugs billed to and paid for by Medicaid in long-term care facilities are not eligible for donation unless not reimbursable by Medicaid.

(b) Cancer supplies. Cancer supplies are eligible for donation under the cancer drug donation program only if the supplies meet all the following requirements:

1. The supplies have not been tampered with or mislabeled; the supplies are in their original, unopened, sealed packaging;

2. The donation is accompanied by a completed cancer drug donation program Donation Record that is signed by the person making the donation or that person's authorized representative.

(c) Drugs and supplies not eligible for donation. All of the following drugs are ineligible for donation or acceptance under the cancer drug donation program.

1. Substances listed in Schedule II, Schedule III, Schedule IV or Schedule V of Section 893.03, F.S.;

2. Drugs and supplies that do not meet the criteria under paragraphs (6)(a) and (b), herein;

3. Drugs that expire less than 6 months after the date of donation.

(7) The Department shall establish a website to maintain the registry of participant facilities. The website shall also contain links to cancer drug manufacturers that offer drug assistance programs or free medication.

Specific Authority 499.029(8) FS. Law Implemented 499.029 FS.
History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rebecca Poston
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Rebecca Poston
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 20, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 4, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
69J-8.001	Purpose
69J-8.002	Definitions
69J-8.003	Neutral Evaluator Coarse Approval
69J-8.004	Qualification and Certification of Neutral Evaluators
69J-8.005	Maintenance of a List of Neutral Evaluators
69J-8.006	Notice of Program
69J-8.007	Request for Evaluation
69J-8.008	Selection of Neutral Evaluator
69J-8.009	Evaluation Process
69J-8.010	Appointment of Department Employee for Consultation for Policyholder Not Represented by an Attorney
69J-8.011	Neutral Evaluator's Report

PURPOSE AND EFFECT: These rules implement Section 627.7074, F.S., by establishing standards for the alternate procedure for resolution of sinkhole claims.

SUMMARY: These rules implement Section 627.7074, F.S., by establishing standards for the alternate procedure for resolution of sinkhole claims. The rules specify a process for qualification and selection of neutral evaluators and the procedure for conducting evaluations. Some parts of the rules have intentionally been left blank for development through the workshop process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 627.7074(8) FS.

LAW IMPLEMENTED: 627.7074 FS.

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

DATE AND TIME: Wednesday, April 25, 2007, 9:30 a.m.
 PLACE: Room 143, 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: Greg Thomas @ (850)413-3130. 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 RULES IS: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320; (850)413-3130

THE FULL TEXT OF THE PROPOSED RULES IS:

ALTERNATIVE PROCEDURE FOR RESOLUTION OF
DISPUTED SINKHOLE INSURANCE CLAIMS

69J-8.001 Purpose.

The alternative procedure for resolution of disputed sinkhole insurance claims authorized by Section 627.7074, F.S., shall be governed by these rules of procedure.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS.
History--New

69J-8.002 Definitions.

When used in this chapter, and Section 627.7074, F.S., the following terms are defined as follows:

(1) Affiliated: Having an ownership or employment relationship.

(2) Applicant: A person who submits an application to become a neutral evaluator.

(3) Department: Florida Department of Financial Services.

(4) Family Member: A spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin of a party.

(5) Financial Interest: Ownership interest in or liabilities to or from a person that amounts to 5% or more of the applicant's net worth or from which the evaluator received 5% or more of his income during the past 24 months exclusive of fees guaranteed through this program.

(6) Party: The insurer or policyholder participating in the program.

(7) Person: A natural person or business entity.

(8) Program: The alternative procedure for resolution of disputed sinkhole insurance claims authorized by Section 627.7074, F.S.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.003 Neutral Evaluator Course Approval.

Neutral Evaluators must complete a course in alternative dispute resolution approved by the department pursuant to Chapter 69B-211, F.A.C.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.004 Qualification and Certification of Neutral Evaluators.

(1) Persons seeking certification as a neutral evaluator shall apply to the department using the Neutral Evaluator Application, Form Number DFS-H2-1783, (Effective: _____) which is hereby incorporated by reference. The form shall be obtained from the Florida Department of Financial Services, Bureau of Agent and Agency Licensing, 200 East Gaines Street, Tallahassee FL 32399-0319. The form shall be submitted to Florida Department of Financial Services, Bureau of Agent and Agency Licensing, 200 East Gaines Street, Tallahassee FL 32399-0319.

(2) Application for certification shall be granted if the applicant:

(a) Is a professional engineer as defined in Section 471.005, F.S., or a professional geologist as defined in Section 492.102(6), F.S.;

(b) Has completed a course of study in alternative dispute resolution approved under Rule 69J-8.003, F.A.C., above; and

(c) Is determined to be fair and impartial based on the criteria in subsection (3) below:

(3) An applicant shall be found to be fair and impartial unless:

(a) The applicant or a business entity affiliated with the applicant obtained more than 90% of its gross income or revenue in the prior calendar year from contracts with property insurers or persons acting on behalf of property insurers, exclusive of fees generated through the program;

(b) The applicant or a business entity affiliated with the applicant obtained more than 90% of its gross income or revenue in the prior calendar year from contracts with property insurance claimants or persons acting on behalf of property insurance policyholders;

(c) The applicant is currently an employee of a property insurer, or property insurance adjuster, or adjusting firm;

(d) The applicant, has through writings, public statements, or otherwise, expressed a bias for or against property insurance insurers or property insurance policyholders; or

(e) The applicant refuses to agree to be removed from a case in which a party is a family member, personal friend, or person in which the applicant has a financial interest.

