

Section II Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-210.200 Definitions
62-210.300 Permits Required
62-210.370 Emissions Computation and Reporting

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule is to revise three rules under Chapter 62-210, F.A.C. (“Stationary Sources – General Requirements”): 62-210.200 (“Definitions”); 62-210.300 (“Permits Required”); and 62-210.370 (“Emissions Computation and Reporting”). The revisions will include the creation of a new definition for an emissions-based source category (“Synthetic Minor – 80 Source (SM-80)”) for minor source facilities with a potential to emit equal to or greater than 80 percent of major source thresholds; authorization of a permit change procedure for facilities operating under minor source air operation permits analogous to the off-permit change and 502(b)(10) procedures that the Department recently codified for major sources in Rule 62-213.410, F.A.C.; clarification, consistent with United States Environmental Protection Agency (EPA) policy, that emissions unit reclassification of previously shut down emissions units shall not trigger prevention of significant deterioration (PSD) review unless the reactivation constitutes a major modification; specification that annual operating reporting requirements apply to SM-80 sources; and other corrective and clarifying amendments.

SUMMARY: The proposed rule amendments address Stationary Sources – General Requirements.

OTHER RULES INCORPORATING RULE 62-210.200, F.A.C.: 62-4.050, 62-110.104, 62-210.220, 62-210.300, 62-210.310, 62-210.370, 62-212.500, 62-212.720, 62-213.202, 62-213.400, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.600, 62-701.200, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be the intended effect on other rules.

OTHER RULES INCORPORATING RULE 62-210.300, F.A.C.: 62-210.200, 62-210.310, 62-210.350, 62-210.360, 62-212.300, 62-256.300, 62-256.700, 62-296.401, 62-296.406, 62-296.417, 62-296.570, 62-737.800, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be the intended effect on other rules.

OTHER RULES INCORPORATING RULE 62-210.370, F.A.C.: 62-210.300, 62-212.300, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

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: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

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

RULEMAKING AUTHORITY: 403.061, 403.8055, 403.0872, F.S.

LAW IMPLEMENTED: 20.255(8), 403.021, 403.031, 403.061, 403.087, 403.0852, 403.0855, 403.0872, 403.814, 402.815, 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: Preston McLane, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9041. E-mail: Preston.McLane@FloridaDEP.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-204, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (253) No change.

(254) “Synthetic Minor – 80 Source (SM-80)” - A facility that is classified as a synthetic non-Title V source with a potential to emit of equal to or greater than 80 percent of Title V thresholds.

(254) through (282) Renumber as (255) through (283).

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200,

Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, 7-16-07, 3-16-08, 10-12-08, 6-29-09, 3-11-10, 6-29-11, 12-4-11, 3-28-12, 10-23-13, 8-25-14, 4-26-17, 7-3-18, 9-29-20, _____.

62-210.300 Permits Required.

(1) Air Construction Permits.

(a) Unless exempt from permitting pursuant to this rule or Rule 62-4.040, F.A.C., or the facility has submitted an off-permit change or a Section 502(b)(10) change that meets the requirements of Rule 62-213.410, F.A.C., or a minor air operation permit change that meets the requirements of paragraph 62-210.300(2)(d), F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. An air construction permit shall be obtained by the owner or operator of any proposed new, reconstructed, or modified facility or emissions unit, or any new pollution control equipment prior to the beginning of construction, reconstruction pursuant to 40 C.F.R. 60.15 or 63.2, or modification of the facility or emissions unit or addition of the air pollution control equipment; or to establish a PAL; in accordance with all applicable provisions of this chapter, Chapters 62-212, and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction, reconstruction or modification of the facility or emissions unit or addition of the air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit. All emission limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or Designated Facility Plan. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(b) No change.

(c) Notwithstanding the provisions of paragraph 62-210.200(1)(a), F.A.C., the owner or operator of any eligible facility who registers to use an air general permit under Rule 62-210.310 ~~or 62-213.300~~, F.A.C., who is not denied use of the air general permit, and who constructs the facility in

compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to this subsection, provided, however, that any proposed new major stationary source, major modification, or modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C., shall require authorization by air construction permit.

(2) Air Operation Permits. Unless exempted from permitting pursuant to this rule or Rule 62-4.040, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. Upon expiration of the air operation permit for any existing facility or emissions unit; subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, and demonstration of compliance with the conditions of such air construction permit; subsequent to the establishment of a PAL by air construction permit; or as otherwise provided in this chapter or Chapter 62-213, F.A.C.; the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter, Chapters 62-213 (if the facility is a Title V source), and 62-4, F.A.C. All emission limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or Designated Facility Plan. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(a) Minimum Requirements for All Air Operation Permits.

At a minimum, a permit issued pursuant to this subsection shall:

1. through 3. No change.

4. In the case of an emissions unit permitted pursuant to sub-subparagraphs 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute a major ~~any~~ modification, modification, or reconstruction pursuant to this chapter or any federal regulation adopted by reference at Rule 62-204.800, F.A.C.

(b) through (c) No change.

(d) Minor air operation permit changes. A permitted source operating under a minor Air Operation Permit, may implement operating changes at the source that contravene an express permit term or condition if the changes are not physical changes in, or changes in the method of operation of, the facility which increase the amount of any air pollutant emitted by the facility or which result in the emission of any air pollutant not previously emitted by the facility, and the changes do not exceed allowable emission under the permit (whether expressed as a rate of emissions or in terms of total emissions), as defined in Rule 62-210.200, F.A.C., if the source provides the Department with written notice at least 7 days prior to implementing any such operating change.

