



LIQUEFIED PETROLEUM GAS

LAWS AND RULES

DIVISION OF CONSUMER SERVICES

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Florida Department of Agriculture and Consumer Services
Nicole “Nikki” Fried, Commissioner

FLORIDA'S LP GAS LAWS AND RULES

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If you have a question concerning Florida's LP gas laws or rules, or the national safety codes adopted by rule, please contact the Bureau of Compliance (LP Gas) at (850) 921-1600 or the Bureau of Standards at (850) 921-1570.

PLEASE NOTE: Recent changes to Chapter 527, Florida Statutes, and anticipated changes to Rule Chapter 5J-20, Florida Administrative Code, are reflected in this document. Rule Chapter 5J-20, Florida Administrative Code, is currently undergoing revisions through rulemaking. The Department anticipates these rule changes becoming effective in November of 2020. Every attempt has been made to accurately reproduce Chapter 527, Florida Statutes, and Rule Chapter 5J-20, Florida Administrative Code, in this publication; however, this should not be regarded as an official copy of either regulation.

* All references to NFPA 58 are to the most recent adopted version. In the event of a conflict between code provisions shown in this booklet and those reflected in the most current adopted version of NFPA 58, the current adopted version of NFPA 58 shall prevail.

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WHAT ARE LIQUEFIED PETROLEUM GASES?

Liquefied petroleum gases when sold are predominantly comprised of the hydrocarbons propane or butane, but most commonly a predominant mixture of both. Other components such as propylene, butylenes and/or other hydrocarbons may also be present in the product but are relegated to small percentages and not the primary component. "Propane", "LP gas", "bottled gas" and "Butane" are some of the names used to identify liquefied petroleum gases. Compressed natural gas (CNG) and liquefied natural gas (LNG) are not considered liquefied petroleum gases as covered throughout this document. All liquefied petroleum gases are safe and efficient energy sources when used in accordance with proper safety and handling procedures. These gases are used in a variety of ways, including home heating, cooking, as a motor fuel, and in a variety of industrial applications.

AVERAGE PROPERTIES OF COMMERCIAL PROPANE	
Pounds Per Gallon	4.2
BTU Per Gallon	91.502
BTU Per Pound	21.548
BTU Per Cubic Ft. Vapor at 60° F	2,488
Cubic Ft. Vapor per Gallon at 60° F	36.38
Cubic Ft. Vapor per Pound at 60° F	8.66
Specific Gravity of Vapor	1.50
Specific Gravity of Liquid	.504
Boiling Point	-44° F
Ignition Temperature	920° -1120° F
Limits of Flammability (lower/upper)	2.15/9.6
kwh per Gallon of Propane	26.9

The unique characteristics of LP gas require a high level of expertise and regulation through special codes, laws and regulations.

Propane is normally stored in a pressurized vessel as both a vapor and a liquid under moderate pressure. Under ambient conditions, it is colorless, tasteless, odorless, and non-toxic gas. It is produced through the oil refining process or is stripped out of natural gas. However, since LP gas vapors are heavier than air, they can "pocket" or collect in low areas (unlike natural gas) and go undetected unless an odorant is added to serve as a warning for its presence. The odorant most commonly used is ethanethiol (also known as ethyl mercaptan) and has a very distinct smell thus allowing persons to easily detect its presence and may warrant a search for the source of release.

Liquefied petroleum gases when released from a pressurized container or system will expand to a volume approximately 270 times greater than when liquefied. This translates to a viable energy source that can be easily stored in a manageable volume and thus transportable due to the energy density when in the liquid state.

It is these unique characteristics that make enforcement of applicable safety requirements essential for protection of the public against loss of property, health, and life due to propane-related accidents.

HISTORY OF LP GAS REGULATION IN FLORIDA

In 1947, the first laws governing the sale of liquefied petroleum gas were enacted by Florida's legislature in response to the industry's recognition of the need for uniform regulation of this product in the state. The original law was contained in Chapter 526, Florida Statutes, and entitled "Sale of Liquid Fuels." In 1961, Chapter 527, Florida Statutes, entitled "Sale of Liquefied Petroleum Gas," was created to govern the safe storage, transportation, sale, and use of liquefied petroleum gas in Florida.

