

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: **RULE TITLE:**
 33-601.602 Community Release Programs
PURPOSE AND EFFECT: Rule amendment is necessary to clarify that the WRIMS database is operable in all state and private work release centers and to authorize inmates at work release to draw funds from their account in the amount permitted by Rule 33-203.201, Florida Administrative Code.
SUBJECT AREA TO BE ADDRESSED: Community Release Programs

RULEMAKING AUTHORITY: 944.09, 944.105, 945.091, 946.002, 958.09 FS.

LAW IMPLEMENTED: 945.091, 946.002, 958.09, 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.

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: Lauren Sanchez, Paralegal Specialist, Office of the General Counsel, 501 S. Calhoun Street, 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Office of the General Counsel, Attn: FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com. A copy of the preliminary draft may also be obtained using the following link: <http://www.dc.state.fl.us/legal/ch33/notices/index.html>

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: **RULE TITLE:**
 69A-73.001 Energy Storage Systems
PURPOSE AND EFFECT: The rulemaking will identify uniform firesafety standards for energy storage systems.

SUBJECT AREA TO BE ADDRESSED: The rulemaking will address necessary firesafety requirements for batteries and other energy storage systems.

RULEMAKING AUTHORITY: 633.206, FS.

LAW IMPLEMENTED: 633.206, 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: Elijah Flowers, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-3731.

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

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 update and establish in rule the most recent grant program documents for the Small Matching, Special Category, and Abandoned African-American Cemeteries Grant Programs. The rule amendment would make changes to the programs' grant guidelines, grant application forms, grant award agreement forms, and other forms necessary to administer the grant programs.

SUMMARY: The proposed rule amendment would incorporate updated grant program documents as materials incorporated by reference in Rule 1A-39.001.

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 whether there is an adverse

impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), Florida Statutes. Based on this analysis, it was determined that the Department's proposed rule does 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 do not exceed any of the criteria established in section 120.541(2)(a), Florida Statutes. 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: Sections 267.031(1), 267.0617(5), and 267.21(3), Florida Statutes.

LAW IMPLEMENTED: Sections 267.0617(2), (3), and 267.21(2), Florida Statutes.

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: Jillian Pratt, Assistant General Counsel, Florida Department of State, at jillian.pratt@dos.fl.gov.

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, effective xx/xxxx07/2023, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16648>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-15467>,

Special Category Grant Guidelines, effective xx/xxxx 07/2023, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16650>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-15468>, and Abandoned African-American Cemeteries Grant Guidelines, effective xx/xxxx 11/2023, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16644>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16073>, which are available from the Division of Historical Resources (Division) 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.

(c) Abandoned African-American Cemeteries Grant Program. The purpose of this program is to provide funding to assist efforts to protect and preserve abandoned African-American cemeteries in the State of Florida.

(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 xx/xxxx 07/2023, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16647>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-15469>.

(b) Special Category Grant Application (Form DHR002), effective xx/xxxx 07/2023, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16649>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-15470>.

(c) Abandoned African-American Cemeteries Grant Application (Form DHR009), effective xx/xxxx 11/2023, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16642>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16074>.

(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 xx/xxxx 05/2017,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16646>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08162>.

(d) Grant Award Agreement (Form GAA001), effective xx/xxxx 07/2023,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16645>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-15471>.

(e) Abandoned African-American Cemeteries Grant Award Agreement (Form GAA002), effective xx/xxxx 11/2023,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16643>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16075>.

(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), 267.21(3) FS. Law Implemented 267.0617(2), (3), 267.21(2) 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, 7-6-23, 11-29-23, x-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Aliisa 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: May 07, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 8, 2024

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:

5J-21.001	Standards
5J-21.003	Registration and Identification
5J-21.008	Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: The proposed rule will adopt updated versions of CFR the ASTM International Designation standards.

SUMMARY: The proposed amendments update incorporated CFR and ASTM International Designation standards.

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's economic analysis of the adverse impact or potential regulatory costs of the proposed rules do not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The proposed amendments update incorporated standards. There are no anticipated increases in regulatory costs. 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: 525.14, 531.41, 570.07(23) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.14, 525.16, 531.42, 531.44, 570.971(4) 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: Mauricio Mejia, Chief, Bureau of Standards, 2005 Apalachee Parkway, Tallahassee, FL 32399 (850)921-1570.

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-21.001 Standards.

(1) Gasoline (includes gasoline blended with oxygenates). The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814 20a (approved April 1, 2020)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel", with the following exceptions, providing that the base gasoline used under the exceptions conforms to the chemical and physical standards for gasoline as set forth in ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814 20a (approved April 1, 2020)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel" except where noted:

1. Vapor Pressure Class Requirements: Gasoline containing at least one (1) percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum from September 16 through May 31 (not applicable for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals for the month of May). From June 1 (May 1 for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals) through September 15, gasoline blends containing ethanol shall conform to the vapor pressure class requirements and are entitled to the permissible increases provided by the Environmental Protection Agency (EPA) and outlined in ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814 20a (approved April 1, 2020)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

2. If, prior to blending with ethanol, the base gasoline has either a maximum distillation temperature at the fifty volume percent evaporated distillation point of up to 10° F above the maximum or has a driveability index (DI) of up to 30 above the maximum, as stated for the proper distillation class in ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814 20a (approved April 1, 2020)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel", or has both, the fuel may be sold, distributed or offered for sale or distribution provided that the department is contacted at (850) 921-1545 prior to exercising this option and is provided with a documented company statement attesting to and demonstrating the following:

a. No change.

b. The base gasoline meets all other specifications for spark-ignition engine fuels as set forth in ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814-20a (approved April 1, 2020)~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

c. No change.

d. The fuel will be tested by the owner after blending (hand blend samples are acceptable), but before selling, distributing, offering for sale or distribution, and it shall be demonstrated that the fuel meets all specifications for gasoline as defined in ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814-20a (approved April 1, 2020)~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel”, which shall be displayed on a certificate of analysis or laboratory report. Such documentation must be made available to the department upon request.

e. No change.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D4814-24 (Approved January 1, 2024)~~D4814-20a (approved April 1, 2020)~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(c) No change.

(d) through (e) No change.

(2) No change.

(3) Diesel Fuels No. 1-D and No. 2-D. The following specifications apply to diesel fuels No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuels No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuels No. 1-D and No. 2-D as set forth in ASTM International Designation D975-23 (approved August 15, 2023)~~D975-20a (approved June 1, 2020)~~, “Standard Specification for Diesel Fuel.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D975-23 (approved August 15, 2023)~~D975-20a (approved June 1, 2020)~~, “Standard Specification for Diesel Fuel.”

