PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed Senate Bill 2158, relating to money services businesses. The bill was signed into law on June 17, 2008, and will take effect on January 1, 2009. This law makes significant changes to Chapter 560, Florida Statutes. The new law imposes additional regulatory requirements on money services businesses including money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers. The Office of Financial Regulation will be holding rule workshops in Tallahassee (July 21, 2008), Orlando (July 23, 2008), and Ft. Lauderdale (July 25, 2008) to develop rules to implement the new law. In addition to the existing rules under Rule Chapter 69V-560, F.A.C., that will be amended to reflect the new law, additional rules will be developed to implement disciplinary action guidelines, requirements relating to third-party contractors for examinations, etc.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

SPECIFIC AUTHORITY: 215.405, 560.105, 560.1091, 560.1092, 560.110, 560.1141, 560.118, 560.123, 560.126, 560.128, 560.142, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.309, 560.310, 560.403, 560.404 FS.

LAW IMPLEMENTED: 215.405, 560.103, 560.105, 560.109, 560.1091, 560.1092, 560.110, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.126, 560.127, 560.128, 560.129, 560.140, 560.141, 560.142, 560.204, 560.205, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.304, 560.309, 560.310, 560.402, 560.403, 560.404 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: July 21, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: The Larson Building, Room 116, 200 E. Gaines Street, Tallahassee, FL 32399

DATE AND TIME: July 23, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Office of Financial Regulation, First Floor Conference Room (Room A), 400 W. Robinson St., Hurston South Tower, Orlando, FL 32801-1799

DATE AND TIME: July 25, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Transportation, Operations Auditorium, 5548 N.W. 9th Avenue, Ft. Lauderdale, FL 33309

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 3 days before the workshop/meeting by contacting: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com. The preliminary draft will be posted on the Office of Financial Regulation's website (www.flofr.com) once it becomes available

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

Section II
Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.081	Developmental Disabilities Waiver Provider Rate Table
59G-13.084	Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The purpose of Rule 59G-13.084, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008. The rate tables were revised to comply with proviso language following Specific Appropriation 263 of the 2008-2009 General Appropriations Act. The effect of the amendment to Rule 59G-13.081, F.A.C., will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The effect of Rule 59G-13.084, F.A.C., will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008.

SUMMARY: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The purpose of Rule 59G-13.084, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 393.0661, 409.906, 409.908 FS.

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

DATES AND TIMES: Tallahassee, Monday, July 21, 2008, 2:00 p.m.; Miami, Monday, July 21, 2008, 10:00 a.m.; Orlando, Monday, July 21, 2008, 1:00 p.m.

PLACE: Tallahassee: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida. Miami: Medicaid Program Office Area 11, 8355 NW 53 Street, Miami, Florida. Orlando: Medicaid Program Office Area 7, 400 West Robinson Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Kyllonen, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-9756, kyllonep@ahca. myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-13.081 Developmental Disabilities Waiver Provider Rate Table.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008 ~~January 1, 2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal ~~website~~ at http://mymedicaid-florida.com ~~floridamedicaid.acs-inc.com~~. Click on Provider Support, and then on Fee~~s~~ Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History–New 5-29-06, Amended 11-15-07, _____.

59G-13.084 Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal at http://mymedicaid-florida.com. Click on Provider Support, and then on Fee Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Kyllonen

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
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
62-160.240	Record Keeping and Reporting Requirements for Field Procedures
62-160.300	Laboratory Certification
62-160.320	Approved Laboratory Methods
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
62-160.405	Electronic Signatures
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 purpose of this rulemaking is to update the Department's Standard Operating Procedures (SOPs) for Field Activities (DEP-SOP-001/01) and Laboratory Activities (DEP-SOP-002/01). The majority of these updates are intended to clarify and/or correct procedures in the original documents, and should have minimal effect on a majority of laboratory or field operations. There are, however, a limited number of new Standard Operating Procedures for conducting and interpreting biological assessments, which represent recent advances in environmental science. As part of this rulemaking, the Department is also clarifying the process by which data usability is assessed in a new document, which will be incorporated by reference, titled "Department of Environmental Protection Process for Assessing Data Usability", (DEP-EA-001/07).

SUMMARY: Changes in the rule include updating the reference dates of DEP-SOP-001/01 and DEP-SOP-002/01; clarifying the applicability of the rule to include all organizations that are a part of the sample collection/laboratory analysis process; identifying new and revised standard operating procedures for biological assessments in DEP-SOP-001/01 and DEP-SOP-002/01 (Qualitative Periphyton Sampling , Rapid Periphyton Survey, Lake Vegetation Index sampling and calculation, Stream Condition Index calculation and BioRecon index calculation); simplifying the accreditation requirements for laboratories needing certification in non-potable water for multiple methods of the same analytical technology; allowing use of drinking water methods for non-potable water analysis when no other methods exist; identifying additional tests for which certification is not required; adding more detail to the records to be maintained by laboratories; modifying the content requirements for laboratory reports; adding prohibitions against altering data that were originally generated by another party; adding performance criteria for electronic signatures; modifying Table 1 62-160.700, F.A.C., with clarifications and additions; and updating the documents incorporated by reference. The changes in the SOPs are intended to clarify the original intent of certain procedures, or to provide more detailed information. The new SOPs related to the various biological indices are necessary to ensure that these procedures for assessment, processing, and calculation are consistent among all parties performing them.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost was prepared and is available upon request. The Department's analysis concluded that the proposed rule will not result in net cost increases to the regulated public. Specifically, several revisions allow for increased laboratory certification flexibility and reduction of certification requirements for selected analytes, which could result in minor cost savings for affected parties. Provision of the performance standards for authentication of electronic signatures will also provide cost benefits to affected parties because they will facilitate use of electronic signatures, which are faster than a hard copy method. Several of the revisions are cost neutral changes, such as extensions/clarifications of existing requirements or descriptions of FDEP data evaluation procedures. The only proposed revisions that may increase costs slightly are those associated with the new biological index procedures, which require parties currently engaged in bioassessment activities to invest additional time to ensure that results submitted to the Department are scientifically reliable. Any person who wishes to provide additional information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC 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, 403.783, 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: Wednesday, July 23, 2008, 3:00 p.m.

PLACE: Room A204, Bob Martinez Center, 2600 Blair Stone Road, 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: Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Amanda Cantrell, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, Florida 32399-2400, (850)245-8065, amanda.cantrell@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-160.110 Purpose, Scope and Applicability.

(1) The purpose of this chapter is to assure that chemical, physical, biological, microbiological and toxicological data used by the Department are appropriate and reliable, and are

collected and analyzed by scientifically sound procedures. To this end, this chapter defines the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department.

(2) Except as provided in subsection (3) of this section, this chapter shall apply to all programs, projects, studies or other activities that are required by the Department, and that involve the measurement, use or submission of environmental data or reports to the Department. This chapter shall apply to all entities that participate in the process of generating environmental data. This process includes, but is not limited to: field activities (sample collection, sample preservation, field measurements, and site evaluation); sample handling, storage and/or transport (except common carriers); laboratory activities (e.g., sample receipt, analysis, data review and data validation); additional data review, summaries or data presentation activities; and all activities that impact data quality such as providing sample containers, instrument calibration services, or reagents and standards (except commercial vendors).

(3) Programs, projects, studies or activities pertaining to air quality, meteorology, atmospheric radiation, atmospheric noise, electric and magnetic fields or air pollutant emissions, and having no requirements for monitoring contamination of soil, ~~or ambient~~ water, or tissue are excluded from the scope of this chapter. These excluded activities include those specified in Chapters 62-204, 62-210, 62-212, 62-213, 62-214, 62-252, 62-296 and 62-297 (Air Resources Management), F.A.C.

(4) through (5) No change.

(6) If specifically required by the United States Environmental Protection Agency (EPA) for activities conducted for or funded by EPA, Quality Assurance Project Plans (QAPPs) shall be prepared in accordance with "EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5" (EPA/240/B-01/003 March 2001), ~~EPA/240B-01/003 March 2001),~~ which is incorporated by reference in Rule 62-160.800, F.A.C. These QAPPs will be reviewed and approved by the appropriate EPA office or delegated authority.

(7) through (8) No change.

Specific 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, 403.783, 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, _____.

62-160.120 Definitions and Standards.

For purposes of this chapter:

(1) through (2) No change.

(3) "Common Carrier" is a business or agency that is available to the general public for the transportation of goods over a definite route and according to a regular schedule. ~~"Chemical Abstracts Service (CAS) Registry Number" is a unique number assigned to a chemical by the Chemical Abstracts Service Registry. The CAS is a division of the American Chemical Society and is internationally recognized as the producer of the largest and most comprehensive database of chemical information. The CAS Registry Number provides an unambiguous way to identify a chemical substance or molecular structure.~~

(4) "Commercial Vendor" is a retail or wholesale company whose business is to sell commodities to customers and who is not a part of the process that generates environmental data. These businesses do not include organizations that purchase commodities with the intent of providing the commodities as a service to clients.

(5)~~(4)~~ "Data quality objectives" are a set of qualitative and quantitative statements derived from a systematic planning process that clarify the purpose of the study, define the most appropriate type of information to collect, determine the most appropriate conditions from which to collect that information, and specify tolerable levels of potential decision errors ~~requirements that environmental data must achieve to be acceptable for use in a specific program or project~~.

(5) through (8) renumbered (6) through (9) No change.

(10)~~(9)~~ "Department of Health (DOH) Environmental Laboratory Certification Program (ELCP)" is the state of Florida's environmental laboratory certification program, authorized by Section 381.00591, F.S., and recognized by the National Environmental Laboratory Accreditation Program (NELAP) as an authority with responsibility and accountability for granting accreditation for specified fields of laboratory testing through Chapter 64E-1, F.A.C. ~~The standards used by the DOH ELCP are those established by the National Environmental Laboratory Accreditation Conference (NELAC) or The NELAC Institute, as specified in Chapter 64E-1, F.A.C.~~

(11) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(10) through (12) renumbered (12) through (14) No change.

(15)~~(13)~~ "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. Examples are Carbonaceous Biological Oxygen Demand, Oil and Grease, and Toxicity Characteristic Leaching Procedure (TCLP).

(16)~~(14)~~ "Method detection limit (MDL)" is an estimate of the minimum amount of a substance that an analytical process can reliably detect. An MDL is analyte-and matrix-specific and is laboratory-dependent ~~the minimum concentration of an analyte of interest that can be measured and reported with 99% confidence that the analyte concentration is greater than zero~~.

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. MDLs shall be calculated ~~shall be determined~~ following the procedures specified in "New and Alternative Analytical Laboratory Methods", DEP-QA-001/01 (February 1, 2004) which is incorporated by reference in Rule 62-160.800, F.A.C., or by any other technically justifiable and scientifically sound method. A specific method must be used when mandated by a Department program ~~unless otherwise specified by a mandated test method for which the laboratory is certified or seeking certification~~.

(17)~~(15)~~ "Method modification" is any modification to an approved field procedure or analytical laboratory method that is specifically allowed by the approved field procedure or analytical laboratory method.

(18)~~(16)~~ "NELAC Field of Accreditation Matrix" is defined in the Glossary of the 2001 NELAC Standards, which is incorporated by reference in Rule 62-160.800, F.A.C., ~~standards~~ and shall be used to determine matrices under which a laboratory must be certified:

(a) Drinking Water: any aqueous sample that has been collected from a water source designated by the Department as a potable or potential potable water source.

(b) Non-potable Water: any aqueous sample excluded from the definition of drinking water matrix including~~.~~ ~~Includes~~ surface water, groundwater, effluents, water treatment chemicals, and toxicity characteristic leaching procedure~~s~~ (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 TCLP extraction, the laboratory must be certified for the TCLP extraction in the Solid and Chemical Material matrix. For the analytical tests to be performed on the TCLP extract, the laboratory be certified in the non-potable water matrix for at least one method for each analytical technology/analyte combination for each reported analyte ~~and TCLP or other extracts must have been received by the laboratory as the extract, otherwise, the original environmental sample shall determine the field of accreditation matrix~~.

(c) through (d) No change.

(19)~~(17)~~ "National Environmental Laboratory Accreditation Conference (NELAC)" was ~~is~~ a voluntary organization of state and federal environmental agencies, sponsored by the EPA, and formed to establish and promote mutually acceptable performance standards for the operation of environmental laboratories seeking NELAP accreditation. ~~These standards cover both analytical testing of environmental samples and the laboratory accreditation process. The goal of NELAC is to foster the generation of environmental laboratory data of known and documented quality through the adoption of national performance standards for environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.~~

(20)~~(18)~~ "National Environmental Laboratory Accreditation Program (NELAP)" is a ~~the~~ program that implements standards that have been found to be acceptable to the NELAP accrediting authorities ~~the NELAC standards~~. ~~NELAP is administered by the EPA~~.

(19) through (26) renumbered (21) though (28) No change.

~~(27) "Rejection" of data means the Department shall not use the data for the program or project for which they were generated. If the data do not comply with the validation criteria specified in subsection 62-160.670(1), F.A.C., they shall be subject to rejection in part or in whole for use by Department programs, as provided in subsections 62-160.670(2) and (3), F.A.C.~~

(28) through (29) renumbered (29) through (30) No change.

(31) "Secondary Use Data" means information submitted to the Department that is being considered for use for purposes other than that for which the data were originally generated.

(32)~~(30)~~ "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 alternate approval process is outlined in Sections FA 2100 and FA 2200 of FA 1000 of DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~), which is incorporated by reference in Rule 62-160.800, F.A.C.

(33)~~(31)~~ "Spike" is an environmental sample that has been fortified with a known chemical of interest, at a known concentration. The purpose of a spike is to determine the method recovery efficiency for the chemical of interest, at the fortified concentration level, in the particular environmental sample of interest.

(34)~~(32)~~ "Statewide method" is a field procedure or 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 multiple field sampling organizations or laboratories, as applicable. The process for the validation of a statewide method is outlined in FA 2100 and FA 2200 of DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~), and "New and Alternative Analytical Laboratory Methods", DEP-QA-001/01 (February 1, 2004)" which are incorporated by reference in Rule 62-160.800, F.A.C.

(35)~~(33)~~ "Surrogate spikes" are samples fortified at known concentration(s) with a compound(s) having similar chemical characteristics to the compounds of interest, but which are not normally found in environmental samples.

Specific 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, 403.783, 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,_____.

62-160.210 Approved Field Procedures.

(1) All entities that conduct or support field activities and field measurements ~~field sampling organizations~~ shall follow the applicable procedures ~~collection and quality control protocols~~ and requirements described in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~), which is incorporated by reference in Rule 62-160.800, F.A.C., unless specifically exempted by the rules of a particular Department program.

(2) Any party that wishes to apply for new or alternative field procedures other than those specified in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~) shall follow the requirements provided in Rule 62-160.220, F.A.C.

Specific 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, 403.783, 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,_____.

62-160.220 Approval of New and Alternative Field Procedures.

(1) Any party may apply for use of a field procedure other than those specified in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~). Any field procedure not included in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~) must be approved by the Department prior to use according to the requirements of Subsections FA 2100 and FA 2200 of FA 1000 of ~~in~~ DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~). Field procedures approved for use by a contract, order, or permit before the effective date of this chapter shall remain approved for the duration of the project. The documentation that approved the use of the procedure must be retained for at least five years after the last use of the procedure.

(2) Field procedures not included in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~) or not specified by Department contracts, orders, or permits, 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 (chemical compound, component, microorganism, etc.) 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 procedures cannot be approved for the following methods in DEP-SOP-001/01 ~~and DEP-SOP-002/01~~:

1. FS 7410, Rapid Bioassessment (Biorecon) Method;

2. FS 7420, Stream Condition Index (D-Frame Dipnet) Sampling;

3. FS 7460, Lake Condition Index (Lake Composite Sampling);~~ and~~

4. FT 3000, Aquatic Habitat Characterization ~~Assessment~~;

5. FS 7220, Qualitative Periphyton Sampling;

6. FS 7230, Rapid Periphyton Survey; and

7. FS 7310, Lake Vegetation Index Sampling (LVI).

(3) A ~~procedure~~ modification to an approved field procedure that is specifically allowed by the approved procedure is ~~are~~ not considered an alternative or new procedure~~s~~ and does ~~do~~ not require approval by the Department prior to use. However, the entity performing the modified procedure ~~field sampling organization~~ 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) though (8) No change.

Specific 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, 403.783, 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,_____.

62-160.240 Record Keeping and Reporting Requirements for Field Procedures.

(1) The ~~All~~ record keeping requirements for entities that conduct or support field activities and field measurements ~~field sampling organizations~~ are specified in DEP-SOP-001/01 FD 1000 (March 31, 2008 ~~February 1, 2004~~). The specified records shall contain sufficient information to allow independent reconstruction of all activities related to generating data that are submitted to the Department. These records shall be kept by the generator of the records for a minimum of five years after the date of project completion or permit cycle unless otherwise specified in a Department contract, order, permit, or Chapter ~~Title~~ 62 rule~~s~~.

(2) When requested by the Department, ~~If specified by the Department in a contract, order, permit, or other Title 62 rule,~~ the following field sampling information shall be provided to the Department for each site/facility and sampling location, as applicable:

(a) Project information including:

1. Project and/or program identification or name; and

2. Site and/or facility name, address and phone number.~~;~~

(b) Site and/or facility locational information to include:

1. through 3. No change.

4. Spheroid – the ellipsoid used as a model for the surface of the Earth; and

5. Geolocational collection information:

a. through e. No change.

f. Coordinate accuracy level – the measured, estimated or deduced degree of correctness of the measurement; and

g. Verification information including name of the person verifying the measurement, the date and the time when verification was performed.~~;~~

(c) Information about the collected samples:

1. through 6. No change.

7. Unambiguous identification of all field-generated quality control samples such as field or equipment blanks, replicate samples or split samples; and

8. Any additional information from the field documentation records specified in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~.

(d) Information about field measurement activities:

1. through 3. No change.

4. Any additional information from the field documentation records specified in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~).

(e) Information about site conditions:

1. Weather;

2. Flow (including units); and

3. Any additional information from the field documentation records specified in DEP-SOP-001/001/01 (March 31, 2008 ~~February 1, 2004~~).~~; and;~~

(f) Any additional information specified by the Department in contracts, orders, permits or Chapter ~~Title~~ 62 rules.

(3) No change.

Specific 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, 403.783, 403.853 FS. History–New 4-9-02, Amended 6-8-04, _____.

62-160.300 Laboratory Certification.

(1) Except as provided in subsections 62-160.300(2), (3), (4) and (5), F.A.C., or other Chapter ~~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 DOH ELCP.

(a) Certification shall be based on the matrix of the sample. 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 NELAC Field of Accreditation Matrix groups defined by subsection 62-160.120(18), F.A.C.

(b) For laboratories reporting data for drinking water compliance, ~~Such~~ certification shall be for all matrix/test method/analyte(s) combinations being reported ~~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 NELAC Field of Accreditation Matrix groups defined by subsection 62-160.120(16), F.A.C.~~

(c) For the non-potable water matrix, laboratories shall apply for and receive certification in at least one method for each matrix/ analytical technology/analyte combination being measured. For informational purposes, the Department shall maintain a list of the acceptable equivalent matrix/analytical technology/analyte combinations and the methods associated with them.

