

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.: RULE TITLES:
5H-17.002 Definitions
5H-17.003 Adoption of the Florida Agricultural Promotional Campaign Identifiers
5H-17.005 Participant Registration; Application Forms; Types of Membership; Renewal

PURPOSE AND EFFECT: The purpose of this rulemaking is to revise the Florida Agricultural Promotional Campaign identifiers authorized for use by agricultural producers participating in the Fresh From Florida program. Incorporated forms and referenced documents will be updated to reflect the revised promotional campaign identifiers.

SUBJECT AREA TO BE ADDRESSED: The Florida Agricultural Promotional Campaign (FAPC) provides Fresh From Florida promotional campaign identifiers for the agriculture industry to use on packaging and advertising to promote Florida-grown commodities. These rule-changes will update the authorized promotional campaign identifiers.

RULEMAKING AUTHORITY: 570.07(23), 571.24, 571.25(2) F.S.

LAW IMPLEMENTED: 571.23, 571.24(1), 571.25 F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Sespico, Assistant Director, Division of Marketing and Development, 407 S. Calhoun Street, Tallahassee, FL, 32399, phone (850)617-7310

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:
61-35.018 Harbor Pilots Departmental Forms

PURPOSE AND EFFECT: The proposed rulemaking seeks to amend Existing Rule 61-35.018, F.A.C., in order to incorporate by reference application forms, DBPR BOPC 3- Marine Incident Report and DBPR PRRC 1- Application for a Change

in Rates of Pilotage that have not previously been adopted under this rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the adoption of the new forms.

RULEMAKING AUTHORITY: 455.203, 455.213, 455.217, 310.091, 310.102 FS.

LAW IMPLEMENTED: 310.071, 310.073, 310.075, 310.121, 310.091, 310.102, 559.79 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Aimee Odom, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1394. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Athletic Commission

RULE NO.: RULE TITLE:
61K1-4.008 Pre-Match Physical for Amateur

PURPOSE AND EFFECT: The Commission proposes the rule development to determine if there are any needed updates to the language regarding the pre-match physical of an amateur boxer. SUBJECT AREA TO BE ADDRESSED: Pre-Match Physical of Amateur.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.003(2)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Patrick Cunningham, Executive Director, Florida Athletic Commission, 2601 Blair Stone Road, Tallahassee, FL 32399-1016 or telephone (850)488-8500.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.00355	Size Limits for Importation and Sale
68B-14.004	Recreational Amberjack Season
68B-14.0045	Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

PURPOSE AND EFFECT: The purpose of this rule development notice is to address possible rule amendments for Atlantic greater amberjack in response to a recent stock assessment, stakeholder input, and pending commercial and recreational management changes in Atlantic federal waters.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be addressed in the rule development notice may include the commercial size limit, import size limit, and recreational season for greater amberjack in Florida’s Atlantic state waters.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 620 S. Meridian St., Tallahassee, Florida 32399, and (850)487-0554.

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.:	RULE TITLE:
1A-39.001	Division of Historical Resources Grant Programs & Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, application procedures, and Grant Award Agreements for the Historic Preservation Grants In Aid Program, including the

Small Matching Grant Program and the Special Category Grant Program.

SUMMARY: The proposed amendments are being made to forms incorporated by reference including the grant guidelines, applications, agreement, and progress report form. The changes are being proposed to update the grant programs for future grant cycles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based on this analysis it was determined the department’s proposed rules do not increase fees or otherwise impose any other costs, directly or indirectly, on the regulated industry. Based on this information, the department determined there will be no adverse impact to small businesses and the potential regulatory costs of the proposed rule chapter does not exceed any of the criteria established in Section 120.541(2)(a), F.S. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 267.031(1), 267.0617(5), FS.

LAW IMPLEMENTED: 267.0617(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jon Morris, Deputy General Counsel. 500 S. Bronough Street Tallahassee Florida, 32399. Email: jon.morris@dos.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-39.001 Division of Historical Resources Grant Programs & Requirements.

(1) The purpose of this chapter is to establish administrative procedures for all Division of Historical Resources Historic Preservation Grants-in-Aid programs. Each program is governed by guidelines that contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State and subject to availability of funds appropriated by the Legislature.

(2) At least 80% of each donation made pursuant to section 550.0351(2), F.S., if any, shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

(3) All grant applicants must meet the requirements set forth in the Historic Preservation Grants-in-Aid Small Matching Grant Guidelines and Special Category Grant Guidelines, which are available from the Division of Historical Resources (Division), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective _____ 07/2022, and are hereby incorporated by reference.

(a) Small Matching Grant Program. The purpose of this program is to provide funding to assist local, regional and state-wide efforts to preserve significant historic and archaeological resources, and promote knowledge and appreciation of the history of Florida. This program does not fund operational support for historic preservation organizations.

(b) Special Category Grant Program. The purpose of this program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. The program does not fund operational support for historic preservation organizations.

(4) The following application forms are available from the Division at <http://www.dos.myflorida.com/historical/grants>, and are hereby incorporated by reference:

(a) Small Matching Grant Application (Form DHR001), effective _____ 07/2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(b) Special Category Grant Application (Form DHR002), effective _____ 07/2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(5) The following forms are used in the administration of all Historic Preservation Grants-in-Aid and are hereby incorporated by reference and available at <http://www.dos.myflorida.com/historical/grants>:

(a) Progress Report Form (Form DHR003), effective 07/2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-14529>.

(b) Preservation Agreement (Form DHR007), effective 05/2018, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09337>.

(c) Restrictive Covenants (Form DHR008), effective 05/2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08162>.

(d) Grant Award Agreement (Form GAA001), effective _____ 07/2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(6) Federal Funding. Federal funds for historic preservation grants-in-aid may be apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act. The use of such federal funds for Historic Preservation Grants-in-Aid is subject to the policies, procedures, and guidelines set forth by that agency in the June 2007 edition, of the Historic Preservation Fund Grants Manual, herein incorporated by reference, and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. The federal Historic Preservation Fund Grants Manual is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05736>.

(7) Additional Requirements. The following additional requirements apply to the Division's historic preservation grants-in-aid programs:

(a) All evaluations of the historic significance of historical and archaeological sites and properties shall be evaluated on the basis of the Criteria for Evaluation for the National Register of Historic Places, as adopted in 1966, and set forth in 36 CFR 60.4, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05735>, herein incorporated by reference; and,

(b) Historic properties receiving historic preservation grants-in-aid assistance from the Division will be maintained consistent with the Secretary of the Interior's Standards for Rehabilitation, effective _____ 2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09341>, herein incorporated by reference, in accordance with the terms of either a Preservation Agreement or Restrictive Covenant.

(c) All grant funding provided by the Small Matching Grant Program and Special Category Grant Program must be utilized in accordance with the standards, as applicable to the specific project type, contained in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic

Preservation, effective September 29, 1983, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08164>, which are herein incorporated by reference, and include:

1. The Secretary of the Interior’s Standards for the Treatment of Historic Properties (revised 2017),
2. The Secretary of the Interior’s Standards for Archaeological Documentation,
3. The Secretary of the Interior’s Standards for Historical Documentation,
4. The Secretary of the Interior’s Standards for Architectural and Engineering Documentation; and,
5. The Secretary of the Interior’s Standards for Preservation Planning.

(d) Project oversight of museum exhibit projects funded by the Division must be provided by a historian meeting the Secretary of the Interior’s Professional Qualifications Standards for History or Archeology, which are set forth in the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation incorporated in paragraph 1A-39.001(7)(c), F.A.C.

(e) The employment of unauthorized aliens by a grantee is considered a violation of Section 274A (a) of the Immigration and Nationality Act (8 U.S.C. §1324a), as amended October 2004, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08165>, herein incorporated by reference.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History–New 10-14-09, Amended 4-21-15, 9-2-15, 6-15-16, 6-1-17, 5-10-18, 5-20-19, 5-7-20, 6-8-21, 7-19-22,

NAME OF PERSON ORIGINATING PROPOSED RULE: Alissa Lotane, Director Division of Historical Resources.
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cord Byrd, Secretary of State.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2023
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 6, 2023.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.005 RULE TITLE: Board of Auctioneers Departmental Forms
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to adopt forms relating to application for licensure of Auctioneers.
 SUMMARY: Within the provided paragraph the Department proposes to adopt Rule 61-35.005 to adopt the forms.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.203, 455.213, 455.217, 468.384, F.S.

LAW IMPLEMENTED: 455.217, 455.271, 468.385, 468.3851, 468.3852, 468.3855, 468.387, 559.79, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Aimee Odom, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1394.

THE FULL TEXT OF THE PROPOSED RULE IS:

61-35.005 Board of Auctioneers Departmental Forms

The following Florida Auctioneers Departmental forms can be obtained at www.myfloridalicense.com/dbpr/ or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-0790, (850)487-1395:

(1) Any person applying for Initial Licensure as an Auctioneer Apprentice or Change of Sponsor, shall submit a completed Form DBPR AU-4151, Application for Initial Licensure as Auctioneer Apprentice or Change of Sponsor, effective XX/XX/XXXX, adopted and incorporated by reference,

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

(2) Any person applying for Initial Licensure by Exam based on Education, Initial Licensure by Exam based on Apprenticeship, or Licensure by Reciprocity/ Endorsement shall submit a completed Form DBPR AU-4153, Application for Initial Licensure as Auctioneer, effective XX/XX/XXXX, adopted and incorporated by reference,
<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(3) Any person applying for Licensure for an Auction Business shall submit a completed Form DBPR AU-4155, Application for Auction Business Licensure, effective XX/XX/XXXX, adopted and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(4) Any person applying to re-take the licensure examination shall submit a completed Form DBPR AU-4156, Application for Reexamination, effective XX/XX/XXXX, adopted and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(5) Any person applying terminate their Auctioneer Apprentice shall submit a completed Form DBPR AU-4158, Application for Termination Form, effective XX/XX/XXXX, adopted and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(6) Any person applying for Initial Licensure as an Auctioneer Apprentice shall submit a completed Auctioneer Apprentice Activity Form DBPR AU-4159, Apprentice Activity Form, effective XX/XX/XXXX, adopted and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(7) Any person applying to reinstate a null and void license shall submit a completed Form DBPR AU-4161, Application for Reinstatement of Null and Void License, effective XX/XX/XXXX, adopted and incorporated by reference.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
 Rulemaking Authority 455.203, 455.213, 455.217, 468.384 F.S.Law Implemented 455.217, 455.271, 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387, 559.79, F.S.History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Aimee Odom, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1394.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Melanie S. Griffin, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 19, 2022 (v.48 n.76)

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.006
 RULE TITLE: Elevator Fees; Permits; Certificates of Operation; Delinquency Fee; Transfer of Ownership; Certificate Replacement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to update and revise Rule 61C-5.006, F.A.C., to incorporate a form by reference, add a clarification statement for form submittal, and to update the Type of Installation and Class Chart.

SUMMARY: The proposed rulemaking amends Rule 61C-5.006, F.A.C., in order to update and revise the rule to incorporate a form by reference, add a clarification statement for form submittal, and to update the Type of Installation and Class Chart.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 399.02, 399.03, 399.07(1), 399.10, F.S

LAW IMPLEMENTED: 399.03, 399.061, 399.07, 399.125, 559.79, F.S

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kasimira Kelly, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399; (850)717-1280; thr.rules@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.006 Elevator Fees; Permits; Certificates of Operation; Delinquency Fee; Transfer of Ownership; Certificate Replacement; Accident Reporting.

(1) through (3) No change.

(4) The certificate of operation fee shall be \$75 for each type of installation and class as follows:

TYPE OF INSTALLATION	CLASS	TYPE OF INSTALLATION	CLASS
Traction Passenger	01	<u>Screw Column</u>	<u>11</u>
Hydraulic Passenger	02	Escalator	12
Traction Freight	03	<u>Hand Elevator</u>	<u>13</u>
Hydraulic Freight	04	Sidewalk Elevator	14
Hand Power Passenger	05	Material Lift/Dumbwaiter with Automatic Transfer Device	15
Hand Power Freight	06	Special Purpose Personnel Elevator	16
Moving Walk	07	Inclined Stairway Chairlift	17
Inclined Lift	08	Inclined & Vertical Wheelchair Lift	18
LU/LA (Limited Use/Limited Application)	09	<u>Rack And Pinion</u>	<u>19</u>
Dumbwaiter	10		

(5) through (7) No change.

(8) A certificate of operation holder must submit DBPR Form HR-7016, Elevator Owners Accident Report (<https://www.flrules.org/Gateway/reference.asp?No=Ref->) incorporated herein by reference and effective 2023 February, within 5 working days of any elevator accident as required in Section 399.125, F.S.

An Elevator Owners Accident Report is required to be submitted when the operation of a conveyance results in an accident including, but not limited to, an entrapment or bodily injury.

(9) ~~(8)~~All forms incorporated in this section are available from the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by e-mail to dh.elevators@myfloridalicense.com; or upon written request to the Department of Business and Professional

Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013.

Rulemaking Authority 399.02, 399.03, 399.07(1), 399.10 F.S. Law Implemented 399.03, 399.061, 399.07, 399.125, 559.79 F.S. History—New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, 9-17-07, 4-21-13, 12-29-14, 4-4-18, 10-29-19, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steven von Bodungen, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Melanie S. Griffin, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 1/4/2023

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-761.200	Definitions
62-761.210	Reference Guidelines
62-761.300	Applicability
62-761.400	Facility Registration
62-761.405	Notification
62-761.420	Financial Responsibility
62-761.500	Storage Tank System Requirements
62-761.600	Release Detection Requirements
62-761.700	Repairs, Operation and Maintenance
62-761.710	Recordkeeping
62-761.800	Out-of-Service and Closure Requirements
62-761.900	Storage Tank Forms

PURPOSE AND EFFECT: In 2017 and 2019, the Department of Environmental Protection (DEP) updated Chapter 62-761, F.A.C., to be consistent with the updated 2015 federal requirements in 40 CFR Part 280 for underground storage tank systems. The proposed revisions will clarify and update regulatory language not previously revised and provide a new requirement to perform annual visual inspection of out-of-service storage tanks systems.

SUMMARY: The proposed revisions will clarify and update the rule requirements for registration, revise out-of-service requirements to include annual visual inspections for storage tank systems, update reference guidelines to the newest editions, and provide additional release detection options for emergency generator owners and operators, allowing these systems to be aligned with EPA’s release detection requirements and provide a correction for the Discharge Report

Form and clarifications for the Financial Mechanisms for Storage Tanks form parts.

OTHER RULES INCORPORATING THIS RULE: 40C-3.411, 40C-3.502, 40C-3.517, 40C-3.521, 40D-3.502, 40D-3.521, 40E-3.411, 40E-3.502, 62-521.400, 62-555.312, 62-555.520, 62-701.300, 62-710.401, 62-713.600, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-762.421, 62-780.210, and 62-780.600.

EFFECT ON THOSE OTHER RULES: Amendments to Chapter 62-761, F.A.C., in this Notice of Proposed Rule are not expected to have any significant impact on the following rules: 40C-3.411, 40C-3.502, 40C-3.521, 40D-3.502, 40D-3.521, 40E-3.411, 40E-3.502, 62-521.400, 62-555.312, 62-555.520, 62-701.300, 62-710.401, 62-713.600, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-762.421, 62-780.210, and 62-780.600. Rules 62-555.312(3) and 62-555.520(4)(a)6.j., F.A.C. need to be updated to reflect that Chapters 62-761 and 62-762, F.A.C., were separated into two Chapters effective June 21, 2004. Rule 40C-3.517 cites repealed rule 62-761.640, and should cite 62-761.600, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC was prepared due to an increase in time and effort to comply with revisions to out-of-service requirements and the determination that small businesses will be minimally affected. However, based on the SERC, the proposed rule is not expected to have a direct or indirect regulatory cost in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC was prepared for this proposed rule. Based on the SERC, the proposed rule is not expected to have an adverse impact on economic growth, job creation, or employment nor will it have an impact on business competitiveness nor will it increase regulatory costs in excess of \$1 million in aggregate within five years.

