

By Senator Grant

13-1199-00

See HB

1 A bill to be entitled
2 An act relating to the sale of liquefied
3 petroleum gas; amending s. 527.01, F.S.;
4 revising definitions; defining the terms
5 "category IV liquefied petroleum gas dispenser
6 and recreational vehicle servicer" and
7 "wholesaler"; amending s. 527.02, F.S.;
8 including category IV liquefied petroleum gas
9 dispensers and recreational vehicle services
10 within licensure and examination provisions of
11 ch. 527, F.S.; providing a penalty for
12 operating without a license; setting
13 application and renewal fees for a category III
14 liquefied petroleum gas cylinder exchange unit
15 operator and a category IV liquefied petroleum
16 gas dispenser and recreational vehicle
17 servicer; providing for prorating of license
18 fees under specified circumstances; providing
19 for transfer of licenses under specified
20 conditions; providing for license transfer fee;
21 providing period of validity for qualifier
22 cards issued to category I liquefied petroleum
23 gas dealers and liquefied petroleum gas
24 installers; providing for renewal of
25 qualification; requiring category I liquefied
26 petroleum gas dealers and liquefied petroleum
27 gas installers to identify to the Department of
28 Agriculture and Consumer Services a designated
29 master qualifier; establishing examination and
30 certification requirements for master
31 qualifiers; requiring dealers to report to the

1 department any vacancy in a qualifier or master
2 qualifier position; providing for suspension of
3 a dealer's license under specified
4 circumstances; providing grounds for revocation
5 of license or eligibility; providing for
6 transfer of competency qualifications; amending
7 s. 527.04, F.S.; increasing minimum
8 requirements for insurance coverage; amending
9 s. 527.06, F.S.; increasing civil penalties for
10 violation of department rules; amending s.
11 527.11, F.S.; increasing minimum storage
12 requirements for bulk storage filling plants;
13 requiring that such plants be located in
14 specified proximity to a licensee's business
15 location; revising exemptions to such
16 requirements; eliminating an exemption;
17 removing a definition; amending s. 527.22,
18 F.S.; revising provisions with respect to the
19 Florida Propane Gas Education, Safety, and
20 Research Council; revising provisions with
21 respect to audits of account records of the
22 council and review and inspection of council
23 records; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 527.01, Florida Statutes, is
28 amended to read:

29 527.01 Definitions.--As used in this chapter:

30 (1) "Liquefied petroleum gas" means any material which
31 is composed predominantly of any of the following

1 hydrocarbons, or mixtures of the same: propane, propylene,
2 butanes (normal butane or isobutane), and butylenes.

3 (2) "Person" means any individual, firm, partnership,
4 corporation, company, association, organization, or
5 cooperative.

6 (3) "Ultimate consumer" means the person last
7 purchasing liquefied petroleum gas in its liquid or vapor
8 state for industrial, commercial, or domestic use.

9 (4) "Department" means the Department of Agriculture
10 and Consumer Services.

11 (5) "Qualifier" means any person who has passed a
12 competency examination administered by the department and is
13 employed by a licensed business in one or more of the
14 following classifications:

15 (a) Category I liquefied petroleum gas dealer.

16 (b) Category II liquefied petroleum gas dispenser.

17 (c) LP gas installer.

18 (d) Specialty installer.

19 (e) Requalifier of cylinders.

20 (f) Fabricator, repairer, and tester of vehicles and
21 cargo tanks.

22 (g) Category IV liquefied petroleum gas dispensing
23 unit operator and recreational vehicle servicer.

24 (6) "Category I liquefied petroleum gas dealer" means
25 any person selling or offering to sell by delivery or at a
26 stationary location any liquefied petroleum gas to the
27 ultimate consumer for industrial, commercial, or domestic use;
28 any person leasing or offering to lease, or exchanging or
29 offering to exchange, any apparatus, appliances, and equipment
30 for the use of liquefied petroleum gas; any person installing,
31 servicing, altering, or modifying apparatus, piping, tubing,

1 appliances, and equipment for the use of liquefied petroleum
2 gas; any person installing carburetion equipment; or any
3 person requalifying cylinders.

