

**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.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: CS/SB 422

INTRODUCER: Infrastructure and Security Committee and Senator Perry

SUBJECT: Recreational Vehicles

DATE: February 14, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Baird</u>	<u>Imhof</u>	<u>IT</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 422:

- Defines “recreational vehicle” (RV) to mean a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle;
- Requires the Department of Agriculture and Consumer Services (DACS) by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Requires the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs;
- Provides that any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I activities solely related to the service and repair of RVs; and
- Requires that, in order to apply for certification as a master qualifier, each applicant must meet certain experience or certification criteria, and employment and examination requirements.

The effective date of the bill is July 1, 2020.

**II. Present Situation:**

***Liquefied Petroleum Gas***

The Bureau of Compliance within the DACS is the primary agency charged with regulating the LP gas industry, including licensing, inspection, training, and examination requirements, in accordance with ch. 527, F.S. These responsibilities enable DACS to ensure that those persons engaged in LP gas-related business activities in this state are trained and that compliance with acceptable safety codes and standards is achieved statewide.<sup>1</sup>

LP gas is defined in statute as any material composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane; propylene; butanes (normal butane or isobutane); and butylenes.<sup>2</sup>

Propane, the most widely used LP gas, is an energy source for hotels, restaurants, schools, hospitals, nursing homes, universities, private homes, recreational vehicles, agricultural and industrial facilities, and is used as an alternative fuel for vehicles.<sup>3</sup>

***Business Licenses***

Current law provides licensing requirements for businesses that engage in certain LP gas-related activities, including sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities. The DACS is required to license applicants that it determines to be competent, qualified, and trustworthy. Violations for willfully operating without a license is a third degree felony.<sup>4</sup> The license categories and associated fees are as follows:<sup>5</sup>

<b><i>License Categories</i></b>	<b><i>License Fee Per Year</i></b>
Category I LP gas dealer	\$400
Category II LP gas dispenser	\$400
Category III LP gas cylinder exchange unit operator	\$65
Category IV dealer in appliances and equipment	\$65
Category V LP gas installer	\$200
Category VI miscellaneous operator	\$200

<sup>1</sup> Florida Department of Agriculture and Consumer Services, *Safe Dispensing of Propane, Propane Dispensing Unit Operator Training Manual*, <https://www.fdacs.gov/content/download/78592/file/Safe-Dispensing-of-Propane-Manual.pdf> (last visited Jan. 31, 2020).

<sup>2</sup> Section 527.01(1), F.S.

<sup>3</sup> Florida Department of Agriculture and Consumer Services, *supra* note 1, at 4.

<sup>4</sup> Section 527.02(1), F.S. A third degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine not to exceed \$5,000. *See* ss. 775.082 and 775.083, F.S.

<sup>5</sup> Section 527.02(2), F.S.

Licenses may elect to renew their license annually, biennially, or triennially, and are required to meet the same requirements and conditions, including fee amounts, for each licensed year. An expired license will become inoperative, and the fee for restoration of an expired license is equal to the original license fee, and must be paid before the licensee is allowed to resume operations.<sup>6</sup>

### *Training and Examinations*

DACS is responsible for enforcing reasonable standards of competency, including, but not limited to, the training, licensure, testing, and qualifying of persons participating in the LP gas industry.<sup>7</sup> DACS is also authorized to adopt rules that are:<sup>8</sup>

- In the interest of public health, safety, and welfare and to promote the safe handling of LP gas, equipment, and systems; and
- Reasonably necessary to assure the competence of persons to safely engage in the business of LP gas.

According to the DACS's website, training is required for all employees of an LP gas-related business, and refresher training must be conducted at three-year intervals.<sup>9</sup>

In addition, any person applying for a license to engage in category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) activities must prove competency by passing a written examination administered by DACS or its agent.<sup>10</sup>

The DACS does not currently have a rule that provides for a separate written competency examination process for licensees engaged in RV-related LP gas services or repairs that would be different than that taken by other types of applicants in a license category.

### *Qualifiers*

Each category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) licensee is required to employ a full-time employee who has received a qualifier certificate from the DACS. Qualifiers are required to function in a supervisory capacity, and a separate qualifier must be present for every ten employees.

An applicant for a qualifier certificate must:

- Be employed by a category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) licensee;
- Submit to the DACS a nonrefundable \$20 examination fee; and
- Pass a competency examination with a grade of 70 percent or above in each area tested.

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<sup>6</sup> Section 527.03, F.S.

<sup>7</sup> Section 527.055(1)(b), F.S.

<sup>8</sup> Section 527.06, F.S.

<sup>9</sup> Florida Department of Agriculture and Consumer Services, *LP Gas Training*, <https://www.fdacs.gov/Business-Services/LP-Gas-Inspection/LP-Gas-Training> (last visited Jan. 31, 2020).

<sup>10</sup> Section 527.0201(1), F.S.

Qualifier registration expires three years after the date of issuance. Qualifiers must renew their qualification 30 calendar days before expiration, upon:

- Application to the DACS;
- Payment of a \$20 renewal fee; and
- Documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by rule of the DACS, during the previous three-year period.

Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish qualifier status.<sup>11</sup>

### ***Master Qualifiers***

In addition to the qualifier requirements, each category I (LP gas dealer) and V (LP gas installer) licensee is required to have a manager, owner, or employee at each licensed location who has received a master qualifier certificate from the DACS. The master qualifier must be a manager, owner or someone otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the DACS.

An applicant for a master qualifier certificate must:<sup>12</sup>

- Be employed by a category I (LP gas dealer) or V (LP gas installer) licensee;
- Submit to the DACS a nonrefundable \$30 examination fee.
- Have been a registered qualifier for at least three years immediately preceding the application; and
- Pass a master qualifier competency examination with a grade of 70 percent or above in each area tested.

Master qualifier registration expires three years after the date of issuance. Master qualifier registration renewals may be renewed by submitting to DACS:<sup>13</sup>

- Proof of employment;
- Payment of a \$30 certificate renewal fee; and
- Documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous three-year period.

### ***Recreational Vehicle Dealers or installers***

Propane is widely used in RVs to regulate temperature, cook meals, provide hot water, and refrigerate food. Typically, motorized RVs have a fixed propane tank and towable RVs have a removable propane tank.<sup>14</sup> In Florida, the refilling, repairing, or replacing of propane gas and equipment must be completed by a properly trained employee of a licensed LP gas-related business.<sup>15</sup>

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<sup>11</sup> Section 527.0201(1)-(4), F.S.

<sup>12</sup> Section 527.0201(5), F.S.

<sup>13</sup> Section 527.0201(5)(c), F.S.

<sup>14</sup> Winnebagolife, *An Easy Guide to Finding Propane for Your RV*, <https://winnebagolife.com/2019/05/finding-propane-for-your-rv> (last visited Jan. 31, 2020).

<sup>15</sup> See ch. 527, F.S.

Prior to July 2018, RV dealers and installers were classified separately in Florida law as a “category IV LP gas dispenser and recreational vehicle servicer,” and were defined as:<sup>16</sup>

“any person engaging in the business of operating a liquefied petroleum gas dispensing unit for the purpose of serving liquid product to the ultimate consumer for industrial, commercial, or domestic use, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, and whose services include the installation, service, or repair of recreational vehicle liquefied petroleum gas appliances and equipment.”

RVs were defined as:<sup>17</sup>

“a motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.”

In order to engage in LP gas-related activities, category IV (LP gas dispenser and recreational vehicle servicer) businesses were required to obtain licensure from DACS by meeting all applicable requirements within the chapter of law governing the LP gas industry, including training, examination, initial and renewal license fees, insurance coverage, and qualifiers.<sup>18</sup>

However, legislation passed during the 2018 Legislative Session, effective July 2018, resulted in the category IV (LP gas dispenser and recreational vehicle servicer) license type being deleted from statute.<sup>19</sup>

Since July 2018, depending on the type of work being performed, a RV dealer/installer is now required to obtain either a category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) license, and meet all applicable licensing and examination requirements in order to operate lawfully in the state. Current law does not provide a separate LP gas license category specifically for RV dealers and installers.

According to the DACS, RV dealers and installers are required to obtain a category V (LP gas installer) license, and if the RV dealer/installer also dispenses LP gas, a category II (LP gas dispenser) license must also be obtained. In lieu of multiple licenses, RV dealers and installers may obtain a category I (LP gas dealer) license that allows them to perform both service and dispensing functions.<sup>20</sup>

According to the DACS, there are 50 licensed RV dealers and installers in the state.<sup>21</sup>

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<sup>16</sup> See s. 527.01(9), F.S. (2017).

<sup>17</sup> Section 527.01(7), F.S. (2017).

<sup>18</sup> See ch. 527, F.S. (2017).

<sup>19</sup> Ch. 2018-84, Laws of Fla.

<sup>20</sup> *Supra* note 1, p. 1.

<sup>21</sup> *Supra* note 1, p. 3.

### III. Effect of Proposed Changes:

The CS amends s. 527.01, F.S., to define an RV to mean a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

The CS amends s. 527.0201, F.S., to:

- Require the DACS by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Require the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs, which must include and ensure competency in the following activities as they relate to recreational vehicles:
  - Operating an LP gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;
  - Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of LP gas; and
  - Installing, servicing, or repairing LP gas for RV appliances and equipment.
- Allow any qualifier or master qualifier who has passed the category I RV dealer and installer examination to engage in category I (LP gas dealer) activities solely related to the service and repair of RVs; and
- Require that, in order to apply for certification as a master qualifier, each applicant must:
  - Have a minimum of 3 years of verifiable LP gas experience or hold a professional certification by an LP gas manufacturer as adopted by DACS rule immediately preceding submission of the application;
  - Must be employed by a licensed category I (LP gas dealer) or category V (LP gas installer) licensee or an applicant for such license; and
  - Must pass a master qualifier competency examination administered by the DACS or its agent.

The bill has an effective date of July 1, 2020.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 527.01 and 527.0201.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Infrastructure and Security on January 27, 2020:**

- Requires the DACS by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Requires the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs;
- Provides that any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I activities solely related to the service and repair of RVs; and

- Requires that, in order to apply for certification as a master qualifier, each applicant must meet certain experience or certification criteria, and employment and examination requirements.

**B. Amendments:**

None.

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

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