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

RULEMAKING AUTHORITY: 376.303, FS.

LAW IMPLEMENTED: 376.30, 376.301, 376.303, 376.30716, 376.3077, 376.308, 376.309, 403.077, 403.091, 403.141, 403.161, 489.133, FS.

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

DATE AND TIME: April 25, 2023 from 9:00 a.m. to no later than 11:00 a.m.

PLACE: Florida DEP Bob Martinez Building, 2600 Blair Stone Road., Conference Room 609, Tallahassee, Florida. To attend the workshop online via Microsoft Teams, go to the Division of Waste Management website at <https://floridadep.gov/Waste> for webinar information.

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: Kim Curran, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399. Kimberley.Curran@FloridaDEP.gov or (850)245-8849. 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: Amanda Dorsett, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399. Amanda.Dorsett@FloridaDEP.gov or (850)245-8931.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-761.200 Definitions.

All words and phrases defined in Section 376.301, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Section 376.301, F.S., for definitions of the following terms: "Contaminant," "Department," "Discharge," "Facility," "Flow-through process tank," "Hazardous substances," "Operator," "Owner," "Petroleum," "Petroleum product," and "Pollutants." The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meaning:

(1) through (16) No change.

(17) "Day tank" means a storage tank connected to a regulated tank by way of integral piping that contains the amount of fuel commonly used in a 24-hour period.

(17) through (62) renumbered (18) through (63) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.301, 376.303, 489.133 FS. History—New 12-10-90, Amended 5-4-92, 3-8-

94, Formerly 17-761.200, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17, 10-13-19, _____.

62-761.210 Reference Guidelines.

(1) Reference guidelines listed in paragraphs 62-761.210(2)(a) through (n), F.A.C., are available for inspection during business hours at the Department of Environmental Protection's Tallahassee Office located at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be obtained as provided in the document titled *UST Appendix A – Secondary References, Month 2023 Edition July 2019*, hereby adopted and incorporated by reference, located here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed above. All other secondary references can be obtained through the following reference guidelines.

(2) No change.

(a) No change.

(b) American Petroleum Institute (API). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202)682-8000, or the publisher's website at <http://www.api.org/>:

1. *Closure of Underground Petroleum Storage Tanks*, API Recommended Practice 1604, (~~R2010~~), ~~4th 3rd~~ Edition, ~~February 2021 March 1996~~,

2. *Installation of Underground Petroleum Storage Systems*, API Recommended Practice 1615, (~~R2020~~), 6th Edition, April 2011,

3. *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API Recommended Practice 1632 (R2010), 3rd Edition, May 1996. Secondary references to this guideline can be found here: <App A LINK>, or the Department address listed in subsection 62-761.210(1), F.A.C.; and,

4. *Using the API Color-Symbol System to Identify ~~Mark~~ Equipment, ~~and~~ Vehicles, ~~and~~ Transfer Points for Petroleum Fuels and Related Products at Identification at Gasoline Dispensing and Storage Facilities and Distribution Terminals*, API Recommended Practice 1637 (~~R2012~~), ~~4th 3rd~~ Edition, ~~April 2006~~ ~~2020 July~~ 2006. Secondary references to this guideline can be found here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.

(c) ASME International (founded as the American Society of Mechanical Engineers). A copy of the following document

is available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800)843-2763, or the publisher's website at <http://www.asme.org/>: *Process Piping*, ASME B31.3, ~~2020 2016~~ Edition.

(d) through (e) No change.

(f) AMPP (The Association for Materials Protection and Performance, formerly NACE International). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at AMPP, 15835 Park Ten Place, Houston, Texas 77084 ~~NACE International, 1440 South Creek Drive, Houston, Texas 77084 4906~~, (800)797-6223, or the publisher's website at <https://www.ampp.org/home> ~~<http://www.nace.org/>~~:

1. No change

2. *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-~~2021 2011~~, ~~September 2021~~ (formerly ~~RP0285~~), ~~2011~~ Edition.

(g) National Fire Protection Association (NFPA). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800)344-3555, or at the publisher's website at www.nfpa.org/:

1. *Flammable and Combustible Liquids Code*, NFPA 30, ~~2021 2018~~ Edition;

2. *Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks*, NFPA 30 (Annex C), ~~2021 2018~~ Edition; and,

3. *Code for Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, ~~2021 2018~~ Edition.

(h) No change.

(i) National Leak Prevention Association (NLPA). A copy of the following document is available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at NLPA, Route 2 Box 106A, Falmouth, Kentucky 41040, (702)832-2260, or the publisher's website at <http://www.nlpa-online.org/>: *NLPA Standard 631, Chapters A and B*, 1991. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07649>, or the Department address listed in subsection 62-761.210(1), F.A.C.

(j) Petroleum Equipment Institute (PEI). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher's website at www.pei.org/:

1. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-20 47, 2020 2017 Edition; and,

2. *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-19 47, 2019 2017 Edition.

(k) No change.

(l) Steel Tank Institute (STI). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, Illinois 60047, (847) 438-8265, or from the publisher's website at <https://www.steel-tank.com/>:

1. *sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks*, sti-P3®, Revised May 2018. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.,

2. *Specification for External Corrosion Protection of FRP Composite Steel USTs – ACT-100®*, STI F894, Revised May 2018. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.,

3. through 5. No change.

(m) Underwriters' Laboratories Standards (UL). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or from the publisher's website at www.ul.com/:

1. *Steel Underground Tanks for Flammable and Combustible Liquids*, UL 58, July 1998, Revised January 2018, 10th Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.,

2. *Nonmetallic Non-metallic Underground Piping for Flammable Liquids*, UL 971, May 2021, 2nd October 1995, Revised March 2006, 1st Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.,

3. *Standard for Fibre Reinforced Underground Tanks for Flammable and Combustible Liquids (formerly Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum*

Products, Alcohols, and Alcohol-Gasoline Mixtures), UL/ULC 1316, January 1994, Revised November 2018, 3rd Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.,

4. *External Corrosion Protection Systems for Steel Underground Storage Tanks*, UL 1746, January 2007, Revised December 2014, 3rd Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.; and,

5. *Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems*, UL 1856, June 2020 2013, 2nd 1st Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10946>, or the Department address listed in subsection 62-761.210(1), F.A.C.

(n) United States Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations. Copies of the following documents are available at U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202)512-1800, or from the publisher's website at <https://www.govinfo.gov/app/collection/cfr> <http://www.ecfr.gov/cgi-bin/ECFR?SID=d8bcb9f2acd236910a67035e0e599bd&page=browse>:

1. *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 CFR Part 280, Subpart H, Financial Responsibility, July 15, 2015; published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, N.W., Washington, DC 20401-0001, or <280 LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07664>,

or <https://www.govinfo.gov/app/collection/cfr/2015/title40> <http://www.ecfr.gov/cgi-bin/text-idx?SID=fc39ac52f9d11adfed71beec374f05d&pid=20150715&node=pt40.27.280&rgn=div5>; and,

2. No change.

(3) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.210, Amended 7-13-98, 6-21-04, 1-11-17, 10-13-19, _____, Editorial Note: Portions of this rule were relocated to Rule 62-761.420, F.A.C., on 1-11-2017.

62-761.300 Applicability.

(1) No change.

(2) Exemptions: The following underground systems are exempt from the requirements of this chapter:

(a) through (l) No change.

(m) Any residential storage tank system used solely for residential purposes. However, under *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 CFR Part 280, July 15, 2015, residential tanks greater than 1,100 gallons containing motor fuels are subject to federal underground storage tank rules. ~~This document is hereby adopted and incorporated by reference and available from the publisher at the Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, or <http://www.flrules.org/Gateway/reference.asp?No=Ref-07664>, or <https://www.ecfr.gov/cgi-bin/text-idx?SID=fc39ac52f9d11adfed71beec374f05d&pid=20150745&node=pt40.27.280&rgn=div5>, or the Department address located in subsection 62-761.210(1), F.A.C.;~~

(n) No change.

(o) Day tanks with a capacity less than or equal to 110 gallons or a flow-through process tank or underground day tank system less than or equal to 110 gallons or aboveground day tank system less than or equal to 550 gallons in capacity. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility. Piping used to return unused regulated substances from the process production, or manufacturing point of use back to the storage tank system is considered part of this exemption. Day tanks with capacities greater than 110 gallons are not exempt and shall be in compliance with this chapter no later than [12 months from effective date of rule];

(p) through (u) No change.

(v) Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 of *Flammable and Combustible Liquids Code, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles*, NFPA 30, ~~2014~~ 2021 Edition, hereby adopted and incorporated by reference and available from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800)344-3555, or at the publisher's website at www.nfpa.org/, or the Department address located in subsection 62-761.210(1), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.300, Amended 7-13-98, 6-21-04, 1-11-17, 7-9-19, _____.

62-761.400 Facility Registration.

(1) No change.

(2) For change in service status or closure pursuant to Rule 62-761.800, F.A.C.:

(a) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days after completion of the change in service status or closure pursuant to subparagraph 62-761.800(2)(b)6., F.A.C.

(b) No change.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(a) Any change in the account owner, defined as the party responsible for payment of registration fees at the facility location, owner or operator of a facility or of a storage tank system.

(b) through (c) No change.

(4) Registration fees.

(a) Registration fees are due from the account owner tank or facility owner or operator, as indicated in this subsection, for all storage tank systems required to be registered. Registration fees for storage tank systems that have been properly closed in accordance with subsection 62-761.800(2), F.A.C., will no longer be due once any outstanding fees have been paid.

(b) through (c) No change.

(d) For new account owners of currently registered storage tank systems, a fee of \$25.00 per tank shall be paid to the Department within 30 days of receipt of an invoice from the Department.

~~(e)(d)~~ No change.

~~(f)(e)~~ Late fees. Any payment made more than 30 days after the date it is due is delinquent and the registrant must pay an additional fee of \$20.00 for each tank for which the payment is overdue. A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.

~~(g)(f)~~ No change.

(5) through (7) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.3077, 489.133 FS. History—New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04, 8-7-14, 1-11-17, 7-9-19, _____.

Editorial Note: Portions of this rule were relocated to Rule 62-761.420, F.A.C., on 1-11-2017.

62-761.405 Notification.

(1) through (3) No change.

(4) Except as provided in subsection 62-761.440(5), F.A.C., notification of the discovery of a discharge shall be made to the county in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, Month 2023 January 2017, hereby adopted and incorporated by reference, within 24 hours of the discovery or before the close of the county's next business day unless the discovery is a non-petroleum de minimis discharge referenced

in rule 62-780.550, F.A.C., or a petroleum or petroleum product de minimis discharge referenced in subsection 62-780.560(1), F.A.C. A de minimis discharge is exempt from the notification requirements as long as the discharge is removed and properly treated or properly disposed, or otherwise remediated pursuant to the applicable provisions of chapter 62-780, F.A.C. To obtain copies of the DRF Form see rule 62-761.900, F.A.C., or <Link> <http://www.flrules.org/Gateway/reference.asp?No=Ref07652>, or the Department's website at <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference>.

(5) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.30, 376.303, 403.077 FS. History—New 1-11-17. Amended 10-13-19, _____.
Editorial Note: Portions of this rule were copied from 62-761.450, Formerly 17-761.450, F.A.C.

62-761.420 Financial Responsibility.

(1) through (2) No change.

(3) The demonstration of financial responsibility for storage tank systems shall be made in accordance with reference guideline *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST), Financial Responsibility*, 40 CFR Part 280, Subpart H, Financial Responsibility, July 15, 2015, hereby adopted and incorporated by reference in paragraph 62-761.300(2)(m), F.A.C., and accessible here: Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, N.W., Washington, DC 20401-0001, or <280 LINK> obtained in paragraph 62-761.210(2)(n), F.A.C. However, Department Form 62-761.900(3) Financial Mechanisms for Storage Tanks, DATE, shall be used in lieu of the United States Environmental Protection Agency's financial wording, effective date, October 2019, Financial Mechanisms for Storage Tanks, Form 62-761.900(3) is hereby adopted and incorporated by reference, and available on the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-financial-responsibility in Rule 62-761.900, _____, F.A.C., or <LINK> http://www.flrules.org/Gateway/reference.asp?No=Ref11120, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference, shall be used in lieu of the United States Environmental Protection Agency's financial wording.

(4) through (8) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.308, 376.309, 403.091, 403.141, 403.161 FS. History—New 1-11-17. Amended 10-13-19, _____.
Editorial Note: Portions of this rule were copied from Rule 62-761.400, F.A.C., on 1-11-2017.

62-761.500 Storage Tank System Requirements.

(1) General requirements.

(a) No change.

(b) Secondary containment.

1. through 3. No change.

4. If factory-made single-walled spill containment systems or single-walled sumps are installed on the system, a containment integrity test shall be performed before the component is placed into service in accordance with the manufacturer's testing requirements. For system components without manufacturer containment integrity testing specifications, PEI/RP1200-19 47, 2019 2017 Edition shall be used. PEI RP1200-19 47 is the *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, hereby adopted and incorporated by reference, and available at the Department address located in subsection 62-761.210(1), F.A.C., or the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher's website at www.pei.org/. For field-fabricated components the tests shall be at least for 24 hours in accordance with manufacturer's requirements.

5. An interstitial integrity test shall be performed on the storage tank after it is delivered and installed at the facility and before the storage tank is placed into service. This test shall be performed in accordance with manufacturer's requirements. For storage tanks without manufacturer's interstitial integrity testing specifications, PEI/RP100-20 47, 2020 2017 Edition shall be used. PEI/RP100-20 47 is hereby adopted and incorporated by reference, and available at the Department address located in subsection 62-761.210(1), F.A.C., or the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher's website at www.pei.org/: *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-20 47, 2020 2017 Edition; and PEI/RP1200-19 47, 2019 2017 Edition.

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-20 47, 2020 2017 Edition, and PEI/RP1200-19 47, 2019 2017 Edition, before the integral piping is placed into service.

7. If double-walled spill containment systems or double-walled sumps are installed on the system, an interstitial integrity test shall be performed in accordance with the manufacturer's testing requirements. For system components without manufacturer interstitial integrity testing specifications, PEI/RP1200-19 47, 2019 2017 Edition shall be used before the component is placed into service.

(c) through (e) No change.

(f) All storage tank systems shall be installed in accordance with the following reference guidelines, hereby adopted and incorporated by reference, and available from the Department's address given in subsection 62-761.210(1), F.A.C.:

1. *Installation of Underground Petroleum Storage Systems*, API Recommended Practice 1615, (R2020), 6th Edition, April 2011. To obtain this reference from the publisher, see paragraph 62-761.210(2)(b), F.A.C.;

2. *Flammable and Combustible Liquids Code, Storage of Liquids in Tanks – Underground Tanks*, Chapter 23 of NFPA 30, 2021 ~~2018~~ Edition, incorporated by reference in paragraph 62-761.300(2)(v), F.A.C. To obtain this reference from the publisher, see paragraph 62-761.210(2)(g), F.A.C.;

3. *Code for Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2021 ~~2018~~ Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(g), F.A.C.;

4. *Process Piping*, ASME B31.3, 2020 ~~2016~~ Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(c), F.A.C.; and

5. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-~~2017~~, 2020 ~~2017~~ Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(j), F.A.C.

(g) Storage tanks with field-fabricated internal secondary containment shall be installed in accordance with the following manufacturer's specifications, hereby adopted and incorporated by reference, and available from the Department address in subsection 62-761.210(1), F.A.C.:

1. *Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems*, UL 1856, June 2020 ~~June 2013~~, 2nd ~~1st~~ Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(m), F.A.C.; and,

2. No change.

(h) through (i) No change.

(2) Storage tank installation.

(a) through (b) No change.

(c) Cathodically protected double-walled steel tanks shall be registered in accordance with subsection 62-761.850(2), F.A.C., and shall be:

1. through 3. No change.