4 (7) "Category II liquefied petroleum gas dispenser"
5 means any person engaging in the business of operating a
6 liquefied petroleum gas dispensing unit for the purpose of
7 serving liquid products to the ultimate consumer for
8 industrial, commercial, or domestic use, and selling or
9 offering to sell, or leasing or offering to lease, apparatus,
10 appliances, and equipment for the use of liquefied petroleum
11 gas, including engaging in the business of operating a
12 cylinder exchange unit.

13 (8) "Category III liquefied petroleum gas cylinder
14 exchange operator" means any person operating a storage
15 facility used for the purpose of storing filled propane
16 cylinders of not more than 43.5 pounds propane capacity or 104
17 pounds water capacity, while awaiting sale to the ultimate
18 consumer, or a facility used for the storage of empty or
19 filled containers which have been offered for exchange.

20 (9) "Category IV liquefied petroleum gas dispenser and
21 recreational vehicle servicer" means any person engaging in
22 the business of operating a liquefied petroleum gas dispensing
23 unit for the purpose of serving liquid product to the ultimate
24 consumer for industrial, commercial, or domestic use, and
25 selling or offering to sell, leasing or offering to lease,
26 apparatus, appliances, and equipment for the use of liquefied
27 petroleum gas, and whose services include the installation,
28 service, or repair of recreational vehicle liquefied petroleum
29 gas appliances and equipment.

30 (10)~~(9)~~ "LP gas installer" means any person who is
31 engaged in the liquefied petroleum gas business and whose

1 services include the installation, servicing, altering, or
2 modifying of apparatus, piping, tubing, tanks, and equipment
3 for the use of liquefied petroleum gas and selling or offering
4 to sell, or leasing or offering to lease, apparatus,
5 appliances, and equipment for the use of liquefied petroleum
6 gas.

7 (11)~~(10)~~ "Specialty installer" means any person
8 involved in the installation, service, or repair of liquefied
9 petroleum gas appliances and equipment, and selling or
10 offering to sell, or leasing or offering to lease, apparatus,
11 appliances, and equipment for the use of liquefied petroleum
12 gas, whose activities are limited to specific types of
13 appliances and equipment as designated by department rule.

14 (12)~~(11)~~ "Dealer in appliances and equipment for use
15 of liquefied petroleum gas" means any person selling or
16 offering to sell, or leasing or offering to lease, apparatus,
17 appliances, and equipment for the use of liquefied petroleum
18 gas.

19 (13)~~(12)~~ "Manufacturer of liquefied petroleum gas
20 appliances and equipment" means any person in this state
21 manufacturing and offering for sale or selling tanks,
22 cylinders, or other containers and necessary appurtenances for
23 use in the storage, transportation, or delivery of such gas to
24 the ultimate consumer, or manufacturing and offering for sale
25 or selling apparatus, appliances, and equipment for the use of
26 liquefied petroleum gas to the ultimate consumer.

27 (14) "Wholesaler" means any person, as defined by s.
28 527.01(2), selling or offering to sell any liquefied petroleum
29 gas for industrial, commercial, or domestic use to any person
30 except the ultimate consumer.

31

1 ~~(13)~~ (15) "Requalifier of cylinders" means any person
2 involved in the retesting, repair, qualifying, or requalifying
3 of liquefied petroleum gas tanks or cylinders manufactured
4 under specifications of the United States Department of
5 Transportation or former Interstate Commerce Commission.

6 ~~(14)~~ (16) "Fabricator, repairer, and tester of vehicles
7 and cargo tanks" means any person involved in the hydrostatic
8 testing, fabrication, repair, or requalifying of any motor
9 vehicles or cargo tanks used for the transportation of
10 liquefied petroleum gases, when such tanks are permanently
11 attached to or forming a part of the motor vehicle.

12 ~~(15)~~ (17) "Recreational vehicle" means a motor vehicle
13 designed to provide temporary living quarters for
14 recreational, camping, or travel use, which has its own
15 propulsion or is mounted on or towed by another motor vehicle.

16 ~~(16)~~ (18) "Pipeline system operator" means any person
17 who owns or operates a liquefied petroleum gas pipeline system
18 that is used to transmit liquefied petroleum gas from a common
19 source to the ultimate customer and that serves 10 or more
20 customers.

