

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 902

INTRODUCER: Agriculture Committee; and Senator Brandes

SUBJECT: Sale of Liquid Fuels

DATE: March 4, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Fav/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 902 requires self-service gasoline stations to display a decal by July 1, 2015 on each pump with a phone number so that a person with a disabled parking permit or license plate can request service or assistance from the attendant. The bill requires the Department of Agriculture and Consumer Services (DACS) to apply the decals when inspecting a station and provide instructions to the operator for complying with these rules. It gives DACS rule-making authority to enforce the provisions of the bill.

This bill substantially amends s. 526.141 of the Florida Statutes.

II. Present Situation:

The American with Disabilities Act of 1990 (ADA) requires gas stations to provide assistance to persons with disabilities if two or more attendants are on duty. It suggests that the disabled person honk or otherwise signal the attendant to request service.¹ ADA rules, effective as of March 15, 2012, require newly constructed fuel pumps to have no operable parts more than 48

¹ <http://www.ada.gov/gasbrief.htm>

inches above the driving surface and require existing facilities to meet the 54 inch standard set in 1991.²

History has shown that these rules don't provide for satisfactory, equal access to customers with disabilities. Persons with disabilities may find it difficult to use the controls, hose, or nozzle of a self-serve pump. As a result, the disabled person might have to purchase the more expensive gas from a full-service pump or might not be able to purchase gas at all at a self-service only gasoline station.³ There have been complaints that honking the horn or waving a placard does not bring assistance for multiple reasons. While many major oil companies and gas station owners have installed "Call for Assistance" buttons, these buttons are not always accessible from the driver's seat.⁴

Florida statutes require every full-service gasoline station that offers self-service at a lesser cost to have an attendant to dispense gasoline for disabled motorists from the self-service pumps which must bear an 8 inch square decal informing the public of the availability of this service.⁵ The statutes require a self-service gasoline station to have one attendant on duty when it is open to the public, whose primary function does not include providing assistance to disabled persons.⁶ The National Association of Convenience Stores (NACS) reports that at the end of 2012, Florida had a total of 9,571 convenience stores and that, nationally, 80 percent of those convenience stores sell motor fuel, and 63 percent of those stores are mom and pop operations.⁷ An industry representative estimates that the percentage of convenience stores and gasoline stations in Florida that sell motor fuel using self-service pumps is well over 95 percent.⁸ DACS estimates that there are 35,000 motor-fuel, pump dispensers in the state for which it has inspection responsibility.

A number of local governments, seven or eight counties and one city, have signage ordinances that require a decal to be placed on the pumps with a phone number for disabled persons to call the station attendant for assistance, but the decal's size, placement, and information may not be uniform which can cause confusion for a disabled person who may be trying to get service at an unfamiliar station.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 526.141, F.S., to require self-service gasoline stations to display a decal by July 1, 2015 on each pump bearing a telephone number for an operator of a motor vehicle with a disabled parking permit or license to request service or assistance. It requires the decal to be placed on the front of each self-service pump near the inspection decal and it must have a blank

² <http://www.nmeda.com/drivers-with-disabilities/ada-has-new-rules-for-pumping-gas-for-people-with-disabilities/>.

³ [Http://www.ada.gov/gasserve.htm](http://www.ada.gov/gasserve.htm).

⁴ *Point Paper, Gas Pumping Assistance for People with Disabilities*, dated July 18, 2011 and prepared by Hillsborough County Veterans Council and provided by Sandra Sroka, ADA Coordinator/Acting HIPAA Compliance Officer, Hillsborough County Board of County Commissioners. Copy on file with Senate Agriculture Committee.

⁵ Section 526.141(5), F.S.

⁶ Section 526.141(3), F.S.

⁷ <http://www.nacsonline.com/NACS/News/FactSheets/ScopeofIndustry/Pages/IndustryStoreCount.aspx>.

⁸ Phone conversation on 2/26/2012 with Ned Bowman, Executive Director, The Florida Petroleum Marketers & Convenience Store Association.

⁹ Phone conversation on 2/27/2013 with Ben Ritter, Advocacy Director, Florida Gulf Coast Paralyzed Veterans of America.

space where the telephone number can be written. The bill requires DACS to apply the decals when inspecting a station and to provide instructions for complying with the decal regulations. The bill directs DACS to adopt rules to enforce and administer the provisions of the bill. It also makes technical and grammatical changes.

Section 2 provides that this act shall take effect July 1, 2013.

Other Potential Implications:

None.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Gasoline station owners or operators will have to assure that the decal required by the bill is displayed on each pump by July 1, 2015.

C. Government Sector Impact:

Based on its staffing level and inspection schedule, DACS estimates that it will take 18 months to complete the decal delivery process and that it will incur a one-time cost of \$15,000 to print the decals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on March 4, 2013:

The CS extends the time period for self-service gasoline stations to comply with the decal posting requirements to July 1, 2015 in order to allow DACS to apply the decals in its routine, 18-month inspection cycle.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