4. Certified by a Nationally Recognized Testing Laboratory for any field-installed cathodic protection system, that these requirements are met, constructed, and designed by a Corrosion Professional in accordance with the following document: *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2021 ~~2014~~, 2021 (formerly RP0285), ~~2014~~ Edition, hereby adopted and incorporated by reference, and is available from the publisher at AMPP (The Association for Materials Protection and Performance, formerly NACE

International), AMPP, 15835 Park Ten Place, Houston, Texas 77084 ~~1440 South Creek Drive, Houston, Texas 77084~~ 4906, (800)797-6223, or the publisher's website at https://www.ampp.org/home ~~http://www.nace.org/~~, or the Department address listed in subsection 62-761.210(1), F.A.C.

(3) Integral piping.

(a) through (c) No change.

(d) Construction requirements.

1. Fiberglass reinforced plastic integral piping or other non-metallic double-walled integral piping installed in contact with the soil at a facility shall meet the requirements of *Nonmetallic Non-metallic Underground Piping for Flammable Liquids*, UL 971, May 2021, 2nd October 1995, Revised March 2006, ~~1st~~ Edition, or shall be certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-761.850(2), F.A.C. UL 971, May 2021, 2nd October 1995, Revised March 2006, is hereby adopted and incorporated by reference, and is available from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or from the publisher's website at www.ul.com/, or the Department address listed in subsection 62-761.210(1), F.A.C.

2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.3, 2020 ~~2016~~ Edition. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API Recommended Practice 1632, (R2010) 3rd Edition, May 1996; *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition; and *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Revised January 2006, hereby adopted and incorporated by reference, and available from the Department or individual addresses given in subsections 62-761.210(1) and (2), F.A.C.

3. Metallic double-walled integral piping constructed of nonferrous materials, such as copper, does not require cathodic protection and shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, 2021 ~~2018~~ Edition, *Flammable and Combustible Liquids Code, Piping System*.

4. Metallic single-walled vertical fill piping does not require cathodic protection and shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, 2021 ~~2018~~ Edition, *Flammable and Combustible Liquids Code, Piping Systems*.

5. No change.

(e) No change.

(f) Pressurized integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, 2021 2018 Edition, Code for Motor Fuel Dispensing Facilities and Repair Garages, Requirements for Dispensing Devices. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-19 17, 2019 2017 Edition, at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

(g) All storage tank systems located at an elevation that produces a gravity head on integral piping positioned below the product level in the storage tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, 2021 2018 Edition, Flammable and Combustible Liquids Code, Tank Openings Other Than Vents, and located as close as practical to the storage tank, regardless of the date of installation of the storage tank system. In addition, anti-siphon valves shall be installed and maintained in accordance with Section 11.2 of NFPA 30A, 2021 2018 Edition, Code for Motor Fuel Dispensing Facilities and Repair Garages, Marine Fueling – Storage, regardless of the date of installation of the storage tank system.

(h) through (j) No change.

(4) Spill containment systems.

(a) No change.

(b) Fillbox covers.

1. Effective [12 months from effective date of rule], regardless of the date of installation of the storage tank system, fillbox covers shall be marked or the fill connection tagged, and facility signage shall be prominently displayed in accordance with the following document, hereby adopted and incorporated by reference: *Using the API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals*, API Recommended Practice 1637, 4th Edition, April 2020. See paragraph 62-761.210(2)(b), F.A.C., for access information.

2. For aviation facilities, regardless of the date of installation of the storage tank system, fillbox covers shall be marked or the fill connection tagged, and facility signage shall be prominently displayed in accordance with the following document, hereby adopted and incorporated by reference *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012.

See paragraph 62-761.210(2)(d), F.A.C., for access information.

3. An equivalent method may also be approved by the Department using an alternative procedure in accordance with subsection 62-761.850(1), F.A.C., regardless of the date of installation of the storage tank system, shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with the following documents hereby adopted and incorporated by reference: *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API Recommended Practice 1637, (R2012), 3rd Edition, July 2006, available from the publisher at API, 1220 L Street, N.W. Washington, D.C. 20005, (202)682-8000, or the publisher's website at <http://www.api.org/>; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, available from the publisher at Energy Institute, 62 New Cavendish Street, London W1G 7AR, United Kingdom, +44 (0)20 7467 7100, or the publisher's website at <https://www.energyinst.org/home>, or the Department's address located in subsection 62-761.210(1), F.A.C.; or with an equivalent method approved by the Department in accordance with subsection 62-761.850(1), F.A.C.

(c) through (d) No change.

(5) Dispensers and dispenser sumps.

(a) The dispensers used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30, 2021 2018 Edition, incorporated by reference in paragraph 62-761.300(2)(v), F.A.C., and Chapter 6, *Fuel Dispensing Systems*; Chapter 9, *Operational Requirements*; and Chapter 11, *Code for Motor Fuel Dispensing Facilities and Repair Garages, Marine Fueling* of NFPA 30A, 2021 2018 Edition.

(b) through (c) No change.

(6) No change.

(7) Overfill protection.

(a) No change.

(b) Storage tank systems shall be equipped with an overfill device that meets one of the following:

1. No change.

2. Restricts flow to the storage tank when the storage tank is no more than 90 percent full and does not fill the storage tank beyond 95 percent capacity. Flow restrictors, such as ball float valves, used in vent lines may not be used when overfill protection is installed or replaced after January 11, 2017. Flow restrictors installed before January 11, 2017, may only be used if the storage tank system meets the requirements of Section 7 of PEI/RP100-20 17, 2020 2017 Edition, Recommended Practices for Installation of Underground Liquid Storage

Systems, UST Overfill Equipment Verification, Inspection and Testing; or,

3. No change.

(c) No change.

(d) All overfill protection devices shall be tested for operability at installation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C.

~~(e)(4)~~ An annual operability test shall be performed on the designated primary overfill protection device used to meet the Department’s overfill protection requirement at intervals not exceeding 12 months to ensure proper operation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

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

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17, 10-13-19, _____.

62-761.600 Release Detection Requirements.

(1) through (2) No change.

(3) Integral piping with secondary containment.

(a) No change.

(b) In addition, pressurized integral piping in contact with the soil shall be equipped with a release detection system that can detect a leak within one hour. One of the following methods shall be used:

1. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gallons per hour (gph) with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 pounds per square inch (psi) and restrict flow within one hour. ~~Any instance where the mechanical line leak detector is restricting flow is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.~~

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and alert the operator by restricting or shutting off the flow of regulated substances through piping when a leak is detected power to the pump. ~~Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430,~~

~~F.A.C.~~ Monthly release detection printed tapes from automatic tank gauges for electronic line leak detectors are not required to be kept as records to demonstrate compliance, but a positive response from an electronic line leak detector must be recorded and investigated in accordance with Rule 62-761.430, F.A.C.

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of 10 gallons within one hour and shutting off the pump. ~~Any instance where the monitoring device has shut off the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.~~

4. For emergency generator storage tank systems that are monitored 24-hours per day, if the release detection system detects leaks of 3.0 gph at 10 psi line pressure within one hour, an audible or visual alarm will be triggered to alert the on-site operator.

(4) A positive response is defined as any instance where the release detection system has shut off power to the pump, or restricted the flow, or triggered an audible or visual alarm for pressurized integral piping in contact with the soil. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

~~(5)(4)~~ Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer’s specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third-party certification by a Nationally Recognized Testing Laboratory. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

~~(6)(5)~~ Operability test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C. Records shall be kept for three years in accordance with Rule 62-761.710, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.600, Amended 7-13-98, 6-21-04, 1-11-17, _____.

62-761.700 Repairs, Operation and Maintenance.

(1) No change.

(2) Cathodic protection.

(a) No change.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory-installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in AMPP, formerly NACE International Standards SP0169-2013, incorporated by reference in subparagraph 62-761.500(3)(d)2., F.A.C., and SP0285-2021 2011, incorporated by reference in subparagraph 62-761.500(2)(c)4., F.A.C.; or STI R051-17 Cathodic Protection Testing Procedures for sti-P3® UST's, (R051), Revised April 2017, as applicable, regardless of the date of installation of the storage tank system. STI R051-17, Revised April 2017, is hereby adopted and incorporated by reference, and available from the publisher at AMPP (The Association for Materials Protection and Performance, formerly NACE International), 15835 Park Ten Place, Houston, Texas 77084, 1440 South Creek Drive, Houston, Texas 77084-4906, (800)797-6223, or the publisher's website at <https://www.ampp.org/home> ~~<http://www.nace.org/>~~, or the Department address listed in subsection 62-761.210(1), F.A.C. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

- 2. No change.
- (c) through (d) No change.
- (3) Operation and maintenance.
- (a) Integrity testing.

1. The integrity of secondary containment systems and interstitial spaces, regardless of the date of installation of the storage tank system or storage tank system component, shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications. For storage tank systems or system components without manufacturer integrity or containment testing specifications, PEI/RP1200-19 17, 2019 2017 Edition, incorporated by reference in subparagraph 62-761.500(1)(b)5., F.A.C., shall be used. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule:

- a. through e. No change.
- f. All single-walled spill containment systems shall be tested ~~by January 11, 2018, and~~ at intervals not exceeding every 12 months and will be deemed timely if performed within the same calendar month in which the test is due thereafter; and,
 - g. No change.
 - 2. No change.
 - (b) No change.

(c) When a storage tank system is registered out-of-service, the system shall continue to be maintained in accordance with subsection 62-761.800(1), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091, 489.133 FS. History—New 3-12-91, Formerly 17-761.700, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17, 7-9-19, _____.

- 62-761.710 Recordkeeping.
- (1) No change.

(2) Records of the following, ~~generated on or after January 11, 2017,~~ are required to be kept for three years. ~~Records of the following, generated before January 11, 2017, are required to be kept for two years:~~

- (a) through (b) No change.
- (c) All test data and results gathered during ~~annual~~ operability tests and integrity testing tests; and,
- (d) No change.
- (3) through (5) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, Repromulgated 6-21-04, Amended 1-11-17, _____.

62-761.800 Out-of-Service and Closure Requirements.

- (1) Out-of-service storage tank systems.
- (a) No change.
- (b) Facility owners and operators of out-of-service storage tank systems shall:

- 1. through 4. No change.
- 5. Secure or close off the system to outside access; ~~and,~~
- 6. Register the storage tank system out-of-service in accordance with Rule 62-761.400, F.A.C.; ~~and,~~

7. Perform a visual inspection annually, not to exceed 12 months of every component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances, that can be visually inspected. Each annual visual inspection of the storage tank system shall be documented as to its condition pursuant to Rule 62-761.710, F.A.C., and will be deemed timely if performed within the same calendar month in which the test is due. Any visual inspection of a storage tank system that reveals uncontrolled pitting corrosion, structural damage, leakage, or other similar problems is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. If it is determined that a release has occurred while the system is out-of-service; and,

a. The incident investigation reveals a release has led to a discharge while the storage tank system is out-of-service and storing regulated substances at no more than one inch in depth or 0.3 percent by weight of total system capacity, then the response to the discharge shall be in accordance with

subsections 62-761.440(6)(a), (b), (e), (f), and (g), F.A.C. Repairs shall be made within 365 days of the discharge discovery in accordance with paragraphs 62-761.700(1)(a), (c), and (d), F.A.C. If the system cannot be repaired within 365 days after the discovery of the discharge, then it shall be permanently closed pursuant to subsection 62-761.800(2), F.A.C.

b. The incident investigation reveals a release has not led to a discharge while the storage tank system is out-of-service, then repairs shall be made in accordance with paragraphs 62-761.700(1)(a), (c), and (d), F.A.C., prior to bringing the storage tank system back into service.

(c) Facility owners and operators of out-of-service storage tank systems shall monitor the interstice and the liquid level in the storage tank annually but not to exceed 12 months, unless the tank system contains no regulated substances. The annual test will be deemed timely if performed within the same calendar month in which the test is due. Records of these inspections shall be maintained in accordance with subsection 62-761.710(2), F.A.C. In the event that liquid in excess of one inch, or 0.3 percent by weight, in the storage tank or any liquid, other than condensate, in the interstice is discovered, facility owners and operators must follow the procedures for incidents pursuant to Rule 62-761.430, F.A.C.

(d) The following inspections and testing requirements are not required while the storage tank system is properly out-of-service:

1. through 3. No change.

4. Release detection device annual operability testing, containment and interstitial integrity testing, and annual overflow protection device testing; however, all aforementioned testing shall be current up to date in accordance with this chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems installed after January 11, 2017, that have been out-of-service for more than 730 days shall perform interstitial integrity testing of the storage tank and integral piping before adding regulated substances to the storage tank system.

(e) No change.

(2) Closure of storage tank systems.

(a) No change.

(b) Closure of storage tank systems shall be performed by:

1. through 3. No change.

4. Removing and disposing of a storage tank by a Certified Contractor, or in-place closure by filling the storage tank with a solid inert material of sufficient density to prevent a structural collapse of the closed storage tank, which shall be in accordance with the following documents, hereby adopted and incorporated by reference, and available from the addresses given, regardless of the date of installation of the storage tank system: *Closure of Underground Petroleum Storage Tanks*, API Recommended Practice 1604, ~~(R2010) 4th 3rd Edition, February 2021 March~~

4996, available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at API, 1220 L Street, N.W. Washington, DC 20005, (202)682-8000, or the publisher's website at <http://www.api.org/>; and *Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks*, NFPA 30 (Annex C), ~~2018~~ 2020 Edition, available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800)344-3555, or at the publisher's website at www.nfpa.org/. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances in accordance with API Recommended Practice

1604, ~~(R2010) 4th 3rd Edition, February 2021 March 1996.~~ Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities; and,

5. No change.

6. Once a storage tank system has been properly closed pursuant to subsections 62-761.800(2) and (3), F.A.C., and the Closure Report or the Limited Closure Report Form for USTs 62-761.900(8), incorporated by reference in subsection 62-761.420(2), F.A.C., has been submitted to and approved by the county or the Department, the facility owner shall update the facility's registration status within 10 days to indicate the storage tank system as closed in accordance with subsection 62-761.400(2), F.A.C.

(3) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.30716 FS. History—New 12-10-90, Formerly 17-761.800, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17, 10-13-19, _____.

62-761.900 Storage Tank Forms.

Storage Tank Forms are listed by form number, subject title, effective date, and include the rule where the form is incorporated by reference. Copies of forms are available by writing to the Division of Waste Management, Florida Department of Environmental Protection, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or the Department's website at <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference>. For electronic submittal of the Storage Tank Facility Registration Form go to <http://www.fldeportal.com/go/submit-registration/>, Storage Tank Facility.

(1) Form 62-761.900(1) Discharge Report Form, [Date] ~~January 2017~~, incorporated by reference in subsection 62-761.405(4), F.A.C., and referenced in subsection ~~62-761.200(22) 62-761.200(21)~~, F.A.C., and is also available online here: [<900\(1\)](#)

LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07652>.

(2) Form 62-761.900(2) Storage Tank Facility Registration Form, July 2019, incorporated by reference in paragraph 62-761.400(1)(b), F.A.C., and referenced in subsections ~~62-761.200 (40) and (48)~~ ~~62-761.200(39) and (47)~~, F.A.C., and is also available online here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10736>.

(3) Form 62-761.900(3) Financial Mechanisms for Storage Tanks, [Date] ~~October 2019~~, incorporated by reference in subsection 62-761.420(3), F.A.C., and is also available online here: ~~<900(3)~~ LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-11120>.

(4) through (5) No change.

(6) Form 62-761.900(6) Incident Notification Form, January 2017, incorporated by reference in subsection 62-761.405(3), F.A.C., and referenced in subsection ~~62-761.200(29)~~ ~~62-761.200(28)~~, F.A.C., and is also available online here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-07657>.

(7) No change.

(8) Form 62-761.900(8) Limited Closure Report Form for USTs, October 2019, incorporated by reference in subsection 62-761.420(2), F.A.C. and referenced in subsection ~~62-761.200(35)~~ ~~62-761.200(34)~~, F.A.C., and is also available online here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10740>.

