

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-176.013  
 RULE TITLE: Notification of Insured’s Rights and Standard Disclosure Form; Personal Injury Protection Benefits

PURPOSE AND EFFECT: To adopt revisions to Form OIR-B1-1149.

SUBJECT AREA TO BE ADDRESSED: Addition of Notice regarding rewards for reporting fraud or billing errors and the violations involved in solicitation to the notification of insured’s rights under no-fault.

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 5, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: michael.milnes@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.: 6A-3.006  
 RULE TITLES: Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts

6A-3.0121  
 Responsibility of School District and Parents or Guardians for Students Who Are Transported at Public Expense

6A-3.0141  
 Employment of School Bus Operators

6A-3.016  
 Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation

6A-3.0171  
 Responsibilities of School Districts for Student Transportation

6A-3.0291  
 Specifications for New School Buses

6A-3.037  
 Alternate Engine Fuels for School Buses

PURPOSE AND EFFECT: The purpose is to implement Florida’s statutory requirements for safe and efficient transportation of Florida public school students by county school districts and charter schools. The effect will be rules which meet current public expectations and the higher benchmarks set by student transportation providers for the safety of students.

SUMMARY: The proposed revisions to the rules listed above include the following changes: deletion of unnecessary and obsolete provisions relating to the state volume purchasing program for school buses; updated provisions relating to statutorily mandated program for bidding of school buses, drug and alcohol testing services, and purchase of other commodities and services that may be needed by school districts; removal of provisions specifying distinctions for transportation of students with special needs that may be inconsistent with federal law; specifying school district responsibilities to inform parents regarding the safety of students while in transit to and from school and to and from bus stops; updating requirements for school bus operators relating to new, statutorily required commercial driver license school bus endorsement; removal of references to specific paper-based forms for systems in which reports to the Department of Education have been automated; requiring school board policies prohibiting use of cell phones by school bus operators while driving and prohibiting unnecessary idling while in the vicinity of students; requiring that school bus operators driving on field or activity trips instruct all passengers regarding locations and proper use of emergency exits; require that school bus operators check their buses after each trip to ensure that no students are left on board; and update requirements for school buses powered by alternative fuels to allow for newer technologies, such as hybrid diesel-electric power.

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

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

SPECIFIC AUTHORITY: 1006.21-.27, 1012.45 FS.

LAW IMPLEMENTED: 1006.21-.27, 1012.45 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 17, 2006, 9:00 a.m.

PLACE: Jacksonville, Florida (For exact location please contact Lynn Abbott at (850)245-9661

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charlie Hood, Director, Office of School Transportation, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-9924

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts.

(1) The Deputy Commissioner for Finance and Operations or designee is authorized and directed to coordinate volume purchasing a pool plan for the purchase of transportation equipment as provided by Section 1006.27, 229.79, Florida Statutes. This purchasing plan shall include conducting and administering bids for new school buses, coordinating purchasing of drug and alcohol testing services, and purchasing of other commodities and services as needed. The Department may award bids as either low bid awards or as multiple supplier awards. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately. Commitments to purchase school buses, equipment, supplies and contractual needs through a pool shall be solicited from school boards and such commitments, when included in the pool, shall become an obligation of the school board to buy.

~~(2) Form ESE 232, Pool Purchase Commitment for School Buses is incorporated by reference in this rule to become effective August, 1986. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

~~(3) The Deputy Commissioner for Finance and Operations or authorized representative shall request bids for equipment by number and size on the basis of the commitments submitted in subsection (1) above; provided, that should it appear, in the judgment of the Deputy Commissioner for Finance and Operations after a review of the overall competitive situation, that the interest of the districts would best be served by negotiation, the Deputy Commissioner for Finance and Operations may request the Department of Management~~

~~Services, Division of Purchasing to negotiate with the industry to establish a price or prices under Chapter 287, Florida Statutes. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately. The Deputy Commissioner for Finance and Operations or authorized representative shall be present at each bid opening. Invitations for bids on chassis or bodies should be sent to representatives of each chassis and body manufacturer whose products have been certified to the Deputy Commissioner for Finance and Operations as meeting the specifications of the State Board. The invitation and bid shall be separate for body and chassis unless authorized by the Deputy Commissioner for Finance and Operations.~~

~~(2)(4) If requested by the Deputy Commissioner for Finance and Operations, each dealer submitting bids under a pool plan shall enclose a certified check, bank money order, cashier's check, or performance bond as a good faith deposit in an amount in keeping with the minimum order, drawn in favor of the State of Florida and the purchasing school districts. The good faith deposit of the successful bidder shall be held until the terms of the purchase contract have been met. The good faith deposit shall be forfeited in full or in part if the contract is not fulfilled, provided that the State Board shall have the right to grant an extension of time if the reason for not meeting the terms of the contract is beyond the control of the successful bidder and to alter the terms of the contract before the deposit is forfeited and deposited as required by law.~~

~~(5) The low bid on the complete unit shall be the f.o.b. factory cost of the chassis, plus freight to the body plant, plus f.o.b. factory cost of body, plus cost of approved chassis and body options committed for purchase, plus cost of delivery to destination.~~

~~(6) Purchase awards for school buses shall be made upon the basis of two (2) or more bona fide bids.~~

~~(3)(7) The period covered by the contract or contracts shall be for such duration and may be renewable as may be determined by the Deputy Commissioner for Finance and Operations Commissioner as is consistent with needs, availability of materials, and production schedules, and shall provide that within a reasonable period the equipment shall be made available to other school boards and state agencies in compliance with the provisions of Section 1006.27 and Chapter 287, Florida Statutes.~~

~~(8) Ceiling prices, when established by the Department of Management Services, Division of Purchasing for transportation equipment may be adjusted by the Division of Purchasing based upon studies of its executive director or on data presented by the Commissioner showing that the competitive situation warrants an adjustment in prices.~~

~~(4)(9) Upon acceptance of the pool purchase bid or establishment of a price by negotiation, each participating district and other authorized purchasers shall issue a purchase~~

order or orders for the equipment as a commitment to purchase, which it committed to the pool; provided the quantity of such orders may be increased by the school board.

~~(10) The Deputy Commissioner for Finance and Operations shall review and approve purchase orders issued by the respective school boards and all other authorized purchasers of buses from the pool purchase bid for transmittal to the contractors.~~

~~(5)(11) A contract for the purchase of school bus chassis, bodies, or equipment may be made upon the basis of bids received by the school board when the price quoted does not exceed the comparable ceiling price established by the most recent state volume purchasing pool purchase plan or bids accepted by the Deputy Commissioner for Finance and Operations. In any case, where there is question as to whether ceiling prices are exceeded, the bids shall be forwarded to the Deputy Commissioner for Finance and Operations for review and approval before awarding a contract. In all such cases, the Deputy Commissioner for Finance and Operations, before approval is given, shall review bids and specifications to determine if laws and rules have been complied with.~~

~~(12) The Deputy Commissioner for Finance and Operations shall furnish periodic information, showing the lowest prices received, to school boards for guidance in making awards.~~

~~(6)(13) The Deputy Commissioner for Finance and Operations, upon approval of the Office of Planning and Budgeting in the Executive Office of the Governor, may serve as agent in clearance of volume pool purchases in the event companies submitting successful bids will not accept purchase orders and warrants for payment of invoices issued by school boards.~~

Specific Authority 1001.03, 1002.42, 1006.27, 1011.14 FS. Law Implemented 1002.42, 1006.27, 1011.14 FS. History—Amended 3-26-66, Repromulgated 12-5-74, Amended 7-10-85, Formerly 6A-3.06, Amended 8-19-86, 11-15-94, 4-18-96,\_\_\_\_\_.

6A-3.0121 Responsibility of School District and Parents or Guardians for Students with Special Transportation Needs Who are Transported at Public Expense.

(1) The school district shall determine what safety measures shall be used in the transportation of students ~~with special transportation needs, as defined in Sections 236.083(1)(b), (c), and (f), Florida Statutes, including the method of securement or positioning of the student.~~ Such safety measures shall include the designation of routes roads, bus turning areas, and student stop locations which shall not be left to the discretion of the bus ~~operator driver~~ or the parents or guardians of the students. The district shall provide belt cutters meeting Florida School Bus Specifications on any school bus equipped with passenger securement or restraint straps. The district shall determine the method of securement or positioning of students with special needs.

(2) The school district shall exercise additional specific powers and responsibilities as follows:

~~(a)(2) The district shall provide bus operators drivers and attendants instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.~~

(b) The district shall instruct bus operators, and attendants if used, in their responsibilities for students who are transported at public expense as follow:

~~(3) School transportation shall not be provided for students with special transportation needs when parents of such students fail to assume their responsibilities as defined by district policy which shall address appropriate supervision at the bus stop.~~

~~(4) Responsibility of the school bus driver and attendants, if used, for students with special transportation needs who are transported at public expense:~~

~~1.(a) The operator driver or attendant of a bus transporting students with special transportation needs shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.~~

~~2.(b) In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus operator driver shall not assume responsibility for such assistance except in an emergency which threatens the safety of such student or students.~~

~~3.(c) The operator driver and attendant shall be provided training related to students with special transportation needs while being transported; however, the operator driver and attendant shall not give medicine and shall limit his other assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student's Individual Educational Plan.~~

(c) The district shall inform parents, guardians, and students at least annually in writing of their responsibilities and related district policies as follow:

1. To ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the school district, including during each trip to and from home and the assigned bus stop when the school district provides bus transportation.

