

By Senator Perry

8-00265-20

2020422

1 A bill to be entitled
2 An act relating to recreational vehicles; amending s.
3 527.01, F.S.; defining the terms "category VII
4 liquefied petroleum gas dispenser and recreational
5 vehicle servicer" and "recreational vehicle"; amending
6 s. 527.0201, F.S.; requiring a category VII liquefied
7 petroleum gas dispenser and recreational vehicle
8 operator to pass a written examination administered by
9 the department or its agent; authorizing the
10 department to contract with not-for-profit, industry-
11 specific trade associations for such examinations;
12 amending s. 527.02, F.S.; conforming a cross-
13 reference; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 527.01, Florida Statutes, is reordered
18 and amended to read:

19 527.01 Definitions.—As used in this chapter:

20 (12)~~(1)~~ "Liquefied petroleum gas" means any material that
21 which is composed predominantly of any of the following
22 hydrocarbons, or mixtures of the same: propane, propylene,
23 butanes (normal butane or isobutane), and butylenes.

24 (14)~~(2)~~ "Person" means any individual, firm, partnership,
25 corporation, company, association, organization, or cooperative.

26 (8)~~(3)~~ "Consumer" means the person last purchasing
27 liquefied petroleum gas in its liquid or vapor state for
28 industrial, commercial, or domestic use.

29 (9)~~(4)~~ "Department" means the Department of Agriculture and

8-00265-20

2020422

30 Consumer Services.

31 (16)~~(5)~~ "Qualifier" means any person who has passed a
32 competency examination administered by the department and is
33 employed by a licensed category I, category II, or category V
34 business.

35 (1)~~(6)~~ "Category I liquefied petroleum gas dealer" means
36 any person selling or offering to sell by delivery or at a
37 stationary location any liquefied petroleum gas to the consumer
38 for industrial, commercial, or domestic use; any person leasing
39 or offering to lease, or exchanging or offering to exchange, any
40 apparatus, appliances, and equipment for the use of liquefied
41 petroleum gas; any person installing, servicing, altering, or
42 modifying apparatus, piping, tubing, appliances, and equipment
43 for the use of liquefied petroleum or natural gas; any person
44 installing carburetion equipment; or any person requalifying
45 cylinders.

46 (2)~~(7)~~ "Category II liquefied petroleum gas dispenser"
47 means any person engaging in the business of operating a
48 liquefied petroleum gas dispensing unit for the purpose of
49 serving liquid products to the consumer for industrial,
50 commercial, or domestic use, and selling or offering to sell, or
51 leasing or offering to lease, apparatus, appliances, and
52 equipment for the use of liquefied petroleum gas, including
53 maintaining a cylinder storage rack at the licensed business
54 location for the purpose of storing cylinders filled by the
55 licensed business for sale or use at a later date.

56 (3)~~(8)~~ "Category III liquefied petroleum gas cylinder
57 exchange operator" means any person operating a storage facility
58 used for the purpose of storing filled propane cylinders of not

8-00265-20

2020422

59 more than 43.5 pounds propane capacity or 104 pounds water
60 capacity, while awaiting sale to the consumer, or a facility
61 used for the storage of empty or filled containers that which
62 have been offered for exchange.

63 (4) (9) "Category IV dealer in appliances and equipment" means any person selling or offering to sell, or leasing or
64 offering to lease, apparatus, appliances, and equipment for the
65 use of liquefied petroleum gas.

66 (5) (10) "Category V LP gas installer" means any person who
67 is engaged in the liquefied petroleum gas business and whose
68 services include the installation, servicing, altering, or
69 modifying of apparatus, piping, tubing, tanks, and equipment for
70 the use of liquefied petroleum or natural gas and selling or
71 offering to sell, or leasing or offering to lease, apparatus,
72 appliances, and equipment for the use of liquefied petroleum or
73 natural gas.

74 (6) (11) "Category VI miscellaneous operator" means any
75 person who is engaged in operation as a manufacturer of LP gas
76 appliances and equipment; a fabricator, repairer, and tester of
77 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
78 a pipeline system operator.