(9) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.900, Amended 9-30-98, 7-13-98, Repromulgated 6-21-04, Amended 1-11-17, 7-9-19, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amanda Dorsett, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399. Amanda.Dorsett@FloridaDEP.gov or 850-245-8931.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 16, 2022

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-762.201	Definitions
62-762.211	Reference Guidelines
62-762.301	Applicability
62-762.401	Facility Registration
62-762.411	Notification
62-762.421	Financial Responsibility
62-762.501	System Requirements for Shop Fabricated Storage Tanks
62-762.502	System Requirements for Field Erected Storage Tanks
62-762.601	Release Detection Requirements for Shop Fabricated Storage Tanks
62-762.602	Release Detection Requirements for Field Erected Storage Tanks
62-762.701	Repairs, Operation and Maintenance of Shop Fabricated Storage Tanks
62-762.702	Repairs, Operation and Maintenance of Field Erected Storage Tank Systems
62-762.711	Recordkeeping
62-762.801	Out-of-Service and Closure Requirements for Shop Fabricated Storage Tank Systems
62-762.802	Out-of-Service and Closure Requirements for Field Erected Storage Tank Systems
62-762.901	Storage Tank Forms

PURPOSE AND EFFECT: In 2017 and 2019, the Department of Environmental Protection (DEP) updated Chapter 62-762, F.A.C., to be in accordance with Chapter 62-761, Underground Storage Tank Systems, which was updated during the same time period to be consistent with 2015 federal requirements in 40 CFR Part 280 for underground storage tank systems. The proposed revisions will clarify and update regulatory language not previously revised and provide a new requirement to perform annual visual inspection of out-of-service storage tanks systems.

SUMMARY: The proposed revisions will clarify and update the rule requirements for registration, revise out-of-service requirements to include annual visual inspections for storage tank systems, update reference guidelines to the newest editions and provide additional release detection options for emergency generator owners and operators, allowing these systems to be consistent with the underground storage tank system release detection requirements proposed in Rule 62-761.600, F.A.C., Release Detection Requirements. Additionally, making a correction on the Discharge Report Form.

OTHER RULES INCORPORATING THIS RULE: 62-521.400, 62-710.401, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-780.210, and 62-780.600.

EFFECT ON THOSE OTHER RULES: Amendments to Chapter 62-762, F.A.C., in this Notice of Proposed Rule are not expected to have any significant impact on the following rules:

62-521.400, 62-710.401, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-780.210, and 62-780.600.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

A SERC was prepared due to an increase in time and effort to comply with revisions to out-of-service requirements and the determination that small businesses will be minimally affected. However, based on the SERC, the proposed rule is not expected to have a direct or indirect regulatory cost in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC was prepared for this proposed rule. Based on the SERC, the proposed rule is not expected to have an adverse impact on economic growth, job creation, or employment nor will it have an impact on business competitiveness nor will it increase regulatory costs in excess of \$1 million in aggregate within five years.

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

RULEMAKING AUTHORITY: 376.303, 376.322(3) FS.

LAW IMPLEMENTED: 376.031, 376.30, 376.301, 376.303, 376.30716, 376.3077, 376.308, 376.309, 376.320, 376.321, 376.322, 376.322(3), 376.323, 403.077, 403.091, 403.141, 403.161, 487.021, FS.

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

DATE AND TIME: April 25, 2023 from 1:00 p.m. to no later than 4:00 p.m.

PLACE: Florida DEP Bob Martinez Building, 2600 Blair Stone Road., Conference Room 609, Tallahassee, Florida. To attend the workshop online via Microsoft Teams, go to the Division of Waste Management website at <https://floridadep.gov/Waste> for webinar information.

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: Kim Curran, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399. Kimberley.Curran@FloridaDEP.gov or (850)245-8849. 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: Amanda Dorsett, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399. Amanda.Dorsett@FloridaDEP.gov or (850)245-8931.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-762.201 Definitions.

All words and phrases defined in Sections 376.031, 376.301, and 487.021, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.031, 376.301, and 487.021, F.S., for definitions of the following terms: “Bulk product facility,” “Compression vessel,” “Contaminant,” “Contaminated site,” “Department,” “Discharge,” “Facility,” “Flow-through process tank,” “Hazardous substances,” “Operator,” “Owner,” “Pesticides,” “Petroleum products,” “Pollutants,” “Transfer,” or “transferred,” and “Vessel.” The following words and phrases used in this chapter shall, unless the context indicates otherwise, have the following meaning:

(1) through (16) No change.

(17) “Day tank” means a ~~shop fabricated~~ storage tank ~~with a capacity of less than or equal to 550 gallons,~~ connected to a regulated tank by way of integral piping, that contains the amount of fuel commonly used in a 24-hour period.

(18) through (32) No change.

(33) “Impervious” means:

(a) No change.

(b) For concrete structures, a material that:

1. No change.

2. Is applied to the concrete in accordance with *Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment*, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at AMPP (The Association for Materials Protection and Performance, formerly SSPC: The Coatings Society, 800 Trumbull Drive, Pittsburgh, PA 15205 40-24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222 4643, (877)281-7772, or from the publisher’s website at <http://www.ampp.org/home>; ~~http://www.sspc.org/; or from the publisher at NACE International, 1440 South Creek Drive,~~

Houston, Texas 77084-4906, or from the publisher's website at <http://www.nace.org/>.

(34) through (35) No change.

(36) "Industrial occupancy building" is an enclosed structure that contains a storage tank system that is used in association with an industrial or manufacturing process, or for electric power generating utilities, provided that the building was constructed and is used primarily for industrial, manufacturing, or electric power generating purposes, and not solely for the purpose of storing regulated substances. An industrial occupancy building is a structure that has an impervious floor (without valves, drains, or other openings) that prevents regulated substances from being discharged. Industrial occupancy buildings constructed between July 13, 1998, and January 11, 2017, must meet the applicable regulatory requirements in this chapter in effect at that time. Industrial occupancy buildings constructed after January 11, 2017, must:

(a) Be constructed in accordance with *Flammable and Combustible Liquids Code, Storage Tank Buildings*, Chapter 24 of NFPA 30, 2021 ~~2018~~ Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617)770-3000, or at www.nfpa.org/;

(b) Have at least Type II construction in accordance with *Standard on Types of Building Construction*, NFPA 220, 2021 ~~2018~~ Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617)770-3000, or at www.nfpa.org/;

(c) Be ventilated in accordance with *Standard on Explosion Protection by Deflagration Venting*, NFPA 68, 2018 Edition; and *Standard on Explosion Prevention Systems*, NFPA 69, 2019 ~~2014~~ Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617)770-3000, or at www.nfpa.org/; and,

(d) No change.

(37) through (65) No change.

(66) "Secondary containment" means a release detection and discharge prevention system that meets the performance requirements of paragraphs 62-762.501(1)(b) and 62-762.502(1)(b), F.A.C., as applicable. Secondary containment includes dispenser sumps, piping sumps, spill containment systems, the outer wall of double-walled tanks, and integral piping, or the liner or impervious containment for single-walled tanks or integral piping. A Release Prevention Barrier is considered secondary containment for field-erected storage tank bottoms, as specified in Annex I of API Std 650, 13th ~~42th~~

Edition, March 2020 ~~2013~~ Annex I, Welded Tanks for Oil Storage, Undertank Leak Detection and Subgrade Protection, which includes including Errata 1 (2021) (~~2013~~), Errata 2 (~~2014~~), and Addendum 1 (~~2014~~), and Addendum 2 (~~2016~~), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>; ~~is considered secondary containment for field-erected storage tank bottoms.~~

(67) through (77) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.031, 376.301, 376.303, 487.021 FS. History—New 6-21-04, Amended 1-11-17, 10-17-19, _____.

Editorial Note: For Pesticides defined in Section 487.021, F.S., the definition of a "new animal drug" is now located in 21 U.S.C. §321(v), and the definition of an animal feed is now located in 21 U.S.C. §321(w), of the Federal Food, Drug, and Cosmetic Act.

62-762.211 Reference Guidelines.

(1) Reference guidelines listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., are available for inspection during business hours at the Department of Environmental Protection's Tallahassee Office located at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be obtained as provided in the document titled AST Appendix A – Secondary References, Month 2023 Edition July ~~2019~~, hereby adopted and incorporated by reference, located here: <App A LINK> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref_11126~~, or the Department address listed above. All other secondary references can be obtained through the following reference guidelines.

(2) No change.

(a) No change.

(b) American Petroleum Institute (API). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>:

1. No change.

2. Piping Inspection Code: In-service Inspection, Rating, Repair, and Alteration of Piping Systems, API 570, 4th Edition, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018),

3. Design and Construction of Large, Welded, Low-Pressure Storage Tanks, API Std 620, 12th Edition, October 2013, including includes Addendum 1 (2014), Addendum 2 (2018) and Addendum 3 (2021).

4. *Welded Tanks for Oil Storage*, API Std 650, 13th 12th Edition, March 2020 2013, including Includes Errata 1 (2021) (2013), Errata 2 (2014), and Addendum 1 (2014), and Addendum 2 (2016),

5. No change.

6. *Tank Inspection, Repair, Alteration, and Reconstruction*, API Std 653, 5th Edition, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020),

7. *Welding of Pipelines and Related Facilities*, API Std 1104, 22nd 21st Edition, July September 2021 2013. Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), Errata 5 (2018), and Addendum 1 (2014), Addendum 2 (2016),

8. *Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide*, API RP 1110, (R2018), 6th Edition, February 2013,

9. No change.

10. *Using the API Color-Symbol System to Identify Mark Equipment, and Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Identification at Gasoline Dispensing and Storage Facilities and Distribution Terminals*, API Recommended Practice 1637 (R2012), 4th 3rd Edition, April 2020 July 2006. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref_11126; and,

11. *Overfill Prevention Protection for Storage Tanks in Petroleum Facilities*, API Standard RP 2350, 5th 4th Edition, September 2020, including Errata 1, April 2021 May 2012.

(c) ASME International (founded as the American Society of Mechanical Engineers). A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800)843-2763, or the publisher's website at <http://www.asme.org/>:

1. *Process Piping*, ASME B31.3, 2020 2016 Edition; and,

2. *Pipeline Transportation Systems for Liquids and Slurries*, ASME B31.4, 2019 2016 Edition.

(d) through (e) No change.

(f) Geosynthetic Institute. A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Geosynthetic Institute, 475 Kedron Avenue, Folsom, Pennsylvania 19033-1208, (610)522-8440, or at <http://www.geosynthetic-institute.org/>. *Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured GeomembranesSM*, GRI - Test Method GM13 Standard Specification, Rev. 16 14, March 2021 January 2016. Secondary references to this

guideline can be found here: <App A LINK> http://www.flrules.org/Gateway/reference.asp?No=Ref_11126.

(g) AMPP (The Association for Materials Protection and Performance, formerly NACE International). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at AMPP, 15835 Park Ten Place, Houston, Texas 77084 NACE International, 1440 South Creek Drive, Houston, Texas 77084 4906, (800)797-6223, or at <https://www.ampp.org/home> <http://www.nace.org/>:

1. through 2. No change.

3. *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2021 2011, 2021-2011 Edition; and,

4. No change.

(h) National Fire Protection Association (NFPA). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617)770-3000, or at www.nfpa.org/:

1. *Flammable and Combustible Liquids Code*, NFPA 30, 2021 2018 Edition,

2. *Code for Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2021 2018 Edition,

3. No change.

4. *Standard on Explosion Prevention Systems*, NFPA 69, 2019 2014 Edition; and,

5. *Standard on Types of Building Construction*, NFPA 220, 2021 2018 Edition.

(i) No change.

(j) Petroleum Equipment Institute (PEI). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or at www.pei.org/:

1. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-20 17, 2020 2017 Edition;

2. *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-19 13, 2019 2013 Edition; and,

3. *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-19 17, 2019 2017 Edition.

4. *Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems*, PEI/RP1400-21, 2021 Edition.

(k) AMPP (The Association for Materials Protection and Performance, formerly SSPC: The Coatings Society and NACE

International). A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at AMPP (The Association for Materials Protection and Performance, formerly SSPC: The Coatings Society, 800 Trumbull Drive, Pittsburgh, PA 15205 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222 4643, (877)281-7772, or from the publisher's website at <https://www.ampp.org/home> <http://www.sspc.org/>; or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084 4906, or from the publisher's website at <http://www.nace.org/>: *Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment*, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997.

(l) Steel Tank Institute (STI). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847)438-8265, or at <https://www.steeltank.com/>:

1. *Steel Tank Institute Standard for Fire Tested Tanks Flameshield®*, STI F001, April 2017. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref 11126;>

2. *Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank*, STI F011, ~~November 2021~~ April 2017. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref 11126;>

3. No change.

4. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, June 2016. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref 11126;>

5. No change.

6. *Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids*, STI R912, Revised November 2015. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref 07688;>

7. through 8. No change.

(m) Underwriters' Laboratories Standards (UL). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or at www.ul.com/:

1. ~~*Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, January 2021 December 2006, Revised August 2014, 10th 9th Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref 11126;>~~

2. *Nonmetallic Underground Piping for Flammable Liquids*, UL 971, ~~May 2021, 2nd October 1995, Revised March 2006, 1st Edition. Secondary references to this guideline can be found here: <App A LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref 11126;> and,~~

3. No change.

(n) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations. Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202)512-1800, or at <https://www.govinfo.gov/app/collection/cfr> ~~www.gpo.gov/~~:

1. *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 CFR Part 280, Subpart H, Financial Responsibility, July 15, 2015, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, or <280 LINK>

[http://www.flrules.org/Gateway/reference.asp?No=Ref 07664,](http://www.flrules.org/Gateway/reference.asp?No=Ref 07664;) or <https://www.govinfo.gov/app/collection/cfr/2015/title40> <https://www.ecfr.gov/cgi-bin/text-idx?SID=fc39ac52f9d11adfed71beee374f05d&pid=20150715&node=pt40.27.280&rgn=div5> incorporated by reference in Rule subsection 62-761.420(3), F.A.C.; and,

2. No change.

(3) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended 1-11-17, 10-17-19, _____.

62-762.301 Applicability.

(1) No change.

(2) Exemptions: The following systems are exempt from the requirements of this chapter:

(a) through (d) No change.

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. "Heating oil" means any petroleum-based fuel used in the operation of heating equipment, boilers, or furnaces;

(f) through (n) No change.

(o) Any day tank system with a capacity of 550 gallons or less. Day tank systems with capacities greater than 550 gallons are not exempt and shall be in compliance with this chapter no later than [12 months from effective date of rule];

(p) through (u) No change.

(v) Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 of NFPA 30, ~~2021 2018~~

Edition, *Flammable and Combustible Liquids Code, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles*, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C.;

(w) through (ee) No change.

Rulemaking Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.321, 376.322(3) FS. History—New 6-21-04, Amended 1-11-17, 7-9-19, _____.

62-762.401 Facility Registration.

(1) No change.

(2) For a change in service status or closure pursuant to rules 62-762.801 and 62-762.802, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status or closure pursuant to subparagraph 62-762.801(2)(b)8., or subparagraph 62-762.802(3)(b)8., F.A.C., as applicable.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(a) Any change in the account owner, defined as the party responsible for payment of registration fees at the facility location, owner or operator of a facility or of a storage tank system;

(b) through (c) No change.

(4) Registration fees.

(a) Registration fees are due from the account owner tank or facility owner or operator, as indicated in this subsection, for all storage tank systems and compression vessels, required to be registered, except for:

1. through 2. No change.

(b) through (c) No change.

(d) For new account owners of currently registered storage tank systems, a fee of \$25.00 per tank shall be paid to the Department within 30 days of receipt of an invoice from the Department.

(d) through (e) renumbered (e) through (f) No change.