2. To ensure that students ride only in their assigned school buses and get off only at assigned bus stops, except when the district has approved alternative buses or arrangements.

3. To ensure students are aware of and follow the district's adopted code of student conduct while the students are at school bus stops and to provide necessary supervision during times when the bus is not present.

4. To ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the

necessary assistance to help the student get on and off at the bus stop, as required by district policy or the student's individual educational plan.

~~(5) Responsibilities of parents of students with special transportation needs transported at public expense:~~

~~(a) Parents shall provide the necessary assistance and protection for their children while enroute to and from the school bus stop and comply with the school bus schedule. Parents shall provide the necessary supervision of such child at the bus stop in accordance with district policy.~~

~~(b) In cases where the physical impairment of a student renders the student unable to get on and off the bus without assistance, parents shall provide the necessary assistance for helping their student get on and off at the bus stop if required by district policy.~~

~~(3)(6) Knowledge, skills and abilities related to student management techniques and characteristics of the students with special transportation needs shall be considered when selecting or assigning operators ~~drivers~~ and attendants for routes serving the students.~~

Specific Authority 1001.02 FS. Law Implemented 1001.02, 1001.42(4)(l), 1003.21(1)(e), 1006.21 FS. History—New 3-26-66, Amended 9-17-72, Repromulgated 12-5-74, Formerly 6A-3.121, Amended 11-15-94,\_\_\_\_\_.

#### 6A-3.0141 Employment of School Bus Operators ~~Drivers~~.

(1) School bus operators ~~drivers~~ are defined as any persons employed or contracted to the school district to transport prekindergarten through grade 12 students in school buses as defined in Section 1006.25, Florida Statutes.

(2) At the time of initial employment the school board shall assure that the operator ~~driver~~ of a school bus meets the following requirements:

(a) Has five (5) years of licensed driving experience.

(b) Has submitted to the superintendent a written application for employment in a form prescribed by the school board.

(c) Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

(3) Form ESE 479, Physical Examination for School Bus Operator ~~Driver~~ and Medical Examiners Certificate is hereby incorporated by reference and made a part of this rule to become effective November 2006 ~~June 2003~~. This form may be obtained from the Director ~~Administrator~~ of the School Transportation Management Section or the Bureau of Education Information and Accountability Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(4) Prior to transporting students on a school bus each operator ~~driver~~ shall meet the following requirements:

(a) Hold a valid commercial driver license with a passenger endorsement and a school bus endorsement.

(b) Successfully complete forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Operator ~~Driver~~ Curriculum which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.

(c) Demonstrate the ability to prepare required written reports.

(d) Be physically capable of operating the vehicle as determined by physical examination, Form ESE 479, prescribed by the Commissioner and given by a physician designated by the school board and as determined by a dexterity test administered by the school district.

(e) Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator ~~driver~~.

(5) A certification of training provided by the Commissioner shall be issued by the district to each operator ~~driver~~ successfully completing the forty (40) hours of preservice training.

(6) Each district school board shall obtain a driver's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus operator ~~driver~~, substitute operator ~~driver~~, or any other individual certified to drive a school bus by the district. The schedule for reviewing these records shall be:

(a) Prior to initial employment;

(b) Prior to the first day of the fall semester.

(c) Thereafter, the district shall continuously screen operator ~~driver~~ records using the automated weekly updates, ensuring proper retrieval documentation for every week, ~~or~~

~~(d) In the event a continuous weekly update is not performed as described in paragraph (6)(c) of this rule, school districts will perform required driving record checks prior to the first day of each semester of the regular school year, and prior to the first day of summer school for any driver who will be transporting students during summer school.~~

(7) Driver history records shall be requested in a manner prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver's License Record Check System through the Department's data base. All school districts shall obtain and review records for school bus operators ~~drivers~~ using the automated data base system. For any operator ~~driver~~ licensed in another state, the district shall obtain and review the driver's history record from the appropriate state.

(8) Each school district shall establish a school board policy that specifies which infractions of the traffic code deem an applicant unqualified for hire and which causes any

employee to be subject to a prescribed follow-up action. At a minimum, this policy shall state that any district school bus operator or contracted operator employee who should have known that his or her license has expired or has been suspended or revoked shall be subject to prescribed disciplinary measures up to and including knowingly operates a school bus with a suspended or revoked license shall be subject to dismissal by the school board.

(9) At least annually, the school district shall assure that the operator driver of a school bus meets the following requirements:

(a) The requirements of paragraph (4)(a) of this rule.

(b) Successfully complete a minimum of eight (8) hours of inservice training related to the operator's driver's responsibilities for transporting students.

(c) Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

(10) At the time of reemployment, the school board shall assure that each school bus operator driver meets all of the requirements of subsections (2) and (3) and paragraph (4)(a) of this rule. If not more than a twelve continuous calendar month break in service has occurred, a operator driver shall be required to complete eight (8) hours of inservice training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the operator driver shall be required to successfully complete all of the requirements of subsections (2) through (5) of this rule.

(11) All school bus operators drivers, including those drivers employed by school districts with fifty (50) or fewer covered employees under the authority provided in this rule, shall be subject to the Federal requirements of 49 C.F.R., Parts 382 and 391 related to the substance abuse testing and alcohol detection program.

Specific Authority 316.615(3), 1001.02(1), 1006.22, 1012.45 FS. Law Implemented 112.044(3), 322.03(1), (3), 1006.22, 1012.32(2)(a), 1012.45 FS. History--New 8-1-86, Amended 7-5-89, 11-15-94, 4-18-96, 6-24-03,\_\_\_\_\_.

6A-3.016 Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation.

It shall be the duty of the Deputy Commissioner for Finance and Operations, acting under rules and regulations of the State Board and with the assistance of the professional staff of the Deputy Commissioner for Finance and Operations, to exercise all powers and to perform all duties related to the responsibilities listed below:

(1) through (8) No change.

(9) Transportation records, reports, and accounting.

(a) No change.

~~(b) Form ESE 420, Additions to School Bus Inventory is hereby incorporated by reference and made a part of this rule to become effective November 1994. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. On or before January 1, 1995, All school districts shall report school bus inventories inventory additions using the Department's Automated School Bus Inventory System utilizing the Department's data base.~~

(c) No change.

(10) No change.

Specific Authority 1001.02, 1006.21, 1006.22 FS. Law Implemented 1001.02, 1006.21, 1006.22 FS. History--Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.16, Amended 11-15-94, \_\_\_\_\_.

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

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

(c) To recommend in writing to the school board for employment qualified bus operators drivers, attendants and mechanics as may be necessary for efficient functioning of the service.

(d) To develop safety regulations and promote proper safety practices for all operators drivers.

(e) through (h) No change.

(i) To recommend a medical examiner or medical examiners to give physical examinations to bus operators drivers and to ascertain and ensure that all examinations are carried out as required. A medical examiner shall be defined as a medical physician or physician assistant licensed pursuant to Chapter 458, Florida Statutes; an osteopathic physician or physician assistant pursuant to Chapter 459, Florida Statutes, a chiropractic physician licensed pursuant to Chapter 460, Florida Statutes; and an Advanced Registered Nurse Practitioner licensed pursuant to Chapter 464, Florida Statutes.

(2) through (d) No change.

(e) To adopt, after considering recommendations of the superintendent, a school board policy prohibiting the use of a cellular telephone by any school bus operator while actively driving the bus.

(f) To adopt after considering recommendations of the superintendent, a school board policy that prohibits unnecessary idling of school buses while they are in the vicinity of students.

(g)(e) To adopt, after considering recommendations of the superintendent statements of policy in harmony with law and with rules of the State Board necessary for maintaining the requirements of adequate transportation. Such policies shall

include at least the following responsibilities of the director or supervisor of transportation, the school principal or other designated staff and the bus operator driver for uniform school bus operating procedures:

1. Responsibilities of the director or supervisor of transportation:

a. To counsel with school bus operators drivers regarding safety and efficiency of service to schools and to make recommendations to them for improvement in service.

b. To confer with the superintendent or the superintendent's designee regarding bus operators driver and to recommend such personnel for employment.

c. To instruct school bus operators drivers in procedures to be followed in conducting school bus emergency evacuation drills and to confer with each school principal regarding scheduling, conducting and documenting school bus evacuation drills. These procedures shall include a requirement that all operators of school buses transporting students, teachers, or chaperones on field and activity trips instruct all passengers in the locations and proper use of school bus emergency exits prior to each such trip.

d. To counsel with bus operators drivers regarding operator driver responsibility and authority.

2. through 2.f. No change.