79 (7) "Category VII liquefied petroleum gas dispenser and
80 recreational vehicle servicer" means a person who operates a
81 liquefied petroleum gas dispensing unit to serve liquid product
82 to a consumer for industrial, commercial, or domestic use, and
83 sells or offers to sell, or leases or offers to lease,
84 apparatus, appliances, and equipment for the use of liquefied
85 petroleum gas, and whose services include the installation,
86 service, or repair of recreational vehicle liquefied petroleum

8-00265-20

2020422

88 gas appliances and equipment.

89 (13) (12) "Manufacturer of liquefied petroleum gas
90 appliances and equipment" means any person in this state
91 manufacturing and offering for sale or selling tanks, cylinders,
92 or other containers and necessary appurtenances for use in the
93 storage, transportation, or delivery of such gas to the
94 consumer, or manufacturing and offering for sale or selling
95 apparatus, appliances, and equipment for the use of liquefied
96 petroleum gas to the consumer.

97 (19) (13) "Wholesaler" means any person, ~~as defined by~~
98 ~~subsection (2),~~ selling or offering to sell any liquefied
99 petroleum gas for industrial, commercial, or domestic use to any
100 person except the consumer.

101 (17) "Recreational vehicle" means a motor vehicle that is
102 designed to provide temporary living quarters for recreational,
103 camping, or travel use and that has its own propulsion or is
104 mounted on or towed by another motor vehicle.

105 (18) (14) "Requalifier of cylinders" means any person
106 involved in the retesting, repair, qualifying, or requalifying
107 of liquefied petroleum gas tanks or cylinders manufactured under
108 specifications of the United States Department of
109 Transportation.

110 (10) (15) "Fabricator, repairer, and tester of vehicles and
111 cargo tanks" means any person involved in the hydrostatic
112 testing, fabrication, repair, or requalifying of any motor
113 vehicles or cargo tanks used for the transportation of liquefied
114 petroleum gases, when such tanks are permanently attached to or
115 forming a part of the motor vehicle.

116 (15) (16) "Pipeline system operator" means any person who

8-00265-20

2020422

117 owns or operates a liquefied petroleum gas pipeline system that
118 is used to transmit liquefied petroleum gas from a common source
119 to the customer and that serves 10 or more customers.

120 (11)-(17) "License period" means the period 1 to 3 years
121 from the issuance of the license.

122 Section 2. Subsection (1) of section 527.0201, Florida
123 Statutes, is amended, and paragraph (c) is added to subsection
124 (2) of that section, to read:

125 527.0201 Qualifiers; master qualifiers; examinations.—

126 (1) In addition to the requirements of s. 527.02, any
127 person applying for a license to engage in category I, category
128 II, ~~or category V, or category VII~~ activities must prove
129 competency by passing a written examination administered by the
130 department or its agent with a grade of 70 percent or above in
131 each area tested. Each applicant for examination shall submit a
132 \$20 nonrefundable fee. The department shall by rule specify the
133 general areas of competency to be covered by each examination
134 and the relative weight to be assigned in grading each area
135 tested.

136 (2) Application for examination for competency may be made
137 by an individual or by an owner, a partner, or any person
138 employed by the license applicant. Upon successful completion of
139 the competency examination, the department shall register the
140 examinee.

141 (c) The department may contract with a not-for-profit,
142 industry-specific trade association to conduct the training and
143 examinations required by this section.

144 Section 3. Subsection (1) of section 527.02, Florida
145 Statutes, is amended to read:

8-00265-20

2020422

146 527.02 License; penalty; fees.—

147 (1) It is unlawful for any person to engage in this state
148 in the activities defined in s. 527.01(1)-(7) ~~s. 527.01(6)-(11)~~
149 without first obtaining from the department a license to engage
150 in one or more of these businesses. The sale of liquefied
151 petroleum gas cylinders with a volume of 10 pounds water
152 capacity or 4.2 pounds liquefied petroleum gas capacity or less
153 is exempt from the requirements of this chapter. It is a felony
154 of the third degree, punishable as provided in s. 775.082, s.
155 775.083, or s. 775.084, to intentionally or willfully engage in
156 any of said activities without first obtaining appropriate
157 licensure from the department.

158 Section 4. This act shall take effect July 1, 2020.