

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.: 69J-123.002  
 RULE TITLE: Civil Remedy Notice

**PURPOSE AND EFFECT:** The proposed rule amendment resolves the problem of paper document processing by requiring all material filed with the Department relating to a Section 624.155, F.S. civil remedy action be filed electronically. The civil remedy notice is already required to be filed electronically. This amendment requires the insurer’s report of disposition and other communications, which parties wish to submit, to likewise be filed electronically.

**SUMMARY:** Insurer reports of the disposition of a matter for which a civil remedy notice was filed pursuant to Section 624.155, F.S., and additional communications parties wish to include in the record must be filed electronically.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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.

**RULEMAKING AUTHORITY:** 624.308(1) FS.

**LAW IMPLEMENTED:** 624.307, 624.155(3)(b) 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, October 28, 2009, 10:00 a.m.  
**PLACE:** 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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 RULE 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 RULE IS:**

69J-123.002 Civil Remedy Notice Procedure.

(1) The civil remedy notice required by Section 624.155, F.S., shall be electronically submitted on Form DFS-10-363, “Civil Remedy Notice of Insurer Violation,” (Effective 10-14-08), which is hereby adopted and incorporated by

reference. The form shall be submitted to the Department of Financial Services, Bureau of Consumer Assistance, through the website at <https://apps.fldfs.com/civilremedy>. No fee is required.

(2) Authorized insurer reports to the Department as required by Section 624.155(3)(e), F.S., regarding the disposition of the alleged violation shall be electronically added to the existing Form DFS-10-363 specific to the notice being addressed.

(3) Any written communications between the parties to the civil remedy notice, which are intended for inclusion in the Department’s electronic record, shall be electronically added to the existing Form DFS-10-363 specific to the notice being addressed.

Rulemaking Specific Authority 624.308(1) FS. Law Implemented 624.307, 624.155(3)(b) FS. History–New 10-14-08, Amended \_\_\_\_\_.

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

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Tammy Teston, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 14, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** June 5, 2009

**Section III  
 Notices of Changes, Corrections and  
 Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09981  
 RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

**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. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

The following changes were approved by the State Board of Education on September 15, 2009:

(3)(e) ~~The Commissioner will issue guidelines regarding which school types shall receive school performance grades.~~ The accountability contact person, as specified in subsection (9) of this rule, is responsible for verifying that each school is

appropriately classified by type before the issuance of school grades. School type is defined as the school level designation of a school, based on the grade levels served: elementary, middle, high, or a combination across levels. The Commissioner shall periodically review the criteria for including students in the calculation of School Performance Grades, including students in alternative and Department of Juvenile Justice facilities.

(6)(c) One (1) point for each percent of students who score “3.5” or higher on the FCAT writing assessment. Beginning in 2009-10, in order to accommodate changes in scoring procedures ~~for grades 4 and 8~~ this percentage shall be determined for schools ~~servicing grades 4 and 8~~ by averaging the percentage of students scoring “3.0” or higher and the percentage of students scoring “4.0” or higher;

(8)(e)1. Four-year high school graduation rate. For the 2009-10 and 2010-11 School Years, the graduation rate will be calculated using criteria for modified No Child Left Behind (NCLB) graduation rate. The procedures used to calculate this rate can be found in the 2008-09 Guide to Calculations for the NCLB School Public Accountability Reports, April 2009, <http://www.fldoe.org/eias/eiaspubs/word/nclbguide.doc>. ~~Beginning in 2011-2012, the graduation rate will be calculated using criteria for the federal uniform rate.~~ For this component, two (2) grade points shall be awarded for each percent of students counted as on-time graduates in the graduation rate. The total possible points awarded for this component is 200 points.

3. Participation in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. Participation shall be calculated for the school year by dividing a weighted count of accelerated coursework participants in grades 9 through 12 (numerator) by the count of all students enrolled in grades 11 and 12 (denominator). For AP, IB, and AICE participation, a student shall be counted in the numerator if he or she has taken the applicable subject area examination (i.e., the AP, IB, or AICE subject area examination). For dual enrollment courses, a student must earn a grade in the course in order to be counted as a participant. For industry certification, a student must ~~be enrolled in a career and technical education course and~~ have taken an industry certification examination on the Industry Certification Funding List approved by the State Board of Education in Rule 6A-6.0573, F.A.C., in order to be counted as a participant. In 2009-10 and 2010-11, schools shall receive credit for accelerated coursework participants in grades 9 and 10 in the numerator of the calculation only if the participants successfully complete the acceleration as outlined in subparagraph (8)(e)4. of this rule. Beginning in 2011-12, schools shall receive credit for accelerated coursework participants in grades 9 and 10 in the numerator of the calculation.

b. Grade points assigned. For this component, in 2009-10, two (2) grade points shall be awarded for each percentage point produced by the weighted calculation of participation in accelerated coursework described in subparagraph (8)(e)3. and sub-subparagraph (8)(e)3.a. of this rule. The total possible points awarded for this component is 200 points. In 2010-11, one and three quarters (1.75) grade points shall be awarded for each percentage point produced by the weighted calculation of participation in accelerated coursework described in subparagraph (8)(e)3. and sub-subparagraph (8)(e)3.a. of this rule. The total possible points awarded for this component shall be 175 points in 2010-11. Beginning in 2011-12, one and one half (1.5) grade points shall be awarded for each percentage point produced by the weighted calculation of participation in accelerated coursework described in subparagraph (8)(e)3. and sub-subparagraph (8)(e)3.a. of this rule. The total possible points awarded for this component shall be 150 points beginning in 2011-2012.

4. Performance in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. In 2009-10 and 2010-11, pPerformance shall be calculated for the school by dividing the weighted number of grade 9-12 students with successful completions in accelerated coursework (numerator) by the count of all students in grades 11 through 12 who took an accelerated course or subject area examination during the academic year and the count of all students in grades 9 and 10 who successfully completed accelerated coursework as outlined in subparagraph (8)(e)4. of this rule (denominator). Beginning in 2011-12, the denominator of the performance calculation shall include all students in grades 9 through 12 who took an accelerated course or subject area examination during the academic year. For AP, IB, and AICE successful completion is defined as earning a passing score and being awarded credit for specific postsecondary course(s) as determined by the 2009~~8~~ Articulation Coordinating Committee’s Credit by Exam Equivalencies list which is hereby incorporated by reference and may be obtained at <http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf>. For dual enrollment successful completion is defined as a passing grade of “C” or higher in a dual enrollment course for college ~~academic~~ credit. For industry certification successful completion is defined as passing an industry certification examination on the State Board of Education approved industry certification funding list. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. Those agreements can be accessed at [http://www.fldoe.org/workforce/dwdframe/artic\\_frame.asp](http://www.fldoe.org/workforce/dwdframe/artic_frame.asp).

b. Grade points assigned. For this component, in 2009-10, one (1) grade point shall be awarded for each percentage point produced by the weighted calculation of performance in

accelerated coursework described in subparagraph (8)(e)4. and sub-subparagraph (8)(e)4.a. of this rule. The total possible points awarded for this component is 100 points. In 2010-11, one and one quarter (1.25) grade points shall be awarded for each percentage point produced by the weighted calculation of performance in accelerated coursework described in subparagraph (8)(e)4. and sub-subparagraph (8)(e)4.a. of this rule. The total possible points awarded for this component shall be 125 points in 2010-11. Beginning in 2011-12, one and one half (1.5) grade points shall be awarded for each percentage point produced by the weighted calculation of performance in accelerated coursework described in subparagraph (8)(e)4. and sub-subparagraph (8)(e)4.a. of this rule. The total possible points awarded for this component shall be 150 points beginning in 2011-12.