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International Designation D396-21 (approved April 1, 2021)~~D396-20 (approved June 1, 2020)~~, “Standard Specification for Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D396-21

~~(approved April 1, 2021)~~~~D396-20 (approved June 1, 2020)~~, “Standard Specification for Fuel Oils.”

(5) Alternative Fuels.

(a) Denatured Ethanol.

1. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International Designation D4806-21a (approved October 1, 2021)~~D4806-20 (approved May 1, 2020)~~, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D4806-21a (approved October 1, 2021)~~D4806-20 (approved May 1, 2020)~~, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(b) Methanol Fuel Blends (51 to 85 volume percent methanol). The following specifications apply to Methanol Fuel Blends (51 to 85 volume percent methanol) sold or offered for sale in Florida.

1. Standards. All Methanol Fuel Blends (51 to 85 volume percent methanol) shall conform to the chemical and physical standards for Methanol Fuel Blends (51 to 85 Volume percent methanol) as set forth in the ASTM International Designation D5797-21 (approved October 1, 2021)~~D5797-18 (approved December 1, 2018)~~, “Standard Specification for Methanol Fuel Blends (M51-M85) for Methanol-Capable Automotive Spark-Ignition Engines” and shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5J-21.001(1), F.A.C.

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D5797-21 (approved October 1, 2021)~~D5797-18 (approved December 1, 2019)~~, “Standard Specification for Methanol Fuel Blends (M51-M85) for Methanol-Capable Automotive Spark-Ignition Engines.”

(c) Mixtures of Denatured Ethanol.

1. Ethanol Fuel Blends (51 to 83 volume percent ethanol). The following specifications apply to Ethanol Fuel Blends (51 to 83 volume percent ethanol) sold or offered for sale in Florida.

a. Standards. All Ethanol Fuel Blends (51 to 83 volume percent ethanol) shall conform to the chemical and physical standards for Ethanol Fuel Blends (51 to 83 volume percent ethanol) as set forth in the ASTM International Designation D5798-21 (approved October 1, 2021)~~D5798-20 (approved May 1, 2020)~~, “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines” and shall conform to the end-point distillation temperature

requirements for gasoline, as defined in subsection 5J-21.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D5798-21 (approved October 1, 2021)~~D5798-20~~ (approved May 1, 2020), “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines.”

2. Mid-Level Ethanol Blends. The following specifications shall apply to automotive spark-ignition engine fuels with ethanol concentrations greater than that which is permitted in subsection 5J-21.001(1), F.A.C., and less than that which is permitted in subparagraph 5J-21.001(5)(c)1., F.A.C., sold or offered for sale in Florida.

a. Standards. All mid-level ethanol blends shall conform to the practices as set forth in the ASTM International Designation D7794-21 (approved April 1, 2021)~~D7794-20~~ (approved July 1, 2020), “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines” and shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5J-21.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D7794-21 (approved April 1, 2021)~~D7794-20~~ (approved July 1, 2020), “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines.”

(d) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% biodiesel and 1% diesel fuel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International Designation D6751-23a (approved April 1, 2023)~~D6751-20~~ (approved January 1, 2020), “Standard Specification for Biodiesel Fuel Blendstock ~~Blend Stock~~ (B100) for Middle Distillate Fuels.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D6751-23a (approved April 1, 2023)~~D6751-20~~ (approved January 1, 2020), “Standard Specification for Biodiesel Fuel Blendstock ~~Blend Stock~~ (B100) for Middle Distillate Fuels.”

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot

contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this subparagraph.

a. Standards. Biodiesel blends containing diesel fuel and 6% or more biodiesel shall meet the specifications set forth by ASTM International Designation D7467-23 (approved October 1, 2023)~~D7467-20a~~ (approved June 1, 2020), “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”

b. Standards. Biodiesel blends containing diesel fuel and less than 6% biodiesel shall meet the specifications set forth by ASTM International Designation D975-23 (approved August 15, 2023)~~D975-20a~~ (approved June 1, 2020), “Standard Specification for Diesel Fuel.”

c. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International Designation D396-21 (approved April 1, 2021)~~D396-20~~ (approved June 1, 2020), “Standard Specification for Fuel Oils.”

d. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel and 6% or more biodiesel, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D7467-23 (approved October 1, 2023)~~D7467-20a~~ (approved June 1, 2020), “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”

e. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel and less than 6% biodiesel, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D975-23 (approved August 15, 2023)~~D975-20a~~ (approved June 1, 2020), “Standard Specification for Diesel Fuel.”

f. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D396-21 (approved April 1, 2021)~~D396-20~~ (approved June 1, 2020), “Standard Specification for Fuel Oils.”

(e) Butanol.

1. Standards. All butanol shall conform to the chemical and physical standards for butanol as set forth in the ASTM International Designation D7862-21 (approved April 1, 2021)~~D7862-19~~ (approved May 1, 2020), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel.”

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D7862-21 (approved April 1, 2021)~~D7862-19~~ (approved May 1, 2019), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel.”

(6) Water in Retail Storage Tanks.

(a) Water in retail storage tanks containing petroleum fuels, with the exception of products listed in paragraph (6)(b), enumerated in this rule shall not exceed one inch ~~inches~~ in depth when measured from the bottom of the tank.

(b) No change.

(7) through (9) No change.

(10) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org> and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, ~~2005 Apalachee Parkway 3125 Conner Boulevard~~, Tallahassee, FL ~~32399-6500 32399-1650~~. Posting of the following materials on the internet for purposes of public examination would violate federal copyright law.

(a) ASTM International Designation D4814-24 (approved January 1, 2024)~~D4814-20a~~ (approved April 1, 2020), “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(b) No change.

(c) ASTM International Designation D975-23 (approved August 15, 2023)~~D975-20a~~ (approved June 1, 2020), “Standard Specification for Diesel Fuel.”

(d) ASTM International Designation D396-21 (approved April 1, 2021)~~D396-20~~ (approved June 1, 2020), “Standard Specification for Fuel Oils.”

(e) ASTM International Designation D4806-21a (approved October 1, 2021)~~D4806-20~~ (approved May 1, 2020), “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(f) ASTM International Designation D5798-21 (approved October 1, 2021)~~D5798-20~~ (approved May 1, 2020), “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines.”

(g) ASTM International Designation D5797-21 (approved October 1, 2021)~~D5797-18~~ (approved December 1, 2018), “Standard Specification for Methanol Fuel Blends (M51-M85) for Methanol-Capable Automotive Spark-Ignition Engines.”

(h) ASTM International Designation D6751-23a (approved April 1, 2023)~~D6751-20~~ (approved January 1, 2020), “Standard Specification for Biodiesel Fuel Blendstock Blend-Stock (B100) for Middle Distillate Fuels.”

(i) ASTM International Designation D7467-23 (approved October 1, 2023)~~D7467-20a~~ (approved June 1, 2020), “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”

(j) ASTM International Designation D7794-21 (approved April 1, 2021)~~D7794-20~~ (approved July 1, 2020), “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines.”

