

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.:	RULE TITLES:
IT-12.001	Definitions
IT-12.002	Acquisition Procedures
IT-12.003	Accessioning Procedures
IT-12.004	Inventory of State-owned Artifacts
IT-12.005	Loan of State-owned Artifacts
IT-12.006	Deaccession and Disposal of State-owned Artifacts

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

Correcting citation to Law Implemented on IT-12.001, IT-12.002, IT-12.003, IT-12.004, IT-12.005, IT-12.006 Should read 265.7025, 265.703, 265.704, 265.705, 265.706.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09414	Course Descriptions for Grades 6-12, Exceptional Student Education

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

The notice of proposed rulemaking incorrectly included the date of the notice of rule development as June 8, 2012. The correct date was June 15, 2012.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0905	Requirements for the District English Language Learners Plan

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

The notice of proposed rulemaking incorrectly included the date of the notice of rule development as October 22, 2011. The correct date was October 22, 2010.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03033	Specialized Instructional Services for Children with Disabilities in the Voluntary Prekindergarten Education Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 24, June 15, 2012 issue of the Florida Administrative Weekly. The date of the notice of rule development was incorrect in the notice of proposed rulemaking. The date of the notice of rule development was October 28, 2011.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03033	Specialized Instructional Services for Children with Disabilities in the Voluntary Prekindergarten Education 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. 38, No. 24, June 15, 2012 issue of the Florida Administrative Weekly.

Subsections (1) and (6) were amended to read:

(1)(c) For purposes of this rule, “professionally accepted standards” is the level of care that would be recognized and adhered to by a reasonably prudent professional licensed or certified in the applicable field of study in Florida.

(6) Pursuant to Section 1002.66(4), F.S., upon the request of a child’s parent, the Department may approve a provider of specialized instructional services not included on the Department’s approved list.

(a)1. Pursuant to Section 1002.66(3), F.S., the ~~The~~ services of the specialized instructional service provider must: ~~1-~~ Be consistent with the child’s individual educational plan (IEP), as described in Rule 6A-6.03028, F.A.C.; ~~2- Be provided by a service provider licensed or certified in an applicable field of study;~~ ~~3-~~ Be delivered according to professionally accepted standards; ~~4-~~ Be delivered in accordance with the performance standards adopted by the Department of Education under Section 1002.67, F.S., which are adopted in Rule 6A-1.099823, F.A.C., and incorporated herein; and ~~5-~~ Address the age-appropriate progress of the child in the development of the capabilities, capacities, and skills required under Section 1(b), Art. IX of the State Constitution.

2. In addition, the services of the specialized instructional service provider must be provided by a service provider licensed or certified in an applicable field of study.

(b) When requesting the approval of a specialized instructional service provider who is not included on the Department’s approved list, a parent must submit the Department’s Form VPK-SIS3, Specialized Instructional Services (SIS) for Voluntary Prekindergarten Children with Disabilities – Parent Request, effective August 2012, which is incorporated by reference herein. Form VPK-SIS3 may be obtained from the Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. This form must be received no later than thirty (30) calendar days prior to the beginning of the program (school year or summer program). Providers approved at the request of a parent remain approved for the period of the child’s eligibility for VPK, or until the provider’s license or certification is suspended, revoked, or expired, whichever occurs earlier.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-10.0315 College Preparatory Testing,
 Placement, and Instruction

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly. The notice of proposed rulemaking incorrectly included the date of the notice of rule development as June 8, 2012. The correct date was June 15, 2012.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-14.095 Site Determined Baccalaureate
 Access

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly. The notice of proposed rulemaking incorrectly included the date of the notice of rule development as June 8, 2012. The correct date was June 15, 2012.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-14.095 Site Determined Baccalaureate
 Access

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. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

Subsection (5), sub-paragraphs (6)(a)5. and (7)(b)6. (now renumbered (8)) are amended as shown below. In addition form BAAC-02 as incorporated by reference is amended as shown below.

6A-14.095 Site Determined Baccalaureate Access.

(5) Alternative proposals and objections by a Florida state university or regionally accredited private college or university. Alternative proposals must be submitted to the Chancellor of the Florida College System and must address all criteria specified in Section 1007.33(5)(c), F.S., and specifically additionally include a calculation of the total tuition and fees for a student starting as a first-time, freshman student in the program and a calculation of the total tuition and fees for completing the last two (2) years of the program. Both calculations must be based on the total hours required for the baccalaureate degree. A state university or regionally accredited private college or university may also submit an objection to a proposed new program to the Division, pursuant to Section 1007.33(5)(b), F.S. State universities have sixty (60) days following the receipt of the Letter of Intent to submit alternative proposals and objections. Subsequent to the sixty (60) day submission window for state universities, regionally accredited private colleges have thirty (30) days to submit alternative proposals and objections.

(6) Proposal Review/Approval Process.