(4) The department shall decertify any evaluator who ceases to meet the criteria in subsection (2) above.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.005 Maintenance of a List of Neutral Evaluators.

(1) The department shall maintain a complete list of certified neutral evaluators who wish to serve in the program.

(2) The list shall be a public record and shall be provided to parties as required by Section 627.7074(7), F.S.

(3) The list shall contain the following information:

(a) Name

(b) Address

(c) Phone Number

(d) Counties Served

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.006 Notice of Program.

Insurers shall provide the notice of the right to participate in the program, required by Section 627.7074(3), F.S., in writing and such notice shall be accompanied by the pamphlet, Resolving Disputed Sinkhole Insurance Claims, Form Number DFS-I4-1788, (Effective: _____), which is hereby incorporated by reference.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.007 Request for Evaluation.

A person wishing to request neutral evaluation pursuant to Section 627.7074(4), F.S., shall make a request to the department by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee FL 32399-4212, or by calling the department at 1(800)342-2762, or by faxing a request to the department at 1(850)488-6372. Such requests may be made using the form, Sinkhole Insurance Claims Request For Neutral Evaluation, Form Number DFS-I4-1784, (Effective: _____). This form may be obtained from Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee FL 32399-4212, or by calling the department at 1(800)342-2762, or by faxing a request to the department at 1(850)488-6372.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.008 Selection of Neutral Evaluator.

(1) The insurer shall contact the policyholder and the parties shall attempt to reach an agreement on selection of a neutral evaluator.

(2) If after 10 days the parties have failed to agree upon the neutral evaluator, the parties shall so inform the department by calling the department at 1(850)488-6372.

(3) When informed that the selection of a neutral evaluator could not be agreed upon by the parties, the department shall select a neutral evaluator by rotating sequentially through the list of willing neutral evaluators.

(4) The department will inform the parties of the selection.

(5) Either party may reject the selection by calling the department at 1(850)488-6372 within 5 days of the notice being sent.

(6) Each party may reject up to 3 selections for a proceeding.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.009 Evaluation Process.

(1) The neutral evaluator shall, within 5 days of referral, contact the parties to schedule the evaluation proceeding pursuant to Section 627.7074(7), F.S.

(2) The evaluation proceeding shall take the form of an informal conference, and shall not be subject to rules of procedure, or evidence applicable in a court or administrative proceeding.

(3) The evaluator shall give each party the opportunity to submit evidence, testimony, or other information which is reasonably expected to assist the neutral evaluator in determining the existence, nature, and scope of a sinkhole loss, and the nature, extent, and cost of repair and remediation.

(4) The neutral evaluator shall make inquiry of the parties and conduct such independent investigation as the neutral evaluator finds reasonably necessary to determine the existence, nature, and scope of a sinkhole loss, and the nature, extent, and cost of repair and remediation.

(5) The neutral evaluator shall inform the parties in writing as to the neutral evaluator’s opinion as to the existence of a sinkhole loss and the scope and value of necessary repair and remediation if any.

(6) The parties may settle the claim at any time.

(7) The neutral evaluator shall conclude the proceeding upon settlement of the claim or at any point that the neutral evaluator reasonably determines that settlement is not likely to be facilitated by the continuation of the proceeding.

(8) If the proceeding is concluded without reaching a settlement, the neutral evaluator shall prepare and file the report required under Section 627.7074(12), F.S., on the form adopted in Rule 69J-8.011, F.A.C., below.

(9) If the proceeding results in a settlement, the neutral evaluator shall inform the department that a settlement was reached.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.010 Appointment of Department Employee for Consultation for Policyholder Not Represented by an Attorney. Pursuant to Section 627.7074(9), F.S., the department shall appoint an employee to consult with a policyholder participating in the program, but not represented by an attorney. The department employee shall not be an advocate on behalf of the policyholder and shall not render legal advice. The role of the department employee will be to provide the policyholder with information about the procedures of the program, and assist the policyholder in understanding technical information relating to the policyholder’s claim.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.011 Neutral Evaluator’s Report.

The neutral evaluator’s report on matters that are not resolved by the parties, as required by Section 627.7074(12), F.S., shall be on the Neutral Evaluator’s Report, Form Number DFS-14-1785, (Effective: _____) which is hereby incorporated by reference. The form shall be obtained from and submitted to Department of Financial Services, Mediation Section, Bureau Education, Advocacy, and Research, Tallahassee FL 32399-4212.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly.