

By Senator Hargrett

21-712-00

1 A bill to be entitled
 2 An act relating to the sale of low-sulfur
 3 gasoline; creating ss. 526.40, 526.41, 526.42,
 4 F.S.; providing legislative findings and
 5 intent; providing definitions; providing
 6 requirements for sale of low-sulfur gasoline;
 7 authorizing the Department of Agriculture and
 8 Consumer Services to adopt certain rules;
 9 requiring the Department of Agriculture and
 10 Consumer Services and the Department of
 11 Environmental Protection to submit certain
 12 reports to the Legislature; providing an
 13 effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Sections 526.40, 526.41, and 526.42,
 18 Florida Statutes, are created to read:

19 526.40 Legislative findings and intent.--The
 20 Legislature has determined that a comprehensive approach is
 21 needed to protect the air quality and public health for
 22 residents of this state and visitors to this state. This
 23 comprehensive approach may include regulation and permitting
 24 of major stationary sources of air pollution, regulation of
 25 mobile sources of air pollution, including vehicle inspection
 26 programs, and requirements to use clean-burning low-sulphur
 27 fuels.

28 526.41 Definitions.--As used in ss. 526.40, 526.41,
 29 and 526.42, the term:
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1 (1) "Gasoline" means any motor fuel sold for use in
2 spark ignition engines and which is commonly or commercially
3 known or sold as gasoline, including oxygenated gasoline.

4 (2) "Importer" means any person who transports
5 gasoline from another state or a foreign country into this
6 state.

7 (3) "Producer" means any person who manufactures
8 gasoline in this state.

9 (4) "Retailer" means a person operating an
10 establishment at which motor fuel is sold or offered for sale
11 to an ultimate consumer.

12 (5) "Ultimate consumer" means a person who purchases
13 or obtains motor fuel for direct consumption in a motor
14 vehicle and who does not transfer or offer to transfer the
15 motor fuel to any other person after purchase or receipt.

16 526.42 Requirements for sale of low-sulfur gasoline.--

17 (1) Beginning January 1, 2004, the sulfur content of
18 all gasoline supplied by each producer or importer and
19 designated for use in this state may not exceed an annual
20 average of 30 ppm by weight and a per-gallon cap of 150 ppm by
21 weight. For each calendar year, the sulfur content must be
22 averaged on a volume-weighted basis over the pool of gasoline
23 supplied by the producer or importer in accordance with this
24 subsection.

25 (2) Beginning January 1, 2004, a person may not
26 produce, store, transport, supply, offer to supply, transfer
27 or otherwise handle, sell, offer for sale, or dispense
28 gasoline that does not meet the limits specified in this
29 section when tested in accordance with the test methods
30 authorized and specified in rules adopted by the Department of
31 Agriculture and Consumer Services, unless the gasoline is

1 segregated and clearly documented as not for sale or supply to
2 an ultimate consumer in this state.

3 (3) The Department of Agriculture and Consumer
4 Services may adopt rules under chapter 120 to provide
5 appropriate testing of gasoline products to determine
6 compliance with this section and to require appropriate
7 documentation on the transport, storage, and sale of gasoline
8 products to determine compliance with this section. The
9 department shall prepare and adopt those rules by January 1,
10 2003, and submit them to the Legislature for review during the
11 2003 Regular Session before the rules become effective on
12 January 1, 2004.

13 (4) The Department of Agriculture and Consumer
14 Services shall submit a report to the Legislature by December
15 1, 2002, describing the progress in administering this section
16 and recommending any additional changes in law needed to
17 administer this section.

18 (5) The Department of Environmental Protection, after
19 consultation with the U.S. Environmental Protection Agency,
20 shall submit a report to the Legislature by December 1, 2002,
21 on the potential benefits to urban and regional air quality of
22 establishing maximum and average allowable sulfur
23 concentrations for gasoline which are lower than the
24 concentration limitations specified in this section.

25 Section 2. This act shall take effect July 1, 2000.

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28 SENATE SUMMARY

29 Provides for the regulation of the sale of low-sulphur
30 gasoline in this state. Authorizes rulemaking by the
Department of Agriculture and Consumer Services. Requires
31 reports to the Legislature by the Department of
Agriculture and Consumer Services and the Department of
Environmental Protection.