1. When a Department contract, order, permit or Chapter 62, rule, requires a specific method to be reported, laboratories shall report only that method. Laboratories may report additional analytes not published in the reported method, if method(s) for the analyte(s) have not been specified by the Department and the laboratory has met the certification requirement of paragraph 62-160.300(1)(c), F.A.C.

2. Except as noted in subparagraph 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 for the analyte that is reported. When laboratories report a method for which they do not hold certification, the laboratory shall ensure that all the requisite quality control and calibration requirements of the reported method are met.

3. If a laboratory is required to provide data for an analyte for which no method exists in the non-potable water matrix, but exists for the drinking water matrix, the laboratory is not required to obtain certification for the method-technology/analyte combination in the non-potable water matrix. However, the laboratory must be certified in the drinking water matrix for the reported method/analyte combination.

(d) For all other matrices, laboratories shall apply for and receive certification for all matrix/test method/analyte combinations that are reported to the Department.

(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, a Department program will ~~may~~ allow a laboratory to begin using a method before the certification process is complete if the 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) The laboratory must have met all the requirements for certification except for the on-site visit by DOH ELCP inspectors. The laboratory must be prepared to provide to the Department copies of the relevant application, applicable performance test sample results and the initial demonstration of capability., ~~and~~

(b) The precision, accuracy and method detection limits generated by the laboratory must meet or exceed the project-specific data quality objectives.

(c) The laboratory shall notify the Department of the status of its certification application within 90 days of the on-site visit by DOH ELCP inspectors.

(3) No change.

(4) Except for drinking water compliance testing (see subsection 62-160.300(3), F.A.C.), laboratories are not required to be certified by the DOH ELCP when conducting the following test procedures:

(a) through (h) No change.

(i) Turbidity ~~(when performed at the sampling location)~~;

(j) Explosive gases (when monitoring for the Lower Explosive Limit);

(k) Sulfite (when performed at the sampling location);

(l) Sediment oxygen demand; ~~and~~

(m) Any other test with a specific holding time of fifteen minutes or less when performed at the sampling location; and~~.~~

(n) Any test in which the reported result is a calculation from the results of other tests for which the laboratory holds certification by the DOH ELCP. When conducting the analyses specified in paragraphs 62-160.300(4)(a) through (n), F.A.C., laboratories ~~However, these laboratories~~ shall follow the applicable standard operating procedures in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~). If a method is not listed in DEP-SOP-001/01, the laboratory shall use an approved laboratory method as identified in Rule 62-160.320, F.A.C. ~~when conducting the analyses specified in paragraphs 62-160.300(4)(a) through (m), F.A.C.~~

(5) Certification is not required for:

(a) Any analyses related solely to internal process control;

(b) Geochemical parameters and bacteriological tests conducted at the sampling location for the purposes of evaluating remediation activities;

(c) through (e) No change.

(6) No change.

Specific 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, 403.783, 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, _____.

62-160.320 Approved Laboratory Methods.

(1) Approved laboratory methods are specified in the Department's program rules, contracts, orders or permits. When methods are specified by a Department program, rule, contract, order or permit, only those methods shall be used. For informational purposes, the Department~~'s~~ maintains a list of methods and method compendiums that have been recognized by various Departmental programs. However, this list shall not supersede or limit the use of other methods that are ~~may be~~ required by contract, order, permit or Chapter ~~Title~~ 62 rule. Upon request, this list will be provided by ~~A copy of this list may be obtained from~~ the Department, ~~Florida Department of Environmental Protection, Environmental Assessment Section,~~ 2600 Blair Stone Road, ~~MS 6511,~~ Tallahassee, Florida 32399-2400.

(a) On March 12, 2007, and March 26, 2007, the Environmental Protection Agency published updated lists of methods to be used by laboratories reporting data under the Clean Water Act and Safe Drinking Water Act (Federal Register, Vol. 72, No. 47 and Vol. 72, No. 57, respectively), which are incorporated by reference in Rule 62-160.800, F.A.C. These lists withdrew many older methods.

(b) Laboratories that are certified under the withdrawn method(s) shall apply for and receive certification for a method to take the place of the withdrawn method(s). Laboratories shall be certified for the replacement method(s) within six (6) months after the effective date of this rule.

(2) Laboratories performing taxonomic identification for periphyton or macrobenthic invertebrates shall use DEP-SOP-002/01, Method LQ 7000 (found in LQ 1000), which is incorporated by reference in Rule 62-160.800, F.A.C.

(3) Laboratories calculating the Stream Condition Index (SCI), the Lake Condition Index, the Lake Vegetation Index or making a Biorecon determination shall follow DEP-SOP-002/01, Methods LD 7000 and LT 7000 found in LD 1000 and LT 1000 respectively, which are incorporated by reference in Rule 62-160.800, F.A.C.

Specific 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, 403.783, 403.853 FS. History–New 4-9-02, Amended _____.

62-160.330 Approval of New and Alternative Laboratory Methods.

(1) No change.

(2) All laboratory methods that support a Department contract, order, permit or Chapter ~~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 (chemical compound, component, microorganism, etc.) in a specified matrix where a Department-approved method does not exist;

(b) Alternative – an analytical laboratory method that tests for an analyte (chemical compound, component, microorganism, etc.) in a specified matrix where a Department-approved method does exist. An alternative method is one intended to be used in place of an existing Department-approved method. Alternative procedures cannot be approved for:

1. Alternatives to methods that the United States Environmental Protection Agency has designated as "method-defined analyte"; and

2. The following methods from DEP-SOP-002/01, LT 1000:

a. LT 7100, Biorecon Determination;

b. LT 7200, Stream Condition Index (SCI) Determination; ~~and~~

c. LT 7300, Lake Condition Index (LCI) Determination; and

d. LT 7500, Lake Vegetation Index (LVI) Determination.

(3) No change.

(4) New and alternative methods shall be demonstrated as appropriate for use according to the requirements in New and Alternative Analytical Laboratory Methods, DEP-QA-001/01 (February 1, 2004) unless otherwise specified in a Department contract, order, permit or Chapter ~~Title~~ 62 rule. A new or alternative laboratory method shall be evaluated based on its intended use:

(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 ~~may~~ only be used by that laboratory.

(b) Statewide-Use Method – the laboratory method is intended for testing environmental samples from similar 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 of the Official Methods of Analysis of the Association of Official Analytical Chemists (1995), incorporated by reference in Rule 62-160.800, 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., American Society for Testing and Materials) may be used. Specifications for these studies are provided in DEP-QA-001/01 (February 1, 2004)~~, incorporated by reference in Rule 62-160.800, F.A.C.~~

(5) No change.

(6) Applicants who are analyzing discharges regulated under the National Pollutant Discharge Elimination System (NPDES) permit system shall comply with applicable provisions of the United States Environmental Protection Agency regulations in 40 CFR Part 136 paragraphs 136.4 and 136.5 as updated by the Federal Register, Vol. 72, No. 47 ~~(2000)~~. 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.

(7) No change.

Specific 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, 403.783, 403.853 FS. History–New 4-9-02, Amended 6-8-04, _____.

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

(1) Laboratory record keeping requirements shall follow those specified by the DOH ELCP Chapter 64E-1, F.A.C., and this Chapter. Records shall be retained for a minimum of five years after the date of project completion or permit cycle unless otherwise specified in a Department contract, order, permit or Chapter ~~Title~~ 62 rules. The laboratory records shall contain sufficient information to allow independent reconstruction of all activities related to generating data that are submitted to the Department. In addition, the laboratory shall ensure that its records include all information necessary to support the analytical report (subsection 62-160.340(2), F.A.C.). When requested by the Department, the laboratory shall provide applicable records or copies of the records to the Department. These records shall include, but are not limited to:

(a) Laboratory and project information including:

1. Signed and dated final report as specified in paragraph (2) below;

2. Project information such as client name, site name, client project number, or client project name;

3. When applicable, the quality assurance project plan associated with the project;

4. Client or field identification number for each sample;

5. Date and time of sample collection;

6. Sample matrix (e.g., groundwater, effluent, waste, soil, etc.);

7. Sample type (e.g., environmental sample, field blank, matrix spike); and

8. Identification of all laboratories providing analytical results in the report and the appropriate laboratory certification numbers from the DOH ELCP (if applicable) for each laboratory.

(b) Sample receipt, preparation and analysis information including:

1. Laboratory identification number for each sample fraction;

2. Sample receipt conditions such as proper and intact custody seals;

3. Positive verification of chemical and/or physical sample preservation during sample receipt and/or before sample analysis. The information shall include the preservation acceptance criteria, an indication of acceptability, and the value(s) if the criteria are not met;

4. Sample preparation information, if applicable, including method, date of sample preparation and time of sample preparation if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 72 hours;

5. Sample analysis information including analytical method, date of sample analysis, and time of sample analysis if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 72 hours; and

6. Original analysis records such as strip chart recordings, laboratory notebooks, chromatograms, etc.

(c) Sample result information including:

1. Analyte or organism name as applicable;

2. Test result with all applicable data qualifiers, as specified in Table 1: Data Qualifier Codes;

3. Test result units;

4. Other sample characteristics such as percent moisture or fraction (i.e., total or dissolved); and

5. Textual comments, if applicable, that specify any deviations (such as failed quality control), additions to, or exclusions from, the analytical method, and any non-standard conditions (such as sample matrix or environmental conditions) that have affected the quality of results.

(d) Laboratory quality control information including:

1. Identification that unambiguously links groups of samples to a specified set of activities such as preparation, analysis, shipping, reporting, or quality control;

2. Laboratory blank results (results for any laboratory blank analysis as required by the DOH ELCP certification or the analytical method); and

3. Information pertaining to replicate sample analysis including an unambiguous designation of the replicate sample (e.g., sample duplicate, sample matrix spike duplicate, 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 (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) Instrument Calibration/Verification including:

1. Number of standards;

2. Acceptability requirements for initial calibration, and initial and continuing calibration verifications; and

3. Origin, and preparation (if applicable) for all standards used for calibration.

(f) For chemical testing:

1. When applicable, indication that a sample was filtered in the laboratory;

2. For each analyte, records to support:

a. When applicable, determination of method detection limit(s) and practical quantitation limit(s) including the method by which each are determined; the raw and processed data supporting the determination(s); and effective dates; and

b. Dilution factor (if applicable).

3. Matrix or laboratory control spike information including concentration level (level of analyte added to a spiked sample), matrix or laboratory control spike recovery (results for matrix spike/duplicate sample analysis including those required by methods) and matrix or laboratory control spike recovery limits (in-house recovery limits used by the data generator when control limits are not specified by the reported method or data quality objectives identified by the Department); and

4. When performed, surrogate spike information including concentration level (level of analyte added to the sample), surrogate spike recovery, and surrogate recovery limits (in-house recovery limits used by the data generator when control limits are not specified by the reported method or data quality objectives identified by the Department).

(g) For microbiological testing:

1. Results of all applicable reagent or dilution water quality or suitability test associated with samples;

2. Results of all media quality control tests; and

3. Sample ID of sample used to verify positive results and results of such verifications.

(h) For toxicity (bioassay) testing:

1. Test type (acute or chronic);

2. Test organism(s) used;

3. Age(s) of test organism(s);

4. Test result(s);

5. Statistical method used to generate the result(s);

6. Control data (mortality/weight/reproduction, etc.) as appropriate to test type;

7. Test end points and confidence intervals;

8. Standard reference toxicant data associated with batch of test organisms; and

9. Physical and chemical measures that are associated with the test (pH, temperature, dissolved oxygen, etc.).

(i) For benthic invertebrate taxonomic identification:

1. Sorting efficiency, as percent (%);

2. Number and identity of taxa in sample;

3. Percent agreement between or among identifications performed by two or more independent taxonomists associated with the period when results were generated;

4. Indication of which organisms were verified against standard reference collection; and

5. Indication of whether the organism range includes Florida.

(j) For algal taxonomic identification:

1. Percent agreement between or among identifications performed by two or more independent taxonomists associated with the period when results were generated;

2. Number and identity of taxa in the sample;

3. Microscope magnification;

4. Dilution factor;

5. Surface area sampled (periphyton) or volume sampled (phytoplankton);

6. Number of fields counted; and

7. Counting chamber dimensions.

(k) Field quality control results including trip blanks, field blanks, equipment blanks, and field replicates as required by DEP-SOP-001/01 (March 31, 2008) or the applicable contract, order, permit, or Chapter 62 rule; and

(l) Any additional elements specified by the Department in contracts, orders, permits, or Chapter 62 rules.

(2) Except as noted in Subsection (3) below, a laboratory shall generate an analytical report that is consistent with the requirements of the DOH ELCP Chapter 64E-1, F.A.C. and 5.5.10.5 and 5.5.10.6 of 2003 NELAC Standards (incorporated by reference in Rule 62-160.800, F.A.C.), contains all applicable reporting elements specified in Sections 5.5.10.3 and 5.5.10.4 of the 2003 NELAC Standards, and uses 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) All results that are less than the laboratory's practical quantitation limit shall be reported using the applicable data qualifiers.

(b) Except for tests in which a method detection limit is not required, non-detected analytes shall be indicated by the method detection limit value, followed by the code "U".

(c) For tests that do not require a method detection limit study, values below the reporting limit attributed to the test shall be reported as the reporting limit value followed by the code "U".

(d) When the holding time for a preparation step is specified, the date of sample preparation shall be reported. The time shall also be reported if the holding time for sample preparation is equal to or less than 72 hours.

(e) Any additional information specified by the Department in contracts, orders, permits or Chapter 62 rules shall be reported.

~~(2) A laboratory shall issue an analytical report that is consistent with the requirements of the DOH ELCP and using applicable qualifiers as defined in Table 1: Data Qualifiers Codes. In addition, when specified by the Department in a contract, order, permit or other Title 62 rule, the following laboratory information shall be provided in reports issued to the client for Department-related work or in reports issued directly to the Department:~~

~~(a) Laboratory name, address and phone number;~~

~~(b) Project information such as client name, site name, client project number, or client project name;~~

~~(c) Client or field identification number for each sample;~~

~~(d) Date and time of sample collection;~~

~~(e) Sample matrix (e.g., groundwater, effluent, waste, soil, etc.);~~

~~(f) Sample type (e.g., environmental sample, field blank, matrix spike);~~

~~(g) Laboratory identification number for each sample fraction;~~

~~(h) Sample receipt conditions such as proper and intact custody seals, or receipt temperature;~~

~~(i) Type of chemical and/or physical sample preservative and if intact at sample receipt/analysis;~~

~~(j) Sample analysis method;~~

~~(k) Sample preparation method, if applicable;~~

~~(l) Date of sample preparation, if applicable;~~

~~(m) Time of sample preparation if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 48 hours;~~

~~(n) Date of sample analysis;~~

~~(o) Time of sample analysis if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 48 hours;~~

~~(p) Identification of all laboratories providing analytical results in the report and the appropriate laboratory certification numbers from the DOH ELCP (if applicable) for each laboratory;~~

~~(q) Textual comments, if applicable, that specify any samples failing to meet preservation, container or holding time as determined by laboratory at sample receipt;~~

~~(r) Textual comments, if applicable, that specify any deviations (such as failed quality control), additions to, or exclusions from, the analytical method (such as environmental conditions), and any non-standard conditions that may have affected the quality of results;~~

~~(s) Batch identifiers that unambiguously link groups of samples to a specified set of activities such as preparation, analysis, shipping, reporting, or quality control;~~

~~(t) For chemical testing:~~

~~1. Analyte name;~~

~~2. Analyte CAS registry number or NELAP parameter code, if available;~~

~~3. The analytical result for each analysis with applicable Data Qualifiers, as specified in Table 1: Data Qualifiers Codes;~~

~~a. Non-detected analytes shall be indicated by the method detection limit value, followed by the code "U";~~

~~b. Laboratories may report a non-detected analyte whose method detection limit is two orders of magnitude below the target criterion with a value no greater than one order of magnitude below the target criteria. Such values shall be reported with a "U" qualifier.~~

~~4. Result units;~~

~~5. Sample lab filtered? (Yes or No — was the sample filtered in the laboratory?);~~

~~6. Method detection limit(s);~~

~~7. Practical quantitation limit(s);~~

~~8. Dilution factor;~~

~~9. Batch ID (unambiguous reference linking samples prepared or analyzed together);~~

~~10. Replicate sample reference (an unambiguous reference to laboratory replicate samples);~~

~~11. Matrix spike concentration level (level of analyte added to a spiked sample);~~

~~12. Matrix spike recovery (results for matrix spike/duplicate sample analysis required by methods);~~

~~13. Matrix spike duplicate recovery (results for matrix spike/duplicate sample analysis as required by the method);~~

~~14. Matrix spike precision (results for matrix spike/duplicate sample analysis as required by methods expressed as Relative Percent Difference or % Relative Standard Deviation, as defined in DEP-QA-001/01 (February 1, 2004);~~

~~15. Matrix spike recovery limits (in-house recovery limits used by the data generator to control their process);~~

~~16. Matrix spike precision limits (in-house recovery limits used by the data generator to control their process);~~

~~17. Results for laboratory replicate samples (results for duplicate/replicate sample analysis as required by the method);~~

~~18. Laboratory blank results (results for any laboratory blank analysis as required by the method and DEP-SOP-001/01 (February 1, 2004);~~

~~19. Field quality control results including trip blanks, field blanks, equipment blanks, and field replicates as required by DEP SOP 001/01 (February 1, 2004) or the applicable contract, order, permit or Title 62 rule.~~

~~20. Surrogate spike concentration level (level of analyte added to the sample);~~

~~21. Surrogate spike recovery (if surrogate spikes are required by the method);~~

~~22. Surrogate recovery limits (if surrogates are required by the method);~~

~~23. Other sample characteristics such as percent moisture or fraction (i.e., total or dissolved);~~

~~(u) For toxicity (bioassay) testing:~~

~~1. Test type (acute or chronic);~~

~~2. Test organism(s) used;~~

~~3. Age(s) of test organism(s);~~

~~4. Test result(s);~~

~~5. Statistical method used to generate the result(s);~~

~~6. Control data (mortality/weight/reproduction, etc.) as appropriate to test type;~~

~~7. Test end points and confidence intervals;~~

~~8. Standard reference toxicant data associated with batch of test organisms;~~

~~9. Physical and chemical measures (pH, temperature, dissolved oxygen, etc.).~~

~~(v) For benthic invertebrate taxonomic identification:~~

~~1. Sorting efficiency, as percent (%);~~

~~2. Number and identity of taxa in sample;~~

~~3. Percent agreement between or among identifications performed by two or more independent taxonomists associated with period when results were generated;~~

~~4. Were all organisms verified against standard reference collection? (Yes or No);~~

~~5. Does organism range include Florida? (Yes or No).~~

~~(w) For algal taxonomic identification:~~

~~1. Percent agreement between or among identifications performed by two or more independent taxonomists associated with period when results were generated;~~

~~2. Number and identity of taxa in sample;~~

~~3. Microscope magnification;~~

~~4. Dilution factor;~~

~~5. Surface area sampled (periphyton); volume sampled (phytoplankton);~~

~~6. Number of fields counted;~~

~~7. Counting chamber dimensions.~~

~~(x) For microbiological testing:~~

~~1. Identity of test;~~

~~2. Test result with applicable data qualifiers, as specified in Table 1: Data Qualifiers Codes;~~

~~3. Test result units;~~

~~4. Results for laboratory replicate samples (results for duplicate/replicate sample analysis as required by the method) and field replicate samples, if performed;~~

~~5. Replicate sample reference (an unambiguous reference to laboratory replicate samples);~~

~~6. Field and laboratory blank results (results for any field and laboratory blank analysis as required by the method and DEP SOP 001/01 (February 1, 2004);~~

~~7. Number of colonies in dilution water suitability test associated with samples;~~

~~8. Optimal growth in media test? (Yes or No);~~

~~(y) Any additional elements specified by the Department in contracts, orders, permits or Title 62 rules.~~

(3) Laboratories that are operated by a facility and whose sole function is to provide data to the facility management for compliance purposes (in-house or captive laboratories as described in 5.5.10.1 of the 2003 NELAC Standard) shall meet the requirements specified in 5.5.10.1 of the NELAC Standard.