(3) Exemptions from Permitting. Except as otherwise provided herein, an owner or operator shall not be required to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., for any facility, emissions unit, or pollutant-emitting activity that satisfies the applicable permitting exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit, or activity to satisfy the exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility, emissions unit, or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Notwithstanding the above, no emissions unit or activity shall be exempt from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it would be subject to any unit-specific limitation or requirement, unless compliance with such limitation or requirement is specifically listed as a condition of exemption. Furthermore, no new, reconstructed, or modified emissions unit or activity shall be exempt from the requirement to obtain an air construction permit if its emissions would contribute to a major modification or to any modification that would be a major modification but for the use, in whole or in part, of the baseline actual-to-projected actual applicability test in Rule 62-212.400, F.A.C. An emissions unit or pollutant-emitting activity exempt from the requirement to obtain an air construction permit shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if it is contained within a Title V source or if its emissions, in combination with the emissions of other emission units and activities at the facility, would cause the facility to be classified as a Title V source. Exemption from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., does not relieve the owner or operator of a facility or emissions unit from complying with any limitation or requirement applicable to such facility or emissions unit.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C.

1. through 31. No change.

32. Contaminated Site Cleanup Brownfield—site remediation, as described at Rule 62-780.700, F.A.C., provided that the total volatile organic compounds in the air emissions from all onsite remediation equipment shall not exceed 13.7 pounds per day.

33. through 37. No change.

(b) through (c) No change.

(4) through (5) No change.

(6) Emissions Unit Reclassification.

(a) Any emissions unit whose shutdown generated emission offsets operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. ~~Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable.~~

(b) No change.

(7) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, 3-16-08, 10-12-08, 6-29-11, 4-26-17, 7-3-18, 9-29-20, 6-16-21, 6-1-23, _____.

62-210.370 Emissions Computation and Reporting.

(1) through (2) No change.

(3) Annual Operating Report (AOR) for Air Pollutant Emitting Facility.

(a) The Annual Operating Report for Air Pollutant Emitting Facility [Including Title V Source Emissions Fee Calculation] (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:

1. No change.

2. All synthetic minor-80 sources (SM-80), as defined in Rule 62-210.200, F.A.C. non-Title V sources.

~~3. All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.~~

~~4. All facilities for which an annual operating report is required by rule or permit.~~

- (b) through (d) No change.
- (4) No change.

Rulemaking Authority 403.061 FS. Law Implemented 20.255(8), 403.031, 403.061, 403.087, 403.0872 FS. History—New 2-9-93, Formerly 17-210.370, Amended 11-23-94, 3-21-96, 2-11-99, 6-21-01, 2-2-06, 7-3-08, Amended 12-31-13, 8-25-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Preston McLane, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400.
 Telephone: (850)717-9041. E-mail: Preston.McLane@FloridaDEP.gov

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexis A. Lambert, DEP Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2026
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 18, 2026

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education
 RULE NO.: RULE TITLE:
 6A-6.014 General Requirements for Adult General Education Program

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 52 No. 79, April 23, 2026 Florida Administrative Register has been continued from May 14, 2026 to June 30, 2026.

DEPARTMENT OF EDUCATION

State Board of Education
 RULE NO.: RULE TITLE:
 6A-10.0240 Minimum Standards for Out-of-state High School Equivalency Diplomas

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 52 No. 74, April 16, 2026 Florida Administrative Register has been continued from May 14, 2026 to June 30, 2026.

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
 33-404.101 Mental Health Services Program - Purpose and Scope
 33-404.102 Provision of Mental Health Services
 33-404.103 Mental Health Services - Definitions
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 52 No. 37, February 24, 2026 issue of the Florida Administrative Register.

33-404.101 Mental Health Services Program – Purpose and Scope.

(1) Mental health services are those services and activities that are provided primarily by mental health staff and secondarily by other health care staff for the purposes of:

(a) Identifying inmates who are experiencing disabling symptoms of a mental ~~illness disorder~~ that impair the ability to function adequately within the incarceration environment;

(b) through (e) No change.

(2) Inmates in the custody of the Department will be offered mental health services commensurate with their individualized needs as determined by qualified mental health staff. Such services will be provided in accordance with prevailing correctional standards of care. Inmates receiving mental health services will be offered the opportunity to participate in the ~~development development~~ of their individualized treatment plan in accordance with Section 945.41, Florida Statutes ~~and provided a written copy of such plan, if clinically available.~~

(3) The Department will provide the following levels of mental health care:

- (a) No change.
- (b) No change.
- (c) Inpatient treatment services to include:
 1. Transitional mental health care;
 2. Crisis stabilization care; and
 3. No change.
- (4) No change.

Rulemaking Authority 944.09, 945.49 FS. Law Implemented 945.41 FS. History—New 5-27-97, Formerly 33-40.001, Amended 3-1-11, _____.

33-404.102 Provision of Mental Health Services.

(1) through (4) No Change.

(5) Inmates who are assigned to administrative confinement under Rule 33-602.220, F.A.C., disciplinary confinement under Rule 33-602.222, F.A.C., protective management under Rule 33-602.221, F.A.C., close management under Rule 33-601.800, F.A.C., or maximum management under Rule 33-601.820, F.A.C., and require