5. Postsecondary readiness. This measure consists of two separate components, one for reading and one for mathematics. For each subject area component, postsecondary readiness shall be calculated by dividing the count of on-time high school graduates scoring "ready" on the SAT, ACT, and/or the Common Placement Test (CPT) at any time during their high school careers by the count of on-time high school graduates who scored at Level 3 or higher on the grade 10 FCAT in the applicable subject. This measure shall be based on all on-time standard high school graduates beginning no later than 2011-12. Readiness cutoff scores by subject area on the ACT, SAT, and CPT are established in Rule 6A-10.0315, F.A.C. For students who have taken multiple tests among the ACT, SAT, and CPT, the student's highest score by subtest shall be used to determine postsecondary readiness for the applicable subject area component. For each of the subject area components, one (1) grade point is awarded for each percentage point outcome of the postsecondary readiness calculation. The total possible points that may be awarded to a school for each component is 100 points.

6. Annual growth or decline in the components described in subparagraphs (8)(e)1. through 5. of this rule. For each component described in subparagraphs (8)(e)1. through 5., additional points are awarded based on the percentage point improvement over the prior year. Schools shall earn one additional point for each percentage point improved over the prior year. Schools shall earn no more than twenty (20) additional points on each component described in subparagraphs (8)(e)1. through 5. of this rule. For each component described in subparagraphs (8)(e)1. through (8)(e)5. of this rule, schools shall lose five (5) points if performance declines by at least ten (10) percentage points over the prior year. Schools that show no improvement in results ~~or show declining results~~ shall receive no additional points.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:  
6A-6.0970

RULE TITLE:  
John M. McKay Scholarship for  
Students with Disabilities Program

**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. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

Subparagraph (5)(c)3. was amended to read:

3. Prior to receiving a scholarship payment, all parents of participating students must have on file with the Department Form IEPC – AFF1, Affidavit, signed and notarized affirming the validity of the parent's signature that the parent understands and agrees to uphold the responsibilities of the parent and the student as outlined in Section 1002.39(9), F.S., including restrictive endorsement of the scholarship warrants. Form IEPC – AFF1 is hereby incorporated by reference in this rule to become effective with the effective date of this rule and may be obtained from the Department's website at <http://www.floridaschoolchoice.org/>.

In addition the Affidavit as incorporated by reference was substantially rewritten to read:

**AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_ (Name of Parent), who being duly sworn, attests that he or she is the parent or legal guardian of \_\_\_\_\_ (Name of Student), and that the signature below is his or her true and correct signature and is the signature that will be used to endorse warrants issued on behalf of the above-named student under the McKay Scholarship Program.

\_\_\_\_\_  
(SIGNATURE OF PARENT)

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (Name of Parent).

Personally Known or Produced Identification

Type of Identification Produced \_\_\_\_\_

NOTARY SEAL

\_\_\_\_\_  
(SIGNATURE OF NOTARY)

\_\_\_\_\_  
(PRINTED NAME OF NOTARY)

Parent's Address \_\_\_\_\_

Parent's Home Telephone \_\_\_\_-\_\_\_\_-\_\_\_\_

Parent's Work Telephone \_\_\_\_-\_\_\_\_-\_\_\_\_

Please review the statutory parent and student responsibilities pursuant to Section 1002.39, Florida Statutes, which include, but are not limited to:

Any student participating in the program must remain in attendance at a McKay approved school a minimum of 170 actual school days at the school's physical location, unless excused by the school for illness or other good cause.

Each parent and each student has an obligation to comply with the private school's published policies.

The parent to whom the scholarship warrant is made must endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-91.007  
 RULE TITLE: Selection and Award Process  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to proposed rule in published in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly. The date of publication for the Notice of Development of Rulemaking was not included in the publication for Notice of Proposed Rule. The date for publication for Notice of Proposed Rule Development was June 19, 2009.

**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."

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NOS.: 55A-3.006, 55A-3.007, 55A-3.008  
 RULE TITLES: Continuing Certification, Failure to Attend Training Refresher Course, Supervisory Inspection Review  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the above proposed rules published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-3.2085  
 RULE TITLE: Department and Services  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly. The form title specified in (17)(a)1., has been changed from AHCA Form 3130-8011, Feb 09 to AHCA Form 3130-8011, August 09.

**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 Dentistry**

RULE NO.: 64B5-2.014  
 RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges  
 NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that the following changes have been made to the proposed rule, which was originally published on December 12, 2008, in Vol. 34, No. 50 issue of the Florida Administrative Weekly. Additionally, notice of change was published for this rule on May 29, 2009, in Vol. 35, No. 21 issue of the Florida Administrative Weekly. This second notice of change is in response to concerns of the Joint Administrative Procedures Committee in a letter dated July 9, 2009. These changes supersede the original notice of change published on May 29, 2009. The changes are as follows:

64B5-2.014 (1)(a) shall read as:

(1) Submit at least 60 days prior to the examination:

(a) A completed application, for dentists, Form DH-MQA 1182 (Revised 7/31/09), and for dental hygienists, Form DH-MQA 1210 (Revised 7/31/09), incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Both forms can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0144  
 RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 34 No. 50, December 12, 2008 issue of the Florida Administrative Weekly. Additionally, notice of change was published for this rule on May 29, 2009, in Vol. 35, No. 21 issue of the Florida Administrative Weekly. This second notice of change is in response to concerns of the Joint Administrative Procedures Committee in a letter dated July 9, 2009. These changes supersede the original notice of change published on May 29, 2009. The changes are as follows:

64B5-2.0144(1)(a) shall read as:

(1) Submit at least 60 days prior to the examination:

(a) A completed application, Form DH-MQA 1210 (Revised 7/31/09), and incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Form DH-MQA 1210 (Revised 7/31/09) can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS.: 64J-1.008, 64J-1.009  
 RULE TITLES: Emergency Medical Technician, Paramedic

**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. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

64J-1.008 Emergency Medical Technician.

(2) Renewal Certification – To maintain an active certificate the EMT shall pay the recertification fee and affirm continued compliance with all applicable requirements contained in paragraph 64J-1.008(2)(a), (b) or (c), F.A.C., complete the applicable certification renewal notice, Certificate Renewal Notice DH-MQA 1212, 7/09, which is incorporated by reference and mailed by the department, or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com), where the form may also be obtained; and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

64J-1.009 Paramedic.

(2) Renewal Certification – To maintain an active certificate the paramedic shall pay the recertification fee and affirm continued compliance with all applicable requirements contained in paragraph 64J-1.009(2)(a) or (b), F.A.C., complete the applicable certification renewal notice, Certificate Renewal Notice DH-MQA 1212, 7/09, which is incorporated by reference and mailed by the department, or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com), where the form may also be obtained, and within 2 years prior to the expiration date of his or her paramedic certification complete one of the following:

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.: 64J-1.0201  
 RULE TITLE: EMS Instructor Qualifications

**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. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

(2) Any lead or adjunct instructor ~~currently~~ teaching in a Florida-approved EMS Training Program who that does not qualify for an exemption at the time of implementation of this rule may continue in their role and will have two years to complete the required coursework for the level of instruction they are employed.

64J-1.0201(3)(a)1. Must have successfully completed Levels A and B coursework listed in Table I and Table II as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.nhtsa.gov>; or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

64J-1.0201(5)(a)3. Physicians licensed under Chapter 458 or 459, Florida Statutes 458 and/or 459 are exempt from Levels A and B coursework.

64J-1.0201(5)(b)2. Individuals with a Associate in Science Degree from an institution whose accreditation is recognized by the United States Department of Education with plus 20 contact hours of educational /instructor courses with 2 years teaching experience in EMS education are exempt from Level A coursework.

Rulemaking Authority 401.27(2), 401.35(1)(b), 401.35(1)(h) FS. Law Implemented 401.27, 401.27(4)(a)1., 401.27(4)(a)2., 401.2701(1)(a)5.a. FS. History–New \_\_\_\_\_.