DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Courses Required of Licensees for Renewal and Reactivation 64B5-12.020

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to courses required of licensees for renewal and reactivation.

SUMMARY: The Board is amending this rule to update the continuing education requirements required for each license renewal biennium

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

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

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(8), 466.0135, 466.014 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

(1) No change.

(2) Instruction in laws, rules and ethics governing the practice of dentistry and dental hygiene and prevention of medical errors consisting of at least 2 hours of instruction in relevant topics including: Chapters 456 and 466, F.S., Rule Chapter 64B5, F.A.C., professional responsibility and competence; legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; a study of root cause analysis, error reduction and prevention, and patient safety, and relevant case studies. The requirements of this paragraph may be met by completion of a correspondence course.

Specific Authority 466.004 FS. Law Implemented 456.013(6),(8), 466.0135, 466.014 FS. History–New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01, 9-27-01, ________.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2002

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Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-36.001	Definitions
5B-36.002	Purpose
5B-36.0024	Declaration of Saint Augustine Decline Disease as a Plant Pest and Quarantine
5B-36.0028	Infested and Regulated Areas
5B-36.005	Interstate Movement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification Examinations

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. 27, No. 43, October 26, 2001, issue of the Florida Administrative Weekly:

Subparagraph (4)(a)2. is amended to read:

b. A twenty-five ~~thirty-three (33)~~ dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; and each registration for the professional skills

examination~~; and each registration for the general knowledge exmination or any combination of the general knowledge subtests~~.

c. A charge of one hundred (100) ~~twenty-five (125)~~ dollars in addition to the fees described in Rule 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

Paragraph (13)(a) is amended to read:

(a) The scores listed below shall be considered minimum passing scores for the following examinations of the Praxis I: Academic Skills Assessments. Passing scores on the examinations may be used to satisfy the requirement of mastery of general knowledge, including the ability to read, write, and compute. Passing scores are required on one (1) subtest from each of the general knowledge areas of reading, writing, and mathematics. The list below shows the general knowledge areas, followed by the names of the subtests and the minimum passing scale scores. A passing score on either subtest for the area will meet the requirement.

Area/Subtest	Scale Score
Reading	
Praxis I Pre-Professional Skills: Reading #5710 or 10710 ~~#0710~~	172
Praxis I Computer-Based Academic Skills: Reading #0711	321
Writing	
Praxis I Pre-Professional Skills: Writing #5720 or 20720 ~~#0720~~	171
Praxis I Computer-Based Academic Skills: Writing #0721	318
Mathematics	
Praxis I Pre-Professional Skills: Mathematics #5730 or 10730 ~~#0730~~	175
Praxis I Computer-Based Academic Skills: Mathematics #0731	317

The publication, *Competencies and Skills Required for Teacher Certification in Florida 7th Edition,* as incorporated by reference, was amended by the addition of competencies and skills for three new certification examinations: General Knowledge, Kindergarten-Grade 6, and Exceptional Student Education K-12.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.00821 Florida Educational Leadership Examination

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. 27, No. 43, October 26, 2001, issue of the Florida Administrative Weekly:

Sub-subparagraphs(4)(a)2.b. and c. are amended to read:

b. A fifty (50) ~~sixty (60)~~ dollar registration fee.

c A charge of one hundred (100) ~~twenty-five (125)~~ dollars in addition to the fees described in Rule 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-43	Florida Small Cities Community Development Block Grant Program
RULE NOS.:	RULE TITLES:
9B-43.003	Definitions
9B-43.004	Eligible Applicants
9B-43.006	Application Procedures for All Categories
9B-43.009	Program Requirements for Housing
9B-43.010	Program Requirements for Neighborhood Revitalization
9B-43.012	Program Requirements for Economic Development
9B-43.013	Program requirements for Commercial Revitalization
9B-43.014	General Grant Administration for All Categories

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. 27, No. 46, November 16, 2001, issue of the Florida Administrative Weekly. Minor typographical, spelling or syntax errors were corrected throughout these documents.

9B-43.003 Definitions.

(1) No change.

(2) “Administrative costs” means the payment of all reasonable costs of management, coordination, monitoring, and evaluation, and similar costs and carrying charges, related to the planning and execution of community development activities which are funded in whole or in part under the Florida Small Cities Community Development Block Grant Program. Administrative costs shall include all costs of administration, including general administration, planning and urban design, and project administration costs. Excluded from administrative costs are:

(a) Architectural, engineering and associated construction observation costs where State law or 24 C.F.R. Part 85, as effective on ________, requires sealed construction documents in order to obtain a building permit;

(b) through (c) No change.

(3) through (13) No change.

(14) "Income" means annual income as defined by the U.S. Department of Housing and Urban Development for the Section 8 Housing Assistance Payments Program in 24 C.F.R. Section 813.106, as effective on ________.

(15) through (19) No change.

(20) "Low and moderate income families" means "lower income families" and "very low-income families" as defined under 24 C.F.R.813.106, as effective on ________. A lower income family is a household whose annual income does not exceed 80 percent of the median income for the area or does not exceed 80 percent of the median income for the State, whichever is higher, as most recently determined by HUD. A very low-income family is a household whose annual income does not exceed 50 percent of the median income for the area or does not exceed 50 percent of the median income for the State, whichever is higher, as most recently determined by HUD.

(21) through (23) No change.

(24) "One hundred year floodplain" or "100 year floodplain" means the area subject to a one percent or greater chance of flooding in any given year as specified in 24 C.F.R. Section 55.2(b)(1), as effective on ________.

(29) "Program income" shall be defined in accordance with 24 C.F.R. Section 570.489(e), as effective on ________. Any program income generated by a CDBG grant, whether open or closed, shall be reported to the Department and handled as program income.

(30) through (31) No change.

(32) "Retained jobs" means the total number of permanent jobs which, without CDBG assistance, would be abolished by layoffs, plant closing, or other severe economic or natural conditions or as otherwise clarified in 24 C.F.R. Part 570.483(b)(4), as effective on ________.

(33) "Section 3" means Section 3 of the Housing and Community Development Act of 1968, as amended, and 24 C.F.R. Part 135, as effective on ________, relating to employment and other economic opportunities for lower income persons.

(34) through (38) No change.

9B-43.004 Eligible Applicants.

(1) No change.

(2) Individual Applicants with activities outside their jurisdiction. An eligible applicant's activities may extend beyond its jurisdiction, provided the areas outside its jurisdiction are eligible. The applicant must have legal authority to provide such services or undertake such activities and be supported by a signed interlocal agreement executed by both eligible local governments.

(a) Pursuant to 24 C.F.R. 570.486(b), as effective on ________, an eligible individual applicant may apply to undertake a portion of an eligible Neighborhood Revitalization activity in an otherwise eligible location outside its jurisdiction or service areas, if it can provide written documentation that the activities are required by an engineer or required by a state or federal agency having regulatory authority over the activities. Any benefit to persons outside the jurisdiction or service area must not be a Direct Benefit and may only be incidental to the like activity undertaken within the jurisdiction or service area. Indirect benefit to persons outside the jurisdiction or service area shall not be used to establish activity eligibility or for scoring purposes. All service area residents shall reside within the jurisdiction of the local government submitting the individual application.

(b) through (c) No change.

(3) through (7) No change.

9B-43.006 Application Procedures.

(1) No change.

(2) Rejection Criteria. All applications shall meet the following minimum requirements as outlined in Section 290.0475, F.S., to qualify for scoring and shall be rejected if they fail to satisfy these requirements:

(a) through (b) No change.

(c) No change.

1. Activities shall be considered to benefit low and moderate income persons, when at least 51 percent of those who benefit are low and moderate income persons as determined pursuant to 24 C.F.R. Section 570.483(b), as effective on ________; or

2. Aid in the prevention or elimination of slums or blight as determined pursuant to 24 C.F.R. Section 570.483(c), as effective on ________; or

3. Meet urgent community development needs where there is a serious and immediate threat to the health and welfare of the community, which are of recent origin or recently became urgent and where other financial resources are not available as determined pursuant to 24 C.F.R. Section 570.483(d), as effective on ________.

(d) Activity Eligibility. Proposed activities shall be eligible in accordance with Title I of the Housing and Community Development Act of 1974, as amended, (42 USC Sections 5301-5320), 24 C.F.R. Section 570.482, as effective on ________, the State Operating Instructions published by HUD, and this rule. In addition, all activities funded under a Community Development Block Grant must be in conformance with the adopted local comprehensive plan. If any activity is determined not to be eligible for funding pursuant to 24 C.F.R. Section 570.482, as effective on ________, at any time prior to the effective date of a grant, the Department shall reduce the amount of the grant award by the amount requested for the activity. The application will be rescored after deduction of the amount deemed ineligible and any complementary activities associated with the activities deemed ineligible.

(e) through (4) No change.

(5) Architectural and Engineering Costs. The maximum percentage of contracted block grant funds that may be spent on architectural and engineering costs by an eligible local government shall be based on the total eligible grant activities which require architecture and engineering and shall not exceed the Rural Development (RD) Rural Utility Service (RUS) fee schedule in Florida RUS Bulletin 1780-9, hereby incorporated into this rule by reference, effective as of. If more than one design professional is needed for an activity or activities (i.e., a landscape architect in addition to an engineer for sidewalk construction in a commercial revitalization project), the local government shall not exceed the appropriate RD/RUS fee curve for each activity covered by each design professional negotiated separately. For projects involving both Table I and II activities, engineering costs shall be pro-rated appropriately. For each additional engineering service as defined in Rule 9B-43.003(3), F.A.C., and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 C.F.R. 85.36. Preliminary engineering costs not to exceed one-half of one percent of the estimated construction cost may be paid with CDBG funds over and above the amounts included in the RD/RUS fee schedule. If "readiness to proceed" points are part of the final application score, then CDBG grant funds for engineering costs shall not include preliminary engineering and shall not exceed $10,000 plus the percentage in the fee schedule for Table I-A, Table II-A, or a prorated amount of both tables for projects involving activities included in both tables.

(6) Past Performance for All Categories.

(a) through (b) No change.

1. No change.

2. A penalty of 5 points per low and moderate income household not served or business facade not addressed as geographically displayed on the original application maps (as modified, if necessary, during the completeness process) in the neighborhood revitalization or the commercial revitalization categories up to a maximum of 50 points. All direct benefit proposed in the application (i.e., water hook-ups) must be completed to avoid this penalty per house or facade. No penalty shall be assessed for failure to provide a water or sewer hook up if the hook up is not possible because the home is vacant or became damaged or destroyed after application submission and there are no other homes in the service area identified in the application as unmeet need which can qualify for a hookup to replace any home not hooked up.

3. No change.

(7) through (10) No change.

(11) Documenting LMI Benefit.

(a) HUD Census Data – LMI benefit may be documented by using HUD-provided "CDBG Program Listing from the current Census Special Tab Tape, Percent of Low and Moderate Income Persons, State of Florida" where the service area geographically corresponds with block groups, census tracts, or local government geographical limits. The printed version of this data may be obtained from the Department at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(b) through (f) No change.

9B-43.009 Program Requirements for Housing.

(1) through (2) No change.

(3) Low and Moderate Income Benefit.

(a) Selection of beneficiaries or housing units need not take place during the application process, but may take place at any time during the grant application or implementation process. All beneficiaries must be low and moderate income persons pursuant to 24 C.F.R. Section 570.482, as effective on ________.

(b) Activities involving rehabilitation or acquisition of property to provide housing shall be considered to directly benefit low and moderate income persons only to the extent that such housing shall, upon completion, be occupied by low and moderate income persons, and for rental units the units must be occupied by low and moderate income persons at affordable rents pursuant to 24 C.F.R. 570.489(b)(3), as effective on ________.

(4) No change.

(5) The applicant shall adopt and implement procedures to fulfill regulatory and statutory requirements relating to Lead-Based Paint pursuant to 24 C.F.R. 570.487, 24 C.F.R. 36 and 37, all as effective on ________, and Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 1251 et seq.). The recipient is required to:

(a) through (f) No change.

(6) Upon completion of the rehabilitation program, all housing units addressed in any way with CDBG funds must be in compliance with the local housing code (if any), and the HUD Section 8, Housing Quality Standards detailed in 24 C.F.R. Section 882.109, as effective on ________. If the construction activity is limited to water hookups, sewer hookups, the abandonment of wells, or the abandonment of septic systems with no internal or external modifications to the housing unit, this requirement does not apply.

(7) No change.

9B-43.010 Program Requirements for Neighborhood Revitalization.

(1) through (2) No change.

(3) Service Area Requirements.

(a) An activity conducted in a service area will be considered to benefit low and moderate income persons when at least 51 percent of the residents of that service area are low and moderate income persons. Such a service area must be the entire geographic area to benefit from the activity; no more and no less. All activities shall be evaluated based on 24 C.F.R. 570.483(b), as effective on ________.

(b) through (d) No change.

(e) Area benefit activities as defined in 24 C.F.R. 570.483(b)(1)(i), as effective on ________, addressing the needs of elderly, handicapped or homeless beneficiaries are presumed to provide 51 percent low and moderate income benefit for scoring purposes unless a survey of the service area of such activity documents a higher percentage of benefit.

(f) No change.

(4) No change.

9B-43.012 Program Requirements for Economic Development.

(1) Eligible Activities

(a) through (d) No change.

(e) Activities designed to provide job training and placement and/or other employment support services on behalf of the participating party as outlined in 24 C.F.R. 570.482(d)(2), as effective on ________.

(2) Prohibited Uses of Funds.

(a) through (e) No change.

(f) Funds cannot be used for a loan to a non-public entity which is determined not to be appropriate as defined in 24 C.F.R. 570.482(e), as effective on ________.

(g) No change.

(3) Eligibility Requirements.

(a) No change.

1. through 2. No change.

3. The local government shall provide to the Department a financial underwriting analysis and other participating party documentation not required at the time of application. The underwriting analysis must meet the requirements of 24 C.F.R. Section 570.482(e), as effective on ________, and Appendix A. The underwriting analysis must be prepared by a certified public accountant, a commercial lending underwriter, a financial professional employed by the local government or the participating party, or some other financial or economic development professional, and shall verify:

a. through f. No change.

4. through 5. No change.

(b) Determining Eligibility for Infrastructure Projects.

1. No change.

2. Applications shall also document that the entity proposing to create jobs is financially viable based on accepted industry standards ~~and document the statistical basis upon which the job creation estimate is calculated~~.

3. through 4. No change.

(c) No change.

(d) Job Creation or Retention. The number of jobs proposed to be created or retained shall be such that the cost in CDBG funds per job is consistent with 24 C.F.R. 570.482(f)(2) and (f)(4), as effective on ________. Applications which do not meet the cost-per-job requirements shall be assessed a 251-point reduction of their program impact score.

(e) No change.

(f) Compliance With National Objectives.

1. In determining whether an activity will actually benefit low and moderate income persons, the net effect of the completed activity shall be considered. In the economic development category, each activity shall meet a national objective pursuant to 24 C.F.R. Section 570.483(b)(4), as effective on ________.

2.a. through b. No change.

c. Where job creation is the method of meeting a national objective for construction of a public improvement or facility, all jobs created or retained as a direct result of the construction of the public improvement or facility shall be considered. However, if the costs per job and the time period specified in 24 C.F.R. Section 570.482(2)(i), as effective on ________, are attained, only those jobs created by businesses included in the application must be counted for the purpose of meeting a national objective.

3. No change.

4. If a national objective is attained under the provisions of 24 C.F.R. 570.483(b)(4)(iv) or (v), as effective on ________, demographic and/or census documentation must be provided with the application.

(4) Public improvement activities are also subject to the requirements of 24 C.F.R. Section 570.483(e)(1), as effective on ________. Activities to address the needs of those beneficiaries listed in 24 C.F.R. 570.483(b)(2)(ii)(A), as effective on ________, will be presumed to meet the national objective of benefit to low and moderate income persons if they are directly related to the job creation or retention activities.

(5) through (7) No change.

9B-43.013 Program Requirements for Commercial Revitalization.

(1)(a) through (d) No change.

(e) Correction of architectural barriers to handicap access in public buildings located in the Community Redevelopment Area pursuant to the requirements of 24 C.F.R. Part 8, as effective on ________.

(2) through (5) No change.

9B-43.014 General Grant Administration of All Categories.

(1) Procurement Procedures. Grant funds shall be used to procure commodities and services only in accordance with written procurement procedures adopted by the recipient and shall comply with the provisions of 24 C.F.R. Section 85.36, as effective on ________, and for covered professional services contracts, Section 287.055, F.S., (Consultants Competitive Negotiation Act).

(a) No change.

(b) The Department must provide written permission prior to the recipient awarding any contract exceeding $25,000 procured as a result of inadequate competition, a sole source or a non-competitive procurement. For contracts below $25,000, the recipient's files must document the justification for such procurement which complies with 24 C.F.R. Section 85.36 (b)(4), as effective on ________.

(c) through (e) No change.

(f) Construction Contracts.

1. through 2. No change.

3. All contracts in excess of $100,000 covered by Section 3 regulations shall contain the language required in 24 C.F.R. 135.38, as effective on ________.

(g) No change.

(2) No change.

(3) Escrow Accounts. Recipients may draw down CDBG funds and deposit them into an interest bearing escrow account for housing rehabilitation. An escrow account may be established when direct grants or loans are made to owners of private property for the purpose of housing rehabilitation. Escrow accounts shall only be used pursuant to 24 C.F.R. Part 570.511, as effective on ________.

(4)(a) through (d) No change.

(e) Time Extensions to Contracts. Any proposed amendment extending the termination date of the contract must be for an extension of six months or one year ~~not to exceed one year~~.

(f) No change.

(5) No change.

(6) Performance.

(a) No change.

1. No change.

2. Recipients shall also submit such reports as may be necessary, pursuant to 24 C.F.R. 570.905, "Reports to be Submitted by the Recipient"; 570.906(b), "Performance Report," both as effective on ________, and other applicable laws governing the CDBG program as outlined in the contract assurances or as may be further required by the Department to document program compliance.

(b) through (d) No change.

1. Initiate actions as prescribed in 24 C.F.R. 570.910(b), "Corrective and Remedial Actions" and 570.911, "Reduction, Withdrawal, or adjustment of Grant or other appropriate action," both as effective on ________.

2. If at any time after the effective date of a grant award agreement, the Department determines that an activity to be funded is not eligible pursuant to 24 C.F.R. Part 570, as effective on ________, the Department may unilaterally modify the contract to delete the ineligible activity and deobligate any unencumbered funds.

(e) No change.

(7) Audit requirements.

(a) through (f) No change.

(g) If audit requirements are not documented at the time of site visit, because a required audit was not performed, the Department shall find that the local government has inadequate administrative capacity and reject its application. If a required audit was performed but not submitted to the Department, the application will be considered but any funded CDBG contract agreement will contain special conditions limiting expenditure of funds until any audit issues are resolved.

(h) No change.

(8) through (10) No change.

(11) No change.

(a) through (b) No change.

(c) The funds are to be expended pursuant to the provisions of 24 C.F.R. Part 570, as effective on ________, Sections 290.046-.049, Florida Statutes, and this rule.

(12) Conflict of Interest. If CDBG funds are to be expended to assist or benefit any person listed in 24 C.F.R. Section 570.489(h)(3), as effective on ________, who is subject to a conflict described in 24 C.F.R. Section 570.489(h)(2), as effective on ________, a waiver of that conflict shall first be requested pursuant to 24 C.F.R. Section 570.489(h)(4), as effective on ________. Should CDBG funds be expended prior to the Department's approval of the waiver of the conflict of interest, the funds expended will not be considered an eligible expense and shall be subject to repayment.

Additionally, changes were made to the application manuals which are incorporated into the rule by reference.

In all (Neighborhood Revitalization, Economic Development, Housing, and Commercial Revitalization) applications, the following changes were made:

1. The "WAGES" points category has been revised to "Workforce Development Initiatives" and maximum points will be awarded for both training and hiring program clients.

2. For applicants with at least four employees, the minority employment score calculation has been simplified to using the proportion of the applicant's minority employment percentage to its county's minority percentage.

3. One outdated Special Designation category was removed and three new categories added.

In the Neighborhood Revitalization, Housing, and Commercial Revitalization applications, the following change was made:

1. A single category for leverage replaces separate categories. Leverage calculations will be rounded to two decimals. Some qualifying requirements for leverage have been eliminated.

In the Neighborhood Revitalization application, the changes are:

1. Land donated for the project qualifies as leverage; a ratio of CDBG funds to leveraged funds has been established.

2. Application workshop attendance points (10) have been deleted and used to increase Local Mitigation Strategy (5) and Special Designation (5) points.