Until 1979, liquefied petroleum gas regulations were administered by the Bureau of LP Gas within the Division of State Fire Marshal, Department of Insurance and Treasurer. In 1979, the Legislature elevated this office to division status with the enactment of Section 20.13, Florida Statutes. In 1993, the Legislature moved the Bureau of Liquefied Petroleum Gas Inspection (also known as the Bureau of LP Gas Inspection) into the Department of Agriculture and Consumer Services, Division of Standards, where bureau staff joined with other personnel involved in activities which included weighing and measuring device inspections and motor fuel testing. In 2012, the Division of Standards was merged with the department's Division of Consumer Services. In 2014, the licensing portion of the LP Gas Program was merged with the Bureau of Compliance. The Bureau of Compliance is currently responsible for licensing, examinations and training. The Bureau of Standards is responsible for the administration and enforcement of Chapter 527, Florida Statutes, and rules promulgated in accordance with that chapter. All of these functions remain under the direction of the Division of Consumer Services.

These laws and rules, and the national safety codes adopted therein, afford the bureau broad enforcement powers over all liquefied petroleum gas activities within Florida. The bureau's public responsibility for LP gas safety begins when the product enters the state's borders and continues until the product is safely consumed by the public.

In addition to the statutes contained in Chapter 527, Florida Statutes, the bureau enforces the following rules, standards, and regulations: Rule Chapter 5J-20, Florida Administrative Code, which adopts NFPA 58, Liquefied Petroleum Gas Code; NFPA 54, National Fuel Gas Code; [NFPA 110, Standard for Emergency and Standby Power Systems](#); and Title 49, Parts 191-192 and 199, Code of Federal Regulations. These laws, codes, rules, and regulations require the bureau to inspect any site within Florida where liquefied petroleum gas is stored (including bulk plants, dispensing units, bulk storage sites, trucks, etc.), and authorize the bureau to perform the following duties: investigate all propane-related accidents, license all LP gas activities in this state (now handled by the Bureau of Compliance); and train and administer competency examinations to industry personnel. These licensing, inspection, investigation, and training activities enable the department to ensure that only competent persons engage in LP gas business activities and that compliance with acceptable safety codes and standards is achieved statewide.

FLORIDA PROPANE GAS EDUCATION, SAFETY AND RESEARCH ACT

In 1997, the Florida Legislature passed the Florida Propane Gas Education, Safety, and Research Act for the purpose of providing the industry a mechanism for development of projects to benefit Florida's consumers and the propane gas industry. To oversee this project, the Florida Propane Gas Education, Safety, and Research (FPGESR) Council was established. Through a regulatory assessment on the industry (currently \$.003 per gallon of odorized gas sold in the state), which is collected and managed by the department, the Council develops and implements projects in the areas of safety, education, research and development, and marketing.

Council Makeup and Membership

The FPGESR Council consists of 15 members from the following groups: 1 citizen/public member; 10 members representing dealers of propane gas (no more than 2 members may be from any one company); 2 members representing producers; and 2 members representing manufacturers and distributors.

In addition to a wide variety of magazine ads, billboards, and radio and television spots, the following publications and projects have been funded through the Florida Propane Gas Education, Safety, and Research Act:

Trade Show Exhibit – This exhibit promotes the use of propane and is shown at an average of ten trade shows annually. These trade shows are attended by builders, contractors, homeowners and prospective customers from many walks of life. Industry members volunteer time at these shows to ensure that questions can be answered, and information provided.

