

Notice of Emergency Rule

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

5JER26-2 Volatility Standards for Gasoline

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Due to the disruption of global energy markets by ongoing hostilities in the Middle East, increased demand for gasoline heading into the 2026 summer driving season, and decreased refining capacity in the U.S. since 2020, additional pressure has been placed on U.S. gasoline production. Combined, these factors make U.S. gasoline markets vulnerable to sudden changes in demand and supply, especially heading into the summer hurricane season and the summer driving season. Additionally, on January 20, 2025, President Trump declared a National Energy Emergency stating in part that America needs "a reliable, diversified, and affordable supply of energy ... to sustain the basics of modern life and military preparedness." The declaration also states that, "The United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy." 90 Fed. Reg. 8433 (Jan. 29, 2025). The EPA has concluded, with DOE's concurrence, that it is in the public interest to take action to address the supply circumstances that prevent distribution of an adequate supply of gasoline to consumers. Pursuant to adopted national fuel standards, fuel volatility requirements are shifting to accommodate the changing seasons, however, the United States Environmental Protection Agency has determined that the factors outlined above have created "extreme and unusual fuel supply circumstances" that will prevent the distribution of an adequate supply of compliant gasoline to consumers. On March 25, 2026, EPA issued a Reid Vapor Pressure Fuel Waiver which will go into effect on May 1, 2026, temporarily waiving federal fuel vapor pressure standards for fuel blends containing gasoline and between 9 and 15 percent denatured anhydrous ethanol (E15) to help address this crisis. If Florida's volatility standards are not also adjusted to account for this extraordinary situation, there may be a shortage of lawful fuel for sale.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated in response to an EPA waiver issued on March 25, 2026. Its terms apply to all fuel suppliers and will help to ensure a consistent supply of fuel in the state, while alleviating additional strain on Florida's fuel market. As this is an unprecedented situation, prompt action based on information regarding recent developments in the fuel industry is both necessary and fair.

SUMMARY: This emergency rule allows fuels of different volatility classes than those set forth in ASTM International designation D4814-25, as adopted in rule 5J-21.001, F.A.C., for the periods indicated.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Richard Kimsey, Director of Consumer Services, 2005 Apalachee Parkway, Tallahassee, FL 32399, (850)410-3662.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5JER26-2 Volatility Standards for Gasoline.

Vapor Pressure Requirements. It shall be lawful to introduce into wholesale terminal storage tanks and to offer for sale at retail outlets, gasoline containing at least nine (9) percent and up to and including fifteen (15) percent ethanol by volume with a vapor pressure of no more than 1.0 psi above the applicable vapor pressure class maximums, as specified in ASTM International designation D4814-25. Such fuel held in terminal storage tanks on or before the expiration of this rule shall be lawful for distribution to retail outlets and sale by these outlets until supplies are depleted. This rule shall remain in effect for a period of 90 days or until the expiration of the United States Environmental Protection Agency's May 1, 2026, Reid Vapor Pressure Fuel Waiver or any extension thereof, whichever occurs first.

Rulemaking Authority 525.037, 525.14, 570.07(23) FS. Law Implemented 525.01, 525.037, 525.14 FS. History – New 5-1-26.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 1, 2026