(4)~~(3)~~ If required ~~requested~~ by the Department in an applicable contract, order, permit or Chapter ~~Title~~ 62 rule, or requested by a Department program, laboratory data issued to a client(s) for Department-related work or directly to the Department shall be provided in the Department-specified paper format or in an electronic format meeting Department ~~consistent with~~ requirements for importing into Department databases or for other electronic submission requirements. ~~In addition, certain Department programs specify the submission of paper reports. Specific electronic and paper report format requirements shall be specified by the Department in the applicable contract order, permit or Title 62 rule.~~

(5) 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 5.5.10.8 of the 2003 NELAC Standard.

(6) When data are provided to the Department in a document that is a summary, a re-published format or in a reduced form (e.g., report, table, report form), the document shall not change the original data, or delete any data qualifiers reported by the originating laboratory unless specified by Department contract, order, permit, or Chapter 62 rule. Copies of the original laboratory report(s) shall be submitted with all such reports unless directed to do otherwise by the Department.

(7) When data qualifiers are added through a validation or review process that is independent of the laboratory reporting process, the reason for the addition, the date of the addition, and the entity adding the qualifier(s) shall be included. These qualifiers shall be included in any documents that are summaries or re-published formats, as described in subsection (7) above.

Specific 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, 403.783, 403.853 FS. History–New 4-9-02, Amended 6-8-04, _____.

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 (March 31, 2008 ~~February 1, 2004~~), Section FS 1006 in FS 1000 ~~1070,~~ 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 (March 31, 2008 ~~February 1, 2004~~) shall follow the method-specified requirements. If no method-specified requirements exist, the best available scientific knowledge shall be used as guidance for determining the appropriate procedures for use.

Specific 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, 403.783, 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, _____.

62-160.405 Electronic Signatures.

Laboratory and field documents signed with an electronic signature are acceptable as written signatures when:

(1) The integrity of the electronic signature can be assured;

(2) The signature is unique to the individual;

(3) The organization using electronic signatures has written policies for the generation and use of electronic signatures; and

(4) The organization using electronic signatures has written procedures for ensuring the security, confidentiality, integrity and auditability of each signature.

Specific Authority 668.006 FS. Law Implemented 668.006, 668.50 FS. History–New _____.

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) An audit shall consist of one or more of the following:

(a) An on-site assessment of field sampling and/or laboratory procedures;

(b) A review, assessment and/or validation of data associated with a Department program activity;

(c) The submission of performance samples (e.g., ~~for example~~, blind, split and/or performance check samples) to an organization for subsequent use in the evaluation of that organization's technical performance associated with a specific Department project or program activity; or

(d) Other relevant information as specified in a Department contract, order, permit, or Chapter ~~Title~~ 62 rule.

(3) through (4) No change.

(5) Within ninety (90) days of the audit, the Department shall provide a preliminary audit report to the audited party. The audited party shall have forty-five (45) days thereafter to respond with a detailed plan of corrective actions and an implementation schedule for the deficiencies that were noted in the preliminary audit report; justification for noted deficiencies that will not be addressed or corrected; and any corrections to the audit findings. ~~A final audit report will be provided to the audited party within ninety (90) days of the audit unless the Department provides written request for additional information. In that case, the Department shall specify a date by which the audited party will receive the final audit report in the written request for additional information. Upon receipt of~~

~~the final audit report, the audited party shall have thirty (30) days thereafter to respond to the Department with a letter that addresses the corrective action and implementation schedule for any deficiency that may have been noted in the final report, and provides justification for noted deficiencies that will not be addressed or corrected.~~

(6) Failure to respond with a plan ~~letter~~ of corrective action or to additional requests by the Department for a plan of corrective action shall result in a recommendation to the affected program that the data not be used ~~the rejection by the Department of the associated project data until such time that the noted deficiencies are corrected~~. ~~Rejection of data under this subsection shall follow the procedures set forth in subsection 62-160.670(3), F.A.C., and Chapter 120, F.S.~~

(7) Once a response has been received, the Department shall evaluate the response for technical applicability and completeness. The Department will issue a final response to the audited party that outlines acceptance or rejection of the audited party's plan of corrective actions, and any recommendations concerning the usability of the audited data.

Specific 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, 403.783, 403.853 FS. History–New 1-1-91, Formerly 17-160.650, Amended 3-24-96, 4-9-02, _____.

62-160.670 Data Validation by the Department.

(1) All data generated for Department activities are subject to data verification and data validation to determine if the data are suitable and usable for a specified purpose ~~data meet program or project data quality objectives~~. Data shall be verified and validated based on the assessment of the following:

(a) Completeness of the Department requested data package(s) and the response of involved parties to any Department requests for additional data;

(b) Integrity of samples as determined by complete and proper sample transmittal ~~chain of custody~~ documentation, and records that demonstrate adherence to proper preservation, transport or other sample handling protocols, as applicable;

(c) Proper use of sample collection methods ~~and analysis methodology~~;

(d) Proper selection and use of analysis methods;

(e)~~(d)~~ Sufficient ~~Proper and sufficient~~ use and routine evaluation of quality control measures to establish the precision, accuracy, sensitivity, selectivity, and potential bias associated with the analytical system and associated results~~and criteria~~;

(f) Proper instrument calibration and verification procedures;

(e) through (g) renumbered (g) through (i) No change.

(j)~~(h)~~ Status of the laboratory's certification through the DOH ELCP as provided in Chapter 64E-1, F.A.C., for any given analyte or category of analytes~~. Data associated with any given analyte or category of analytes generated during any period of suspension or revocation of laboratory certification as provided in Sections 403.0625(4) and (5) and 403.863, F.S., shall be subject to rejection unless certification requirements have been waived as provided in paragraph 62-160.300(5)(e), F.A.C.~~; and

(k)~~(i)~~ Appropriateness of the collected data as related to the specific data quality objectives of the Department program activity or project for which they were collected including those data being considered for secondary use.

(2) The Department will evaluate data according to the criteria in paragraphs (a) through (k) above and determine if the data are usable.

(3) In addition to section (2) above, the Department shall also evaluate data according to 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.

(4) If the audited data are secondary use data, and the Department determines that the data do not meet the data quality objectives for the secondary use, the Department will recommend that the data not be used by the program that is considering the secondary use. The recommendation not to use secondary data does not impact the usability or validity of the data for the program for which the data were originally intended.

~~(2) If the Department determines that the data cannot be verified or validated based on one or more of the items in paragraphs 62-160.670(1)(a) through (i), F.A.C., or the Department determines that the affected data are not useable for their intended purpose, the data shall be rejected in whole or in relevant part by the Department.~~

~~(3) If the Department determines the data should be rejected, either in whole or in part for use by its programs or for a specified project, the Department shall issue a notice of intent to reject. A copy of the notice of intent to reject shall be provided, as applicable, to the affected permittee, facility owner/operator, laboratory and any field sampling consultant, as well as to any party who has submitted a specific request to receive such notice. Any substantially affected party (e.g., respondent, permittee, consultant, company or laboratory) may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of receipt of the notice.~~

Specific 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, 403.783, 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, _____.

62-160.700 Tables.

The following tables have been referenced in this chapter and are identified by this Chapter ~~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 data values that either meet the specified description outlined below or do not meet the quality control criteria of the laboratory:

Symbol	Meaning
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.
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 (i.e., field gas chromatograph data, immunoassay, vendor-supplied field kit, etc.) 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 ~~between~~ the laboratory method detection limit but less than ~~and~~ the laboratory practical quantitation limit.
J	Estimated value. A "J" value shall be accompanied by a detailed explanation to justify the reason(s) for designating the value as estimated. ~~narrative justification for its use.~~ Where possible, the organization shall report whether the actual value is estimated to be less than or greater than the reported value. A "J" value shall not be used as a substitute for K, L, M, T, V, or Y, however, if additional reasons exist for identifying the value as an estimate (e.g., matrix spiked failed to meet acceptance criteria), the "J" code may be added to a K, L, M, T, V, or Y. 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 a blank other than the method blank (such as calibration blank or field-generated blanks and the value of 10 times the blank value was equal to or greater than the associated sample value); or instances when the field or laboratory calibrations or calibration verifications did not meet calibration acceptance criteria. ~~The following are some examples of narrative descriptions that may accompany a "J" code:~~
	~~No known quality control criteria exist for the component;~~
	~~The reported value failed to meet the established quality control criteria for either precision or accuracy (the specific failure must be identified);~~
	~~The sample matrix interfered with the ability to make any accurate determination;~~
	~~The data are questionable because of improper laboratory or field protocols (e.g., composite sample was collected instead of a grab sample).~~
	The field calibration verification did not meet calibration acceptance criteria.
K	Off-scale low. Actual value is known to be less than the value given. This code shall be used 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. 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.
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. Unless requested by the client, less than the method detection limit values shall not be reported (see "T" above).
V	Indicates that the analyte was detected at or above the method detection limit in both the sample and the associated method blank and the value of 10 times the blank value was equal to or greater than the associated sample value. 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 (LT 7200 and FS 7420), 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. When applicable to the observed test results, a numeric value for the colony count for the microorganism tested shall be estimated from the highest dilution factor (smallest sample volume) used for the test and reported with the qualifier code.~~; the numeric value represents the filtration volume.~~
?	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.

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:

Symbol	Meaning
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.
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 than normal value.
!	Data deviate from historically established concentration ranges.

Specific 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, 403.783, 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, _____.

62-160.800 Documents Incorporated by Reference.

(1) Specific references to the documents listed below are made throughout this chapter and are incorporated by reference.

(a) Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~), Florida Department of Environmental Protection, ~~Bureau of Laboratories,~~ Environmental Assessment Section. ~~This document is a compendium of standard operating procedures with the following major topics:~~

~~1. FA 1000: Regulatory Scope and Administrative Procedures for Use of FDEP SOPs;~~

~~2. FC 1000: Cleaning / Decontamination Procedures;~~

~~3. FD 1000: Documentation Procedures;~~

~~4. FM 1000: Field Planning and Mobilization;~~

~~5. FQ 1000: Field Quality Control Requirements;~~

~~6. FS 1000: General Sampling Procedures;~~

~~7. FS 2000: General Aqueous Sampling;~~

~~8. FS 2100: Surface Water Sampling;~~

~~9. FS 2200: Groundwater Sampling;~~

~~10. FS 2300: Drinking Water Sampling;~~

~~11. FS 2400: Wastewater Sampling;~~

~~12. FS 3000: Soil Sampling;~~

~~13. FS 4000: Sediment Sampling;~~

~~14. FS 5000: Waste Sampling;~~

~~15.FS 6000: General Biological Tissue Sampling;~~

~~16. FS 7000: General Biological Community Sampling;~~

~~17. FS 8100: Contaminated Surface Sampling;~~

~~18. FS 8200: Clean Sampling for Ultratrace Metals in Surface Waters;~~

~~19. FT 1000: General Field Testing and Measurement; and~~

~~20. FT 3000: Aquatic Habitat Characterization;~~

(b) Department of Environmental Protection Standard Operating Procedures for Laboratory Activities, DEP-SOP-002/01 (March 31, 2008 ~~February 1, 2004~~), Florida Department of Environmental Protection, ~~Bureau of Laboratories,~~ Environmental Assessment Section:

~~1. LD 1000: Laboratory Documentation;~~

~~2. LQ 1000: Laboratory Quality Control; and~~

~~3. LT 7000: Determination of Biological Indices.~~

(c) New and Alternative Analytical Laboratory Methods, DEP-QA-001/01 (February 1, 2004), Florida Department of Environmental Protection, ~~Bureau of Laboratories,~~ Environmental Assessment Section.

(d) Department of Environmental Protection Process for Assessing Data Usability, DEP-EA-001/07, Florida Department of Environmental Protection, (March 31, 2008), Environmental Assessment Section. ~~EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5, (EPA/240/B-01/003, March 2001), United States Environmental Protection Agency.~~

(e) Interlaboratory Collaborative Study for Method Validation in the AOAC, Appendix D, Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 16th edition (1995), Association of Official Analytical Chemists.

~~(f) Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples, Method 5035, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW 846, Third Edition, November 1986 as amended by Update III, December 1996; United States Environmental Protection Agency.~~

~~(g) Standard Methods for the Examination of Water and Wastewater, 20th Edition (1999); American Public Health Association, American Water Works Association and Water Environment Federation. The following methods and tables are incorporated by reference:~~

~~1. Table 4500-H^+:I: Preparation of pH Standard Solutions, Method 4500-H^+ B, Electrometric Method;~~

~~2. Method 2510, Conductivity;~~

~~3. Method 2520, Salinity;~~

~~4. Table 8010:III: Procedure for Preparing Reconstituted Seawater, Method 8010, Introduction to Toxicity;~~

~~5. Method 4500-O C, Dissolved Oxygen, Azide Modification;~~

~~6. Method 2130, Turbidity;~~

~~7. Residual Chlorine:~~

~~a. Method 4500-Cl B, Iodometric Method I~~

~~b. Method 4500-Cl C, Iodometric Method II~~

~~c. Method 4500-Cl D, Amperometric Titration Method~~

~~d. Method 4500-Cl F, DPD Ferrous Titrimetric Method~~

~~e. Method 4500-Cl E, Low-Level Amperometric Titration Method~~

~~f. Method 4500-Cl G, DPD Colorimetric Method~~

(f) EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5, EPA/240/B-01/003, March 2001, United States Environmental Protection Agency.

(g) Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures, Final Rule, Federal Register, Volume 72, No. 47, Monday March 12, 2007 pp. 11200 – 11249.

(h) Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Wastewater and Sewage Sludge; Final Rule, Federal Register, Volume 72, No. 57, Monday March 26, 2007 pp. 14220 – 14233. ~~Methods for Chemical Analysis of Water and Wastes, Revised March 1983, United States Environmental Protection Agency. The following methods and tables are incorporated by reference:~~

~~1. Method 120.1, Conductance, Specific,~~

~~2. Method 330.1 Chlorine, Total Residual, Titrimetric, Amperometric,~~

~~3. Method 330.2 Chlorine, Total Residual, Titrimetric, Back, Iodometric,~~

~~4. Method 330.3 Chlorine, Total Residual, Titrimetric, Iodometric,~~

~~5. Method 330.4 Chlorine, Total Residual, Titrimetric, DPD-FAS,~~

~~6. Method 330.5, Chlorine, Total Residual, Spectrophotometric, DPD.~~

~~(i) Policy and Program Requirements for the Mandatory Agency Wide Quality System, EPA Order 5360.1 A2, May 5, 2000, United States Environmental Protection Agency.~~

~~(j) U.S. Environmental Protection Agency Office of Research and Development, ICR Microbial Laboratory Manual, EPA/600/ R-95/178, Section VII, Part 9, April 1996.~~

(i)~~(k)~~ U.S. Environmental Protection Agency Office of Water, Method 1623: *Cryptosporidium* and *Giardia* in Water by Filtration/IMS/FA, EPA-821-R-99-006, April 1999.

(j) 2003 NELAC Standards, EPA/600/R-04/003, June 5, 2003, United States Environmental Protection Agency.

(k) Glossary of the 2001 NELAC Standards, EPA/600/R-01/100, May 2001, United States Environmental Protection Agency.

(2) No change.

Specific 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, 403.783, 403.853 FS. History–New 4-9-02, Amended 6-8-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Daryll Joyner, Chief, Bureau of Standards and Special Projects

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-520.200	Definitions for Ground Water
62-520.300	Purpose and Intent for Ground Water
62-520.310	General Provisions for Ground Water
62-520.410	Classification of Ground Water, Usage, Reclassification
62-520.420	Standards for Class G-I and Class G-II Ground Water
62-520.465	Dimensions of Zones of Discharge for Class G-II Ground Water
62-520.470	Modification Procedures for Zones of Discharge or Monitoring Requirements
62-520.500	Water Quality Criteria Exemptions for Installations Discharging Into Class G-I or G-II Ground Water
62-520.510	Water Quality Criteria Exemptions for Installations Discharging Into Class G-III and G-IV Ground Water
62-520.520	Exemptions from Secondary Drinking Water Standards Outside a Zone of Discharge in Class G-II Ground Water
62-520.600	Ground Water Monitoring Requirements and Exemptions
62-520.700	Ground Water Corrective Action
62-520.900	Ground Water Forms

PURPOSE AND EFFECT: The combination of Chapters 62-520 and 62-522, F.A.C., into this one chapter will facilitate finding the rule requirements more easily. Also to update requirements for ground water monitoring plans, better describe procedures for obtaining water quality criteria exemptions, include two new guidance documents, and update a form.

SUMMARY: Combining Chapters 62-520 and 62-522, F.A.C., into this one chapter, updating monitoring plan requirements, deleting Environmental Regulation Commission directives because the statute deleted this under the Commission's powers many years ago, deleting the 1992 drinking water standards grandfathering because it is now outdated, updating the procedures for obtaining an enlarged zone of discharge and water quality criteria exemptions, including two new guidance manuals for ground water monitoring plan design and monitoring well design and construction, and modifying two ground water forms.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.0875, 403.0877, 403.088, 403.502, 403.702 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:

DATE AND TIME: July 25, 2008, 9:00 a.m.

PLACE: Conference room 609, Department of Environmental Protection, 2600 Blair Stone Rd., 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: Linda Clemens, telephone (850)245-8647. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Clemens, DEP, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8647

THE FULL TEXT OF THE PROPOSED RULES IS:

62-520.200 Definitions for Ground Water.

(1) through (8) No change.

(9) "Effluent Limitation" means any restriction established by the Department on quantities, rates or concentrations of chemical, physical, biological or other constituents that ~~which~~ are discharged from sources into waters of the State.

(10) "Existing Installation" means, for the purposes of this chapter, any installation which had filed a complete application for a water discharge permit on or before January 1, 1983, or which submitted a ground water monitoring plan no later than six months after the date required for that type of installation as

listed in Rule 17-4.245, F.A.C. (1983), and a plan was subsequently approved by the Department; or which was in fact an installation reasonably expected to release contaminants into the ground water on or before July 1, 1982, and operated consistently with statutes and rules relating to ground water discharge in effect at the time of the operation.

(a) The chart in (b) below contains the types of discharge and the dates in former Rule 17-4.245, F.A.C. (1983), by which a written ground water monitoring plan was required to be submitted to the Department.

(b) Monitoring Plan Deadlines:

Organic Waste	January 1983
Inorganic Waste	April 1983
Landfills (domestic and industrial)	May 1983
Industrial Septic Tanks	August 1983
Pulp and Paper	August 1983
Phosphogypsum Stacks and Pond	September 1983
Laundries	October 1983
Oil and Gas Producers	December 1983
Citrus	December 1983
Food and Beverages	January 1984
Domestic Waste	February 1984
Power Plants	February 1984
Mining and Materials	March 1984
Others	March 1984

(11) "Extractable Semivolatile Organics" means any number of synthetic organic compounds that are isolated using an organic solvent and analyzed by chromatographic techniques (gas or liquid).

