

By Senator Perry

8-00265-20

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1                   A bill to be entitled  
2       An act relating to recreational vehicles; amending s.  
3       527.01, F.S.; defining the terms "category VII  
4       liquefied petroleum gas dispenser and recreational  
5       vehicle servicer" and "recreational vehicle"; amending  
6       s. 527.0201, F.S.; requiring a category VII liquefied  
7       petroleum gas dispenser and recreational vehicle  
8       operator to pass a written examination administered by  
9       the department or its agent; authorizing the  
10      department to contract with not-for-profit, industry-  
11      specific trade associations for such examinations;  
12      amending s. 527.02, F.S.; conforming a cross-  
13      reference; providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:  
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17       Section 1. Section 527.01, Florida Statutes, is reordered  
18      and amended to read:

19       527.01 Definitions.—As used in this chapter:

20       (12)~~(1)~~ "Liquefied petroleum gas" means any material that  
21      ~~which~~ is composed predominantly of any of the following  
22      hydrocarbons, or mixtures of the same: propane, propylene,  
23      butanes (normal butane or isobutane), and butylenes.

24       (14)~~(2)~~ "Person" means any individual, firm, partnership,  
25      corporation, company, association, organization, or cooperative.

26       (8)~~(3)~~ "Consumer" means the person last purchasing  
27      liquefied petroleum gas in its liquid or vapor state for  
28      industrial, commercial, or domestic use.

29       (9)~~(4)~~ "Department" means the Department of Agriculture and

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30 Consumer Services.

31 (16)~~(5)~~ "Qualifier" means any person who has passed a  
32 competency examination administered by the department and is  
33 employed by a licensed category I, category II, or category V  
34 business.

35 (1)~~(6)~~ "Category I liquefied petroleum gas dealer" means  
36 any person selling or offering to sell by delivery or at a  
37 stationary location any liquefied petroleum gas to the consumer  
38 for industrial, commercial, or domestic use; any person leasing  
39 or offering to lease, or exchanging or offering to exchange, any  
40 apparatus, appliances, and equipment for the use of liquefied  
41 petroleum gas; any person installing, servicing, altering, or  
42 modifying apparatus, piping, tubing, appliances, and equipment  
43 for the use of liquefied petroleum or natural gas; any person  
44 installing carburetion equipment; or any person requalifying  
45 cylinders.

46 (2)~~(7)~~ "Category II liquefied petroleum gas dispenser"  
47 means any person engaging in the business of operating a  
48 liquefied petroleum gas dispensing unit for the purpose of  
49 serving liquid products to the consumer for industrial,  
50 commercial, or domestic use, and selling or offering to sell, or  
51 leasing or offering to lease, apparatus, appliances, and  
52 equipment for the use of liquefied petroleum gas, including  
53 maintaining a cylinder storage rack at the licensed business  
54 location for the purpose of storing cylinders filled by the  
55 licensed business for sale or use at a later date.

56 (3)~~(8)~~ "Category III liquefied petroleum gas cylinder  
57 exchange operator" means any person operating a storage facility  
58 used for the purpose of storing filled propane cylinders of not

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59 more than 43.5 pounds propane capacity or 104 pounds water  
60 capacity, while awaiting sale to the consumer, or a facility  
61 used for the storage of empty or filled containers that ~~which~~  
62 have been offered for exchange.

63 ~~(4)-(9)~~ "Category IV dealer in appliances and equipment"  
64 means any person selling or offering to sell, or leasing or  
65 offering to lease, apparatus, appliances, and equipment for the  
66 use of liquefied petroleum gas.

67 ~~(5)-(10)~~ "Category V LP gas installer" means any person who  
68 is engaged in the liquefied petroleum gas business and whose  
69 services include the installation, servicing, altering, or  
70 modifying of apparatus, piping, tubing, tanks, and equipment for  
71 the use of liquefied petroleum or natural gas and selling or  
72 offering to sell, or leasing or offering to lease, apparatus,  
73 appliances, and equipment for the use of liquefied petroleum or  
74 natural gas.

75 ~~(6)-(11)~~ "Category VI miscellaneous operator" means any  
76 person who is engaged in operation as a manufacturer of LP gas  
77 appliances and equipment; a fabricator, repairer, and tester of  
78 vehicles and cargo tanks; a requalifier of LP gas cylinders; or  
79 a pipeline system operator.

