

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:

6E-1.0032 Fair Consumer Practices

PURPOSE AND EFFECT: To consider disclosures for schools that offer programs that require licensure to practice the profession such as nursing, massage, physical therapy and cosmetology. Additional disclosures concerning institutional performance may be discussed.

SUBJECT AREA TO BE ADDRESSED: Fair Consumer practices

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.34, FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34, FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 28, 2017 beginning at 3:30 p.m.

PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey In The Hills, Florida 34737.

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 5 days before the workshop/meeting by contacting: The Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:

6E-2.004 Standards and Procedures for Licensure

PURPOSE AND EFFECT: To consider disclosures for schools that offer programs that require licensure to practice the profession such as nursing, massage, physical therapy and

cosmetology. Additional disclosures concerning institutional performance may be discussed.

SUBJECT AREA TO BE ADDRESSED: Standards and Procedures for Licensure.

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.39, 1005.04, FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.34, 1005.39, FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 28, 2017, 3:30 p.m.

PLACE: Mission Inn Resort & Club, 10400 County Road 48, Howey In The Hills, Florida 34737.

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 5 days before the workshop/meeting by contacting: The Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

PURPOSE AND EFFECT: To adopt the elevator safety codes included in the 6th Edition Florida Building Code as approved by the Florida Building Code Commission.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will require new elevator installations, alterations and maintenance to comply with adopted elevator safety codes as applicable.

RULEMAKING AUTHORITY: 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.02 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kela Timmons, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399; DHR.Rules@myfloridalicense.com; (850)717.1280.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-9.003	Examinations
61-9.011	Applicability
61-9.012	Definitions
61-9.013	Fees
61-9.014	Standards, Review Procedures and Methodology
61-9.015	Renewal

PURPOSE AND EFFECT: To repeal various subparagraphs in Rule 61-9.003(2) and (5), and repeals Rules 61-9.011, .012, .013, .014, and .015, F.A.C.

SUMMARY: The proposed rulemaking various subparagraphs in Rule 61-9.003(2) and (5), and repeals Rules 61-9.011, .012, .013, .014, and .015, F.A.C., as they apply to professions which the Department no longer regulates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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.

RULEMAKING AUTHORITY: 455.203(5), 455.218(1), 458.314(4), (5), (6), (7), 120.53, FS.

LAW IMPLEMENTED: 455.218(1), (2), (3), 458.314(4), (5), (6), (7), 120.53, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Izzo, Assistant General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)488-0062.

THE FULL TEXT OF THE PROPOSED RULE IS:

61-9.003 Examinations.

(1) No change.

(2) The examination for licensure pursuant to Chapter 86-90, Section 1, Laws of Florida, shall be the examination named or described as follows:

(a) through (b) No change.

~~(c) Dentistry. The examination to be licensed to practice Dentistry shall be the written practical examination prepared by the Department, or an examination equivalent to it, the laws and rules examination prepared by the Department, or an examination equivalent to it, and the Comprehensive Treatment Planning examination prepared by the North East Regional Board of Dental Examiners (NERB), or an examination equivalent to it, which shall include the following areas:~~

- ~~1. Diagnosis and Treatment Planning~~
- ~~2. Restorative~~
- ~~3. Endodontics~~
- ~~4. Periodontics~~
- ~~5. Orthodontics~~
- ~~6. Pediatric Dentistry~~
- ~~7. Prosthodontics (Fixed Complete and Removable)~~
- ~~8. Oral Surgery~~
- ~~9. Anesthesia~~
- ~~10. Prevention~~
- ~~11. Oral Medicine and Oral Pathology~~
- ~~12. Radiology~~
- ~~13. Infection Control~~
- ~~14. Dental Materials~~
- ~~15. Laws and Rules~~

~~(c)(d) Engineering. The examination for applicants to be licensed to practice Engineering shall be Part II of the Professional Engineer Examination described as Principles and Practice as prepared by the National Council of Engineering Examiners, or an examination equivalent to it. The examination will test the applicant's ability to apply acceptable engineering practice to problems which are representative of the applicant's discipline. The selection of~~

disciplines will be made by the applicant at the time of application for examination. Applicants will be required to solve seven to ten problems drawn from a test pattern generally set forth as follows:

1. through 16. No change.

~~(e) Land Surveying. The examination for applicants to be licensed to practice Land Surveying shall be the Practice and Principles examination as prepared by the Department, or an examination equivalent to it. The examination will test the applicant's ability to apply acceptable land surveying practice to problems in the following areas:~~

1. Sectionalized Land
2. Metes and Bounds
3. Lot and Block
4. Water Boundary
5. Condominium
6. Right of Way
7. Topographic
8. Construction Layout
9. Legal Responsibilities and Records Research
10. Legal Description and Report Preparation
11. Record Plat Computations

~~(f) Medicine. The examination for applicants to be licensed to practice medicine shall be component 2 of the Federation Licensing Examination (FLEX) as provided by the Federation of State Medical Boards, or an examination equivalent to it.~~

~~(g) Nursing. The examination for applicants to be licensed to practice nursing as a Registered Nurse or Practical Nurse shall be the examination as prepared by the National Council of State Boards of Nursing, Inc., or an examination equivalent to it, which shall include the following subjects:~~

1. Registered Nurse-
 - Medical Nursing
 - Surgical Nursing
 - Obstetrical Nursing
 - Psychiatric Nursing
 - Nursing of Children
2. Practical Nurse-
 - Medical Nursing
 - Surgical Nursing
 - Obstetrical Nursing
 - Nursing of Children

~~(h) Optometry. The examination for applicants to be licensed to practice Optometry shall be the examination as prepared by the Department, or an examination equivalent to it, which shall include the following subjects:~~

1. Pharmacology/Ocular Disease (25 problems; 125 questions)
2. Florida Laws and Rules governing the Practice of Optometry (25 questions)

3. Knowledge of Technique for:

- a. ~~Internal Examination by Means of Binoocular Indirect Ophthalmoscope (10 questions)~~
- b. ~~Biomeicroscopy (Binoocular) (10 questions)~~
- c. ~~Gonioscopy (10 questions)~~
- d. ~~Goldmann Tonometry (10 questions)~~
- e. ~~Hruby Lens and Fundus Lens (10 questions)~~

~~(i) Pharmacy. The examination to be licensed to practice Pharmacy shall be as follows:~~

1. ~~Integrated NABP Examination, or an examination equivalent to it~~
 - a. ~~Interpreting and Dispensing Prescriptions/Medication Orders (25%)~~
 - b. ~~Assessing Prescription/Medication Orders and the Drugs Used in Dispensing Them (10%)~~
 - c. ~~Compounding and Calculation Involved in the Extemporaneous Preparation of Prescriptions/Medication Orders (15%)~~
 - d. ~~Monitoring Drug Therapy (25%)~~
 - e. ~~Counseling Patients & Health Professionals (25%)~~
2. ~~Florida Laws and Rules Section~~

~~(j) Podiatric Technician. The examination to be licensed to practice as a Podiatric Technician, whose scope of practice is defined by the Board of Podiatric Medicine, shall be the written practical examination prepared by the Department, or an examination equivalent to it, which shall consist of 200 questions and be graded as to each subject area as follows:~~

1. ~~Written Practical Examination~~
 - a. ~~History 8%~~
 - b. ~~Vascular Examination 8%~~
 - c. ~~Neurological Examination 8%~~
 - d. ~~Musculo-Skeletal Examination 8%~~
 - e. ~~Dermatological Examination 8%~~
 - f. ~~Palpitation 5%~~
 - g. ~~Laboratory 2%~~
 - h. ~~Radiography and Photography 5%~~
 - i. ~~Podiatric Management 13%~~
 - j. ~~Podiatric Orthopedic's 8%~~
 - k. ~~Surgical Management 8%~~
 - l. ~~Physical Therapy 8%~~
 - m. ~~First Aid 2%~~
 - n. ~~Patient Advice & Counseling 2%~~
 - o. ~~Anesthesia 5%~~
 - p. ~~Practice Management 2%~~
2. ~~Clinical Practical Examination (Reserved)~~

~~(k) Podiatry (Reserved), or an examination equivalent to it.~~

~~(d)(t) Veterinary Medicine. The examination for applicants to be licensed to practice veterinary medicine shall consist of two parts as follows:~~

~~1. through 2. No change.~~

(3) through (4) No change.

(5) The passing scores for the examinations administered pursuant to Chapter 86-90, Section 1, Laws of Florida, shall be as follows:

(a) through (b) No change.

~~(c) Dentistry. The passing score for the Dentistry examination shall be a combined scaled score of seventy five (75) or greater on the Florida Written Practical and NERB examination, or an examination equivalent to it, and a scaled score of seventy (70) or greater on the Laws and Rules, or an examination equivalent to it. A score with .5 or greater will be rounded up to the nearest whole number. A score of less than .5 will be rounded down to the nearest whole number.~~

~~(c)(d) Engineers. The passing score for the Engineering examination shall be in accordance with Rule 61G15-21.004(2), F.A.C., Board of Engineers.~~

~~(e) Land Surveying. The passing score for the Land Surveying examination shall be 70% of the total possible points on the examination.~~

~~(f) Medicine. (75)~~

~~(g) Nursing. The passing score for the Registered Nurse examination and the Practical Nurse examination shall be in accordance with Rule 61F7 8.023(1) and (2), F.A.C., Board of Nursing.~~

~~(h) Optometry. (Reserved)~~

~~(i) Pharmacy. The passing score for the Pharmacy examination shall be in accordance with Rule 61F10-12.001(2)(a) and (b), F.A.C., Board of Pharmacy.~~

~~(j) Podiatric Technician. Candidates' scores will be converted to a scale of 0 to 100. The minimum passing score shall be set at 75 on that scale.~~

~~(k) Podiatry. (Reserved)~~

~~(d)(H) Veterinary Medicine. The passing score for Part one of the Veterinary Medicine examination shall be in accordance with Rule 61G18-11.002(6), Florida Administrative Code, Board of Veterinary Medicine. The passing score of Part two of the Veterinary Medicine examination shall be in accordance with Rule 61G18-11.002(7), Florida Administrative Code, Board of Veterinary Medicine.~~

Specific Authority 455.203(5), 455.218(1) FS. Law Implemented 455.218(1), (2), (3) FS. History–New 2-5-87, Amended 3-24-88, 3-30-89, 6-14-89, 1-28-92, 6-3-93, Formerly 21-15.003, Amended 3-15-94,_____.

61-9.011 Applicability.

Rulemaking Authority 458.314(4),(5),(6) FS. Law Implemented 458.314(4),(5),(6) FS. History–New 8-19-87, Formerly 21-21.001,Repealed_____.

61-9.012 Definitions

Rulemaking Authority 120.53, 458.314 FS. Law Implemented 120.53, 458.314 FS. History–New 8-19-87, Formerly 21-21.002, Repealed_____.

61-9.013 Fees

Rulemaking Authority 458.314(6), (7) Law Implemented 458.314(6), (7) FS. History–New 8-19-87, Formerly 21-21.003,Repealed_____.

61-9.014 Standards, Review Procedures, and Methodology

Rulemaking Authority 120.53(1)(a), FS. Law Implemented 120.53(1)(a), 458.314(4) FS. History–New 8-19-87, Formerly 21-21.004,Repealed_____.

61-9.015 Renewal

Rulemaking Authority 458.314(5), (7), FS. Law Implemented 458.314(5), (7), FS. History–New 8-19-87, Formerly 21-21.005, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas J. Izzo, Assistant General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)488-0062.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Matilde Miller, Interim Secretary of Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 05, 2017

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-160.110	Purpose, Scope and Applicability
62-160.120	Definitions and Standards
62-160.210	Approved Field Procedures
62-160.220	Approval of New and Alternative Field Procedures
62-160.300	Laboratory Certification
62-160.330	Approval of New and Alternative Laboratory Methods
62-160.340	Record Keeping and Reporting Requirements for Laboratory Procedures
62-160.400	Sample Preservation and Holding Times
62-160.600	Research Field and Laboratory Procedures
62-160.650	Field and Laboratory Audits
62-160.670	Data Validation by the Department
62-160.700	Tables
62-160.800	Documents Incorporated by Reference

PURPOSE AND EFFECT: The proposed revisions address paragraphs 403.0623(2)(a) and (b), Florida Statutes, enacted under Chapter 2016-01, Laws of Florida, which direct the

department to establish quality assurance (QA) standards for the collection and analysis of water quantity data. The proposed revisions also: (1) update DEP field and laboratory Standard Operating Procedures (DEP SOPs), (2) address miscellaneous, minor revisions to various rules within the chapter, (3) generally provide for clarification, and (4) provide increased flexibility for approval of alternative methods.

SUMMARY: The proposed revisions establish QA standards for the collection and analysis of water quantity data in accordance with the requirements of paragraphs 403.0623(2)(a) and (b), Florida Statutes, enacted under Chapter 2016-01, Laws of Florida. Additionally, QA rule revisions are proposed to update DEP SOPs and address miscellaneous, minor revisions. The Department conducted public workshops on September 28 and September 29, 2016, in Tallahassee and Orlando, respectively.

OTHER RULES INCORPORATING THESE RULES: Chapter 62-160, F.A.C., is referenced by the following rules: Rules 62-4.020, 62-4.246, 62-110.104, 62-302.300, 62-302.533, 62-302.540, 62-303.200, 62-303.320, 62-303.330, 62-303.350, 62-303.420, 62-303.430, 62-303.460, 62-303.470, 62-330.411, 62-330.412, 62-330.441, 62-344.400, 62-344.500, 62-520.600, 62-528.300, 62-550.550, 62-550.821, 62-555.315, 62-555.340, 62-550.350, 62-600.200, 62-610.320, 62-610.463, 62-610.568, 62-610.865, 62-620.610, 62-620.620, 62-625.420, 62-625.600, 62-673.320, 62-673.340, 62-701.200, 62-701.310, 62-701.330, 62-701.510, 62-709.530, 62-713.510, 62-737.200, 62-737.800, 62-780.220, 62-780.300, 62-780.600, 62-780.900, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed amendments are not expected to have significant effects on other rules. Certain provisions in the proposed rules provide greater flexibility for data providers that should allow for better efficiency and minor cost savings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

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

Rule 62-160.210, F.A.C., anticipated costs are associated with the revision of SOP FT 1800, the SOP for measuring flow (described in Rule 62-160.210, F.A.C.), which include new requirements for procedures used to measure stage, velocity, and discharge in flowing surface waters, and required documentation associated with those procedures. Affected parties include public and private entities that conduct flow measurements for flowing waters or maintain gage stations on flowing waters. The total costs for all potentially affected parties were estimated to be \$129,500, of which \$60,000 is the sum of a recurring \$12,000 cost over a five-year period. The Department relied upon the SERC to determine whether legislative ratification would be required. 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.

RULEMAKING AUTHORITY: 403.061, 403.0623, 668.006, FS.

LAW IMPLEMENTED: 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.803, 403.853, 668.006, 668.50, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 5, 2017, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

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 5 days before the workshop/meeting by contacting: Michael Blizzard at (850)245-8073 or via email at Michael.Blizzard@dep.state.fl.us. 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: Michael Blizzard, Aquatic Ecology and Quality Assurance Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone 850/245-8073, email Michael.Blizzard@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 62-160
QUALITY ASSURANCEPART I
QUALITY ASSURANCE

62-160.110 Purpose, Scope and Applicability.

(1) through (5) No change.

(6) If specifically required by the United States Environmental Protection Agency (EPA) for activities conducted for or funded by the EPA, Quality Assurance Project Plans (QAPPs) shall be prepared in accordance with "EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5", which is incorporated by reference in subsection 62-160.800(4), F.A.C. These QAPPs will be reviewed and approved by the appropriate EPA office or the Department, when delegated to the Department by EPA for specific activities delegated authority.

(7) through (8) No change.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.110, Amended 3-24-96, 4-9-02, 6-8-04, 12-3-08, 7-30-14,_____.

62-160.120 Definitions and Standards.

For purposes of this chapter:

(1) "Alternative method" is a field procedure or analytical laboratory method that ~~is involves the collection or testing of environmental samples for an analyte (such as a chemical compound, component, or microorganism, etc.) in a specified matrix where a Department approved method already exists. Approved methods are recognized or specified by the Department according to Rules 62-160.210 and 62-160.320, F.A.C. An alternative method is one~~ intended to be used in place of an existing Department-approved laboratory method or field procedure that is specified in a Department rule, permit, order, or contract, as further discussed in Rules 62-160.220 and 62-160.330, F.A.C.