Safe Living with Propane – *this brochure is designed to give general safety information to the public for the many uses of propane.*

Safe Grilling with Propane – *a guide to safe grilling – complete with recipes – for users of outdoor propane grills.*

Turning a House into a Home – *promotional information for the homeowner or builder considering propane as a fuel source within the home.*

Building a Better Home – *information for builders and contractors concerning the advantages of using propane as a fuel in the home.*

For more information on this program, please visit the website at: www.floridapropane.org

FLORIDA LIQUEFIED PETROLEUM GAS ADVISORY BOARD

Under the authority of s. 570.0705, F.S., the Commissioner of Agriculture appoints industry members to the Florida LP Gas Advisory Board for the purpose of providing valuable input on industry trends, conditions, and the impact of regulatory activities. This board consists of eight members, with the current president of the Florida Propane Gas Association serving as the ninth, ad-hoc member. The Florida LP Gas Advisory Board works closely with the Department of Agriculture and Consumer Services in development of administrative rules.

DIVISION OF CONSUMER SERVICES CONTACT INFORMATION

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NICOLE “NIKKI” FRIED COMMISSIONER OF AGRICULTURE

Rick Kimsey, Director
Division of Consumer Services

Blair Bodenmiller, Assistant Director
Division of Consumer Services

Hal Prince, Bureau Chief
Bureau of Standards (Inspections)
Conner Building

Beth Evans, Bureau Chief
Bureau of Compliance (Licensing)
Rhodes Building

EXAMINATIONS/TRAINING/LICENSURE – Bureau of Compliance
Phone: (850) 921-1600 Fax: (850) 410-3804

INSPECTIONS/INVESTIGATIONS – Bureau of Standards
Phone: (850)921-1570 Fax: (850) 921-1548

**TOLL FREE ACCIDENT REPORTING LINE
OPERATIONAL 24 HOURS A DAY!**

1-866-296-5082

FIELD INSPECTORS

SUPERVISOR	TERRITORY	To contact a Supervisor, please call (850) 921-1570
Kathleen Wyatt	South Florida	
James Freeborn	Southeast Florida	
Benjamin Hair	Southwest Florida	
Vacant	Southeast Central Florida	
Chloe Smith	Southwest Central Florida	
Christine Wood	North Central Florida	
Brian Eden	Northeast Florida	
Charles Davidson	Northwest Florida	

LP GAS LICENSE CATEGORIES AND REQUIREMENTS

All licensure activities are governed by Chapter 527, Florida Statutes, but applicants should pay particular attention to Section 527.01 (Definitions); Section 527.02 (Licenses; penalty; fees); Section 527.0201 (Qualifiers; master qualifiers; examinations); 527.03 (Annual renewal of license); and 527.04 (Proof of insurance required); as well as 5J-20.060 (Documentation of Training, General); 5J-20.061 (Qualifier and Master Qualifier Examinations; Applicant Qualifications); and 5J-20.065 (Re-examination Procedures).

The LP gas license categories, basic application requirements for issuance of the license, and general activities that may be performed under each license are listed below.

CATEGORY I LP GAS DEALER AND RV DEALER

SCOPE OF WORK	Dealer - Sales of LP gas; cylinder exchange; sale or lease of LP gas appliances or equipment; installation, service & repair of LP gas appliances & equipment; carburation equipment sales & installation; requalification of cylinders. RV - Gas activities solely related to the service and repair of recreational vehicles, including operating an LP gas dispensing unit to serve the consumer for industrial, commercial, or domestic use; selling or leasing LP gas appliances or equipment; installing, servicing, or repairing recreational vehicle LP gas appliances and equipment.
APPLICATION FEE – FULL YEAR	\$400
ANNUAL RENEWAL FEE	\$400
OTHER REQUIREMENTS AS APPLICABLE	Proof of \$1,000,000 (minimum) bodily injury & property damage liability insurance covering the products & operations of the business; pass state-administered examination; construction of an 18,000 gallon water capacity bulk plant; registration of all vehicles used to transport LP gas.

CATEGORY II LP GAS DISPENSER

SCOPE OF WORK	Operation of a liquefied petroleum gas dispensing unit for serving liquid product to the ultimate consumer; includes sales of appliances & equipment.
APPLICATION FEE – FULL YEAR	\$400
ANNUAL RENEWAL FEE	\$400
OTHER REQUIREMENTS	Proof of \$1,000,000 (minimum) bodily injury & property damage liability insurance covering the products & operations of the business; pass state-administered examination.