(12)~~(10)~~ No change.

(13)~~(11)~~ "Installation" means any structure, equipment, facility, or appurtenances thereto, operation or activity that ~~which~~ may be a source of pollution.

(12) through (17) renumbered (14) through (19) No change.

(20) "Spring" means a point where ground water emerges onto the earth's surface, including under any surface water of the state, excluding seeps. The term "spring" shall include karst windows, a depression opening that reveals portions of a subterranean flow or the unroofed portion of a cave.

(21)~~(18)~~ No change.

(22)~~(19)~~ "Unconfined Aquifer" means an aquifer that ~~which~~ has a water table.

(23) "Volatile Organics" means any number of compounds listed in analytical methods that use a purge and trap technique for sample introduction.

(24)~~(20)~~ "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances that ~~which~~ may pollute or tend to pollute any waters of the State.

(21) through (24) renumbered (25) through (28) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-520.200, Amended _____.

62-520.300 Purpose and~~,~~ Intent ~~and General Provisions~~ for Ground Water ~~Classes, Standards, and Exemptions~~.

(1) Purpose.

(a) through (e) No change.

(f) ~~The Commission requests~~ T~~t~~he Department shall ~~Secretary to seek and~~ use~~s~~ the best environmental information available when making decisions on the effects of chronically and acutely toxic substances and carcinogenic, mutagenic, and teratogenic substances. Additionally, the Department shall ~~Secretary is requested to seek and~~ encourage~~s~~ innovative research and development in waste treatment alternatives that might better preserve environmental quality and ~~at the same time~~ reduce~~s~~ the energy and dollar costs of operation.

(g) No change.

(h) The criteria set forth in this chapter are minimum levels that ~~which~~ are necessary to protect the designated use of ground waters. ~~It is the intent of the Commission that~~ P~~p~~ermit applicants shall ~~should~~ not be penalized because of a low detection limit associated with any specific criterion.

(2) History of Intent.

(a) through (c) No change.

(d) Paragraphs (a) through (c) encompass an even-handed and balanced approach to attainment of water quality objectives. The Commission specifically recognized that the social, economic, and environmental costs may, under certain circumstances, outweigh the social, economic, and environmental benefits if the numerical criteria are enforced statewide. It is for that reason that the Commission provided for zones of discharge, exemptions, and other provisions in chapters of Title 62, F.A.C. Furthermore, the continued availability of moderating provisions is a vital factor providing a basis for the Commission's determination that water quality standards applicable to ground water classes in this chapter are attainable, taking into consideration environmental, technological, social, economic, and institutional factors. The companion provisions of Chapter 17-4 (now in Chapter 62-520~~2~~) and 17-6 (now in Chapters 62-600, 62-601, 62-610, 62-611, 62-660, and 62-670), F.A.C., originally approved simultaneously with the water quality standards contained in this chapter are a substantive part of the state's comprehensive program for the control, abatement, and prevention of water pollution.

(e) No change.

(3) No change.

~~(4) This chapter contains criteria which are applicable to ground water.~~

~~(5) To determine if the ground water criteria in this Chapter are being met, ground water quality shall be monitored in accordance with this rule and Chapter 62-522, F.A.C.~~

~~(6) A violation of any ground water criterion contained in this chapter constitutes pollution.~~

~~(7) In addition to any technology-based effluent limitations required by Department rule, the Department shall also specify water quality-based effluent limitations when necessary to assure that the water quality criteria will be met.~~

~~(8) Notwithstanding the classification and criteria for ground water set forth in this Chapter, discharge to ground water shall not impair the designated use of contiguous surface waters.~~

~~(9) Compliance with ground water standards shall be determined by analyses of unfiltered ground water samples, unless a filtered sample is as or more representative of the particular ground water quality, as described in the Department's technical document, "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Drinking Water and Ground Water Resources, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

~~(10) For owners of installations having filed a complete application for a Chapter 403, F.S., permit covering water discharges as of January 1, 1983, or discharging pollutants to ground water as of July 1, 1982, compliance with the minimum criteria set forth in Rule 62-520.400, F.A.C., shall be determined by analysis of the constituents of the waste stream of the installation causing the discharge; provided, however, that the installation owner may, at his option, place a monitoring well immediately outside the site boundary to measure compliance with the minimum criteria, as long as the discharge poses no danger to the public health, safety or welfare.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.502, 403.702 FS. History–Formerly 17-3.071, Amended and Renumbered 1-1-83, Formerly 17-3.401, Amended 9-8-92, 4-14-94, Formerly 17-520.300, Amended 12-9-96, _____.

62-520.310 General Provisions for Ground Water.

(1) A violation of any ground water standard or criterion contained in this chapter constitutes pollution.

(2) Notwithstanding the classification and criteria for ground water set forth in this chapter, discharge to ground water shall not impair the designated use of contiguous surface waters.

(3) In addition to any technology-based effluent limitations required by Department rule, the Department shall also specify water quality-based effluent limitations when necessary to assure that water quality criteria will be met.

(4) This chapter contains the ground water provisions generally applicable unless other rule chapters for specific types of installations have other requirements for ground water discharges applicable to those installations.

(5) Compliance with ground water standards shall be determined by analyses of unfiltered ground water samples, unless a filtered sample is as or more representative of the particular ground water quality, as described in the Department's technical document, "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(6) For owners of an existing installation, compliance with the minimum criteria set forth in Rule 62-520.400, F.A.C., shall be determined by analysis of the constituents of the waste stream of the installation causing the discharge; provided, however, that the installation owner may, at his option, place a monitoring well immediately outside the site boundary to measure compliance with the minimum criteria, as long as the discharge poses no danger to the public health, safety or welfare.

(7) Unless exempted by Rule 62-520.500, 62-520.510, or 62-520.520, F.A.C., no installation shall directly or indirectly discharge into ground water any contaminant that causes a violation of the water quality standards or minimum criteria for the receiving ground water as established in this chapter, except within a zone of discharge established by permit or Rule 62-520.465, F.A.C.

(8) Zones of discharge shall be allowed for projects or facilities that allow direct contact with ground water listed in paragraphs (a) through (c) below, and that provide beneficial discharges through wells to ground water as described herein or in the cited rules.

(a) Projects designed to recharge aquifers with surface water of comparable quality, or projects designed to transfer water across or between aquifers of comparable quality for the purpose of storage or conservation;

(b) Facilities permitted under Rule 62-610.466, F.A.C., for aquifer storage and recovery of reclaimed water, subsection 62-610.560(3), F.A.C., for ground water recharge by injection of reclaimed water, or subsection 62-610.562(4), F.A.C., for creation of salinity barrier systems by injection of reclaimed water; and

(c) Department-approved aquifer remediation projects that use Class V, Group 4, underground injection control wells as described in paragraph 62-528.600(2)(d), F.A.C. A zone of discharge shall be allowed for the primary standards for ground water for closed-loop re-injection systems and for the prime constituents of the reagents used to remediate site contaminants, and for the secondary standards for ground

water, as specified in a Department-approved remedial action plan that addresses the duration and size of the zone of discharge, and ground water monitoring requirements.

(9) Other discharges through wells or sinkholes that allow direct contact with Class G-I, Class F-I, or Class G-II ground water shall not be allowed a zone of discharge.

(10) Discharges that may cause an imminent hazard to the public or the environment through contamination of underground supplies of drinking water or surface water affected by the ground water shall not be allowed a zone of discharge.

(11) Installations operated to render water fit for human consumption and that dispose of non-hazardous concentrates from membrane separation technologies, such as reverse osmosis, membrane softening, ultra-filtration, and electrodialysis, through land application operations are exempt from meeting the primary and secondary drinking water standards, provided the applicant demonstrates that the receiving unconfined aquifer exhibits a natural background total dissolved solids concentration exceeding 1500 mg/L. Installations discharging to such aquifers shall not cause a violation of primary or secondary drinking water standards at any private or public water supply well outside of the installation's property boundary.

(12) It is the intent of the Department whenever possible to incorporate ground water discharge considerations into other Department permits as appropriate, and not to require a separate permit for discharges to ground water. However, any published notice of proposed agency action on an application for a permit shall contain notice, when appropriate, that ground water considerations are being incorporated into such permits.

(13) The purpose of monitoring is to ensure that the permitting of zones of discharge, or the granting of exemptions, will not cause a violation of ground water standards. Ground water monitoring is intended to allow predictions to be made of the movement and composition of the discharge plume and compliance with applicable state ground water standards at the boundary of the zone of discharge. Efforts shall be made to minimize the number and cost of monitoring wells, consistent with the ability to obtain useful and reliable information.

(14) Existing installations discharging to Class G-II ground water are exempt from compliance with secondary standards outside of a zone of discharge obtained by Department permit or rule, except where compliance is required under Rule 62-520.520, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.502, 403.702 FS. History–New _____.

62-520.410 Classification of Ground Water, Usage, Reclassification.

(1) All ground water of the State is classified according to designated uses as follows:

Class F-I	Potable water use, ground water in a single source aquifer described in Rule 62-520.460, F.A.C., with ~~which has~~ a total dissolved solids content of less than 3,000 mg/L~~l~~ and was specifically reclassified as Class F-I by the Commission.
Class G-I	Potable water use, ground water in a single source aquifer~~s~~ that ~~which~~ has a total dissolved solids content of less than 3,000 mg/L~~l~~ and was specifically reclassified by the Commission.
Class G-II	Potable water use, ground water in aquifers with ~~which has~~ a total dissolved solids content of less than 10,000 mg/L~~l~~, unless otherwise classified by the Commission.
Class G-III	Non-potable water use, ground water in unconfined aquifers with ~~which has~~ a total dissolved solids content of 10,000 mg/L~~l~~ or greater; or with a ~~which has~~ total dissolved solids content of 3,000-10,000 mg/L~~l~~ and either has been reclassified by the Commission as having no reasonable potential as a future source of drinking water, or has been designated by the Department as an exempted aquifer pursuant to Rule 62-528.300(3), F.A.C.
Class G-IV	Non-potable water use, ground water in confined aquifers with ~~which has~~ a total dissolved solids content of 10,000 mg/L~~l~~ or greater.

(2) through (3) No change.

(4) Ground water quality classifications are arranged in order of the degree of protection required, with Class G-I and F-I ground water requiring ~~having~~ generally the most stringent water quality criteria and Class G-IV the least.

(5) Reclassification of ground water as provided in subsection (l) above shall be accomplished in the following manner:

(a) Any substantially affected person or a water management district may seek reclassification of any ground water of the State by filing a petition with the Department's agency clerk in the Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 ~~Secretary in the form required by Rule 28-103.006, F.A.C~~. In addition, the Department~~, on its own initiative or at the direction of the Commission~~, may seek reclassification by initiating rulemaking under Section 120.54, F.S. ~~pursuant to Rule 62-110.103, F.A.C.~~

(b) A petition for reclassification shall contain the information necessary to support the affirmative findings required in this rule.

(c) Before any ground water can be reclassified: ~~All reclassifications of ground water of the State shall be adopted after~~

1. If a petition for reclassification is the impetus for such reclassification, the Department shall provide the petitioner with the ~~public~~ notice~~,~~ to be published, at least 21 days before the Environmental Regulation Commission's rule adoption public hearing, in the legal advertising section of a newspaper of general circulation in the area of the proposed reclassified ground water. ~~The proposed reclassification will establish the present and future most beneficial use of the ground water; and~~

2. If the Department seeks reclassification without a petition being filed, the Department shall provide for newspaper publication as described above. ~~Such a reclassification is clearly in the public interest.~~

3. In addition, the Department, through its rulemaking notice, shall publish the proposed rule as required under Chapter 120, F.S., and the Department will provide written notification to local governments whose jurisdiction overlies ~~includes~~ any portion of the ground water proposed to be reclassified.~~, and public hearing, only upon an affirmative finding by the Commission that:~~

(d) Reclassification of ground water of the State ~~which establishes more stringent or less stringent criteria than presently established by this Chapter~~ shall be adopted only upon ~~additional~~ affirmative findings by the Commission that:

1. The proposed reclassification will establish the present and future most beneficial use of the ground water;

2. Such a reclassification is clearly in the public interest; and

3. T~~t~~he proposed designated use is attainable, upon consideration of environmental, water quality, technological, social, economic, and institutional factors.

(6) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History–Formerly 28-5.06, 17-3.06, 17-3.081, Amended and Renumbered 1-1-83, Formerly 17-3.403, Amended 9-8-92, Formerly 17-520.410, Amended _____.

62-520.420 Standards for Class G-I and Class G-II Ground Water.

(1) In addition to the minimum criteria ~~provided~~ in Rule 62-520.400, F.A.C., ~~waters classified as Class G-I and Class G-II ground water shall meet~~ the primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310 and 62-550.320, F.A.C., shall apply to Class G-I and Class G-II ground water. E~~e~~xceptions are for existing installations not having to meet secondary standards as provided in Rule 62-520.520, F.A.C., and subsection~~s~~ (4) ~~and (5)~~ below~~;~~, ~~and except~~ that the total coliform bacteria standard shall be ~~four~~ ~~(4)~~ per 100 milliliters; and that~~. In addition,~~ the primary drinking water standard for public drinking water systems for asbestos shall not apply as a ground water standard.

(2) through (3) No change.

(4) These primary and secondary standards shall not apply within a ~~permitted~~ zone of discharge as provided in Rule 62-520.465 ~~Chapter 62-522~~, F.A.C. The minimum criteria specified in Rule 62-520.400, F.A.C., shall apply within the zone of discharge.

~~(5) Installations legally discharging or permitted to discharge to Class G-I, Class G-II, and Class F-I ground water on or before August 1, 1992, shall not be required to comply with the additional or more stringent drinking water standards approved for adoption by the Commission on July 27, 1992, and effective January 1, 1993, until January 1, 1995. However, all installations discharging to these ground waters are prohibited from causing a violation of such standards at any private or public water supply well outside the zone of discharge.~~

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–Formerly 17-3.101, Amended and Renumbered 1-1-83, Formerly 17-3.404, Amended 9-8-92, 10-6-92, 4-14-94, Formerly 17-520.420, Amended _____.

62-520.465 Dimensions of Zones of Discharge for Class G-II Ground Water.

Upon affirmative demonstration by an applicant or installation owner that a ground water discharge will not impair the designated uses of contiguous waters outside a zone of discharge, the Department shall establish a zone of discharge for Class G-II ground water, in one ~~(1)~~ of the following ways:

(1) No change.

(2) A zone of discharge for any installation that is not an existing installation ~~as defined herein~~ shall be established in accordance with paragraph (a) or (b) below, and paragraph (c) if applicable, at the ~~permit~~ applicant's option, but the zone of discharge shall not extend beyond the ~~applicant's~~ property boundary:

(a) No change.

(b) The Department shall establish a zone of discharge larger than that provided in paragraph (a) above upon an affirmative demonstration by the applicant that:

1. The ~~size and shape of the~~ requested zone of discharge will not cause violations of applicable ground water standards in present and future potable water supplies; and

2. The ~~size and shape of the~~ requested zone of discharge will not interfere with existing or designated uses of contiguous waters, or cause a violation of applicable surface water quality criteria of contiguous waters outside a permitted mixing zone; and

3. The economic and social benefits of a zone of discharge of larger dimensions than those in ~~sub~~paragraph (a)~~1.~~ above outweigh the economic, environmental, and social costs resulting from the larger zone of discharge.

(c) No change.

(3) Unless otherwise required by Department rule, the following installations shall not be required to obtain a permit establishing a zone of discharge. These installations shall have a zone of discharge of 100 feet from the site or to the installation's property boundary, whichever is less, unless a different zone is specified in any appropriate Department permit. If the discharge from the installation threatens to violate ground water standards at the boundary of the zone of discharge, violates minimum criteria, or otherwise threatens to impair the designated use of contiguous waters, the Department shall require the installation owner to obtain a permit that ~~which~~ addresses the ground water discharge if the installation ~~he~~ has none, define an appropriate zone of discharge or modify it if a permit exists, and institute appropriate monitoring plans pursuant to Rule 62-520~~522~~.600, F.A.C.

(a) through (c) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.410, 62-522.410, Amended _____.

62-520.470 ~~Permit Renewal and~~ Modification Procedures for Zones of Discharge or Monitoring Requirements ~~Installations Discharging to Ground Water~~.

(1) At any time, including the time of permit renewal, the Department may order or a permittee may petition for modification of the zone of discharge or monitoring requirements for any of the following reasons, or reasons contained in Rule 62-4.080, F.A.C.

(a) through (d) No change.

(e) The monitoring data provided by the installation owner are inadequate to allow a determination of compliance with applicable zone of discharge limitations ~~and the owner fails to provide reasonable additional data requested by the Department~~; or

(f) No change.

(2) No change.

(3) If a modification is requested pursuant to subsection (1) above, a zone of discharge shall be established as follows:

(a) The zone of discharge modification described in subsection (1) above shall be based upon a showing that one ~~(1)~~ or more of the conditions in paragraphs (1)(a) through (f) above has occurred.

(b) Once the party seeking the modification has established that one ~~(1)~~ or more of the conditions in paragraphs (1)(a) through (f) above has occurred, the Department shall modify the zone of discharge or monitoring requirements to assure that none of the conditions in paragraphs (1)(a) through (c) above will continue to occur, based upon the monitoring data received from the monitoring program implemented pursuant to this chapter ~~Rule 62-522.600, F.A.C~~.

(c) No zone of discharge shall be modified to allow it to extend beyond the limits of the installation owner's property boundary line except as provided in paragraph (d) below.

(d) An owner of an existing installation may petition the Department in writing for a permit modification to extend its zone of discharge for certain specified water quality parameters.~~,~~ ~~and~~ T~~t~~he Department shall modify the installation's permit to include such extension if the owner affirmatively demonstrates that conditions 1. through 4. below are met. The permit modification procedures for an extension of a zone of discharge, including those of newspaper notice publication, shall be the same as any other permit modification procedure except that condition 5. below shall also apply.

1. No change.

2. The discharge shall not in the foreseeable future result in a violation of applicable ground water standards in a currently used source of drinking water outside the zone of discharge; ~~and~~

3. through 4. No change.

5. The permittee ~~Department~~ shall provide a copy of the petition ~~written notice~~ to the property owners of the property underlain by the proposed extended zone of discharge by certified mail return receipt requested within 10 days from submitting the petition to the Department. A copy of each certified mail return receipt shall be provided to the appropriate permitting program in the Department District office where the permit was issued.

(e) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.500, 62-522.500, Amended _____.

62-520.500 Water Quality Criteria Exemptions for Installations Discharging Into Class G-I or G-II Ground Water.

(1) In order for a specific installation to seek an exemption from water quality criteria, which include the primary and secondary standards and minimum criteria set forth in this chapter, the permittee or permit applicant must file a petition with the agency clerk in the Department's Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000. The petitioner must provide the fee of $6000 per parameter with the petition. The petition shall include alternative compliance levels for the parameters from which an exemption is being sought. The petitioner must affirmatively demonstrate each of the following: ~~The Secretary shall, upon petition of an affected person or permit applicant and after public notice in the Florida~~ Administrative Weekly, ~~and in a newspaper of general circulation in the area of the exemption placed by the petitioner, and after opportunity for public hearing pursuant to Sections 120.569 and 120.57, F.S.,~~

~~issue an order, which shall be included as a permit modification, for the duration of the permit specifically exempting an installation discharging or designed to discharge into Class G-I or G-II ground water from the standards contained in Rule 62-520.420, F.A.C., or the minimum criteria contained in Rule 62-520.400, F.A.C., upon affirmative demonstration by the petitioner of the following:~~

(1) through (6) renumbered (a) through (f) No change.

