

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; amending s. 527.0201, F.S.; requiring
7 qualifier examinations to be completed within a
8 specified timeframe; providing eligibility criteria
9 for certain qualifier certification; prohibiting a
10 person from acting as a qualifier for more than one
11 remote bulk storage location; requiring qualifiers to
12 function in a position with specified authority;
13 prohibiting a person from acting as a master qualifier
14 for more than one licensee; amending s. 527.055, F.S.;
15 authorizing the Department of Agriculture and Consumer
16 Services to condemn unsafe equipment and order the
17 immediate removal of liquefied petroleum gas from
18 certain bulk storage; amending s. 527.0605, F.S.;
19 revising the applicability of specified provisions for
20 bulk storage locations; amending s. 527.067, F.S.;
21 requiring persons servicing, testing, repairing,
22 maintaining, or installing liquefied petroleum gas
23 equipment and systems to include specified information
24 on all work orders, invoices, and similar documents;
25 amending s. 527.07, F.S.; prohibiting unauthorized

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

35

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

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38 Section 1. Subsections (19) and (20) are added to section
 39 527.01, Florida Statutes, to read:

40 527.01 Definitions.—As used in this chapter:

41 (19) "Licensed location" means the premises on which
 42 category I, category II, category III, category IV, category V,
 43 or category VI liquefied petroleum gas operations are performed.

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

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

49 527.02 License; penalty; fees.—

50 (3)

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

57 Section 3. Subsections (3), (4), and (5) of section
58 527.02, Florida Statutes, are renumbered as subsections (4),
59 (5), and (6), respectively, and a new subsection (3) is added to
60 that section to read:

61 527.02 License; penalty; fees.—

62 (3) Each remote bulk storage location of a category I
63 liquefied petroleum gas dealer must comply with the category I
64 liquefied petroleum gas dealer licensing requirements under
65 subsection (2).

66 Section 4. Subsections (2), (4), and (5) of section
67 527.0201, Florida Statutes, are amended to read:

68 527.0201 Qualifiers; master qualifiers; examinations.—

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

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

83 (b) Every business organization in license category I,
 84 category II, or category V shall employ at all times a full-time
 85 qualifier who has successfully completed an examination in the
 86 corresponding category of the license held by the business
 87 organization. In order to apply for certification as a category
 88 I or category V qualifier, each applicant must have a minimum of
 89 1 year of verifiable LP gas experience. A person may not act as
 90 a qualifier for more than one licensed or remote bulk storage
 91 location.

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

98 (5) In addition to all other licensing requirements, each
 99 category I and category V licensee must, at the time of
 100 application for licensure, identify to the department one master

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101 | qualifier who is a full-time employee of the licensee ~~at the~~
102 | ~~licensed location~~. This person shall be a manager, owner, or
103 | otherwise primarily responsible for overseeing the operations of
104 | the licensed location and must provide documentation to the
105 | department as provided by rule. A person may not act as a master
106 | qualifier for more than one licensee. The master qualifier
107 | requirement shall be in addition to the requirements of
108 | subsection (1).

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

124 | (b) Upon successful completion of the master qualifier
125 | examination, the department shall issue the examinee a master

126 | qualifier registration. A master qualifier may transfer from one
 127 | licenseholder to another upon becoming employed by the company
 128 | and providing a written request to the department.

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

136 | Section 5. Subsection (5) is added to section 527.055,
 137 | Florida Statutes, to read:

138 | 527.055 General powers and duties.—

139 | (5) The department shall have the powers and authority to
 140 | condemn unsafe equipment and order the immediate removal of
 141 | liquefied petroleum gas from storage that does not comply with
 142 | this chapter and is deemed a threat to the public health,
 143 | safety, and welfare.

144 | Section 6. Paragraph (b) of subsection (1) of section
 145 | 527.0605, Florida Statutes, is amended to read:

146 | 527.0605 Liquefied petroleum gas bulk storage locations;
 147 | jurisdiction.—

148 | (1) The provisions of this chapter apply to liquefied
 149 | petroleum gas bulk storage locations when:

150 | (b) The aggregate container capacity of the bulk storage

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151 location is more than 4,000 gallons ~~or more~~; or

152 Section 7. Subsections (2) and (3) of section 527.067,
153 Florida Statutes, are renumbered as subsections (3) and (4),
154 respectively, and a new subsection (2) is added to that section
155 to read:

156 527.067 Responsibilities of persons engaged in servicing
157 liquefied petroleum gas equipment and systems and consumers, end
158 users, or owners of liquefied petroleum gas equipment or
159 systems.—

160 (2) All persons engaged in the business of servicing,
161 testing, repairing, maintaining, or installing liquefied
162 petroleum gas equipment and systems shall include on all work
163 orders, invoices, or similar documents the name of the person
164 performing the work and the applicable qualifier number.

165 Section 8. Section 527.07, Florida Statutes, is amended to
166 read:

167 527.07 Restriction on use of containers.—

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

173 (2) A person, other than those authorized by the end user,
174 may not add gas to or remove gas from any container or
175 receptacle that contains liquefied petroleum gas purchased or

176 contracted for transfer by, and in the lawful possession of, the
 177 end user. The department shall adopt rules to provide exceptions
 178 for emergencies.

179 Section 9. Subsections (1) and (2) of section 527.11,
 180 Florida Statutes, are amended to read:

181 527.11 Minimum storage.—

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

193 (2) ~~A dealer in liquefied petroleum gas licensed as of~~
 194 ~~August 31, 2000, who has entered or who enters into a written~~
 195 ~~agreement with a wholesaler that the wholesaler will provide~~
 196 ~~liquefied petroleum gas to the dealer for a period of 12~~
 197 ~~continuous months is exempt from the requirements of subsection~~
 198 ~~(1), if the wholesaler has at least 18,000 gallons (water~~
 199 ~~capacity) of bulk storage within this state permanently~~
 200 ~~connected for storage, which is used as such for each dealer to~~

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201 ~~whom gas is sold, and if the wholesaler has loading and~~
202 ~~unloading provisions. Such dealer must provide certification of~~
203 ~~this agreement on a form provided by the department to the~~
204 ~~department before her or his license may be issued. The form~~
205 ~~must be signed by both the wholesaler or his or her agent and~~
206 ~~the dealer or his or her agent and must be submitted annually~~
207 ~~with the license renewal application.~~ A dealer who does not
208 provide written proof of minimum storage may have her or his
209 license denied, suspended, or revoked. A dealer or wholesaler
210 may not enter into written agreements that allocate an amount of
211 storage that exceeds the dealer's or wholesaler's total storage
212 capacity minus 18,000 gallons (water capacity).

213 Section 10. This act shall take effect July 1, 2024.