

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09412  
 RULE TITLE: Course Requirements – Grades K-12 Basic and Adult Secondary Programs

**PURPOSE AND EFFECT:** The purpose of this rule development is to adopt the revised Course Descriptions and the updates/edits for the “2010-2011” school-year. Courses for social studies are updated to align to the Next Generation Sunshine State Standards approved by the State Board of Education for these content areas.

**SUBJECT AREA TO BE ADDRESSED:** Florida Course Descriptions for Social Studies updated to include the Next Generation Sunshine State Standards.

**RULEMAKING AUTHORITY:** 1001.03(1), 1011.62(1)(s) FS.  
**LAW IMPLEMENTED:** 1001.42(9), 1003.42, 1011.62(1)(r) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Todd Clark, Chief, Bureau of Curriculum and Instruction, 325 West Gaines Street, Room 432, Tallahassee, FL 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.: 6A-10.0341, 6A-10.0342  
 RULE TITLES: Vocational Education Student Follow-Up Requirements, Vocational Education Program Performance Reporting

**PURPOSE AND EFFECT:** The purpose of this rule development is to update existing rule language and processes. The effect will be a rule that is more clearly defined.

**SUBJECT AREA TO BE ADDRESSED:** Career and Technical Education.

**RULEMAKING AUTHORITY:** 1008.43(1)(a), (b), (4) FS.  
**LAW IMPLEMENTED:** 1008.42(2)(b)3., 1008.43(1) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark E. Baird, Director, Research and Evaluation, Division of Career and Adult Education, Department of Education, 325 West Gaines St., Suite 744, Tallahassee, FL 32399-0400, (850)245-9060. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**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.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-9.070  
 RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons

**PURPOSE AND EFFECT:** The 2009 Legislature passed Senate Bill 1986 which revised laws within the jurisdiction of the Agency for Health Care Administration (“AHCA” or “Agency”). These statutory revisions will have an effect upon administrative sanctions and disincentives imposed upon a provider, entity, or person for each violation of any Medicaid – related law. In pertinent summary, revised Section 409.913, F.S., requires the Agency to deny payment or require repayment for Medicaid services under certain circumstances; requires the Agency to immediately terminate a Medicaid provider’s participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requires the Agency to suspend or terminate a Medicaid provider’s participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; provides that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requires that the Agency provide notice of certain administrative sanctions to other regulatory agencies within a

specified period; requires the Agency to withhold or deny Medicaid payments under certain circumstances; requires the Agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requires the Agency to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; and requires the Agency to take certain actions to improve the prevention and detection of health care fraud.

After careful assessment of those certain statutory amendments arising from passage of SB 1986, the Agency has determined that a rule modification is required to fully implement the revised and expanded statutory provisions, as summarized above. Additionally, to assist the Agency and the Legislature achieve their intended and mutual purpose of reducing and preventing fraud and abuse of the Medicaid program, it has become necessary to modify the monetary sanctions, as a disincentive for violating laws governing the Medicaid program.

**SUBJECT AREA TO BE ADDRESSED:** Administrative Sanctions on Providers, Entities and Persons.

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.907, 409.913, 409.9131, 409.920, 812.035 FS.

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

**DATE AND TIME:** Tuesday, March 2, 2010, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 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: Kimberly Noble, Office of the Inspector General, 2727 Mahan Drive, Building 3, Mail Stop 4, Tallahassee, Florida 32308-5407, (850)413-0183, or by email at noblek@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kimberly Noble, Office of the Inspector General, 2727 Mahan Drive, Building 3, Mail Stop 4, Tallahassee, Florida 32308-5407, (850)413-0183, or by email at noblek@ahca.myflorida.com

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE NO.:** 61-32.001 **RULE TITLE:** Issuance of Citations

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendment is to clarify the guidelines to be followed when issuing a citation.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed in this rule is the issuance of citations.

**RULEMAKING AUTHORITY:** 455.201, 455.203(5), 455.224(1), 455.228(3) FS.

**LAW IMPLEMENTED:** 455.224 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS:** Michael Green, Unlicensed Activity Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2212, (850)487-9518

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before any hearing by contacting Michael Green at (850)487-9815. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE NO.:** 61-32.003 **RULE TITLE:** Guidelines for Issuing Citations for Unlicensed Practice of a Profession

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendment will be to clarify the guidelines and conditions that must be met before a citation can be issued for engaging in unlicensed practice of a profession.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed in this rule is the guidelines to be followed and the conditions that are to be met before a citation can be issued for engaging in the unlicensed practice of a profession.

**RULEMAKING AUTHORITY:** 455.228(3) FS.

**LAW IMPLEMENTED:** 455.224, 455.228 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Michael Green at (850)487-9815. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD). 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: Michael Green, Unlicensed Activity Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2212, (850)487-9518

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

**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 JUVENILE JUSTICE**

**Division of Administration**

RULE NOS.:	RULE TITLES:
63F-11.001	Purpose and Scope
63F-11.002	Definitions
63F-11.003	Reporting Incidents
63F-11.004	Reportable Incident Types
63F-11.005	Operation of the Central Communications Center
63F-11.006	Daily Reporting

PURPOSE AND EFFECT: The rule governs the accurate reporting and dissemination of information regarding incidents that require immediate or urgent response, action or other intervention by the department to protect the safety and security of youth under its jurisdiction and the public.