CATEGORY III LPG CYLINDER EXCHANGE OPERATOR

SCOPE OF WORK	Operation of a cylinder exchange unit (where filled propane cylinders are stored while awaiting sale or exchange for empty cylinders).
APPLICATION FEE – FULL YEAR	\$65
ANNUAL RENEWAL FEE	\$65
OTHER REQUIREMENTS	Proof of \$300,000 (minimum) bodily injury & property damage liability insurance covering the products & operations of the business;

CATEGORY IV DEALER IN LP GAS APPLIANCES AND EQUIPMENT

SCOPE OF WORK	Sale of appliances and equipment for use with LP gas
APPLICATION FEE – FULL YEAR	\$65
ANNUAL RENEWAL FEE	\$65
OTHER REQUIREMENTS	None

CATEGORY V LP GAS INSTALLER

SCOPE OF WORK	Installing, servicing, modifying, altering or repairing apparatus, piping, tubing, appliances, equipment & LP gas storage tanks. This license includes the activities of selling or leasing of said equipment.
APPLICATION FEE – FULL YEAR	\$200
ANNUAL RENEWAL FEE	\$200
OTHER REQUIREMENTS (0803)	Proof of \$1,000,000 (minimum) bodily injury & property damage liability insurance covering the products & operations of the business; pass state-administered examination.

CATEGORY VI MISCELLANEOUS OPERATOR

SCOPE OF WORK	Manufacturing and/or sale of LP gas appliances and equipment; fabricate, repair, and test vehicles and cargo tanks; requalifying LP gas cylinder; pipeline system operator.
APPLICATION FEE – FULL YEAR	\$200
ANNUAL RENEWAL FEE	\$200
OTHER REQUIREMENTS	Proof of \$1,000,000 (minimum) bodily injury and property damage liability insurance covering the products and operations of the business. Persons engaging in these activities should check with U.S. Department of Transportation for additional registration or permitting requirements with the federal government.

EXAMINATION INFORMATION

Scheduling an Examination

We are pleased to announce that we have partnered with Prometric (an authorized agent) to offer you additional exam locations throughout the state of Florida while allowing you to take your exam much sooner and at a time that is more convenient for you. Additional fees are required for this option. For more information please visit our website at www.FDACS.gov. The Tallahassee location will continue to remain an option.

APPLY ON-LINE FOR EXAMINATIONS AND TRAINING AT: <https://www.fl-ag-online.com/>

For more information on continuing education requirements, see Rules 5J-20.060 to 5J-20.065 of the Florida Administrative Code (found in this booklet).

NFPA Code Books are available for purchase through FPGA @ 850-681-0496 or online @ NFPA.org

**INDEX TO CHAPTER 527, FLORIDA STATUTES
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CHAPTER 527, FLORIDA STATUTES

527.01 Definitions.—As used in this chapter:

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

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

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

(4) "Department" means the Department of Agriculture and Consumer Services.

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

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

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

(8) "Category III liquefied petroleum gas cylinder exchange operator" means any person operating a storage facility used for the purpose of storing filled propane cylinders of not more than 43.5 pounds propane capacity or 104 pounds water capacity, while awaiting sale to the consumer, or a facility used for the storage of empty or filled containers which have been offered for exchange.

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

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

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

(12) "Manufacturer of liquefied petroleum gas appliances and equipment" means any person in this state manufacturing and offering for sale or selling tanks, cylinders, or other containers and necessary appurtenances for use in the storage, transportation, or delivery of such gas to the consumer, or

manufacturing and offering for sale or selling apparatus, appliances, and equipment for the use of liquefied petroleum gas to the consumer.

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

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

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

(16) "Pipeline system operator" means any person who owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the customer and that serves 10 or more customers.