21 Section 2. Section 527.02, Florida Statutes, is
22 amended to read:

23 527.02 License; penalty; fees.--

24 (1)(a) It is unlawful for any person to engage in this
25 state in the activities of a pipeline system operator,
26 category I liquefied petroleum gas dealer, category II
27 liquefied petroleum gas dispenser, category III liquefied
28 petroleum gas cylinder exchange operator, category IV
29 liquefied petroleum gas dispenser and recreational vehicle
30 servicer, LP gas installer, specialty installer, dealer in
31 liquefied petroleum gas appliances and equipment, manufacturer

1 of liquefied petroleum gas appliances and equipment,
2 requalifier of cylinders, or fabricator, repairer, and tester
3 of vehicles and cargo tanks without first obtaining from the
4 department a license to engage in one or more of these
5 businesses. The sale of liquefied petroleum gas cylinders with
6 a volume of 10 pounds water capacity or 4.2 pounds liquefied
7 petroleum gas capacity or less is exempt from the requirements
8 of this chapter. It is a felony of the third degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084, to intentionally or willfully engage in any of said
11 activities without first obtaining appropriate licensure from
12 the department. Each business location of a person having
13 multiple locations shall be separately licensed and must meet
14 the requirements of this section. Such license shall be
15 granted to any applicant determined by the department to be
16 competent, qualified, and trustworthy who files with the
17 department a surety bond, insurance affidavit, or other proof
18 of insurance, as hereinafter specified, and pays for such
19 license the following original application fee for new
20 licenses and annual renewal fees for existing licenses:

21	22	23	24	25
	Original		Renewal	
26	Application Fee	License Category	Fee	
27		Category I liquefied		
28		petroleum gas dealer.....	\$525	\$425
29		Category II liquefied		
30		petroleum gas dispenser.....	525	375

1	<u>Category III liquefied</u>	
2	<u>petroleum gas cylinder</u>	
3	<u>exchange unit operator.....</u>	<u>100</u>
		<u>65</u>
4	<u>Category IV liquefied</u>	
5	<u>petroleum gas dispenser and</u>	
6	<u>recreational vehicle servicer.....</u>	<u>525</u>
		<u>400</u>
7	LP gas installer.....	300
		200
8	Specialty installer.....	300
		200
9	Dealer in appliances and equipment	
10	for use of liquefied petroleum gas.....	50
		45
11	Manufacturer of liquefied petroleum	
12	gas appliances and equipment.....	525
		375
13	Requalifier of cylinders.....	525
		375
14	Fabricator, repairer, and tester of	
15	vehicles and cargo tanks.....	525
		375
16		
17	<u>Any applicant for original license whose application is</u>	
18	<u>submitted during the last 6 months of the license year may</u>	
19	<u>have the original license fee reduced by one-half for the</u>	
20	<u>6-month period. This provision shall apply only to those</u>	
21	<u>companies applying for an original license and shall not be</u>	
22	<u>applied to licensees who held a license during the previous</u>	
23	<u>license year and failed to renew the license.</u> The department	
24	may refuse to issue an initial license to any applicant who is	
25	under investigation in any jurisdiction for an action that	
26	would constitute a violation of this chapter until such time	
27	as the investigation is complete.	
28	(b) The license fee for a category III liquefied	
29	petroleum gas cylinder exchange operator shall be \$100 per	
30	location for an original application and an annual renewal fee	
31	of \$65 for each of the first 30 locations. An operator having	

1 ~~more than 30 cylinder exchange units shall pay a renewal fee~~
2 ~~of \$65 for the first 30 locations and \$50 for each of the~~
3 ~~remaining locations as long as the renewal applications are~~
4 ~~submitted together as a single packet.~~

5 (b)~~(c)~~ Any person applying for a liquefied petroleum
6 gas license as a specialty installer, as defined by s.
7 527.01(11)~~(10)~~, shall upon application to the department
8 identify the specific area of work to be performed. Upon
9 completion of all license requirements set forth in this
10 chapter, the department shall issue the applicant a license
11 specifying the scope of work, as identified by the applicant
12 and defined by rule of the department, for which the person is
13 authorized.