SUBJECT AREA TO BE ADDRESSED: The rule governs the operation of the Central Communications Center, including incident reporting and dissemination of critical information.

RULEMAKING AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 20.055(2), 20.316(1), 985.601 FS.

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

DATE AND TIME: Tuesday, March 2, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:	RULE TITLE:
64B5-16.0075	Dental Charting by Dental Hygienists

PURPOSE AND EFFECT: To clarify and update language.

SUBJECT AREA TO BE ADDRESSED: Clarified and updated language.

RULEMAKING AUTHORITY: 466.004(4), 466.0235 FS.

LAW IMPLEMENTED: 466.0235 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.0075 Dental Charting by Dental Hygienists.

(1) Pursuant to Section 466.0235, F.S., a Florida licensed dental hygienist is permitted to, without supervision and within the lawful scope of his or her duties as authorized by law, perform dental charting of hard and soft tissues in public and private educational institutions of the state and Federal Government, nursing homes, assisted living and long-term care facilities, community health centers, county health departments, mobile dental or health units, in health access settings as defined in Section 466.003, F.S. and epidemiological surveys for public health. A Florida licensed dental hygienist is permitted to pro-bono perform dental charting on a volunteer basis at health fairs.

(2) through (5) No change.

Rulemaking Specific Authority 466.004(4), 466.0235 FS. Law Implemented 466.0235 FS. History–New 12-26-06, Amended 6-11-07,\_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                    RULE TITLE:  
6A-1.0391                    Evaluation of Supplemental  
  Educational Service Providers

PURPOSE AND EFFECT: The proposed new rule will implement a process for assigning service designations for state-approved supplemental educational services providers as required by Section 1008.331, Florida Statutes.

SUMMARY: Section 1008.331, Florida Statutes, requires Supplemental Educational Services (SES) providers to submit, by May 1 of each year, in an electronic form provided by the Department, student learning gains as demonstrated by mastery of goals established by the Local Educational Agency (LEA), student attendance and completion data, and parent satisfaction survey results, unless a prior agreement has been made with an LEA. The Florida Department of Education must use this information and satisfaction survey results of LEAs and principals to assign service designations of unsatisfactory, satisfactory, and excellent to each state-approved SES provider by July 1. The rule will establish guidelines for SES providers for collection and submission of required information and detail the process of calculating data for assigning service designations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1008.331 FS.

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

DATE AND TIME: March 16, 2010, 9:00 a.m.

PLACE: Tallahassee Community College, 444 Appleyard Drive, Building 38, Room 105, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Bacen, Bureau Chief, Bureau of Student Assistance, 325 West Gaines Street, Suite 348, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0391 Evaluation of Supplemental Educational Service Providers.

(1) Purpose. This rule implements an evaluation system for state-approved supplemental educational service providers, in accordance with Section 1008.331(5), Florida Statutes.

(2) Definitions. For the purpose of this rule, the following definitions will be used:

(a) “Local Educational Agency” or “LEA” means the school district responsible for the administration of supplemental educational services.

(b) “Pre-assessment” means the valid and reliable assessment instrument capable of identifying a student’s deficiencies in mastering the Sunshine State Standards Benchmarks or Access Points, as defined in Section 1003.41, Florida Statutes.

(c) “Post-assessment” means the valid and reliable assessment instrument capable of measuring a student’s achievement on the same set of Sunshine State Standards Benchmarks or Access Points as adopted in Rule 6A-1.09401, F.A.C., measured in the pre-assessment and as identified in the student learning plan.

(d) “Provider” means the individual or organization approved by the Department to provide supplemental educational services.

(e) “Supplemental Educational Services” means the services as defined in subsection 6A-1.039(2), F.A.C.

(f) “Student learning plan” means the plan as defined in subsection 6A-1.039(2), F.A.C.

(g) “Length of prescribed program” means the number of hours of services to be provided to each student based on the provider’s rate and LEA’s per pupil allocation.

(f) “Student” means a student who was enrolled, placed, or assigned to a supplemental education services provider and has a district approved student learning plan for the current year.

(g) “Attendance” means the SES student hours submitted by the provider and approved by the LEA.

(h) “Completion” means an SES student that has expended the total per-pupil allocation and has participated in the provider administered post-assessment.

(i) “Per-pupil allocation” means the maximum amount of funds that may be expended for each eligible student for supplemental educational services based on the Title I, Part A allocation.

(j) “Prior agreement” means that the provider and the LEA have an agreement that the LEA will submit the required data on behalf of the provider to the Department by May 1.

(3) Documentation of data.

(a) A provider shall thoroughly document all student data, including student learning gains and attendance and completion data, and make all student data available to the Department or LEA upon request.