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

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

History.—s. 1, ch. 24302, 1947; s. 11, ch. 25035, 1949; s. 1, ch. 57-174; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 202, ch. 71-377; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 80-390; ss. 1, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 124, ch. 83-218; s. 1, ch. 86-69; ss. 2, 3, ch. 87-34; s. 1, ch. 90-215; s. 4, ch. 91-429; s. 1, ch. 92-324; s. 7, ch. 93-142; ss. 1, 7, ch. 93-248; s. 1, ch. 2000-269; s. 23, ch. 2001-63; s. 1, ch. 2003-132; s. 31, ch. 2013-251; s. 18, ch. 2018-84. S. 9, ch. 2020-126; s. 2, ch. 2020-135

Note.—Former s. 526.12.

527.02 License; penalty; fees.--

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

(2) Each business location of a person having multiple locations must be separately licensed and must meet the requirements of this section. Such license shall be granted to any applicant determined by the department to be competent, qualified, and trustworthy who files with the department a surety bond, insurance affidavit, or other proof of insurance, as hereinafter specified, and pays for such license the following annual license:

Safety Note:
Florida's labor laws prohibit minors from dispensing propane.

License Category	License Fee Per Year
Category I liquefied petroleum gas dealer	\$400
Category II liquefied petroleum gas dispenser	\$400
Category III liquefied petroleum gas cylinder exchange unit operator	\$65
Category IV dealer in appliances and equipment	\$65
Category V LP gas installer	\$200
Category VI miscellaneous operator	\$200

(3)(a) The department may refuse to issue an initial license to an applicant who is under investigation in any jurisdiction for an action that would constitute a violation of this chapter until such time as the investigation is complete.

(b) The department shall waive the initial license fee for 1 year for an honorably discharged veteran of the United States Armed Forces, the spouse or surviving spouse of such a veteran, a current member of the United States Armed Forces who has served on active duty, the spouse of such a member, the surviving spouse of a member of the United States Armed Forces if the member died while serving on active duty, or a business entity that has a majority ownership held by such a veteran or spouse or surviving spouse if the department receives an application, in a format prescribed by the department. The application format must include the applicant's signature, under penalty of perjury, and supporting documentation. To qualify for the waiver:

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse or surviving spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse or surviving spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse or surviving spouse of the veteran was lawfully married to the veteran at the time of discharge.

(c) The department shall waive license renewal fees for a licensee who:

1. Is an active duty member of the United States Armed Forces or the spouse of such member;

2. Is or was a member of the United States Armed Forces and served on active duty within the 2 years preceding the renewal date. To qualify for the fee waiver under this subparagraph, a licensee who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the annual renewal date must have received an

honorable discharge upon separation or discharge from the United States Armed Forces; or

3. Is the surviving spouse of a member of the United States Armed Forces if such member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal.

A licensee seeking such waiver must apply in a format prescribed by the department, including the applicant's signature, under penalty of perjury, and supporting documentation.

(4) Any licensee submitting a material change in their information for licensing, before the date for renewal, must submit such change to the department in the manner prescribed by the department, along with a fee in the amount of \$10.

(5) The department shall adopt rules specifying acts deemed by the department to demonstrate a lack of trustworthiness to engage in activities requiring a license or qualifier identification card under this section.

History.—s. 2, ch. 24302, 1947; s. 2, ch. 57-174; s. 2, ch. 61-119; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 1, ch. 70-35; s. 1, ch. 70-439; s. 1, ch. 74-296; s. 1, ch. 76-120; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 6, ch. 80-390; ss. 2, 18, 19, ch. 81-175; s. 401, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 1, ch. 84-126; s. 2, ch. 86-69; ss. 2, 3, ch. 87-34; s. 2, ch. 90-215; s. 4, ch. 91-429; s. 1, ch. 92-6; s. 2, ch. 92-324; s. 2, ch. 93-248; s. 6, ch. 94-335; s. 340, ch. 96-406; s. 2, ch. 2000-269; s. 24, ch. 2001-63; s. 2, ch. 2003-132; s. 16, ch. 2016-166; s. 37, ch. 2018-7; s. 19, ch. 2018-84.

Note.—Former s. 526.13.

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, a person applying for a license to engage in category I, category II, or category V activities must prove competency by passing a written examination administered by the department or its agent with a grade of 70 percent or above in each area tested. Each applicant for examination shall submit a \$20 nonrefundable fee.

