

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

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

41  
 42 Section 1. Subsections (19) and (20) are added to section  
 43 527.01, Florida Statutes, to read:

44 527.01 Definitions.—As used in this chapter:

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

49 (20) "Remote bulk storage" means the location of liquefied  
 50 petroleum gas stored for the sole purpose of filling delivery

51 vehicles used in delivery to an end user.

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

57 527.02 License; penalty; fees.—

58 (3) Each remote bulk storage location of a category I  
59 liquefied petroleum gas dealer must comply with the category I  
60 liquefied petroleum gas dealer licensing requirements under  
61 subsection (2).

62 (4)~~(3)~~

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

69 Section 3. Subsections (2), (4), (5), and (7) of section  
70 527.0201, Florida Statutes, are amended to read:

71 527.0201 Qualifiers; master qualifiers; examinations.—

72 (2) Application for examination for competency may be made  
73 by an individual or by an owner, a partner, or any person  
74 employed by the license applicant. The examination for  
75 competency must be completed within 90 days after the

76 application has been accepted by the department. Upon successful  
 77 completion of the competency examination, the department shall  
 78 register the examinee.

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

86 (b) Every business organization in license category I,  
 87 category II, or category V shall employ at all times a full-time  
 88 qualifier who has successfully completed an examination in the  
 89 corresponding category of the license held by the business  
 90 organization. In order to apply for certification as a category  
 91 I or category V qualifier, each applicant must have a minimum of  
 92 1 year of verifiable LP gas experience. A person may not act as  
 93 a qualifier for more than one ~~licensed~~ location where liquefied  
 94 petroleum gas activities described in s. 527.01(6), (7), or (10)  
 95 are performed.

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

101 performing liquefied petroleum gas activities.

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

113 (a) In order to apply for certification as a master  
 114 qualifier, each applicant must have a minimum of 3 years of  
 115 verifiable LP gas experience or hold a professional  
 116 certification by an LP gas manufacturer as adopted by department  
 117 rule immediately preceding submission of the application, must  
 118 be employed by a licensed category I or category V licensee or  
 119 an applicant for such license, and must pass a master qualifier  
 120 competency examination administered by the department or its  
 121 agent. Master qualifier examinations shall be based on Florida's  
 122 laws, rules, and adopted codes governing liquefied petroleum gas  
 123 safety, general industry safety standards, and administrative  
 124 procedures. The applicant must successfully pass the examination  
 125 with a grade of 70 percent or above. Each applicant for master

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

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

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

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

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

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

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

148 |           (d) Demonstration of a lack of trustworthiness to engage  
 149 | in activities requiring a qualifier identification card as  
 150 | defined by department rule pursuant to s. 527.02(5).

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

153 527.055 General powers and duties.—

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

159 Section 5. Paragraph (b) of subsection (1) of section  
 160 527.0605, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

182 527.07 Restriction on use of containers.—

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

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

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

196 527.11 Minimum storage.—

197 (1) Every person who engages in the distribution of  
198 liquefied petroleum gas for resale to domestic, commercial, or  
199 industrial consumers as a prerequisite to obtaining a liquefied  
200 petroleum gas license shall install, own, or lease a bulk



201 storage with an aggregate capacity ~~filling plant~~ of not less  
202 than 18,000 gallons (water capacity) within the state ~~and shall~~  
203 ~~be located within a 75-mile radius of the licensed company's~~  
204 ~~business location.~~ This bulk storage ~~filling plant~~ must have  
205 loading and unloading provisions solely for the licenseholder  
206 and be operated and maintained in compliance with this chapter  
207 for the duration of the license.

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

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226 | storage that exceeds the dealer's or wholesaler's total storage  
227 | capacity minus 18,000 gallons (water capacity).

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