

By Senator Collins

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1 A bill to be entitled
2 An act relating to the sale of liquefied petroleum
3 gas; amending s. 527.01, F.S.; defining the terms
4 "licensed location" and "remote bulk storage";
5 amending s. 527.02, F.S.; authorizing up to two remote
6 bulk storage locations for specified licenses;
7 requiring such bulk storage locations to be located
8 within a specified distance of the licensed location;
9 amending s. 527.0201, F.S.; requiring that competency
10 examinations be completed within a specified
11 timeframe; providing eligibility criteria for
12 certification as a qualifier; prohibiting a person
13 from acting as a qualifier for more than one remote
14 bulk storage location; requiring qualifiers to
15 function in a position with specified authority;
16 prohibiting a person from acting as a master qualifier
17 for more than one licensee; amending s. 527.055, F.S.;
18 authorizing the Department of Agriculture and Consumer
19 Services to condemn unsafe equipment and order the
20 immediate removal of liquefied petroleum gas from
21 certain bulk storage locations; amending s. 527.0605,
22 F.S.; revising the applicability of specified
23 provisions for bulk storage locations; amending s.
24 527.067, F.S.; requiring persons servicing, testing,
25 repairing, maintaining, or installing liquefied
26 petroleum gas equipment and systems to include
27 specified information on certain documents; amending
28 s. 527.07, F.S.; prohibiting unauthorized persons from
29 adding liquefied petroleum gas to or removing

14-00349-24

2024998__

liquefied petroleum gas from certain containers and receptacles; amending s. 527.11, F.S.; revising minimum bulk storage requirements for liquefied petroleum gas licenses; removing an exemption from such requirements; prohibiting dealers from entering into certain agreements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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.

(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.

Section 2. Paragraph (d) is added to subsection (3) of section 527.02, Florida Statutes, to read:

527.02 License; penalty; fees.—

(3)

(d) A category I liquefied petroleum gas dealer license may include up to two remote bulk storage locations to meet the minimum bulk storage requirements of s. 527.11. Remote bulk storage locations must be located within 75 miles of the licensed location and included in the category I liquefied petroleum gas dealer license application.

Section 3. Subsections (2), (4), and (5) of section

14-00349-24

2024998__

59 527.0201, Florida Statutes, are amended to read:

60 527.0201 Qualifiers; master qualifiers; examinations.-

61 (2) Application for examination for competency may be made
62 by an individual or by an owner, a partner, or any person
63 employed by the license applicant. The examination for
64 competency must be completed within 90 days after the
65 application has been accepted by the department. Upon successful
66 completion of the competency examination, the department shall
67 register the examinee.

68 (a) Qualifier registration automatically expires if the
69 individual terminates active employment in the area of
70 examination for a period exceeding 24 months, or fails to
71 provide documentation of continuing education. If the qualifier
72 registration has expired, the individual must apply for and
73 successfully complete an examination by the department in order
74 to reestablish qualifier status.

75 (b) Every business organization in license category I,
76 category II, or category V shall employ at all times a full-time
77 qualifier who has successfully completed an examination in the
78 corresponding category of the license held by the business
79 organization. In order to apply for certification as a
80 qualifier, each applicant must have a minimum of 1 year of
81 verifiable LP gas experience. A person may not act as a
82 qualifier for more than one licensed or remote bulk storage
83 location.

84 (4) A qualifier for a business must actually function in a
85 position with authority to monitor and enforce safety provisions
86 under this chapter at the licensed location ~~supervisory capacity~~
87 ~~of other company employees performing licensed activities.~~ A

14-00349-24

2024998__

88 separate qualifier shall be required for every 10 such
89 employees.

90 (5) In addition to all other licensing requirements, each
91 category I and category V licensee must, at the time of
92 application for licensure, identify to the department one master
93 qualifier who is a full-time employee of the licensee ~~at the~~
94 ~~licensed location~~. This person shall be a manager, an owner, or
95 otherwise primarily responsible for overseeing the operations of
96 the licensed location and must provide documentation to the
97 department as provided by rule. A person may not act as a master
98 qualifier for more than one licensee. The master qualifier
99 requirement shall be in addition to the requirements of
100 subsection (1).

101 (a) In order to apply for certification as a master
102 qualifier, each applicant must have a minimum of 3 years of
103 verifiable LP gas experience or hold a professional
104 certification by an LP gas manufacturer as adopted by department
105 rule immediately preceding submission of the application, must
106 be employed by a licensed category I or category V licensee or
107 an applicant for such license, and must pass a master qualifier
108 competency examination administered by the department or its
109 agent. Master qualifier examinations shall be based on Florida's
110 laws, rules, and adopted codes governing liquefied petroleum gas
111 safety, general industry safety standards, and administrative
112 procedures. The applicant must successfully pass the examination
113 with a grade of 70 percent or above. Each applicant for master
114 qualifier registration must submit to the department a
115 nonrefundable \$30 examination fee before the examination.