~~(g)(f) Late fees. Any payment made more than 30 days after the date it is due is delinquent and the registrant must pay an additional fee of \$20.00 for each tank for which the payment is overdue. A late fee of \$20.00 per storage tank or compression vessel shall be paid to the Department for any renewal that is received after July 31.~~

(g) through (i) renumbered (h) through (j) No change.

(5) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.307 FS. History—New 6-21-04, Amended 1-11-17, 7-9-19, _____. Editorial Note: Portions of this rule were relocated to rule 62-762.421, F.A.C., on 1-11-2017.

62-762.411 Notification.

(1) through (2) No change.

(3) Internal Inspections. Notification shall be received by the county in writing or electronic format between 10 and 25 days before the initiation of the work unless the county agrees to a shorter time period for inspections in accordance with *Tank Inspection, Repair, Alteration, and Reconstruction*, API Std 653, 5th Edition, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>; and for piping integrity testing pursuant to *Piping Inspection Code: In-service Inspection, Rating, Repair, and Alteration of Piping Systems*, API 570, 4th Edition, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>. Smaller field erected tanks with capacities less than 250,000 gallons shall be inspected in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020); or *Standard for the Inspection of Aboveground Storage Tanks*, STI SP001, 6th Edition, January 2018, hereby adopted and incorporated by reference and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847)438-8265, or at <https://www.steel-tank.com/>. Notification is not required for any STI SP001, January 2018, API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), and API 570, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), inspection work or activities where the tank or piping will remain in service or will not be empty, or for routine maintenance.

(4) No change.

(5) Except as provided in subsection 62-762.441(5), F.A.C., notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-762.901(1), Discharge Report Form (DRF), effective date, [FORM DATE] ~~January 2017~~, hereby adopted and incorporated by reference, within 24 hours or before the close of the County's next business day. To obtain copies of this form see rule 62-762.901, F.A.C., or ~~<DRF FORM LINK>~~ http://www.flrules.org/Gateway/reference.asp?No=Ref_07689, or the Department's website at <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference>.

(6) through (7) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.30, 376.303, 403.077 FS. History—New 1-11-17, Amended 10-17-19.

Editorial Note: Portions of this rule were copied from Rule 62-762.451, F.A.C., on 1/11/2017.

62-762.421 Financial Responsibility.

(1) through (2) No change.

(3) The demonstration of financial responsibility for storage tank systems shall be made in accordance with reference guideline *Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Financial Responsibility*, 40 CFR Part 280, Subpart H, Financial Responsibility, revised July 15, 2015, which is hereby adopted and incorporated by reference in subsection 62-761.420(3), F.A.C., and available at <SubPartH Link> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07664>, except that:

(a) Department Form 62-761.900(3) Financial Mechanisms for Storage Tanks, DATE, shall be used in lieu of the United States Environmental Protection Agency’s financial wording. Form 62-761.900(3), effective date, [FORM DATE] October 2019, Financial Mechanisms for Storage Tanks, hereby is adopted and incorporated by reference in subsection 62-761.420(3), F.A.C., and available on in ~~Rule 62-761.900, F.A.C., or~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-11170>, or the Department’s website at <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-financial-responsibility>, or here: <FR FORM LINK> <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference>, shall be used in lieu of the United States Environmental Protection Agency’s financial wording;

(b) through (c) No change.

(4) through (8) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.308, 376.309, 403.091, 403.141, 403.161 FS. History—New 1-11-17, Amended 10-17-19, 4-1-21.

Editorial Note: Portions of this rule were copied from Rule 62-762.401, F.A.C., on 1/11/2017.

62-762.501 System Requirements for Shop Fabricated Storage Tanks.

(1) General requirements.

(a) No change.

(b) Secondary containment.

1. No change.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with *Test Methods, Test Properties and Testing Frequency for High*

Density Polyethylene (HDPE) Smooth and Textured GeomembranesSM, GRI - ~~Test Method~~ GM13 Standard Specification, Rev. ~~16 44, March 2021~~ ~~January 2016~~, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Geosynthetic Institute, 475 Kedron Avenue, Folsom, Pennsylvania 19033-1208, (610)522-8440, or at <http://www.geosynthetic-institute.org/>, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. No change.

b. Lined in accordance with SSPC-TU 2/NACE 6G197, February 1997, incorporated by reference in subparagraph 62-762.201(33)(b)2., F.A.C., unless previously lined in accordance with *Coatings and Linings over Concrete for Chemical Immersion and Containment Service*, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ~~AMPP, 15835 Park Ten Place, Houston, Texas 77084~~ ~~NACE International, 1440 South Creek Drive, Houston, Texas 77084 4906~~, or at <https://www.ampp.org/home> ~~http://www.nace.org/~~, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C., or

c. No change.

4. through 7. No change.

8. If factory-made single-walled spill containment systems or single-walled sumps are installed on the system, a containment integrity test shall be performed before the component is placed into service in accordance with the manufacturer’s testing requirements. For system components without manufacturer containment testing specifications, PEI/RP1200-19 47, 2019 2017 Edition shall be used. PEI/RP1200-19 47 is the *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, hereby adopted and incorporated by reference, and available at the Department address located in subsection 62-762.211(1), F.A.C., or the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher’s website at www.pei.org/. For field-fabricated components the tests shall be at least for 24 hours in accordance with manufacturer’s requirements.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with a closed interstice after it is delivered ~~and to the facility, placed at its final location at the facility~~, and before the storage tank is placed into service. This test shall be performed in accordance with the manufacturer’s testing specifications. For storage tanks

without manufacturer interstitial integrity testing requirements, PEI/RP200-19 43, 2019 ~~2013~~ Edition, shall be used. PEI/RP200-19 43 is the *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or at www.pei.org/. For closed top dike double-walled UL 142 storage tanks with an open interstice not capable of being pressurized, manufacturer's inspection instructions in accordance with the UL 142 storage tank's equipment registration pursuant to subsection 62-762.851(2), F.A.C., must be performed for structural or other damage to the storage tank after it is delivered ~~and to the facility~~, placed at its final location at the facility, and before the storage tank is placed into service. If manufacturer instructions are unavailable, a visual inspection must be performed for structural or other damage to the storage tank after it is delivered ~~and to the facility~~, placed at its final location at the facility, and before the storage tank is placed into service.

10. Before integral piping is placed into service, an interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-20 47, 2020 ~~2017~~ Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or at www.pei.org/, and PEI/RP1200-19 47, 2019 ~~2017~~ Edition.

11. If double-walled spill containment systems are installed, an interstitial integrity test shall be performed in accordance with the manufacturer's testing requirements. For system components without manufacturer interstitial integrity testing specifications, PEI/RP1200-19 47, 2019 ~~2017~~ Edition, shall be used before the spill containment system is placed into service.

(c) through (g) No change.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of:

1. *Flammable and Combustible Liquids Code, Storage of Liquids in Tanks – Aboveground Storage Tanks*, Chapter 22 of NFPA 30, 2021 ~~2018~~ Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C.,

2. *Code for Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2021 ~~2018~~ Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the

publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617)770-3000, or at www.nfpa.org/,

3. *Process Piping*, ASME B31.3, 2020 ~~2016~~ Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800)843-2763, or the publisher's website at <http://www.asme.org/>; ~~and~~,

4. PEI/RP200-19 43, 2019 ~~2013~~ Edition; ~~and~~.

5. *Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems*, PEI/RP1400-21, 2021 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or at www.pei.org/.

(2) Storage tank installation.

(a) No change.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following requirements hereby adopted and incorporated by reference, and available from the Department address given in subsection 62-762.211(1):

a. *Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, January 2021 ~~December 2006, Revised August 2014~~, 10th ~~9th~~ Edition. To obtain this reference from the publisher, see paragraph 62-762.211(2)(m), F.A.C.,

b. *Welded Tanks for Oil Storage*, API Std 650, 13th ~~12th~~ Edition, March 2020 ~~2013~~, incorporated by reference in subsection 62-762.201(67), F.A.C. To obtain this reference from the publisher, see paragraph 62-762.211(2)(b), F.A.C.,

c. through f. No change.

g. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, June 2016. To obtain this reference from the publisher, see paragraph 62-762.211(2)(l), F.A.C., ~~or~~

h. ~~*Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank*~~, STI F011, November 2021 ~~April 2017~~. To obtain this reference from the publisher, see paragraph 62-762.211(2)(l), F.A.C., or

i. *Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems*, PEI/RP1400-14, 2014 Edition.

2. No change.

(c) No change.

(d) Secondary containment.

1. through 2. No change.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, 2021 2018 Edition, Flammable and Combustible Liquids Code, Storage of Liquids in Tanks – Aboveground Storage Tanks,

b. through d. No change.

(e) Overfill protection.

1. through 2. No change.

3. All overfill protection devices shall be tested for operability at installation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-762.711, F.A.C.

~~43.~~ No change.

54. An annual operability test shall be performed on the designated primary overfill protection device used to meet the Department’s overfill protection requirement at intervals not exceeding 12 months to ensure proper operation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-762.711, F.A.C. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

5. through 6. renumbered 6. through 7. No change.

(f) Spill containment systems.

1. No change.

2. Fillbox covers,

a. Effective [12 months from effective date of rule], regardless of the date of installation of the storage tank system, fillbox covers shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with the following document, hereby adopted and incorporated by reference: *Using the API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals*, API Recommended Practice 1637, 4th Edition, April 2020. See paragraph 62-762.211(2)(b), F.A.C., for additional information.

b. For storage tank systems storing aviation fuel, regardless of the date of installation of the storage tank system, fillbox covers shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with the following document, hereby adopted and incorporated by reference: *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012. See paragraph 62-76.211(2)(d), F.A.C., for additional information; or

c. An equivalent method may also be approved by the Department using an alternative procedure in accordance with subsection 62-762.851(1), F.A.C., regardless of the date of installation of the storage tank system, shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with *Using the API Color Symbol*

~~*System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API RP 1637, (R2012), 3rd Edition, July 2006, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Energy Institute, 62 New Cavendish Street, London W1G 7AR, United Kingdom, +44 (0) 20 7467 7100, or the publisher’s website at <https://www.energyinst.org/home>, or with an equivalent method approved by the Department in accordance with subsection 62-762.851(1), F.A.C.~~

3. No change.

(g) Dispensers and dispenser sumps.

1. The dispenser used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30, 2021 2018 Edition; and Chapter 6, *Fuel Dispensing Systems*; Chapter 9, *Operational Requirements*; and Chapter 11, *Marine Fueling of NFPA 30A Code for Motor Fuel Dispensing Facilities and Repair Garages*, 2021 2018 Edition.

2. through 3. No change.

(h) through (j) No change.

(3) Small diameter integral piping.

(a) Installation.

1. All integral piping installed after January 11, 2017, shall be installed in accordance with the manufacturer’s instructions, if applicable, and according to the applicable provisions of PEI/RP200-19 43, 2019 2013 Edition; Chapter 27 of NFPA 30, 2021 2018 Edition, *Flammable and Combustible Liquids Code, Piping Systems*; NFPA 30A, 2021 2018 Edition; and *Pipeline Transportation Systems for Liquids and Slurries*, ASME B31.4, 2019 2016 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800)843-2763, or the publisher’s website at <http://www.asme.org/>.

2. An interstitial integrity test shall be performed on double-walled integral piping that is in contact with the soil, or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-20 47, 2020 2017 Edition and PEI/RP1200-19 47, 2019 2017 Edition, before the integral piping is placed into service.

3. through 4. No change.

5. All new pressurized small diameter integral piping that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C. The line leak detectors must be tested annually, at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with manufacturer's instructions. For line leak detectors without manufacturer's instructions, the installation must be in accordance with Section 7 of PEI/RP200-~~19 43~~, *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling, Pumps and Valves*, 2019 2013 Edition.

6. All pressurized small diameter integral piping installed prior to January 11, 2017, that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C., by January 11, 2018. The line leak detectors must be tested annually, at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with manufacturer's instructions. The annual test will be deemed timely if performed within the same calendar month in which the test is due. For line leak detectors without manufacturer's instructions, the installation must be in accordance with Section 7 of PEI/RP200-~~19 43~~, 2019 2013 Edition. Line leak detectors are not required for piping that is not in contact with the soil.

(b) No change.

(c) Construction.

1. Fiberglass reinforced plastic piping, semi-rigid non-metallic, or other non-rigid piping installed in contact with the soil shall be installed in accordance with *Non-metallic Underground Piping for Flammable Liquids*, UL 971, May 2021, 2nd October 1995, Revised March 2006, 1st Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or at www.ul.com/, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-762.851(2), F.A.C.

2. Rigid metallic integral piping shall be constructed in accordance with ASME B31.3, 2020 2016 Edition, or PEI/RP200-~~19 43~~, 2019 2013 Edition. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API RP 1632, (R2010), 3rd Edition, May 1996, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>; *Control of External Corrosion on Underground or Submerged Metallic Piping*

Systems, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at AMPP, 15835 Park Ten Place, Houston, Texas 77084 ~~NACE International, 1440 South Creek Drive, Houston, Texas 77084 4906~~, (800)797-6223, or at <https://www.ampp.org/home> ~~http://www.nace.org/~~; and *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Revised January 2006, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847)438-8265, or at <https://www.steeltank.com/>.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, 2021 2018 Edition.

4. through 5. No change.

(d) Valves.

1. Shear valves. Pressurized small diameter integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages, Requirements for Dispensing Devices*, 2021 2018 Edition. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-~~19 47~~, 2019 2017 Edition, at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly, and that the valve is properly anchored.

2. Isolation block valves. Any storage tank system, regardless of the date of installation of the storage tank system, located at an elevation that produces a gravity head on small diameter integral piping positioned below the product level in the tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, 2021 2018 Edition, *Flammable and Combustible Liquids Code, Tank Openings Other Than Vents*.

3. Anti-siphon valves. For storage tank systems that produce a gravity head on small diameter integral piping positioned below the product level in the tank, anti-siphon valves shall be installed and maintained in accordance with Section 7 of PEI/RP200-~~19 43~~, 2019 2013 Edition, and Section 11.2 of NFPA 30A, *Marine Fueling, Storage*, 2021 2018 Edition. For such storage tank systems installed prior to January 11, 2017, anti-siphon valves shall be installed within one year

of January 11, 2017. Integral piping located within an impervious dike field area does not require anti-siphon valves.

(4) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended 1-11-17, 10-17-19, _____.

62-762.502 System Requirements for Field Erected Storage Tanks.

(1) General requirements.

(a) No change.

(b) Secondary containment.

1. No change.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with ~~GRI - Test Method~~ GM13 Standard Specification, Rev. 16 44, March 2021 January 2016, incorporated by reference in subparagraph 62-762.501(1)(b)2., F.A.C., and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. through 7. No change.

8. If factory-made containment systems or single-walled sumps are installed on the system, a containment integrity test shall be performed in accordance with manufacturer's requirements. For system components without manufacturer containment integrity testing specifications, PEI/RP1200-19 47, 2019 2017 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)8., F.A.C., shall be used before the component is placed into service. For field-fabricated components the tests shall be at least for 24 hours in accordance with manufacturer's requirements.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with a closed interstice after it is constructed at the facility, and before the storage tank is placed into service. This test shall be performed in accordance with Annex I.6, Testing and Inspection, located in API Std 650, March 2020 2013, incorporated by reference in subsection 62-762.201(67), F.A.C.

10. An interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with PEI/RP100-20 47, 2020 2017 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)10., F.A.C., and PEI/RP1200-19 47, 2019 2017, before the small diameter integral piping is placed into service.

(c) through (f) No change.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of API Std 650, March 2020 2013, incorporated by reference in subsection 62-762.201(67), F.A.C.; NFPA 30, 2021 2018 Edition, incorporated by reference in paragraph 62-762.201(36)(a),

F.A.C.; NFPA 30A, 2021 2018 Edition, incorporated by reference in subparagraph 62-762.501(1)(h)2., F.A.C.; ASME B31.3, 2020 2016 Edition, incorporated by reference in subparagraph 62-762.501(1)(h)3., F.A.C.; and PEI/RP200-19 43, 2019 2013 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)9., F.A.C.