(2) through (12) No change.

(13) "Limited-use method" is an alternative or modified field or laboratory procedure that is approved by the Department for the collection or testing of environmental samples by a single field sampling organization or analytical laboratory for purposes specified in the scope of the approval analytical laboratory method that is validated for the testing of environmental samples from a particular site, waste stream

(e.g., for specified analytes, facility or site locations or types,) or sample matrices, such as matrix—(e.g., effluent, groundwater, ~~or~~ drinking water, fresh or marine surface waters, soils, sediments, or chemical wastes). A limited-use method that is validated and approved by the Department for a field sampling organization or analytical by a single laboratory and may not only be used by another field sampling organization or analytical that laboratory. The criteria for the validation and approval of a limited-use method are further outlined in subparts FA 2100 and FA 2200 of DEP SOP FA 1000, which is incorporated by reference in subparagraph 62-160.800(1)(a)1., F.A.C., and outlined in DEP-QA-001/01, which is incorporated by reference in subsection 62-160.800(5), F.A.C. Requirements for limited-use methods are further discussed in Rules 62-160.220 and 62-160.330, F.A.C., and must be met for Department approval.

(14) No change.

(15) "Method-defined analyte" is defined by the U.S. Environmental Protection Agency as an analyte whose result is totally dependent on how the measurement is made. Any changes or modifications in the preparation or determinative techniques of these methods have the potential of changing the result, and are not approved by the Department, as indicated in paragraph 62-160.330(2)(a), F.A.C. Examples are: Carbonaceous Biological Oxygen Demand, Oil and Grease, and Toxicity Characteristic Leaching Procedure (TCLP).

(16) "Method detection limit (MDL)" is an estimate of the minimum amount of a substance that an analytical process can reliably detect, the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results, or the minimum result that can be reliably discriminated from a blank with a predetermined confidence level (Limit of Detection [LOD] as defined in the 2016 TNI Standards, which are incorporated by reference in paragraph 62-160.800(3)(b), F.A.C.). The Department accepts any of the preceding definitions of the MDL. An MDL is analyte-specific and matrix-specific and is laboratory-dependent. The MDL for an analyte is determined from the preparation and analysis of a sample in a given matrix containing the analyte. MDLs shall be determined for each matrix/analytical technology/analyte combination reported by the laboratory, except for those tests where determination of the MDL is not appropriate for the analytical technique, such as biochemical oxygen demand, chlorophyll or microbiological tests. When required according to Department rules, MDLs shall be calculated following the procedures specified in those rules. If not specified in Department rules, MDLs may be determined and verified "New and Alternative Analytical Laboratory Methods", DEP-QA 001/01, which is incorporated by reference in subsection 62-160.800(5), F.A.C., or by any other technically justifiable

and scientifically sound method appropriate for the test. ~~A specific method must be used when mandated by the Department.~~ For the purposes of data usability evaluation, the DEP-defined MDL is equivalent to the Limit of Detection (LOD) as defined in the 2016 TNI Standards, EL-V1-2009-ISO, which are incorporated by reference in paragraph 62-160.800(3)(b), F.A.C.

(17) “Method modification” is any change that alters the scope, applicability, specifications, steps, performance criteria, or any other requirements described in a published field procedure or laboratory analytical method, as further specified in subsections 62-160.220(3) and 62-160.330(3), F.A.C. ~~The resultant method is defined by the Department as a “modified method.” modification to an approved field procedure or analytical laboratory method that is specifically allowed by the approved field procedure or analytical laboratory method.~~

(18) “Field of Accreditation Matrix” is defined in the Glossary of the 2003 NELAC Standards, which is incorporated by reference in paragraph 62-160.800(3)(a), F.A.C., and shall be used to determine matrices under which a laboratory must be certified by the DOH ELCP for reporting data to be used by the Department:

(a) No change.

(b) Non-potable Water: any aqueous sample excluded from the definition of drinking water matrix including surface water, groundwater, effluents, water treatment chemicals, or samples derived from synthetic precipitation leaching procedures (SPLP), toxicity characteristic leaching procedures (TCLP) or other extracts. To be considered as non-potable water, water treatment chemicals must be in an aqueous solution. If the laboratory receives the original environmental sample as a solid or chemical material for SPLP or TCLP extraction, the laboratory must be certified for the SPLP or TCLP extraction in the Solid and Chemical Material matrix. For the analytical tests to be performed on the SPLP or TCLP extract, the laboratory must be certified in the non-potable water matrix for at least one method for each analytical technology/analyte combination for each reported analyte.

(c) Solid and Chemical Materials: includes soils, sediments, sludges, products and by-products of an industrial process that results in a matrix not previously defined. For purposes of accreditation, biosolids are considered a solid, unless the sample matrix comprises liquid biosolids as defined in Chapter 62-640, F.A.C. All other sample matrices not previously defined and comprising $\leq 15\%$ settleable solids are liquids, and may require laboratory certification for analysis using techniques for non-potable water or liquid chemical materials.

(d) Biological Tissue: any sample of a biological origin, such as fish tissue, shellfish, macroinvertebrates, algae, or plant material.

(19) through (20) No change.

~~(21) “New method” is a field procedure or analytical laboratory method that involves the collection or testing of samples for an analyte (such as a chemical compound, component, or microorganism) in a specified matrix where a Department approved method does not exist. Approved methods are recognized or specified by the Department according to Rules 62-160.210 and 62-160.320, F.A.C.~~

~~(21)(22) “Percent relative standard deviation (% RSD)” is a calculated measure of precision from results of replicate sample analyses. It is calculated as specified in DEP-QA-001/01 (January 2017 February 1, 2004), which is incorporated by reference in Rule 62-160.800, F.A.C.~~

(23) renumbered (22) No change.

~~(23)(24) “Practical quantitation limit (PQL)” is the lowest level of measurement that can be reliably achieved during routine laboratory operating conditions within specified limits of precision and accuracy. The value of the PQL shall be greater than the MDL value except when analytical quality control problems necessitate raising the MDL value equal to or above the PQL value for a specific sample, or when determination of the MDL is not appropriate for an analytical technique, as indicated below. A laboratory may determine and verify the PQL by any technically justifiable and scientifically sound method appropriate for the test, unless otherwise required by Department rule, contract, order, or permit.~~ For Departmental use, if a laboratory fails to report a PQL, the PQL shall be calculated as four times the MDL, except for those tests where determination of the MDL is not appropriate for the analytical technique (e.g., biochemical oxygen demand, chlorophyll or microbiological tests). In such cases, the Department shall use all available information about the technique to determine the PQL. For the purposes of data usability evaluation, the DEP-defined PQL is equivalent to the Limit of Quantitation (LOQ) as defined in the 2016 TNI Standards, EL-V1-2009-ISO, which are incorporated by reference in paragraph 62-160.800(3)(b), F.A.C.

(25) renumbered (24) No change.

~~(25)(26) “Quality assurance project plan (QAPP)” is a document required by the EPA for certain activities conducted for or funded by the EPA. The plan outlines the quality assurance criteria, as well as all protocols and quality control measures needed to meet the project data quality objectives. These plans are prepared in accordance with “EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5”, (EPA/240/B-01/003 March 2001), which is incorporated by reference in subsection 62-160.800(4), F.A.C.~~ These QAPPs are reviewed and approved by the appropriate EPA office or the Department, when delegated to the Department by EPA for specific activities ~~delegated authority.~~

(27) renumbered (26) No change.

~~(27)(28)~~ “Relative percent difference (RPD)” is a calculated measure used to compare results from duplicate sample analyses. It is calculated as specified in DEP-QA-001/01 (January 2017 ~~February 1, 2004~~), which is incorporated by reference in Rule 62-160.800, F.A.C.

~~(28)(29)~~ “Research method” is a field procedure or analytical laboratory method that involves the evaluation or use of a new, innovative technology, or as otherwise defined in Rule 62-160.600, F.A.C., and approved by the Department for research purposes.

~~(29)(30)~~ “Secondary Use Data” means data information submitted to the Department that are is being considered for use by the Department for purposes other than that for which the data were originally generated.

~~(31)~~ “Site specific sampling method” is a field method that is validated for the collection of environmental samples from a particular site, waste stream (e.g., facility location), or sample matrix (e.g., effluent, groundwater or drinking water). ~~A site specific sampling method is approved for use on a specific site by any field organization that is conducting field activities for that site. The approval of a site specific sampling method does not apply to a sampling organization that wishes to use the method on other sites or intended for other projects. The alternative procedure approval process is outlined in subparts FA 2100 and FA 2200 of FA 1000, which is incorporated by reference in subparagraph 62-160.800(1)(a)1., F.A.C.~~

(32) renumbered (30) No change.

~~(31)(33)~~ “Statewide-use method” is a modified or alternative field or laboratory procedure or method that is submitted to and approved by the Department analytical laboratory method that is validated for the collection or testing of environmental samples from similar sites or waste streams within the state of Florida by any multiple field sampling organizations or laboratory laboratories, as applicable, according to Rules 62-160.220 and 62-160.330, F.A.C. The criteria process for the validation and approval of a statewide-use method are further is outlined in subparts FA 2100 and FA 2200 of DEP SOP FA 1000, which is incorporated by reference in subparagraph 62-160.800(1)(a)1., F.A.C., and outlined in DEP-QA-001/01, which is incorporated by reference in subsection 62-160.800(5), F.A.C.

(34) renumbered (32) No change.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.120, Amended 3-24-96, 4-9-02, 6-8-04, 12-3-08, 7-30-14,_____.

PART II
FIELD PROCEDURES

62-160.210 Approved Field Procedures.

(1) through (2) No change.

(3) All persons that conduct or support activities for the determination of flow (discharge) in surface waters, including for purposes of computing water quantity, shall follow the applicable procedures and requirements in DEP SOP FT 1800, which is incorporated by reference in subparagraph 62-160.800(1)(a)27., F.A.C. The requirements of this subsection shall apply to those waters meeting the definition of “surface waters” in subsection 62-302.200(38), F.A.C., and the definition of “waters” in Section 403.031(13), F.S.

~~(4) (3)~~ Any person that wishes to apply for ~~new or~~ alternative or modified field procedures other than those specified in DEP-SOP-001/01 shall follow the requirements provided in Rule 62-160.220, F.A.C.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.210, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04, 12-3-08, 7-30-14,_____.

62-160.220 Approval of ~~New and Alternative and~~ Modified Field Procedures.

(1) Any person or entity party may apply for use of a field procedure in place of the approved procedures other than those specified in DEP-SOP-001/01 that is and DEP SOP 003/11, which are incorporated by reference in paragraphs 62-160.800(1)(a) and 62-160.800(1)(e), F.A.C., or in place of field procedures that are specified or required in other rules of the Department respectively. Any field procedure proposed for use in place of those specified not included in DEP-SOP-001/01 or specified or required in other rules of the Department and DEP SOP 003/11 must be approved by the Department prior to use, according to requirements as further described in this rule (Rule 62-160.220, F.A.C.) the requirements of subparts FA 2100 and FA 2200 of FA 1000, which are incorporated by reference in subparagraph 62-160.800(1)(a)1., F.A.C. Field procedures previously approved for use by a contract (including purchase requisitions), order, or permit issued by the Department shall remain approved while such documents remain in effect. In such cases, the for the duration of the project. The documentation that approved the use of the procedure must be retained for at least five years after expiration of the contract, order or permit. Modified or alternative field procedures previously approved by the Department shall remain approved, except as provided in

~~subsection 62-160.220(9), F.A.C. the last use of the procedure.~~

~~(2) Field procedures used in place of those specified not included in DEP-SOP-001/01 and DEP-SOP-003/11 or in place of field procedures not specified or required by Department rules, contracts (including purchase requisitions), orders, or permits, are designated by the Department as alternative field procedures, fall into one of the following two categories:~~

~~(a) New — a field procedure that involves the collection of an analyte (chemical compound, component, microorganism, etc.) in a specified matrix where a Department approved field procedure does not exist.~~

~~(b) Alternative — a field procedure that involves the collection of an analyte (such as a chemical compound, component, or microorganism) in a specified matrix where a Department approved procedure already exists. An alternative procedure is one intended to be used in place of an existing Department approved field procedure. Alternative field procedures cannot be approved for any of the following methods:~~

~~(a)1. The procedures in the following DEP SOPs FT 3000, including all parts and subparts therein, which are contained in DEP-SOP-001/01, which is incorporated by reference in paragraph 62-160.800(1)(a), F.A.C.; , including all parts and subparts of the DEP SOPs cited:~~

~~a. FS 7000, except that the Department shall consider proposed alternatives to sample preservation procedures in FS 7000, in accordance with subsection 62-160.220(1), F.A.C.; and~~

~~b. FT 3000.~~

~~(b)2. The procedures in the following DEP SOPs BRN 1000, LVI 1000 and SCI 1000, including all parts and subparts therein, which are contained in DEP-SOP-003/11, which is incorporated by reference in paragraph 62-160.800(1)(c), F.A.C.; and, including all parts and subparts of the DEP SOPs cited:~~

~~a. BRN 1000;~~

~~b. LVI 1000; and,~~

~~e. SCI 1000, except that the Department shall consider proposed alternatives to sample preservation procedures in SCI 1000, in accordance with subsection 62-160.220(1), F.A.C.~~

~~(c)3. The procedures for sampling, and the description of data quality objectives and criteria for data usability assessments for the Stream Condition Index (SCI), the Lake Vegetation Index (LVI), or a BioRecon Biorecon determination, as discussed in DEP-SAS-001/11, which is incorporated by reference in paragraph 62-160.800(2)(e), F.A.C., and the Lake Vegetation Index (LVI), as discussed in DEP-SAS-002/11, which is incorporated by reference in paragraph 62-160.800(2)(f), F.A.C.~~

(3) The Department defines a modification to a field procedure as any change that alters the scope, applicability, specifications, steps, performance criteria, or any other requirements described in the published procedure, and includes those changes described in subsection 62-160.220(4), F.A.C., below. A published procedure is a DEP SOP, a field procedure specified in another Department rule, and other procedures in the scientific or technical literature. Modifications to field procedures are approved by the Department according to the following:

(a) A modification to a procedure that is specifically allowed by instructions in the published procedure is pre-approved by the Department. Any constraints or limits to modifications specified in the original procedure, and any required performance criteria for allowed modifications specified in the procedure shall apply to all pre-approved modifications. The person or organization performing the modified field procedure shall retain all data and documentation demonstrating that the modification produces results that meet data quality objectives established by the Department for a specific use of data. These records shall be retained for at least five years after the last use of the modification for the specific sample(s) affected.

(b) Except for those modifications described in paragraph 62-160.220(3)(a), F.A.C., above, the Department shall determine whether any modifications to a DEP SOP or to a field procedure specified in any other Department rule, contract, order or permit constitute an alternative field procedure, as described in subsections 62-160.220(2), F.A.C. and 62-160.220(4), F.A.C.. The Department shall evaluate and approve or disapprove the request according to paragraph 62-160.220(4), F.A.C.

(c) The Department shall evaluate and approve or disapprove any modifications to published procedures not pre-approved in paragraph 62-160.220(3)(a), F.A.C., according to the criteria in subsection 62-160.220(4), F.A.C.

(d) The procedures in the DEP SOPs and supporting documents listed in paragraphs 62-160.220(2)(a)-(c), F.A.C., may not be modified, except where allowed according to paragraphs 62-160.220(3)(a) and 62-160.330(3)(a), F.A.C.