(k) ASTM International Designation D7862-21 (approved April 1, 2021)~~D7862-19~~ (approved May 1, 2019), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel.”

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.035, 525.037, 525.14 FS. History—New 1-15-68, Amended 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, 5-6-08, 1-3-10, 4-3-14, 1-7-15, Formerly 5F-2.001, Amended 11-15-20,

5J-21.003 Registration and Identification.

(1) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 CFR Part 306.12 (1-1-2023 ~~4-1-2020~~ Edition), which is hereby incorporated by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Publishing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401, at [CFR-2023-title16-vol1-sec306-12.pdf](http://www.flrules.org/Gateway/reference.asp?No=Ref-13980) ([govinfo.gov](http://www.govinfo.gov)), or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13980>.

(2) through (6) No change.

(7) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 15% ethanol or 5% methanol shall be identified by a name indicating the amount of ethanol, or methanol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on the upper fifty percent of the dispenser front panel in a manner conforming with the layout, type size and setting, color, and label protection requirements of 16 CFR Part 306.12 (1-1-2023 ~~4-1-2020~~ Edition), as incorporated by reference in subsection (1) above.

(a) through (c) No change.

(8) through (9) No change.

(10) All gasoline containing greater than ten percent ethanol by volume and up to and including fifteen percent ethanol by volume shall be labeled in accordance with 40 CFR 1090.1510 (7-1-23 Edition) (~~85 Federal Register 234, December 4, 2020~~), which is hereby incorporated by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Publishing Office, 732 N. Capitol N.W., Washington, D.C. 20401, at [CFR-2023-title40-vol37-sec1090-1510.pdf](http://www.govinfo.gov/content/pkg/FR-2020-12-04/pdf/2020-23164.pdf) ([govinfo.gov](http://www.govinfo.gov)) <https://www.govinfo.gov/content/pkg/FR-2020-12-04/pdf/2020-23164.pdf>, or at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-43982>.

(11) through (12) No change.

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.035, 525.037, 525.14 FS. History—New 12-31-74, Amended 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.003, Amended 11-15-20, 2-20-22,_____.

5J-21.008 Guidelines for Imposing Administrative Penalties.

(1) through (5) No change.

(6) Penalties.

(a) through (b) No change.

(c) Tier II Major Violations. A violation of Chapter 525 or 531, F.S., or this rule chapter is a Tier II violation if it results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. Tier II violations shall result in prohibiting the sale, distribution, offering for sale or distribution of the substandard product and imposition of an administrative fine not to exceed the statutory maximum set forth in Section 525.16, F.S. For the purposes of this rule, the following violations shall be considered Tier II violations:

1. through 18. No change.

19. Failure to meet any requirements listed in the standards for biodiesel fuel blend stock (or biodiesel), as incorporated through the adopted version of ASTM International Designation D6751, “Standard Specification for Biodiesel Fuel Blendstock Blend Stock (B100) for Middle Distillate Fuels” in paragraph 5J-21.001(10)(h), F.A.C.

20. through 30. No change.

(d) No change.

(7) No change.

Rulemaking Authority 525.14, 531.41, 570.07(23) FS. Law Implemented 525.16, 531.42, 531.44, 570.971(4) FS. History—New 2-24-00, Amended 7-30-02, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.016, Amended 11-15-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mauricio Mejia, Chief of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Wilton Simpson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 2, 2024

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-73.001 Public Transportation

PURPOSE AND EFFECT: The rule sets forth the requirements of section 341.052, F.S. (public transit block grant program; administration; eligible projects; limitation), for the recipients of the FDOT's public transit grant funds.

SUMMARY: This rule is being amended to streamline and update the process for Florida's Public Transit Agencies that are required to submit a Transit Development Plan.

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 an itemized checklist to conduct an economic analysis and determine if there would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 334.044(2), 341.041(12)(b), F.S.

LAW IMPLEMENTED: 341.041, 341.051, 341.052, 341.071, 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: Austin Hensel, Assistant General Counsel, (850)414-5290, austin.hensel@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-73.001 Public Transit.

(1) Purpose. This rule sets forth requirements of Section 341.052(1) and (2), F.S., for the recipients of the Department's public transit grant funds.

(2) Definitions.

(a) "Department" means the Florida Department of Transportation.

(b) "District Office" means any of the seven geographically defined districts as set forth in Section 20.23(4)(a), F.S.

(c) "Provider" means a transit agency or a community transportation coordinator as set forth in Section 341.052, F.S.

(d) "MPO" means the Metropolitan Planning Organization or similarly named organization responsible for the federally required transportation planning processes in metropolitan areas, jointly administered by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) as set forth in 49 U.S.C. 5303 and 23 U.S.C. 134.

(3) Transit Development Plans (TDPs). TDPs are required for grant program recipients in Section 341.052, F.S. A TDP shall be the provider's planning, development, and operational guidance document, based on a ten-year planning horizon and covers the year for which funding is sought and the nine subsequent years. A TDP or an annual TDP Update ~~update~~ shall be used in developing the Department's five-year Work Program, the Transportation Improvement Program, and the Department's Program and Resource Plan. A TDP shall be adopted by a provider's governing body. Technical assistance in preparing TDPs is available from the Department. TDPs shall be updated every five years in coordination with the development of the local MPO's Long Range Transportation Plan (LRTP) and the Metropolitan Transportation Planning process. The development of TDPs and MPO's Long Range Transportation Plans (LRTPs) shall be coordinated using the comparable baseline year and future year data to identify the multimodal system deficiencies, considering land use, state and local transportation plans, other governmental actions and policies, and socioeconomic trends. Every five years TDPs (TDP Updates) shall include ~~and include~~ all the elements described below.

(a) Public Involvement Process. The TDP preparation process shall include opportunities for public involvement as outlined in a TDP public involvement plan, approved by the Department, or the local ~~Metropolitan Planning Organization's MPO (MPO) adopted~~ Public Involvement Plan (PIP), approved by both the ~~FTA Federal Transit Administration and the FHWA Federal Highway Administration.~~ The provider is authorized to establish time limits for receipt of comments. The TDP shall include a description of the process used and the public involvement activities undertaken. As required by Section 341.052, F.S., comments must be solicited from local and regional workforce boards established under Chapter 445, F.S. The Department, the local/regional regional workforce board, local government comprehensive planning departments, and the MPO shall be advised of all public meetings where the TDP is to be presented or discussed, and shall be given an

opportunity to review and comment on the TDP during the development of the proposed public transportation projects and services mission, goals, objectives, alternatives, and a ten-year implementation program.

(b) Relationship Review to Other Plans. The TDP shall consider and be consistent with the Florida Transportation Plan, the local government comprehensive plans, the MPO long-range transportation plan, and regional transportation goals and objectives. The TDP shall discuss the relationship between the public transportation Ten-Year Operating and Capital Program and other local plans.

(c) Metropolitan Transportation Planning Process Coordination Program. The TDP shall include a detailed coordination program defining collaborative participation and consistency in developing and implementing both the TDP and LRTP with the local Metropolitan Planning Organization, as well as other related MPO multi-modal planning and programming including the Unified Planning Work Program (UPWP), the Transportation Improvement Plan (TIP), and Corridor Development Studies.

~~(b) Situation Appraisal. The TDP is a strategic planning document and will include an appraisal of factors within and outside the provider that affect the provision of transit service. At a minimum the situation appraisal shall include:~~

~~1. The effects of land use, state and local transportation plans, other governmental actions and policies, socioeconomic trends, organizational issues, and technology on the transit system.~~

(d) ~~2. Demand Estimation~~ An estimation of the community's demand for transit service using the planning tools provided by the Department, or a Department approved transit demand ridership forecast software and/or estimation technique with supporting demographic, land use, transportation, and transit data. The result of the transit demand estimation process shall be a ten-year annual projection of transit ridership.

(e) ~~3. Land Use and Corridor Development Assessment~~ An assessment of the extent to which the land use and urban design patterns in the provider's service area support or hinder the efficient provision of existing and future transit services service, including any efforts being undertaken by the provider or local land use authorities to foster a more multi-modal operating environment transit friendly operating environment. This assessment will also address priority transit corridors developed in the TDP as well as in the LRTP for consistency and coordination.

~~(e) Provider's Mission and Goals. The TDP shall contain the provider's vision, mission, goals, and objectives, taking into consideration the findings of the situation appraisal.~~

(d) ~~Alternative Courses of Action. The TDP shall develop and evaluate alternative strategies and actions for achieving the~~

provider's goals and objectives, including the benefits and costs of each alternative. Financial alternatives, including options for new or dedicated revenue sources, shall be examined.

~~(e) Ten Year Implementation Program. The TDP shall identify policies and strategies for achieving the provider's goals and objectives and present a ten year program for their implementation. The ten year program shall include: maps indicating areas to be served and the type and level of service to be provided, a monitoring program to track performance measures, a ten year financial plan listing operating and capital expenses, a capital acquisition or construction schedule, and anticipated revenues by source. The implementation program shall include a detailed list of projects or services needed to meet the goals and objectives in the TDP, including projects for which funding may not have been identified.~~

(f) A Ten-Year Operating and Capital Program. This program shall include:

1. A ten-year schedule of projects that identifies the provider's future operating and capital projects over a 10-year planning horizon. The ten-year schedule of projects shall include project descriptions, maps indicating areas to be served, a project timeline, associated costs, and the type and level of service and capital improvements to be provided.

2. A financial plan, which shall include a ten-year planning horizon that identifies each project's operating and capital expenses for the schedule of projects.

3. A list of priority projects based on the 10-year schedule of projects, which shall include a ranking by each project's importance, the description, type, location, and identification of funding availability. This list can include projects that exceed beyond the tenth year.

~~(f) Relationship to Other Plans. The TDP shall be consistent with the Florida Transportation Plan, the local government comprehensive plans, the MPO long range transportation plan, and regional transportation goals and objectives. The TDP shall discuss the relationship between the ten year implementation program and other local plans.~~

(4) Annual TDP Updates. The Annual TDP Update shall be an update of the ten-year operating and capital program. This update shall include a formatted table presenting the ten-year schedule of projects, financial plan, and list of priority projects, and any updated modifications to the previous year's ten-year operating and capital program and extending this ten-year operating and capital program to a new tenth year. The Annual TDP Update shall include a brief narrative overview of the TDP process specifically addressing progress, and achievements of the Metropolitan Transportation Planning Process Coordination Program.

~~(4) Annual Update. Annual updates shall be in the form of a progress report on the ten year implementation program, and shall include:~~

~~(a) Past year's accomplishments compared to the original implementation program;~~

~~(b) Analysis of any discrepancies between the plan and its implementation for the past year and steps that will be taken to attain original goals and objectives;~~

~~(c) Any revisions to the implementation program for the coming year;~~

~~(d) Revised implementation program for the tenth year;~~

~~(e) Added recommendations for the new tenth year of the updated plan;~~

~~(f) A revised financial plan; and,~~

~~(g) A revised list of projects or services needed to meet the goals and objectives, including projects for which funding may not have been identified.~~

~~(5) Plan Submission and Approval.~~

~~(a) To be approved by the Department, a TDP must meet all applicable deadlines and address all requirements of this rule, including a public involvement plan that included opportunities for review and comment by interested agencies, and citizens or passengers during the development of the provider's mission, goals, and objectives during the development of alternatives and during the development of the ten-year operating and capital implementation program. The Annual TDP Update does not need to be adopted by the transit agencies governing board. The 5-year TDP must be approved by the transit agency's governing board. All 5-year TDP and Annual TDP Updates must be presented to the local MPO governing board.~~

~~(b) The Department will accept TDPs for review at any time. Provider adopted TDPs must be submitted to the Department by March September 1. Late filed TDPs will be accepted if extenuating circumstances beyond the provider's control exist and the District Office is able to complete its review and approval process by the last business day of December. Within 60 days of receiving an adopted TDP or Annual TDP Update annual update, the Department will notify the provider as to whether or not the TDP or annual update is in compliance with the requirements of this rule, and, if not in compliance, a list of deficiencies will be cited to the provider for resubmittal. Within 30 days of any resubmitted TDP or annual update the Department will notify the provider as to whether or not the resubmission is in compliance with the requirements of this rule. TDPs filed late will be accepted if extenuating circumstances beyond the provider's control exist, and the District Office is able to complete its review and approval process by June 30.~~

(6) Grant Administration. Public transit funds will be considered on the basis of public transit needs as identified in TDPs. The Department is authorized to fund up to such percentages as are designated for each type of public transportation project by Chapter 341, F.S., for the respective state and federal projects described therein. The Department shall, within statutory parameters, determine the level of funding participation for each project.

(a) State funding participation in public transit projects and services shall require a duly executed agreement, unless otherwise required by law.

(b) Eligibility to receive state public transit grants from the Department is limited to those providers specifically designated by law to receive such grants, and determined by statutory budgeting and programming requirements.

(c) Written requests for appropriated public transit grant funds by a provider are to be addressed to the District Office in which district the provider operates public transit service. The request shall include at a minimum the name and address of the provider, level of funding being requested, type of funding or program participation requested, and use to be made of the requested funds. Where a deadline for applications has been established, applications received after the deadline shall be returned. Deadlines for each program application may be obtained from the District Office.