116 (b) Upon successful completion of the master qualifier

14-00349-24

2024998__

117 examination, the department shall issue the examinee a master
118 qualifier registration. A master qualifier may transfer from one
119 licenseholder to another upon becoming employed by the company
120 and providing a written request to the department.

121 (c) A master qualifier registration expires 3 years after
122 the date of issuance and may be renewed by submission to the
123 department of documentation of completion of at least 16 hours
124 of approved continuing education courses during the 3-year
125 period; proof of employment; and a \$30 certificate renewal fee.
126 The department shall define by rule approved courses of
127 continuing education.

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

130 527.055 General powers and duties.—

131 (5) The department shall have the powers and authority to
132 condemn unsafe equipment and order the immediate removal of
133 liquefied petroleum gas from storage that does not comply with
134 this chapter and is deemed a threat to the public health,
135 safety, and welfare.

136 Section 5. Subsection (1) of section 527.0605, Florida
137 Statutes, is amended to read:

138 527.0605 Liquefied petroleum gas bulk storage locations;
139 jurisdiction.—

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

142 (a) A single container in the bulk storage location has a
143 capacity of 2,000 gallons or more;

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

14-00349-24

2024998__

146 (c) A container or containers are installed for the purpose
147 of serving the public the liquid product.

148 Section 6. Present subsections (2) and (3) of section
149 527.067, Florida Statutes, are redesignated as subsections (3)
150 and (4), respectively, and a new subsection (2) is added to that
151 section, to read:

152 527.067 Responsibilities of persons engaged in servicing
153 liquefied petroleum gas equipment and systems and consumers, end
154 users, or owners of liquefied petroleum gas equipment or
155 systems.-

156 (2) All persons engaged in the business of servicing,
157 testing, repairing, maintaining, or installing liquefied
158 petroleum gas equipment and systems shall include on all work
159 orders, estimates, invoices, and similar documentation the name,
160 qualifier number, and license number of the person performing
161 the work.

162 Section 7. Section 527.07, Florida Statutes, is amended to
163 read:

164 527.07 Restriction on use of containers.-

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

170 (2) A person, other than those authorized by the end user,
171 may not add gas to or remove gas from any container or
172 receptacle that contains liquefied petroleum gas purchased or
173 contracted for transfer by, and in the lawful possession of, the
174 end user.

14-00349-24

2024998__

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

177 527.11 Minimum storage.—

178 (1) Every person who engages in the distribution of
179 liquefied petroleum gas for resale to domestic, commercial, or
180 industrial consumers as a prerequisite to obtaining a liquefied
181 petroleum gas license shall install, own, or lease a bulk
182 storage with an aggregate capacity filling plant of not less
183 than 18,000 gallons (water capacity) within this the state and
184 ~~shall be located within a 75-mile radius of the licensed~~
185 ~~company's business location. The~~ This bulk storage ~~filling plant~~
186 must have loading and unloading provisions solely for the
187 licenseholder and be operated and maintained in compliance with
188 this chapter for the duration of the license.

189 (2) ~~A dealer in liquefied petroleum gas licensed as of~~
190 ~~August 31, 2000, who has entered or who enters into a written~~
191 ~~agreement with a wholesaler that the wholesaler will provide~~
192 ~~liquefied petroleum gas to the dealer for a period of 12~~
193 ~~continuous months is exempt from the requirements of subsection~~
194 ~~(1), if the wholesaler has at least 18,000 gallons (water~~
195 ~~capacity) of bulk storage within this state permanently~~
196 ~~connected for storage, which is used as such for each dealer to~~
197 ~~whom gas is sold, and if the wholesaler has loading and~~
198 ~~unloading provisions. Such dealer must provide certification of~~
199 ~~this agreement on a form provided by the department to the~~
200 ~~department before her or his license may be issued. The form~~
201 ~~must be signed by both the wholesaler or his or her agent and~~
202 ~~the dealer or his or her agent and must be submitted annually~~
203 ~~with the license renewal application. A dealer who does not~~

14-00349-24

2024998__

204 provide written proof of minimum storage may have her or his
205 license denied, suspended, or revoked. A dealer or wholesaler
206 may not enter into written agreements that allocate an amount of
207 storage that exceeds the dealer's or wholesaler's total storage
208 capacity minus 18,000 gallons (water capacity).

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