(2) The Department shall enter an order granting the petition, denying the petition, or granting the petition in part. The Department will provide public notice of its intended action in the *Florida Administrative Weekly* along with an opportunity for an administrative hearing under Sections 120.569 and 120.57, F.S. The petitioner shall, on or about the same time that notice is published in the *Florida Administrative Weekly*, publish this same notice in a newspaper of general circulation in the area affected.

(3) If an exemption is granted, either in whole or in part, the permit shall be conditioned or modified to include the exemption. The exemption shall be effective for the duration of the permit, unless it is applied for renewal at the same time that the permit is renewed. A petition for renewal of the exemption shall follow the same procedures as would a petition for a new exemption.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-520.500, Amended _____.

62-520.510 Water Quality Criteria Exemptions for Installations Discharging Into Class G-III and G-IV Ground Water.

~~(1) Class G-III ground water.~~

~~(a)~~ The procedures of Rule 62-520.500, F.A.C., apply, except that the six findings in paragraphs 62-520.500(1)(a)-(f), F.A.C., are replaced with the four findings below. ~~The Secretary shall, upon petition of an affected person or permit applicant and after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected and after opportunity for public hearing pursuant to Sections 120.569 and 120.57, F.S., issue an order specifically exempting an installation discharging or designed to discharge into Class G-III ground water from the criteria contained in Rule 62-520.400, F.A.C., upon affirmative demonstration by the petitioner of the following:~~

1. through 4. renumbered (1) through (4) No change.

~~(b) The petitioner shall affirmatively demonstrate those standards which the petitioner believes more appropriately apply to the waters for which the exemption is sought.~~

~~(c) The Secretary shall specify, by order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.~~

~~(d) The Department shall modify the petitioner's permit consistent with the Secretary's order.~~

~~(2) Exemptions for discharge to Class G-IV ground water shall be governed by the provisions of Chapter 62-528, F.A.C.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-520.510, Amended _____.

62-520.520 Exemptions from Secondary Drinking Water Standards Outside a Zone of Discharge in Class G-II Ground Water.

(1) through (3) No change.

(4) Upon determination by the Department that an existing installation must comply with one ~~(1)~~ or more secondary standards, the Department shall revoke the exemption and require compliance or corrective action considering the factors in subsection 62-52~~0~~0.700(2), F.A.C. Such revocation shall be included in an appropriate Department permit as a specific condition after February 1, 1988.

(5) through (7) No change.

(8) Existing cooling ponds approved by the Department for treatment of thermal discharges to surface water as defined in Rule 62-302.520, F.A.C., are exempt from secondary standards so long as the cooling pond waters are monitored pursuant to Department permit to ensure that the pond does not impair the designated use of contiguous ground waters and surface waters. In addition, the Department ~~Secretary~~ may order such monitoring of ground waters as may be reasonably necessary to ensure that the designated use of affected ground waters and surface waters is not impaired.

Specific Authority 403.061, 403,087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Formerly 17-520.520, Amended _____.

62-520.600 Ground Water Monitoring Requirements and Exemptions.

(1) The purpose of a ground water monitoring plan is to provide the data needed to evaluate an installation's compliance with the ground water requirements contained in this chapter. Unless otherwise exempted by ~~the~~ Department rule, any installation discharging into ground water shall establish a monitoring program as described in subsection (3) below. If requested by the permittee, a monitoring program instituted under some other state, federal, or local government regulation or permit shall be substituted for this program if it is in substantial compliance with subsection (3) below. All field and laboratory activities performed under a monitoring program ~~and~~ shall meet the quality assurance requirements in Chapter 62-160, F.A.C. ~~category 2c described in subsection 62-160.300(7), F.A.C., and the Department's reference, "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities," DER-QA-001/92, September 30, 1992, hereby incorporated and adopted as a reference. Copies of the reference are available from the Department's~~

~~Quality Assurance Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. However, a monitoring program instituted under some other state, federal, or local governmental regulation or permit shall be substituted for this program if it is in substantial compliance with subsection (3) below.~~

(2) Plan Submission ~~and Timetable~~.

(a) New installations shall submit to the Department monitoring plans in conjunction with its initial ~~construction~~ permit application~~s~~.

(b) Existing installations shall have submitted to the Department an acceptable monitoring plan on or before March 1984.

(c) Installations that were not required to submit monitoring plans by March 1984, but were thereafter required by rule to submit monitoring plans must do so in accordance with the applicable rule.

(d)~~(c)~~ nstallations exempt from obtaining permits to discharge to ground water shall develop a monitoring plan ~~only~~ upon Department order that the installation owner obtain a permit defining ground water discharge.

(3) Monitoring Plan Contents. Unless otherwise specified in program-specific Department rules, ~~Using part or all of the information listed from paragraphs (a) through (m) below,~~ the installation owner shall provide the Department with a plan containing findings and recommendations for ground water monitoring derived from site-specific information. Any information submitted as part of a permit application does not have to be resubmitted as part of the ground water monitoring plan. The plan shall evaluate facility operations, discharges, actual and potential environmental risk, and provide a design that ensures compliance with applicable rules and water quality criteria. The design shall be such that the permittee can detect and monitor adverse impact upon ground water and upon surface waters affected by ground water by facility activities. Design of a ground water monitoring plan is variable and dependant on the complexity of the site hydrogeology, type of facility, and method and characteristics of the discharge. The Department's document, Guidance for Ground Water Monitoring Plan Design, 2008, is adopted as guidance to assist permittees and installation owners in designing and placing monitoring wells to demonstrate whether compliance with the requirements in this chapter are being achieved. Copies of this document are available from the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or at the Department Internet site at http://www.dep.state.fl.us/water/groundwater/pubs.htm. Pursuant to Chapters 492 and 471, F.S., the ground water monitoring plan shall be signed and sealed by the professional geologist or professional engineer who prepared or approved it. The Department shall evaluate the adequacy of the plan upon submittal; however, the applicant should arrange a pre-application meeting with the Department to resolve the needed information at an early stage. ~~The plan shall show the locations of the proposed background and downgradient monitor wells, construction details of the monitor wells, and a water sampling and chemical analysis protocol. The plan shall indicate how to determine background or natural background (where available) quality of the ground water in the vicinity of the site and any deviations in the quality of the receiving ground water in the downgradient monitor wells. The Department shall evaluate the adequacy of the plan upon submittal; however, the applicant should arrange a pre-application meeting with the Department to resolve the needed information at an early stage. The following information is generally required for detailed assessment of the most complex plans unless otherwise specified in other Department rules. Less complex plans will need less detailed information.~~ The plan shall:

(a) Describe the physical and hydrogeologic characteristics of the facility and surrounding area including: ~~Hydrogeological, physical and chemical data for the site, such as:~~

1. Direction and rate of ground water flow and ambient ground water characteristics, ~~background ground water quality (all field verified) and natural background ground water quality where available~~;

2. Primary and secondary p~~P~~orosity, and horizontal and vertical permeability for the receiving aquifer(s);

3. The depth to, and lithology of, the first confining bed(s);

4. Vertical permeability, thickness, competence, and extent of any confining beds;

5. Topography, soil information, and surface water drainage systems surrounding the site;

~~6. Fracture trace analysis;~~

~~7. Geophysical methods such as ground penetrating radar surveys;~~

(b) Show the locations of the proposed monitoring wells labeled as background, intermediate, or compliance well ~~Waste disposal rate and frequency, chemical composition, method of discharge, pond volume, spray field dimension or other applicable site specific information~~;

(c) Provide construction and development details of the monitoring wells ~~Toxicity of waste~~;

(d) Provide a water sampling and chemical analysis protocol ~~Present and anticipated discharge volume and seepage rate to the receiving ground water; and physical, chemical, and microbiological characteristics of the leachate~~;

(e) Provide a water sampling schedule ~~Disposal system water balance~~;

(f) Demonstrate the quality of the receiving ground water prior to discharge ~~Present and reasonably expected future pollution sources located within one (1) mile radius of the site~~;

(g) Indicate how to determine natural background (where available) or background quality of the ground water in the vicinity of the site and any deviations in the quality of the

receiving ground water in the downgradient monitoring wells ~~Inventory depth, construction details, and cones of depression of water supply wells or wellfields and monitor wells located within one (1) mile radius of the site or potentially affected by the discharge~~;

(h) Show the locations of all surface waters and their classifications including springs within a one mile radius of the site, and on-site sinkholes with depths exceeding the seasonal high water table or that are perched; and ~~Site specific economic and feasibility considerations~~;

(i) Identify the location and use of all wells within 500 feet of the site and all wells within the installation's property boundary. ~~Chronological information on water levels in the monitor wells and water quality data on water supplies collected from the water supply and monitor wells;~~

~~(j) Type and number of waste disposal facilities within the installation;~~

~~(k) Chronological information on surface water flows and water quality upstream and downstream from the site;~~

~~(l) Construction and operation details of disposal facilities;~~

~~(m) History of construction and land development in the vicinity of the site.~~

(4) Plan Approval. If the plan is approved, it will become part of the permit. If a permit is not associated with the plan, a letter of approval, denial, or request for modification will be sent to the applicant. A letter of approval or denial shall have a notice of rights for an administrative hearing under Sections 120.569 and 120.57, F.S. ~~Within ninety (90) days of the date of the Department's receipt of a completed monitoring plan from existing installations described in paragraph (2)(b) above, or at the time of permit issuance or denial, whichever is appropriate, the Department shall either approve or deny the monitoring plan.~~

(5) Implementation of Monitoring Program. ~~The installation owner shall begin the monitoring program based upon the plan within ninety (90) days of the date an appropriate permit is issued. In the case of an existing installation, the owner shall begin within ninety (90) days after submission and Department approval pursuant to the timetable in paragraph (2)(b) above. If the Department determines from the monitoring plan that the discharge will not impair the designated use of the underlying ground water, the Department may exempt the installation owner from implementing a monitoring program.~~

(a) The following apply except for installations already discharging to ground water that are later required to install ground water monitoring wells:

1. All ground water monitoring wells shall be installed before the application of waste or wastewater; and

2. After well installation and well development, but before the application of the waste or wastewater for which the ground water monitoring plan was required, the permittee shall sample one or more of the ground water monitoring wells specified in the Department-approved monitoring plan or permit for the primary and secondary drinking water parameters included in Chapter 62-550, F.A.C., (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site). In addition, volatile organics and extractable semivolatile organics shall be analyzed. Results of this sampling shall be submitted to the Department within 60 days after sampling.

(b) With the application for permit renewal, the permittee shall submit, to the Department's office that issued the permit, the results of sampling monitoring wells specified in the Department-approved monitoring plan for the primary and secondary drinking water parameters included in Chapter 62-550, F.A.C., (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site). Additional volatile and semivolatile parameters as specified in the ground water monitoring plan or permit shall be analyzed. Sampling shall occur no sooner than 180 days before submittal of the renewal application.

(6) Location, Design, and Construction of Monitoring Wells to Detect Migration of Contaminants. ~~Unless the installation owner can demonstrate that detection can be obtained by a methodology other than the use of~~ M~~m~~onitoring wells~~, wells~~ shall be ~~located~~ as follows:

(a) One ~~(1)~~ upgradient well located as close as possible to the site, without being affected by that site's discharge, to determine the ~~background, or~~ natural background quality where available, or background of the ground water (background well);

(b) One well downgradient from the site and within the zone of discharge designed to detect the chemical, physical, and microbiological characteristics of the discharge plume (intermediate well); and~~; One (1) well at the edge of the zone of discharge downgradient from the site (compliance well)~~;

(c) One well at the edge of the zone of discharge downgradient from the site (compliance well) ~~One (1) well downgradient from the site and within the zone of discharge designed to detect the chemical, physical, and microbiological (if applicable) characteristics of the discharge plume (intermediate well); and~~;

(d) Such other wells as are dictated by the complexity of the hydrogeology of the site, the magnitude and direction of the plume, or the likelihood of threat to the public health, to ensure adequate and reliable monitoring data in generally accepted engineering or hydrogeological practice. The Department shall exempt a facility from installing a background or intermediate well when not practicable or necessary because of site hydrogeology, effluent quality, site location, or surrounding land use;

(e) The Department's Monitoring Well Design and Construction Guidance Manual, (2008), is adopted as guidance to assist permittees and installation owners in monitoring will design and construction. Copies of this document are available from the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or at the Department's Internet site: http://www.dep.state.fl.us/water/groundwater/pubs.htm;

(f) Monitoring well design shall be submitted to the Department;

(g) Before construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location to properly determine monitoring well specifications such as well depth, screen interval, screen slot, and filter pack;

(h) Before the installation of any monitoring well, the permittee shall give at least 72 hours notice to the appropriate permitting program at the Department's District office that issued the permit;

(i) Within 30 days after installation of any monitoring well, a properly scaled figure depicting monitoring well locations (active and abandoned) with identification numbers shall be submitted to the appropriate permitting program at the Department's District office that issued the permit. The figure also shall include the monitoring well, top of casing, and ground surface elevations referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD 1988) and measured to the nearest 0.01 foot, along with monitoring well location latitude and longitude to the nearest 0.1 seconds;

(j) Within 30 days after installation of the monitoring wells, well completion reports and soil boring/lithologic logs shall be sent to the Department's District office that issued the permit. The information is to be submitted for each well on DEP Form 62-520.900(3), Monitoring Well Completion Report, incorporated herein and listed in Rule 62-520.900, F.A.C.;

(k) Within 60 days after completion of construction of the monitoring wells, all piezometers and wells that are not reasonably expected to be used are to be plugged and abandoned in accordance with subsection 62-532.500(4), F.A.C. The permittee shall submit a written report to the Department's office that issued the permit providing verification of the plugging including the well abandonment log when available;

(l) If any monitoring well becomes inoperable or damaged to the extent that sampling or well integrity may be affected, the permittee shall notify the Department's office that issued the permit within two business days and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence or request approval for replacement of the monitoring well. All monitoring well design and replacement shall be approved by the Department before installation.

(7) ~~Special~~ Monitoring Requirements for Class G-III Ground Water. Discharges to Class G-III ground water shall be analyzed ~~monitored~~ to assure compliance with the standards in Rule 62-520.400, F.A.C.; alternatively, the permittee may institute a ground water monitoring program, which shall demonstrate that the criteria in Rule 62-520.400, F.A.C., are not violated.

(8) ~~Special~~ Monitoring Requirements for Class G-IV Ground Water. The Department shall specify applicable monitoring criteria as part of an underground injection control well permit issued under Chapter 62-528, F.A.C. ~~on a case-by-case basis for installations which discharge to Class G-IV waters in confined aquifers.~~

(9) Monitoring Exemptions. The Department shall exempt the following installations that ~~which~~ discharge to ground water from ground water monitoring requirements:

(a) Domestic sewage treatment installations with less than 100,000 gallons per day (gpd) design capacity except those described in subsection (10) below; stormwater facilities; agricultural fields, ditches and canals; and waste management systems for animal feeding operations exempted from ground water monitoring ~~permitting~~ under Chapter 62-670, F.A.C.; as long as the discharges present no potential hazard to human health or the environment, or do not endanger a source of drinking water; and as long as the facilities do not discharge directly to ground water.

(b) No change.

(10) New domestic wastewater facilities that ~~which~~ discharge to ground water with less than 100,000 gpd design capacity (excluding on-site sewage disposal systems), which have filed a complete permit application after July 1, 1994, shall install and analyze samples (as described below) from one ~~(1)~~ downgradient monitoring well designed to evaluate the impact of such facilities to ~~on~~ the ground water quality. One ~~(1)~~ ground water sample from within the upper 20 feet of the zone of saturation shall be collected and analyzed semiannually for the ground water monitoring parameters listed in Chapter 62-601, F.A.C.

(11) Reporting Requirements. Installations required to monitor shall submit the following reports:

(a) The permittee shall, w~~W~~ithin ~~ninety~~ ~~(~~90~~)~~ days after the permittee has begun the discharge that is expected to result in a discharge to ground water, ~~implemented the plan approved by the Department, the permittee shall~~ submit a report stating the volume, and chemical, physical, and microbiological composition of the discharge unless otherwise specified in the installation's permit or ground water monitoring plan.

(b) On a quarterly basis thereafter, or such other frequency specified in the permit, the permittee shall submit reports on all monitoring wells indicating the type, number and

concentration of discharge constituents or parameters ~~indicated by the report in paragraph (a) above~~ that have been approved by the Department as appropriate criteria to monitor in the monitoring program based upon their potential to exceed the minimum criteria contained in Rule 62-520.400, F.A.C., and the appropriate standards for the particular class of water adjacent to the zone of discharge as described in Rules 62-520.420 through 62-520.47~~6~~0, F.A.C. ~~The report shall also state what is the current nature of the discharge plume relative to the previous report with regard to its size, direction, and rate of movement~~.

(c) Water levels shall be recorded before evacuating wells for sample collection. Elevation shall be referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD 1988) and measured to a precision of plus or minus 0.01 foot. ~~When there is a change in the permitted volume, location, or chemical, physical, and microbiological composition of the discharge plume, the permittee shall notify the Department and, if requested by the Department, submit a new report containing the information required in paragraph (a) above~~.

(d) In order to obtain representative seasonal variations in the ground water, there shall be a minimum of 45 days between any two consecutive quarterly sampling events, a minimum of 90 days between consecutive semi-annual sampling events, and a minimum of 180 days between consecutive yearly sampling events.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.0877, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.600, 62-522.600, Amended _____.

62-520.700 Ground Water Corrective Action.

Whether or not an installation is operating under a currently valid Department permit, the Department has the authority to ~~may~~ order the installation owner to take corrective action under the following circumstances:

(1) When~~re~~ the installation is discharging into the ground water in a manner that ~~which~~ represents an imminent hazard to public health, the Department shall require the installation owner to take immediate action to remove or reduce the hazard in such a way as to prevent any threat to the public health and the environment. Such action ~~may~~ includes ~~but not be limited to~~ clean up of the aquifer, halting the discharge, or confinement or containment of the waste plume.

(2) When~~re~~ no imminent hazard exists, but the plume has extended beyond the zone of discharge or otherwise threatens or is likely to threaten in the foreseeable future to impair the designated use of an underground source of drinking water or surface water immediately affected by the ground water, the Department shall require the installation owner to take appropriate action to clean up, increase the degree of treatment prior to discharge, contain or otherwise correct the violation of water quality standards. The type of corrective action shall be based upon the following factors:

(a) through (g) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.121, 403.141, 403.161 FS. History–New 9-8-92, Formerly 17-522.700, 62-522.700, Amended _____.

62-520.900 Ground Water Forms.

The forms used by the Department for ground water permitting and monitoring are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, ~~Information Center~~, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application for Monitoring Plan Approval, (_____) ~~April 14, 1994~~.

(2) No change.

(3) Monitoring Well Completion Report, (_____) ~~April 14, 1994~~.