(d) Federal funds for which the Department is the primary recipient may involve special application procedures or submittal format, imposed by the federal grantor agency as a condition of receiving federal funds. The provider will be notified by the District Office of special application requirements at the time of submission of a written request for funding if the District Office has not previously distributed such information to the provider.

(e) The Department will award public transit grant funds after July 1 of each state fiscal year, but will not award funds until a provider's TDP has been found to be in compliance with this rule.

(f) ~~Approved TDPs and Annual TDP Updates updates and approved TDPs shall be on file at the appropriate District Office by the due date last business day of June 30 December of for the next state Department fiscal year in for which funding is available sought. If a provider's required annual report TDP documentation has not been submitted and approved by the June 30 due date last day of December in the fiscal year for which funding is sought, the provider will be found in noncompliance with the rule provider and will not receive any state public transit grant funds in for the subject year of availability. Funds that may have been state fiscal year, and funds previously allocated for the noncompliant providers provider will be allocated among the remaining eligible providers. If a provider's TDP has not been submitted and~~

~~found in compliance by the last business day of December of the state fiscal year the annual or five year update was due, the provider will not receive any public transit grant funds in that state fiscal year, and funds previously allocated for the provider will be allocated among the remaining providers.~~

Rulemaking Authority 334.044(2), 341.041(12)(b) FS. Law Implemented 341.041, 341.051, 341.052, 341.071 FS. History—New 9-24-75, Formerly 14-73.01, Amended 12-8-92, 2-20-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Chris A. Wiglesworth, Planning Administrator, Transit Office
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jared W. Perdue, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2024
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 9, 2024

Section III Notice of Changes, Corrections and Withdrawals

NONE

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on May 15, 2024, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from El Cuba Catering Corp located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to

dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On May 7, 2024, the Department received a request withdrawing the Petition for variance from 575 Rosemary Apartments LLC, filed April 15, 2024, and advertised on April 17, 2024, in Vol. 50 No. 76 of the Florida Administrative Register. The Petition for variance requested a variance from Rules 2.10.2 and 2.7.3.2.2, ASME A17.1, 2016 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires A standard railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail or equivalent structural member or solid panel, and toe-board. Where the passage is over a roof having a slope exceeding 15 deg from the horizontal, or over a roof where there is no parapet or guardrail at least 1 070 mm (42 in.) high around the roof or passageway, a permanent, unobstructed and substantial walkway not less than 600 mm (24 in.) wide, equipped on each side with a railing conforming to 2.10.2 shall be provided from the building exit door at the roof level to the means of access. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW2024-060).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.002 Qualifications for Examination

NOTICE IS HEREBY GIVEN that on May 08, 2024, the Board of Nursing, received a petition for variance or waiver filed by MiYonni Randall. Petitioner is seeking a variance or waiver

from subsection 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 is required.

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 HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.002 Qualifications for Examination

NOTICE IS HEREBY GIVEN that on May 08, 2024, the Board of Nursing, received a petition for variance or waiver filed by Shana Melendez. Although Petitioner does not specifically mention a specific rule, it appears that Petitioner is seeking a variance or waiver from subsection 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 is required.

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 HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.002 Qualifications for Examination

NOTICE IS HEREBY GIVEN that on May 03, 2024, the Board of Nursing, received a petition for variance or waiver filed by Mamese Cledanor. Petitioner is seeking a variance or waiver from subsection 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 is required.

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.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Commission for Independent Education

The Commission for Independent Education announces a public meeting to which all persons are invited.

DATES AND TIMES: May 30, 2024 – Commission meeting beginning at 9:00 a.m. – Degree granting institutions.

May 30, 2024 – Rules Development Workshop and Rules Committee meeting – upon conclusion of the Commission meeting. The purpose of this rule development meeting is to align and clarify language in the Commission for Independent Education Form 801, incorporated by reference in 6E-2.004, F.A.C. Commissioners will consider the adoption of draft rule language to be presented to the State Board of Education for final approval.

May 31, 2024 – Commission meeting beginning at 9:00 a.m. – Non-Degree granting institutions.

May 31, 2024 – Rules Committee meeting – upon conclusion of the Commission meeting. The purpose of this meeting is to align and clarify language in the Commission for Independent Education Form 801, incorporated by reference in 6E-2.004, F.A.C. Commissioners will consider the adoption of draft rule language to be presented to the State Board of Education for final approval.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: May 30, 2024 beginning at 9:00 a.m. the Commission for Independent Education will consider all Degree Granting Institutions. Upon Conclusion of the Commission meeting, a Rule Development Workshop will be held and the Rules Committee will convene to discuss the alignment and clarification of Form 801. The Commissioners will also consider the adoption of draft rule language to be presented to the State Board of Education for final approval. On May 31, 2024 beginning at 9:00 a.m. all Non-Degree granting Institutions for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Applications for Annual License, Motions for Extension of License, Motions for Request for Extension of

Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual Licenses, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Request for Variance, Applications for Exemption for Religious Colleges, Improper School Closure Reports, review and vote on application for recognition for Licensure by Means of Accreditation and the General Business of the Commission. Upon Conclusion of the Commission meeting, the Rules Committee will convene to discuss the alignment and clarification of Form 801. The Commissioners will also consider the adoption of draft rule language to be presented to the State Board of Education for final approval. **Public Comment:** The Commission is committed to promoting transparency and public input during its public meetings. Speakers are requested to submit a written comment by emailing Executive Director, Tiffany Hurst, at Susan.Hood@fldoe.org one (1) business day before the meeting and to indicate whether they represent a group or faction. The Commission will hear public comment only regarding issues on the agenda. Individuals and representatives of groups will generally be allotted three minutes, but the time may be extended or shortened at the discretion of the Chair. The Chair may impose a cumulative time limit for all public comment on any agenda item.

A copy of the agenda may be obtained by contacting: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400 or by calling (850)245-3200.

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: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400 or by calling (850)245-3200. 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: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400 or by calling (850)245-3200.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a public meeting to which all persons are invited.

DATES AND TIMES: Virtual: Tuesday, May 21, 2024, from 5:30 p.m. to 6:00 p.m.

In-Person: Thursday, May 23, 2024, from: 4:30 p.m. to 6:00 pm

PLACE: Option 1: Virtual - register at www.nflroads.com/vph

Option 2: In-person at City of Live Oak City Hall located at 101 SE White Avenue, Live Oak, FL 32064

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Two invites you to the Hybrid Public Meeting for the I-10 at US 129 Operational Improvements project (Financial Management No. 443239-1) in Suwannee County, Florida. This meeting will inform the public of the proposed improvements and will serve as an official forum providing an opportunity for the public to express their opinions and concerns regarding the project. The project proposes operational improvements for the I-10 at US 129 interchange and access management improvements on US 129 north and south of the interchange. Furthermore, it proposes adding traffic signals and turning lanes, widening the existing lanes, and providing pedestrian facilities.