(4) A modified or alternative field procedure, as described in subsections 62-160.220(2) or 62-160.220(3), F.A.C., shall be evaluated and approved or disapproved by the Department according to the requirements in subparts FA 2100 and FA 2200 of DEP SOP FA 1000, which is incorporated by reference in subparagraph 62-160.800(1)(a)1., F.A.C. As further described in the DEP SOP subparts cited above, when evaluating or approving the proposed alternative field procedure, the Department shall consider the following factors and requirements for review of the proposed procedure:

(a) Whether procedural steps, use of equipment, use of

reagents, use of technology, or other elements of the field procedure that are proposed are different than those procedures required in the DEP SOPs or different than other procedures required by rules of the Department;

(b) Whether the use of the alternative or modified field procedure generates data that meet data quality objectives established by the Department for the data;

(c) Whether the alternative or modified field procedure is demonstrated to be equivalent to or exceeds the performance of the unmodified or replaced DEP SOP or other field procedure specified by a Department rule, contract, order or permit;

(d) Whether the Department cannot grant approval of the alternative or modified field procedure, because use of the alternative procedure will produce data that are unusable by the Department for a specified purpose, or, if the data will not be comparable to, or are otherwise incompatible for use with, existing data generated by other approved field procedures, or, if the data would be invalid according to any applicable requirements described in Rule 62-160.670, F.A.C., below; and,

(e) Whether the proposed procedures were developed by consensus or standardization organizations, such as ASTM International, the United States Environmental Protection Agency, or the United States Geological Survey, or developed by manufacturers or vendors from collaborative studies.

~~(3) A modification to an approved field procedure that is specifically allowed by the approved procedure is not considered an alternative or new procedure and does not require approval by the Department prior to use. However, the entity performing the modified procedure shall retain all data that demonstrate that the modification produces equivalent results when applied to the relevant sample matrix. These records shall be retained for at least five years after the last use of the modification.~~

~~(4) A new or alternative field procedure shall be evaluated based on its intended use. A new or alternative field procedure falls into one of two use categories:~~

~~(a) Site Specific Sampling Method—the field procedure is validated for a specified project. A site specific sampling method is approved for the project, and may be used by any organization designated to perform the procedure for the project.~~

~~(b) Statewide Use Sampling Method—the field procedure is collaboratively validated for the collection of environmental samples from similar sites, matrices, waste streams, etc. within the state of Florida by multiple parties.~~

~~(5) Research field collection procedures shall be submitted for review and approval according to the requirements provided in Rule 62-160.600, F.A.C. If a method is initially developed for research purposes but will~~

~~subsequently be used for compliance or other regulatory activities, the procedure(s) shall be submitted for review and approval according to subsections 62-160.220(1), (2), (4) and (6), F.A.C.~~

(5) Validation documentation shall be submitted to the Department for all proposed alternative field procedures and for all proposed modified field procedures not pre-approved by the Department. All submittals of information for alternative field procedures or modifications to published procedures shall at a minimum be evaluated according to the requirements in subsection 62-160.220(4), F.A.C., above.

(a) The Department's approval of the alternative field procedure or modified published procedure shall be limited to the specific scope and applications that have been identified and validated by the submitted documentation.

(b) The Department shall require documentation as necessary to demonstrate that the modified or alternative procedure produces results that are equivalent to or superior to the originally published procedure when applied to affected samples collected or tested for a specific use of the data generated by the procedure, except where the Department has determined that such performance comparison with the original procedure is not needed for the Department's data quality objectives.

~~(c)(6) Complete submittals of information supporting requests for a new or alternative field procedures or modifications to published procedures shall be approved if the Department determines that the circumstances for approving the alternative field procedure or modifications to a published procedure are justified, based on the technical merits of the procedure, the adequacy of demonstration or validation data and other supporting information, and the applicability of the alternative field procedure or modified procedure to specific environmental conditions or field or logistical limitations in the sampling designs, and that the requested modification would cause no loss in the ability of the requesting organization to evaluate data quality. In addition, any alternative field procedure or modified procedure must be demonstrated to meet or exceed the data quality objectives established for a specific field application or data use. This demonstration shall take into account specific conditions, such as type of field site, environmental conditions, facility location, specified permit(s), sample collection or field-testing matrix, type of waste stream, and the specific uses of data generated by use of the procedure, of the project.~~

(6) An alternative or modified field procedure shall be evaluated based on its intended use, and designated as either limited-use or statewide-use, if approved:

(a) For limited-use methods, the Department shall limit the approval of the modified or alternative field procedure solely for use by the person or organization submitting the

request based on the information and data provided to the Department in support of the request for approval. If the submitter is different than the person or organization that performed the validation, then the approval for limited use shall only apply to the person or organization that performed the validation.

(b) For statewide-use methods, the Department shall approve the modified or alternative field procedure for use by all persons and organizations based on the information and data provided to the Department in support of the request for approval. The Department shall require the design of a collaborative study conducted by two or more independent persons or organizations to investigate the efficacy of the proposed statewide-use alternative or modified field procedure for specified site or environmental conditions, sample types, or other specifications applicable to the scope of approval requested. An evaluation of the proposed procedure on multiple sites representing different environmental conditions shall also be required to demonstrate the applicability and efficacy of the procedure. The number of independent persons or organizations required to participate and the number of environmental test sites required for the study shall depend on the statistical robustness determined by the Department to be necessary for the study design, in collaboration with the requestor. Each application for statewide use will be considered on a case-by-case basis by the Department. Approval for statewide use does not guarantee applicability of the procedure for all potential uses.

(7) The approval or disapproval of any submitted ~~new or~~ alternative field procedure or modified published field procedure shall be noticed as follows:

(a) For ~~procedures that are submitted for site specific limited-use methods,~~ the Department shall issue an order of approval or disapproval of the ~~new or~~ alternative or modified field procedure to the person or organization who submitted the procedure ~~(including the Department)~~. Any additional administrative or scientific information pertinent to the approval or disapproval of the procedure shall be included or incorporated by reference in the order. ~~On the date of its issuance,~~ The order and the ~~new or~~ alternative or modified field procedure shall be posted on the Department's website ~~Internet site,~~ and provided to all persons enrolled to receive the Department's Quality of Science electronic newsletter. ~~eNewsletter shall be notified of the approval or disapproval of the submitted procedure via the designated listserve.~~

(b) For ~~procedures that are submitted for~~ statewide-use methods, the Department shall issue an order of approval or disapproval of the alternative or modified field procedure to the person or organization who submitted the procedure ~~(including the Department)~~. Any additional administrative or scientific information pertinent to the approval or disapproval

of the procedure shall be included or incorporated by reference in the order. A notice of the order approving or disapproving the procedure shall be published in the Florida Administrative Register Weekly. ~~For informational purposes only. On the date of its issuance,~~ the order and the ~~new or~~ alternative or modified field procedure shall be posted on the Department's website ~~Internet site,~~ and provided to all persons enrolled to receive the Department's Quality of Science electronic newsletter ~~eNewsletter shall be notified of the approval or disapproval of the submitted procedure via the designated listserve.~~

(c) Any person substantially affected by the approval or disapproval of a ~~limited-use~~ the new or alternative or modified field procedure may request an administrative hearing as provided in Chapter 120, F.S. Any person substantially affected by the approval or disapproval of a statewide-use alternative or modified field procedure may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of publishing the notice in the Florida Administrative Register, or within 21 days of receipt of the written notice, whichever occurs first, , within 21 days of the date of the order for site specific use and within 21 days of the date of publication of the order in the Florida Administrative Weekly for state wide use.

(8) Any ~~new or~~ alternative or modified field procedure approved for statewide use shall be incorporated into updates of the Department's field sampling procedures (DEP-SOP-001/01). ~~New or~~ Alternative or modified field procedures approved for limited use shall not be incorporated into DEP-SOP-001/01.

(9) ~~Approval of a~~ A field procedure ~~approved by the Department~~ shall be revoked by the Department ~~removed from approval~~ if new technical, scientific or regulatory information justifies its revocation ~~removal~~. The Department shall use the best scientific and technical information, methods and data in its possession in making the determination to revoke an approved ~~remove a procedure from approval~~.

(a) For a ~~new or~~ alternative field procedure that was approved for a limited ~~site specific~~ use, the Department shall issue an order revoking ~~recession of~~ approval of the ~~new or~~ alternative field procedure to the person or organization who submitted the procedure ~~(including the Department)~~. Any additional administrative or scientific information pertinent to the revocation ~~recession of~~ approval of the procedure shall be included or incorporated by reference in the order. ~~The~~ On the date of its issuance, the order of revocation shall be posted on the Department's ~~website~~ Internet site, and provided to all persons enrolled to receive the Department's Quality of Science electronic newsletter ~~eNewsletter shall be notified of the rescission of approval of the procedure via the designated listserve.~~ Any person substantially affected by the revocation

~~reversion~~ of approval of ~~a the new or alternative~~ limited-use field procedure may request an administrative hearing as provided in Chapter 120, F.S., ~~within 21 days of the order.~~

(b) For a ~~new or alternative~~ field procedure that was approved for statewide use, the Department shall issue an order ~~revoking of reversion of approval of the new or alternative~~ field procedure to the person or organization who submitted the procedure ~~(including the Department)~~. Any additional administrative or scientific information pertinent to the revocation ~~reversion~~ of approval of the procedure shall be included or incorporated by reference in the order. A notice of the order ~~revoking~~ rescinding approval of the procedure shall be published in the Florida Administrative Register. For informational purposes only, On the date of its issuance, the order shall also be posted on the Department's website Internet site, and provided to all persons enrolled to receive the Department's Quality of Science electronic newsletter eNewsletter shall be notified of the reversion of approval of the procedure via the designated listserve. Any person substantially affected by the revocation ~~reversion~~ of approval of a ~~statewide-use~~ the new or alternative field procedure may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of publishing the notice the publication of the order in the Florida Administrative Register, or within 21 days of receipt of the written notice, whichever occurs first.

(10) Research field procedures shall be submitted for review and approval according to the requirements in Rule 62-160.600, F.A.C. If a method is initially developed for research purposes but will subsequently be used for compliance or other regulatory activities, the procedure(s) shall be submitted for review and approval according to applicable requirements in Rule 62-160.220, F.A.C.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, Formerly 17-160.220, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04, 12-3-08, 7-30-14,_____.

PART III

LABORATORY CERTIFICATION AND PROCEDURES

62-160.300 Laboratory Certification.

(1) Except as provided in subsections 62-160.300(2), (3), (4) and (5), F.A.C., or other Title 62 rules, all laboratories generating environmental data for submission to the Department or for use in Department-regulated or Department-sponsored activities shall hold certification from the Florida Department of Health, Environmental Laboratory Certification Program (DOH ELCP). Such certification shall

be for all matrix/test method/analyte(s) combinations being measured. The matrix of a sample is defined to be the condition under which the laboratory originally receives the sample, and shall be classified according to the Field of Accreditation Matrix groups defined by subsection 62-160.120(18), F.A.C.

(a) through (b) No change.

(c) For the non-potable water matrix, laboratories shall apply for and receive DOH ELCP certification in at least one method for each analytical technology/analyte combination being measured. The Department will accept any of the combinations certified by the DOH ELCP, according to Rule 64E-1.102, F.A.C., dated 1-24-05.

1. No change.

2. Except as noted in sub-paragraph 62-160.300(1)(c)1., F.A.C., above, laboratories may report results by any method that is equivalent in technology to the method for which they hold certification, provided they are certified according to paragraph 62-160.300(1)(c), F.A.C. for the analyte that is reported. When laboratories report a method for which they do not hold certification, the laboratory shall document that all requirements of the reported method are met.

3. No change.

(d) No change.

(2) To the extent possible, a laboratory must be certified as specified in subsection 62-160.300(1), F.A.C., before reporting results for a given matrix/analytical technology or test method/analyte combination. However, if a laboratory makes a written request to the Department to use a method that is not certified, the Department will allow a laboratory to begin using a method before the certification process is complete if the following requirements are met, laboratory wishes to add an analyte to a matrix/analytical technology or test method combination that is already certified; or if the laboratory is certified for a specific matrix/analytical technology or test method/analyte combination and wishes to add the capability of analyzing samples using the same analytical technology or test method/analyte combination in a different matrix.

(a) through (b) No change.

(c) The laboratory shall notify the Department of the status of its certification application within 5 business days of receiving notification by DOH ELCP of the certification granted for the specific matrix/analytical technology or test method/analyte combination requested status.

(3) through (4) No change.

(5) Certification is not required for:

(a) through (d) No change.

(e) Methods approved for a specific site specific, limited-use purpose if such certification is specifically waived by the Department program for which the method will be used.

(f) No change.

(6) If the requirement for certification is only temporarily waived by the Department according to paragraph 62-160.300(5)(e), F.A.C., for expediency in order to meet specific Department project objectives, and the Department has determined that use of the tests for long-term compliance with Department rules is necessary and laboratory certification is required, the laboratory shall apply for certification for the relevant tests and matrices specified in the waiver; ~~if the Department has determined that use of the tests for long-term compliance with Department rules is necessary~~. In this case, the Department shall establish a deadline to apply for applying for the certification.

(7) Even if certification is not required (see subsections 62-160.300(3), (4) and (5), F.A.C.), laboratory organizations shall follow the relevant Department-approved methods as provided in Rule 62-160.320, F.A.C., if as applicable to the method(s) included in the waiver. ~~In addition, the laboratory shall operate a quality assurance program consistent with the quality systems requirements of the TNI Standards in EL V1-2009 ISO, which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C.~~

Rulemaking Authority 403.061, 403.0623, 403.0625, 403.863 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.803, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.300, Amended 3-24-96, 4-9-02, 6-8-04, 12-3-08, 7-30-14, _____.

62-160.330 Approval of ~~New and~~ Alternative and Modified Laboratory Methods.

(1) Any person may apply for use of a laboratory method in place of the approved methods other than those described in subsection 62-160.320(1), F.A.C. Any laboratory method proposed for use in place of those described in subsection 62-160.320(1), F.A.C., or in place of laboratory methods specified or required in other rules of the Department must be approved by the Department prior to use, as further required below. Laboratory methods that have been previously approved for use in a Department rule, contract, order, or permit shall remain approved while such documents remain in effect. In such cases, the documentation that approved the use of the method must be retained for at least five years after the last use of the method for the specific samples analyzed by the approved method. Laboratory methods, or approved by the Department to meet established data quality objectives according to subsection 62-160.320(1), F.A.C., and alternative or modified laboratory methods previously approved by the Department shall remain approved, except as provided in subsection 62-160.330(9), F.A.C. shall remain approved. The

~~documentation that approved the use of the method must be retained for at least five years after the last use of the method.~~

(2) Laboratory methods used in place of those specified or required in Department rules, contracts (including purchase requisitions), orders, or permits are designated by the Department as alternative laboratory methods. ~~All new and~~ Alternative laboratory methods that support a Department rule, contract, order, or permit ~~or Title 62 rule~~ must be approved by the Department prior to use. ~~These methods fall into one of two categories:~~

(a) ~~New—an analytical laboratory method that tests for an analyte (such as a chemical compound, component, or microorganism) in a specified matrix, and where a method has not been specified, recognized or approved by the Department according to subsection 62-160.320(1), F.A.C.~~

(b) ~~Alternative—an analytical laboratory method that tests for an analyte (such as a chemical compound, component, or microorganism) in a specified matrix, and is intended to be used in place of a method that has been specified, recognized or approved by the Department according to subsection 62-160.320(1), F.A.C.~~ Alternative laboratory methods cannot be approved for the following:

(a) ~~1-~~ Any method that the United States Environmental Protection Agency has designated for analysis of a “method-defined analyte”; ~~and~~

(b) ~~2-~~ The following methods from DEP-SOP-002/01 (January 2017), which is incorporated by reference in subparagraph 62-160.800(1)(b)3., F.A.C., including all subparts of the methods cited:

~~1.a-~~ Part LT 7300 of LT 7000, Lake Condition Index (LCI) Determination; and

~~2.b-~~ Part LT 7600 of LT 7000, Determination of Wetland Condition Indices; and ~~;~~

(c) ~~3-~~ The laboratory following methods described in the DEP SOPs BRN 1000 (January 2017), SCI 1000 (January 2017), and LVI 1000 (January 2017), including all applicable parts and subparts of the methods cited, which are contained in ~~from~~ DEP-SOP-003/11, which is incorporated by reference in paragraph 62-160.800(1)(c), F.A.C., ~~including all parts and subparts of the methods cited:~~

~~a-~~ BRN 1000;

~~b-~~ SCI 1000, ~~except that the Department shall consider proposed alternatives to sample preservation procedures in SCI 1000, in accordance with subsection 62-160.330(1), F.A.C.;~~

~~e-~~ LVI 1000.

