

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Agriculture, Conservation
 2 & Resiliency Subcommittee
 3 Representative Smith offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (19) and (20) are added to section 527.01, Florida Statutes, to read:

527.01 Definitions.—As used in this chapter:

(19) "Licensed location" means the premises on which category I, category II, category III, category IV, category V, or category VI liquefied petroleum gas operations are performed, excluding remote bulk storage.

(20) "Remote bulk storage" means the location of liquefied petroleum gas stored for the sole purpose of filling delivery vehicles used in delivery to an end user.

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17 Section 2. Subsections (3), (4), and (5) of section
18 527.02, Florida Statutes, are renumbered as subsections (4),
19 (5), and (6), respectively, paragraph (d) is added to the newly
20 designated subsection (4), and a new subsection (3) is added to
21 that section to read:

22 527.02 License; penalty; fees.—

23 (3) Each remote bulk storage location of a category I
24 liquefied petroleum gas dealer must comply with the category I
25 liquefied petroleum gas dealer licensing requirements under
26 subsection (2).

27 (4)-(3)

28 (d) A category I liquefied petroleum gas dealer license
29 shall include one licensed location and may include up to two
30 remote bulk storage locations. Remote bulk storage locations
31 must be located within a 75-mile radius of the licensed location
32 and included in the category I liquefied petroleum gas dealer
33 license application.

34 Section 3. Subsections (2), (4), (5), and (7) of section
35 527.0201, Florida Statutes, are amended to read:

36 527.0201 Qualifiers; master qualifiers; examinations.—

37 (2) Application for examination for competency may be made
38 by an individual or by an owner, a partner, or any person
39 employed by the license applicant. The examination for
40 competency must be completed within 90 days after the
41 application has been accepted by the department. Upon successful

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42 completion of the competency examination, the department shall
43 register the examinee.

44 (a) Qualifier registration automatically expires if the
45 individual terminates active employment in the area of
46 examination for a period exceeding 24 months, or fails to
47 provide documentation of continuing education. If the qualifier
48 registration has expired, the individual must apply for and
49 successfully complete an examination by the department in order
50 to reestablish qualifier status.

51 (b) Every business organization in license category I,
52 category II, or category V shall employ at all times a full-time
53 qualifier who has successfully completed an examination in the
54 corresponding category of the license held by the business
55 organization. In order to apply for certification as a category
56 I or category V qualifier, each applicant must have a minimum of
57 1 year of verifiable LP gas experience. A person may not act as
58 a qualifier for more than one ~~licensed~~ location where the
59 liquefied petroleum gas activities described in ss. 527.01(6),
60 (7), or (10) are performed.

61 (4) A qualifier for a business must actually function in a
62 position with authority to monitor and enforce safety provisions
63 under this chapter at the licensed location ~~supervisory capacity~~
64 ~~of other company employees performing licensed activities.~~ A
65 separate qualifier shall be required for every 10 ~~such~~ employees
66 performing liquefied petroleum gas activities.

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67 (5) In addition to all other licensing requirements, each
68 category I and category V licensee must, at the time of
69 application for licensure, identify to the department one master
70 qualifier who is a full-time employee of the licensee at the
71 licensed location. This person shall be a manager, owner, or
72 otherwise primarily responsible for overseeing the operations of
73 the licensed location and must provide documentation to the
74 department as provided by rule. A person may not act as a master
75 qualifier for more than one license. The master qualifier
76 requirement shall be in addition to the requirements of
77 subsection (1).

78 (a) In order to apply for certification as a master
79 qualifier, each applicant must have a minimum of 3 years of
80 verifiable LP gas experience or hold a professional
81 certification by an LP gas manufacturer as adopted by department
82 rule immediately preceding submission of the application, must
83 be employed by a licensed category I or category V licensee or
84 an applicant for such license, and must pass a master qualifier
85 competency examination administered by the department or its
86 agent. Master qualifier examinations shall be based on Florida's
87 laws, rules, and adopted codes governing liquefied petroleum gas
88 safety, general industry safety standards, and administrative
89 procedures. The applicant must successfully pass the examination
90 with a grade of 70 percent or above. Each applicant for master

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91 | qualifier registration must submit to the department a
92 | nonrefundable \$30 examination fee before the examination.

93 | (b) Upon successful completion of the master qualifier
94 | examination, the department shall issue the examinee a master
95 | qualifier registration. A master qualifier may transfer from one
96 | licenseholder to another upon becoming employed by the company
97 | and providing a written request to the department.

98 | (c) A master qualifier registration expires 3 years after
99 | the date of issuance and may be renewed by submission to the
100 | department of documentation of completion of at least 16 hours
101 | of approved continuing education courses during the 3-year
102 | period; proof of employment; and a \$30 certificate renewal fee.
103 | The department shall define by rule approved courses of
104 | continuing education.

105 | (7) The department may deny, refuse to renew, suspend, or
106 | revoke any qualifier or master qualifier registration for any of
107 | the following causes:

108 | (a) Violation of any provision of this chapter or any rule
109 | or order of the department;

110 | (b) Falsification of records relating to the qualifier or
111 | master qualifier registration; ~~or~~

112 | (c) Failure to meet any of the renewal requirements; or

113 | (d) Demonstrating a lack of trustworthiness to engage in
114 | activities requiring a qualifier identification card as defined
115 | by department rule pursuant to s. 527.02(5).

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116 Section 4. Subsection (5) is added to section 527.055,
117 Florida Statutes, to read:

118 527.055 General powers and duties.—

119 (5) The department shall have the powers and authority to
120 condemn unsafe equipment and issue an immediate final order
121 requiring the immediate removal of liquefied petroleum gas from
122 storage that does not comply with this chapter and is deemed a
123 threat to the public health, safety, and welfare.