3. Responsibilities of the school bus operator driver:

a. To pass all required physical examinations and meet such requirements as may be prescribed by law or rules.

b. To be clean and neat in appearance, and to refrain from wearing shoes which are not securely held on the foot.

c. To refrain from use of tobacco while operating the bus, and to use no profane language in the presence of the students. Operators Drivers shall not use or be under the influence of alcohol, illicit drugs, or any substance which may impair the operator's driver's alertness or performance while on duty. Operators Drivers shall not carry firearms while on school board property.

d. To prescribe, in cooperation with the principals, the seating arrangements of students on all buses.

e. To report needed changes in school bus transportation to the director or supervisor of transportation including bus loads, bus deficiencies, road hazards, routes and schedules.

f. To study and observe all laws and rules of the State Board and the school board relating to the service of transportation.

g. To attend and participate in conferences and training classes for school bus operators drivers and to be prepared at any time to pass successfully a reasonable examination concerning traffic laws, state and local transportation rules and driving skills.

h. To ascertain and ensure that transported students observe all rules prescribed by law and by the state and local board.

i. To maintain order and discipline, under the direction of the school principal, on the part of every passenger.

j. To permit a student to leave the bus only at their assigned stop, except upon written authorization of the school principal or other district designee.

k. To observe all procedures incorporated in the Florida Department of Education Basic School Bus Operator's Driver's Curriculum, as incorporated by reference in paragraph 6A-3.0141(4)(b), F.A.C.

l. through s. No change.

t. To inspect the bus at least daily prior to the beginning of the first daily trip or more often as required by the school district and to report any defect affecting safety or economy of operation immediately to authorized service personnel. The inspection shall include all items identified in the procedures related to the mandatory daily inspection in the Basic School Bus Operator Driver Curriculum.

u. through y. No change.

[1] Misconduct on the part of any student while on bus or under the operator's driver's immediate supervision,

[2] Complaints requiring attention of school authorities,

[3] Any hazards arising which would offer either an actual or a potential threat to the safety of students in the operator's driver's care,

[4] Causes for failure to maintain school bus time schedule, and

[5] Overloaded conditions on the bus which exceed the rated capacity of the bus.

z. To perform a complete interior inspection of each bus after each run and trip to ensure no students are left on board.

~~aa.z.~~ To maintain as far as practicable by patient and considerate treatment of parents a feeling of security in the safety of students transported.

(3) Transportation personnel.

(a) To employ such assistants as may be recommended by the superintendent and as are necessary in the judgment of the board to supervise operation and maintenance of school buses and to provide records and maps for a continuous study of transportation routes and needs within the district.

(b) To employ or contract only for services of school bus operators driver's who meet the requirements of Rule 6A-3.0141, F.A.C., and who possess a valid Medical Examiner's Certificate.

(c) To officially maintain, after considering recommendations of the superintendent, an approved, current list of properly licensed physicians or medical facilities staffed by licensed physicians other than members of the school board or superintendent, eligible to examine all school bus operators driver's and operator driver applicants, in accordance with Form ESE 479, Physical Examination for School Bus Operator Drivers and Medical Examiners Certificate, and School Bus

Driver Physical Standards: Medical Regulatory Criteria for Physical Examinations, as adopted by reference in Rule 6A-3.0151, F.A.C.

(4) through (8) No change.

(9) Transportation records, reports and accounting.

(a) To ascertain and ensure that all prescribed records are kept and reports made which are required by law, rules or the Commissioner.

(b) To assure that all records and reports prescribed by the Commissioner are properly completed and are furnished on the dates due to those designated to receive them.

1. To file with the Deputy Commissioner for Finance and Operations school bus accident reports using the Department's Automated School Bus Accident Reporting System. Districts shall complete a report on any school bus accident meeting the reporting requirements of the automated system, after each accident in which a school bus or a transported student is involved or in which total damages to property exceeds five hundred (500) dollars a report on Form ESE 256, School Bus Accident Report Form which is hereby incorporated by reference in this rule to become effective April 1996. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

2. To file with the Deputy Commissioner for Finance and Operations the Hazardous Walking Conditions Report for Elementary Students Within 2 Miles of Assigned School using the Department's automated system, Form ESE 422, Hazardous Walking Conditions Report for K-6 Living Within 2 Miles of Assigned School which is hereby incorporated by reference and made a part of this rule to become effective April 1996. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(c) Keep a current file of all Medical Examiner Certificates and required dexterity tests for school bus operators approved physical examination forms for bus drivers, each showing the date of examination.

(d) To maintain records of inspection of each school bus in accordance with requirements of subsection (8) of this rule.

(e) To prepare maps of routes and attendance zones and conduct and carry on such studies of transportation as shall enable the superintendent to measure progress and recommend improvements in the transportation service.

(f) To prescribe and maintain, upon recommendation of the superintendent, such additional records, reports, accounts and accounting procedures as may be necessary to provide complete information regarding the transportation service.

(10) Inter-agency relationships. To cooperate with municipal, county, state, and federal agencies to promote the safety of the transportation service through correction of remediable road hazards.

~~(11) Transportation by other means than school buses including passenger cars as defined by the National Highway Traffic Safety Administration, 49 C.F.R., Part 571, and which meet all applicable Federal Motor Vehicle Safety Standards.~~

~~(a) To share the expense, in unusual cases involving a small number of students living in isolated areas, or requiring specialized transportation services, of operating a vehicle of the type commonly called a passenger car or other conveyance for transporting eight (8) students or less to a public school:~~

~~1. Agreements to share the cost of operating such conveyance shall be set forth in the minutes of the board including the amount, mileage to bus route or school, names of students and school attended.~~

~~2. The board shall not expend funds to share in the expense of operating such vehicle to provide transportation to students whose houses are within a reasonable walking distance of the assigned school or bus routes.~~

~~3. Vehicles of the type commonly called passenger cars need not meet the requirements for specifications of school buses.~~

~~(b) To make such other arrangements, after considering recommendation of the superintendent, for the transportation of isolated, physically disabled or other students with special transportation needs as may be compatible with an adequate educational opportunity for such students and an economical administration of the service.~~

~~(c) To provide for transportation of students in vehicles owned or operated by a school board, other than school buses, when necessary or practical. Such transportation shall be provided in a passenger car or in a multipurpose passenger vehicle, as defined in 49 C.F.R., Part 571. Such multipurpose passenger vehicle shall meet all of the Federal Motor Vehicle Safety Standards in 49 C.F.R., Part 571 applicable to passenger cars on the date of manufacture, except that window tinting, if equipped, shall meet requirements applicable to multipurpose passenger vehicles.~~

Specific Authority 1003.31, 1006.21, 1006.22 FS. Law Implemented 316.183(3), 316.189, 1003.31, 1006.21(3), 1006.22 FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-18-96, Formerly 6-3.017, Amended 6-11-00, Formerly 6-3.017, Amended 4-21-03, \_\_\_\_\_.

6A-3.0291 Specifications for New School Buses.

(1) School buses purchased each year shall conform to current National School Transportation Specifications and Procedures of the National Conference on School Transportation, current Federal Motor Vehicle Safety Standards and to specifications prescribed by the State Board for body, chassis and special equipment as provided in Section

1006.25, Florida Statutes. Each school bus as defined by Section 1006.25(1), Florida Statutes, shall meet the requirements of the Florida School Bus Specifications applicable for the year the bus was manufactured or the previous year if specifications were not revised and approved for a given year. Specifications shall incorporate the specific standards as approved by the State Board prior to and including the following years: 1965, 1966, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1995, 2000, 2002, ~~and 2004, and 2006~~ revised. Copies of the above specifications are on file and available from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Specifications may vary for different sizes and types of buses to meet specific needs and conditions. Bid forms prepared under the direction of the Commissioner shall incorporate basic specifications and equipment.

(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The Chief Financial Officer may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer has determined to the extent practical that the equipment will not compromise safety.

Specific Authority 1006.25 FS. Law Implemented 1006.22, 1006.25 FS. History--Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Amended 11-10-83, 3-28-84, 10-8-84, 10-8-85, Formerly 6A-3.29, Amended 8-19-86, 9-30-87, 10-4-88, 12-11-89, 12-18-90, 11-10-92, 9-5-93, 11-15-94, 10-18-95, Formerly 6A-3.029, Amended 6-11-00, Amended 4-21-03, 2-22-05,\_\_\_\_\_.

Cf. Florida School Bus Specifications Revised, January 1965; Florida School Bus Specifications Revised, Chassis - 1966; Body - 1966; Florida School Bus Specifications Revised, January 1966; Florida School Bus Specifications Revised, 1968; Florida School Bus Specifications Revised, 1969; Florida School Bus Specifications Revised, 1970; Florida School Bus Specifications Revised, 1971; Florida School Bus Specifications Revised, 1972; Florida School Bus Specifications Revised, 1973; Florida School Bus Specifications Revised, November 1974; Florida School Bus Specifications Revised, January 1975; Florida School Bus Specifications Revised, Chassis - October 1976; Body - October 1976, No Type A; No Exceptional Child; Florida School Bus Specifications Revised, Body, Chassis, Type A, and Exceptional Child, March 1977; Florida School Bus Specifications Revised, Revised, 1978; Florida School Bus Specifications, Amended, 1979; Florida School Bus Specifications Revised, November 1980; Florida School Bus Specifications Revised, 1982; Florida School Bus Specifications Revised, 1983; Florida School Bus Specifications Revised, January 1984; Florida School Bus Specifications Revised, September 1984; Florida School Bus Specifications Revised, September 1985; Florida School Bus Specifications Revised, July 1986; Florida School Bus Specifications Revised, October 1987; Florida School Bus Specifications Revised,

1988; Florida School Bus Specifications Revised, 1989; Florida School Bus Specifications Revised, 1990; Florida School Bus Specifications Revised, 1992; Florida School Bus Specifications Revised, 1993; Florida School Bus Specifications Revised, 1995; Florida School Bus Specifications Revised, 2000; Florida School Bus Specifications Revised, 2002; Florida School Bus Specifications Revised, 2004;- Florida School Bus Specifications Revised, 2006.