80 (7) "Category VII liquefied petroleum gas dispenser and  
81 recreational vehicle servicer" means a person who operates a  
82 liquefied petroleum gas dispensing unit to serve liquid product  
83 to a consumer for industrial, commercial, or domestic use, and  
84 sells or offers to sell, or leases or offers to lease,  
85 apparatus, appliances, and equipment for the use of liquefied  
86 petroleum gas, and whose services include the installation,  
87 service, or repair of recreational vehicle liquefied petroleum

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88 gas appliances and equipment.

89 (13)~~(12)~~ "Manufacturer of liquefied petroleum gas  
90 appliances and equipment" means any person in this state  
91 manufacturing and offering for sale or selling tanks, cylinders,  
92 or other containers and necessary appurtenances for use in the  
93 storage, transportation, or delivery of such gas to the  
94 consumer, or manufacturing and offering for sale or selling  
95 apparatus, appliances, and equipment for the use of liquefied  
96 petroleum gas to the consumer.

97 (19)~~(13)~~ "Wholesaler" means any person,~~as defined by~~  
98 ~~subsection (2),~~ selling or offering to sell any liquefied  
99 petroleum gas for industrial, commercial, or domestic use to any  
100 person except the consumer.

101 (17) "Recreational vehicle" means a motor vehicle that is  
102 designed to provide temporary living quarters for recreational,  
103 camping, or travel use and that has its own propulsion or is  
104 mounted on or towed by another motor vehicle.

105 (18)~~(14)~~ "Requalifier of cylinders" means any person  
106 involved in the retesting, repair, qualifying, or requalifying  
107 of liquefied petroleum gas tanks or cylinders manufactured under  
108 specifications of the United States Department of  
109 Transportation.

110 (10)~~(15)~~ "Fabricator, repairer, and tester of vehicles and  
111 cargo tanks" means any person involved in the hydrostatic  
112 testing, fabrication, repair, or requalifying of any motor  
113 vehicles or cargo tanks used for the transportation of liquefied  
114 petroleum gases, when such tanks are permanently attached to or  
115 forming a part of the motor vehicle.

116 (15)~~(16)~~ "Pipeline system operator" means any person who

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117 owns or operates a liquefied petroleum gas pipeline system that  
118 is used to transmit liquefied petroleum gas from a common source  
119 to the customer and that serves 10 or more customers.

120 (11)~~(17)~~ "License period" means the period 1 to 3 years  
121 from the issuance of the license.

122 Section 2. Subsection (1) of section 527.0201, Florida  
123 Statutes, is amended, and paragraph (c) is added to subsection  
124 (2) of that section, to read:

125 527.0201 Qualifiers; master qualifiers; examinations.-

126 (1) In addition to the requirements of s. 527.02, any  
127 person applying for a license to engage in category I, category  
128 II, ~~or~~ category V, or category VII activities must prove  
129 competency by passing a written examination administered by the  
130 department or its agent with a grade of 70 percent or above in  
131 each area tested. Each applicant for examination shall submit a  
132 \$20 nonrefundable fee. The department shall by rule specify the  
133 general areas of competency to be covered by each examination  
134 and the relative weight to be assigned in grading each area  
135 tested.

136 (2) Application for examination for competency may be made  
137 by an individual or by an owner, a partner, or any person  
138 employed by the license applicant. Upon successful completion of  
139 the competency examination, the department shall register the  
140 examinee.

141 (c) The department may contract with a not-for-profit,  
142 industry-specific trade association to conduct the training and  
143 examinations required by this section.

144 Section 3. Subsection (1) of section 527.02, Florida  
145 Statutes, is amended to read:

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146 527.02 License; penalty; fees.—

147 (1) It is unlawful for any person to engage in this state  
148 in the activities defined in s. 527.01(1)-(7) ~~s. 527.01(6)-(11)~~  
149 without first obtaining from the department a license to engage  
150 in one or more of these businesses. The sale of liquefied  
151 petroleum gas cylinders with a volume of 10 pounds water  
152 capacity or 4.2 pounds liquefied petroleum gas capacity or less  
153 is exempt from the requirements of this chapter. It is a felony  
154 of the third degree, punishable as provided in s. 775.082, s.  
155 775.083, or s. 775.084, to intentionally or willfully engage in  
156 any of said activities without first obtaining appropriate  
157 licensure from the department.

158 Section 4. This act shall take effect July 1, 2020.