(a) The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(b) The department shall by rule specify the requirements for agents qualified to administer the written competency examinations required by this part.

(c)1. The department shall by rule establish a separate written competency examination for a person applying for a license to engage in category I activities solely related to the service and repair of recreational vehicles. The category I recreational vehicle dealer/installer examination must include and ensure competency in the following activities as they relate to recreational vehicles:

a. Operating a liquefied petroleum gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;

b. Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas; and

c. Installing, servicing, or repairing recreational vehicle liquefied petroleum gas appliances and equipment.

2. A qualifier or master qualifier who has passed the category I recreational vehicle dealer/installer examination may engage in category I activities solely related to the service and repair of recreational vehicles.

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

(a) Qualifier registration automatically expires if the individual terminates active employment in the area of examination for a period exceeding 24 months, or fails to provide documentation of continuing education. If the qualifier registration has expired, the individual must apply for and successfully

complete an examination by the department in order to reestablish qualifier status.

(b) Every business organization in license category I, category II, or category V shall employ at all times a full-time qualifier who has successfully completed an examination in the corresponding category of the license held by the business organization. A person may not act as a qualifier for more than one licensed location.

(3) Qualifier registration expires 3 years after the date of issuance. All such qualifiers may renew their qualification upon application to the department, payment of a \$20 renewal fee, and documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous 3-year period. Applications for renewal must be made 30 calendar days before expiration. Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish qualifier status.

(4) A qualifier for a business must actually function in a supervisory capacity of other company employees performing licensed activities. A separate qualifier shall be required for every 10 such employees.

(5) In addition to all other licensing requirements, each category I and category V licensee must, at the time of application for licensure, identify to the department one master qualifier who is a full-time employee at the licensed location. This person shall be a manager, owner, or otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the department as provided by rule. The master qualifier requirement shall be in addition to the requirements of subsection (1).

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

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

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

(6) A vacancy in a qualifier or master qualifier position in a business organization which results from the departure of the qualifier or master qualifier shall be immediately reported to the department by the departing qualifier or master qualifier and the licensed company.

(a) If a business organization no longer possesses a duly designated qualifier, as required by this section, its liquefied petroleum gas licenses shall be suspended by order of the department after 20 working days. The license shall remain suspended until a competent qualifier has been employed, the order of suspension terminated by the department, and the license reinstated. A vacancy in the qualifier position for a period

of more than 20 working days shall be deemed to constitute an immediate threat to the public health, safety, and welfare.

(b) Any category I or category V licensee who no longer possesses a master qualifier but currently employs a qualifier as required by this section has 60 days within which to replace the master qualifier. If the company fails to replace the master qualifier within the 60-day period, the license of the company shall be suspended by order of the department. The license shall remain suspended until a competent master qualifier has been employed, the order of suspension has been terminated by the department, and the license reinstated.

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

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

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

(c) Failure to meet any of the renewal requirements.

(8) Any individual having competency qualifications on file with the department may request the transfer of such qualifications to any existing licenseholder by making a written request to the department for such transfer. Any individual having a competency examination on file with the department may use such examination for a new license application after making application in writing to the department. All examinations are confidential and exempt from the provisions of s. 119.07(1).

(9) If a duplicate license¹ or qualifier or master qualifier registration certificate is requested by the licensee, a fee of \$10 must be received before issuance of the duplicate license or certificate.

(10) All revenues collected herein shall be deposited in the General Inspection Trust Fund for the purpose of administering the provisions of this chapter.

History.—s. 3, ch. 2003-132; s. 32, ch. 2013-251; s. 20, ch. 2018-84. s. 10, ch. 2020-126; s. 3, ch. 2020-135

¹Note.—The word “or” was inserted by the editors to improve clarity.

527.021 Registration of transport vehicles.—

(1) Each liquefied petroleum gas bulk delivery vehicle owned or leased by a liquefied petroleum gas licensee must be registered with the department as part of the licensing application or when placed into service.