#### 6A-3.037 Alternate Engine Fuels for School Buses.

(1) Alternate engine fuels for school buses. School districts may use school buses equipped to operate on Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) as an engine fuel provided the district complies with the requirements of the Florida School Bus Alternate Fuel Manual, 1992 which is hereby incorporated by reference and made a part of this rule. Copies of this manual are on file and available from the ~~Director Administrator~~ of the School Transportation Management Section, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. Districts may also use electricity as a fuel or may use hybrid diesel electric buses.

(2) Pilot projects. Alternate fueled school buses may be used on a pilot project basis not exceeding ten (10) percent of the district's school bus fleet or more than twenty (20) buses, whichever is greater. Pilot project proposals must be submitted with copies of all related documents as required within the manual to the ~~Director Administrator~~ of the School Transportation Management Section, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399 and the Department of Insurance L.P. Gas Division, for gaseous powered units, for review and approval. All pilot projects must be submitted or resubmitted for each twelve month period. All buses originally equipped, converted or repowered to run on alternate fuels shall meet Florida School Bus Specifications applicable for the year of manufacture of the vehicle, including horsepower and torque requirements otherwise applicable to diesel engines. The Department may grant variances and exceptions to Florida School Bus Specifications where necessary and prudent to further the goal of successful pilot testing of these school buses. After the completion of each alternate fuel system installation, each school bus shall be inspected in accordance with the requirements outlined in the manual prior to the use of the bus to transport school students.

Specific Authority 1006.25 FS. Law Implemented 1006.22, 1006.25 FS. History--New 10-6-92, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Hood, Director, Office of School Transportation, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2006



DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006 and September 8, 2006 (Rule 6A-3.0291)

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-22 Contractors – Highway – Qualification to Bid

RULE NOS.: RULE TITLES:  
14-22.003 Rating the Applicant  
14-22.015 Forms

PURPOSE AND EFFECT: Rule Chapter 14-22, F.A.C., is being amended to add a new section #(4) to the requirements required to be included with the Application for Qualification for Emergency Debris Removal, Form 375-020-37. The revised version of the form is incorporated by reference. The new provision being added to the form itself already is included in the Contracts Administration website as a requirement for the application.

SUMMARY: Rule Chapter 14-22, F.A.C., is being amended to incorporate a revised version of the Application for Qualification for Emergency Debris Removal form to include a requirement for written documentation regarding prior qualification. The requirement already is included in the instructions on the Contracts Administration website.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1) FS.

LAW IMPLEMENTED: 120.569, 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS.

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

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

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 RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

- 14-22.003 Rating the Applicant.
- (1) through (2)(b)3. No change.

(3) Classification of Work.

(a) through (d) No change.

(e) For the Work Class of Emergency Debris Removal, the contractor(s) shall complete the Application for Qualification for Emergency Debris Removal, DOT Form 375-020-37, Rev. ~~0704~~/06, incorporated herein by reference. The Application for Qualification shall be accompanied by a Reviewed Financial Statement prepared in accordance with GAAP.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 5-15-06,\_\_\_\_\_.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	01/06	Application for Qualification
375-020-22	05/05	Certification of Current Capacity
700-010-25	09/05	Contractor Past Performance Report
375-020-37	<del>0704</del> /06	Application for Qualification for Emergency Debris Removal

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 12-18-05, 5-15-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Moore, Manager, Contracts Administration Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-17.002  
 RULE TITLE: Professional Fees and Penalties for Interior Designers

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify an application fee to reinstate a void license.

SUMMARY: An application fee of \$500 to reinstate a void license will be added to the rule.

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

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

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.207, 481.2130, 481.229(5)(b) FS.

LAW IMPLEMENTED: 455.219(3), 455.2281, 481.207, 481.219 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61G1-17.002 Professional Fees and Penalties for Interior Designers.

(1) through (15) No change.

(16) The application fee to reinstate a void license shall be \$500.00.

Specific Authority 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.207, 481.2130, 481.229(5)(b) FS. Law Implemented 455.219(3), 455.2281, 481.207, 481.219 FS. History—New 12-21-88, Amended 5-10-89, 7-2-89, 12-24-89, 12-3-90, 2-28-91, 5-31-92, 11-11-92, Formerly 21B-17.002, Amended 9-27-93, 11-15-93, 11-21-94, 1-31-96, 10-20-96, 1-10-99, 3-15-99, 9-7-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-1.009  
 RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-1.009, F.A.C., to comply with Section 455.225(4), F.S.

SUMMARY: Rule 61J1-1.009, F.A.C., is revised to comply with Section 455.225(4), F.S.

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

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

SPECIFIC AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61J1-1.009 Probable Cause Panel.

(1) No change.

(2) There may be two probable cause panels of the board.

The probable cause panels shall be composed of two members which shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board. As provided in Section 455.225(4), Florida Statutes, ~~one two~~ of the panel members may be a former members of the board. Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.

Specific Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History—New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95, 1-8-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.001  
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.001, F.A.C., to eliminate the application fee for licensed appraisers, to establish a fee for electronic fingerprints to comply with the electronic fingerprinting requirement of Section 475.615(3), Florida Statutes and to establish fees for letters of good standing and wall certificates.

SUMMARY: Rule 61J1-2.001, F.A.C., is revised to eliminate the application fee for licensed appraisers, to establish a fee for electronic fingerprints to comply with the electronic fingerprinting requirement of Section 475.615(3), Florida Statutes, and to establish fees for letters of good standing and wall certificates.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-2.001 Fees.
- (1) The application fee shall be as follows:
 

Registered Trainee Appraiser	\$50.00
<del>Licensed Appraiser</del>	<del>\$100.00</del>
Certified Residential Appraiser	\$100.00
Certified General Appraiser	\$100.00
- (2) through (15) No change.
- (16) Letter of Good Standing \$25.00
- (17) Wall Certificate \$10.00

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-3.001  
 RULE TITLE: Application by Individuals

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-3.001, F.A.C., to implement changes to Chapter 475, Part II of the Florida Statutes.

SUMMARY: Rule 61J1-3.001, F.A.C., is amended to implement changes to Chapter 475, Part II of the Florida Statutes.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-3.001 Application by Individuals.
- (1) An applicant for registration, or certification as an appraiser shall submit an application package which shall include, as applicable, forms DBPR RE-2000 (Application Requirements), DBPR 0010 (Master Application), DBPR RE 2010a (Appraiser Background Qualifications), DBPR 0050 (Criminal Background Disclosure), DBPR 0060 (Additional Background Disclosure), and DBPR 0030 (Attest Statement), which are incorporated herein by reference, electronic fingerprints, an application fee, and all other documentation required by this section in such a manner as provided by the Department.
  - (a) through (c) No change.

(2) through (4) No change.

(5) At the time of filing the application for registration, or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(6), F.S., and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) No change.

(7) An individual's application shall expire one (1) year after the date received by the Department of Business and Professional Regulation. If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the Department receiving the application, the application shall expire and a new application must be filed.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, 1-8-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.:	RULE TITLES:
61J1-4.001	Education Requirements
61J1-4.003	Continuing Education
61J1-4.005	Notice of Satisfactory Course Completion
61J1-4.007	Renewal of Inactive Registrations, Licenses and Certifications
61J1-4.008	Continuing Education for School Instructors
61J1-4.009	Post Licensing Education for Registered Trainee Appraisers
61J1-4.010	Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-4.001, F.A.C., to implement the changes to Section 475.617, Florida Statutes, and to remove the requirement that examinations and course materials must be submitted in a blind format.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.003, F.A.C., to remove the option of administering portions of examinations during course intervals and to remove the 15 day grace period beyond the course expiration date to grade an examination.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.005, F.A.C., to require institutions or schools approved to offer post and continuing education courses to electronically submit course attendance rosters in accordance with Section 455.2178(1), Florida Statutes.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.007, F.A.C., to amend the number of hours and type of education required for a licensee to renew inactive registrations, licenses, and certifications.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.008, F.A.C., to remove the 15 day grace period beyond the course expiration date to grade an examination.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.009, F.A.C., to remove the requirement that education providers submit one blind copy of course materials.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.010, F.A.C., to amend the requirements for the supervision and training of registered trainee appraisers.

SUMMARY: Rule 61J1-4.001, F.A.C., is amended to implement the changes to Section 475.617, Florida Statutes, and to remove the requirement that examinations and course materials must be submitted in a blind format.

Rule 61J1-4.003, F.A.C., is amended to remove the option of administering portions of examinations during course intervals and to remove the 15 day grace period beyond the course expiration date to grade an examination.

Rule 61J1-4.005, F.A.C. is amended to require institutions or schools approved to offer post and continuing education courses to electronically submit course attendance rosters in accordance with Section 455.2178(1), Florida Statutes.

Rule 61J1-4.007, F.A.C., is amended to amend the number of hours and type of education required for a licensee to renew inactive registrations, licenses, and certifications.

Rule 61J1-4.008, F.A.C., is amended to remove the 15 day grace period beyond the course expiration date to grade an examination.

Rule 61J1-4.009, F.A.C., is amended to remove the requirement that education providers submit one blind copy of course materials.

