

(iii) The Applicant awarded funding in the current funding cycle accepts the invitation to enter credit underwriting but receives a negative recommendation from the Credit Underwriter as outlined in Rules 67-48.0072 and 67-21.014, F.A.C., regarding the proposed Development; or

(iv) The Applicant withdraws its Application from consideration during the period beginning 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is scheduled to convene to consider approval of the final ranking of the Applications and ending October 31, 2008.

If funding is denied because of (i), (ii), (iii) or (iv) above, during the next funding cycle after such event occurs and prior to the selection of Applications within the Small, Medium, and Large County Geographic Set-Asides, all unfunded eligible Applications competing in the Geographic Set-Asides will be listed together. The Application(s) from an Affiliate, Financial Beneficiary or Principal of the Applicant involved in (i), (ii), (iii) or (iv) above with the lowest (best) lottery number in a number equal to the number of Applications involved in (i), (ii), (iii) or (iv) above will be ineligible for funding. Once the equivalent number of Applications has been deemed ineligible, any remaining eligible Applications from said Affiliate, Financial Beneficiary or Principal of the Applicant will be considered for funding.

(d) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Deborah Dozier Blinderman, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 20, May 16, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.142
RULE TITLE: Responsibilities and Duties – Records, Reports, Advertising, Applications

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. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

- (1) No change.
- (2) Reports:
 - (a) through (b) No change.
 - (c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1), (2), (4) and (5), F.S., each licensee having a certified operator certified in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, Rev. ~~05/08-02/04~~, which is incorporated by reference and available on the department's website under the header "Forms" at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>. The licensee shall not place any disclaimers or additional language on the Wood-Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., in accordance with the following inspection standards:

- (c)1. through (c)3. No change.
- (3) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06,_____.

jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(b) In addition to form DH-MQA 4000, 6/08, the candidate shall provide the department with documentation of their disability completed by a practitioner licensed pursuant to Chapter 490, (Psychology), Chapter 458 (Medical Practice), Chapter 459 (Osteopathy), Chapter 461 (Podiatry), Chapter 463 (Optometry), Chapter 468, Part I (Speech-Language Pathology & Audiology), or Chapter 460 (Chiropractic Medicine), Florida Statutes, or by a comparable practitioner licensed in another jurisdiction in the United States. Such documentation shall be sufficient to allow an independent reviewer to evaluate the diagnosed condition(s) and shall include:

1. The diagnosis and duration of the candidate’s condition;
2. The name of the test(s) used for diagnosis; and
3. Recommendations regarding appropriate accommodations and testing environment.

4. Reasonable accommodations shall be made for candidates who qualify. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability. Permissible accommodations include:

a. Additional Time: Provided for candidates requiring extra time to take an examination. However, in no event shall a candidate be provided an untimed examination.

b. Alternate Setting: Individual and small group examination administrations shall be available to qualified candidates.

c. Alternate Recording of Responses: The candidate’s responses can be recorded by a proctor or by another method approved by the department. In the event answer sheets are machine-scored, the proctor shall transcribe the candidate’s responses onto a machine-scannable answer sheet. In these instances, the candidate will verify that the answer marked was the candidate’s intended option.

d. Alternate Format: The test booklet can be produced in an appropriate manner as approved by the department on a case-by-case basis, based on the practitioner’s recommendation.

e. Assistive Devices: The candidate will be allowed to use appropriate assistive devices approved by the department based on the practitioner’s recommendation.

(4) through (6) No change.

(7) Candidates requesting special testing accommodation due to religious beliefs shall submit their request to the department no later than sixty (60) days from the date of the first day of the examination on form DH-MQA 4001, 6/08, Application For Special Testing Accommodations Due to a Religious Conflict for which special testing accommodation is requested. Form DH-MQA 4001, 6/08 is hereby incorporated

by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(8) No change.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended 7-20-03,_____

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-24.001
 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants
 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. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall now read as follows:

(1) Each applicant for initial certification as a podiatric x-ray assistant shall submit an application, on form DH-MQA 1026, entitled, “Application For Certified Podiatric X-Ray Assistant,” which is hereby incorporated by reference, effective 6/2008, copies of which may be obtained from the Board of Podiatric Medicine’s website http://www.doh.state.fl.us/mqa/podiatry/po_applications.html and shall include:

- (a) A certification fee of \$75.00; and
- (b) The name(s) of the applicant’s supervising Florida licensed podiatric physician(s).

2. Subsection (2) shall now read as follows:

(2) Any change of supervisor must be reported by the applicant/certified podiatric x-ray assistant to the Board within 30 days of the change on form DH-MQA 1118, entitled, “Update Supervisor for Certified Podiatric X-ray Assistant,” which is hereby incorporated by reference, effective 2/08, and can be obtained from the Board of Podiatric Medicine’s website: http://www.doh.state.fl.us/mqa/podiatry/po_applications.html.

3. Section 120.52(9), F.S., will be removed from the Law Implemented.

4. Section 456.064, F.S., will be removed from the Law Implemented.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-16.001	Definitions
65C-16.002	Adoptive Family Selection
65C-16.003	Case Reviews
65C-16.004	Recruitment, Screening and Application Process/Adoptive Applicants
65C-16.005	Evaluation of Applicants
65C-16.007	Abuse Hotline and Registry and Criminal Records Checks
65C-16.008	Dispute Resolutions and Appeals
65C-16.009	Adoption Placement
65C-16.010	Adoption Placement – Post-Placement Services
65C-16.011	Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients
65C-16.012	Types of Adoption Assistance
65C-16.013	Determination of Maintenance Subsidy Payments
65C-16.014	Determination of Medical Subsidy
65C-16.015	Non-Recurring Adoption Expenses
65C-16.016	Access to Closed Adoption Records
65C-16.017	Florida Adoption Reunion Registry
65C-16.018	Adoption Benefits for Qualifying Employees of State Agencies

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 23, June 6, 2008 issue of the Florida Administrative Weekly. The correction has been made to the Notice of Proposed Rulemaking published in the June 6, 2008 issue of the Florida Administrative Weekly in Vol. 34, No. 23 whereas “DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: April 18, 2008, Vol. 34, No. 16” should have read the following: "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007, Vol. 33, No. 52.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69U-100.100	Authority, Purpose, and Scope
69U-100.101	Definitions Concerning Debt Cancellation Products
69U-100.102	Prohibited Practices
69U-100.103	Refunds
69U-100.104	Method of Payment or Fees
69U-100.105	Disclosures
69U-100.106	Affirmative Election to Purchase and Acknowledgement of Receipt of Disclosures Required

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly. The legislation that passed during the 2008 regular legislative session that relates to debt cancellation products is House Bill 343 (HB 343) not House Bill 347 (HB 347).

**Section IV
Emergency Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1SER08-4	Post-Election Certification Voting System Audit

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule pertains to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code.

In 2007, the Florida Legislature substantially revised Section 101.591, F.S. (s. 8, Chapter 2007-30, Laws of Florida), relating to voting system audits. The current provision provides that the Legislature may direct that an independent audit be conducted of a voting system in any county at any time. Beginning July 1, 2008, the Florida Legislature requires for every election that a voting system audit be conducted in every county after the election results have been certified. The county canvassing board or other local canvassing board must conduct an audit of a voting system by randomly selecting a race and precincts and tallying the votes cast. The board must complete the audit and publicize the results within 7 days. The board is then required to follow-up with a more detailed audit report to submit to the Florida Department of State within 15 days after the audit is completed. Under Section 101.5911, Florida Statutes, the Florida Legislature tasked the Department of State with