124 Section 5. Paragraph (b) of subsection (1) of section
125 527.0605, Florida Statutes, is amended to read:

126 527.0605 Liquefied petroleum gas bulk storage locations;
127 jurisdiction.—

128 (1) The provisions of this chapter apply to liquefied
129 petroleum gas bulk storage locations when:

130 (b) The aggregate container capacity of the bulk storage
131 location is more than 4,000 gallons ~~or more~~; or

132 Section 6. Subsections (2) and (3) of section 527.067,
133 Florida Statutes, are renumbered as subsections (3) and (4),
134 respectively, and a new subsection (2) is added to that section
135 to read:

136 527.067 Responsibilities of persons engaged in servicing
137 liquefied petroleum gas equipment and systems and consumers, end
138 users, or owners of liquefied petroleum gas equipment or
139 systems.—

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140 (2) All persons engaged in the business of servicing,
141 testing, repairing, maintaining, or installing liquefied
142 petroleum gas equipment and systems shall include on all work
143 orders, invoices, or similar documents the name of the person
144 performing the work and the applicable qualifier number.

145 Section 7. Section 527.07, Florida Statutes, is amended to
146 read:

147 527.07 Restriction on use of containers.—

148 (1) A person, other than the owner and those authorized by
149 the owner, may not sell, fill, refill, remove gas from, deliver,
150 permit to be delivered, or use in any manner any liquefied
151 petroleum gas container or receptacle for any gas or compound,
152 or for any other purpose.

153 (2) A person, other than those authorized by the end user,
154 may not add gas to or remove gas from any container or
155 receptacle that contains liquefied petroleum gas purchased or
156 contracted for transfer by, and in the lawful possession of, the
157 end user. The department shall adopt rules to provide exceptions
158 for emergencies.

159 Section 8. Subsections (1) and (2) of section 527.11,
160 Florida Statutes, are amended to read:

161 527.11 Minimum storage.—

162 (1) Every person who engages in the distribution of
163 liquefied petroleum gas for resale to domestic, commercial, or
164 industrial consumers as a prerequisite to obtaining a liquefied

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165 petroleum gas license shall install, own, or lease a bulk
166 storage with an aggregate capacity ~~filling plant~~ of not less
167 than 18,000 gallons (water capacity) within the state ~~and shall~~
168 ~~be located within a 75-mile radius of the licensed company's~~
169 ~~business location.~~ The ~~This~~ bulk storage ~~filling plant~~ must have
170 loading and unloading provisions solely for the licenseholder
171 and be operated and maintained in compliance with this chapter
172 for the duration of the license.

173 (2) ~~A dealer in liquefied petroleum gas licensed as of~~
174 ~~August 31, 2000, who has entered or who enters into a written~~
175 ~~agreement with a wholesaler that the wholesaler will provide~~
176 ~~liquefied petroleum gas to the dealer for a period of 12~~
177 ~~continuous months is exempt from the requirements of subsection~~
178 ~~(1), if the wholesaler has at least 18,000 gallons (water~~
179 ~~capacity) of bulk storage within this state permanently~~
180 ~~connected for storage, which is used as such for each dealer to~~
181 ~~whom gas is sold, and if the wholesaler has loading and~~
182 ~~unloading provisions. Such dealer must provide certification of~~
183 ~~this agreement on a form provided by the department to the~~
184 ~~department before her or his license may be issued. The form~~
185 ~~must be signed by both the wholesaler or his or her agent and~~
186 ~~the dealer or his or her agent and must be submitted annually~~
187 ~~with the license renewal application.~~ A dealer who does not
188 provide written proof of minimum storage may have her or his
189 license denied, suspended, or revoked. A dealer or wholesaler

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190 may not enter into written agreements that allocate an amount of
191 storage that exceeds the dealer's or wholesaler's total storage
192 capacity minus 18,000 gallons (water capacity).

193 Section 9. This act shall take effect July 1, 2024.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

198

An act relating to the sale of liquefied petroleum gas;

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amending s. 527.01, F.S.; providing definitions; amending

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s. 527.02, F.S.; requiring certain remote bulk storage

201

locations to comply with specified requirements; amending

202

s. 527.0201, F.S.; requiring qualifier examinations to be

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completed within a specified timeframe; providing

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eligibility criteria for certain qualifier certification;

205

prohibiting a person from acting as a qualifier for more

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than one location where specified liquefied petroleum gas

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activities are performed; requiring qualifiers to function

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in a position with specified authority; prohibiting a

209

person from acting as a master qualifier for more than one

210

licensee; specifying when the Department of Agriculture and

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Consumer Services may take action as to a qualifier's or

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master qualifier's license; amending s. 527.055, F.S.;

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authorizing the department to condemn unsafe equipment and

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issue an immediate final order requiring the immediate

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215 removal of liquefied petroleum gas from certain bulk
216 storage; amending s. 527.0605, F.S.; revising the
217 applicability of specified provisions for bulk storage
218 locations; amending s. 527.067, F.S.; requiring persons
219 servicing, testing, repairing, maintaining, or installing
220 liquefied petroleum gas equipment and systems to include
221 specified information on all work orders, invoices, and
222 similar documents; amending s. 527.07, F.S.; prohibiting
223 unauthorized persons from adding liquefied petroleum gas to
224 or removing liquefied petroleum gas from certain containers
225 and receptacles; requiring the department to adopt
226 specified rules; amending s. 527.11, F.S.; revising minimum
227 bulk storage requirements for liquefied petroleum gas
228 licenses; removing an exemption from such requirements;
229 prohibiting dealers from entering into certain agreements;
230 providing an effective date.