For your convenience, there are several options to participate in the public meeting including an in-person option, and a virtual/online option. All participants, regardless of the platform they choose, will receive the same information on the proposed project and all comments received in-person, virtually or electronically, will be given equal consideration. For more information regarding the project please visit the project website at www.nflroads.com/US129

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

A copy of the agenda may be obtained by contacting: Chris T. Rhude, Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, MS 2002, Lake City, FL 32025, Phone: (386)961-7475, Email: Chris.Rhude@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: Chris T. Rhude, Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, MS 2002, Lake City, FL 32025, Phone: (386)961-7475, Email: Chris.Rhude@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: Chris T. Rhude, Project Manager, Florida Department of Transportation, 1109

S. Marion Avenue, MS 2002, Lake City, FL 32025, Phone: (386)961-7475, Email: Chris.Rhude@dot.state.fl.us

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 28, 2024; 10:00 a.m.

PLACE: There will be no in person Commission meeting. The meeting will be held via conference call. To participate in the meeting, call United States (Toll Free): 1(877)309-2073 and dial access code 337-350-165. For questions and correspondence from inmate supporters, please email inmatessupporter@fcor.state.fl.us. For questions and correspondence regarding victims' rights, please email victimquestions@fcor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Conditional Medical Release cases and all other Commission business.

A copy of the agenda may be obtained by contacting: The Florida Commission on Offender Review (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Florida Commission on Offender Review at ada@fcor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If 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.

REGIONAL PLANNING COUNCILS**Emerald Coast Regional Council**

The Santa Rosa County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 21, 2024 at 2:00 p.m.

PLACE: Milton City Hall, 6738 Dixon Street (Council Chambers), Milton FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Santa Rosa County Transportation Disadvantaged Board will hold a public meeting and public workshop on Tuesday, May 21, 2024 at 2:00 p.m. at Milton City Hall, 6738 Dixon Street (Council Chambers), Milton FL.

Join us online:

For those members unable to attend in-person the meeting will also be accessible from your computer, tablet or smartphone; global.gotomeeting.com/join/429261909.

You can also dial in using your phone: +1(646)749-3122; Access Code: 429-261-909.

Meeting information, agendas, and information on the Santa Rosa TD board can be found at:

[https://www.ecrc.org/programs/transportation_planning/transportation_disadvantaged_\(td\)/santa_rosa_td.php](https://www.ecrc.org/programs/transportation_planning/transportation_disadvantaged_(td)/santa_rosa_td.php)

The Santa Rosa County Transportation Disadvantaged Board is staffed by the Emerald Coast Regional Council, a regional entity providing professional technical assistance, planning, coordinating, and advisory services to local governments, state and federal agencies, and the public to preserve and enhance the quality of life in northwest Florida.

A copy of the agenda may be obtained by contacting: Howard Vanselow, (850)332-7976 ext. 231, howard.vanselow@ecrc.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: Marketing and Outreach toll-free 1(800)226-8914 or TTY 711, or by email at marketing@ecrc.org.

Para informacion en espanol, puede llamar a Ada Clark al (850)332-7976, ext. 278 o TTY 711. Si necesita acomodaciones especiales, por favor llame 48 horas de antemano.

Participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who believe they have been discriminated against on these conditions may file a complaint with the Title VI Coordinator, (850)332-7976, ext. 220. 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).

REGIONAL PLANNING COUNCILS

Emerald Coast Regional Council

The Emerald Coast Regional Council Safety Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 21, 2024 at 9:00 a.m.

PLACE: Virtual Meeting via GoTo Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: An Emerald Coast Safety Action Plan Task Force Meeting will be held Tuesday, May 21, 2024, at 9:00 a.m. via GoToMeeting.

The ECRC was awarded a Safe Streets and Roads For All (SS4A) grant from the US Department of Transportation. The Safety Action Plan will assist the ECRC and the TPO regions to achieve the target of zero fatalities and serious injuries. Task Force members will meet regularly to review the plan development, project identification, and implementation.

Register for our meeting by visiting the link below:

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

<https://meet.goto.com/ECRC-PensacolaConference>

You can also dial in using your phone.

United States: +1(646)749-3122

Access Code: 860-454-141

Get the app now and be ready when your first meeting starts:

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

PUBLIC FORUM

Public input is valuable to ECRC, community members are encouraged to attend our meeting.

Participation is asked for without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who believe they have been discriminated against on these conditions may file a complaint with the Title VI Coordinator, (850)332-7976.

The Emerald Coast Regional Council is a regional entity providing professional technical assistance, planning, coordinating, and advisory services to local governments, state and federal agencies, and the public to preserve and enhance the quality of life in northwest Florida.

A copy of the agenda may be obtained by contacting: Jill Nobles, at jill.nobles@ecrc.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: . 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).

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council/LEPC District 9 announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 23, 2024, 9:30 a.m.

PLACE: South Florida Water Management District Office: 2301 McGregor Blvd. Fort Myers, FL 33901 and Virtual Zoom Link

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Southwest Florida Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Charity Franks, cfranks@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 5 days before the workshop/meeting by contacting: Charity Franks, cfranks@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: Charity Franks, cfranks@swfrpc.org.

REGIONAL PLANNING COUNCILS

Apalachee Regional Planning Council

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

DATE AND TIME: May 30, 2024 at 10:00am ET

PLACE: Apalachee Regional Planning Council

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold regular bi-monthly meeting of Apalachee Regional Planning Council (ARPC).

A copy of the agenda may be obtained by contacting: Melissa Franklin, ARPC Communications Coordinator, 2507 Callaway Road, Ste. 100, Tallahassee, FL 32303, MFranklin@arpc.org, (850)312-5016.

METROPOLITAN PLANNING ORGANIZATIONS

Martin Metropolitan Planning Organization

The Local Coordinating Board for the Transportation Disadvantaged (:CB-TD) announces a public meeting to which all persons are invited.

DATE AND TIME: June 3, 2024, 10:00 AM

PLACE: Martin County Administrative Center, Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Disadvantaged System Review.

A copy of the agenda may be obtained by contacting: Lucine Martens at (772)288-5412, by email at lmartens@martin.fl.us, or submit your question via mail to 3481 SE Willoughby Blvd., Suite 101, Stuart, FL 34994.

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: Ricardo Vazquez, Senior Planner (Title VI/Non-discrimination Contact) at (772)223-7983 or rvazquez@martin.fl.us. Hearing impaired individuals are requested to telephone the Florida Relay System at #711. 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. 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: Lucine Martens at (772)288-5412, by email at lmartens@martin.fl.us, or submit your question via mail to 3481 SE Willoughby Blvd., Suite 101, Stuart, FL 34994.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency For Healthcare Administration announces a public meeting to which all persons are invited.