14 (c)~~(d)~~ The license fee for a pipeline system operator
15 shall be \$100 per system owned or operated by the person, not
16 to exceed \$400 per license year. Such license fee applies only
17 to a pipeline system operator who owns or operates a liquefied
18 petroleum gas pipeline system that is used to transmit
19 liquefied petroleum gas from a common source to the ultimate
20 customer and that serves 10 or more customers.

21 (d)~~(e)~~ The department shall promulgate rules
22 specifying acts deemed by the department to demonstrate a lack
23 of trustworthiness to engage in activities requiring a license
24 or qualifier identification card under this section.

25 (e) Any license issued by the department may be
26 transferred to any person, firm, or corporation for the
27 remainder of the current license year upon written request to
28 the department by the original licenseholder. Prior to
29 approval of any transfer, all licensing requirements of this
30 chapter must be met by the transferee. A license transfer fee
31 of \$50 shall be charged for each such transfer.

1 (2) In addition to the requirements of subsection (1),
2 any person applying for a license to engage in the activities
3 of a pipeline system operator, category I liquefied petroleum
4 gas dealer, category II liquefied petroleum gas dispenser,
5 category IV liquefied petroleum gas dispenser and recreational
6 vehicle servicer, LP gas installer, specialty installer,
7 requalification of cylinders, or fabricator, repairer, and
8 tester of vehicles and cargo tanks, must prove competency by
9 passing a written examination administered by the department
10 or its agent with a grade of 75 percent or above. Each
11 applicant for examination shall submit a \$20 nonrefundable
12 fee. The department shall by rule specify the general areas of
13 competency to be covered by each examination and the relative
14 weight to be assigned in grading each area tested.

15 (a) Application for examination for competency may be
16 made by an individual or by an owner, a partner, or any person
17 in a supervisory capacity of the license applicant. Upon
18 successful completion of the competency examination, the
19 department shall issue a qualifier identification card to the
20 examinee. Qualifier identification cards, except those issued
21 to category I liquefied petroleum gas dealers and liquefied
22 petroleum gas installers, ~~Such card~~ shall remain in effect as
23 long as the individual shows to the department proof of active
24 employment in the area of examination and all continuing
25 education requirements are met. Should the individual
26 terminate active employment in the area of examination for a
27 period exceeding 24 months, or fail to provide documentation
28 of continuing education, the individual's qualifier status
29 shall expire. The individual may reapply for examination by
30 the department in order to reestablish qualifier status.
31 Every business organization shall possess such a full-time

1 | qualifier at all times who has successfully completed an
2 | examination in the corresponding category of the license held
3 | by the business organization.

4 | (b) Qualifier cards issued to category I liquefied
5 | petroleum gas dealers and liquefied petroleum gas installers
6 | shall expire 3 years after the date of issuance. All category
7 | I liquefied petroleum gas dealer qualifiers and liquefied
8 | petroleum gas installer qualifiers holding a valid qualifier
9 | card upon the effective date of this act shall retain their
10 | qualifier status until July 1, 2003, and may sit for the
11 | master qualifier examination at any time during that time
12 | period. Alternatively, all category I liquefied petroleum gas
13 | dealer qualifiers and liquefied petroleum gas installer
14 | qualifiers may renew their qualification on or before July 1,
15 | 2003, upon application to the department, payment of a \$20
16 | renewal fee, and documentation of the completion of a minimum
17 | of 12 hours approved continuous education courses, as defined
18 | by department rule, during the previous 3-year period.
19 | Applications for renewal must be made 30 calender days prior
20 | to expiration. Persons failing to renew prior to the
21 | expiration date must reapply and take a qualifier competency
22 | examination in order to reestablish category I liquefied
23 | petroleum gas dealer qualifier and liquefied petroleum gas
24 | installer qualifier status. In the event a category I
25 | liquefied petroleum gas qualifier or liquefied petroleum gas
26 | installer qualifier becomes a master qualifier at any time
27 | during the effective date of the qualifier card, the card
28 | shall remain in effect until expiration of the master
29 | qualifier certification.~~A vacancy in a qualifier position in~~
30 | ~~a business organization which results from the departure of~~
31 | ~~the qualifier shall be immediately reported to the department.~~