(3) The Department defines a laboratory method modification as any change ~~A method modification is any modification~~ to a published analytical laboratory method that alters changes the scope and applicability, specifications, procedures, steps, performance criteria, or any other

requirements ~~described contained~~ in the published method, as applicable to the analytes and matrices for which the method was originally published. A published method is any analytical laboratory method specified, recognized or approved by the Department according to subsection 62-160.320(1), F.A.C., or other procedures otherwise available to the public in the scientific journals or other technical literature.

(a) ~~A modified method must satisfy the data quality objectives established by the Department project, permit, rule, contract, order, or data use for which the modified method will be performed; and the laboratory shall retain all data that demonstrate that the modification meets the Department's data quality objectives used.~~ Additionally, validation of the modified method shall demonstrate that the modified method produces equivalent or superior analytical performance, as compared to the unmodified method, ~~when where~~ applicable to the analyte and matrix for which the modified method will be used, ~~except when the Department has determined that such performance comparison with the original method is not needed for the Department's data quality objectives.~~ These demonstration records shall be retained for at least five years after the last use of the modification for the specific laboratory sample(s) analyzed by the modified method. The Department's approval of the modified method shall be limited to the specific method scope and modifications validated by the laboratory.

(b) ~~(a) Upon review of any request to use a modified method, the Department shall determine whether the proposed modified method constitutes an is a new method or alternative method; according to subsection subparagraph 62-160.330(2)(a) or 62-160.330(2)(b), F.A.C. All proposals to use modified methods as new methods or alternative methods shall include the submittal of method validation documentation to the Department according to the requirements in subsection 62-160.330(4), F.A.C. Modified methods that are not determined to be new or alternative methods do not require submittal of method validation documentation, as indicated in paragraph (b) below.~~

(c) ~~Methods listed in subparagraphs 62-160.330(2)(a) – 62-160.330(2)(c) 62-160.330(2)(b)1. – 62-160.330(2)(b)3., F.A.C., shall may not be modified.~~

(d) ~~(b) Except as indicated in paragraph (c) below, When method modifications are specifically allowed as indicated in subparagraphs 62-160.330(3)(d)1. – 62-160.330(3)(d)3., F.A.C., below, by the published method and do not require submittal of method validation documentation to the Department prior to use is not required, and such modifications are pre-approved by the Department. When laboratory certification is required according to Rule 62-160.300, F.A.C., applicable requirements for method validation, and applicable initial and ongoing demonstrations~~

~~of capability for use of the modified method shall be performed as required in the applicable testing module of the 2016 TNI Standard, which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C. In addition, all applicable requirements for the use of non-standard methods, such as validation of methods, as discussed in Module 2 of the 2016 TNI Standard, shall be met for the use of any modified methods requiring laboratory certification. However, the laboratory shall retain all data that demonstrate that the modification meets the Department's data quality objectives established for the Department project for which the method will be used, and Department approval is limited to the specific method scope and modifications validated by the laboratory. In addition, the laboratory shall document initial and ongoing performance of the method modification, where such demonstration is required by the original, unmodified published method, and, as otherwise required in the testing module of the TNI Standard EL-V1-2009-ISO, which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C., that is applicable to the method, when laboratory certification is required according to Rule 62-160.300, F.A.C. All method validation records shall be retained for at least five years after the last use of the modification.~~

1. Modifications specifically allowed according to descriptions or discussions in the original, unmodified method are pre-approved by the Department. Any constraints or limits to modifications specified in the original method and any required performance criteria for allowed modifications specified in the method shall apply to all pre-approved modifications.

2. 1. Except as indicated in subparagraph 62-160.330(2)(b)1., F.A.C., Allowable modifications described by the Environmental Protection Agency (EPA) at 40 CFR, Part 136.6, which is incorporated by reference in subsection 62-160.800(10), F.A.C., apply are applicable to the methods listed at 40 CFR, Part 136.3, which is incorporated by reference in subsection 62-160.800(7), F.A.C., and are pre-approved by the Department. In accordance with 40 CFR, Part 136.6, a facility shall notify the Department's permit processor of any specific use of a modified method for analysis of compliance samples associated with a permitted facility.

a. The Department shall consider all interpretations of 40 CFR Part 136.6 as published by the EPA on its webpages or in applicable EPA memoranda when responding to requests from any person for assistance in clarifying whether a modification to a method listed at 40 CFR, Part 136.3 is allowed. When Where such a determination is uncertain or controversial, the Department shall refer the request to the EPA Region 4 Regional Administrator for determination. However, this determination shall not supersede any requirements in

Department rules, contracts, orders, or permits to use specific methods.

b. Allowable modifications described in 40 CFR, Part 136.6 shall apply to other approved methods that are not listed in 40 CFR, Part 136.3, and shall be considered for pre-approval by the Department upon request. The Department shall consider the applicability of allowable modifications as described in 40 CFR, Part 136.6 to other methods according to sub-subparagraph 62-160.330(3)(d)2.a., F.A.C., above. If the Department determines that the requested modifications meet Department data quality objectives according to 40 CFR Part 136.6 requirements for the specific use(s) of the method requested and are pre-approved, then the submission of method validation documentation to the Department is not required.

3.2. Except as indicated in subparagraph 62-160.330(2)(b)1., F.A.C., the Department has determined that methods published by the Environmental Protection Agency (EPA) in as the collection entitled "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)" may be modified, to achieve Department data quality objectives, when such modifications are made according to the information and requirements for implementing flexibility in the use of SW-846 methods, alternative methods, or modified methods modifications, as discussed in Chapter Two, Section 2.1, in SW-846, which is incorporated by reference in subsection 62-160.800(13), F.A.C. However, this determination shall not supersede any requirements in Department rules, contracts, orders, or permits to use specific methods.

a. Allowable modifications as discussed in Chapter Two, Section 2.1, in SW-846, shall apply to other approved methods that are not included in the SW-846 collection, and shall be considered for pre-approval by the Department upon request. The Department shall consider the applicability of allowable modifications to other methods according to the information and requirements for implementing flexibility in the use of alternative or modified methods, as discussed in Chapter Two, Section 2.1 of SW-846. If the Department determines that the requested modifications meet Department data quality objectives according to the requirements in Chapter Two, Section 2.1 of SW-846 for the specific use(s) of the method requested and are pre-approved, then the submission of method validation documentation to the Department is not required.

b. The provisions for use of modified methods in sub-subparagraph 62-160.330(3)(d)3.a., F.A.C., above shall not supersede requirements in subparagraph 62-160.330(3)(d)2., F.A.C., above.

(c) If the modified method will be used as an alternative method as described in subsection 62-160.320(2), F.A.C., the

method validation shall demonstrate that the modified method produces equivalent or superior analytical performance in meeting the data quality objectives established for the Department project, as compared to the method for which it is proposed as an alternative. Validation documentation shall be submitted to the Department according to subsection 62-160.330(4), F.A.C.

(4) Validation documentation shall be submitted to the Department for all proposed alternative methods and for all proposed modified methods not pre-approved by the Department.

(a) Validation information must demonstrate that the alternative or modified method produces equivalent or superior analytical performance in meeting the data quality objectives established for the Department project or specified data use, as compared to the original, unmodified method or to the method for which it is proposed as an alternative, except where the Department has determined that such performance comparison with the original or replaced method is not needed for the Department's data quality objectives.

(b) When validation documentation must be submitted to the Department, New and alternative laboratory methods and modifications to published laboratory methods shall be demonstrated as appropriate for use according to the requirements in DEP-QA-001/01, which is incorporated by reference in subsection 62-160.800(5), F.A.C., unless otherwise specified in a Department contract, order, permit or Title 62 rule. Alternative and modified methods shall be evaluated according to criteria for demonstrations of initial and ongoing performance as required by the original unmodified method or published alternative method. When laboratory certification is required according to Rule 62-160.300, F.A.C., applicable requirements for method validation and applicable initial and ongoing demonstrations of capability shall be performed as required in the applicable testing module of the 2016 TNI Standard, which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C. In addition, all applicable requirements for the use of non-standard methods, such as validation of methods, as discussed in Module 2 of the 2016 TNI Standard, shall be met for the use of any alternative or modified methods, requiring laboratory certification. Where applicable, any additional demonstrations of initial and ongoing performance shall also be evaluated and documented for the new or alternative method, where such demonstration is required by an original, published method, including a published method that has been modified, and, as otherwise required in the testing module of the TNI Standard EL-V1-2009-ISO, which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C., that is applicable to the method, when laboratory certification is required according to Rule 62-160.300, F.A.C. Except as

~~indicated in paragraph 62-160.330(2)(b), F.A.C., method validation documentation shall be submitted to the Department for review and approval.~~

~~(5) When evaluating or approving a proposed alternative or modified laboratory method, the Department shall consider the following factors and requirements for review of the proposed method, in addition to those factors and requirements described in DEP-QA-001/01:~~

~~(a) Whether procedural steps, use of equipment, use of reagents, use of technology, or other elements of the laboratory method that are proposed are different than those required in the approved laboratory method, as described in subsection 62-160.320(1), F.A.C.;~~

~~(b) Whether the use of the alternative or modified laboratory method generates data that meet data quality objectives established by the Department for the data;~~

~~(c) Whether the alternative or modified laboratory method is demonstrated to be equivalent to or exceeds the performance of the approved laboratory method that the proposed method or modification is intended to replace, except where the Department has determined that such performance comparison with the original method is not needed for the Department's data quality objectives;~~

~~(d) Whether the Department cannot grant approval of the alternative or modified method, because use of the proposed method will produce data that are unusable by the Department for a specified purpose, or, if the data will not be comparable to, or are otherwise incompatible for use with existing data generated by other approved laboratory methods, or, if the data would be invalid according to any applicable requirements described in Rule 62-160.670, F.A.C., below; and,~~

~~(e) Whether the laboratory methods were developed by consensus or standardization organizations, such as AOAC International, ASTM International, the United States Environmental Protection Agency, or the United States Geological Survey, or developed by manufacturers or vendors using collaborative interlaboratory studies.~~

~~(6) The submitted method validation documentation for ~~an a new or~~ alternative laboratory method ~~or modification of a published method~~ shall be evaluated ~~by the Department~~ based on its intended use, and designated as either limited-use or statewide-use, if approved:~~

~~(a) For limited-use methods, the Department shall limit the approval of the alternative or modified laboratory method solely for use by the person or organization submitting the request, based on the information and data provided to the Department in support of the request for proposed method approval. A limited-use method is validated by a single laboratory and shall only be used by that laboratory at that location or branch. If the submitter is different than the~~

~~laboratory that performed the method validation, then the approval for limited use shall only apply to the performing laboratory. Typically, the limited-use method is intended only for testing environmental samples from a particular site, waste stream, facility location, or sample matrix (such as effluent, surface water, groundwater, drinking water, or soil). However, the Department shall approve the proposed limited-use method for any scope that is proposed with the request for approval if the scope of use has been validated by the supporting information submitted with the request, according to all applicable requirements of this rule (Rule 62-160.330, F.A.C.).~~

~~(a) Limited Use Method — the laboratory method is intended only for testing environmental samples from a particular site, waste stream (e.g., facility location) or sample matrix (e.g., effluent, groundwater or drinking water). A limited-use method is validated by a single laboratory and shall only be used by that laboratory.~~

~~(b) For statewide-use methods, the Department shall evaluate and approve the alternative or modified laboratory method for use by laboratories based on the information and data provided to the Department in support of the request for the alternative or modified method approval. Each application for statewide use will be considered on a case-by-case basis by the Department. Approval for statewide use does not guarantee applicability of the procedure for all potential uses. The Department shall require the design of a collaborative study conducted by multiple independent laboratories to investigate the efficacy and robustness of the proposed statewide-use alternative or modified method for specified site or environmental conditions, sample types, sample matrices, waste streams, analytes, or other specifications applicable to the scope of approval requested, according to the following:~~

~~1. An inter-laboratory collaborative study following the specifications in Appendix D, Official Methods of Analysis of the AOAC INTERNATIONAL, 19th edition (2012), which is incorporated by reference in subsection 62-160.800(13), F.A.C.; or,~~

~~2. Alternatively, an inter-laboratory collaborative study that is developed and validated based on procedures published by a nationally recognized, consensus-based standards organization (for example, ASTM International).~~

~~3. Further description and specifications for these studies are provided in DEP-QA-001/01, which is incorporated by reference in subsection 62-160.800(5), F.A.C.~~

~~(b) Statewide Use Method — the laboratory method is intended for testing environmental samples from similar matrices, sites or waste streams within the state of Florida by multiple laboratories. For a statewide method, the Department requires an interlaboratory collaborative study following the specifications in Appendix D, Official Methods of Analysis of~~

~~the AOAC INTERNATIONAL, which is incorporated by reference in subsection 62-160.800(14), F.A.C. Alternatively, an interlaboratory collaborative study that is designed based on procedures published by a nationally recognized consensus based standards organization (e.g., ASTM International) may be used. Specifications for these studies are provided in DEP QA 001/01, which is incorporated by reference in subsection 62-160.800(5), F.A.C.~~

~~(7)(5) Research methods shall be submitted for review and approval according to the requirements provided in Rule 62-160.600, F.A.C. If a method is initially developed for research purposes but will subsequently be used for compliance or other regulatory activities, the method shall be submitted for review and approval according to requirements of Rule subsections 62-160.330(1), (2) and (4), F.A.C.~~

~~(8)(6) The approval or disapproval of any submitted new or alternative or modified laboratory method shall be noticed as follows:~~

~~(a) For limited-use methods that are submitted for limited use, the Department shall issue an order of approval or disapproval of the new or alternative or modified laboratory method to the person who submitted the method (including the Department). Any additional administrative or scientific information pertinent to the approval or disapproval of the method shall be included or incorporated by reference in the order. The On the date of its issuance, the order and the new or alternative or modified laboratory method shall also be posted on the Department's website Internet site, and provided to all persons enrolled to receive the Department's Quality of Science electronic newsletter eNewsletter shall be notified of the approval or disapproval of the submitted method via the designated listserve.~~

~~(b) For statewide-use methods that are submitted for statewide use, the Department shall issue an order of approval or disapproval of the alternative or modified laboratory method to the person who submitted the method (including the Department). Any additional administrative or scientific information pertinent to the approval or disapproval of the method shall be included or incorporated by reference in the order. A notice of the order approving or disapproving the method shall be published in the Florida Administrative Register. For informational purposes only, On the date of its issuance, the order and the new or alternative or modified laboratory method shall also be posted on the Department's website Internet site, and provided to all persons enrolled to receive the Department's Quality of Science electronic newsletter eNewsletter shall be notified of the approval or disapproval of the submitted method via the designated listserve.~~

~~(c) Any person substantially affected party by the approval or disapproval of a limited-use method may request~~

~~an administrative hearing as provided in Chapter 120, F.S. Any person substantially affected by the approval or disapproval of a statewide-use method may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of publishing the notice in the Florida Administrative Register, or within 21 days of receipt of the written notice, whichever occurs first, within 21 days of the date of the order for limited use or within 21 days of the date of publication of the order in the Florida Administrative Weekly for state wide use.~~

~~(9)(7) For requests for the approval of proposed alternative or modified laboratory methods, a Applicants who are analyzing discharges regulated under the National Pollutant Discharge Elimination System (NPDES) permit program system shall comply with applicable regulations in 40 CFR Part 136 sections 136.4, 136.5 and 136.6, which are incorporated by reference in subsections 62-160.800(7)(8) – (9)(10), F.A.C., respectively. Applicants shall submit the application to the Department, which shall forward the application to the United States Environmental Protection Agency Administrator of Region 4 for review and approval. The determination for approval or rejection shall be made by the United States Environmental Protection Agency. If requested by the applicant, the Department shall assist the applicant in determining whether an application for approval is required for modifications to methods listed at 40 CFR, Part 136.3, according to sub-subparagraph 62-160.330(3)(d)2.a., 62-160.330(2)(b)1., F.A.C.~~

~~(10)(8) For requests for the approval of proposed alternative or modified laboratory methods, a Applicants who are analyzing compliance samples under the Safe Drinking Water Act shall comply with the applicable provisions in 40 CFR Part 141, section 141.27, which is incorporated by reference in subsection 62-160.800(11), F.A.C., and Rule 62-550.550, F.A.C. Use of an alternative analytical technique requires written permission from the Department and United States Environmental Protection Agency.~~

~~(11)(9) Except for methods promulgated by the United States Environmental Protection Agency in the Federal Register, approval of a new or alternative laboratory method approved by the Department shall be revoked by the Department removed from approval if new technical, scientific or regulatory information justifies its revocation removal. The Department shall use the best scientific and technical information, methods and data in its possession in making the determination to revoke an approved remove a laboratory method from approval.~~

~~(a) For a new or alternative laboratory method that was approved for limited use, the Department shall issue an order revoking of rescission of approval of the new or alternative laboratory method to the person who submitted the method~~

~~(including the Department)~~. Any additional administrative or scientific information pertinent to the ~~revocation~~ ~~recession~~ of approval of the method shall be included or incorporated by reference in the order. ~~The~~ ~~On the date of its issuance,~~ the order shall be posted on the Department's ~~website~~ ~~Internet site~~, and ~~provided to~~ all persons enrolled to receive the Department's Quality of Science ~~electronic newsletter~~ ~~eNewsletter~~ shall be notified of the ~~recession~~ of approval of the ~~method~~ ~~via the designated listserve~~. Any person substantially affected by the ~~revocation~~ ~~recession~~ of approval of the ~~limited-use~~ ~~new or alternative~~ laboratory method may request an administrative hearing as provided in Chapter 120, F.S., ~~within 21 days of the order~~.

