

By the Committee on Fiscal Policy; and 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.; providing definitions;
4 amending s. 527.02, F.S.; requiring certain remote
5 bulk storage locations to comply with specified
6 requirements; providing requirements for certain
7 licenses; amending s. 527.0201, F.S.; requiring
8 qualifier examinations to be completed within a
9 specified timeframe; providing eligibility criteria
10 for certain qualifier certification; prohibiting a
11 person from acting as a qualifier for more than one
12 location where certain liquefied petroleum gas
13 activities are performed; providing requirements for
14 qualifiers; prohibiting a person from acting as a
15 master qualifier for more than one license; providing
16 a condition under which the Department of Agriculture
17 and Consumer Services may deny, refuse to renew,
18 suspend, or revoke a qualifier or master qualifier
19 registration; amending s. 527.055, F.S.; authorizing
20 the department to condemn unsafe equipment and issue
21 certain orders requiring the immediate removal of
22 liquefied petroleum gas from certain storage; amending
23 s. 527.0605, F.S.; revising the applicability of
24 specified provisions for bulk storage locations;
25 amending s. 527.067, F.S.; requiring persons
26 servicing, testing, repairing, maintaining, or
27 installing liquefied petroleum gas equipment and
28 systems to include specified information on all work
29 orders, invoices, and similar documents; amending s.

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30 527.07, F.S.; prohibiting unauthorized persons from
31 adding gas to or removing gas from certain containers
32 and receptacles; requiring the department to adopt
33 specified rules; amending s. 527.11, F.S.; revising
34 minimum bulk storage requirements for liquefied
35 petroleum gas licenses; removing an exemption from
36 such requirements; prohibiting dealers from entering
37 into certain agreements; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Subsections (19) and (20) are added to section
42 527.01, Florida Statutes, to read:

43 527.01 Definitions.—As used in this chapter:

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

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

51 Section 2. Present subsections (3), (4), and (5) of section
52 527.02, Florida Statutes, are redesignated as subsections (4),
53 (5), and (6), respectively, a new subsection (3) is added to
54 that section, and paragraph (d) is added to present subsection
55 (3) of that section, to read:

56 527.02 License; penalty; fees.—

57 (3) Each remote bulk storage location of a category I
58 liquefied petroleum gas dealer must comply with the category I

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59 liquefied petroleum gas dealer licensing requirements under
60 subsection (2).

61 (4)~~(3)~~

62 (d) A category I liquefied petroleum gas dealer license
63 shall include one licensed location and may include up to two
64 remote bulk storage locations. Remote bulk storage locations
65 must be located within a 75-mile radius of the licensed location
66 and included in the category I liquefied petroleum gas dealer
67 license application.

68 Section 3. Subsections (2), (4), (5), and (7) of section
69 527.0201, Florida Statutes, are amended to read:

70 527.0201 Qualifiers; master qualifiers; examinations.—

71 (2) Application for examination for competency may be made
72 by an individual or by an owner, a partner, or any person
73 employed by the license applicant. The examination for
74 competency must be completed within 90 days after the
75 application has been accepted by the department. Upon successful
76 completion of the competency examination, the department shall
77 register the examinee.

78 (a) Qualifier registration automatically expires if the
79 individual terminates active employment in the area of
80 examination for a period exceeding 24 months, or fails to
81 provide documentation of continuing education. If the qualifier
82 registration has expired, the individual must apply for and
83 successfully complete an examination by the department in order
84 to reestablish qualifier status.

85 (b) Every business organization in license category I,
86 category II, or category V shall employ at all times a full-time
87 qualifier who has successfully completed an examination in the

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88 corresponding category of the license held by the business
89 organization. In order to apply for certification as a category
90 I or category V qualifier, each applicant must have a minimum of
91 1 year of verifiable LP gas experience. A person may not act as
92 a qualifier for more than one ~~licensed~~ location where liquefied
93 petroleum gas activities described in s. 527.01(6), (7), or (10)
94 are performed.

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

101 (5) In addition to all other licensing requirements, each
102 category I and category V licensee must, at the time of
103 application for licensure, identify to the department one master
104 qualifier who is a full-time employee of the licensee at the
105 licensed location. This person shall be a manager, owner, or
106 otherwise primarily responsible for overseeing the operations of
107 the licensed location and must provide documentation to the
108 department as provided by rule. A person may not act as a master
109 qualifier for more than one license. The master qualifier
110 requirement shall be in addition to the requirements of
111 subsection (1).

112 (a) In order to apply for certification as a master
113 qualifier, each applicant must have a minimum of 3 years of
114 verifiable LP gas experience or hold a professional
115 certification by an LP gas manufacturer as adopted by department
116 rule immediately preceding submission of the application, must

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117 be employed by a licensed category I or category V licensee or
118 an applicant for such license, and must pass a master qualifier
119 competency examination administered by the department or its
120 agent. Master qualifier examinations shall be based on Florida's
121 laws, rules, and adopted codes governing liquefied petroleum gas
122 safety, general industry safety standards, and administrative
123 procedures. The applicant must successfully pass the examination
124 with a grade of 70 percent or above. Each applicant for master
125 qualifier registration must submit to the department a
126 nonrefundable \$30 examination fee before the examination.

127 (b) Upon successful completion of the master qualifier
128 examination, the department shall issue the examinee a master
129 qualifier registration. A master qualifier may transfer from one
130 licenseholder to another upon becoming employed by the company
131 and providing a written request to the department.

132 (c) A master qualifier registration expires 3 years after
133 the date of issuance and may be renewed by submission to the
134 department of documentation of completion of at least 16 hours
135 of approved continuing education courses during the 3-year
136 period; proof of employment; and a \$30 certificate renewal fee.
137 The department shall define by rule approved courses of
138 continuing education.

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

142 (a) Violation of any provision of this chapter or any rule
143 or order of the department;

144 (b) Falsification of records relating to the qualifier or
145 master qualifier registration; ~~or~~

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146 (c) Failure to meet any of the renewal requirements; or
147 (d) Demonstration of a lack of trustworthiness to engage in
148 activities requiring a qualifier identification card as defined
149 by department rule pursuant to s. 527.02(5).

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

152 527.055 General powers and duties.—

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

158 Section 5. Paragraph (b) of subsection (1) of section
159 527.0605, Florida Statutes, is amended to read:

160 527.0605 Liquefied petroleum gas bulk storage locations;
161 jurisdiction.—

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

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

166 Section 6. Present subsections (2) and (3) of section
167 527.067, Florida Statutes, are redesignated as subsections (3)
168 and (4), respectively, and a new subsection (2) is added to that
169 section, to read:

170 527.067 Responsibilities of persons engaged in servicing
171 liquefied petroleum gas equipment and systems and consumers, end
172 users, or owners of liquefied petroleum gas equipment or
173 systems.—

174 (2) All persons engaged in the business of servicing,

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175 testing, repairing, maintaining, or installing liquefied
176 petroleum gas equipment and systems shall include on all work
177 orders, invoices, or similar documents the name of the person
178 performing the work and the applicable qualifier number.

179 Section 7. Section 527.07, Florida Statutes, is amended to
180 read:

181 527.07 Restriction on use of containers.—

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

187 (2) A person, other than those authorized by the end user,
188 may not add gas to or remove gas from any container or
189 receptacle that contains liquefied petroleum gas purchased or
190 contracted for transfer by, and in the lawful possession of, the
191 end user. The department shall adopt rules to provide exceptions
192 for emergencies.

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

195 527.11 Minimum storage.—

196 (1) Every person who engages in the distribution of
197 liquefied petroleum gas for resale to domestic, commercial, or
198 industrial consumers as a prerequisite to obtaining a liquefied
199 petroleum gas license shall install, own, or lease a bulk
200 storage with an aggregate capacity ~~filling plant~~ of not less
201 than 18,000 gallons (water capacity) within the state ~~and shall~~
202 ~~be located within a 75-mile radius of the licensed company's~~
203 ~~business location.~~ This bulk storage ~~filling plant~~ must have

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204 loading and unloading provisions solely for the licenseholder
205 and be operated and maintained in compliance with this chapter
206 for the duration of the license.

207 ~~(2) A dealer in liquefied petroleum gas licensed as of~~
208 ~~August 31, 2000, who has entered or who enters into a written~~
209 ~~agreement with a wholesaler that the wholesaler will provide~~
210 ~~liquefied petroleum gas to the dealer for a period of 12~~
211 ~~continuous months is exempt from the requirements of subsection~~
212 ~~(1), if the wholesaler has at least 18,000 gallons (water~~
213 ~~capacity) of bulk storage within this state permanently~~
214 ~~connected for storage, which is used as such for each dealer to~~
215 ~~whom gas is sold, and if the wholesaler has loading and~~
216 ~~unloading provisions. Such dealer must provide certification of~~
217 ~~this agreement on a form provided by the department to the~~
218 ~~department before her or his license may be issued. The form~~
219 ~~must be signed by both the wholesaler or his or her agent and~~
220 ~~the dealer or his or her agent and must be submitted annually~~
221 ~~with the license renewal application. A dealer who does not~~
222 ~~provide written proof of minimum storage may have her or his~~
223 ~~license denied, suspended, or revoked. A dealer or wholesaler~~
224 ~~may not enter into written agreements that allocate an amount of~~
225 ~~storage that exceeds the dealer's or wholesaler's total storage~~
226 ~~capacity minus 18,000 gallons (water capacity).~~

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