3. Health and Safety points requirements have been reduced.

4. Service area maps must be coded to identify whether a surveyed home is low and moderate income, very low income, or above those categories.

5. Two average cost calculations will be calculated using total grant amount requested.

6. Qualifying requirements for special designation points were reduced.

7. Two qualifying requirements for Local Mitigation Strategy (LMS) points were deleted and a requirement regarding the project be in LMS plan was added.

In the Economic Development application, the changes are:

1. For loans, the investment ratio must be calculated separately for each participating party. Also, information regarding the identity and location of any collateral must be provided, and each principal must personally guarantee a CDBG loan to a for-profit business.

2. If Special Designation points are claimed, a map showing location of activities within the Special Designation area must be submitted.

3. Cost documentation requirements have been revised to identify what information is needed when the project involves both CDBG and non-CDBG funds, when the participating party is a developer and when CDBG funds will be used for non-infrastructure activities.

4. Initial participating party commitments have been revised to include the source of any borrowed funds, to provide an income verification form for each worker in a created job, specify requirements for developers who are participating parties, and a commitment to hire a Temporary Assistance to Needy Families program client.

5. Projects which will retain jobs may be funded if certain criteria are met.

6. For developer projects, a draft lease agreement which requires prospective tenants to provide the same job creation documentation as other types of participating parties must be submitted within 60 days after the local government receives the award and offer to contract letter.

7. For developer projects, CDBG funds may be used only to fund required infrastructure undertaken by the local government.

In the Housing application, the changes are:

1. Threshold amounts for "average cost per housing unit" points were increased to account for new federal requirements.

2. Application workshop attendance points (10) have been deleted and put into code enforcement efforts.

3. Code enforcement effort points were revised by reducing the "citation" score to 5 points and the "compliance" score to 15 points per house.

In the Commercial Revitalization application, the changes are:

1. Service area maps must be coded to identify whether a surveyed home is low and moderate income, very low income, or income above those categories.

For further information, contact Ms. Libby Lane, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or call (850)922-1881.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-7.011	Rate of Return Calculation
19-7.012	Pool Participation
19-7.013	Reporting Procedures
19-7.015	Allocation of Earnings
19-7.016	Close of Business

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed amended rules referenced above, in accordance with subparagraph 120.54(3)(d)1., F.S. These rules were published in the Vol. 27, No. 49, which is the December 7, 2001, issue of the Florida Administrative Weekly.

1) In Rule 19-7.011, F.A.C., the citation in law implemented is changed from 218.407(4) to 218.409(4).

2) In Rule 19-7.012, F.A.C., the second sentence is deleted.

3) In Rule 19-7.013, F.A.C., the first sentence shall now read as follows: "The State Board of Administration shall forward to each Pool participant a monthly statement containing each account's activity including deposits, withdrawals, balances, earnings and investment services charges."

4) In Rule 19-7.015, F.A.C., Section 215.515, F.S., is added to the law implemented in the history note.

5) In Rule 19-7.016, F.A.C., the first non-deleted sentence shall now read as follows: "Any requests for funds to be returned or notification of funds to be wired for investment after 11:00 a.m. may be included in the following day's business."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:	RULE TITLE:
61H1-31.001	Fees

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 51, December 21,

2001, issue of the Florida Administrative Weekly. The Board has approved these changes in response to comments from the Joint Administrative Procedures Committee.

Paragraph (1) shall now read as follows:

(1) For the applicant to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, thirty-five dollars ($35.00) and sixty dollars ($60.00) ~~fifty dollars ($50.00)~~ per part; sixty dollars ($60.00) ~~fifty dollars ($50.00)~~ per part for extended/conditioned candidates. The Department will defer the fee until the next examination if the applicant is unable to sit for the examination due to illness, death in the immediate family, military service, or jury duty provided the applicant's illness is supported by a notarized statement of a physician, or absence, by reason of military service is supported by a copy of military order or a letter from the Commanding Officer or death in immediate family is supported by a notarized statement by the applicant and a copy of the death certificate or obituary, or jury duty is supported by evidence from the appropriate court. Such request must be made in writing within sixty (60) days from the last day of the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite 1, Gainesville, Florida 32607

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-17.013 Dental Practice Management Services

AMENDED NOTICE OF CHANGE

The Board of Dentistry hereby gives notice of this Amended Notice of Change which was recently published in the February 1, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 5. The rule was originally published in the November 30, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 48. Subsection (2) of this rule shall now read as follows:

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties. To direct, control, or interfere with a dentist's clinical judgment shall not be construed to include those matters specifically excluded by subsection 466.0285(1)(c), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.014 Standards for Telemedicine Prescribing Practice

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rule to be held on February 15, 2002, 11:00 a.m., or as soon thereafter as can be heard, in Ft. Lauderdale, Florida. The rule was originally published in Vol. 27, No. 39, of the September 28, 2001, Florida Administrative Weekly. The public hearing is being held in response to written requests following publication of the Notice of Change in the December 14, 2001, Vol. 27, No. 50, FAW. For specific information regarding the location of this hearing, contact the Board office, (850)245-4131.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-13.004	Requirements for Reactivation of an Inactive License
64B8-13.005	Continuing Education for Biennial Renewal
64B8-13.006	HIV/AIDS Education or End-of-Life Care

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rules to be held on February 15, 2002 at 11:00 a.m., or as soon thereafter as can be heard, in Ft. Lauderdale, Florida. The rule was originally published in Vol. 27, No. 39, of the September 28, 2001,

Florida Administrative Weekly. For specific information regarding the location of this hearing, contact the Board office at (850)245-4131.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.:	RULE TITLE:
65-29.001	Financial Penalties for a Provider's Failure to Comply With a Requirement for Corrective Action

NOTICE OF CHANGE

Notice is hereby given that proposed Rule No. 65-29.001, F.A.C., has been changed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 21, May 25, 2001, issue of the Florida Administrative Weekly. When adopted the rule will read as follows:

THE FULL TEXT OF THE PROPOSED RULE IS:

65-29.001 Financial Penalties for a Provider's Failure to Comply With a Requirement for Corrective Action.

(1) Purpose. The purpose of this rule is to implement the provisions of Section 402.73(7), F.S., and to provide procedures for the imposition of financial penalties upon providers that fail to comply with a department request for corrective action.

(2) Definitions. For the purpose of this rule, the following definitions shall apply:

(a) "Corrective Action" means acts of remediation the provider is required to make in response to department findings of unacceptable performance, nonperformance, or noncompliance to the terms and conditions of a contract.

(b) "Corrective Action Plan" means the mutually agreed upon plan prepared by the provider and approved by the department by which corrective action will be accomplished.

(c) "Department" means the Florida Department of Children and Families.

(d) "Extenuating Circumstances" means conditions beyond the control of either party that may form a basis for reasonable forgiveness of certain contract requirements. By their nature such conditions are unique necessitating the determination of their existence on a case by case basis and precluding the application of such a determination to more that a single instance. during the term of any contract.

(e) "Findings of Fact" means the conclusions reached by the department upon factual issues.

(f) "Notice of Intent to Impose a Financial Penalty" means a written notice issued by the department to the provider making the provider aware that a financial penalty is pending if the provider does not successfully complete the required corrective action plan within the time specified the corrective action plan.

(g) "Provider" means an organization or individual providing services to or on behalf of the department or its clients.

(h) "Unacceptable Performance" means provider action(s), or lack thereof, that fails to satisfy the requirements of the contract.

(3) Penalty Provision. All contracts entered into by the department for services shall contain a notice that penalties may be imposed for failure to implement or to make acceptable progress on corrective action plans developed as a result of noncompliance, non-performance, or unacceptable performance with the terms and conditions of a contract. Such provisions shall also contain the following:

(a) A statement that corrective action plans may be required for noncompliance, nonperformance, or unacceptable performance and penalties may be imposed for failure to comply with a department approved corrective action plan

(b) The increments of penalty imposition that shall apply, unless the department determines that extenuating circumstances exist, shall be based upon the severity of the noncompliance, nonperformance, or unacceptable performance that generated the need for corrective action plan. The penalty, if imposed shall not exceed ten percent (10%) of the total contract payments during the period in which the corrective action plan has not been implemented or in which acceptable progress toward implementation has not been made. Noncompliance that is determined to have a direct effect on client health and safety shall result in the imposition of a ten percent (10%) penalty of the total contract payments during the period in which the corrective action plan has not been implemented or in which acceptable progress toward implementation has not been made. Noncompliance involving the provision of service not having a direct effect on client health and safety shall result in the imposition of a five percent (5%) penalty. Noncompliance as a result of unacceptable performance of administrative tasks shall result in the imposition of a two percent (2%) penalty.

(c) The deadline for payment of a penalty.

(d) The potential deduction of a financial penalty from the department's payments to a provider.

(4) Process. If at any time(s) during the effective contract period, the department gives notice to the provider that its delivery of services is unacceptable or is not in compliance with the terms and conditions of the contract, the department shall request corrective action, in accordance with Section 120.695, F.S. The department's request for corrective action shall identify the incident(s) of noncompliance or unacceptable performance, and be submitted to the provider in writing. The provider, in turn, must timely submit a corrective action plan upon receipt of the department's request. The provider's failure to timely submit a corrective action plan that is determined acceptable to the department shall be grounds for termination of the contract.

(5) Source of Funds Available for Payment of Financial Penalty. A provider shall not pay a financial penalty with funds intended to be used, or which are budgeted, to provide services to clients. The provider shall not reduce the amount or quality of services being delivered to clients as a result of the imposition of a financial penalty pursuant to this rule.

(6) Notice of Intent to Impose a Penalty and Notice of Preliminary Findings of Fact. The department shall give the provider a written notice of its intent to impose a financial penalty, which shall include the following information:

(a) The factual basis upon which the department determined that a corrective action plan was needed, and

(b) A description of the corrective action, which was agreed upon between the provider and the department and which was not implemented or satisfactorily accomplished; and

(c) The amount of the penalty sought to be imposed.

(7) Contesting a Penalty. Within twenty-one (21) calendar days of receipt of written notice described in paragraph 6, the provider may file written exceptions to the Preliminary Findings of Fact. If no exceptions are timely filed, the department shall adopt such Preliminary Findings of Fact in its Final Order Imposing a Financial Penalty.

(8) The District Administrator or Regional Director will, in consultation with the Office of the General Counsel, resolve any issues raised by exceptions, if filed, after which the Department may issue a Final Order. The Final Order, if issued, shall require that the penalty be imposed prospectively and be applied to the next invoice submitted. The final order shall require the application of the penalty on all subsequent invoices until the required corrective actions have been implemented. Said Final Order shall be reviewable pursuant to Chapter 120, F.S.

(9) Failure to Pay a Financial Penalty. The department shall deduct the amount of financial penalty from funds that would otherwise be due a provider. This deduction shall not exceed ten percent (10%) of the invoice amount that would otherwise be due such provider for the period in which the corrective action plan has not been implemented or in which acceptable progress toward implementation has not been made. A provider's failure to include such deductions in a request for payment shall constitute grounds for the department to reject the provider's request for payment.

(10) The remedies identified in this rule do not limit or restrict the department's application of any other remedy available to it in the contract or under law. Furthermore, the remedies described in this rule may be cumulative and may be assessed upon each separate failure in order to enforce provider compliance.

Specific Authority 402.73(7) FS. Law Implemented 402.73(7) FS. History–New ________.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:
On-Line Retailer Responsibilities 53ER02-5

SUMMARY OF THE RULE: This emergency rule replaces 53ER01-57, F.A.C., and reflects amendments made in response to comments received from the Joint Administrative Procedures Committee. The rule sets forth provisions regarding the responsibilities of an on-line Lottery retailer.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-5 On-Line Retailer Responsibilities.

(1) The Lottery shall contract with specified retailers to sell on-line lottery tickets from on-line terminals provided to retailers by the Lottery or its vendors. Retailers shall be trained in the operation of the on-line terminal prior to their on-line terminal being activated to sell on-line tickets.

(2) All equipment provided to the retailer by the Lottery or its vendors shall remain the property of the Lottery or its vendors, and retailers shall acquire no interest whatsoever in the equipment.

(3) There are two types of on-line terminals that may be provided to a retailer by the Lottery; one type requires a dedicated data line and the other type operates on a standard telephone line.

(a) If the on-line terminal provided by the Lottery to the retailer is the type that requires a dedicated data line, prior to its installation the retailer shall provide a grounded electrical circuit dedicated for use with the on-line terminal. The circuit must meet the following electrical requirements: 115 volts AC, single phase; 60 HZ nominal, with a 15-ampere breaker. The