(b) For a ~~new or alternative~~ laboratory method that was approved for statewide use, the Department shall issue an order ~~revoking~~ ~~of recession~~ of approval of the ~~new or alternative~~ laboratory method to the person who submitted the method ~~(including the Department)~~. Any additional administrative or scientific information pertinent to the ~~revocation~~ ~~recession~~ of approval of the method shall be included or incorporated by reference in the order. A notice of the order ~~revoking~~ ~~receding~~ approval of the method shall be published in the Florida Administrative Register. ~~For informational purposes only,~~ ~~On the date of its issuance,~~ the order shall ~~also~~ be posted on the Department's ~~website~~ ~~Internet site~~, and ~~provided to~~ all persons enrolled to receive the Department's Quality of Science ~~electronic newsletter~~ ~~eNewsletter~~ shall be notified of the ~~recession~~ of approval of the ~~method~~ ~~via the designated listserve~~. Any person substantially affected by the ~~revocation~~ ~~recession~~ of approval of the ~~statewide-use~~ ~~new or alternative~~ laboratory method may request an administrative hearing as provided in Chapter 120, F.S., ~~within 21 days of publishing the notice~~ ~~the date of publication of the order~~ in the Florida Administrative Register, ~~or within 21 days of receipt of the written notice, whichever occurs first~~.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 4-9-02, Amended 6-8-04, 12-3-08, 7-30-14,_____.

62-160.340 Record Keeping and Reporting Requirements for Laboratory Procedures.

(1) No change.

(2) When requested by the Department, the laboratory shall provide ~~the Department any applicable~~ records or copies of the records ~~needed to reconstruct analyses, such as to the Department. These records shall include, but are not limited to:~~

- (a) Laboratory and project information including:
 - 1. through 5. No change.
 - 6. Sample matrix (e.g., groundwater, effluent, waste, soil; etc.);
 - 7. through 8. No change.
- (b) through (c) No change.
- (d) Laboratory quality control information, ~~such as including:~~
 - 1. through 2. No change.
 - 3. Information pertaining to replicate sample analysis including an unambiguous designation of the replicate sample (e.g., sample duplicate, sample matrix spike duplicate, ~~or laboratory control spike duplicate, etc.~~); result of laboratory replicate analysis; replicate precision expressed in terms required by the reported method or as Relative Percent Difference or Percent Relative Standard Deviation (defined in DEP-QA-001/01 (~~January 2017~~ ~~February 1, 2004~~)); and acceptance limits for controlling replicate precision (in-house control limits used by the data generator when control limits are not specified by the reported method or data quality objectives identified by the Department).
 - (e) through (g) No change.
 - (h) For toxicity (bioassay) testing:
 - 1. through 5. No change.
 - 6. Control data (e.g., mortality/weight/reproduction, ~~etc.~~) as appropriate to test type;
 - 7. through 8. No change.
 - 9. Physical and chemical measures that are associated with the test (e.g., pH, temperature, dissolved oxygen, ~~etc.~~).
 - (i) through (l) No change.
 - (m) All documentation for ~~alternative and~~ modified, ~~new and alternative~~ methods, as required in Rule 62-160.330, F.A.C.; and
 - (n) No change.
- (3) Except as noted in subsection (4) below, a laboratory shall generate an analytical report that meets the requirements of the DOH ELCP, as specified in Rule 64E-1.005, F.A.C., dated 1-24-05, and the 2016 TNI Standards (~~EL V1-2009-ISO~~), which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C. The report shall contain all applicable reporting elements specified in and shall otherwise comply with requirements specified in Sections 5.10 through 5.10.11 of Module 2 of the 2016 TNI Standards (~~General~~ General Quality Systems General Requirements) ~~in EL V1-2009-ISO~~, and shall use the applicable qualifiers as defined in Table 1: Data Qualifier Codes (Rule 62-160.700, F.A.C.). In addition to the stated requirements, laboratories shall ensure that the following requirements are met or reported:
 - (a) through (b) No change.
 - (c) For tests that do not require a method detection limit study (e.g., biochemical oxygen demand, chlorophyll or

microbiological tests), values below the reporting limit attributed to the test shall be reported as the reporting limit value followed by the code “U₂”:

(d) through (e) No change.

(4) Laboratories that are operated by a facility and whose sole function is to provide data to the facility management for compliance purposes (i.e., in-house or captive laboratories as described in section 5.10.10 of Module 2 of the 2016 TNI Standard EL-V1-2009-ISO, Module 2 (General Quality Systems General Requirements), which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C., shall meet the requirements specified in that standard.

(5) No change.

(6) Once issued, a laboratory report is considered final and shall not be amended. Amendments or corrections to a final laboratory report shall be made in accordance with the requirements of section 5.10.9 of Module 2 of the 2016 TNI Standard EL-V1-2009-ISO, Module 2 (General Quality Systems General Requirements), which is incorporated by reference in paragraph 62-160.800(3)(b), F.A.C.

(7) through (8) No change.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 4-9-02, Amended 6-8-04, 12-3-08, 7-30-14,_____.

62-160.400 Sample Preservation and Holding Times.

(1) Except as noted in subsection (2) below, or as otherwise provided for in the rules of a specific Department program, sample preservation methods, container types and holding times shall follow those requirements specified in DEP-SOP-001/01 (January 2017 March 31, 2008), part section FS 1006 in FS 1000, which is incorporated by reference in Rule 62-160.800, F.A.C.

(2) Sample preservation procedures, container material and maximum allowable holding times for analytes not specified in DEP-SOP-001/01 (January 2017 March 31, 2008) shall follow the preservation, container and holding time requirements specified in the selected analytical method. If no method-specified requirements exist, the best available scientific knowledge shall be used as guidance for determining the appropriate procedures for use.

(3) Requests for approval of alternative or modified sample preservation methods, container types, or holding times shall be submitted to the Department and shall be reviewed and approved or disapproved by the Department according to requirements in Rules 62-160.220 and 62-160.330, F.A.C., for the affected field procedures and laboratory methods. Requests for approval of alternative or

modified field procedures for sample preservation, container types, or holding times shall also meet the requirements of subsections 62-160.330(9) and (10), F.A.C., if applicable to the use of the specific sample test results.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, Formerly 17-160.400, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04, 12-3-08,_____.

PART IV
MISCELLANEOUS

62-160.600 Research Field and Laboratory Procedures.

(1) Research field sampling and laboratory procedures involve one or more of the following:

(a) through (b) No change.

(c) Evaluation of new methodology or technology to be used in lieu of a Department-approved method described in subsection 62-160.320(1), F.A.C.; and

(d) No change.

(2) No change.

(3) All research field sampling and laboratory procedures shall be described in a Department-approved work or study plan or in direct contract language. The following minimum elements shall be addressed, as applicable:

(a) Project purpose and intended end use of the data, such as including specific hypotheses and topics to be investigated;

(b) through (d) No change.

(e) The information and records to be included in the data report package and the reporting format for hard copy and electronic reports, such as all documentation to be delivered to the Department as work product as required by a grant or contract. Minimum requirements for record keeping shall follow those specified in Rules 62-160.240 and 62-160.340, F.A.C., as applicable;

(f) Identification of any specialized training or certification needed by personnel in order to successfully complete the project or task. This requirement includes specifying any laboratory certification requirements as provided in Rule 62-160.300, F.A.C. However, the Department project manager may waive the requirement for laboratory certification as provided in paragraph 62-160.300(5)(e), F.A.C. Regardless of a waiver of certification requirement, laboratories conducting work for a research projects shall operate a quality assurance program consistent with the quality systems standards of The NELAC Institute (TNI Standard EL-V1-2009-ISO, which are incorporated by reference in paragraph 62-160.800(3)(b), F.A.C. The

~~Department shall assist the researcher in determining which specific TNI standards are relevant to the research project.~~

(g) All aspects of data generation and acquisition to ensure appropriate methods for sampling, sample preservation, sample storage conditions and maximum holding (storage) time limits, measurement and analysis, data collection or generation, data handling and data storage procedures, and quality assurance and quality control activities are employed and documented;

(h) The experimental data generation or data collection design for the project, ~~such as including as appropriate:~~

1. through 2. No change.
3. Sample matrices, sampling locations, and sampling frequencies or schedules;
4. Field or laboratory sample testing or analyses frequencies or schedules ~~Sample matrices;~~
5. Topics to be investigated by the research, such as analytes, organisms, and populations of interest;
6. Rationale for the experimental or research project design;
7. Procedures for collecting samples, ~~such as including~~ sample handling, preservation and custody in the field and laboratory, sample and transport, ~~and~~ sampling equipment specifications, and equipment decontamination procedures;
8. Sample preparation (if applicable); and field or laboratory testing and analytical methods used;
9. Quality control activities needed for sampling and analysis, such as all quality control measurements, control (acceptance) criteria, and procedures for the assessment of the quality control results; ~~and, quality~~ Quality control activities for the field and the laboratory, ~~such as include, but are not limited to,~~ the use of blanks, duplicates, replicates, matrix spikes, laboratory control samples and surrogates;
- 10 through 11. No change.
12. Proposed methods to analyze the data to evaluate the experimental or research design and determine possible anomalies or departures from assumptions established in the planning phase of data collection that may affect attainment of the research objectives; ~~and~~

13. Statistical and/or other procedures and criteria that will be used to evaluate the experimental data produced by the research to test hypotheses and evaluate endpoints, conclusions or other topics for the research project objectives; and

~~14.13.~~ Any additional elements specifically required by the Department project manager.

(4) No change.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704,

403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, Formerly 17-160.600, Amended 3-24-96, 10-15-96, 4-9-02, 7-30-14,_____.

62-160.650 Field and Laboratory Audits.

(1) The Department and agencies or individuals with delegated authority from the Department shall conduct ~~periodic~~ audits of field and laboratory procedures and/or records to determine if approved protocols are being followed as required and to ensure data are being generated in compliance with the requirements of this chapter.

(2) through (7) No change.

(8) The requirements in subsections 62-160.650(4) through 62-160.650(7), F.A.C., shall not apply to field proficiency audits of organizations or persons conducting field bioassessment procedures according to DEP SOPs BRN 1000, LVI 1000, ~~or~~ SCI 1000, subpart FS 7460 in FS 7000, or FT 3000, which are incorporated by reference in subparagraphs 62-160.800(1)(c)1.-3., 62-160.800(1)(a)16., and 62-160.800(1)(a)30., F.A.C., respectively. However, subsections 62-160.650(4) through 62-160.650(7), F.A.C., shall apply to audits of laboratory macroinvertebrate taxonomy procedures and documentation.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Formerly 17-160.650, Amended 3-24-96, 4-9-02, 12-3-08, 7-30-14,_____.

62-160.670 Data Validation by the Department.

(1) through (2) No change.

(3) In addition to subsection (2) above, the Department shall also evaluate data according to the following:

(a) ~~The~~ procedures outlined in the Department's document "Department of Environmental Protection Process for Assessing Data Usability (DEP-EA-001/07)," dated March 31, 2008, which is incorporated by reference in Rule 62-160.800, F.A.C.

(b) The description of data quality objectives and criteria for data usability assessments for the Stream Condition Index (SCI) or a BioRecon determination, as discussed in DEP-SAS-001/11, which is incorporated by reference in paragraph 62-160.800(2)(e), F.A.C., and the Lake Vegetation Index (LVI), as discussed in DEP-SAS-002/11, which is incorporated by reference in paragraph 62-160.800(2)(f), F.A.C.

(4) No change.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623,

403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.670, Amended 3-24-96, 4-9-02, 12-3-08, _____.

62-160.700 Tables.

The following table ~~has~~ been referenced in this chapter and is identified by this Title:

Table 1: Data Qualifier Codes.

Table 1

DATA QUALIFIER CODES

The following codes shall be used by laboratories and/or field organizations when reporting sample data values that either meet the specified descriptions outlined below or do not meet the applicable quality control criteria specified for the laboratory or field result. Data qualifier codes listed in summary reports or other presentations comprising information that has been reformatted from original reports generated by field or laboratory organizations or individuals shall meet the requirements of subsections 62-160.240(4) and 62-160.340(7), F.A.C. Data qualifier codes added to sample results during data review procedures conducted by organizations or individuals other than the generators of original reports shall meet the requirements of subsections 62-160.240(5) and 62-160.340(8), F.A.C.

CODE	DEFINITION
A	Value reported is the arithmetic mean (average) of two or more determinations. This code shall be used if the reported value is the average of results for two or more discrete and separate samples. These samples shall have been processed and analyzed independently. Do not use this code if the data are the result of replicate analysis on the same sample aliquot, extract or digestate (for example, for Stream Condition Index, biochemical oxygen demand or bacteriological analyses, or instrumental analyses such as Inductively Coupled Plasma).
B	Results based upon colony counts outside the acceptable range. This code applies to microbiological tests and specifically to membrane filter colony counts. The code is to be used if the colony count is generated from a plate in which the total number of coliform colonies is outside the method indicated ideal range. This code is not to be used if a 100 mL sample has been filtered and the colony count is less than the lower

	value of the ideal range.
F	When reporting species: F indicates the female sex.
H	Value based on field kit determination; results may not be accurate. This code shall be used if a field screening test (e.g., field gas chromatograph data, immunoassay, or vendor-supplied field kit) was used to generate the value and the field kit or method has not been recognized by the Department as equivalent to laboratory methods.
I	The reported value is greater than or equal to the laboratory method detection limit but less than the laboratory practical quantitation limit.
J	Estimated value. A “J” – qualified sample value shall be accompanied by a detailed explanation to justify the reason(s) for designating the value as estimated. Where possible, the organization shall report whether the actual sample value is estimated to be less than or greater than the reported value, to assist data users in any evaluation of the usability of the sample value. A “J” data qualifier code shall not be used as a substitute for G, K, L, M, S, T, V, or Y _{2,5} ; however, if additional reasons exist for identifying the value as an estimate (e.g., laboratory control spike or matrix spiked failed to meet acceptance criteria), the “J” code may be added to a G, K, L, M, T, U, V, or Y qualifier. <u>The following are examples of when</u> Examples of situations in which a “J” code must be reported include: instances where a quality control item associated with the reported value failed to meet the established quality control criteria (the specific failure must be identified); instances when the sample matrix interfered with the ability to make any accurate determination; instances when data are questionable because of improper laboratory or field protocols (e.g., composite sample was collected instead of a grab sample); instances when the analyte was detected at or above the method detection limit in an analytical laboratory blank other than the method blank (such as a calibration blank) and, the blank value is greater than 10% of