(a)5. The program curriculum, including course numbers and titles, credit hours and established or proposed common course prerequisites demonstrating comprehensive academic content and adherence to general education courses, common prerequisites and other degree requirements as outlined in requirements adopted pursuant to Section 1007.25, F.S.

~~(8)6-~~ The timely submission of an annual baccalaureate performance accountability report as prescribed in Section 1007.33(5)(h), F.S., and referenced as a compliance review in the format prescribed by the Division. The template, Annual Baccalaureate Performance Accountability Report Template, BAAC-03, effective August 2012, is hereby incorporated by reference and may be accessed at http://www.fldoe.org/cc/students/bach_degree.asp, or by writing to the Division at 325 West Gaines Street, Suite 1544, Tallahassee, Florida 32399.

Form BAAC-01

EVALUATION CRITERIA

A. PLANNING PROCESS

- 1. Internal Process and Meetings (*Limit 800 words*)
- 2. External Process and Meetings (*Limit 1200 words*)

The college must engage in discussions and coordination with public universities and regionally accredited private postsecondary institutions, as outlined in ~~the~~ Section 1007.33, Florida Statutes (5)(a), of statute below. The proposal must provide evidence of these discussions and coordination.

Section 1007.33, Florida Statutes (6)(c) requires that prior to developing or proposing a new baccalaureate degree program, all Florida colleges...shall:

1. Engage in need, demand, and impact discussions with the state university in their service district and other local and regional, accredited postsecondary providers in their region.
2. Send documentation, data, and other information from the discussions regarding program need, demand, and impact to the college's board of trustees, the Division of Florida Colleges, and the Chancellor of the State University System.
3. Base board of trustees approval of the new program upon the documentation, data, and other information described in this paragraph.

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NOS.:	RULE TITLES:
60W-5.001	Scope and Purpose
60W-5.002	Statements of Policy
60W-5.003	Receipts
60W-5.004	Investment of Funds
60W-5.005	Disbursements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimate regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-34.001	Purpose

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

The proposed rule repeal is not expected to require legislative ratification based on the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.:	RULE TITLE:
61A-4.0501	Pool Buying – Definition; Creation; Record Keeping; Restrictions

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. 38, No. 19, May 11, 2012 issue of the Florida Administrative Weekly.

61A-4.0501 ~~Cooperative or~~ Pool Buying – Definition; Creation; Procedures; Record Keeping; Restrictions.

(1)(a) ~~“Cooperative or~~ Pool buying” shall mean the combining of orders into a single transaction, by two or more vendors, who are members of a cooperative or pool buying group approved by the Division of Alcoholic Beverages and Tobacco, for the purpose of maximizing purchasing power.

(b) “Members of a pool buying group” shall mean only those licensees reported by the pool buying agent and approved by the Division.;

(c) ~~“Pool b~~Buying ~~a~~Agent” shall mean the ~~licensed~~ vendor ~~of alcoholic beverages in this state who is~~ designated as such by the pool buying group in a pool buying agreement. A pool buying agent must be licensed as a vendor in this state and authorized by its license to purchase the types of alcoholic beverages which the agent orders on behalf of the group. The agreement must be submitted to and approved by the Division prior to placing any pool orders.

(2) There shall be no sales or transfers of alcoholic beverages between members of a ~~cooperative or~~ pool buying group, except for product purchased as part of a pool order and documented in accordance with paragraph (5)(b) of this rule. Warehousing of pool orders by the buying agent shall be done in accordance with subsection (6) of this rule.

(3) Pool Buying Agreements. A cooperative or pool buying group shall be created in the following manner:

(a) Prior to operating as such, a ~~cooperative or~~ pool buying group shall file with the Division a copy of the agreement under which ~~such~~ the group will operate. The Division shall review the agreement and, if the requirements of applicable law and rules are met, shall approve the agreement.

(b) Any proposed amendment to a ~~cooperative or~~ pool buying agreement shall be filed with and must be approved by the Division in the same manner as the original agreement, before the said proposed amendment shall be effective.

(c) ~~Cooperative or~~ Pool buying agreements shall include the name and address of the ~~cooperative or~~ pool buying group, the name of the buying agent for the group, and for each member, the licensee's name, business name, license number and the date each licensee joined the group.

(d) A member of the pool ~~buying or cooperative~~ group shall not be eligible to place an order with ~~the said~~ group until ~~the such~~ member has first executed the pool buying agreement and the licensee's name, business name, license number and date of membership have been filed with and approved by the Division.

(4) Procedures.

(a) All changes, additions, and deletions to Pool Buying groups shall be made using form DBPR ABT-6010, APPLICATION FOR CHANGES TO POOL BUYING GROUPS, effective ~~May 2012 (date)~~, and incorporated herein by reference. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html or through the Department of Business & Professional Regulation's web site.

(b) Upon the transfer, suspension or revocation of any alcoholic beverage license held by a member of a ~~cooperative~~ or pool buying group, the Division shall delete such licensee from membership in the ~~cooperative or~~ pool buying group.

