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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete 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,



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11 excluding remote bulk storage.

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

15 Section 2. Present subsections (3), (4), and (5) of section
16 527.02, Florida Statutes, are redesignated as subsections (4),
17 (5), and (6), respectively, a new subsection (3) is added to
18 that section, and paragraph (d) is added to present subsection
19 (3) of that section, to read:

20 527.02 License; penalty; fees.—

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

25 (4) ~~(3)~~

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

32 Section 3. Subsections (2), (4), (5), and (7) of section
33 527.0201, Florida Statutes, are amended to read:

34 527.0201 Qualifiers; master qualifiers; examinations.—

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



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40 completion of the competency examination, the department shall
41 register the examinee.

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

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

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

65 (5) In addition to all other licensing requirements, each
66 category I and category V licensee must, at the time of
67 application for licensure, identify to the department one master
68 qualifier who is a full-time employee of the licensee at the



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69 licensed location. This person shall be a manager, owner, or
70 otherwise primarily responsible for overseeing the operations of
71 the licensed location and must provide documentation to the
72 department as provided by rule. A person may not act as a master
73 qualifier for more than one license. The master qualifier
74 requirement shall be in addition to the requirements of
75 subsection (1).

76 (a) In order to apply for certification as a master
77 qualifier, each applicant must have a minimum of 3 years of
78 verifiable LP gas experience or hold a professional
79 certification by an LP gas manufacturer as adopted by department
80 rule immediately preceding submission of the application, must
81 be employed by a licensed category I or category V licensee or
82 an applicant for such license, and must pass a master qualifier
83 competency examination administered by the department or its
84 agent. Master qualifier examinations shall be based on Florida's
85 laws, rules, and adopted codes governing liquefied petroleum gas
86 safety, general industry safety standards, and administrative
87 procedures. The applicant must successfully pass the examination
88 with a grade of 70 percent or above. Each applicant for master
89 qualifier registration must submit to the department a
90 nonrefundable \$30 examination fee before the examination.

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

96 (c) A master qualifier registration expires 3 years after
97 the date of issuance and may be renewed by submission to the



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98 department of documentation of completion of at least 16 hours
99 of approved continuing education courses during the 3-year
100 period; proof of employment; and a \$30 certificate renewal fee.
101 The department shall define by rule approved courses of
102 continuing education.

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

106 (a) Violation of any provision of this chapter or any rule
107 or order of the department;

108 (b) Falsification of records relating to the qualifier or
109 master qualifier registration; ~~or~~

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

111 (d) Demonstration of a lack of trustworthiness to engage in
112 activities requiring a qualifier identification card as defined
113 by department rule pursuant to s. 527.02(5).

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

116 527.055 General powers and duties.—

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

122 Section 5. Paragraph (b) of subsection (1) of section
123 527.0605, Florida Statutes, is amended to read:

124 527.0605 Liquefied petroleum gas bulk storage locations;
125 jurisdiction.—

126 (1) The provisions of this chapter apply to liquefied



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127 petroleum gas bulk storage locations when:

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

130 Section 6. Present subsections (2) and (3) of section
131 527.067, Florida Statutes, are redesignated as subsections (3)
132 and (4), respectively, and a new subsection (2) is added to that
133 section, to read:

134 527.067 Responsibilities of persons engaged in servicing
135 liquefied petroleum gas equipment and systems and consumers, end
136 users, or owners of liquefied petroleum gas equipment or
137 systems.—

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

143 Section 7. Section 527.07, Florida Statutes, is amended to
144 read:

145 527.07 Restriction on use of containers.—

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

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



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156 for emergencies.

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

159 527.11 Minimum storage.—

160 (1) Every person who engages in the distribution of
161 liquefied petroleum gas for resale to domestic, commercial, or
162 industrial consumers as a prerequisite to obtaining a liquefied
163 petroleum gas license shall install, own, or lease a bulk
164 storage with an aggregate capacity ~~filling plant~~ of not less
165 than 18,000 gallons (water capacity) within the state ~~and shall~~
166 ~~be located within a 75-mile radius of the licensed company's~~
167 ~~business location.~~ This bulk storage ~~filling plant~~ must have
168 loading and unloading provisions solely for the licenseholder
169 and be operated and maintained in compliance with this chapter
170 for the duration of the license.

171 (2) ~~A dealer in liquefied petroleum gas licensed as of~~
172 ~~August 31, 2000, who has entered or who enters into a written~~
173 ~~agreement with a wholesaler that the wholesaler will provide~~
174 ~~liquefied petroleum gas to the dealer for a period of 12~~
175 ~~continuous months is exempt from the requirements of subsection~~
176 ~~(1), if the wholesaler has at least 18,000 gallons (water~~
177 ~~capacity) of bulk storage within this state permanently~~
178 ~~connected for storage, which is used as such for each dealer to~~
179 ~~whom gas is sold, and if the wholesaler has loading and~~
180 ~~unloading provisions. Such dealer must provide certification of~~
181 ~~this agreement on a form provided by the department to the~~
182 ~~department before her or his license may be issued. The form~~
183 ~~must be signed by both the wholesaler or his or her agent and~~
184 ~~the dealer or his or her agent and must be submitted annually~~



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185 ~~with the license renewal application.~~ A dealer who does not
186 provide written proof of minimum storage may have her or his
187 license denied, suspended, or revoked. A dealer or wholesaler
188 may not enter into written agreements that allocate an amount of
189 storage that exceeds the dealer's or wholesaler's total storage
190 capacity minus 18,000 gallons (water capacity).

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

192
193 ===== T I T L E A M E N D M E N T =====

194 And the title is amended as follows:

195 Delete everything before the enacting clause
196 and insert:

197 A bill to be entitled

198 An act relating to the sale of liquefied petroleum
199 gas; amending s. 527.01, F.S.; providing definitions;
200 amending s. 527.02, F.S.; requiring certain remote
201 bulk storage locations to comply with specified
202 requirements; providing requirements for certain
203 licenses; amending s. 527.0201, F.S.; requiring
204 qualifier examinations to be completed within a
205 specified timeframe; providing eligibility criteria
206 for certain qualifier certification; prohibiting a
207 person from acting as a qualifier for more than one
208 location where certain liquefied petroleum gas
209 activities are performed; providing requirements for
210 qualifiers; prohibiting a person from acting as a
211 master qualifier for more than one license; providing
212 a condition under which the Department of Agriculture
213 and Consumer Services may deny, refuse to renew,



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214 suspend, or revoke a qualifier or master qualifier
215 registration; amending s. 527.055, F.S.; authorizing
216 the department to condemn unsafe equipment and issue
217 certain orders requiring the immediate removal of
218 liquefied petroleum gas from certain storage; amending
219 s. 527.0605, F.S.; revising the applicability of
220 specified provisions for bulk storage locations;
221 amending s. 527.067, F.S.; requiring persons
222 servicing, testing, repairing, maintaining, or
223 installing liquefied petroleum gas equipment and
224 systems to include specified information on all work
225 orders, invoices, and similar documents; amending s.
226 527.07, F.S.; prohibiting unauthorized persons from
227 adding gas to or removing gas from certain containers
228 and receptacles; requiring the department to adopt
229 specified rules; amending s. 527.11, F.S.; revising
230 minimum bulk storage requirements for liquefied
231 petroleum gas licenses; removing an exemption from
232 such requirements; prohibiting dealers from entering
233 into certain agreements; providing an effective date.