	the associated sample value; or, instances when the field or laboratory calibrations or calibration verifications did not meet calibration acceptance criteria, including quantitative or chronological bracketing requirements for field testing data.
K	Off-scale low. Actual value is known to be less than the value given. This code shall not be used for microbiological tests or for biochemical oxygen demand. This code shall not be used for field-testing measurements where quantitative bracketing is required. This code shall <u>only</u> be used for those tests using a calibration curve if: 1. The value is less than the lowest calibration standard and the calibration curve is known to be non-linear; or 2. The value is known to be less than the reported value based on sample size, dilution. This code shall not be used to report values that are less than the laboratory practical quantitation limit or laboratory method detection limit.
L	Off-scale high. Actual value is known to be greater than value given. This code shall not be used for microbiological tests or biochemical oxygen demand. This code shall not be used for field-testing measurements where quantitative bracketing is required. To be used when the concentration of the analyte is above the acceptable level for quantitation (exceeds the linear range or highest calibration standard) and the calibration curve is known to exhibit a negative deflection.
M	When reporting chemical analyses: presence of material is verified but not quantified; the actual value is less than the value given. The reported value shall be the laboratory practical quantitation limit. This code shall be used if the level is too low to permit accurate quantification, but the estimated concentration is greater than or equal to the method detection limit. If the value is less than the method detection limit use "T" below.
N	Presumptive evidence of presence of material. This qualifier shall be used if: 1. The component has been tentatively

	identified based on mass spectral library search; or
	2. There is an indication that the analyte is present, but quality control requirements for confirmation were not met (i.e., presence of analyte was not confirmed by alternative procedures).
O	Sampled, but analysis lost or not performed.
Q	Sample held beyond the accepted holding time. This code shall be used if the value is derived from a sample that was prepared or analyzed after the approved holding time restrictions for sample preparation or analysis. <u>This code shall be reported with sample results calculated from two or more component analyses, if one or more component sample preparations or analyses were performed out of holding time.</u>
T	Value reported is less than the laboratory method detection limit. The value is reported for informational purposes only and shall not be used in statistical analysis.
U	Indicates that the compound was analyzed for but not detected. This symbol shall be used to indicate that the specified component was not detected. The value associated with the qualifier shall be the laboratory method detection limit. <u>This code shall also be used to indicate the laboratory reporting limit, where applicable to the specific test, according to paragraph 62-160.340(3)(c), F.A.C. (e.g., biochemical oxygen demand, chlorophyll or microbiological tests).</u> Unless requested by the client, <u>values</u> less than the method detection limit values shall not be reported (see "T" above).
V	A "V" – qualified sample value indicates that the analyte was detected at or above the method detection limit in both the sample and the associated method blank and the blank value was greater than 10% of the associated sample value. The 10% criterion shall not apply to blank results for biochemical oxygen demand (BOD) or microbiological tests. For BOD tests, the "V" code shall be used for all sample results where the associated method blank result exceeds the maximum blank DO depletion specified in the analytical method. For

	microbiological tests, the “V” code shall be used for all samples where the associated method blank indicates growth of the target organism. Note: unless specified by the method, the value in the blank shall not be subtracted from associated samples.
X	Indicates, when reporting results from a Stream Condition Index Analysis (SCI 1000), that insufficient individuals were present in the sample to achieve a minimum of 280 organisms for identification (the method calls for two aliquots of 140-160 organisms), suggesting either extreme environmental stress or a sampling error.
Y	The laboratory analysis was from an improperly preserved sample. The data may not be accurate.
Z	Too many colonies were present for accurate counting. Historically, this condition has been reported as “too numerous to count” (TNTC). The “Z” qualifier code shall be reported when the total number of colonies of all types is more than 200 in all dilutions of the sample tested using a membrane filter technique. When applicable to the observed test results, a numeric value for the colony count for the <u>target</u> microorganism tested <u>may shall</u> be estimated <u>by a laboratory</u> from the highest dilution factor (smallest sample volume) <u>and the upper limit of the ideal colony count range indicated in the method used for the test,</u> and reported with the qualifier code. Atypical, non-target, spreading colonies or other interferences may prevent estimation of typical target organism counts, <u>and reporting a numerical result may not be possible. Report “No Result” along with the qualifier code when this condition is observed, or when more than 200 non-target colonies are observed. Additional comments such as “confluent growth” may be reported with the “Z” code. When required by Chapter 62-550, F.A.C., the samples with verified, positive colonies must be reported as detections.</u>
?	Data are rejected and should not be used. Some or all of the quality control data for the analyte were outside criteria, and the presence or absence of the analyte cannot be determined from the data.

*	Not reported due to interference.
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The following codes deal with certain aspects of field activities. The codes shall be used if the laboratory has knowledge of the specific sampling event. The codes shall be added by the organization collecting samples if they apply:

CODE	DEFINITION
D	Measurement was made in the field (i.e., in situ). This code applies to any value (except field measurements of pH, specific conductance, dissolved oxygen, temperature, total residual chlorine, transparency, turbidity or salinity) that was obtained under field conditions using approved analytical methods. If the parameter code specifies a field measurement (e.g., “Field pH”), this code is not required.
E	Indicates that extra samples were taken at composite stations.
G	A “G” – qualified sample value indicates that the analyte was detected at or above the method detection limit in both the sample and the associated field blank, equipment blank, or trip blank, and the blank value was greater than 10% of the associated sample value. The value in the blank shall not be subtracted from associated samples.
R	Significant rain in the past 48 hours. (Significant rain typically involves rain in excess of 1/2 inch within the past 48 hours.) This code shall be used when the rainfall might contribute to a lower or higher than normal value.
S	Secchi disk visible to bottom of waterbody. The value reported is the depth of the waterbody at the location of the Secchi disk measurement.
!	Data deviate from historically established concentration ranges.

Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.700, Amended 3-24-96, 4-9-02, 6-8-04, 12-3-08, 7-30-14,_____.

62-160.800 Documents Incorporated by Reference.

The following documents and collections are incorporated herein by reference for use in complying with the requirements of this Chapter. Except as otherwise indicated

below, copies of incorporated documents are available for review during normal business hours at the Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or may be obtained from the Department's website internet site at <http://www.dep.state.fl.us/water/sas/qa/>, or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(1) Department of Environmental Protection Standard Operating Procedures (DEP SOPs) are organized into the three numbered collections designated below. The DEP SOPs contained in each collection are listed following the title and number of the indicated collection. References in this Chapter to the alphanumeric designation for each individual DEP SOP as listed below include reference to all parts, subparts and sections of the cited DEP SOP, unless otherwise cited in a specific rule.

(a) Standard Operating Procedures for Field Activities, DEP-SOP-001/01, dated January 2017 3/1/14:

1. FA 1000, Regulatory Scope and Administrative Procedures for Use of DEP SOPs, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07948> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04300>);

2. FC 1000, Cleaning/Decontamination Procedures, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07949> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04301>);

3. FD 1000, Documentation Procedures, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07950> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04302>);

4. FM 1000, Field Planning and Mobilization, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07951> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04303>);

5. FQ 1000, Field Quality Control Requirements, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07952> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04304>);

6. FS 1000, General Sampling Procedures, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07953> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04305>);

7. FS 2000, General Aqueous Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07954> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04306>);

8. FS 2100, Surface Water Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07955> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04307>);

9. FS 2200, Groundwater Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07956> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04308>);

10. FS 2300, Drinking Water Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07957> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04309>);

11. FS 2400, Wastewater Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07958> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04310>);

12. FS 3000, Soil, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07959> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04311>);

13. FS 4000, Sediment Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07960> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04312>);

14. FS 5000, Waste Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07961> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04313>);

15. FS 6000, General Biological Tissue Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07962> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04314>);

16. FS 7000, General Biological Community Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07963> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04315>);

17. FS 8100, Contaminated Surface Sampling, dated January 2017 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07964>);

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04316>);

18. FS 8200, Clean Sampling for Ultratrace Metals in Surface Waters, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07965>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04317>);

19. FT 1000, General Field Testing and Measurement, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07966>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04318>);

20. FT 1100, Field Measurement of Hydrogen Ion Activity (pH), dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07967>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04319>);

21. FT 1200, Field Measurement of Specific Conductance (Conductivity), dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07968>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04320>);

22. FT 1300, Field Measurement of Salinity, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07969>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04321>);

23. FT 1400, Field Measurement of Temperature, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07970>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04322>);

24. FT 1500, Field Measurement of Dissolved Oxygen, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07971>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04323>);

25. FT 1600, Field Measurement of Turbidity, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07972>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04324>);

26. FT 1700, Field Measurement of Light Penetration (Secchi Depth and Transparency), dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07973>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04325>);

27. FT 1800, Field Measurement of Stage, Surface Water Velocity, and Discharge (Flow) and Computation of Streamflow Water Flow and Velocity, dated January 2017 3/4/14

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07974>) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04326>);

28. FT 1900, Continuous Monitoring With Installed Meters, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07975>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04327>);

29. FT 2000, Field Measurement of Residual Chlorine, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07976>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04328>); and,

30. FT 3000, Aquatic Habitat Characterization, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07977>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04329>).

(b) Standard Operating Procedures for Laboratory Activities, DEP-SOP-002/01, dated January 2017 3/4/14:

1. LD 1000, Laboratory Documentation, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07978>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04330>);

2. LQ 1000, Laboratory Quality Control, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07979>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04331>); and,

3. LT 7000, Determination of Biological Indices, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07980>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04332>).

(c) Standard Operating Procedures for Selected Bioassessment Activities, DEP-SOP-003/11, dated January 2017 3/4/14:

1. BRN 1000, Biological Reconnaissance Field Method, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07981>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04333>);

2. LVI 1000, Lake Vegetation Index Methods, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07982>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04334>); and

3. SCI 1000, Stream Condition Index Methods, dated January 2017 3/4/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07983>)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04335>).

(2) The following documents and DEP forms are cited in certain DEP SOPs included in the numbered collections DEP-SOP-001/01, DEP-SOP-002/01 or DEP-SOP-003/11 (citation locations in parentheses).

(a) Methods and other documents published by the United States Environmental Protection Agency (EPA), as listed below.

1. EPA Method 5035A, Revision 10, July 2002 ~~December 1996~~, in SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07984> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04336>);

2. EPA Method 1623.1, *Cryptosporidium* and *Giardia* in Water by Filtration/IMS/FA, EPA 816-R-12-001, January 2012 ~~815-R-05-002, December 2005~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07985> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04337>); and,

3. No change.

(b) Code of Federal Regulations:

1. Table II, Required Containers, Preservation Techniques, and Holding Times, 40 CFR, Ch. I, Part 136.3, Identification of Test Procedures, 7/1/16 ~~7-1-13~~ Edition, including all footnotes (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07986> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04339>); and,

2. 29 CFR, 1910.120, Hazardous Waste Operations and Emergency Response, 7/1/16 ~~7-1-13~~ Edition (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07987> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04340>).

(c) through (h) No change.

(i) DEP Forms cited:

1. Form FD 9000-1, BioRecon Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01, DEP-SOP-003/11) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07988> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04344>);

2. Form FD 9000-3, Physical/Chemical Characterization Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01, DEP-SOP-003/11) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07989> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04345>);

3. Form FD 9000-4, Stream/River Habitat Sketch Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01, DEP-SOP-

003/11)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07990> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04346>);

4. Form FD 9000-5, Stream/River Habitat Assessment Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01, DEP-SOP-003/11)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07991> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04347>);

5. Form FD 9000-6, Lake Habitat Assessment Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07992> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04348>);

6. Form FD 9000-24, Groundwater Sampling Log, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07993> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04349>);

7. Form FD 9000-25, Rapid Periphyton Survey Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07994> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04350>);

8. Form FD 9000-27, Lake Vegetation Index Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01, DEP-SOP-003/11) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07995> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04351>);

9. Form FD 9000-31, Lake Observation Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01, DEP-SOP-003/11) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07996> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04352>);

10. Form FD 9000-32, Linear Stream Vegetation Survey Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07997> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04353>);

11. Form FD 9000-33, Vegetation Wetland Condition Index Field Sheet, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07998> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04354>);

12. Form FD 9000-34, Stream Habitat Assessment Training Checklist and Event Log, dated January 2017 ~~3/1/14~~ (DEP-SOP-001/01) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07999>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04355>); and,

13. Form FD 9000-35, Stream Condition Index Training Checklist and Event Log, dated January 2017 3/4/14 (DEP-SOP-003/11)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-08000>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04356>).

(j) United States Geological Survey (USGS) references included in FT 1800, incorporated by reference in subparagraph 62-160.800(1)(a)27., F.A.C., below (DEP-SOP-001/01). Copies of these documents are available for review during normal business hours at the Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or may be obtained from the United States Geological Survey, 12201 Sunrise Valley Drive, Reston, VA 20192, or through USGS's website at <https://www.usgs.gov/products/publications/official-usgs-publications>.

1. United States Geological Survey, Techniques of Water-Resources Investigations, Book 3:

a. Chapter A2, Dalrymple, Tate, and Benson, M.A., 1968, Measurement of peak discharge by the slope-area method;

b. Chapter A3, Bodhaine, G.L., 1968, Measurement of peak discharge at culverts by indirect methods;

c. Chapter A4, Muttahai, H.F. 1967, Measurement of peak discharge at width contractions by indirect methods;

d. Chapter A5, Hulsing, Harry, 1967, Measurement of peak discharge at dams by indirect methods;

e. Chapter A6, Carter, R.W., and Davidian, Jacob, 1968, General procedures for gaging streams;

f. Chapter A10, Kennedy, E.J., 1984, Discharge ratings at gaging stations;

g. Chapter A11, Smoot, G.F., and Novack, C.E., 1969, Measurement of discharge by the moving-boat method;

h. Chapter A13, Kennedy, E.J., 1983, Computation of continuous records of streamflow;

i. Chapter A14, Kilpatrick, F.A. and Schneider, V.R., 1983, Use of flumes in measuring discharge; and,

j. Chapter A21, Wagner, C. Russell, 1995, Stream-gaging cableways.

2. United States Geological Survey, Techniques and Methods, Book 3:

a. Chapter A7, Sauer, V.B., and Turnipseed, D.P., 2010, Stage measurement at gaging stations;

b. Chapter A8, Turnipseed, D.P., and Sauer, V.B., 2010, Discharge measurements at gaging stations;

c. Chapter A22, Mueller, D.S., Wagner, C.R., Rehmel, M.S., Oberg, K.A., and Rainville, Francois, 2013, Measuring

discharge with acoustic Doppler current profilers from a moving boat; and,

d. Chapter A23, Levesque, V.A., and Oberg, K.A., 2012, Computing discharge using the index velocity method.

(3) NELAC and TNI Standards, as listed below. Copies of these documents are available for review during normal business hours at the Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the publisher at The NELAC Institute, PO Box 2439, Weatherford, TX, 76086 or the publisher's website at <http://www.nelac-institute.org/index.php>.

(a) No change.

(b) The NELAC Institute (TNI), EL-V1-2009-ISO-2016-Rev. 2.0, Environmental Laboratory Sector, Vol. 1, Management and Technical Requirements for Laboratories Performing Environmental Analysis (2016) Analyses (2009).

(4) No change.

(5) ~~New and~~ Alternative and Modified Analytical Laboratory Methods, DEP-QA-001/01 (dated January 2017 February 1, 2004) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08001>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04359>) and the following documents cited therein:

~~(a) Section 1080, Reagent Grade Water (1993), Standard Methods for the Examination of Water and Wastewater, available from the publisher at <http://standardmethods.org/store/> or available for review during normal business hours at the Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400;~~

~~(a) (b) Definition and Procedure for the Determination of the Method Detection Limit - Revision 1.11, 40 CFR Part 136, Appendix B, 7-1-16 7-1-13 Edition~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08008>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04360>);

(c) through (d) renumbered (b) through (c) No change.

~~(6) Federal Register, Vol. 77, No. 97, Friday, May 18, 2012, Rules and Regulations, pp. 29758-29846, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures, Final Rule~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04362>);

~~(6) (7) 40 CFR, Part 136.3, Identification of Test Procedures,~~ 7/1/16 7-1-2013 edition (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08009>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04363>).

(7) ~~(8)~~ 40 CFR, Part 136.4, Application for and approval of alternate test procedures for nationwide use, 7/1/16 ~~7-1-2013~~ edition (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08011> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04364>~~).

(8) ~~(9)~~ 40 CFR, Part 136.5, Approval of alternate test procedures for limited use, 7/1/16 ~~7-1-2013~~ edition (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08012> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04365>~~).

(9) ~~(10)~~ 40 CFR, Part 136.6, Method Modifications and Analytical Requirements, 7/1/16 ~~7-1-2013~~ edition (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08014> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04366>~~).

(10) ~~(11)~~ 40 CFR Part 141, National Primary Drinking Water Regulations, Subpart C, Monitoring and Analytical Requirements, section 141.27, Alternate analytical techniques, 7/1/16 ~~7-1-2013~~ edition (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08016> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04367>~~).