Rule 61J1-4.010, F.A.C., is amended to amend the requirements for the supervision and training of registered trainee appraisers.

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

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

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618, 475.628, 475.6175, 475.619, 475.611, 475.6221, 475.6222 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 RULES IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 75 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the education completed to become a registered trainee appraiser ~~original 75 classroom hours to become initially registered~~ will be invalid and may not be used to secure another registration. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(c) No change.

(2) Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 120 classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers. ~~The 120 classroom hours may include the 75 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser.~~

(3) Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 180 classroom hours

may include the classroom pre-licensing education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the 120 classroom hours requirement for becoming certified as a residential appraiser, or the applicable post-license education for registered trainee appraisers. ~~The 180 classroom hours may include the 75 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser.~~

(4) through (7)(g) No change.

(8) Board prescribed or approved courses and end-of-course examinations shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, or proprietary real estate schools registered pursuant to Section 475.451, F.S. A copy of the course application shall be submitted to the board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; ~~one submission must be a blind copy.~~ The Board will notify the entity within 60 days whether the course and exams meet the criteria set out in subsections (5), (6) and (7) above and subsection (9) below. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.

(9) No change.

(10) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on a Board approved end-of-course examination. ~~The examinations are prepared and administered by a nationally or state recognized appraisal organization, accredited university, college, community college, area vocational technical center, state or federal agency or commission, or real estate school upon completion of the classroom instruction.~~ The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus, detailed timeline and two copies of the course material ~~in a blind format containing no reference to the provider submitting the course.~~ The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact,

patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. A course that is more than 30 hours shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference. Approval of satisfactory course completion shall not be issued to any student having absences in excess of 10% of the classroom hours.

(11) through (14) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06,\_\_\_\_\_.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30 hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(p), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals. As of December 1, 2006, the minimum 30 hours of continuing education shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 6 ~~12~~ months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update, as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) through (3) No change.

(a) A copy of the course application and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course.

Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

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

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination must ~~may~~ be administered at the end of the course ~~or portions of the examination may be administered to students at appropriate intervals during the course~~. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) through (e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. ~~However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course.~~ Students must be notified of the course expiration date upon receipt of the course materials.

(5) through (8) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06,\_\_\_\_\_.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) No change.

(2) An application for renewal of an existing license shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). Each institution or school approved to offer post and continuing education courses shall comply with Section 455.2178(1), Florida Statutes, by electronically submitting course

attendance rosters to the Department of Business and Professional Regulation. Upon request of the Board, the department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007, 61J1-4.008 and 61J1-4.009, F.A.C., or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History–New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02, 11-14-04, 5-31-05, 1-8-06,\_\_\_\_\_.

61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications.

(1) through (4) No change.

(5) When the inactive status is more than one (1) year but does not exceed two (2) years, the continuing education for all appraiser categories is as follows: thirty (30) hours of approved pre-certification education with end of course exam applicable to the licensee’s licensure category and thirty (30) hours of appraiser continuing education (ACE). When the inactive status is more than 1 year but does not exceed 2 years, the educational requirements are as follows:

~~(a) Registered, licensed, and certified appraisers — 30 hours of Appraisal Board Course II (ABII) with end of course exam; however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours.~~

~~(b) Certified residential and certified general appraisers — 30 hours of ABII with end of course exam and 30 hours of ACE.~~

(6) When the inactive status is more than 2 years but does not exceed the 4 year period, the educational requirements are as follows:

(a) Registered trainee and licensed appraisers – 100 75 hours of ABI with end-of-course exam, and complete a current 7 hour national USPAP update course taught by an AQB certified instructor or equivalent; and registered trainee appraisers must comply with the approved post-licensure education requirements of Rule 61J1-4.009, F.A.C. however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours.

(b) Certified residential appraisers – 100 75 hours of ABI with end-of-course exam, 30 hours of ABII with end-of-course exam, and complete a current 7 hour national USPAP update course taught by an AQB certified instructor or equivalent; ~~however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours and the Appraisal Board Course II (ABII) with end of course exam shall be 30 hours.~~

(c) through (8) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.618, 475.619 FS. History–New 8-8-93, Amended 2-16-04, 3-1-06,\_\_\_\_\_.

61J1-4.008 Continuing Education for School Instructors.

(1) through (5)(e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. ~~However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course.~~ Students must be notified of the course expiration date upon receipt of the course materials.

Specific Authority 475.614 FS. Law Implemented 475.618 FS. History–New 10-1-95, Amended 9-6-98, 11-15-99, 3-31-02, 2-16-04,\_\_\_\_\_.

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.

(1) through (3) No change.

(4) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; ~~one submission must be a blind copy.~~ The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with “course approval criteria” as follows:

(a) through (9) No change.

Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History–New 2-16-04, Amended 10-27-05,\_\_\_\_\_.

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) through (4) No change.

(5) When supervising any aspect of the appraisal process, a supervising appraiser shall train or supervise appraisers located in:

(a) The county where the supervising appraiser’s primary business address is located and office is registered with the Department; and

(b) Any county contiguous to the county where the supervising appraiser's primary business address is located and office is registered with the Department.

(6) Appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser in a format determined by the Department and shall, at a minimum, include the following for each appraisal:

- (a) Type of property;
- (b) Date of report;
- (c) Client name and address;
- (d) Address of appraised property;
- (e) Description of work performed;
- (f) Number of work hours; ~~and~~
- ~~(g) Signature and state license/certification number of the supervising appraiser.~~

(7) Separate appraisal logs shall be maintained for each supervising appraiser and signed by each supervising appraiser.

(8) A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm, or group in which the trainee has a controlling interest.

(9) A registered trainee appraiser may accept appraisal assignments only from his or her primary or secondary supervisory appraiser.

(10) A registered trainee appraiser may only receive compensation for appraisal services from his or her authorized certified or licensed appraiser.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-6.001                      RULE TITLE: Experience Requirement

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-6.001, F.A.C. to amend the citations in the rule for implementing the changes to Section 475.611 of the Florida Statutes.

SUMMARY: Rule 61J1-6.001, F.A.C., is revised to amend the citations in the rule for implementing the changes to Section 475.611 of the Florida Statutes.

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

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

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.  
 LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.626 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-6.001 Experience Requirement.
  - (1) through (4) No change.
  - (5)(a)1. No change.
    - 2. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes, and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.
      - (b)1. through 2.c. No change.
      - 3. Mass appraisals must be as set forth in Standard Rule 6 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes.
      - 4. through (c)1. No change.
        - 2.a. Review appraisal experience may be claimed only when reviews are as set forth in Standard Rule 3 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes.
      - (d)1. No change.
        - 2. Experience may be claimed only when performed as set forth in Standard Rules 4 and 5 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes, as applicable.
          - (e) through (e)1. No change.
            - 2. Experience may be claimed only when the analysis/study is prepared as set forth in Standard Rules 1 and 2 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes, and



the applicant can demonstrate that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process.

(6) through (7) No change.

Specific Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(~~q~~), 475.615(2), 475.617, 475.628 FS. History–New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.:	RULE TITLES:
61J1-7.004	Office
61J1-7.0065	Signatures on Appraisal Report and Certification

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-7.004, F.A.C., to implement changes to Section 475.623, Florida Statutes and to require an appraiser to designate a primary business address if the appraiser has several registered business addresses.

The Florida Real Estate Appraisal Board is promulgating new Rule 61J1-7.0065, F.A.C., to require each appraiser signing a certification of an appraisal report to sign the certification with the name that the licensee has registered with the Department of Business and Professional Regulation.

SUMMARY: In Rule 61J1-7.004, F.A.C., changes to Section 475.623, Florida Statutes are implemented and it is made a requirement for an appraiser to designate a primary business address if the appraiser has several registered business addresses.

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

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

SPECIFIC AUTHORITY: 475.613(2), 475.624(14) FS.

LAW IMPLEMENTED: 475.613(2), 475.624(14) 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.004 Office.

(1) All appraisers who have an active registration, license or certification pursuant to Part II, Chapter 475, Florida Statutes, shall furnish in writing to the Department of Business and Professional Regulation each business name, trade name, or firm name and address from which he or she operates in the performance of appraisal services.

(2) Each such appraiser must notify the Department of any change of business name, trade name, or firm name and address within 10 days of the change of name or address in such a manner as determined by the Department.

(3) In instances when an appraiser has registered more than one (1) business address, the appraiser must designate the primary business address.

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History–New 10-15-91, Formerly 21VV-7.004, Amended 2-16-04,\_\_\_\_\_.

61J1-7.0065 Signatures on Appraisal Report and Certification.

Each appraiser signing a certification of an appraisal report must sign the certification with the name that the licensee has registered with the Department.

Specific Authority 475.613(2), 475.624(14) FS. Law Implemented 475.613(2), 475.624(14) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.:	RULE TITLES:
61J1-8.001	Citation Authority
61J1-8.002	Disciplinary Guidelines
61J1-8.003	Notice of Noncompliance

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-8.001, F.A.C., to make disposable by citation failing to sign a certification with the same name registered with the Department and failing to timely notify the Department of any change in business

location or change of business name, trade name, or firm name or who has failed to fully disclose all business locations from which the appraiser operates as an appraiser.

The Florida Real Estate Appraisal Board is amending Rule 61J1-8.002, F.A.C., to provide disciplinary guidelines for a supervisory appraiser being employed by a trainee appraiser.