(2) For the purposes of this section, a “liquefied petroleum gas bulk delivery vehicle” means any vehicle that is used to transport liquefied petroleum gas on any public street or highway as liquid cargo in a cargo tank, which tank is mounted on a conventional truck chassis or is an integral part of a transporting vehicle in which the tank constitutes, in whole or in part, the stress member used as a frame and is a permanent part of the transporting vehicle.

(3) A dealer who fails to register a vehicle with the department is subject to the penalties in s. 527.13.

(4) The department shall issue a decal to be placed on each vehicle that is inspected by the department and found to be in compliance with applicable codes.

History.—s. 3, ch. 90-215; s. 16, ch. 91-201; s. 4, ch. 91-429; s. 3, ch. 92-324; s. 7, ch. 94-335; s. 723, ch. 97-103; s. 17, ch. 2016-166; s. 21, ch. 2018-84.

527.03 Renewal of license.—

All licenses required under this chapter shall be renewed annually, biennially, or triennially, as elected by the licensee, subject to the license fees prescribed in s. 527.02. All renewals must meet the same requirements and conditions as an annual license for each licensed year. Any license allowed to expire will become inoperative because of failure to renew. The fee for

restoration of a license is equal to the original license fee and must be paid before the licensee may resume operations. History.—s. 3, ch. 24302, 1947; s. 1, ch. 25105, 1949; s. 11, ch. 25035, 1949; s. 1, ch. 29667, 1955; s. 1, ch. 61-158; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 2, ch. 84-126; ss. 2, 3, ch. 87-34; s. 4, ch. 90-215; s. 4, ch. 91-429; s. 33, ch. 2013-251; s. 22, ch. 2018-84. Note.—Former s. 526.14.

527.04 Proof of insurance required.—

(1) Before any license is issued, except to a category IV dealer in appliances and equipment or a category III liquefied petroleum gas cylinder exchange operator, the applicant must deliver to the department satisfactory evidence that the applicant is covered by a primary policy of bodily injury liability and property damage liability insurance that covers the products and operations with respect to such business and is issued by an insurer authorized to do business in this state for an amount not less than \$1 million and that the premium on such insurance is paid. An insurance certificate, affidavit, or other satisfactory evidence of acceptable insurance coverage shall be accepted as proof of insurance. In lieu of an insurance policy, the applicant may deliver a good and sufficient bond in the amount of \$1 million, payable to the Commissioner of Agriculture, with the applicant as principal and a surety company authorized to do business in this state as surety. The bond must be conditioned upon the applicant's compliance with this chapter and the rules of the department with respect to the conduct of such business and shall indemnify and hold harmless all persons from loss or damage by reason of the applicant's failure to comply. However, the aggregated liability of the surety may not exceed \$1 million. If the insurance policy is canceled or otherwise terminated or the bond becomes insufficient, the department may require new proof of insurance or a new bond to be filed, and if the licenseholder fails to comply, the department shall cancel the license issued and give the licenseholder written notice that it is unlawful to engage in business without a license. A new bond is not required as long as the original bond remains sufficient and in force. If the license holder's insurance coverage as required by this subsection is canceled or otherwise terminated, the insurer must notify the department within 30 days after the cancellation or termination.

(2) Before any license is issued to a category III liquefied petroleum gas cylinder exchange operator, the applicant must deliver to the department satisfactory evidence that the applicant is covered by a primary policy of bodily injury liability and property damage liability insurance that covers the products and operations with respect to the business and is issued by an insurer authorized to do business in this state for an amount not less than \$300,000 and that the premium on the insurance is paid. An insurance certificate, affidavit, or other satisfactory evidence of acceptable insurance coverage shall be accepted as proof of insurance. In lieu of an insurance policy, the applicant may deliver a good and sufficient bond in the amount of \$300,000, payable to the Commissioner of Agriculture, with the applicant as principal and a surety company authorized to do business in this state as surety. The bond must be conditioned upon the applicant's compliance with this chapter and the rules of the department with respect to the conduct of such business and must indemnify and hold harmless all persons from loss or damage by reason of the applicant's failure to comply. However, the aggregated liability of the surety may not exceed \$300,000. If the insurance policy is canceled or otherwise terminated or the bond becomes insufficient, the department may require new proof of insurance or a new bond to be filed, and if the licenseholder fails to comply, the department shall cancel the license issued and give the licenseholder written notice that it is unlawful to engage in business without a license. A new bond is not required as long as the original bond remains sufficient and in force. If the license holder's insurance coverage required by this subsection is canceled or otherwise terminated, the insurer

must notify the department within 30 days after the cancellation or termination.