(12) through (14) renumbered (11) through (13) No change.
Rulemaking Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History—New 4-9-02, Amended 6-8-04, 12-3-08, 7-30-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Tom Frick
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ryan E. Matthews
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2016

DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agent and Agency Services

RULE NO.: 69B-186.010
 RULE TITLE: Unlawful Inducements Related to Title Insurance Transactions

PURPOSE AND EFFECT: The existing rule is amended to conform with statute regarding unfair methods of competition and deceptive practices in the transaction of title insurance. The proposed rule clarifies that, except as otherwise permitted under paragraph 626.9541(1)(h), F.S., the reimbursement or

reduction of any premium, costs, or fees in a contract for the placement of title insurance, or the provision of any non-specified benefit or valuable consideration that also serves as an inducement in the placement of title insurance, is an unlawful rebate. The proposed rule also revises the existing rule’s title to reflect the changes discussed above. The proposed rule is renumbered and includes additional technical changes.

SUMMARY: The existing rule is amended to conform with paragraph 626.9541(1)(h), F.S., clarifying that the reimbursement of any premium, fees, or costs relating to title insurance transactions, or the provision of any non-specified valuable consideration or benefit that also serves as an inducement in the placement of title insurance, is an unlawful rebate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department has conducted an economic analysis of the proposed rule and has determined that there are no adverse impacts or potential regulatory costs exceeding criteria established under paragraphs 120.541(1)(b) or (2)(a), F.S.

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.

RULEMAKING AUTHORITY: 624.308(1), 626.9611, FS.
 LAW IMPLEMENTED: 626.9521, 626.9541(1)(h), (m), FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, April 26, 2017; 10:00 A.M. - 12:00 P.M.
 PLACE: Room 116, Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Matthew Guy, telephone: (850)413-5418, email:

Matthew.Guy@MyFloridaCFO.com.. 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: Matthew Guy, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, address: 200 East Gaines Street, Tallahassee, Florida 32399-0320, telephone: (850)413-5418, email: Matthew.Guy@MyFloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-186.010 Unlawful Rebates as Inducements Related to Title Insurance Transactions.

(1) The purpose of this rule is to interpret paragraph 626.9541(1)(h) subparagraph 626.9541(1)(h)3, F.S., which provides that it is an unfair method of competition and unfair or deceptive act or practice prohibited by Section 626.9521, F.S., to engage in certain activities related to title insurance.

(2) No change.

(3) For purposes of this rule; ~~the term “referrer of settlement service business” means any person who is in a position to refer title insurance business incident to or part of a real estate transaction, or an associate of such person. A referrer of settlement service business may be a title insurance agent, title insurance agency, title insurance company, attorney, real estate broker, real estate agent, real estate licensee, broker associate, sales associate, mortgage banker, mortgage broker, lender, real estate developer, builder, property appraiser, surveyor, escrow agent, closing agent, or any other person or entity involved in a real estate transaction for which title insurance could be issued; or any employee, officer, director, or representative of such a person or entity.~~

(a) An unlawful rebate includes any discount, abatement, credit, or reduction of premium or fees specified by contract in the placement of a policy of title insurance, as well as any other non-specified valuable consideration or benefit that also serves as an inducement in the placement of a such a policy, as provided under paragraph 626.9541(1)(h), F.S., and

(b) The term “referrer of settlement service business” means any person who is in a position to refer title insurance business incident to or part of a real estate transaction, or an associate of such person. A referrer of settlement service business may be a title insurance agent, title insurance agency, title insurance company, attorney, real estate broker, real estate agent, real estate licensee, broker associate, sales associate, mortgage banker, mortgage broker, lender, real estate developer, builder, property appraiser, surveyor, escrow agent, closing agent, or any other person or entity involved in a real estate transaction for which title insurance could be

issued; or any employee, officer, director, or representative of such a person or entity.

(4) As they relate to the transaction of title insurance, the following activities, whether performed directly or indirectly, for or by any referrer of settlement service business, are rebates that serve as inducements for the sale, placement or referral of title insurance business in violation of Section 626.9521 and paragraph 626.9541(1)(h) subparagraph 626.9541(1)(h)3, F.S.:

(a) Facilitating any discount, reduction, credit, or paying any fee or portion of the cost of an inspection, inspection report, appraisal, or survey, including wind inspection, to or for a purchaser or prospective purchaser of title insurance.

(b) through (r) No change.

(5) Except as prohibited by Section 626.9541, F.S., expenditures for the following are not in violation of Section 626.9521 and paragraph 626.9541(1)(h) subparagraph 626.9541(1)(h)3, F.S., or in violation of this rule:

(a) through (f) No change.

Rulemaking Authority 624.308(1), 626.9611 FS. Law Implemented 626.9521, 626.9541(1)(h), (m), FS. History—New 2-9-16, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Guy, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 22, 2016

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-27.001 Embalmer Apprentice Program.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 202, October 17, 2016 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated November 3, 2016. The changes are as follows:

69K-27.001 Embalmer Apprentice Program

(1) Persons desiring to become an embalmer apprentice shall submit to the Division of Funeral, Cemetery, and Consumer Services an Application For Embalmer Apprentice License, (Rev. ~~1/2017~~ ~~8/2010~~), Form DFS-N1-1755, incorporated herein by reference, and may be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-_____, or from the Board office or on the Board's website, <http://www.myfloridacfo.com>, together with a fifty-five dollar (\$55.00) nonrefundable application fee. No embalmer apprentice license shall be issued unless the applicant is at least 18 years of age, has received a high school diploma or equivalent degree, and is determined to be of good character and has not demonstrated a history of lack of trustworthiness or integrity in business or professional matters.

(2) No change.

(3) An embalmer apprentice license may be extended for an additional two years past the initial three year licensure period, if during the additional two years the apprentice is enrolled in and attending a course in mortuary science or funeral service education at any mortuary college or funeral service education college or school. Such extension may not be applied for or granted earlier than 180 days before the expiration of the original three year apprentice license. To obtain such extension the embalmer apprentice licensee shall at least 60 days prior to the expiration of their initial three year embalmer apprentice license, file with the Division an Application to Extend Embalmer Apprenticeship, (Rev. ~~1/2017~~ ~~7/2012~~), Form DFS-N1-1733, incorporated herein by reference, and may be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-_____, or from the Board office or on the Board's website, <http://www.myfloridacfo.com>, together with evidence of the required college or school enrollment and attendance. The evidence of the required college or school enrollment and attendance shall consist of a dated letter or report from the college or school, on the letterhead of the college or school, indicating that the person seeking the extension is currently enrolled in or has been accepted for enrollment in said college or school. An extension under this paragraph shall terminate at the earlier of the two year extension period, or when the apprentice ceases to be enrolled in and attending the mortuary college or funeral service education college or school. If during an extension granted under this paragraph the apprentice ceases to be enrolled in and attending the mortuary college or funeral service education college or school, the apprentice shall within 30 days of such cessation of enrollment and attendance, cease their apprentice activities and notify their apprentice supervisor and the Division of such cessation of enrollment and attendance.

(4) No change

(5) If an embalmer apprentice license is extended for two years based upon the apprentice being enrolled in and attending a course in mortuary science or funeral service education at any mortuary college or funeral service education college or school, during such extension the apprentice's supervising embalmer shall ~~verify~~ ~~assure~~ that the embalmer apprentice remains enrolled in his or her educational program.

~~(6) If an embalmer apprentice is unable to perform as an embalmer apprentice for a portion of his or her embalmer apprenticeship license period due to illness or personal injury, he or she may request an extension of the apprenticeship for a period equal to the period in which he or she was unable to perform. The embalmer apprentice may seek such extension by filing with the Division, prior to the expiration of his or her original embalmer apprentice license period, an Application to Extend Embalmer Apprenticeship due to illness or injury, form DFS-N1-1733 available on the Division's website, together with a statement of a medical care provider documenting the illness or injury and its duration.~~

~~(6)(7) No change.~~

Rulemaking Specific Authority 497.103, 497.371 FS. Law Implemented ~~497.141~~, 497.371 FS. History—New 8-18-82, Formerly 21J-27.01, Amended 11-15-92, Formerly 21J-27.001, Amended 7-14-99, Formerly 61G8-27.001, Amended _____.

Form DFS-N1-1755, Application for Embalmer Apprentice License

Pages 2-3, Sections 5-7, 9 has been changed to include the reference to the incorporated rule where the requested form is located.

Page 4, Section 12(e) has been changed to reflect the rule text of a 3-year licensure period.

Page 6, Section 15 has been changed to add the information regarding the authorization and collection of social security numbers.

Form DFS-N1-1733, Application to Extend Embalmer Apprenticeship

Page 1, Section 3 has been updated to 5 years to reflect the new licensure period.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0021: Florida Teacher Certification Examinations
 NOTICE IS HEREBY GIVEN that on March 10, 2017, the Office of the Clerk for the Department of Education, received a petition for a waiver from subparagraph 6A-4.0021(6)(c)7., F.A.C., Florida Teacher Certification Examinations (FTCE). The petition, dated March 7, 2017, requests a waiver permitting the Petitioner to use a test reader for certain portions of the FTCE General Knowledge Examination. The petitioner is one Fabian Quintanilla, who is a Florida resident. A copy of the Petition for Variance or Waiver may be obtained by contacting: the Department of Education’s Office of the Clerk: Cathy Schroeder, Agency Clerk, Department of Education, 325 West Gaines St., Tallahassee, FL 32399 or email: cathy.schroeder@fldoe.org. Public comments concerning this petition for a variance can be made at <https://app1.fldoe.org/rules/default.aspx>. The Department will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. on March 27, 2017.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0021: Florida Teacher Certification Examinations
 NOTICE IS HEREBY GIVEN that on March 11, 2017, the Office of the Clerk for the Department of Education, received a petition for a waiver from subparagraph 6A-4.0021(6)(c)7., F.A.C., Florida Teacher Certification Examinations (FTCE). The petition, dated March 11, 2017, requests a waiver permitting the Petitioner to use a test reader for certain portions of the FTCE General Knowledge Examination. The petitioner is one Courtney Wheeler, who is a Florida resident. A copy of the Petition for Variance or Waiver may be obtained by contacting: the Department of Education’s Office of the Clerk: Cathy Schroeder, Agency Clerk, Department of Education, 325 West Gaines St., Tallahassee, FL 32399 or email: cathy.schroeder@fldoe.org. Public comments

concerning this petition for a variance can be made at <https://app1.fldoe.org/rules/default.aspx>. The Department will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. on March 27, 2017.

**Section VI
Notice of Meetings, Workshops and Public
Hearings**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Florida Department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: March 29, 2017, 1:30 p.m. – 3:00 p.m.

PLACE: Plantation Inn & Golf Resort, 9301 W. Fort Island Trail, Crystal River, FL 34429

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida LP Gas Advisory Board and the Florida Propane Gas Education, Safety and Research Council to discuss industry related issues.

A copy of the agenda may be obtained by contacting: Lori Joanos, Bureau of Standards at (850)921-1545.

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 7 days before the workshop/meeting by contacting: Ms. Lori Joanos at (850)921-1545. 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).

For more information, you may contact: Ms. Lori Joanos, Bureau of Standards at (850)921-1545.

DEPARTMENT OF LAW ENFORCEMENT

The Florida Department of Law Enforcement announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 22, 2017, 1:00 p.m. – 4:00 p.m.

PLACE: Conference call; additional information below

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are meetings of the Missing and Endangered Persons Information Clearinghouse Advisory Board committees. Committees will meet as follows:

Awareness and Prevention: 1:00 p.m. – 2:00 p.m.

Response and Recovery: 2:00 p.m. – 3:00 p.m.

Communication and Technology: 3:00 p.m. – 4:00 p.m.

Join the meeting from your computer, tablet or smartphone at <https://global.gotomeeting.com/join/424207733>. You can also

dial in using your phone: United States (toll-free), 1(866)899-4679; United States, +1(312)757-3117; access code 424-207-733.

A copy of the agenda may be obtained by contacting Craig Schroeder at 1(888)356-4774.

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 7 days before the workshop/meeting by contacting Ms. Dawn Mikola at 1(888)356-4774. 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).

For more information, you may contact Craig Schroeder at 1(888)356-4774.

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Heartland Regional Transportation Planning Organization (HRTPO) announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2017, 10:00 a.m.

PLACE: CareerSource Heartland, 5901 US Hwy 27 South Suite #1, Sebring, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Heartland Regional Transportation Planning Organization (HRTPO) Technical Advisory Committee (TAC).

A copy of the agenda may be obtained by contacting Marybeth Soderstrom, Community Engagement Manager, (863)534-7130 or msoderstrom@cfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Accessibility Advisory Council, announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2017, 10:00 a.m.

PLACE: Ocala Hilton, 3600 SW 36th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Applications for Waivers from Accessibility Requirements:

1. SBS Investment Group Office Building #228 - 2815 Remington Green Circle, Suite 100 Tallahassee 32308

2. 945 E 11th Ave, Tampa FL 33605 #227 - 945 E 11th Ave, Tampa FL 33605

3. 241 MIAMI LLC #175 - 241 77th Street Miami Beach 33139

4. Kellie Alpert #219 - 506 Southard St. Key West 33040

5. Atlantic Princess Condominium Association, Inc #225 - 3120 Collins Avenue Miami Beach 33139

6. Areda Construction Office Remodeling #181 - 5735-5737 NW 151th Street Miami Lakes 33014

7. A&S Courier International, LLC #196 - 7620 NW 25th Street, Suite-2, Miami 33122

8. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive, Miami Beach 33139

A copy of the agenda may be obtained by contacting: Chip Sellers, as set forth below or on the Commission website.

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 10 days before the workshop/meeting by contacting: Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Chip Sellers, Accessibility Advisory Council, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436 or access information on the Commission's website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001: Florida Building Code Adopted

The Florida Building Commission, announces a public meeting to which all persons are invited.

DATE AND TIME: April 4, 2017, 8:30 a.m.

PLACE: Ocala Hilton, 3600 SW 36th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Building Commission will review and decide on

Accessibility Waiver Applications, review, and take up and consider other matters that appear on the Commission’s agenda. Specifically, the Commission will address:

Accessibility Waiver Applications:

1. SBS Investment Group Office Building #228 - 2815 Remington Green Circle, Suite 100 Tallahassee 32308
2. 945 E 11th Ave, Tampa FL 33605 #227 - 945 E 11th Ave, Tampa FL 33605
3. 241 MIAMI LLC #175 - 241 77th Street Miami Beach 33139
4. Kellie Alpert #219 - 506 Southard St. Key West 33040
5. Atlantic Princess Condominium Association, Inc #225 - 3120 Collins Avenue Miami Beach 33139
6. Areda Construction Office Remodeling #181 - 5735-5737 NW 151th Street Miami Lakes 33014
7. A&S Courier International, LLC #196 - 7620 NW 25th Street, Suite-2, Miami 33122
8. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive, Miami Beach 33139

Conduct Rule Development Workshop “Rule 61G20-1.001, F.A.C.” regarding the proposed 6th Edition (2017) update to the Florida Building Code.

A copy of the agenda may be obtained by contacting: Thomas Campbell as set forth below or on the Commission website.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road,, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Thomas Campbell, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772 or call (850)487-1825, refer

to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

The Board of Osteopathic Medicine Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 14, 2017, 2:00 p.m.

PLACE: Telephone conference number: 1(888)670-3525, participant code: 6607485549

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Carol Taylor, Program Operations Administrator, at (850)245-4588, or Carol.Taylor@flhealth.gov.

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 7 days before the workshop/meeting by contacting: Carol Taylor, Program Operations Administrator, at (850)245-4588, or Carol.Taylor@flhealth.gov or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Carol Taylor, Program Operations Administrator, at (850)245-4588, or Carol.Taylor@flhealth.gov or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-3.001: General Requirements of Clinical Laboratory Personnel Training Programs

64B3-3.002: Personnel of Clinical Laboratory Personnel Training Programs

64B3-3.003: Curriculum Requirements for Clinical Laboratory Personnel Training Programs

The Board of Clinical Laboratory Personnel announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 21, 2017, 9:00 a.m.

PLACE: Telephone conference number: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Review of rule language for Clinical Laboratory Training Programs

A copy of the agenda may be obtained by contacting: Ms. Karen Miller at Karen.Miller@flhealth.gov

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 7 days before the workshop/meeting by contacting: Ms. Karen Miller at Karen.Miller@flhealth.gov or (850)245-4355. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Anthony Spivey, Executive Director at anthony.spivey@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a hearing to which all persons are invited.

