

FINAL BILL ANALYSIS

BILL #: CS/SB 960

FINAL HOUSE FLOOR ACTION:
117 Y's 0 N's

SPONSOR: Sen. Bennett (Rep. Dorworth)

GOVERNOR'S ACTION: Approved

COMPANION BILLS: CS/HB 709; CS/CS/CS/HB 849; CS/CS/SB 396

SUMMARY ANALYSIS

CS/SB 960 passed the House on May 3, 2011. The bill was approved by the Governor on June 2, 2011, chapter 2011-106, Laws of Florida, and becomes effective July 1, 2011. The bill adopts LP gas container separation distances.

The Department of Agriculture and Consumer Service's (department's) Bureau of Liquefied Petroleum Gas Inspection (bureau) is the primary agency charged with the regulation of liquefied petroleum (LP) gas wherever the product is stored, distributed, transported and utilized in Florida. The bureau also has statutory authority¹ over the licensing, inspection, enforcement, accident investigation and training of LP gas in the state. The department, the Department of Community Affairs' Florida Building Code Commission (FBC), and the Department of Financial Services' Office of the State Fire Marshal (OSFM) each adhere to fire safety codes put forth by the National Fire Prevention Association (NFPA)² regarding the regulation of LP gas.

Recently, the NFPA approved a 2011 version of the NFPA 58 LP gas code which reduces the setback requirements for propane tanks³ from 10 feet to 5 feet from a building, adjoining property line, other petroleum tank, or any source of ignition. Current department rules mandate a 10-foot setback for propane tanks. The department has started the rule-making process to implement the new national standards. However, as a result of Executive Order 11-01,⁴ the FBC cannot commence with the rule making until the proposed rule is reviewed and approved by the Office of Fiscal Accountability and Regulatory Reform. Likewise, the OSFM has not yet initiated rule making.

This bill requires the department, the FBC, and the OSFM to enforce the same LP gas container separation distances as adopted in the 2011 version of the NFPA 58 gas code. The bill also provides that this statutory language related to the 2011 NFPA 58 gas code be repealed once the department, the FBC, and the OSFM have adopted, by rule, the minimum separation distances provided in the 2011 NFPA 58 gas code. The bill also amends the definition of "propane" to reflect the national standards.

The bill does not appear to have a fiscal impact on state or local governments. The footprint of cell phone towers and switching stations may be reduced, depending upon the tanks used to store the LP gas for the backup generators, resulting in a reduced cost for wireless companies.

¹ Chapter 527, F.S.

² NFPA 1, NFPA 54, and NFPA 58

(<http://www.nfpa.org/categoryList.asp?categoryID=124&URL=Codes%20&%20Standards>)

³ The set back only applies to stationary engine containers with a fill valve that has an integral manual shutoff value.

⁴ http://www.flgov.com/wp-content/uploads/2011/01/scott.eo_one_.pdf

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

The Department of Agriculture and Consumer Service's (department's) Bureau of Liquefied Petroleum Gas Inspection (bureau) is the primary agency charged with the regulation of liquefied petroleum (LP) gas wherever the product is stored, distributed, transported and used in Florida. The bureau also has statutory authority⁵ over the licensing, inspection, enforcement, accident investigation and training of LP gas in the state. The department, the Department of Community Affairs' Florida Building Code Commission (FBC) and the Department of Financial Services' Office of the State Fire Marshal (OSFM) each adhere to fire safety codes put forth by the National Fire Prevention Association (NFPA)⁶ regarding the regulation of LP gas.

Recently, the NFPA approved a 2011 version of the NFPA 58 LP gas code which reduces the setback requirements for propane tanks⁷ from 10 feet to 5 feet from a building, adjoining property line, other petroleum tank, or any source of ignition. Current department rules mandate a 10-foot setback for propane tanks. The department has started the rule-making process to implement the new national standards. However, as a result of Executive Order 11-01,⁸ the FBC cannot commence with the rule making until the proposed rule is reviewed and approved by the Office of Fiscal Accountability and Regulatory Reform. Likewise, the OSFM has not yet initiated rule making.

Many cell phone companies in the state use backup electrical generators at their cell tower sites and switching stations. These generators are usually powered by LP gas with tanks in excess of 125 gallons, thus falling under the purview of the 2011 version of the NFPA 58 LP gas code.

Effect of Proposed Changes

The bill requires the department, the FBC, and the OSFM to enforce the same LP gas container separation distances as adopted in the 2011 version of the NFPA 58 gas code. By enacting this legislation, the footprint of cell phone towers and switching stations may be reduced, depending upon the tanks used to store the LP gas for the backup generators. The bill also provides that this statutory language related to the 2011 NFPA 58 gas code be repealed once the department, the FBC, and the OSFM have adopted, by rule, the minimum separation distances provided in the 2011 NFPA 58 gas code.

The bill also amends the definition of "propane" to reflect the national standards.

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II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The footprint of cell phone towers and switching stations may be reduced, depending upon the tanks used to store the LP gas for the backup generators, and thus, resulting in a reduced cost for wireless companies.

D. FISCAL COMMENTS:

None