The Florida Real Estate Appraisal Board is revising Rule 61J1-8.003, F.A.C., to eliminate some violations for which an appraiser can be issued a notice of non-compliance and also to update citations for offenses for which a notice of non-compliance may be issued to an appraiser.

SUMMARY: In Rule 61J1-8.001, F.A.C., failing to sign a certification with the same name registered with the Department and failing to timely notify the Department of any change in business location or change of business name, trade name, or firm name or who has failed to fully disclose all business locations from which the appraiser operates as an appraiser are made disposable by citation.

In Rule 61J1-8.002, F.A.C., disciplinary guidelines are provided for a supervisory appraiser being employed by a trainee appraiser.

In Rule 61J1-8.003, F.A.C., some violations for which an appraiser can be issued a notice of non-compliance are eliminated and citations for offenses for which a notice of non-compliance may be issued to an appraiser are updated.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.2245, 455.275, 475.622(1), 475.622(1), 475.624(14), (18) 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 RULES IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-8.001 Citation Authority.

(1) No change.

(2) The following violations with accompanying fine may be disposed of by citation:

(a) Section 475.624(4), F.S. – has violated any of the provisions of Chapter 455 or 475, Part II, F.S., by –

1. through 6. No change.

7.a. Failing to sign a certification pursuant \$5300.00

to Section 475.624(14), F.S.

7.b. Failing to sign certification with same name registered with the Department. \$500.00

8.a. Failing to state reporting options as required by Section 475.624(14), F.S. \$300.00

8.b. Failing to timely notify the department of any change in business location or change of business name, trade name, or firm name, or has failed to fully disclose all business locations from which he operates as an appraiser as required by Section 475.624(18), F.S., and Rule 61J1-7.004, F.A.C.

(3) through (5) No change.

Specific Authority 475.614 FS. Law Implemented 455.224, 455.275, 475.622(1), 475.622(1), 475.624(14), (18) FS. History–New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, 11-20-05,\_\_\_\_\_.

61J1-8.002 Disciplinary Guidelines.

(1) through (2) No change.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4):

VIOLATIONS	RECOMMENDED RANGE OF PENALTY
(a) through (aa) No change.	No change.
(bb) Section 475.6221(3), F.S. Supervisory appraiser employed by a trainee appraiser.	The usual action of the Board shall be to impose a penalty of a 5 year suspension to revocation and an administrative fine of \$1,000.00

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

Specific Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.624, 475.626 FS. History–New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03,\_\_\_\_\_.

61J1-8.003 Notice of Noncompliance.

(1) Pursuant to Sections 455.225(3) and 120.695, F.S., the board sets forth below those rules which are considered minor violations for which the DBPR shall provide a registrant, licensee or certificate holder with a notice of noncompliance. A violation of a rule is considered a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The notice of noncompliance shall only be issued for an initial offense of a listed minor violation.

(a) No change.

(b) ~~Rule 61J1 7.002, F.A.C.~~ Section 475.622, F.S. – Display of number.

(c) Rule 61J1-7.003, F.A.C. – Designation and number in advertising.

~~(d) Subsection 61J1 7.004(1), F.A.C. Registration of business address.~~

~~(e) Subsection 61J1 7.004(2), F.A.C. Change of business address.~~

~~(d)(f)~~ ~~Subsection 61J1-7.007(1), F.A.C.~~ Section 475.6221(1), F.S. – Registering the name of supervising appraiser; notification of termination of relationship with supervising appraiser.

~~(e)(g)~~ Subsection 61J1-7.008(2), F.A.C. – Registration or change of current mailing address as defined in Rule 61J1-7.008, F.A.C.

(2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 120.695, 455.225(3) FS. History–New 3-28-94, Amended 1-1-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-730 Hazardous Waste

RULE NO.: RULE TITLE:

62-730.186 Universal Pharmaceutical Waste

PURPOSE AND EFFECT: The proposed rule amendments are intended to allow flexibility in the management of hazardous waste pharmaceuticals by regulating such waste as universal waste in Florida, and to clarify standards applicable to handlers of hazardous waste pharmaceuticals. The new rule does not require generators to manage hazardous waste pharmaceuticals as universal waste, and does not require reverse distributors to become handlers of hazardous waste pharmaceuticals. The new rule does not impose any new regulatory requirements. It merely allows a less stringent management option for persons who generate hazardous waste pharmaceuticals and for reverse distributors who choose to accept hazardous waste pharmaceuticals.

SUMMARY: This rule establishes requirements for handlers of hazardous waste pharmaceuticals. It includes definitions; prohibitions; notification; waste and container management; labeling; accumulation time limits; employee training; response to releases; off-site shipments; record-keeping; and conditions related to handlers who are reverse distributors.

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

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

SPECIFIC AUTHORITY: 403.061, 403.151, 403.704, 403.72, 403.721 FS.

LAW IMPLEMENTED: 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 26, 2006, 9:00 a.m.

PLACE: Conference Room A, 3900 Commonwealth, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: DEP Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Rainey, Environmental Manager; Hazardous Waste Regulation; Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8713; [julie.c.rainey@dep.state.fl.us](mailto:julie.c.rainey@dep.state.fl.us).

THE FULL TEXT OF THE PROPOSED RULE IS:

62-730.186 Universal Pharmaceutical Waste.

(1) The requirements of this section apply to:

(a) “Hazardous waste pharmaceuticals” (as defined in paragraph 62-730.186(4)(e), F.A.C.) while they are managed in Florida; and

(b) Large and small quantity handlers of universal pharmaceutical waste as defined in paragraphs 62-730.186(4)(f) and (l), F.A.C., including persons who handle universal pharmaceutical waste on an infrequent or episodic basis, as well as those who handle such waste routinely or periodically.

(2) The requirements of this section do not apply to:

(a) Pharmaceuticals that are not hazardous waste;

(b) Pharmaceuticals that have not been discarded and that are:

1. Returned with a reasonable expectation of credit through the pharmaceutical reverse distribution system to a manufacturer, wholesaler or reverse distributor, in accordance with an agreement or policy of the manufacturer, due to an oversupply, expiration of the recommended shelf life, a manufacturer recall, a shipping error or damage to the exterior packaging;

2. Donated to a charitable organization as described in the Internal Revenue Code and permitted pursuant to the requirements of subsection 64F-12.023(1), F.A.C.; or

3. Sold to persons who resell and do not discard the pharmaceuticals;

(c) Pharmaceuticals that are biomedical waste as defined in Section 403.703, Florida Statutes (F.S.);

(d) Spill residues, cleanup materials, and media that are contaminated with pharmaceuticals as the result of a spill or discharge; and

(e) Raw materials or ingredients used in the manufacture of pharmaceuticals.

(3) Hazardous waste pharmaceuticals are considered to be universal waste in Florida when managed in accordance with this section. Hazardous waste pharmaceuticals not managed as universal waste in accordance with this section shall be managed in accordance with Chapter 62-730, F.A.C., and shall be disposed of at a permitted hazardous waste treatment, storage or disposal facility.

(4) Definitions. As used in this section:

(a) "Consumer packaging" means the packaging that surrounds or encloses a container, in a form intended or suitable for a healthcare or retail venue, or rejected during the manufacturing process as long as it is enclosed in its bottle, jar, tube, ampule, or package for final distribution to a healthcare or retail venue.

(b) "Container" means the receptacle, such as a bottle, jar, tube, or ampule, into which a pharmaceutical is placed, packaged for transport and/or transported and intended for distribution or dispensing to an ultimate user, and does not include any element of a pharmaceutical that is intended to be absorbed, inhaled or ingested.

(c) "Distribute" means to deliver a pharmaceutical by means other than by administering or dispensing.

(d) "Distributor" means a person who distributes.

(e) "Hazardous waste pharmaceutical" means a "non-viable" "pharmaceutical" [as defined in paragraphs 62-730.186(4)(i) and 62-730.186(4)(h), F.A.C., respectively] that exhibits a characteristic as described in 40 CFR Part 261, Subpart C [as adopted in subsection 62-730.030(1), F.A.C.] or is listed hazardous waste pursuant to 40 CFR Part 261, Subpart D [as adopted in subsection 62-730.030(1), F.A.C.] If the waste formulation includes a commercial chemical product listed in Subpart D as the sole active ingredient, then the entire formulation is considered a hazardous waste pharmaceutical, unless excluded by 40 CFR 261.3(g) [as adopted in subsection 62-730.030(1), F.A.C.]. A pharmaceutical becomes a waste when it is no longer "viable" (as defined in paragraph 62-730.186(4)(n), F.A.C.); when a decision is made to discard the pharmaceutical; or when the pharmaceutical is abandoned as described in 40 CFR 261.2(b) [as adopted in subsection 62-730.030(1), F.A.C.] A pharmaceutical does not meet the definition of a "solid waste" under 40 CFR 261.2 and is

considered product as long as it is viable, a decision to discard it has not been made, and it is not abandoned as described in 40 CFR 261.2(b). Pharmaceuticals that are produced by a pharmaceutical manufacturer without reasonable expectation of sale, returned or delivered without a reasonable expectation of credit to a manufacturer, wholesaler, reverse distributor or any type of waste broker, are non-viable and are discarded. Non-viable pharmaceuticals that are hazardous waste may be handled as universal waste under this rule.