DATE AND TIME: May 29, 2024 10:00am - 1:00pm

PLACE: Remote Listeners: Attendees may register for the meeting at:

<https://attendee.gotowebinar.com/register/8938019521874131800>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available. GENERAL SUBJECT MATTER TO BE CONSIDERED: Blood Clot and Pulmonary Embolism Workgroup established by Senate Bill 612 ; Section 408.0621, Florida Statutes.

A copy of the agenda may be obtained by contacting: BCPEP@ahca.myflorida.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 7 days before the workshop/meeting by contacting: BCPEP@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NOS.:RULE TITLES:

65C-17.002 Definitions

65C-17.003 Planning and Budgeting Functions

65C-17.004 Criteria

65C-17.005 Fee Waiver and Change in Allowance Procedures

65C-17.006 Department Caseworker and Legal Responsibilities

The Department of Children and Families announces a hearing to which all persons are invited.

DATE AND TIME: May 23, 2024, 10:00 a.m. to 10:30 a.m.

PLACE: Join Zoom Meeting

<https://us06web.zoom.us/j/87546867902?pwd=NEW6tIAOVI55hrMRjswBau1GAJeyk.1>

Meeting ID: 875 4686 7902

Passcode: 936602

One tap mobile

+13052241968,,87546867902#,,,,*936602# US

+16465588656,,87546867902#,,,,*936602# US (New York)

Dial by your location

- +1 305 224 1968 US
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 720 707 2699 US (Denver)
- +1 253 205 0468 US

Meeting ID: 875 4686 7902

Passcode: 936602

Find your local number:
<https://us06web.zoom.us/j/kdH0vvFZtq>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Public comments and questions about proposed rule.

A copy of the agenda may be obtained by contacting: Elizabeth Floyd at Elizabeth.Floyd@myflfamilies.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 5 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Elizabeth Floyd at Elizabeth.Floyd@myflfamilies.com.

THE VALERIN GROUP, INC.

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

DATE AND TIME: Thursday, May 23, 2024, at 5:30 p.m.

PLACE: In-Person at McLarty Park Community Center and virtually using GoToWebinar

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting will be held regarding project plans on Fiske Boulevard (S.R. 519) from Barbara Jenkins Street to King Street (S.R. 520) and at Levitt Parkway/Lakemoor Boulevard. (FPID nos. 451310-1 & 450417-1)

The purpose of these projects is to enhance safety along the corridor by adding a median concrete traffic separator and constructing a pedestrian-activated midblock crossing (FPID No. 451310-1), as well as signaling the intersection of Fiske

Boulevard and Levitt Parkway/Lakemoor Boulevard (FPID No. 450417-1). The public meeting is being held to present information and receive community feedback.

FDOT encourages community involvement and is offering this public meeting in a hybrid format to provide more ways to participate. All attendees, regardless of which platform they choose, will receive the same information.

In-Person Open House Option: Participants may attend in person by going to McLarty Park Community Center, 790 Barton Blvd., Rockledge, FL 32955 anytime between 5:30 p.m. and 7 p.m. to view a looping presentation and project displays, speak with project team members, and submit comments or questions. If attending in person, please remember to follow all safety and sanitation guidelines. If you are feeling unwell, please consider attending the meeting virtually.

Virtual Option: Interested persons may join over the Internet from a computer, tablet or mobile device at (time). For this option, advance registration is required by visiting https://fdot.cc/Fiske_Bldv_Improvements. Once registered, participants will receive a confirmation email containing information about joining the meeting online. If using a mobile device, use the GoToWebinar app to be able to view the presentation and submit comments. If joining online, please allow adequate time to log in to view the presentation in its entirety.

If you are unable to attend the meeting, you can view all meeting materials, including the presentation, and provide comment through the project websites at www.cflroads.com/project/451310-1 and www.cflroads.com/project/450417-1 prior to the meeting. You may also contact the FDOT project manager directly at the phone number listed below.

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.

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 Kevin Powell at (386)943-5425, or by email at Kevin.Powell@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 Kevin Powell by phone at (386)943-5425, by email at Kevin.Powell@dot.state.fl.us, or U.S. mail at Florida Department of Transportation, 719 South Woodland Blvd., M.S. 542, DeLand, FL 32720. Information about these projects is also available online at www.cflroads.com. Simply type 451310-1 or 450417-1 in the search box, click “go” and then select the project. We encourage you to participate in the Fiske Boulevard (S.R. 519) Improvements public meeting.

FLORIDA IS FOR VETERANS INC.

The Florida is For Veterans, Inc, dba Veterans Florida announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2024, 2:00 p.m.

PLACE: Virtual

Video Call Link: <https://meet.google.com/feq-zybv-pmo>

Dial- In: (US) +1(802)949-0846 Pin: 561 979 026#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Leasing new location for Tallahassee headquarters.

A copy of the agenda may be obtained by contacting: Hall@veteransflorida.org or Admin@veteransflorida.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: Hall@veteransflorida.org or Admin@veteransflorida.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: Hall@veteransflorida.org or Admin@veteransflorida.org

Section VII

**Notice of Petitions and Dispositions
Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has declined to rule on the petition for declaratory statement filed by the City of Cape Coral on January 29, 2024. The following is a summary of the agency's declination of the petition:

Petitioner sought answers to the following questions: 1. When reviewing the minimum plan review criteria for Residential

(one- and two-family) projects under section 107.3.5, is the inclusion of the electrical, plumbing, mechanical and gas drawings required to be a part of the submittal package? 2. When reviewing the minimum plan review criteria for Residential (one- and two-family) projects under section 107.3.5, is the inclusion of the electrical, plumbing, mechanical and gas minimum plan review criteria required to be enforced? 3. When reviewing the minimum plan review criteria under section 107.3.5, is the enforcement of the minimum plan review criteria for electrical, plumbing, mechanical and gas able to be omitted by the Building Official from plan review in association to Residential (one- and two-family) projects? On April 16, 2024, the Commission declined to provide answers to Petitioner's questions, finding that, as currently presented, they were too general in nature to be answered.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)921-0342, AGC.Filing@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Elite Permits on February 16, 2024. The following is a summary of the agency's disposition of the petition:

On April 5, 2024, Petitioner submitted a written request advising that it wished to withdraw its petition. On April 16, 2024, the Commission granted Petitioner's request.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)921-0342, AGC.Filing@myfloridalicense.com.

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., Thursday, May 9, 2024, and 3:00 p.m., Wednesday, May 15, 2024.