1 ~~In the event a business organization no longer possesses a~~
2 ~~duly designated qualifier, as required by this section, its~~
3 ~~liquefied petroleum gas licenses shall be suspended by order~~
4 ~~of the department after 20 working days and shall remain~~
5 ~~suspended until a competent qualifier has been retained. A~~
6 ~~vacancy in the qualifier position for a period of over 20~~
7 ~~working days shall be deemed to constitute an immediate threat~~
8 ~~to the public health, safety, and welfare. Failure to obtain a~~
9 ~~replacement qualifier within 60 days of the vacancy shall be~~
10 ~~grounds for revocation of licensure or eligibility for~~
11 ~~licensure.~~

12 ~~(c) Any individual's competency qualifications on file~~
13 ~~with the department may be transferred to any existing~~
14 ~~licenseholder, by written request to the department from the~~
15 ~~person so qualified. By request in writing to the department,~~
16 ~~any individual who has on file the competency examination~~
17 ~~requirement may use this evidence on file for a new license~~
18 ~~application. Effective June 30, 1993, all examinations are~~
19 ~~confidential and exempt from the provisions of s. 119.07(1).~~

20 (3) A qualifier for a business organization involved
21 in installation, repair, maintenance, or service of liquefied
22 petroleum gas appliances, equipment, or systems must actually
23 function in a supervisory capacity of other company employees
24 installing, repairing, maintaining, or servicing liquefied
25 petroleum gas appliances, equipment, or systems. A separate
26 qualifier shall be required for every 10 such employees.
27 Additional qualifiers are required for those business
28 organizations employing more than 10 employees that install,
29 repair, maintain, or service liquefied petroleum gas equipment
30 and systems.

31

1 (4) In addition to all other licensing requirements,
2 each category I liquefied petroleum gas dealer and liquefied
3 petroleum gas installer must, at the time of application for
4 licensure, identify to the department one master qualifier who
5 is a full-time employee at the licensed location. This person
6 shall be a manager, owner, or otherwise primarily responsible
7 for overseeing the operations of the licensed location and
8 must provide documentation to the department as provided by
9 rule. The master qualifier requirement shall be in addition to
10 the requirements of subsection (2).

11 (a) In order to apply for certification as a master
12 qualifier, each applicant must be a category I liquefied
13 petroleum gas dealer qualifier or liquefied petroleum gas
14 installer qualifier, must be employed by a licensed category I
15 liquefied petroleum gas dealer, liquefied petroleum gas
16 installer, or applicant for such license, and must pass a
17 master qualifier competency examination. Master qualifier
18 examinations shall be based on Florida's laws, rules, and
19 adopted codes governing liquefied petroleum gas safety,
20 general industry safety standards, and administrative
21 procedures. The examination must be successfully completed by
22 the applicant with a grade of 75 percent or more. Each
23 applicant for master qualifier status shall submit to the
24 department a nonrefundable \$30 examination fee prior to the
25 examination.

26 (b) Upon successful completion of the master qualifier
27 examination, the department shall issue the examinee a
28 certificate of master qualifier status which shall include the
29 name of the licensed company for which the master qualifier is
30 employed. A master qualifier may transfer from one
31

1 licenseholder to another upon becoming employed by the company
2 and providing a written request to the department.

3 (c) Master qualifier status shall expire 3 years after
4 the date of issuance of the certificate and may be renewed by
5 submission to the department of documentation of completion of
6 at least 12 hours of approved continuing education courses
7 during the 3-year period, proof of employment with a licensed
8 category I liquefied petroleum gas dealer, liquefied petroleum
9 gas installer, or applicant, and a \$30 certificate renewal
10 fee. The department shall define, by rule, approved courses of
11 continuing education.

12 (d) Each category I liquefied petroleum gas dealer or
13 liquefied petroleum gas installer licensed as of August 31,
14 2000, shall identify to the department one current category I
15 liquefied petroleum gas dealer qualifier or liquefied
16 petroleum gas installer qualifier who will be the designated
17 master qualifier for the licenseholder. Such individual must
18 provide proof of employment for 3 years or more within the
19 liquefied petroleum gas industry, and shall, upon approval of
20 the department, be granted a master qualifier certificate. All
21 other requirements with regard to master qualifier certificate
22 expiration, renewal, and continuing education shall apply.

