

~~percentage that minimizes the financial risk to the Guarantee Program while making the project financially feasible and to qualify for financing.~~

~~(2) An obligor/principals shall be, or by reason of an obligation guaranteed by the Guarantee Program shall become, the owner or lessee of the property which secures the qualified obligation, and shall be able to bear the usual expenses of maintaining such structure and repay the obligation.~~

Specific Authority 420.507(25), 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 2-6-97, Formerly 9I-39.012, Amended 10-21-99, Repealed _____.

67-39.014 Guarantee Program Payments.

~~(1) The Guarantee Program shall be maintained for the benefit of the qualified lending institutions whose qualified obligations are guaranteed under the Act. Amounts in the Guarantee Program shall be used in accordance with the Act to satisfy any valid claim payable therefrom.~~

~~(2) Payments pursuant to or in connection with any Guarantee contracts of guarantee and reinsurance may be made in a lump sum, or in partial payments made within such period of time as may be agreed to by the Guarantor Corporation. Such payments by the Corporation shall be payable solely and only from amounts held specifically for the benefit of the Guarantee Program. The Corporation shall not guarantee or issue a commitment to guarantee a Qualified Obligation qualified obligation if the balance of amounts held for the benefit of the Guarantee Program is less than the Guarantee Program reserve requirement.~~

Specific Authority 420.507(25), 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 2-6-97, Formerly 9I-39.014, Amended 10-21-99, _____.

67-39.015 Audit Requirement.

~~At least once in each fiscal year the Corporation, including the Guarantee Program, shall be examined by an independent certified public accountant for the purposes of auditing its the Guarantee Program's financial condition and determining the soundness of its management and operating policies. The Guarantee Program shall pay the cost of each such examination. Copies of each report, including the findings, conclusions and recommendations, shall be furnished to the Corporation.~~

Specific Authority 420.507(25), 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Formerly 9I-39.015, Amended 10-21-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Junious D. Brown, III
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbara Goltz
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Division of Ad Valorem

RULE NO.: 12D-13.028

RULE TITLE: Homestead Tax

Deferral-Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 27, No. 37 September 14, 2001, issue of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Subsection (2) of Rule 12D-13.028, F.A.C., has been changed so that, when adopted, this subsection will read:

(2) "Income" means the "adjusted gross income," as provided under s. 197.243(2), F.S., of all members of a household.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.223

RULE TITLE: Special Management Meal

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. 40, October 5, 2001, issue of the Florida Administrative Weekly:

33-602.223 Special Management Meal.

(1) through (2)(e) No change.

(f) The special management meal shall be utilized only at all those institutions with the exception of those designated for youthful offenders by the Secretary. The request for approval for an institution to utilize this meal shall be submitted to the Assistant Secretary for Security and Institutional Management. The Bureau of Food Services shall provide orientation in the Upon determination that use of the special management meal would fit the institution profile, training for preparation and service use of the special management meal will be scheduled. The bureau of Food Services shall certify to the Director of Institutions the Upon certification of successful completion of that training, Certification is required before the institution is authorized to utilize the special management meal. The special management meal will then be is authorized for use on a case-by-case basis at those that institutions as provided in this rule.

(3) through (8) No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-7	Supplier Diversity and Outreach MBE Contracting Rule
RULE NOS.:	RULE TITLES:
40E-7.645	Compliance
40E-7.654	Grandfather Clause
40E-7.655	Certification Review Procedures
40E-7.661	Recertification Review Procedures
40E-7.664	Suspension, Debarment, Revocation or Decertification

NOTICE OF CHANGES TO PROPOSED RULE

The South Florida Water Management District announces changes to proposed amendments and new rule for Rule 40E-7, Part VI, F.A.C., as published in the June 8, 2001 issue of the Florida Administrative Weekly. Since this time there has been changes made, which were published in the August 10th and September 28th issues of the Florida Administrative Weekly. The changes in the Notice of Change are in response to Joint Administrative Procedures Committee comments. Proposed amendments to Rule 40E-7.645, 40E-7.654, 40E-7.655, 40E-7.661, 40E-7.664, changed to read as follows:

40E-7.645 Compliance.

(7) The District shall ensure program compliance by a contractor or its participating subcontractors through contract provisions. Contractor compliance provisions include:

(c) Refusal of all future proposals ~~offers~~ submitted to the District by the Contractor for a period of three (3) years;

40E-7.654 Grandfather Clause.

MBE firms that are certified on the effective date of the rule amendment shall remain certified until the firms' certification expires. However, MBE firms that fail to maintain minority ownership and control will be immediately decertified. Pursuant to 40E-7.653(4), F.A.C., the District retains the right to re-evaluate the certification of any business at any time"

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History--New _____.

(The underlined information below was published in the September 28, 2001 issue of the Florida Administrative Weekly as standard text instead of new language. Therefore, we are now showing it in its corrected format through this notice of change.)

40E-7.655 Certification Review Procedures.

(4) Applicants determined eligible shall receive a certification letter stating the length of time for which the business has been certified, the specialty areas of the business, the minority status categories in which the business is certified, and the business' responsibilities set out in Section 287.0943(1) and (2), F.S. Once certified, an applicant shall remain certified for a period of three (3) years unless the

applicant fails to follow this rule and is sanctioned pursuant to Rule 40E-7.645, F.A.C. The District retains the right to reevaluate the certification of any business at any time.

Specific Authority ~~373.113, 120.53, 120.54(1), 120.60(2), 373.607~~ FS. Law Implemented 120.53, 120.54(1), 120.60(2), 373.607 FS. History--New 9-25-96, Amended _____.

40E-7.661 Recertification Review Procedures.

(2) The District will notify MBE's no later than sixty (60) days before the end of the certification period. If the minority owner is unable to use the recertification affidavit because changes in the applicant's business have occurred, the minority owner shall notify the District in writing. Recertification requests must be filed in the District no later than the last effective date of the current certification period. Recertification requests received by the District after the expiration of the certification period shall be given a ten (10) day grace period.

40E-7.664 Suspension, Debarment, Revocation or Decertification.

(1) Prior to suspending, debarment, revoking or decertifying a firm from the Program, the District shall inform the firm in writing by certified mail, return receipt requested, of the facts or conduct which warrant such action.

(2) Facts or conduct that would ~~could~~ warrant suspension, decertification, or debarment include;

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.:	RULE TITLE:
61G8-17.0041	Continuing Education Provider Requirements

NOTICE OF CHANGE

The Board of Funeral Directors and Embalmers gives Notice of Change to the above-referenced rule in response to comments received from the Joint Administrative procedures Committee. The rule was originally published in Vol. 27, No. 9, October 5, 2001, issue of the Florida Administrative Weekly.

When changed, Rule 61G8-17.0041(4) shall read as follows:

(4)(a) The continuing education provider must submit to the Board written notice of any substantial changes in the information provided in the initial request for course approval. This notification must be made within 30 days following the date the change is effective, and

(b) The continuing education provider must submit to the Department electronic documents as required by Department Rule 61-6.015, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.014
RULE TITLE: 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 December 1, 2001 at 8:00 a.m., or as soon thereafter as can be heard at the Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida 33607. The rule was originally published in Vol. 27, No. 39, of the September 28, 2001, Florida Administrative Weekly.

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

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).

DEPARTMENT OF HEALTH

Board of Optometry

RULE NOS.: 64B13-11.001
64B13-11.004
RULE TITLES: Inactive Status
Delinquent Status License

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendments, as noticed in Vol. 27, No. 32, of the Florida Administrative Weekly on August 10, 2001, are hereby withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.009
RULE TITLE: Citations

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule amendment in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 38, of the September 21, 2001, issue of the Florida Administrative Weekly. The Board, at its meeting held on October 24, 2001, in Jacksonville, Florida, addressed the concerns submitted by the staff of the Joint Administrative Procedures Committee. In response to those concerns the Board voted to delete subsection (7) of the rule in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.007
RULE TITLE: Inactive Status License

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 as published in Vol. 26, No. 51, December 22, 2000, and a Notice of Change as published in Vol. 27, No. 29, July 20, 2001 issues of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 21, 2001.

Subsection (2) of the rule shall now read as follows:

64B15-12.007 Inactive Status License.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of Rule 64B15-13.001. Inactive status licensees choosing active status at the time of renewal must pay the active status renewal fee and the reactivation fee. Inactive status licensees choosing active status at any other time than at the time of license renewal shall pay the difference between the inactive status renewal fee and the active status renewal fee, the reactivation fee and the fee to change licensure status. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to appear before the board before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rules
RULE NO.: 53ER01-65

SUMMARY OF THE RULE: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.