(i) No change.

(2) Storage tank installation.

(a) All storage tank systems shall be installed in accordance the applicable provisions of Chapter 22 of NFPA 30, 2021 2018 Edition.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following:

a. Design and Construction of Large, Welded, Low-Pressure Storage Tanks, API Std 620, 12th Edition, October 2013, includes Addendum 1 (2014), Addendum 2 (2018) and Addendum 3 (2021), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>, or

b. API Std 650, March 2020 2013, incorporated by reference in subsection 62-762.201(67), F.A.C.

2. Storage tanks shall be inspected and tested at a frequency established in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), incorporated by reference in subsection 62-762.411(3), F.A.C., and maintained for the life of the tank.

(c) No change.

(d) Secondary containment.

1. through 2. No change.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, 2021 2018 Edition,

b. through d. No change.

4. No change.

5. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, an alternative dike field secondary containment system registered in accordance with subsection 62-762.851(2), F.A.C., may be used. Alternative dike field secondary containment systems are not allowed in public wellhead protection areas. The alternative dike field secondary containment system, regardless of the date of installation of the storage tank system, must provide:

a. through c. No change.

d. A high and a high-high level overfill alarm system with an annual test of operability, in accordance with Overfill Prevention Protection for Storage Tanks in Petroleum Facilities, API Standard RP 2350, 5th 4th Edition, September 2020, including Errata 1, April 2021 May 2012, hereby adopted

and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

e. through g. No change.

h. For new tanks, a release prevention barrier underneath the tank in accordance with API Std 650, March ~~2020~~ 2013, Annex I, incorporated by reference in subsection 62-762.201(67), F.A.C., or an equivalent system registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

6. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, a double-walled storage tank may be used. The storage tank must be constructed in accordance with API Std 650 March 2020.

7. Release prevention barriers for dike field containment systems shall be impervious and be designed and constructed in accordance with API Std 650, March ~~2020~~ 2013, or be registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

(e) Overfill protection.

1. No change.

2. Overfill protection shall be performed, as applicable, in accordance with API Standard RP 2350, 5th 4th Edition, September 2020, including Errata 1, April 2021 May 2012.

3. All storage tanks, not subject to API Standard 2350, 5th 4th Edition, September 2020, including Errata 1, April 2021 May 2012, shall not be filled beyond 90 percent capacity and shall be equipped with at least one of the following overfill protection devices or containment method:

4. All overfill protection devices shall be tested for operability at installation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-762.711, F.A.C.

~~5~~4. No change.

~~6~~5. An annual operability test shall be performed on the designated primary overfill protection device used to meet the Department's overfill protection requirement at intervals not exceeding 12 months to ensure proper operation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-762.711, F.A.C. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

(f) through (h) No change.

(i) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different location shall be re-registered with the Department in

accordance with subsection 62-762.401(1), F.A.C., and reinstalled in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), incorporated by reference in subsection 62-762.411(3), F.A.C.

(3) No change.

(4) Bulk product piping.

(a) Installation.

1. Bulk product piping shall be constructed and installed in accordance with the applicable provisions of Chapter 27 of NFPA 30, 2021 2018 Edition; and either ASME B31.3, 2020 2016 Edition; or B31.4, 2019 2016 Edition, incorporated by reference in subparagraph 62-762.501(3)(a)1., F.A.C.; or Welding of Pipelines and Related Facilities, API Std 1104, 22nd 21st Edition, July September 2021 2013, includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), Errata 5 (2018), and Addendum 1 (2014), Addendum 2 (2016), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>.

2. No change.

3. An integrity test shall be performed for underground bulk product piping for high viscosity products in accordance with Chapter 27 of NFPA 30, 2021 2018 Edition, before the piping system is placed into initial use. An interstitial integrity test shall be performed for underground bulk product piping with secondary containment in accordance with subsection 62-762.702(4), F.A.C., or Chapter 27 of NFPA 30, 2021 2018 Edition, before the piping is placed into initial use.

(b) Secondary containment.

1. No change.

2. Single-walled bulk product piping that was installed before June 30, 1992, and that had an initial structural evaluation performed in accordance with API 570, 4th Edition, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), incorporated by reference in subsection 62-762.411(3), F.A.C., before January 1, 2000, is exempt from this requirement if the evaluation indicated that the bulk product piping had remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570, 4th Edition, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), inspection indicates that repair, upgrading or closure is necessary.

3. through 4. No change.

5. Bulk product piping in contact with the soil containing high viscosity products may be converted to non-high viscosity product service without having to install secondary containment if an API 570, 4th Edition, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018),

integrity assessment, incorporated by reference in subsection 62-762.411(3), F.A.C., is performed and confirms that the piping has remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570, 4th Edition, February 2016, including includes Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), inspection indicates that repair, upgrading or closure is necessary.

(c) Construction.

1. New steel bulk product piping shall be constructed in accordance with ASME B31.3, 2020 2016 Edition; or ASME B31.4, 2019 2016 Edition; or API STD 1104, 22nd 24th Edition, July September 2021 2013. Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), Errata 5 (2018), and Addendum 1 (2014), Addendum 2 (2016). Bulk product steel integral piping in contact with the soil shall be cathodically protected in accordance with API RP 1632, 3rd Edition (R2010) May 1996, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C.; NACE Standard SP0169-2013, 2013 Edition, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C.; or STI R892, Revised January 2006, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C. Corrosion Protection can also be provided using vapor corrosion inhibitors registered in accordance with subsection 62-762.851(2), F.A.C. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional.

2. through 3. No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 1-11-17, Amended 10-17-19,_____.

62-762.601 Release Detection Requirements for Shop Fabricated Storage Tanks.

(1) General requirements.

(a) No change.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service in accordance with subsection 62-762.801(1) 62-762.801(2), F.A.C.

(c) through (i) No change.

(2) through (3) No change.

(4) Small diameter integral piping with secondary containment.

(a) No change.

(b) In addition, pressurized small diameter integral piping in contact with the soil shall be equipped with a release

detection system that can detect a leak within one hour. One of the following methods shall be used:

1. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gallons per hour (gph) with a probability of detection of 0.95, and a probability of false alarm of 0.05 at an equivalent line pressure of 10 pounds per square inch (psi) and restrict flow within one hour. ~~Any instance where the mechanical line leak detector is restricting flow is considered a positive response and shall be reported and investigated as an incident pursuant to rule 62-762.431, F.A.C.~~

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95, and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and alert the operator by restricting or shutting ~~shut~~ off the flow of regulated substances through piping when a leak is detected power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response and shall be reported and investigated as an incident pursuant to rule 62-762.431, F.A.C.

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of 10 gallons within one hour and shutting off the pump. ~~Any instance where the monitoring device has shut off the pump is considered a positive response and shall be reported and investigated as an incident pursuant to rule 62-762.431, F.A.C.~~

4. For emergency generator storage tank systems that are monitored 24-hours per day, if the release detection system detects leaks of 3.0 gph at 10 psi line pressure within one hour, an audible or visual alarm will be triggered to alert the on-site operator.

(5) A positive response is defined as any instance where the release detection system has shut off power to the pump, restricted the flow, or triggered an audible or visual alarm for pressurized integral piping in contact with the soil. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(5) through (6) renumbered (6) through (7) No change.

~~(8)(7)~~ Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer’s specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be

performed by the manufacturer if the remote test is included in the third-party certification by a Nationally Recognized Testing Laboratory.

~~(9)(8) Operability test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-762.711, F.A.C. Records shall be kept for three years generated on or after January 11, 2017. Records generated before January 11, 2017, are required to be kept for two years, in accordance with rule 62-762.711, F.A.C.~~
Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended 1-11-17, _____.

62-762.602 Release Detection Requirements for Field Erected Storage Tank Systems.

(1) through (5) No change.

(6) Bulk product and hydrant piping without secondary containment. Single-walled bulk product and hydrant piping in contact with the soil, except those containing high viscosity product, shall have one or more of the following release detection methods:

(a) An annual line pressure test performed in accordance with *Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide*, API RP 1110, ~~(R2018)~~, 6th Edition, February 2013, hereby adopted and incorporated by reference, and available from the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, DC 20005, (202)682-8000, or at <http://www.api.org/>, regardless of the date of installation of the piping.

(b) through (d) No change.

(7) No change.

~~(8) All annual testing shall be performed at intervals not exceeding 12 months and will be deemed timely if performed within the same calendar month in which the test is due.~~

~~(9)(8) Operability test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-762.711, F.A.C. Records shall be kept for three years generated on or after January 11, 2017. Records generated before January 11, 2017, are required to be kept for two years, in accordance with rule 62-762.711, F.A.C.~~
Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 1-11-17, _____.

62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tank Systems.

(1) No change.

(2) Cathodic and corrosion protection.

(a) No change.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection, regardless of the date of installation of the storage tank system or storage tank system component, must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2013, 2013 Edition, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C., and *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-~~2021 2011, 2021-2014~~ Edition, hereby adopted and incorporated by reference, and available in paragraph 62-762.211(2)(g), F.A.C., regardless of the date of installation of the storage tank system or storage tank system component. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

2. No change.

(c) through (d) No change.

(3) No change.

(4) Operation and maintenance.

(a) Integrity testing.

1. The integrity of secondary containment systems and interstitial spaces, regardless of the date of installation of the storage tank system or storage tank system component, shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications. For storage tank system or system components without manufacturer integrity or containment testing specifications, PEI/RP1200-~~19 17, 2019 2017~~ Edition, incorporated by reference in subparagraph 62-762.501(1)(b)8., F.A.C., shall be used. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule:

a. through f. No change.

2. No change.

(b) through (c) No change.

(5) through (6) No change.

~~(7) When a storage tank system is registered out-of-service, the system shall continue to be maintained in accordance with subsection 62-762.801(1), F.A.C.~~

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 6-21-04, Amended 1-11-17, 7-9-19, _____.

62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tank Systems.

(1) No change.

(2) Cathodic and corrosion protection.

(a) No change.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection, regardless of the date of installation of the storage tank system or storage tank system component, must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2013, 2013 Edition, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C., and SP0285-~~2021~~ ~~2014~~, 2021—2014 Edition, incorporated by reference in subparagraph 62-762.701(2)(b)1., F.A.C. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

2. No change.

(c) through (d) No change.

(3) No change.

(4) Operation and maintenance.

(a) Integrity testing

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), incorporated by reference in subsection 62-762.411(3), F.A.C.; API 570, 4th Edition, February 2016, including ~~includes~~ Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), incorporated by reference in subsection 62-762.411(3), F.A.C.; or PEI/RP1200-~~19~~ ~~47~~, 2019 ~~2017~~ Edition, incorporated by reference in subparagraph 62-762.501(1)(b)8., F.A.C., as applicable, regardless of the date of installation of the storage tank system. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection and suction piping systems are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule:

a. through d. No change.

2. No change.

(b) through (c) No change.

(5) No change.

(6) Evaluation and testing. Tanks shall be evaluated and the re-testing frequency established and implemented in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), incorporated by reference in subsection 62-762.411(3), F.A.C. Storage tanks shall be evaluated at the time of installation. Evaluations shall be certified by a professional engineer

licensed in the State of Florida, or approved by an API Std 653 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API Std 650, March ~~2020~~ ~~2013~~, incorporated by reference in subsection 62-762.201(67), F.A.C., and API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020). All field erected tanks shall be repaired in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020). Field erected tanks with storage capacities of less than 250,000 gallons may be evaluated in accordance with STI SP001, January 2018, incorporated by reference in subsection 62-762.411(3), F.A.C., in lieu of API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020).

(7) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems. Single-walled metallic bulk product and hydrant piping systems in contact with the soil, excluding those containing high viscosity products, shall be evaluated and the re-testing frequency established and implemented in accordance with API 570, 4th Edition, February 2016, including ~~includes~~ Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018), incorporated by reference in subsection 62-762.411(3), F.A.C. Evaluations shall be certified by a professional engineer licensed in the State of Florida or by an API 570 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 570, 4th Edition, February 2016, including ~~includes~~ Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018). All single-walled metallic bulk product and hydrant piping systems in contact with the soil shall be repaired in accordance with API 570, 4th Edition, February 2016, including ~~includes~~ Addendum 1 (2017), Addendum 2 (2018), and Errata 1 (2018).

(8) When a storage tank system is registered out-of-service, the system shall continue to be maintained in accordance with subsection 62-762.802(2), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 1-11-17, Amended 7-9-19, ____.

62-762.711 Recordkeeping.

(1) No change.

(2) Records of the following generated on or after January 11, 2017, are required to be kept for three years. ~~Records of the following generated before January 11, 2017, are required to be kept for two years:~~

(a) through (b) No change.

(c) All test data and results gathered during ~~annual operability tests~~ and integrity testing tests; and,

(d) No change.

(3) through (4) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 6-21-04, Amended 1-11-17, ____.

62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tank Systems.

(1) Out-of-service storage tank systems.

(a) No change.

(b) Facility owners and operators of out-of-service storage tank systems shall:

1. through 4. No change.

5. Secure or close off the system to outside access;~~and,~~

6. Register the storage tank system out-of-service in accordance with Rule 62-762.401, F.A.C.; and,

7. Perform a visual inspection annually, not to exceed 12 months, of every component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances, that can be visually inspected. Each annual visual inspection of the storage tank system shall be documented as to its condition pursuant to Rule 62-762.711, F.A.C., and will be deemed timely if performed within the same calendar month in which the test is due. Any visual inspection of a storage tank system that reveals uncontrolled pitting corrosion, structural damage, leakage, or other similar problems is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. If it is determined that a release has occurred while the system is out-of-service; and,

a. The incident investigation reveals a release has led to a discharge while the storage tank system is out-of-service and storing regulated substances at no more than one inch in depth or 0.3 percent by weight of total system capacity, then the response to the discharge shall be in accordance with subsections 62-762.441(6)(a), (b), (e), (f), and (g), F.A.C. Repairs shall be made within 365 days of the discharge discovery in accordance with paragraphs 62-762.701(1)(a), (c), (d), (e), and (f), F.A.C. If the system cannot be repaired within 365 days after the discovery of the discharge, it shall be permanently closed pursuant to subsection 62-762.801(2), F.A.C.

b. The incident investigation reveals a release has not led to a discharge while the storage tank system is out-of-service, then repairs shall be made in accordance with paragraphs 62-762.701(1)(a), (c), (d), (e), and (f), F.A.C., prior to bringing the storage tank system back into service.

(c) The following inspections and testing requirements are not required while the storage tank system is properly out-of-service:

1. through 3. No change.

4. Release detection device annual operability testing, containment and integrity testing, and annual overflow protection device testing; however, all aforementioned testing shall be current up to date in accordance with this chapter and indicate proper operation before adding regulated substances to the

storage tank system. In addition, storage tank systems that have been out-of-service for more than 365 days must be evaluated in accordance with the following prior to being returned to service:

a. through b. No change.

(d) through (e) No change.

(2) Closure of storage tank systems.

(a) No change.

(b) Closure of storage tank systems shall be performed by:

1. through 3. No change.

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with Chapter 22 of NFPA 30, 2021 ~~2018~~ Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities,

5. through 7. No change.

8. Once a storage tank system has been properly closed pursuant to subsections 62-762.801(2) and (3), F.A.C., and the Closure Report or the Limited Closure Report Form for ASTs 62-762.901(8), incorporated by reference in subsection 62-762.421(2), F.A.C., has been submitted to and approved by the county or the Department, the facility owner shall update the facility's registration status within 10 days to indicate the storage tank system as closed in accordance with subsection 62-762.401(2), F.A.C.

(3) Closure Integrity Report, Closure Report, and Limited Closure Report.

(a) Closure Integrity Report.

1. Storage tank systems and system components not in contact with the soil do not require a Closure Integrity Evaluation.