23 (5) A vacancy in a qualifier or master qualifier
24 position in a business organization which results from the
25 departure of the qualifier shall be immediately reported to
26 the department. In the event a business organization no longer
27 possesses a duly designated qualifier, as required by this
28 section, its liquefied petroleum gas licenses shall be
29 suspended by order of the department after 20 working days and
30 shall remain suspended until a competent qualifier has been
31 retained. A vacancy in the qualifier position for a period of

1 more than 20 working days shall be deemed to constitute an
2 immediate threat to the public health, safety, and welfare.
3 Failure to obtain a replacement qualifier within 60 days of
4 the vacancy shall be grounds for revocation of licensure or
5 eligibility for licensure.

6 (6) Any individual having competency qualifications on
7 file with the department may request the transfer of such
8 qualifications to any existing licenseholder by making a
9 written request to the department for such transfer. Any
10 individual having a competency examination on file with the
11 department may use such examination for a new license
12 application after making application in writing to the
13 department. All examinations are confidential and exempt from
14 the provisions of s. 119.07(1).

15 (7)(4) If a duplicate license, or qualifier card, or
16 master qualifier certificate is requested by the licensee, a
17 fee of \$10 must be received before issuance of the duplicate
18 license or card. If a facsimile transmission of an original
19 license is requested, upon completion of the transmission a
20 fee of \$10 must be received by the department before the
21 original license may be mailed to the requester.

22 (8)(5) All revenues collected herein shall be
23 deposited in the General Inspection Trust Fund for the purpose
24 of administering the provisions of this chapter.

25 Section 3. Subsections (1) and (2) of section 527.04,
26 Florida Statutes, are amended to read:

27 527.04 Proof of insurance required.--

28 (1) Before any license is issued, except to a dealer
29 in appliances and equipment for use of liquefied petroleum gas
30 or a category III liquefied petroleum gas cylinder exchange
31 operator, the applicant must deliver to the department a good

1 and sufficient bond in the amount of \$1 million~~\$300,000~~,
2 payable to the Governor of Florida, with the applicant as
3 principal and a surety company authorized to do business in
4 this state as surety. The bond must be conditioned upon the
5 principal's compliance with the provisions of this chapter and
6 the rules of the department with respect to the conduct of
7 such business and shall indemnify and hold harmless all
8 persons from loss or damage by reason of the principal's
9 failure to comply. However, the aggregated liability of the
10 surety may not exceed \$1 million~~\$300,000~~. If the bond
11 becomes insufficient, the department may require a new bond to
12 be filed, and if the principal fails to do so, the department
13 shall cancel the license issued and give the principal written
14 notice that it is unlawful to engage in business without a
15 license. If the applicant furnishes satisfactory evidence
16 that he or she is covered by a primary policy of bodily injury
17 liability and property damage liability insurance covering the
18 products and operations with respect to such business, issued
19 by an insurer authorized to do business in the state, for an
20 amount not less than \$1 million~~\$300,000~~ and that the premiums
21 on such insurance are paid, an insurance affidavit or other
22 satisfactory evidence of acceptable insurance coverage shall
23 be accepted in lieu of the bond. A new bond is not required
24 as long as the original bond remains sufficient and in force.
25 If the licenseholder's insurance coverages as required by this
26 subsection are canceled or otherwise terminated, the insurer
27 must notify the department within 30 days after such
28 cancellation or termination.

29 (2) Before any license is issued to a class III
30 liquefied petroleum gas cylinder exchange operator, the
31 applicant must deliver to the department a good and sufficient

1 bond in the amount of \$300,000~~\$100,000~~, payable to the
2 Governor, with the applicant as principal and a surety company
3 authorized to do business in this state as surety. The bond
4 must be conditioned upon the principal's compliance with this
5 chapter and the rules of the department with respect to the
6 conduct of such business and must indemnify and hold harmless
7 all persons from loss or damage by reason of the principal's
8 failure to comply. However, the aggregated liability of the
9 surety may not exceed \$300,000~~\$100,000~~. If the bond becomes
10 insufficient, the department may require a new bond to be
11 filed, and if the principal fails to do so, the department
12 shall cancel the license and give the principal written notice
13 that it is unlawful to engage in business without a license.
14 If the applicant furnishes satisfactory evidence that he or
15 she is covered by a primary policy of bodily injury liability
16 and property damage liability insurance covering the products
17 and operations with respect to such business, issued by an
18 insurer authorized to do business in the state, for an amount
19 not less than \$300,000~~\$100,000~~ and that the premiums on such
20 insurance are paid, an insurance affidavit or other
21 satisfactory evidence of acceptable insurance coverage shall
22 be accepted in lieu of the bond. A new bond is not required
23 as long as the original bond remains sufficient and in force.
24 If the licenseholder's insurance coverages required by this
25 subsection are canceled or otherwise terminated, the insurer
26 must notify the department within 30 days after such
27 cancellation or termination.

28 Section 4. Subsection (4) of section 527.06, Florida
29 Statutes, is amended to read:

30 527.06 Rules.--

31

1 (4) Rules in substantial conformity with the published
2 standards in Title 49 of the Code of Federal Regulations
3 relative to liquefied petroleum gas pipelines shall be deemed
4 to be in substantial conformity with the generally accepted
5 standards of safety concerning the same subject matter.
6 Violation of any provision of the rules adopted pursuant to
7 this subsection may be enjoined under the provisions of s.
8 527.09. Any person who violates any provision of the rules
9 adopted pursuant to this subsection shall be subject to a
10 civil penalty not to exceed \$25,000~~\$1,000~~ for each such
11 violation for each day that such violation persists, except
12 that the maximum civil penalty shall not exceed \$500,000
13 ~~\$200,000~~, in aggregate, for any related series of violations.
14 Any such civil penalty may be compromised by the department.
15 In determining the amount of such penalty or the amount agreed
16 upon in compromise, the appropriateness of such penalty to the
17 size of the business of the person charged, the gravity of the
18 violation, and the good faith of the person charged in
19 attempting to achieve compliance after notification of a
20 violation shall be considered. Each penalty shall be a lien
21 upon the real and personal property of such person and
22 enforceable by the department as statutory liens under chapter
23 85, the proceeds of which shall be deposited in the General
24 Inspection Trust Fund, as provided in s. 527.02.

25 Section 5. Section 527.11, Florida Statutes, is
26 amended to read:

27 527.11 Minimum storage.--

28 (1) Every person who engages in the distribution of
29 liquefied petroleum gas for resale to domestic, commercial, or
30 industrial consumers as a prerequisite to obtaining a
31 liquefied petroleum gas license shall install a bulk storage

1 filling plant of not less than 18,000 ~~±2,000~~ gallons (water
2 capacity) within the state and shall be located within a
3 75-mile radius of the licensed company's business location.

4 (2) A dealer in liquefied petroleum gas licensed as of
5 August 31, 2000, category I liquefied petroleum gas dealer who
6 has entered or who enters into a written agreement with a
7 wholesaler that the wholesaler will provide liquefied
8 petroleum gas to the dealer for a period of 12 continuous
9 months is exempt from the requirements of subsection (1), if
10 the wholesaler has at least 18,000 ~~±2,000~~ gallons (water
11 capacity) of bulk storage within this state permanently
12 connected for storage, which is and used as such for each ~~such~~
13 dealer to whom gas is sold, and if the wholesaler has loading
14 and unloading provisions. Such dealer must provide
15 certification of this agreement on a form provided by the
16 department a copy of the written agreement to the department
17 before her or his license may be issued., ~~and~~ The form
18 agreement must be signed by both the wholesaler or his or her
19 agent and the dealer or his or her agent and must be submitted
20 annually with the license renewal application. A dealer who
21 does not provide written proof of minimum storage may have her
22 or his license denied, suspended, or revoked. No wholesaler
23 may enter into written agreements that allocate an amount of
24 storage that exceeds the wholesaler's total storage capacity
25 minus 18,000 gallons (water capacity). ~~However, no wholesaler~~
26 ~~shall be required under this section to have more than 300,000~~
27 ~~gallons (water capacity) of permanent bulk storage for her or~~
28 ~~his entire operations in the state.~~

29 (3) ~~An independent dealer who does not have a written~~
30 ~~contract with a supplier or wholesaler is exempt from the~~
31 ~~requirement of subsection (1); however, in lieu of the~~

1 ~~requirement set forth in subsection (1), such independent~~
2 ~~dealer must install a bulk storage tank with a capacity (water~~
3 ~~gallons) of not less than the total of liquefied petroleum gas~~
4 ~~sold by such dealer during the peak month of the preceding~~
5 ~~calendar year.~~

6 (3)~~(4)~~ A dealer in liquefied petroleum gas operating a
7 single dispensing unit for the sole purpose of direct product
8 sale to customers (no deliveries) or an operator of a cylinder
9 exchange unit with a total capacity of 2,000 gallons (water
10 capacity) or less is exempt from the requirements of this
11 section.

12 ~~(5) A "wholesaler" as used in this section is any~~
13 ~~person, as defined by s. 527.01(2), selling or offering to~~
14 ~~sell any liquefied petroleum gas for industrial, commercial,~~
15 ~~or domestic use to any person except the ultimate consumer.~~

16 Section 6. Subsection (4) of section 527.22, Florida
17 Statutes, is amended to read:

18 527.22 Florida Propane Gas Education, Safety, and
19 Research Council established; membership; duties and
20 responsibilities.--

21 (4) The council shall keep minutes, accounting
22 records, and other records as necessary to clearly reflect all
23 of the acts and transactions of the council and regularly
24 report such information to the commissioner, along with such
25 other information as the commissioner requires. ~~The accounting~~
26 ~~records of the council shall be audited by a certified public~~
27 ~~accountant at least once each fiscal year and at such other~~
28 ~~times as the council or the department designates. Copies of~~
29 ~~such audit shall be provided to the commissioner, to all~~
30 ~~members of the council, to each qualified industry~~
31 ~~organization upon request, and to the Auditor General. Copies~~

1 ~~shall be provided to other producers and dealers upon request.~~
2 All records of the council shall be kept on file with the
3 department, and these records and other documents about
4 matters within the jurisdiction of the council shall be
5 subject to the review and inspection of the department's
6 Inspector General, the Auditor General, and inspection by the
7 members of the council, or other interested parties upon
8 request. All records of the council are subject to the
9 provisions of s. 119.07.

10 Section 7. This act shall take effect July 1, 2000.
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LEGISLATIVE SUMMARY

Revises various provisions of ch. 527, F.S., relating to the sale of liquefied petroleum gas. Revises definitions and defines "category IV liquefied petroleum gas dispenser and recreational vehicle servicer" and "wholesaler" for purposes of the act. Includes category IV liquefied petroleum gas dispensers and recreational vehicle servicers within licensure and examination provisions of the chapter. Provides a penalty for operating without a license. Sets application and renewal fees for a category III liquefied petroleum gas cylinder exchange unit operators and category IV liquefied petroleum gas dispensers and recreational vehicle servicers. Provides for prorating of license fees under specified circumstances. Provides for transfer of licenses under specified conditions. Provides a \$50 license transfer fee. Provides period of validity for qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers. Provides for renewal of qualification. Requires category I liquefied petroleum gas dealers and liquefied petroleum gas installers to identify to the Department of Agriculture and Consumer Services a designated master qualifier. Establishes examination and certification requirements for master qualifiers. Requires dealers to report to the department any vacancy in a qualifier or master qualifier position. Provides for suspension of a dealer's license under specified circumstances. Provides grounds for revocation of license or eligibility. Provides for transfer of competency qualifications. Increases minimum requirements for insurance coverage. Increases civil penalties for violation of department rules. Increases minimum storage requirements for bulk storage filling plants. Requires that such plants be located within a 75-mile radius of a licensee's business location. Revises exemptions to such requirements and eliminates an exemption. Revises provisions with respect to audits and account records of the Florida Propane Gas Education, Safety, and Research Council and review and inspection of council records.