(f) "Large quantity handler of universal waste" means a "universal waste handler" [as defined in 40 CFR 273.9 (as adopted in subsection 62-730.185(1), F.A.C.)] that, at any time:

1. Accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps, or pharmaceuticals, calculated collectively), or

2. Accumulates universal pharmaceutical waste consisting of more than one kilogram total of pharmaceuticals listed in 40 CFR 261.33(e) [as adopted in subsection 62-730.030(1), F.A.C.] as acute hazardous waste ("p-listed wastes"). The designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the universal waste, identified in subparagraphs 1. and 2. of paragraph 62-730.186(4)(f), F.A.C., is accumulated.

(g) "Manufacturer" means a person who prepares, derives, manufactures, or produces a pharmaceutical.

(h) "Pharmaceutical" means a manufactured chemical product that is intended to be inhaled, ingested, injected, or topically applied for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease or injury in humans or other animals.

(i) "Non-viable" means a pharmaceutical that cannot be sold, returned to the manufacturer, wholesaler or reverse distributor with a reasonable expectation of credit, or donated to a charitable organization. Pharmaceuticals that are obviously "waste-like", such as partial intravenous formulations; partial vials used in the preparation of intravenous (IV) formulations; outdated samples; other outdated items repackaged at the pharmacy; partial vials or vials used on the unit and not emptied (such as insulin and epinephrine dispensing devices); partial ointments, creams and lotions; partial inhalants; partial containers that are not empty as defined in 40 CFR 261.7 [as adopted in subsection 62-730.030(1), F.A.C.]; patient's personal medications that have been left at the hospital; filled finished products that are rejected during the manufacturing process, so long as they are in their consumer package (such as bottle, jar, tube, or ampule), do not support a reasonable expectation of credit and therefore are non-viable pharmaceuticals.

(j) "Pharmaceutical reverse distribution system" means the established practice of shipping expired or other unsaleable pharmaceutical products from pharmacies, medical practitioners, over-the-counter pharmaceutical retailers, and

pharmaceutical wholesalers to pharmaceutical reverse distributors and then to manufacturers with the intent of receiving credit. These items may be shipped directly to manufacturers depending on manufacturer return policies.

(k) "Reverse distributor" means a person engaged in the reverse distribution of pharmaceuticals who:

1. Operates a warehouse licensed by the Department of Health Bureau of Statewide Pharmaceutical Services under Chapter 499, F.S., as a reverse distributor; and

2. Has management systems in place to ensure compliance with applicable requirements of 40 CFR Parts 260 through 273 [as adopted in sections 62-730.021 and 62-730.183, and subsections 62-730.020(1), 62-730.030(1), 62-730.160(1), 62-730.170(1), 62-730.180(1) & (2), 62-730.181(1), 62-730.185(1), and 62-730.220(1), F.A.C.] and Chapter 62-730, F.A.C.

NOTE: The Federal Drug Enforcement Administration has registration requirements for persons engaged in the reverse distribution of pharmaceuticals who handle controlled substances in Schedules II through V promulgated under United States Code, Title 21, Section 812.

(l) "Small quantity handler of universal waste" means a "universal waste handler" [as defined in 40 CFR 273.9 (as adopted in subsection 62-730.185(1), F.A.C.)] that does not:

1. Accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps or pharmaceuticals, calculated collectively); or

2. Accumulate universal pharmaceutical waste consisting of more than one kilogram total of pharmaceuticals listed in 40 CFR 261.33(e) [as adopted in subsection 62-730.030(1), F.A.C.] as acute hazardous waste ("p-listed wastes").

(m) "Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of 40 CFR Part 273 [as adopted in subsection 62-730.185(1), F.A.C.], Chapter 62-730, F.A.C., or Chapter 62-737, F.A.C.: batteries as described in 40 CFR 273.2; pesticides as described in 40 CFR 273.3; thermostats as described in 40 CFR 273.4; lamps as described in 40 CFR 273.5; mercury-containing devices as described Chapter 62-737, F.A.C.; and pharmaceuticals as defined in paragraph 62-730.186(4)(e), F.A.C.

(n) "Viable" means a pharmaceutical can be sold, returned to the manufacturer, wholesaler or reverse distributor with a reasonable expectation of credit, or donated to a charitable organization meeting the definition in the Internal Revenue Code and permitted in accordance with subsection 64F-12.023(1), F.A.C.

(o) "Wholesaler" means a person who sells or distributes for resale any pharmaceutical as defined in paragraph 62-730.186(4)(e), F.A.C., to any entity other than the ultimate user.

(5) A large or small quantity handler of universal pharmaceutical waste ("handler") is prohibited from:

(a) Disposing of universal pharmaceutical waste; and

(b) Diluting or treating universal pharmaceutical waste, except when responding to releases as described in subsection 62-730.186(10), F.A.C., or when managing waste as described in subsection 62-730.186(7), F.A.C.

(6) A handler shall notify the Department in writing and receive an EPA Identification Number before accumulating universal pharmaceutical waste or offering such waste for transport. A handler of hazardous waste that has already notified the Department of its hazardous waste management activities and obtained an EPA Identification Number is not required to renotify under this section. Notification shall include:

(a) The handler's name and mailing address;

(b) The name and business telephone number of the person at the handler's site to contact regarding universal pharmaceutical waste management activities;

(c) The address or physical location of the universal pharmaceutical waste management activities;

(d) A list of all the types of universal waste managed by the handler (e.g., batteries, pesticides, thermostats, lamps, pharmaceuticals); and

(e) A statement indicating the handler status and the amount in kilograms of each universal waste the handler expects to accumulate at one time.

(7) A handler shall implement proper universal pharmaceutical waste management activities that include the following:

(a) A handler shall contain any universal pharmaceutical waste that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. A handler shall manage universal pharmaceutical waste in a way that prevents releases of any universal pharmaceutical waste or component of a universal pharmaceutical waste to the environment. The universal pharmaceutical waste shall be contained in one or more of the following:

1. A container that remains closed (except when adding or removing waste), is structurally sound and compatible with the pharmaceutical, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. A container that does not meet the requirements of subparagraph 62-730.186(7)(a)1., F.A.C., provided the unacceptable container is overpacked in a container that does meet the requirements; and

3. A tank that meets the requirements of 40 CFR Part 265 Subpart J [as adopted in subsection 62-730.180(2), F.A.C.], except for 40 CFR 265.197(c), 265.200 and 265.201.

(b) A handler shall clearly label containers and tanks accumulating waste pharmaceuticals with the phrase "universal pharmaceutical waste" or "universal waste

pharmaceuticals,” and with specific hazardous waste codes applicable to the universal pharmaceutical waste in the container or tank.

(c) A handler may conduct the following activities as long as the innermost container of each individual pharmaceutical remains intact and closed, and marked with the applicable hazardous waste code:

1. Sorting or mixing individual pharmaceuticals in one outer container, as long as the pharmaceuticals are compatible;
2. Disassembling packages containing several pharmaceuticals into individual pharmaceuticals; and
3. Removing pharmaceuticals from consumer packaging.

(d) A handler of universal pharmaceutical waste may generate solid waste as a result of the activities in paragraph 62-730.186(7)(c), F.A.C., of this subsection. A handler of universal pharmaceutical waste that generates solid waste shall determine whether the solid waste is hazardous waste identified in 40 CFR Part 261 Subpart C or D [as adopted in subsection 62-730.030(1), F.A.C.]. If the solid waste is a hazardous waste, it shall be managed in compliance with all applicable requirements of Chapter 62-730, F.A.C. The handler is considered the generator of the hazardous waste and is subject to 40 CFR Part 262 [as adopted in subsection 62-730.160(1), F.A.C.]. If the solid waste is not hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state and local solid waste regulations.

(e)1. A reverse distributor who meets the definition of “universal waste handler” in 40 CFR 273.9 [as adopted in subsection 62-730.185(1), F.A.C.] shall meet the requirements for “handlers” in subsections 62-730.186(6) through (12), F.A.C., of this section.

2. A reverse distributor shall:

a. Begin the process of distinguishing viable pharmaceuticals from universal pharmaceutical waste or hazardous waste within 14 days of receipt of a complete shipment of returns from a handler, and in no event more than 21 days from the receipt of the first installment of a partial shipment;

b. Complete the universal pharmaceutical waste or hazardous waste identification process within 21 days of receipt of the complete shipment, and in no event more than 30 days from receipt of the first installment of a partial shipment; and

c. Keep a record of each shipment of returns by any method that clearly demonstrates the date on which the shipment was received and the date on which the reverse distributor determined the universal pharmaceutical waste or hazardous waste status of all items in the shipment.

(8) The following are accumulation time limits and verification practices for handlers of universal pharmaceutical waste:

(a) A small quantity handler of universal waste may accumulate universal pharmaceutical waste for no longer than one year from the date the universal pharmaceutical waste were generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

(b) A large quantity handler of universal waste may accumulate universal pharmaceutical waste for no longer than 6 months from the date the universal pharmaceutical wastes are generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

(c) A handler may accumulate universal pharmaceutical waste for a longer period of time than specified in paragraphs 62-730.186(8)(a) and (b), F.A.C., if such activity is solely for the purpose of accumulation of such quantities of universal pharmaceutical waste as are necessary to facilitate proper recovery, treatment or disposal. However, the handler bears the burden of proving that the extended accumulation time is solely for these purposes.