24. No change.

32. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled storage tanks, double-walled integral piping, double-walled piping sumps, double-walled dispenser sumps, and double-walled spill containment systems that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. For storage tank system components where the interstitial space cannot be visually inspected, other methods approved by the manufacturer, PEI/RP1200-19 ~~47~~, or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations.

~~43.~~ No change.

~~4. Storage tank systems and system components not in contact with the soil do not require a Closure Integrity Evaluation.~~

5. through 7. No change.

(b) through (c) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.30716 FS. History—New 6-21-04, Amended 1-11-17, 10-17-19, ____.

62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tank Systems.

(1) No change.

(2) Out-of-service storage tank systems.

(a) No change.

(b) Facility owners and operators of out-of-service storage tank systems shall:

1. through 4. No change.

5. Secure or close off the system to outside access; ~~and,~~

6. Register the storage tank system out-of-service in accordance with Rule 62-762.401, F.A.C.; ~~and,~~

7. Perform a visual inspection annually, not to exceed 12 months, of every component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances, that can be visually inspected. Each annual visual inspection of the storage tank system shall be documented as to its condition pursuant to Rule 62-762.711, F.A.C., and will be deemed timely if performed within the same calendar month in which the test is due. Any visual inspection of a storage tank system that reveals uncontrolled pitting corrosion, structural damage, leakage, or other similar problems is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. If it is determined that a release has occurred while the system is out-of-service; and,

a. The incident investigation reveals a release has led to a discharge while the storage tank system is out-of-service and storing regulated substances at no more than one inch in depth or 0.3 percent by weight of total system capacity, then the response to the discharge shall be in accordance with subsections 62-762.441(6)(a), (b), (e), (f), and (g), F.A.C. Repairs shall be made within 365 days of the discharge discovery in accordance with paragraphs 62-762.702(1)(a), (c), (d), and (e), F.A.C. If the system cannot be repaired within 365 days after the discovery the discharge, it shall be permanently closed pursuant to subsection 62-762.802(3), F.A.C.

b. The incident investigation reveals a release has not led to a discharge while the storage tank system is out-of-service, then repairs shall be made in accordance with paragraphs 62-

762.702(1)(a), (c), (d), and (e), F.A.C., prior to bringing the storage tank system back into service.

(c) Facility owners and operators of out-of-service storage tank systems shall monitor tank bottom release detection systems or devices annually, but not to exceed 12 months. The annual monitoring of tank bottom release detection systems or devices will be deemed timely if performed within the same calendar month in which the test is due. Records of these inspections shall be maintained in accordance with subsection 62-762.711(2), F.A.C. In the event that there is any positive response of a tank bottom release detection device, an INF must be submitted in writing or electronic format and an investigation as to the cause performed pursuant to Rule 62-762.431, F.A.C.

(d) The following inspections and testing requirements are not required while the storage tank system is properly out-of-service:

1. through 2. No change.

3. Release detection device annual operability testing, containment and interstitial integrity testing, and annual overflow protection device testing; however, all aforementioned testing shall be current up to date in accordance with this chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, before being returned to service, storage tank systems that have been out-of-service for more than 365 days must be:

a. Structurally evaluated in accordance with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), for field erected tanks, incorporated by reference in subsection 62-762.411(3), F.A.C.; and,

b. No change.

(e) through (f) No change.

(g) Field erected tanks changing the type of product stored within the tank shall comply with API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), incorporated by reference in subsection 62-762.411(3), F.A.C.

(3) Closure of storage tank systems.

(a) No change.

(b) Closure of storage tank systems shall be performed by:

1. through 3. No change.

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with Chapter 22 of NFPA 30, 2021 2018 Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C. In lieu of in-place closure or removal, a storage tank may be used to store liquids other

than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities,

5. through 7. No change.

8. Once a storage tank system has been properly closed pursuant to subsections 62-762.802(3) and (4), F.A.C., and the Closure Report or the Limited Closure Report Form for ASTs 62-762.901(8), incorporated by reference in subsection 62-762.421(2), F.A.C., has been submitted to and approved by the county or the Department, the facility owner shall update the facility's registration status within 10 days to indicate the storage tank system as closed in accordance with subsection 62-762.401(2), F.A.C.

(4) Closure Integrity Report, Closure Report, and Limited Closure Report.

(a) Closure Integrity Report.

1. Storage tank system and system components not in contact with soil do not require a Closure Integrity Evaluation.

~~24.~~ No change.

~~32.~~ A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled and double-bottomed storage tanks, double-walled integral piping, and double-walled hydrant sumps that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. For storage tank system components where the interstitial space cannot be visually inspected, other methods approved by the manufacturer, API Std 653, November 2014, including Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020), PEI/RP1200-19 17, or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations.

~~43.~~ No change.

~~4.~~ Storage tank system and system components not in contact with soil do not require a Closure Integrity Evaluation.

5. through 7. No change.

(b) through (c) No change.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 1-11-17, Amended 10-17-19,_____.

62-762.901 Storage Tank Forms.

Storage Tank Forms are listed by form number, the subject title, effective date, and include the rule where the form is incorporated by reference. Copies of forms are available by writing to the Division of Waste Management, Florida Department of Environmental Protection, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or available online at www.flrules.org, or on the Department website at <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference>. For electronic submittal of the Storage Tank Facility

Registration Form go to <http://www.fldepportal.com/go/submit-registration/>, Storage Tank Registration.

(1) Form 62-762.901(1) Discharge Report Form, [FORM DATE] ~~January 2017~~, incorporated by reference in subsection 62-762.411(5), F.A.C., and referenced in subsection 62-762.201(25), and paragraph 62-762.891(5)(c), F.A.C., and also available online here: <901(1) LINK> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07689>.

(2) Form 62-762.901(2) Storage Tank Facility Registration Form, July 2019, incorporated by reference in paragraph 62-762.401(1)(b), F.A.C., and referenced in subsections 62-762.201(51), ~~(60)(64)~~ and (76), F.A.C., and paragraph 62-762.891(3)(a), F.A.C., and also available online here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10743>.

(3) through (4) No change.

(5) Form 62-762.901(7) Closure Integrity Evaluation Report Form for ASTs, October 2019, incorporated by reference in paragraph 62-762.411(2)(c), F.A.C., and referenced in subsection 62-762.201(10) ~~62-762.201(4)~~, and subparagraphs 62-762.801(2)(b)1., and 62-762.802(3)(b)1., F.A.C., and also available online here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10744>. Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.320, 376.322, 376.323 FS. History—New 1-11-17, Amended 7-9-19,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amanda Dorsett, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399. Amanda.Dorsett@FloridaDEP.gov or 850-245-8931.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 22, 2021

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.002
 RULE TITLE: Physician Reporting Requirements for Termination of Pregnancies

PURPOSE AND EFFECT: The Board propose to create a new rule to approve the monthly report required for physicians who perform abortions other than in a medical facility as required by HB 5 and to incorporate the form into the rule.

SUMMARY: The new rule establishes the requirements for physicians who perform abortions other than in a medical facility as required by HB 5 and to incorporate the form into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 458.309(1), 390.0112(1), FS.
LAW IMPLEMENTED: 390.0112, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: : Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, Paul.Vazquez@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.002 – Physician Reporting Requirements for Termination of Pregnancies.

Pursuant to Section 390.0112, Florida Statutes, a physician who performs an abortion, including surgical procedures and medical abortions, in a place other than a medical facility shall submit a report each month to the Agency for Health Care Administration (AHCA). Monthly reports must be received by the AHCA within 30 days following the preceding month. The monthly reports must be submitted on the Monthly Report of Induced Terminations of Pregnancy, AHCA Form 3130-1010

OL, July 2022, which is hereby incorporated by reference. This form is only accepted electronically and is available at: <https://apps.ahca.myflorida.com/SingleSignOnPortal/Login.aspx?ReturnUrl=%2fSingleSignOnPortal>. A copy of the form can also be found at: <http://www.flrules.org/Gateway/reference.asp?No=Ref->

Rulemaking Authority 458.309(1), 390.0112(1), FS. Law Implemented 390.0112, FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules/Legislative Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Rules/Legislative Committee, Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2023
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2022

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.015
RULE TITLE: Physician Reporting Requirements for Termination of Pregnancies

PURPOSE AND EFFECT: The Board proposes to create a new rule to approve the monthly report required for physicians who perform abortions other than in a medical facility as required by HB 5 and to incorporate the form into the rule.

SUMMARY: The new rule establishes the requirements for physicians who perform abortions other than in a medical facility as required by HB 5 and to incorporate the form into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect

regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 390.0112 FS.

LAW IMPLEMENTED: 390.0112 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danielle Terrell, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by email at Danielle.Terrell@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.015 Physician Reporting Requirements for Termination of Pregnancies.

Pursuant to Section 390.0112, Florida Statutes, a physician who performs an abortion, including surgical procedures and medical abortions, in a place other than a medical facility shall submit a report each month to the Agency for Health Care Administration (AHCA). Monthly reports must be received by the AHCA within 30 days following the preceding month. The monthly reports must be submitted on the Monthly Report of Induced Terminations of Pregnancy, AHCA Form 3130-1010 OL, July 2022, which is hereby incorporated by reference. This form is only accepted electronically and is available at: <https://apps.ahca.myflorida.com/SingleSignOnPortal/Login.aspx?ReturnUrl=%2fSingleSignOnPortal>. A copy of the form can also be found at: <http://www.flrules.org/Gateway/reference.asp?No=Ref->

Rulemaking Authority 390.0112 FS. Law Implemented 390.0112 FS. New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2022

Section III Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-12.011 Definitions

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. 48 No. 247, December 22, 2022 issue of the Florida Administrative Register.

The change is in response to a vote by the Board at a duly-noticed public meeting held on March 10, 2023.

The rule now reads as follows:

61G4-12.011 Definitions.

(1) Through (15) No Change.

(16) The term “Florida Building Code” shall mean the Florida Building Code, 7th Edition, (2020), adopted by the Florida Building Commission through Rule 61G20-1.001, F.A.C., effective ~~4-2-20~~ 1-3-23, which rule is incorporated herein by reference and which may be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15127>.

This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 489.103(1), 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(1), 489.103(5), 489.105(3), 489.113(3), (5), 489.115(7), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, Amended 10-4-99, 2-12-08, 11-9-08, 4-4-13, 5-24-17, 1-10-18, _____.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures
 The Southwest Florida Water Management District hereby gives notice:
 that on March 24, 2023, the Southwest Florida Water Management District received a Notice of Withdrawal of the Petition for Variance from Petitioner.
 Petitioner's Name: Timber Pines Community Association, Inc.
 Date Petition Filed: March 9, 2023
 Rule No.: 40D-22.201
 Nature of the rule for which variance or waiver was sought: Lawn and landscape irrigation
 Date Petition Published in the Florida Administrative Register: March 13, 2023
 General Basis for Agency Decision: Petitioner voluntarily filed a Notice of Withdrawal of the Petition for Variance
 A copy of the Order or additional information may be obtained by contacting: Sarah Kreisler, 7601 US Highway 301, Tampa, Florida 33637, 1(813)985-7481, water.variances@watermatters.org. (M2023014)

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NOS.:RULE TITLES:

62-6.003Permits
 62-6.006Site Evaluation Criteria
 62-6.008System Size Determinations
 62-6.009Alternative Systems
 62-6.014Construction Standards for Drainfield Systems
 62-6.028Location and Installation
 NOTICE IS HEREBY GIVEN that on January 17, 2023, the Department of Environmental Protection, received a petition for variance from Geomatrix Systems LLC. The amended Petition seeks a variance from subsections 62-6.003(4), 62-6.006(4), 62-6.008(5), paragraphs 62-6.009(3)(d), 62-6.009(3)(f), and 62-6.009(3)(g), 62-6.009(8)(d), 62-6.014(5)(a), 62-6.014(5)(b), 62-6.014(5)(d), 62-6.014(5)(f), and 62-6.014(5)(g), and subsection 62-6.028(4), Florida Administrative Code, which relate to voiding permits, prohibitions of paving unobstructed land, sizing subsurface and mound drainfields, mound shoulder requirements, construction standards for drainfield systems maximum width of trenches and aggregate depth, limitations on the inside pipe diameter in gravity systems, and performance-based treatment system requirements. Geomatrix Systems LLC, is incorporated in Connecticut, with a corporate address located at 114 Mill Rock Road East, Old Saybrook, CT 06475. The Petition has been assigned OGC #22-1921.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Debby Tipton, telephone: 850-245-8629, e-mail: Debby.Tipton@floridaDEP.gov, Department of Environmental Protection, Division of Water Resource Management, Onsite Sewage Program, Mail Station 3596, 2600 Blair Stone Road

Tallahassee, Florida 32399; during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

Board of Nursing
 RULE NO.: RULE TITLE:
 64B9-3.002 Qualifications for Examination
 NOTICE IS HEREBY GIVEN that on March 27, 2023, the Board of Nursing, received a petition for variance or waiver filed by Yoanny Frias. Although Petitioner does not state a specific rule it appears that Petitioner is seeking a variance or waiver from Rule 64B9-3.002(3), F.A.C., which states in part, For an applicant writing the examination for practical nurses on the basis of practical nursing education equivalency, a completed Practical Nurse Equivalence (PNEQ) Application Letter or an official certified transcript which sets forth graduation from an approved professional program.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252; MQA.Nursing@flhealth.gov. Comments on this petition should be filed with the Board of Nursing within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program
 RULE NO.: RULE TITLE:
 65C-45.010 Standards for all Licensed Out-of-Home Caregivers
 NOTICE IS HEREBY GIVEN that on March 20, 2023, the Department of Children and Families, received a petition for variance from subparagraph 65C-45.010(2)(g)3., Florida Administrative Code, from Children’s Network of Southwest Florida on behalf of the Kafka family. Subparagraph 65C-45.010(2)(g)3. requires all medications to be stored in a location that is locked and inaccessible to children.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.clerk@myflfamilies.com.

Section VI
 Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Arts and Culture

The Friends of the Museums of Florida History, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 5, 2023, 10:00 a.m.

PLACE: R. A. Gray Building, Room 307

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Lisa Barton, Museum Director, 850-245-6349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lisa Barton, Museum Director, 850-245-6349. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lisa Barton, Museum Director, 850-245-6349.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The CRAFT Foundation, Inc. announces a workshop to which all persons are invited.

DATE AND TIME: April 5, 2023, 1:00 p.m.

PLACE: Lake Placid Government Center Community Room, 1069 US 27 North, Lake Placid, FL 33852.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CRAFT Foundation, Inc. will conduct a workshop to discuss and execute matters including, but not limited to, an overview of the CRAFT Program, an introduction of the CRAFT Existing Tree Therapies Program, and an update on harvesting protocols established by CRAFT related to the input of data into the USDA-CRAFT Data Portal for participants.

A copy of the agenda may be obtained by contacting: Tamara Wood at (863) 698-9276.

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 2 days before the workshop/meeting by contacting: Tamara Wood at (863) 698-9276. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tamara Wood at (863) 698-9276.

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 6, 2023, 9:00 a.m.

PLACE: The South Florida Water Management District Office: 2301 McGregor Blvd., Ft. Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Southwest Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Rebekah Harp, rharp@swfrpc.org

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

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

For more information, you may contact: Rebekah Harp, rharp@swfrpc.org

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 6, 2023, 9:05 a.m.

PLACE: The South Florida Water Management District Office: 2301 McGregor Blvd., Ft. Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Southwest Florida Regional Planning Council's Executive Committee.

A copy of the agenda may be obtained by contacting: Rebekah Harp, rharp@swfrpc.org

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

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

For more information, you may contact: Rebekah Harp, rharp@swfrpc.org

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 11, 2023, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Public Hearings, and/or Committee Meetings. Consideration of Suwannee River Water Management District business. All or part of this meeting may be conducted by means of communications media technology. GoTo Webinar information regarding viewing of and participation in the meeting will be available on the District’s website at www.mysuwanneeriver.com.