DATE AND TIME: March 28, 2017, 9:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of a tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Clear Pond Estates, a 100-unit multifamily residential rental development located at 1080 N. Fiske Blvd., Cocoa, Brevard County, FL. The owner and operator of the development is Hot Cacao Limited Partnership, 560 NE 44th Street, Oakland Park, FL 33334 or such successor in interest in which Hot Cacao Limited Partnership, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Preservation Management, Inc. dba PMINC, Incorporated, 261 Gorham Road, South Portland, ME 04106. The tax-exempt bond amount is not to exceed \$7,617,500.00. All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by

5:00 p.m. (Tallahassee local time), March 24, 2017, and should be addressed to the attention of Brantley Henderson, Assistant Director of Multifamily Programs. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Brantley Henderson, Assistant Director of Multifamily Programs, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

A copy of the agenda or more information may be obtained by contacting Brantley Henderson, Assistant Director of Multifamily Programs.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: March 22, 2017, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151. (850)487-2685.

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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee,

Florida 32399-4151. (850)487-2685. 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).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151. (850)487-2685.

OTHER AGENCIES AND ORGANIZATIONS

QCAusa

The Florida Department of Transportation (FDOT) District Four announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 28, 2017, 5:30 p.m. to 7:30 p.m.

PLACE: Mills Pond Park Meeting Room, 2201 NW 9th Avenue, Fort Lauderdale, Florida 33311

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No.: 431665-1-52-01

Project Description: NW 19th Street Bike Lane and Rehabilitation Design Project from SR 7 to SR 845/Powerline Road, in Broward County.

The project’s primary objective is to provide continuous dedicated bike lanes on both sides of NW 19th Street between SR 7 and Powerline Road. From SR 7 to NW 29th Avenue and from NW 24th Avenue to NW 15th Avenue, 4-foot-wide bike lanes will be provided by reducing the width of the traffic lanes; existing 12-foot-wide lanes will be reduced to 10-foot-wide via pavement milling, resurfacing, restriping, and isolated widening. From 29th Avenue to NW 24th Avenue and from NW 15th Avenue to Powerline Road, 5-foot-wide bike lanes with 3-foot-wide buffers will be provided by converting the outside traffic lane to a buffered bike lane through pavement milling, resurfacing, and restriping.

In addition, this project will also retrofit a number of existing curb ramps to meet current Americans with Disabilities Act (ADA) requirements, upgrade bicycle signing and pavement markings and install new pedestrian count down signals at all signalized intersections.

The purpose of the meeting is to provide an opportunity for the public to learn about the project, review the proposed design, ask questions and provide feedback. The meeting will be an open house. Attendees can come anytime between 5:30 p.m. and 7:30 p.m. FDOT staff will be available to discuss the project and answer questions.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Bing Wang, P.E., FDOT Project Manager, at (954)777-4406 or by email at bing.wang@dot.state.fl.us.

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 7 days before the workshop/meeting by contacting: Bing Wang, P.E., FDOT Project Manager, at (954)777-4406 or by email at bing.wang@dot.state.fl.us. 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). 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).

For more information, you may contact: Bing Wang, P.E., FDOT Project Manager, at (954)777-4406 or by email at bing.wang@dot.state.fl.us.

OTHER AGENCIES AND ORGANIZATIONS

Ghyabi & Associates

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 21, 2017, 10:00 a.m. – 1:00 p.m.

PLACE: Goodwill Job Connection Center, 3200 W. Colonial Dr., Orlando, FL 32808

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Project ID Number: 432193-1-52-01.

Interstate 4 (I-4) is undergoing major reconstruction in Central Florida, and with that comes opportunity. This project will completely transform 21 miles of I-4, from Kirkman Road to State Road 434.

The purpose of this open house is to inform the community about the project and explain how to apply for potential job opportunities that will become available throughout the project. No applications will be taken and no interviews will be conducted at this meeting. Anyone, including disadvantaged workers, women and minorities, is encouraged to apply for the opportunity to build a career in the construction industry.

A copy of the agenda may be obtained by contacting: 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 7 days before the workshop/meeting by contacting Katie Widdison, Outreach Coordinator, at (386)212-0449 or Katie.Widdison@dot.state.fl.us at least seven (7) days prior to the meeting. 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).

For additional information please contact Jennifer Vreeland, FDOT Deputy Project Manager, at Jennifer.Vreeland@dot.state.fl.us or (407)670-2342. You may also contact Katie Widdison, Outreach Coordinator, at Katie.Widdison@dot.state.fl.us or (386)212-0449. For more information about the I-4 Ultimate project, visit www.i4ultimate.com.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

AGENCY FOR HEALTH CARE ADMINISTRATION Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration received a Petition for Declaratory Statement from Naples Pathology Associates, P.A, on February 16, 2017 seeking an interpretation of Section 483.245(1), Florida Statutes. A copy of the Petition may be obtained by contacting Richard J. Shoop, Agency Clerk, Agency for Health Care Administration via mail at 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, via e-mail at Richard.Shoop@ahca.myflorida.com, or via telephone at (850)412-3671. Persons other than the original parties to a pending proceeding whose substantial interests will be affected by the disposition of the declaratory statement and who desire to become parties may file a motion to intervene with the Agency. The motion should be filed with the Agency Clerk at the above address within twenty one (21) days of publication of this notice. Any petition for leave to intervene must comply with the requirements set forth in Fla. Admin. Code R. 28-105.0027.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Kellogg & Kimsey, Inc., on December 13, 2016. The following is a summary of the agency's disposition of the petition:
The Notice of Petition for Declaratory Statement was published in Volume 42, No. 246, of the December 21, 2016, Florida Administrative Register. Petitioner asks the Board if Licensure as an "underground utility and excavation contractor" as defined in s. 489.105(3)(n), Fla. Stat., is required for a Subcontractor hired by Petitioner. The Board considered the Petition at its meeting held on February 10,

2017, in Jacksonville, Florida. The Board's Order, filed on March 7, 2017, declines to issue a declaratory statement for the following reasons: (a) Petitioner's petition appears to apply to the conduct of another, i.e. a subcontractor. (b) Petitioner's request for clarification appears to apply to past practice. (c) Petitioner's petition does not apply only to petitioner's particular set of circumstances, but rather is a matter of general applicability; (d) It appears that there is ongoing litigation related to the facts enumerated in the Petition; (e) That ss. 489.113(2) and 489.105(3)(n), Fla. Stat. are not ambiguous.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399-1039, telephone: (850)487-1395, or by electronic mail – Donald.Shaw@myfloridalicense.com.

DEPARTMENT OF FINANCIAL SERVICES Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has declined to rule on the petition for declaratory statement filed by Global Fidelity, LLC on January 3, 2017. The following is a summary of the agency's declination of the petition:

The Office of Financial Regulation (Consumer Finance) received a Petition for declaratory statement from Global Fidelity LLC. Global Fidelity LLC is considering providing services under contract to two foreign companies. These two foreign companies (the "Foreign Entities") market services to military and government personnel based overseas; such services facilitate payments from the personnel's US bank accounts to foreign vendors/merchants. For example, if a military officer rents an apartment or purchases a car overseas, the service provided by the Foreign Entities would facilitate their overseas car payments, rent payments, cable, etc. While the Foreign Entities market payment services to personnel in Europe and Asia, Petitioner's only customers would be the two Foreign Entities. Petitioner would serve an administrative function in the U.S. for such Foreign Entities and would not offer, market or sell services to any other persons, nor would it interact directly with any consumer. The petitioner sought a declaratory statement on whether Petitioner's proposed activities as an administrative service provider for the Foreign Entities would require licensing. On March 10, 2017 the Office issued a Final Order. The facts provided in the Petition are inadequate for the Office to make a determination whether Petitioner's proposed activities would require a money services business license.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting Agency Clerk,

Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.com, or online at: <https://real.flofr.com/ConsumerServices/SearchLegalDocuments/LDSearch.aspx#/searchLegalDocuments>. Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.com.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules
Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Tuesday, March 7, 2017 and 3:00 p.m., Monday, March 13, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
5J-13.002	3/10/2017	3/30/2017
5J-13.003	3/10/2017	3/30/2017
40A-44.051	3/7/2017	3/27/2017
40A-44.052	3/7/2017	3/27/2017
40A-44.091	3/7/2017	3/27/2017
40A-44.101	3/7/2017	3/27/2017
40A-44.331	3/7/2017	3/27/2017
40A-44.341	3/7/2017	3/27/2017
40A-44.351	3/7/2017	3/27/2017
40D-2.091	3/13/2017	4/2/2017
40D-8.624	3/13/2017	4/2/2017
40D-8.624	3/13/2017	4/2/2017
59G-1.040	3/9/2017	3/29/2017
60FF1-5.011	3/9/2017	3/29/2017
60P-10.002	3/10/2017	3/30/2017
60P-10.004	3/10/2017	3/30/2017
61G15-24.001	3/9/2017	3/29/2017
61G15-32.002	3/8/2017	3/28/2017
61G15-32.008	3/8/2017	3/28/2017
61G15-32.009	3/8/2017	3/28/2017
62-302.540	3/8/2017	3/28/2017

Section VIII

**Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX

**Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X

**Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI

**Notices Regarding Bids, Proposals and
Purchasing**

NONE

64B5-16.001	3/9/2017	3/29/2017
64E-4.001	3/8/2017	3/28/2017
64E-4.002	3/8/2017	3/28/2017
64E-4.003	3/8/2017	3/28/2017
64E-4.004	3/8/2017	3/28/2017
64E-4.005	3/8/2017	3/28/2017
64E-4.006	3/8/2017	3/28/2017
64E-4.007	3/8/2017	3/28/2017
64E-4.008	3/8/2017	3/28/2017
64E-4.009	3/8/2017	3/28/2017
64E-4.010	3/8/2017	3/28/2017
64E-4.011	3/8/2017	3/28/2017
64E-4.012	3/8/2017	3/28/2017
64E-4.013	3/8/2017	3/28/2017
64E-4.014	3/8/2017	3/28/2017
64E-4.015	3/8/2017	3/28/2017
64E-4.016	3/8/2017	3/28/2017
65C-22.008	3/10/2017	3/30/2017
68A-9.004	3/10/2017	4/1/2017
68A-9.007	3/10/2017	7/1/2017
68A-13.004	3/10/2017	7/1/2017
68A-15.005	3/10/2017	7/1/2017
68A-15.061	3/10/2017	7/1/2017
68A-15.063	3/10/2017	7/1/2017
68A-15.064	3/10/2017	7/1/2017
68A-15.065	3/10/2017	7/1/2017
69D-1.003	3/7/2017	3/27/2017
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40B-9.021	12/21/2016	**/**/*****

40B-9.041	12/21/2016	**/**/*****
40B-9.126	12/21/2016	**/**/*****
40B-9.131	12/21/2016	**/**/*****
40B-9.1381	12/21/2016	**/**/*****
40B-9.1411	12/21/2016	**/**/*****
40B-9.142	12/21/2016	**/**/*****
40B-9.145	12/21/2016	**/**/*****
40B-9.123	12/9/2016	**/**/*****
58M-2.009	2/9/2017	**/**/*****
60FF1-5.009	7/21/2016	**/**/*****
64B8-9.009	6/15/2016	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.100	12/19/2016	**/**/*****
69L-7.501	12/19/2016	**/**/*****

**Section XIII
Index to Rules Filed During Preceding
Week**

**INDEX TO RULES FILED BETWEEN
MARCH 6, 2017 AND MARCH 10, 2017**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES
Division of Consumer Services**

5J-13.002	3/10/2017	3/30/2017	43/08	
5J-13.003	3/10/2017	3/30/2017	43/08	

**WATER MANAGEMENT DISTRICTS
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40A-44.051	3/7/2017	3/27/2017	42/246	
40A-44.052	3/7/2017	3/27/2017	42/246	
40A-44.091	3/7/2017	3/27/2017	42/246	43/15
40A-44.101	3/7/2017	3/27/2017	42/246	
40A-44.331	3/7/2017	3/27/2017	42/246	
40A-44.341	3/7/2017	3/27/2017	42/246	
40A-44.351	3/7/2017	3/27/2017	42/246	43/15

AGENCY FOR HEALTH CARE ADMINISTRATION
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 59G-1.040 3/9/2017 3/29/2017 42/211 43/16

DEPARTMENT OF MANAGEMENT SERVICES
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 60FF1-5.011 3/9/2017 3/29/2017 43/20

Division of State Employees' Insurance
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 60P-10.004 3/10/2017 3/30/2017 43/01

Commission on Human Relations
 60Y-1.002 3/6/2017 3/26/2017 43/13

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Construction Industry Licensing Board
 61G4-16.005 3/6/2017 3/26/2017 43/12

Board of Professional Engineers
 61G15-24.001 3/9/2017 3/29/2017 42/153 43/25
 61G15-32.002 3/8/2017 3/28/2017 43/20
 61G15-32.008 3/8/2017 3/28/2017 43/20
 61G15-32.009 3/8/2017 3/28/2017 43/20

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 62-302.540 3/8/2017 3/28/2017 36/37 42/248

DEPARTMENT OF HEALTH
Board of Dentistry
 64B5-16.001 3/9/2017 3/29/2017 43/10

Council of Licensed Midwifery
 64B24-2.001 3/7/2017 3/27/2017 42/241

Division of Environmental Health
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 64E-4.004 3/8/2017 3/28/2017 43/23
 64E-4.005 3/8/2017 3/28/2017 43/23
 64E-4.006 3/8/2017 3/28/2017 43/23
 64E-4.007 3/8/2017 3/28/2017 43/23
 64E-4.008 3/8/2017 3/28/2017 43/23
 64E-4.009 3/8/2017 3/28/2017 43/23
 64E-4.010 3/8/2017 3/28/2017 43/23
 64E-4.011 3/8/2017 3/28/2017 43/23
 64E-4.012 3/8/2017 3/28/2017 43/23
 64E-4.013 3/8/2017 3/28/2017 43/23
 64E-4.014 3/8/2017 3/28/2017 43/23

64E-4.015 3/8/2017 3/28/2017 43/23
 64E-4.016 3/8/2017 3/28/2017 43/23

DEPARTMENT OF CHILDREN AND FAMILIES
Family Safety and Preservation Program
 65C-22.008 3/10/2017 3/30/2017 42/225 43/21

FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife
 68A-9.004 3/10/2017 4/1/2017 42/242
 68A-9.007 3/10/2017 7/1/2017 42/242
 68A-13.004 3/10/2017 7/1/2017 42/242
 68A-15.005 3/10/2017 7/1/2017 42/242
 68A-15.061 3/10/2017 7/1/2017 42/242
 68A-15.063 3/10/2017 7/1/2017 42/242
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO SECTION 120.541(3), 373.139(7) AND 373.1391(6), FLORIDA STATUTES

WATER MANAGEMENT DISTRICTS
Suwannee River Water Management District
 40B-9.021 12/21/2016 **/**/***** 42/221
 40B-9.041 12/21/2016 **/**/***** 42/221
 40B-9.123 12/9/2016 **/**/***** 42/221
 40B-9.126 12/21/2016 **/**/***** 42/221
 40B-9.131 12/21/2016 **/**/***** 42/221
 40B-9.1381 12/21/2016 **/**/***** 42/221
 40B-9.1411 12/21/2016 **/**/***** 42/221
 40B-9.142 12/21/2016 **/**/***** 42/221
 40B-9.145 12/21/2016 **/**/***** 42/221

DEPARTMENT OF ELDER AFFAIRS
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 58M-2.009 2/9/2017 **/**/***** 42/203 43/11

DEPARTMENT OF MANAGEMENT SERVICES
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 60FF1-5.009 7/21/2016 **/**/***** 42/105

DEPARTMENT OF HEALTH
Board of Medicine
 64B8-9.009 6/15/2016 **/**/***** 42/89
 64B8-10.003 12/9/2015 **/**/***** 39/95 41/49

DEPARTMENT OF FINANCIAL SERVICES
Division of Worker's Compensation

69L-7.100	12/19/2016	**/**/****	42/191	42/218
69L-7.501	12/19/2016	**/**/****	42/191	42/218

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.