(d) A handler shall be able to demonstrate the accumulation time for the universal pharmaceutical waste. The handler may make this demonstration by:

1. Placing the universal pharmaceutical waste in a container and marking or labeling the container with the earliest date that any universal pharmaceutical waste in the container became a waste;

2. Marking or labeling each individual item of universal pharmaceutical waste (e.g., each individual pharmaceutical container or package) with the date it became a waste;

3. Maintaining an inventory system on-site that identifies the date each universal pharmaceutical waste became a waste;

4. Maintaining an inventory system on-site that identifies the earliest date that any universal pharmaceutical waste in a group of universal pharmaceutical wastes, or a group of containers of universal pharmaceutical wastes, became waste; or

5. Using any other method which clearly demonstrates the length of time the universal pharmaceutical wastes have been accumulating from the date they became a waste.

(9) A handler shall ensure that all employees handling or managing universal pharmaceutical waste successfully complete a program of classroom instruction or on-the-job training.

(a) The training shall ensure that all employees are thoroughly familiar with proper waste management procedures relevant to their responsibilities during normal facility operations and emergencies. The training shall include response to releases as required by subsection 62-730.186(10), F.A.C.

(b) Employees working at a handler’s facility on [effective date] shall successfully complete the training program required in paragraph 62-730.186(9)(a), F.A.C., within three months after the effective date. Employees hired or assigned after [effective date] shall successfully complete the training

program within three months after the date of their employment at or assignment to the handler's facility. These employees shall not work unsupervised until they have completed the training requirements.

(c) Employees shall take part in an annual review of the initial training required in paragraph 62-730.186(9)(a), F.A.C., and the handler shall ensure that the annual review is available to the employees.

(d) A handler shall document the training given to each employee. The documents shall include the employee's name, signature, date of hire or assignment, date of training, and type of training. The training documents shall be kept at the handler's place of business for at least three years.

(10) A handler shall immediately contain all releases of universal pharmaceutical waste (including spills that occur indoors). A handler shall determine whether any material resulting from a release is hazardous waste. A handler shall manage any such hazardous waste in compliance with the requirements of 40 CFR Parts 260 through 272 [as adopted in sections 62-730.021, and 62-730.183, and subsections 62-730.020(1), 62-730.030(1), 62-730.160(1), 62-730.170(1), 62-730.180(1) & (2), 62-730.181(1), and 62-730.220(1), F.A.C.]. The handler is considered the generator of the material resulting from the release and shall manage the material in compliance with 40 CFR Part 262 [as adopted in subsection 62-730.160(1), F.A.C.]. Material resulting from the release of universal pharmaceutical waste may not be managed as universal pharmaceutical waste.

(11) Off-site shipments of universal pharmaceutical waste shall meet the following requirements:

(a) A handler is prohibited from sending or taking universal pharmaceutical waste to a place other than to a handler who has notified the department pursuant to subsection 62-730.186(6), F.A.C., a reverse distributor, a destination facility as defined in 40 CFR 273.9 [as adopted in subsection 62-730.185(1), F.A.C.], or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(j), F.A.C.

(b) A reverse distributor is prohibited from taking or sending universal pharmaceutical waste to a place other than a destination facility that is permitted pursuant to 40 CFR Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 270 [as adopted in subsection 62-730.220(1), F.A.C.] for treatment, storage or disposal of hazardous waste, or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(j), F.A.C.

(c) If a handler self-transportes universal pharmaceutical waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of 40 CFR Part 273 Subpart D [as adopted in subsection 62-730.185(1), F.A.C.] while transporting the universal pharmaceutical waste.

(d) A handler that intends to transport a universal pharmaceutical waste that meets the definition of hazardous materials in 49 CFR Parts 171 through 180 shall comply with the applicable Department of Transportation regulations in 49 CFR Parts 172 through 180. The handler shall package, label, mark and placard the shipment, and prepare proper shipping papers, in accordance with these Department of Transportation regulations. Handlers are advised to consult 49 CFR 172.101 for a list of hazardous materials and a table summarizing shipping requirements.

(e) A handler that transports a universal pharmaceutical waste to a reverse distributor must provide the reverse distributor with written information sufficient to allow the reverse distributor to make knowledgeable decisions about the safe handling and proper disposal of the universal pharmaceutical waste.

(f) Prior to sending a shipment of universal pharmaceutical waste to a destination facility, the originating handler shall ensure that the destination facility agrees in writing to receive the shipment. One agreement to accept universal waste from a handler can cover more than one shipment.

(g) If a handler sends a shipment of universal pharmaceutical waste to a destination facility and the shipment is rejected by the destination facility, the originating handler shall either:

1. Receive the waste back when notified that the shipment has been rejected; or

2. Agree with the destination facility on a alternate destination facility to which the shipment will be sent.

(h) If a destination facility receives a shipment containing hazardous waste that is labeled universal pharmaceutical waste but is not in fact universal pharmaceutical waste, the destination facility shall immediately notify the Department of the mislabeled shipment and provide the name, address, and telephone number of the originating handler. The destination facility shall handle the hazardous waste in accordance with the requirements of Chapter 62-730, F.A.C.

(i) If a destination facility receives a shipment of non-hazardous, non-universal waste pharmaceuticals, the destination facility may manage the waste pharmaceuticals in any way that is in compliance with applicable federal, state and local solid waste regulations.

(j)1. A handler who sends universal pharmaceutical waste to a foreign destination which is one of the following designated member countries of the Organization for Economic Cooperation and Development (OECD): Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, and United Kingdom, is subject to the requirements of 40 CFR Part 262 Subpart H [as adopted in subsection 62-730.160(1), F.A.C.].

2. A handler who sends universal pharmaceutical waste to a foreign destination other than those listed in subparagraph 62-730.186(11)(j)1., F.A.C., must:

a. Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b), and 262.57 [as adopted in subsection 62-730.160(1), F.A.C.];

b. Export such universal pharmaceutical waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in 40 CFR 262.51 [as adopted in subsection 62-730.160(1), F.A.C.]; and

c. Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter who transports the shipment for export.

(k) This section applies to hazardous waste pharmaceuticals only while they are managed in Florida. Handlers are advised to meet the regulatory requirements of the receiving state when hazardous waste pharmaceuticals are shipped out of state.

(12) A handler shall keep a record of each shipment of universal pharmaceutical waste sent to a reverse distributor, destination facility, or foreign destination. The record shall consist of a written receipt, manifest, bill of lading or other written documentation. A handler shall retain the records at its place of business for at least three years from the date of shipment. The record for each shipment of universal pharmaceutical waste shall include the following information:

(a) The name and address of the reverse distributor, destination facility or foreign destination to which the universal pharmaceutical wastes were sent;

(b) The quantity of universal pharmaceutical waste sent; and

(c) The date the shipment of universal pharmaceutical waste left the handler's facility.

(13) This section constitutes state authorization for reverse distributors to manage hazardous pharmaceutical waste from conditionally exempt hazardous waste generators (CESQGs) and authorization for CESQGs to ensure delivery of their hazardous waste pharmaceuticals to a reverse distributor, pursuant to 40 CFR 261.5(f)(3)(iii) and 40 CFR 261.5(g)(3)(iii) [as adopted in subsection 62-730.030(1), F.A.C.].

Specific Authority 403.061, 403.151, 403.704, 403.72, 403.721 FS. Law Implemented 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tim Bahr, Environmental Administrator, Hazardous Waste Regulation, Department of Environmental Protection  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Jean Yon, Division, Division of Waste Management, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes to amend the rule for continuing education courses.

SUMMARY: The amendments to the Rule set forth the new requirements for an applicant who seeks to renew his/her license.

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

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

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) through (4) No change.

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

The hours can be obtained in the following manner:

<u>(a) Direct Delivery of Respiratory Care Services</u>	<u>A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.</u>
<u>1. Medical Errors</u>	<u>2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.</u>
<u>2. HIV/AIDS</u>	<u>At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within five (5) years of first biennium.</u>



(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques)	No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.
(c) Home Study Courses	No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.

(d) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

Specific Authority 456.013(8), 468.361(2) FS. Law Implemented 468.361 FS. History--New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                      RULE TITLE:  
40C-8.031                      Minimum Surface Water Levels and  
  Flows and Groundwater Levels

**NOTICE OF CONTINUATION OF PUBLIC MEETING**

Notice is hereby given that the Public Hearing to consider revisions to Rule 40C-8.031, F.A.C., for the Minimum Flow Regime for Blue Spring, Volusia County, was convened on August 8, 2006, and was continued until the date, time and place listed below:

DATE AND TIME: October 10, 2006, following the Governing Board meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177

The Notice of Proposed Rule was published in the May 19, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 27.

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Norma Messer, (386)329-4459 or (386)329-4450 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                      RULE TITLE:  
61G4-12.009                      Fees

**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. 31, No. 47, November 23, 2005 issue of the Florida Administrative Weekly.

The change is response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on August 9-11, 2006, voted to change subsection (14) of the rule to read as follows:

(14) The fee for application to re-instate a null and void license is one hundred dollars (\$100.00).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                      RULE TITLE:  
61G4-17.001                      Normal Penalty Ranges

**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. 32, No. 23, June 9, 2006 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: