

By the Committee on Agriculture and Consumer Services; and
Senator Hargrett

303-2041-00

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 necessary to protect the air quality and public health for
22 residents of and visitors to this state, consistent with
23 national primary and secondary ambient air quality standards.
24 This comprehensive approach may include regulation and
25 permitting of major stationary sources of air pollution;
26 regulation of mobile sources of air pollution, including
27 vehicle inspection programs; and requirements to use
28 clean-burning low-sulphur fuels.

29 526.41 Definitions.--As used in ss. 526.40, 526.41,
30 and 526.42, the term:

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1 (1) "Gasoline" means any motor fuel that is sold for
2 use in spark ignition engines and that is commonly or
3 commercially known or sold as gasoline, including oxygenated
4 gasoline.

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

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

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

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

17 526.42 Requirements for sale of low-sulfur gasoline.--

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

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

1 Agriculture and Consumer Services, unless the gasoline is
2 segregated and clearly documented as not for sale or supply to
3 an ultimate consumer in this state.

4 (3) The provisions of subsections (1) and (2) shall
5 become effective immediately upon approval by the U.S.
6 Environmental Protection Agency to amend Florida's State
7 Implementation Plan consistent herewith.

8 (4) The Department of Agriculture and Consumer
9 Services may adopt rules under chapter 120 to provide
10 appropriate testing of gasoline products to determine
11 compliance with this section and to require appropriate
12 documentation on the transport, storage, and sale of gasoline
13 products to determine compliance with this section. The
14 department shall prepare and adopt those rules by January 1,
15 2003, and submit them to the Legislature for review during the
16 2003 Regular Session before the rules become effective on
17 January 1, 2004.

18 (5) The Department of Agriculture and Consumer
19 Services shall submit a report to the Legislature by December
20 1, 2002, describing the progress in administering this section
21 and recommending any additional changes in law needed to
22 administer this section.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 922

Committee Substitute for Senate Bill 922 is different from
Senate Bill 922 in that it:

- * Clarifies legislative intent that a comprehensive approach is necessary to protect the air quality and public health for residents and visitors of this state consistent with national primary and secondary ambient air quality standards; and
- * Specifies that the bill's requirements for the sale of low-sulfur gasoline are to become effective immediately upon the United States Environmental Protection Agency's approval to amend Florida's State Implementation Plan.