A copy of the agenda may be obtained by contacting: (386)362-1001 or 1(800)226-1066 (Florida only) or on the District’s website at www.mysuwanneeriver.com, when published.

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 2 days before the workshop/meeting by contacting: (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 12, 2023, 9:00 a.m.

PLACE: Mayo Community Center, 150 NW Community Circle, Mayo, FL 32066

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Suwannee River Water Management District is inviting the public to attend the Land Management Review Team Meeting which will review land management activities that occurred on District owned lands during fiscal year 2022.

A copy of the agenda may be obtained by contacting: William Mckinstry, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386) 362-1001, William.McKinstry@srwmd.org.

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 2 days before the workshop/meeting by contacting: (386)362-1001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: William Mckinstry, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386) 362-1001, William.McKinstry@srwmd.org.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 11, 2022. The Governing Board meeting will begin at 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention Heather Barnes, 4049 Reid Street, Palatka, FL 32177, or by phone at 386-329-4239, or by visiting the District’s website at sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Civil Rights Coordinator at (386) 329-4500. 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).

SPACE FLORIDA

The Space Florida announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 6, 2023, 11:00 a.m. EDT

PLACE: Teleconference Call-in Number: 1(855)758-1310, Guest Code: 627 763 6389#, Passcode: 567768

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit & Accountability Committee Meeting

A copy of the agenda may be obtained by contacting: Terrie Ireland at tireland@spaceflorida.gov or (321) 730-5301, Ext: 241.

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 2 days before the workshop/meeting by contacting: Terrie Ireland at tireland@spaceflorida.gov or (321) 730-5301, Ext: 241. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Terrie Ireland at tireland@spaceflorida.gov or (321) 730-5301, Ext: 241.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

The Board Of Professional Geologists announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, April 19 - 20, 2023, 9:00 a.m.

PLACE: Tallahassee, FL- TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Lina Hurtado, Division of Professions, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

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: Lina Hurtado, Division of Professions, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lina Hurtado, Division of Professions, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission's Energy Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 4, 2023, 10:00 a.m.

PLACE: The meeting will be conducted using communications media technology, specifically teleconference and webinar: Join the meeting at <https://global.gotomeeting.com/join/533378925>. Join the conference call: United States (toll-free): 1(877)309-2073, Meeting ID/Access Code: 533-378-925; public point of access 2601 Blair Stone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Request for partnership support for the following research projects:

- Modernizing Building Energy Code Compliance - UCF/FSEC
 - Automation of Performance-based Compliance Quality Control and Reporting - Karpman Consulting/ UCF/FSEC
- Other committee business on the agenda.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Thomas Campbell, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Florida Building Commission**

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

DATE AND TIME: April 11, 2023, 8:30 a.m.

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar. Join the meeting at <https://global.gotomeeting.com/join/533378925>. Join the conference call: United States (toll-free) 1(877)309-2073, meeting ID / access code: 533-378-925.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Building Commission will review and decide on Accessibility Waiver Applications, and take up matters that appear on the Commission's agenda.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Thomas Campbell, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Thomas Campbell, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772 or call (850)487-1824, refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

The Board of Osteopathic Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2023, 10:00 a.m. – 12:00 p.m.

PLACE: Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/594019581>

United States (Toll Free): 1 866 899 4679

Access Code: 594-019-581

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general business of the Board.

A copy of the agenda may be obtained by contacting: <https://floridasosteopathicmedicine.gov/meeting-information/> Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Board Staff, at (850) 245-4161 or MQA.Osteopath@flhealth.gov or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board Staff, at (850) 245-4161 or MQA.Osteopath@flhealth.gov or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

DEPARTMENT OF ECONOMIC OPPORTUNITY**Division of Workforce Services**

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

DATE AND TIME: April 5, 2023, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301. Attendance by telephone is also available by calling (850)988-5144 and entering phone conference ID: 175 899 214 #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disposition of cases pending before the Reemployment Assistance Appeals Commission and Commission business. No public testimony or comment will be taken.

A copy of the agenda may be obtained by contacting: the office of the Reemployment Assistance Appeals Commission at RAAC.Inquiries@deo.myflorida.com or by visiting <https://www.floridajobs.org/Reemployment-Assistance-Service-Center/reemployment-assistance-appeals-commission/about-the-reemployment-assistance-appeals-commission/raac-notices>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: the Commission Clerk at (850)692-0180. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Commission Clerk at (850)692-0180.

AREA AGENCY ON AGING OF PALM BEACH/TREASURE COAST, INC.

The Area Agency on Aging of Palm Beach/Treasure Coast, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: April 4, 2023, 8:30 a.m.

PLACE: Community Room at 4400 N. Congress Avenue, West Palm Beach, FL 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Council will discuss general business.

A copy of the agenda may be obtained by contacting: Lee Hardy at 561-684-5885, lhardy@aaapbtc.org

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: Lee Hardy at 561-684-5885, lhardy@aaapbtc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lee Hardy at 561-684-5885, lhardy@aaapbtc.org

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Executive Compensation Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 4, 2023, 11:00 a.m. (ET)

PLACE: Contact Kathy Coyne at 941-378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The executive compensation consultant engagement.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com/

THE VALERIN GROUP, INC.

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

DATE AND TIME: Tuesday, April 4, 2023, 5:30 p.m.

PLACE: Virtually on GoTo Webinar; By phone at 1-877-309-2074 with passcode 681-974-936; In-Person at Scotty Culp Municipal Complex, Civic Center, 565 Cassia Boulevard, Satellite Beach, Florida 32937.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting will be held regarding project plans for State Road (S.R.) A1A Sidewalk Improvements (FPID nos. 447150-1 & 447150-2)

The purpose of this project is to provide sidewalk connectivity and enhance pedestrian safety from Shearwater Parkway to Pineda Causeway (S.R. 404) and from Volunteer Way to Roosevelt Avenue. The public meeting is being held to present information and receive community feedback.

The Department is offering multiple ways for the community to participate in the meeting. All participants, regardless of platform they choose, will receive the same information on the proposed project.

Virtual Option: Interested persons may join from a computer, tablet, or mobile device at 5:35 p.m. For this option, advance registration is required by visiting https://fdot.cc/A1A_Sidewalk_Improvements_Registration.

Once registered, participants will receive a confirmation email containing information about joining the meeting online. Please use Chrome or Microsoft Edge as your internet browser to register or attend this webinar. If joining online, please allow adequate log-in time to view the presentation in its entirety.

Phone Option (Listen Only): Participants may join the meeting in listen-only mode by dialing 1-877-309-2074 and entering the passcode 681-974-936 when prompted.

In-Person Option: Participants may attend in person by going to Scotty Culp Municipal Complex, Civic Center, 565 Cassia Boulevard, Satellite Beach, Florida 32937. If attending in person, please remember to follow all safety and sanitation guidelines. If you are feeling unwell, please consider attending the meeting virtually or by phone.

All meeting materials, including the presentation, will be available on the project website at <https://www.cflroads.com/project/447150-1> or <https://www.cflroads.com/project/447150-2> prior to the meeting.

FDOT is sending notices to all property owners, business owners, interested persons and organizations to provide the opportunity to offer comments and express their views regarding this project and the proposed improvements.

In addition to the above projects, a project team will be available at this public meeting with information about a newly proposed midblock crossing with a pedestrian activated signal on S.R. A1A just South of SE 1st Street.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting Melissa McKinney, FDOT District Five Title VI Coordinator, at Melissa.McKinney@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: Not applicable.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: FDOT Project Manager Anthony Miller, P.E. at 386-943-5530, or by email at Anthony.Miller@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency

using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Project Manager Anthony Miller, P.E. by phone at 386-943-5530, by email at Anthony.Miller@dot.state.fl.us, or U.S. mail at Florida Department of Transportation, 719 South Woodland Blvd., M.S. 452, DeLand, FL 32720. Information about this project is also available online at www.cflroads.com. Simply type 447151-1 or 447150-2 in the search box, click "go" and then select the project. We encourage you to participate in the State Road (S.R.) A1A Sidewalk Improvements public meeting.

PATEL, GREENE AND ASSOCIATES, PLLC

The Florida Department of Transportation, District One announces a public meeting to which all persons are invited.

DATES AND TIMES: The virtual option will begin on Tuesday, April 11, 2023, 5:00 p.m. The in-person meeting will take place on Thursday, April 13, 2023, 5:00 p.m. – 7:00 p.m.

PLACE: Register in advance for the virtual meeting at <https://tinyurl.com/3wuz438d> or call in on a muted, listen-only mode by dialing +1 (914) 614-3221 and using Access Code 798-802-927.

The in-person option will be held at the First Church of God, 3025 Highway 92 West, Winter Haven, FL 33881.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District One, invites you to participate in a meeting for the State Road (SR) 600 (US 92) Resurfacing from West of Jersey Rd. to West of SR 555 (US 17) project.

This project is in the Design phase and is intended to extend the service life of the existing roadway, improve safety and correct deficiencies. It will also close the median opening 1,000 ft. northeast of the intersection of US 92 and Lynchburg Rd.

For your convenience, the FDOT is providing multiple options for participation in the upcoming public meeting. Materials and information presented will be the same at the upcoming virtual and in-person events, so attending both is not necessary. Attendees will be able to view project exhibits, ask questions and discuss the work with members of the project team. Meeting materials will be made available for review on the project website on April 4, 2023.

The virtual meeting will begin on Tuesday, April 11, 2023, at 5:00 p.m. on GoToWebinar with a brief project presentation followed by a question-and-answer session. Please register in advance at <https://tinyurl.com/3wuz438d>. You will receive a confirmation email with information about joining the meeting from a computer, tablet, or mobile device. Please note that browsers such as Google Chrome, Microsoft Edge, or Firefox must be used to register and participate in the Virtual Meeting, as Internet Explorer will not function. If you prefer to use your phone rather than your computer audio, you may call into the

virtual meeting on a muted, listen-only mode by dialing +1 (914) 614-3221 and using Access Code 798-802-927.

The in-person meeting will take place on Thursday, April 13, 2023, from 5:00 p.m. to 7:00 p.m. at the First Church of God, 3025 Highway 92 West, Winter Haven, FL 33881. The in-person meeting will be open house format; no formal presentation will be made. There will be a looping presentation which will include details on the project in addition to exhibit boards displaying project information.

If you have questions or comments regarding the project, please visit the project website at <https://swflroads.com/project/447429-1> or contact FDOT Project Manager, Keri Nelson by mail at 801 N Broadway Ave., Bartow, FL 33830, by phone at (863) 519-2668 or by email at Keri.Nelson@dot.state.fl.us. All comments submitted by April 26, 2023 will be included in the public record.

FDOT is sending a notice to all property owners and tenants within at least 300 ft. of the median closure and to other public officials, regulatory agencies, organizations, and individuals interested in the project. FDOT encourages all interested people to attend and express their views regarding the project and information presented.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Cynthia Sykes, District One Title VI Coordinator at (863) 519-2287, or email at Cynthia.Sykes@dot.state.fl.us at least seven days prior to the meeting.

A copy of the agenda may be obtained by contacting: Keri Nelson at (863) 519-2668 or Keri.Nelson@dot.state.fl.us. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cynthia Sykes, FDOT District One Title VI Coordinator by email at Cynthia.Sykes@dot.state.fl.us or by phone at (863) 519-2287. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Keri Nelson at (863) 519-2668 or Keri.Nelson@dot.state.fl.us

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

FISH AND WILDLIFE CONSERVATION COMMISSION NOTICE IS HEREBY GIVEN that FISH AND WILDLIFE CONSERVATION COMMISSION has received the petition for declaratory statement from Joshua Cherbano. The petition seeks the agency’s opinion as to the applicability of as to the applicability of 372.99 and 372.83, Florida Statutes (2007) as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Commission as to whether a hunting license can be forever suspended based on a case that was dropped by the State. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice. A copy of the Petition for Declaratory Statement may be obtained by contacting: Sarah Gregory, Florida Fish and Wildlife Commission, 620 S. Meridian Street, Tallahassee, Florida 32399-1600, (850) 487-1764.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

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

NONE

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

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Tuesday, March 21, 2023 and 3:00 p.m., Monday, March 27, 2023.

Rule No.	File Date	Effective Date
53ER23-20	3/24/2023	4/13/2023
61C-3.001	3/24/2023	4/13/2023
61G14-22.001	3/23/2023	4/12/2023
61G14-22.005	3/23/2023	4/12/2023
64B17-9.001	3/21/2023	4/10/2023
68-1.003	3/24/2023	4/13/2023
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-6.001	5/10/2022	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

69L-7.020	10/22/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****

**BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT
BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT NOTICE OF RULEMAKING FOR ADOPTION OF THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT AMENDED DESIGN AND SPECIFICATION MANUAL, VOLUMES 1, 2**

A public hearing will be conducted by the Babcock Ranch Community Independent Special District (“District”) on April 27, 2023, at 1:00 p.m. at The Hatchery – East Conference Room, Second Floor, 42881 Lake Babcock Drive, Punta Gorda, Florida 33982. The public hearing will be a rulemaking hearing and will provide an opportunity for the public to address proposed rules that adopt amendments to the Babcock Ranch Community Independent Special District Design and Specification Manual, Volumes 1, 2, and 3. The purpose and effect of the proposed rules is to provide for efficient and effective District construction, maintenance and operations within boundaries of the District. Prior notice of rule development for the rulemaking hearing was published in the Florida Administrative Record on March 27, 2023.

Specific legal authority for the rules includes Section 120.054, Florida Statutes, and Chapter 2007-306, Laws of Florida, as amended. Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), Florida Statutes, must do so in writing within twenty one (21) days after publication of this notice.

IT IS ANTICIPATED THAT A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: April 27, 2023 at 1:00 p.m.

PLACE: The Hatchery

East Conference Room, Second Floor

42881 Lake Babcock Drive

Punta Gorda, Florida 33982

The public hearing may be continued to a date, time, and place to be specified on the record at the hearing. If anyone chooses to appeal any decision of the Board with respect to any matter considered at the public hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based.

At the hearing, one or more Supervisors may participate in the public hearing by telephone. Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact the District Office at (561) 571-0010 at least 48 hours prior to the meeting. If you are

hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770, for aid in contacting the District Office. A copy of the proposed rules may be obtained by contacting the District Manager, Craig Wrathell, at 2300 Glades Road, Suite 410w, Boca Raton, Florida 33431, (561) 571-0010, or by visiting the District’s website at the following address: <http://www.babcockranchliving.com/153/Independent-Special-District>.

Craig Wrathell, Manager

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

**INDEX TO RULES FILED BETWEEN
MARCH 20, 2023 AND MARCH 24, 2023**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF THE LOTTERY

53ER23-20	3/24/23	3/24/23	49/59	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

61C-3.001	3/24/23	4/13/23	49/08	49/31
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Board of Pilot Commissioners

61G14-22.001	3/23/23	4/12/23	49/20	
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61G14-22.005	3/23/23	4/12/23	49/20	
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DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

64B17-9.001	3/21/23	4/10/23	49/34	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

68-1.003	3/24/23	4/13/23	49/38	
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**LIST OF RULES AWAITING LEGISLATIVE REVIEW/
APPROVAL PURSUANT TO SECTIONS 120.541(3),
373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

5K-4.020	12/10/21	**/**/****	47/216	
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5K-4.035	12/10/21	**/**/****	47/216	
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5K-4.045 12/10/21 **/**/**** 47/216

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

60FF1-5.009 7/21/16 **/**/**** 42/105

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-6.001 5/10/22 **/**/**** 48/64

62-600.405 11/16/21 **/**/**** 47/180

62-600.705 11/16/21 **/**/**** 47/180

62-600.720 11/16/21 **/**/**** 47/180

DEPARTMENT OF HEALTH

Board of Medicine

64B8-10.003 12/9/15 **/**/**** 39/95 41/49

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

65C-9.004 3/31/22 **/**/**** 48/28

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020 10/22/21 **/**/**** 47/24 47/82

47/118 47/187

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