(c) Individual members of a ~~cooperative or~~ pool buying group must place their orders with and remit their payment to the pool buying agent. Payments shall be made payable to the pool buying agent or the distributor. Distributors of alcoholic beverages may accept pool orders and payment therefor only from the designated buying agent of a ~~cooperative or~~ pool buying group.

(d) All pool buying orders shall be placed in the following manner:

1. All pool buying orders for alcoholic beverages shall be ordered from distributors by the pool buying agent.

2. The pool buying agent shall place the order under the name of the pool buying group and indicate each licensed vendor's part of the pool order.

3. Each distributor and pool buying agent shall be responsible for keeping the individual invoices for each member's portion of the pool buying order. The master invoice shall include all alcoholic beverages ordered, ~~and~~ shall be in compliance with subsection 61A-4.0501(5), F.A.C., and shall refer to each associated invoice supporting the master invoice.

4. Records of purchases made between vendors as permitted by Section 561.14(3), Florida Statutes, shall be maintained by all parties to the transaction and shall be in compliance with subsection 61A-4.0501(5), F.A.C.

(e) The pool buying group and all members thereof shall be considered delinquent accounts and reported to the division as required by Section 561.42, Florida Statutes, when any payment is not timely made for a pool buying order.

(5) Record Keeping.

(a) The distributor shall prepare and keep a master invoice which identifies the total pool order placed by the pool buying agent and separately identifies each pool order member's portion of the total pool order by setting forth the name of the pool buying agent making the order and the information set forth in Rule 61A-4.043, F.A.C. Distributors and pool buying agents must keep invoices for pool purchases for a period of 3 years, ~~records of each pool order containing.~~ The invoices must include, for each pool order:

1. The date ~~of each pool order~~ and the name of the distributor with whom ~~it each order~~ was placed.

2. The names and license numbers of each pool member participating in the each pool order.

3. The brand, size and quantity of alcoholic beverages ordered by each pool member ~~and each pool purchase.~~

4. The cost to each member for its share of the each pool order ~~purchase~~ and any vinous and spirituous beverage ordered given on the any pool order ~~purchase.~~

(b) Sale of alcoholic beverages ordered as a part of a single ~~transaction~~ pool order ~~purchase~~ from a vendor who received the products shall be considered a purchase between members of a pool buying group, provided a record of the transaction is made by the vendor transferring the products to another vendor and retained by both vendors for a period of ~~3~~ three years from the date of transfer. This record shall include:

1. Business name and license number of each vendor;

2. Names, sizes, and quantities of products transferred;

3. Date of original delivery of products from the pool order;

4. Date physical transfer of products was made;

5. Unique identifier that links the record with the pool order.

(c) Upon written request, a pool buying agent must make available for inspection all papers and reports related to pool orders, purchases, and payments within 10 days to any division employee.

(6) The pool buying agent may store or warehouse any portion of an individual pool member's purchase. However, the pool buying agent may not warehouse any alcoholic beverages off its licensed premises without first applying for and receiving from the Division an off-premises storage permit.

Rulemaking Authority 561.11 FS. Law Implemented 561.01(10), 561.14(3), 561.42 FS. History--New 12-3-84, Amended 3-17-85, Formerly 7A-4.501, 7A-4.0501, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.001 RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 20, May 18, 2012 issue of the Florida Administrative Weekly.

The correction is as follows:

The Purpose and Effect and Summary shall read as:

PURPOSE AND EFFECT: The Board proposes this rule amendment to modify the rule so courses that are eligible for distance learning do not require the physical presence of the instructor.

SUMMARY: This rule is being amended to modify the rule so courses that are eligible for distance learning do not require the physical presence of the instructor.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.006
RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

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. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The change is to add an approved medication voted on by the Board at the July 11, 2012 meeting. The rule shall now read as follows:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (8)(b) No change.
(8)(c) 1. through 2. No change.
3. Zioptan - 0.0015%.
(d) through (e) No change.
(9)(a) through (9)(e) No change.
(f) Natamycin Ophthalmic Suspension 5%.

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: 64H-1.002
RULE TITLE: Biomedical Research Grant Applications

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.019
RULE TITLE: Policies and Endorsements Covering Employees Engaged in Work in Florida

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 27, July 6, 2012 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on July 9, 2012, the Department of Transportation, received a petition for waiver from the City of Umatilla. The City is requesting the provisions of Rule 14-43.001, F.A.C., regulating set-back requirements for signs and overhanging structures along state highways be permanently waived for the construction of a third floor balcony for a pre-existing structure along State Road 19 in Umatilla, Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS #58, Tallahassee, Florida 32399-0458, deanna.hurt@dot.state.fl.us.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission hereby gives notice that Utilities, Inc.'s petition for variance or waiver from paragraphs 25-30.030(4)(c), (5), (6), (7), and paragraphs