Rule No.	File Date	Effective Date
1S-2.056	5/9/2024	5/29/2024
6A-10.081	5/10/2024	5/30/2024
60LER24-1	5/12/2024	5/12/2024
61K1-3.017	5/9/2024	5/29/2024
64B5-16.006	5/14/2024	6/3/2024
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40B-400.091	2/8/2024	**/**/**

40C-4.091	3/31/2023	**/**/**
40C-41.043	3/31/2023	**/**/**
40E-4.091	6/26/2023	**/**/**
60FF1-5.009	7/21/2016	**/**/**
62-330.010	4/28/2023	**/**/**
62-330.050	4/28/2023	**/**/**
62-330.055	4/28/2023	**/**/**
62-330.301	4/28/2023	**/**/**
62-330.310	4/28/2023	**/**/**
62-330.311	4/28/2023	**/**/**
62-330.350	4/28/2023	**/**/**
62-330.405	4/28/2023	**/**/**
64B8-10.003	12/9/2015	**/**/**
65C-9.004	3/31/2022	**/**/**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness
Child Nutrition Programs State Waiver Request

Summer Food Service Program

Summer 2024 Child Nutrition Programs 12(l) Waiver Checklist

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides USDA authority to waive requirements for State agencies or eligible service providers under certain circumstances.

This optional form is designed to streamline the process for State agencies requesting a waiver of statutory or regulatory requirements for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) for 2024 summer operations (May 1, 2024 – September 30, 2024). The form does not allow States to modify their request to waive additional regulations for those waiver types or to submit other types of waivers.

SFSP and SSO operators may not use this form to submit waivers for their own operation. Operators that wish to apply for a waiver separately from a statewide waiver must contact the State agency to provide them with the necessary information to complete the waiver request on their behalf, also including the required elements in SP 15-2018, CACFP 12-2018, SFSP 05- 2018, Child Nutrition Program Waiver Request Guidance and Protocol - Revised, May 24, 2018.

State agencies should continue to provide notice and information to the public about their application for a waiver in accordance with the requirements at Section 12(l) of the NSLA, even when submitting a waiver through this form.

State Agency: Florida Department of Agriculture and

Name of State Director: Vianka Colin

Date: 05/06/2024

Mailing Address: 407 South Calhoun St (H2) Tallahassee, FL

Name and title of person completing this form: Lisa Church, Bureau Chief of Child

Only persons who have the authority to make this waiver request on behalf of the State director may complete this form.

- Yes, I have the authority.
- I am the State director.
- No, I do not have the authority.

Region: Mid-Atlantic Regional Office
 Midwest Regional Office

- Mountain Plains Regional Office
- Northeast Regional Office Southeast
- Regional Office Southwest Regional
- Office Western Regional Office

*Longest effective dates are in italics; actual effective dates are contingent on date of approval.

Waivers related to excessive heat:

The waivers in this section apply to SFSP and SSO sponsors, in good standing, to operate approved outdoor meal sites without temperature-controlled alternative sites as non-congregate sites on days when the area is experiencing excessive heat. These waivers are effective *May 1, 2024, through September 30, 2024*.

- Waiver 1:** Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Waiver 2:** Parent/Guardian Meal Pickup 42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)]
- Waiver 3:** Meal Service Times [7 CFR 225.16(c)(1), (2), and (3)]

1. Are the service providers participating in these waivers in good standing?
 - No
 - Yes
2. To use the meal service times waiver sponsors cannot change meal service times less than 24 hours in advance of the previously scheduled meal service time. In addition, sponsors must provide a printed notice at the site indicating the change in meal service times. Do you acknowledge the limitations of the meal service times waiver?
 - Yes
 - No

3. What challenges would Program sponsors face without these waivers? Choose all that apply.
 - Increased program costs
 - Increased food waste
 - Negative Impact on the ability to meet the needs of children and at-risk youth
 - Exposure to excessive heat
 - Other, describe:

1. How would these waivers benefit Program sponsors? Choose all that apply.
 - Control costs
 - Reduce food waste
 - Increase in program participation
 - Limit exposure to excessive heat conditions
 - Allow sponsors to schedule meal service times that are responsive to the community's needs
 - Other, describe:

2. Describe the program procedures that will be in place under these waivers, if approved. Explain how these waivers will affect program operations (e.g., technology, automated systems, and monitoring).

Sponsors will continue to monitor all sites

3. Are there any anticipated challenges that State or eligible service providers may face with implementation of these waivers?

- No anticipated challenges
- Other, describe:

4. What steps will the State agency take to successfully implement these waivers?

- Training Monitoring
- Other, describe:

5. Provide a link to the public notice informing the public about the requested Excessive Heat Waiver(s). If no link is available, please email a copy of the notice to your Regional Office.

Waivers related to school closures:

The waivers in this section apply to SFSP and SSO when schools are closed and congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, for a similar unanticipated cause. Upon approval, the waivers in this section will also replace any previously approved SFSP/SSO waivers allowing non-congregate meal service operations for school year 2023-2024 (with no virtual learning), granted to State agencies through April 30, 2024. This applies when school buildings are closed during the instructional year and virtual classes are not offered. These waivers are effective through *June 30, 2024*.

- Waiver 8:** Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Waiver 9:** Parent/Guardian Meal Pickup [42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)]
- Waiver 10:** Meal Service Times [7 CFR 225.16(c)(1), (2), and (3)]
- Waiver 11:** Service of Meals at School Sites [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

6. Are the service providers participating in these waivers in good standing?

- Yes
- No

1. What challenges would Program sponsors face without these waivers? Choose all that apply.

- Increased Program costs
- Increased food waste
- Negative impact on the ability to meet the needs of participating children
- Other, describe:

2. How would these waivers benefit Program sponsors? Choose all that apply.

- Streamline processes
- Control costs
- Allow sponsors to schedule meal service times that are responsive to the community's needs
- Other, describe:

3. Describe the program procedures that will be in place under these waivers, if approved. Explain how these waivers will affect program operations (e.g., technology, automated systems, and monitoring).

Sponsors will continue to monitor all sites

4. Are there any anticipated challenges that State or eligible service providers may face with implementation of these waivers?

- No anticipated challenges
- Other, describe:

5. What steps will the State agency take to successfully implement these waivers?

- Training Monitoring
- Other, describe:

6. Provide a link to the public notice informing the public about the requested school closure waiver. If no link is available, please email a copy of the notice to your Regional Office.

By providing a signature, I certify that the following is true and accurate:

- These waivers will not increase the overall costs of the program to the Federal Government, or if there are anticipated increases, the costs will be paid from non-Federal funds.
- My State agency will comply with FNS waiver data reporting requirements, and any additional requirements that will be contained in my waiver approval letter.

Please provide the signature and title of the requesting official. For the purposes of this request, the use of an electronically typed name shall have the same force and effect as an original wet signature.

Digitally signed by Lisa Church
 Date: 2024.05.06 14:58:07 -0400

Section XIII Index to Rules Filed During Preceding Week

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.