Specific Authority ~~120.53(1),~~ 403.061 FS. Law Implemented ~~120.53(1),~~ 403.0875, 403.0877 FS. History–New 11-30-82, Amended 1-1-83, Formerly 17-1.216, Amended 9-8-92, Amended 4-14-94, Formerly 17-522.900, Formerly 62-522.900, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary of Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-522.200	Definitions for Ground Water Permitting and Monitoring
62-522.300	General Provisions for Ground Water Permitting and Monitoring
62-522.400	Dimensions of Zones of Discharge for Class G-I Ground Water

PURPOSE AND EFFECT: The purpose is to combine these rules into Chapter 62-520, F.A.C., to consolidate and make finding the ground water rules more easily.

SUMMARY: The three remaining rules are being repealed here and are being added through rulemaking to Chapter 62-520, F.A.C., whose notice of rulemaking appears contemporaneously with this notice.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088 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:

DATE AND TIME: July 25, 2008, 9:00 a.m.

PLACE: Conference Room 609, Department of Environmental Protection, Bob Martinez Building, 2600 Blair Stone Rd., 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: Linda Clemens, (850)245-8647. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Clemens, DEP, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8647

THE FULL TEXT OF THE PROPOSED RULES IS:

62-522.200 Definitions for Ground Water Permitting and Monitoring.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.200, Repealed _____.

62-522.300 General Provisions for Ground Water Permitting and Monitoring.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.300, Repealed _____.

62-522.400 Dimensions of Zones of Discharge for Class G-I Ground Water.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.400, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary of Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-528.200	Underground Injection Control: Definitions

PURPOSE AND EFFECT: The definition for “municipal injection well” is being amended to be clear that only fluids that had first passed through the head of the permitted domestic wastewater treatment facility may be injected through the well in order for the injection well to be classified as a municipal injection well.

SUMMARY: The definition for “municipal injection well” is being amended to be clear that only fluids that had first passed through the head of the permitted domestic wastewater treatment facility may be injected through the well in order for the injection well to be classified as a municipal injection well.

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

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

SPECIFIC AUTHORITY: 373.309, 403.061, 403.087 FS.

LAW IMPLEMENTED: 373.308, 403.021, 403.061, 403.087 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:

DATE AND TIME: July 22, 2008, 1:00 p.m.

PLACE: Conference Room 609, Bob Martinez Building, 2600 Blair Stone Rd., 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: Donnie McClaugherty, (850)245-8645. 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: Donnie McClaugherty, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8645

THE FULL TEXT OF THE PROPOSED RULE IS:

62-528.200 Underground Injection Control: Definitions.

When used in this Chapter, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

(1) through (44) No change.

(45) "Municipal injection well" means an injection well, publicly or privately owned, which is used to inject only fluids that have passed through the head of a permitted domestic wastewater treatment facility and received at least secondary treatment pursuant to Rule 62-600.420, F.A.C.

(46) through (74) No change.

Specific Authority 373.309, 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 373.308, 403.021, 403.031, 403.061, 403.062, 403.087, 403.702, 403.721 FS. History–New 4-1-82, Amended 8-30-82, 5-8-85, Formerly 17-28.12, 17-28.120, 62-28.120, Amended 8-10-95, 6-24-97, 11-20-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-5.001	Requirements for Reactivation of an Inactive or Retired License

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of the requirements for reactivation of an inactive or retired license.

SUMMARY: The rule amendment will specify the number of continuing professional education credit hours needed for reactivation of an inactive or retired license.

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

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

SPECIFIC AUTHORITY: 456.036, 486.025, 486.085(2), (4)(a), 486.108(2) FS.

LAW IMPLEMENTED: 456.036, 486.085, 486.108 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-5.001 Requirements for Reactivation of an Inactive or Retired License.

Depending upon the time of reactivation, an inactive or retired license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee for an active license or the difference between the inactive or retired status renewal fee and the active status renewal fee, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

(1) through (2) No change.

(3) Documented completion of 2 hours of continuing education specifically related to Physical Therapy laws and rules within one year prior to reactivation.

~~(4)~~(3) Documented proof of completion of 24 hours of approved continuing education as provided in Rule 64B17-9.001, F.A.C., including medical errors prevention for the preceding biennium during which the licensee held an active license.

~~(4) Documented successful passage of the Laws & Rules examination.~~

Specific Authority 456.036, 486.025, 486.085(2), (4)(a), 486.108(2) FS. Law Implemented 456.036, 486.085, 486.108 FS. History–New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended 8-9-04, 7-19-06, 1-8-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-8.002	Requirements for Prevention of Medical Errors Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow credit for medical errors education courses approved by the MQA.

SUMMARY: The rule amendment will allow credit for medical errors education courses approved by the MQA.

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

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

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-8.002 Requirements for Prevention of Medical Errors Education.

(1) through (4) No change.

(5) Medical errors education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.003, Florida Statutes, are approved by this Board.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History–New 10-8-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-3.028	Definitions
64D-3.029	Diseases or Conditions to be Reported
64D-3.030	Notification by Practitioners
64D-3.031	Notification by Laboratories
64D-3.040	Procedures for Control of Specific Communicable Diseases
64D-3.041	Epidemiological Investigations
64D-3.046	Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The purpose of the rule amendments was to clarify current rule language and amend the list of reportable diseases or conditions. These changes will enhance communicable disease reporting efficiency and clarify reporting and testing requirements for health care providers, laboratories, hospitals and other entities required to report communicable diseases or conditions that may affect public health.

SUMMARY: The proposed rule amendments:

Add to the list of notifiable diseases or conditions “Amebic Encephalitis”, “Arsenic”, “Carbon monoxide poisoning”, “Staphylococcus aureus-community associated mortality”, and “Staphylococcus aureus isolated from a normally sterile site”.

Delete from the list of notifiable diseases or conditions Clostridium perfringens, epsilon toxin (disease due to).

Modify within the list of notifiable diseases or conditions “Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak”, “Any grouping or clustering of patients having similar disease, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism”, “Erlichiosis”, “Herpes simplex virus (HSV) in infants up to six (6) months of age with disseminated infection with involvement of liver, encephalitis and infections limited to skin, eyes and mouth”, “Human immunodeficiency virus (HIV) Exposed Newborn- infant < 18 months of age born to a HIV infected woman”, “Human papilloma virus (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children <6 years of age”, “HPV cancer associated strains”, “Lead poisoning”, and “Poliomyelitis”.

Update several other sections, which include Definitions, Notification by Practitioners, Notification by Laboratories, Procedures for Control of Specific Communicable Diseases, Epidemiological Investigations, and Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

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

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

SPECIFIC AUTHORITY: 381.0011(6), 381.0011(7), 381.0011(13), 381.003(1), 381.003(2), 381.0031(5), 381.0031(6), 381.005(2), 381.006(16), 383.06, 384.25(1), 384.25(2), 384.33, 392.53(1), 392.53(2), 392.66, 1003.22 FS.

LAW IMPLEMENTED: 381.0011, 381.003, 381.0031, 381.005(1)(i), 383.06, 384.23, 384.25, 384.26, 384.27, 385.202, 392.52, 392.53, 392.54, 1003.22 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: July 21, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Health, Building 4052, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kimberly Quinn, Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A19, Tallahassee, FL 32399, (850)245-4604, Kimberly_Quinn@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-3.028 Definitions.

When used in Chapter 64D-3, F.A.C., the following terms shall mean:

(1) *"15 Digit Spoligotype (Octal Code)"* – Spoligotyping (spacer oligonucleotide typing) is an amplification-based genotyping method that determines the presence or absence of 43 spacer sequences in the direct repeat region in the *M. tuberculosis* chromosome. The complement of spacers is initially recorded in binary code and then converted to the reportable 15 digit octal code commonly referred to as the 'spoligotype'.

(2) *"Authorized Representative"* – An employee of the Department or personnel assigned to the Department by another state or federal agency supervised and approved by the Department.

(3) *"BED"* – The BED HIV-1 Capture EIA is the assay currently used in STARHS for performing HIV incidence surveillance. The FDA has labeled the assay for surveillance use not for diagnostic or clinical use.

(4) *"Carrier"* –

(a) A person who harbors pathogenic organisms of a communicable disease but who does not show clinical evidence of the disease; or

(b) A person to whom evidence points as the source of one (1) or more cases of any communicable disease but who refuses to submit clinical specimens to the Department or county health department for examination; or

(c) A person who, in the judgment of the State Health Officer or county health department director or administrator or their designee, is suspected to be a carrier and who refuses to submit to examination when ordered to do so for good cause shown by the State Health Officer or county health department director or administrator or their designee; or

(d) A person reported to the Department or the county health department to be a carrier by the health authorities of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member; or

(e) An animal which, in the judgment of the State Health Officer or county health department director or administrator or their designee, is suspected to harbor pathogenic organisms of a communicable disease without presentation of clinical evidence of disease.

(5) *"Case"* – An instance of a suspected or diagnosed disease or condition in a person or animal.

(6) *"Communicable Disease"* – An illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly, through an intermediate plant or animal host, vector or the inanimate environment.

(7) *"Contact"* – A person or animal that has been in such association with an infected person or animal or a contaminated environment as to have had opportunity to acquire the infection. This will include household members or persons who frequent the dwelling of the case or carrier. For sexually transmitted diseases contact means a sex/needle sharing partner.

(8) *"County Health Department"* – A public health department created under Part 1, Chapter 154, F.S.

(9) *"Department"* – The State of Florida, Department of Health.

(10) *"Electronic Data Transfer"* – The sending and receiving of messages via standard electronic formats and established file transfer protocols, which contain data elements that would normally be contained on a typical business document or form.

(11) *"Enteric Disease"* – An infection or condition transmitted by ingestion of such agents as *Campylobacter jejuni, Cyclospora cayetanensis, Cryptosporidium parvum, Escherichia coli* O157:H7 and other pathogenic *E. coli*, hepatitis A, *Giardia lamblia, Salmonella* species, *Shigella* species and *Vibrio cholerae*.

~~(12) "*Epidemic or Outbreak*" – The occurrence in persons in a community, institution, region or other defined area of one or more cases of an illness of similar nature clearly in excess of normal expectancy.~~

(12)~~(13)~~ "*Epidemiological Investigations*" – An inquiry into the incidence, distribution and source of diseases or conditions to determine its cause, means of prevention or control, and efficacy of control measures.

(13)~~(14)~~ "*Epizootic*" – The occurrence in animals in a community, institution, region or other defined area of a group of cases of an illness of similar nature in excess of normal expectancy.

(14)~~(15)~~ "*Exposure to Rabies*" – Any bite, scratch or other situation in which saliva or nervous tissue of a potentially rabid animal enters an open or fresh wound, or comes in contact with mucous membranes by entering the eye, mouth or nose of another animal or person.

(15) "*Fasta Files*" – Standard text-based format for representing nucleic acid sequences that are generated when performing a genotype.

(16) "*Health Authorities*" – The State Health Officer or any local county health department director or administrator or their designee; any chief health official of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member.

(17) *Health Level 7(HL7)* – An industry standard for electronic data exchange between healthcare entities.

(18) "*Human Immunodeficiency Virus (HIV) Exposed Newborn*" – An infant 18 months of age or younger born to a HIV infected woman.

(19) "*Outbreak*" – An increase in the number of cases of a disease or condition compared to the expected number in a particular period of time and geographical area. For diseases where the expected number is zero, a single case constitutes an outbreak.

(20)~~(19)~~ "*Practical Method of Quarantine*" – A location where a person infected with or exposed to an infectious agent that threatens public health will have food, clothing and shelter as necessary while separated and restricted from contact with people who have not been infected with that disease or immunized against that infection.

(21)~~(20)~~ "*Probable*" – A case that meets the clinical criteria for a communicable disease and the epidemiologic criteria for likely exposure to the infectious agent but is unable to be confirmed.

(22)~~(21)~~ "*Sensitive Situation*" – A setting in which the presence of a case would increase significantly the probability of spread of the diagnosed or suspected disease or condition and would, therefore, constitute a public health hazard. Examples of such settings are: schools, child-care facilities, hospitals and other patient-care facilities, food storage, food processing establishments or food outlets.

(23)~~(22)~~ "*Sexually Transmissible Disease*" – Acquired Immune Deficiency Syndrome (AIDS), Chancroid, Chlamydia trachomatis, Gonorrhea, Granuloma Inguinale, Hepatitis A through D, Herpes simplex virus (HSV), Human immunodeficiency virus Infection (HIV), Human papillomavirus (HPV), Lymphogranuloma Venereum (LGV), and Syphilis.

(24)~~(23)~~ "*Source of Infection*" – The person, animal, object or substance from which an infectious agent passes directly or indirectly to the host.

(25)~~(24)~~ "*STARHS*" – Serologic Testing Algorithm for Recent HIV Seroconversion – A surveillance test performed on confirmed HIV positive specimens using the BED assay, approved by the Food and Drug Administration for surveillance purposes.

(26)~~(25)~~ "*Suspect*" *or* "*Suspect Case*" – A person or animal whose medical history and symptoms suggest the imminent development of a notifiable or other communicable disease or condition, or a person or animal with disease not yet diagnosed.

(27)~~(26)~~ "*Terminal Disinfection*" – Cleaning procedures designed to eradicate infectious agents or unsafe conditions from the physical environment.

(28) "*Urgent Public Health Significance*" – A characteristic of a disease or condition that requires rapid public health response due to the:

(a) Potential to cause significant morbidity or mortality;

(b) Potential for infectiousness between humans or spread to humans; and

(c) The number of cases.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031, 384.23, 392.52 FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.61, 10D-3.061, 64D-3.001, 64D-3.014, 64D-3.015 and 64D-3.021.

64D-3.029 Diseases or Conditions to be Reported.

(1) Diseases or conditions listed in subsection (3) below are of public health significance identified by the Department as of the date of these rules which must be reported by the practitioner, hospital, laboratory, or other individuals via telephone (with subsequent written report within 72 hours, see Rule 64D-3.030 – 3.033, F.A.C.), facsimile, electronic data transfer, or other confidential means of communication to the County Health Department having jurisdiction for the area in which the office of the reporting practitioner, hospital, laboratory or patient's residence is located consistent with the specific section and time frames in subsection (3) below relevant to the practitioners, hospitals and laboratories, respectively. Reporters are not prohibited from reporting diseases ~~and/~~or conditions not listed by rule.

(2) Definitions to be used with subsection (3) below:

(a) *"Notifiable Diseases or Conditions"* – The definitions of "case" and "suspected case" for reportable diseases or conditions are set forth in "Surveillance Case Definitions for Select Reportable Diseases in Florida," incorporated by reference, available online at: www.doh.state.fl.us/ disease_ctrl/epi/topics/surv.htm. For any disease or condition for which Florida surveillance case definitions do not exist, the CDC case definitions set forth in Nationally Notifiable Infectious Diseases, Definition of Terms Used in Case Classification, incorporated by reference, available online at: www.cdc.gov/epo/dphsi/casedef/ definition_of_terms.htm should be used. Also see the footnotes to subsection (3).

(b) *"Suspect Immediately"* – A notifiable condition or urgent public health importance. Report without delay upon the occurrence of any of the following: Initial suspicion, receipt of a specimen with an accompanying request for an indicative or confirmatory test, findings indicative thereof, or suspected diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401.

(c) *"Immediately"* – A notifiable condition of urgent public health importance. Report without delay upon the occurrence of any of the following: An indicative or confirmatory test, findings indicative thereof, or diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401.

(d) *"Next Business Day"* – Report before the closure of the County Health Department's next business day following suspicion or diagnosis.

(e) *"Other"* – Report consistent with the instruction in and footnotes to subsection (3) below.

(3) *"Table of Notifiable Diseases or Conditions to be Reported"*

Practitioner Reporting					Laboratory Reporting					
Notifiable Diseases or Conditions	Timeframes				Evidence of current or recent infection with etiological agents	Submit isolates or specimens for confirmation*1	Timeframes			
	Suspect Immediately	Immediately	Next Business Day	Other			Suspect Immediately	Immediately	Next Business Day	Other
Any case, cluster of cases, or outbreak of a disease or condition found in the general community or any defined setting such as a hospital, school or other institution, not listed in this Rule that is of urgent public health significance. This includes those indicative of person to person spread, zoonotic spread, the presence of an environmental, food or waterborne source of exposure and those that result from a deliberate act of terrorism. ~~Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak.~~	~~X~~	~~X~~ -			Detection in one or more specimens of etiological agents of a disease or condition not listed in this Rule that is of urgent public health significance. ~~Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak.~~		~~X~~	~~X~~		
~~Any grouping or clustering of patients having similar disease, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism~~	~~X~~	~~X~~			~~Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism.~~		~~X~~	~~X~~		
Acquired Immune Deficiency Syndrome (AIDS)				2 Weeks	Not Applicable					

Amebic Encephalitis		X			*Naegleria fowleri, Balamuthia mandrillaris, or Acanthamoeba spp.*			X		
Anthrax	X	X			Bacillus anthracis	X	X	X		
Arsenic*2			X		Laboratory results as specified in the surveillance case definition for arsenic poisoning *2				X	
Botulism, foodborne	X	X			*Clostridium botulinum* or botulinum toxin	X	X	X		
Botulism, infant			X		Clostridium botulinum or botulinum toxin	X			X	
Botulism, other (includes wound and unspecified)	X	X			*Clostridium botulinum* or botulinum toxin	X	X	X		
Brucellosis	X	X			*Brucella abortus, B. melitensis, B. suis, B. canis*	X	X	X		
California serogroup virus neuroinvasive and non-neuroinvasive disease			X		California encephalitis ~~virus~~, Jamestown Canyon, Keystone, Lacrosse, snowshoe hare, trivittatus viruses	X			X	
Campylobacteriosis			X		*Campylobacter* species				X	
Cancer (except non-melanoma skin cancer, and including benign and borderline intracranial and CNS tumors) *3*2				6 Months	Pathological or tissue diagnosis of cancer (except non-melanoma skin cancer and including benign and borderline intracranial and CNS tumors)					6 Months
Carbon monoxide poisoning			X		A volume fraction 0.09 (9%) of carboxyhemoglobin in blood				X	
CD-4	Not Applicable				CD-4 absolute count and percentage of total lymphocytes*4~~*3~~					3 days
Chancroid			X		*Haemophilus ducreyi*				X	
Chlamydia			X		*Chlamydia trachomatis*				X	
Chlamydia in pregnant women and neonates			X		*Chlamydia trachomatis*				X	
Chlamydia in children < 12 years of age*5~~*4~~			X		*Chlamydia trachomatis*				X	
Cholera	X	X			*Vibrio cholerae*	X	X	X		
Ciguatera fish poisoning (Ciguatera)			X		Not Applicable					
~~*Clostridium perfringens*, epsilon toxin (disease due to)~~			X		~~*Clostridium perfringens*, epsilon toxin~~				X	
Congenital anomalies *6~~*5~~				6 Months	Not Applicable					
Conjunctivitis in neonates < 14 days old			X		Not Applicable					
Creutzfeld-Jakob disease (CJD) *7~~*6~~			X		14-3-3 protein from CSF or any brain pathology suggestive of CJD *7~~*6~~				X	
Cryptosporidiosis			X		Cryptosporidium parvum				X	
Cyclosporiasis			X		Cyclospora cayetanensis	X			X	
Dengue			X		Dengue virus	X			X	
Diphtheria –	X	X			Corynebacterium diphtheriae	X	X	X		
Eastern equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Eastern equine encephalitis virus	X			X	
Ehrlichiosis/Anaplasmosis ~~Ehrlichiosis, human granulocytic (HGE)~~			X		*Anaplasma phagocytophilum, Ehrlichia chaffeensis, or E. ewingii* ~~*Ehrlichia phagocytophilia*~~.	X			X	
~~Ehrlichiosis, human monocytic (HME)~~			~~X~~		~~Ehrlichia chaffeensis~~				~~X~~	
Ehrlichiosis/Anaplasmosis – undetermined or unspecified ~~Ehrlichiosis, human other or unspecified agent~~			X		*Ehrlichia or Anaplasma* species, other	X			X	

Encephalitis, other (non-arboviral)			X		Isolation from or demonstration in brain or central nervous system tissue or cerebrospinal fluid, of any pathogenic virus				X	
Enteric disease due to *Escherichia coli* O157:H7		X			*Escherichia coli* O157:H7	X		X		
Enteric disease due to other pathogenic *Escherichia coli**8~~*7~~		X			*Escherichia coli**8~~*7~~			X		
Giardiasis (acute)			X		*Giardia* species				X	
Glanders	X	X			Burkholderia mallei,	X	X	X		
Gonorrhea			X		Neisseria gonorrhoeae				X	
Gonorrhea in children < 12 years of age*5~~*4~~			X		Neisseria gonorrhoeae				X	
Gonorrhea in pregnant women and neonates			X		Neisseria gonorrhoeae				X	
Gonorrhea (Antibotic Resistant)			X		*Neisseria gonorrhoeae**9~~*8~~				X	
Granuloma Inguinale			X		Calymmatobacterium granulomatis				X	
Haemophilus influenzae, meningitis and invasive disease	X	X			Haemophilus influenzae	X	X	X		
Hansen disease (Leprosy)			X		Mycobacterium leprae				X	
Hantavirus infection		X			Hantavirus	X		X		
Hemolytic uremic syndrome		X			Not Applicable					
Hepatitis A*10~~*9~~		X			Hepatitis A*10~~*9~~			X		
Hepatitis B, C, D, E and G Virus*10~~*9~~			X		Hepatitis B, C, D, E and G Virus*10~~*9~~				X	
Hepatitis B surface antigen (HBsAg)-positive in a pregnant woman or a child up to 24 months old			X		Hepatitis B surface antigen (HBsAg)				X	
Herpes simplex virus (HSV) in infants up to 60 days old ~~six (6) months of age~~ with disseminated infection with involvement of liver, encephalitis and infections limited to skin, eyes and mouth*11~~*10~~			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*11~~*10~~				X	
HSV – anogenital in children < 12 years of age*5*11~~*4*10~~			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*11~~*10~~				X	
Human immunodeficiency virus (HIV)				2 Weeks	Repeatedly reactive enzyme immunoassay, followed by a positive confirmatory tests, (e.g. Western Blot, IFA): Positive result on any HIV virologic test (e.g. p24 AG, Nucleic Acid Test (NAT/NAAT) or viral culture). All viral load (detectable and undetectable) test results. *12*13~~*11~~					3 days
Human immunodeficiency virus (HIV) Exposed Newborn – infant < 18 months of age born to a HIV infected woman			X		All HIV test results (e.g., positive or negative immunoassay, positive or negative virologic tests) for those < 18 months of age					3 days
Human papillomavirus ~~papilloma virus~~ (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children <6 years of age*5~~*4~~			X		HPV DNA				X	
HPV – anogenital in children <12 years of age*5~~*4~~			X		HPV DNA				X	

~~HPV cancer associated strains*12~~ Human papillomavirus ONLY physicians licensed as pathologists need report as directed under Laboratory Reporting*14			X		~~DNA typing of HPV strains 16, 18, 31, 33, 35, 36, 45 Abnormal histologies consistent with Bethesda 2001 Terminology*13~~ 1) Positive test for any high risk human papillomavirus (HPV) type (e.g., 16, 18, 31, 33, 35, 39, 45, 51, 52, 56, 59, 68, etc)*15 2) Abnormal cervical and anogenital cytologies consistent with "Bethesda 2001 Terminology"*15 3) Abnormal histologies including*15: a. cervical vaginal intraepithelial neoplasia (CIN 1, 2, or 3) b. vulvar intraepithelial neoplasia (VIN 1, 2, or 3) c. vaginal intraepithelial neoplasia (VAIN 1, 2, or 3) d. anal intraepithelial neoplasia (AIN 1, 2, or 3)				X	
Influenza due to novel or pandemic strains	X	X			Isolation of influenza virus from humans of a novel or pandemic strain	X	X	X		
Influenza-associated pediatric mortality in persons aged < 18 years		X			Influenza virus – associated pediatric mortality in persons aged <18 years (if known)	X		X		
Lead poisoning*16~~*14~~			X		All blood lead test results 16* ~~tests with detectable blood lead values 14*~~				X	
Legionellosis			X		*Legionella* species				X	
Leptospirosis			X		Leptospira interrogans				X	
Listeriosis		X			Listeria monocytogenes			X		
Lyme disease			X		Borrelia burgdorferi				X	
Lymphogranuloma Venereum (LGV)			X		Chlamydia trachomatis				X	
Malaria			X		Plasmodium falciparum, P. vivax, P. ovale, P. malariae	X			X	
Measles (Rubeola)	X	X			Measles virus 17*~~15*~~	X	X	X		
Melioidosis	X	X			Burkholderia pseudomallei	X	X	X		
Meningitis, bacterial, cryptococcal and mycotic (other than meningococcal or *H. influenzae* or pneumococcal)			X		Isolation or demonstration of any bacterial or fungal species in cerebrospinal fluid				X	
Meningococcal Disease, includes meningitis and meningococcemia	X	X			*Neisseria meningitidis* (serogroup needed)	X	~~X~~	X		
Mercury poisoning			X		Laboratory results as specified in the surveillance case definition for mercury poisoning				X	
Mumps			X		Mumps virus				X	
Neurotoxic shellfish poisoning		X			Laboratory results as specified in the surveillance case definition for Neurotoxic shellfish poisoning			X		
Pertussis		X			*Bordetella pertussis*			X		
Pesticide-related illness and injury			X		Laboratory results as specified in the surveillance case definition for pesticide related illness and injury				X	
Plague	X	X			*Yersinia pestis*	X	X	X		
Poliomyelitis, paralytic and non-paralytic	X	X			Poliovirus	X	X	X		
Psittacosis (Ornithosis)			X		*Chlamydophila psittaci* (formerly known as *Chlamydia psittaci*)	X			X	

Q Fever			X		*Coxiella burnetii*	X			X	
Rabies, animal		X			Rabiesvirus		X	X		
Rabies, human		X			Rabiesvirus		X	X		
Rabies, possible exposure*18~~*16~~	X	X			Not Applicable					
Ricin toxicity	X	X			Ricin toxin (from *Ricinus communis* castor beans)	X	X	X		
Rocky Mountain spotted fever			X		*Rickettsia rickettsii*	X			X	
Rubella, including congenital	X	X			Rubella virus*17~~*15~~	X	X	X		
St. Louis encephalitis (SLE) virus neuroinvasive and non-neuroinvasive disease			X		St. Louis encephalitis virus	X			X	
Salmonellosis			X~~.~~		*Salmonella* species by species serogroup and serotype				X	
Saxitoxin poisoning including Paralytic shellfish poisoning (PSP)			X		Saxitoxin				X	
Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) disease	X	X			SARS–associated Coronavirus (SARS-CoV)	X	X	X		
Shigellosis			X		*Shigella* species by species serogroup				X	
Smallpox	X	X			Variola virus (orthopox virus)	X	X	X		
Staphylococcus aureus – community associated mortality*19			X		*Staphylococcus aureus* – community associated mortality*20	X				
Not Applicable					*Staphylococcus aureus* isolated from a normally sterile site *21				X	
Staphylococcus aureus with intermediate or full resistance to vancomycin (VISA,VRSA)		X			*Staphylococcus aureus* with intermediate or full resistance to vancomycin (VISA, VRSA); Laboratory results as specified in the surveillance case definition.*22	X		X		
Staphylococcus enterotoxin B		X			Staphylococcus enterotoxin B	X		X		
Streptococcal disease, invasive, Group A			X		*Streptococcus pyogenes*, Group A, isolated from a normally sterile site (does not include throat specimens)				X	
Streptococcus pneumoniae, invasive disease	Not Applicable				*Streptococcus pneumoniae* isolated from a normally sterile site*23				X	
Streptococcus pneumoniae, invasive disease in children < 5 years, drug sensitive and resistant			X		*Streptococcus pneumoniae* isolated from a normally sterile site*23				X	
Syphilis			X		Treponema pallidum				X	
Syphilis in pregnant women and neonates		X			Treponema pallidum			X		
Tetanus			X		Clostridium tetani				X	
Toxoplasmosis, acute			X		Toxoplasma gondii				X	
Trichinellosis (Trichinosis)			X		Trichinella spiralis				X	
Tuberculosis (TB)*24~~*17~~			X		*Mycobacterium tuberculosis* complex*24~~*17~~				X	
Tularemia	X	X			Francisella tularensis	X	X	X		
Typhoid fever		X			Salmonella typhi	X		X		
Typhus fever ~~(epidemic)~~ (outbreak)	X	X			*Rickettsia prowazekii*	X	X	X		
Typhus fever (endemic)			X		*Rickettsia typhi, R. felis*	X			X	
Vaccinia disease	X	X			Vaccinia virus	X	X	X		
Varicella (ChickenPox)*25~~*18~~			X		Varicella virus				X	
Varicella mortality			X		Varicella virus				X	
Venezuelan equine encephalitis virus neuroinvasive and non-neuroinvasive	X	X			Venezuelan equine encephalitis virus	X	X	X		

Vibriosis (Vibrio infections, other than Cholera)			X		All non-cholera *Vibrio* species including, *V. alginolyticus, V. damsela, V. fluvialis, V. furnissii, V. hollisae, V. mimicus, V. parahaemolyticus, V. vulnificus*	X			X	
Viral hemorrhagic fevers	X	X			Ebola, Marburg, Lassa, Machupo viruses	X	X	X		
West Nile virus neuroinvasive and non-neuroinvasive disease			X		West Nile virus	X			X	
Western equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Western equine encephalitis virus	X			X	
Yellow fever	X	X			Yellow fever virus	X		X		

*1 – Submission of isolates or specimens for confirmation:

a. Each laboratory that obtains a human isolate or a specimen from a patient shall send specimens (such as isolates, sera, ~~serums,~~ slides or diagnostic preparations) to the Florida Department of Health, Bureau of Laboratories for confirmation or additional characterization of the organism. ~~Contact 1(866)352-5227 for the address of your regional laboratory, which will maintain a record indicating the date that these specimens were submitted to the laboratory.~~

b. Persons submitting specimens for reportable laboratory tests to the Florida Department of Health, Bureau of Laboratories, pursuant to subsection 64D-3.003(4), F.A.C., are required to supply the laboratories with sufficient information to comply with the provisions of this section.

c. For the address of your closest regional Florida Department of Health laboratory location, contact 1(866)352-5227. This location will receive isolates or specimens and maintain a record to indicate the date that these specimens were submitted to the laboratory.

d. Laboratories shall submit isolates or specimens to the Florida Department of Health, Bureau of Laboratories for confirmation or additional characterization of the organism for any notifiable disease as requested by the county health department director or administrator or their designee. Some additional information regarding such requests can be found in the document "Surveillance Case Definitions for Select Reportable Diseases in Florida".

e. Laboratories are not prohibited from submitting isolates or specimens from a patient for a disease or condition that is not designate in the Table of Notifiable Diseases or Conditions to be Reported in this Rule.

*2 – Special reporting requirements for Arsenic: Test results should only be reported if the test occurred 72 hours after the patient's consumption of seafood.

*3~~*2~~ – Notification within six months of diagnosis and within six months of each treatment.

Exceptions are located in Rule 64D-3.007, F.A.C.

*4~~*3~~ – All CD4s, with or without confirmed HIV infection.

*5~~*4~~ – Child abuse should be considered by a practitioner upon collection of a specimen for laboratory testing in any person 12 years of age or under, excluding neonates. Reporting of a STD case to a county health department does not relieve the practitioner of their mandatory reporting responsibilities regarding child abuse pursuit to Section 39.201, F.S.

*6~~*5~~ – Exceptions are located in Rule 64D-3.035, F.A.C.

*7~~*6~~ – Practitioners should contact the Department of Health, Bureau of Epidemiology at (850)245-4401 to arrange appropriate autopsy and specimen collection.

*8~~*7~~ – Non-O:157:H7, including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, enteroaggregative strains and shiga toxin positive strains.

*9~~*8~~ – Special reporting requirements for Antibotic Resistant *Neisseria gonorrhoeae*:

a. Report susceptibility test results (zone sizes for disk diffusion; MICs for E-test or agar dilution) for the following antibiotics: Azithromycin, Cefixime, Ceftriaxone, Ciprofloxacin, Erythromycin, Ofloxacin, Penicillin, Spectinomycin, and Tetracycline.

*10~~*9~~ – Special reporting requirements for Hepatitis:

a. Positive results should be accompanied by any hepatitis testing conducted: and

b. All serum aminotransferase levels.

*11~~*10~~ – A 4-fold titer rise in paired sera by various serological tests confirmatory of primary

infection; presence of herpes-specific IgM suggestive but not conclusive evidence of primary

infection.

*12~~*11~~ – Special requirements for STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion):

a. Each laboratory that reports a confirmed positive HIV test in persons 13 years of age and older must also report a serologic testing algorithm for recent HIV seroconversion (STARHS) test result.

b. In lieu of producing this test result, each laboratory that reports a confirmed positive HIV test must submit a sample for additional testing using STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion). The laboratory is permitted to send the remaining blood specimen or an aliquot of at least

0.5 *ml* to the Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926.

c. Laboratories electing to send a blood specimen will contact the Florida Department of Health, Bureau of Laboratories at (904)791-1500 to receive specimen maintenance and shipping instructions.

d. Nationally based laboratories with an existing contract to ship specimens directly to a STARHS laboratory designated by the National Centers for Disease Control and Prevention will not be required to send a specimen to the Florida Department of Health Laboratory.

*13 – If a genotype is performed, the fasta files containing the nucleotide sequence data, including the protease and reverse transcriptase regions must be reported.

~~*12 – Practitioners need only to report the presence of cancer associated strains, not abnormal cytologies to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.~~

*14 – Practitioners need not report, unless licensed as a pathologist.

~~*13 – Special reporting requirements for abnormal histologies:~~

~~a. Report only classifications consistent with Bethesda 2001 Terminology of ASC-US, ASC-H, HSIL, LSIL, CIN 1, CIN 2, CIN 3 and AGC to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.~~

~~b. All such reports must be received by the Department electronically in HL-7 format.~~

*15 – Special reporting requirements for laboratories and pathologists:

a. Report to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1716, (850)245-4303.

b. Paper reports are not required. In accordance with paragraph 64D-3.031(5)(b), F.A.C., once Electronic Laboratory Reporting is initiated with the Department, all reports should be made electronically.

*16~~*14~~ – Special reporting requirements for reporting blood lead tests:

a. All blood lead tests are considered evidence of a suspected case and are to be reported to the Florida Department of Health, Bureau of Community Environmental Health, Childhood Lead Poisoning Prevention Program, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1712, (850)245-4277. This reporting requirement pertains to: 1) laboratories and, 2) practitioners that conduct on site blood lead analysis (i.e., practitioners that use portable lead care analyzers or other devices to perform blood lead analysis).

b. All such reports must be received by the Department electronically.

*17~~*15~~ – IgM serum antibody or viral culture test orders for measles (rubeola) or rubella should be reported as suspect immediately, but not IgG results.

*18~~*16~~ – Includes a bite or other significant exposure to a human or domestic animal (including all pets and livestock) by an animal:

a. That results in rabies prophylaxis for the person exposed, rabies testing ~~and/~~or quarantine of the animal causing the exposure; or

b. That is capable of transmitting herpes B viruses (includes exposures from nonhuman primates).

*19 – As specified in the surveillance case definition for mortality in a person infected with community associated *Staphylococcus aureus*. For *S. aureus* mortality cases, a *S. aureus* culture shall be sent to the Florida Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500. When pneumonia was present, a suitable respiratory specimen for viral testing should be submitted if available.

*20 – Laboratories that have an isolate from a patient known to have died from community associated *Staphylococcus aureus* must submit isolates to Florida Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500.

*21 – Special reporting requirements for *Staphylococcus aureus*:

a. Antibiotic sensitivities must be included.

b. Paper reports are not required. In accordance with paragraph 64D-3.031(5)(b), F.A.C., once Electronic Laboratory Reporting is initiated with the Department, all reports should be made electronically.

*22 – Special reporting requirements for *Staphylococcus aureus* with intermediate or full resistance to vancomycin (VISA, VRSA):

a. Antibiotic sensitivities must be included.

*23 – Special reporting requirements for *Streptococcus pneumoniae:*

a. Antibiotic sensitivities must be included.

*24~~*17~~ – Special reporting requirements for Tuberculosis:

a. Test results must also be submitted by laboratories to the Department of Health, Bureau of Tuberculosis and Refugee Health, 4052 Bald Cypress Way, Bin A20, Tallahassee, Florida 32399-1717, (850)245-4350;

b. The 15-digit spoligotype (octal code) must be reported. If the spoligotyping is not available, the isolate must be submitted to the Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500. The Department will provide the mailing materials and pay mailing costs.

*25~~*18~~ – Special reporting requirements for Varicella (chickenpox) – Besides the information required to be reported in subsection 64D-3.030(3) F.A.C., practitioners shall also provide date of vaccination.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 383.06, 384.23, 384.25, 385.202, 392.53 FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.62,10D-3.062, and 64D-3.002.

64D-3.030 Notification by Practitioners.

(1) Each practitioner licensed under Chapters 458, 459, 460, 462, 464, 467 and 474, F.S., and medical examiner appointed pursuant to Chapter 406, F.S., who diagnoses, treats or suspects a case, or who suspects an occurrence of a disease or condition listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., including in persons who at the time of death were so affected, shall report or cause to be reported all such diagnoses or suspicions per this rule. Reporting of specimen results by a laboratory to a county health department director, administrator or designee does not nullify the practitioner's obligation to report said disease or condition.

(2) Any request for laboratory test identification shall be considered a suspicion of disease. However, practitioners need only to report suspected cases if indicated in the "suspect immediately" column under practitioners in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C.

(3) Any report of a notifiable disease or condition required by this rule, except for cancer, congenital anomalies and HIV/AIDS, shall be reported on the Florida Department of Health Disease Report Form (DH Form 2136, 3/06), incorporated by reference, available at the Department of Health, Division of Disease Control, 4052 Bald Cypress Way, Bin A-09, Tallahassee, FL 32399-1714, or on a form supplied by the provider that includes the following:

(a) The patient's:

1. First and last name, including middle initial;

2. Address, including city, state and zip code;

3. Telephone number, including area code;

4. Date of birth;

5. Sex;

6. Race;

7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent);

8. Pregnancy status if applicable;

9. Social Security number;

10. Date of onset of symptoms;

11. Diagnosis.

(b) Type of diagnostic tests (for example culture, IgM, serology, Mantoux TB skin test, nucleic acid amplification test or Western Blot);

(c) Type of specimen (for example stool, urine, blood, mucus, etc.);

(d) Date of specimen collection;

(e) Site (for example cervix, eye, etc., if applicable);

(f) Diagnostic test results including: reference range, titer when quantitative procedures are performed, and all available results concerning additional characterization of the organism;

(g) For Tuberculosis, the 15-digit spoligotype (octal code) must be reported;

(h) Treatment given;

(i) Name, address and telephone number of the attending practitioner;

(j) Other necessary epidemiological information as well as additional specimen collection or laboratory testing requested by the county health department director or administrator or their designee.

(4) The practitioner who first authorizes, orders, requests or submits a specimen to a licensed laboratory for testing for any agent listed in Rule 64D-3.029, F.A.C., shall obtain ~~is responsible for obtaining~~ and provide ~~providing~~ the information required by sub-subparagraphs 64D-3.031(3)(a)1.-10., F.A.C., at the time the specimen is sent ~~to or received by the laboratory~~.

(5) Special reporting requirements for HIV and AIDS:

(a) All cases of HIV or AIDS, which meet the Centers for Disease Control and Prevention (CDC) case definitions set forth in CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, Including Monitoring for Human Immunodeficiency Virus Infection and Acquired Immunodeficiency Syndrome, published in Morbidity and Mortality Weekly Report (MMWR) Vol. 48 [RR-13, December 10, 1999], incorporated by reference, available online at: www.cdc.gov/mmwr/PDF/RR/RR4813.pdf, shall be reported on the Adult HIV/AIDS Confidential Case Report, ~~CDC 50.42A Rev. 01/2003,~~ incorporated by reference, or the Pediatric HIV/AIDS Confidential Case Report, ~~CDC 50.42B Rev. 01/2003,~~ incorporated by reference, along with the Department of Health Addendum for Adult HIV/AIDS Confidential Case Report, DH Form 2134, incorporated by reference. All forms are available at county health departments or at the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09,Tallahassee, Florida 32399-1715, (850)245-4334.

(b) HIV exposed newborns shall be reported on the Pediatric HIV/AIDS Confidential Case Report, ~~CDC 50.42B Rev. 01/2003,~~ incorporated by reference in paragraph 64D-3.030(5)(b), F.A.C.

(7) Each practitioner who makes a diagnosis of or treats any notifiable disease or condition shall make their patient medical records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 383.06, 384.25(1), 384.33, 392.53(1), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.097, 64D-3.016 and 64D-3.022.

64D-3.031 Notification by Laboratories.

(1) Each person or designee who is in charge of a public, federal, private, military or hospital laboratory responsible for receiving the initial order to perform serologic, immunologic, microscopic, biochemical, molecular or cultural tests on specimens derived from a human body or an animal or for collecting the specimen shall report or cause to be reported any laboratory test suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., per this rule.

(2) Receipt of a laboratory test order requesting the identification of reportable agents shall be considered by the laboratory as an indication of suspected diagnosis. However, laboratories need only to report suspected cases if indicated in the "suspect immediately" column under laboratories in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C.

(3) To allow follow-up of laboratory findings suggestive of or diagnostic of diseases or conditions in the Table of Notifiable Diseases or Conditions, the form upon which the information will be reported shall be furnished by the laboratory that includes the following information:

(a) The Patient's:

1. First and last name, including middle initial;

2. Address including street city, state and zip code;

3. Phone number, including area code;

4. Date of birth;

5. Sex;

6. Race;

7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent);

8. Pregnancy status if applicable;

9. Social Security number;

(b) The Laboratory

1. Name, address and telephone number of laboratory performing test;

2. Type of specimen (for example stool, urine, blood, mucus, etc.);

3. Date of specimen collection;

4. Site (for example cervix, eye, etc., if applicable);

5. Date of report;

6. Type of tests performed and results, including reference range, titer when quantitative procedures are performed, and including all available results on speciating, grouping or typing of organisms;

7. Submitting provider's name, address including street, city, zip code and telephone number, including area code;

8. National Provider Identification (NPI) Number.

(4) Laboratories located out of state, licensed under Part 1, Chapter 483, F.S., who collect specimens in Florida or who receive the initial order for testing from a practitioner, blood bank, plasmapheresis center or other health care provider located in Florida, shall report in the same way as if the findings had been made by a laboratory located in Florida.

(5) Upon the Department's implementation of its Electronic Laboratory Reporting System (ELR) for laboratory findings suggestive of or diagnostic of diseases or conditions, reports will be submitted electronically to the Department using Health Level Seven (HL7) version 2.3.1 format or ASCII delimited flat files which reflect comparable content to HL7 version 2.3.1. utilized by the Department of Health. The CDC Implementation Guide for Transmission of Laboratory-Based Reporting of Public Health Information using version 2.3.1 of the Health Level Seven (HL7) Standard Protocol, incorporated by reference, is available at the Department of Health, ELR Project, 4052 Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1715.

(a) The Department's ELR System shall include:

1. The initial contact with the reporting laboratory;

2. A content review and testing of the laboratories' HL7 transmissions; and

3. The transition from testing to production for the HL7 laboratory transmissions.

(b) The Department and laboratory will agree on a date of implementation

(c) Laboratories reporting electronically through ELR and the Department shall agree to a date that the transmission of findings suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Disease or Conditions, Rule 64D-3.029 F.A.C., electronically in HL7 version 2.3.1 format to the Department is acceptable and considered good faith reporting and the laboratory will no longer be required to submit paper forms pursuant to subsection 64D-3.031(3), F.A.C;

(d) The Department shall ensure access to the laboratory findings suggestive of or diagnostic of disease or conditions listed in the Table of Notifiable Diseases or Conditions to authorized representatives of the department.

(6) This section does not prohibit a laboratory from making a report by telephone, in writing, or facsimile to the county health department having jurisdiction for the area in which the office of the submitting practitioner or the patient's residence is located.

(7)(a) In order to study disease incidence, each laboratory licensed to perform tests for any notifiable disease or condition shall report the test volume for each related diagnostic test performed for the notifiable diseases listed in Rule 64D-3.029, F.A.C.

(b) Reports are to be filed annually on or before April 1 of each year to the Department electronically in a format agreed upon by the department and the laboratory with the following information:

1. Type of diagnostic test;

2. Patient's date of birth;

3. Patient's sex;

4. Race;

5. Ethnicity (specify if of Hispanic descent or not of Hispanic descent).

(8) Each laboratory licensed to perform tests for any reportable disease or condition shall make its records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25(1), 392.53(1) FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.66, 10D-3.066, 64D3.003, 64D-3.017 and 64D-3.023.

64D-3.040 Procedures for Control of Specific Communicable Diseases.

(1) Psittacosis (Ornithosis).

(a) All cases and suspected cases of psittacosis in people or birds shall be reported to the county health department director or administrator or their designee.

(b) Birds suspected of being infected or having been associated with infected birds shall not be removed from any premises until the State Health Officer or the county health department director or administrator or their designee, has investigated the situation and issued orders which may include quarantine, laboratory examination or prescribed treatment according to recommendations of the National Association of State Public Health Veterinarians, Inc., published in the Compendium of Measures to Control *Chlamydophila psittaci* ~~*(formerly Chlamydia psittaci)*~~ Infection Among Humans (Psittacosis) and Pet Birds (Avian Chlamydiosis), 2008 ~~2006~~, incorporated by reference, available from the Department of Health, Division of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1720.

(2) Rabies Control in Humans.

(a) Reporting of Suspected Human Exposure to Rabies – Any person having knowledge of an incident in which a person is bitten by or otherwise exposed to any known or suspected rabid animal shall notify the county health department director or administrator or their designee where the bite occurred immediately by telephone, facsimile, electronic data transfer or other confidential means.

(b) Prevention in Humans – Persons bitten or otherwise exposed to suspect rabid animals shall be evaluated for post-exposure treatment by the county health department director or medical director or their designee according to recommendations of Human Rabies Prevention-United States, 2008 ~~1999~~, Recommendations of the Advisory Committee on Immunization Practices (ACIP), published in the Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, Vol. 57 ~~48~~ No. RR-~~1~~3, May 26, 2008, ~~January 8, 1999,~~ incorporated by reference, available online at: http://www.cdc.gov/ mmwr/PDF/rr/rr5703.pdf ~~www.cdc.gov/mmwr/PDF/rr/rr4801.pdf~~.

(3) Rabies Control in Animals.

(a) The county health department director or administrator or their designee shall promptly investigate reported bites or exposures by suspected rabid animals.

(b) The county health department director or administrator or their designee shall cause to be captured, confined or seized suspected rabid animals and isolate and quarantine or humanely euthanize and provide for laboratory examination, as outlined in the guidebook, Rabies Prevention and Control in Florida 2008 ~~2006~~, incorporated by reference, available at: www.myfloridaeh.com/community/arboviral/Zoonoses/RabiesguideUpdated.pdf. This includes animals involved in human exposure (bite and non-bite) and animals exposed to rabid or suspected rabid animals. Other methods of controlling rabies in domestic or wild animals shall be administered by order of the county health department director or administrator or their designee according to recommendations of the Florida Rabies Advisory Committee.

(c) Upon official request from the health agency of another state or country, the appropriate county health department designee shall provide assistance in locating and placing in quarantine the suspect animal as required for proper completion of investigation of a potential rabies exposure incident.

(d) Epizootic Rabies. The State Health Officer, or the county health department director or administrator or their designee shall declare an area wide quarantine when prevalence of rabies so indicates. The conditions of the quarantine shall control the movement, sale, impoundment or

required euthanasia of animals in the quarantine area as specified by departmental policy and procedure guidelines as defined in paragraph 64D-3.040(3)(b), F.A.C.

(4) *Shigella* and *salmonella* infections other than enteric disease outbreaks in child care settings, for which see subsection 64D-3.040(5), F.A.C., and Typhoid Fever, for which see subsection 64D-3.040(6), F.A.C.

(a) Sensitive Situations

1. Persons with laboratory-confirmed or probable cases of Shigella and Salmonella infections (excluding typhoid fever) shall be prohibited from being present in sensitive situations until they are determined by the county health department director or administrator or their designee no longer to be a public health hazard. Release as no longer a public health hazard may be obtained by order of the director/administrator as provided for in subsections 64D-3.040(3), (4), F.A.C., for Salmonella, or by the infected person's submitting a minimum of two (2) stool specimens in satisfactory condition to one of the Department's laboratories or other clinical laboratory acceptable to the Department and meeting the following conditions:

a. The specimens are negative for these organisms.

b. The first specimen shall not be obtained sooner than forty-eight (48) hours after the cessation of any antibiotic therapy for those cases receiving antibiotics.

c. The second and subsequent specimen shall not be obtained sooner than at 24-hour intervals.

2. Persons who are contacts to probable or confirmed cases of shigella and salmonella infections (excluding typhoid fever);

a. Who have symptoms of an enteric illness or who have had such symptoms during the past two (2) weeks shall be presumed to be infected and shall be managed as a case as outlined in subparagraph 64D-3.040(4)(a)1., F.A.C.; or

b. Persons who are contacts to probable or confirmed cases of Shigella and Salmonella infections (excluding typhoid fever) and who do not have symptoms of an enteric illness or who have not had those symptoms during the past two (2) weeks may be permitted to continue in their sensitive situation at the discretion of the county health department director or administrator or their designee.

3. Persons infected with Salmonella (excluding typhoid fever) without symptoms may attend schools or child care settings at the discretion of the county health department director or administrator or their designee, provided adequate sanitary facilities and hygienic practices exist.

(b) Non-sensitive Situations

Cases, Contacts, and Carriers of Salmonella or Shigella who are not in non-sensitive situations should be counseled regarding disease transmission, food preparation and hand washing practices. Follow-up or release based on stool culture results is not required.

(5) Enteric disease outbreaks in child care settings [for typhoid fever, see subsection 64D-3.040(6), F.A.C.]. In the event of an outbreak in a child care setting of one of these diseases, the county health department director or administrator or their designee shall implement control procedures as defined in "Guidelines for Control of Outbreaks of Enteric Disease in Child Care Settings," dated March 2000, incorporated by reference, available online at: www.doh.state.fl.us/disease%5Fctrl/epi/surv/enteric.pdf.

(6) Typhoid Fever.

(a) Cases: Enteric isolation procedures are required for all cases during the acute stages of illness. The patient shall be under the supervision of the county health department director or administrator or their designee until bacteriologic cultures are obtained from feces and are negative in no less than three consecutive specimens taken at least 24 hours apart and not earlier than 1 month after onset of illness, provided the patient has been off antibiotic therapy for a period of 1 week. If any one specimen of this series yields typhoid organisms, then at least an additional three negative consecutive specimens of feces taken at least 24 hours apart are required for release of the case.

(b) Household contacts of a typhoid case who may be excreting *S. typhi* as determined by the county health department director or administrator or their designee and who are involved in food processing, food preparation or food service for public consumption or in any occupation bringing them in contact with children, ill persons, or the elderly or are present in other sensitive situations, as defined in subsection 64D-3.028(21), F.A.C., are prohibited from returning to such occupation or situation until no less than three specimens of feces taken at least 24 hours apart are negative for typhoid organisms. In addition, other appropriate tests may be required at the discretion of the county health department director or administrator or their designee.

(7) Perinatal Hepatitis B.

(a) Infants born to HBsAg-positive mothers ~~The following infants~~ shall receive hepatitis B immune globulin and hepatitis B vaccine once ~~they are~~ physiologically stable, preferably within 12 hours of birth, and ~~shall~~ complete the hepatitis B vaccine series according to the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) six (6) months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy.

~~1. Infants born to HBsAg-positive mothers;~~

~~2. All infants of mothers born in areas of high endemicity for hepatitis B infection. These areas include China, Southeast Asia, Africa, Middle East, Pacific Islands and the Amazon Basin.~~

~~3. Alaskan Native infants.~~

(b) Household members, sexual and needle-sharing partners of HBsAg-positive prenatal/postpartum hepatitis B women should be tested to determine susceptibility to the hepatitis B virus, and, if susceptible should receive the hepatitis B vaccine series.

(8) Vibrio Infections. All food service establishments serving raw oysters shall display, either on menus or on table placards, the following notice: "Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician."

Specific Authority 381.0011(6), (13), 381.003(2), 381.006(16), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (6), (8), 381.003(1), 381.0031, 384.25, 384.27 FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.91, 10D-3.091, and 64D-3.013.

64D-3.041 Epidemiological Investigations.

(1) The Department and its authorized representatives, when deemed necessary to protect the public's health, may conduct epidemiological investigations and follow-up to confirm the diagnosis, treatment and causes of any disease or condition to determine appropriate methods of outbreak ~~epidemic~~ and communicable disease control. Such investigations shall be considered official duties of the Department and may include, but are not limited to:

(a) Review of pertinent, relevant medical records by authorized representatives of the Department, if necessary to confirm the diagnosis; to investigate causes; to identify other related cases in an area, community, or workplace; to determine if a person with a reportable notifiable disease or condition has received adequate treatment to render themselves non-infectious or if exposed has received prophylaxis, if appropriate. Such review of records may occur without patient consent and shall be conducted at reasonable times and with such notice as is deemed reasonable under the circumstances.

(b) Perform interviews with an infected person or persons knowledgeable about the case to collect pertinent and relevant information about the cause(s) of or risk factors for the notifiable disease or condition.

(c) Conduct notification services by authorized Department representatives to inform persons who may have been in such association with an infected person or animal or a contaminated environment and who have had opportunity to acquire the infection. These will include, but are not limited to: household contacts, sexual partners, correctional facilities inmates and employees, patrons, employees ~~and/~~or owners of business establishments, preschool staff and students, school staff and students, and other individuals who may have been in an infected persons' social, business or environmental network.

(d) Medical examination ~~and/~~or testing of persons exposed to or at risk of the notifiable disease or condition.

(e) Obtain from public or private businesses or institutions the identities and locating information of persons, travelers, passengers or transportation crews with a similar or common potential exposure to the infectious agent as a reported case (such exposure may be current or have occurred in the past).

(f) Interview or administer questionnaires confidentially to any resident of a community or any agent, owner, operator, employer, employee or client of a public or private business or institution, that is either epidemiologically associated with an outbreak, or with the reported case or has had similar exposure as the reportable case.

(g) Collect environmental samples of substances or measurements of physical agents that may be related to the cause of an outbreak or notifiable disease or condition.

(h) Enter a place of employment for the purpose of conducting epidemiological investigations of those processes, conditions, structures, machines, apparatus, devices, equipment, records and materials within the place of employment which are relevant, pertinent and necessary to the investigation of an outbreak of notifiable diseases or conditions during regular working hours or at other reasonable times with such notice as is reasonable under the circumstances.

(2) Information ~~All information~~ gathered in the course of an epidemiological investigation and follow-up shall be confidential to the degree permitted under ~~and subject to~~ the provisions of Sections 119.0712, 381.0031(4), 384.29, and 392.65, F.S.

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1) (c), 384.26, 392.54 FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.100, and 64D- 3.018.

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1)(a) Immunization and Documentation Requirements –

(b) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (July 2008 ~~January 2007~~), incorporated by reference, available from Department of Health (DOH) county health departments (CHDs) or physicians' offices.

2. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(2) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or transfer:

(a) Preschool – Completion of Haemophilus influenzae type b vaccination.

(b) Preschool or kindergarten effective with the 2001/2002 school year – completion of varicella vaccination. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the varicella immunized cohort.

1. 7th Grade – Completion of a tetanus-diphtheria booster.

2. Effective with the 2009/2010 school year, all immunizations required for entry and attendance in school, pre K, childcare facilities and family daycare homes will be referenced in the current Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (incorporated by reference).

3.~~2~~. Additional Documentation Requirements for Exemptions.

4.~~3~~. For exemption from the rubeola immunization the practitioner must include with DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubeola) or serologic evidence of immunity to measles.

(c) Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (July 2008 ~~March 2007~~), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf.

(d) Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 produced by a CHD or a physician's office, as provided in (7), may be utilized.

(e) DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be issued and signed by the local county health department medical director or designee.

(f) Otherwise, required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.

(3) Documentation Requirements for Schools:

(a) The original of the form(s) required under paragraph (1)(a) shall remain in the student's cumulative health record.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten ~~and/~~or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (January 2007), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(4) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (2) above not to exceed 30 days may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(5) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school

officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(6) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the child's immunization record via authorized access to Florida SHOTS.

(7) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(8) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Specific Authority 381.0011(13), 381.003(1), (2), 381.005(2), 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History–Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Karla Schmitt, Chief, Bureau of STD Prevention and Control

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas Arnold, Deputy Secretary for Health, Public Health on behalf of Dr. Ana Viamonte Ros, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09942	State Uniform Transfer of Students in the Middle Grades

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 23, June 6, 2008 Florida Administrative Weekly has been continued from June 17, 2008 to August 19, 2008.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.043	Manufacturing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated April 10, 2008, the Department has changed the proposed amendments to paragraphs (d), (e), (f), and (g) of subsection (6) of Rule 12A-1.043, F.A.C., Manufacturing. When adopted, those paragraphs will read as follows:

(d)1. Materials and labor may be purchased tax-exempt when the purchaser extends an exemption certificate to the vendor or supplier certifying that the materials and labor will be used directly and solely for research or development purposes, as provided in Section 212.052, F.S. ~~Any person, including affiliated groups, as defined in s. 1504 of the Internal Revenue Code, as amended, who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for such taxpayer's own use directly and~~