(3) Any person having a cause of action on the bond may bring suit against the principal and surety, and a copy of such bond duly certified by the department shall be received in evidence in the courts of this state without further proof. The department shall furnish a certified copy of the bond upon payment to it of its lawful fee for making and certifying such copy. History.—ss. 3, 4, ch. 24302, 1947; s. 1, ch. 25105, 1949; s. 11, ch. 25035, 1949; s. 1, ch. 29667, 1955; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 3, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 125, ch. 83-218; s. 3, ch. 84-126; ss. 2, 3, ch. 87-34; s. 5, ch. 90-215; s. 4, ch. 91-429; s. 724, ch. 97-103; s. 3, ch. 2000-269; s. 8, ch. 2007-232; s. 23, ch. 2018-84. Note.—Former ss. 526.14, 527.05.

527.055 General powers and duties.—

(1) The department is empowered to enforce all provisions of this chapter and rules promulgated pursuant to this chapter relating to:

(a) The safe handling, installing, storing, selling, utilizing, transporting, servicing, testing, repairing, or maintaining of liquefied petroleum gas, liquefied petroleum gas equipment, and liquefied petroleum gas systems.

(b) Reasonable standards of competency required of persons to safely engage in the business of handling, installing, storing, selling, utilizing, transporting, servicing, testing, repairing, or maintaining liquefied petroleum gas, liquefied petroleum gas equipment, or liquefied petroleum gas systems, including, but not limited to, the training, licensure, testing, and qualifying of such persons.

(2) The department shall have the powers and authority expressly conferred on it by, or reasonably implied from, the provisions of this chapter.

(3) The department may conduct such investigations as it may deem proper to determine whether any person has violated any provision of this chapter or rule promulgated pursuant to this chapter or to secure information useful in the lawful administration of any such provision or rule promulgated pursuant to this chapter.

(4) The department may collect, propose, publish, and disseminate information relating to the subject matter of any duties imposed upon it by law. History.—ss. 3, 10, ch. 86-69; ss. 2, 3, ch. 87-34; s. 6, ch. 90-215; s. 4, ch. 91-429.

527.06 Rules.—

(1) The department may adopt rules necessary to effectuate any of the statutory duties of the department in the interest of public health, safety, and welfare and to promote the safe handling of liquefied petroleum gas and proper installation, storing, selling, utilizing, transporting, servicing, testing, repairing, and maintaining of liquefied petroleum gas equipment and systems. The department shall adopt rules reasonably necessary to assure the competence of persons to safely engage in the business of liquefied petroleum gas, including, but not limited to, the licensure, testing, and qualifying of such persons for the protection of the health, welfare, and safety of the public and persons using such materials. These rules shall be in substantial conformity with generally accepted standards of safety concerning the same subject matter and shall not extend, modify, or conflict with any laws of this state or the reasonable implications of such laws.

(2) The department shall promulgate and enforce rules setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storing; handling; transporting by tank truck, tank trailer, or pipeline; and utilizing liquefied petroleum gases and specifying the odorization of such gases and the degree thereof. The rules shall be such as are reasonably necessary for the protection of

the health, welfare, and safety of the public and persons using such materials and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(3) Rules in substantial conformity with the published standards of the National Fire Protection Association (NFPA) are deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(4) Rules in substantial conformity with the published standards in Title 49 of the Code of Federal Regulations relative to liquefied petroleum gas pipelines shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Violation of any provision of the rules adopted pursuant to this subsection may be enjoined under the provisions of s. 527.09. Any person who violates any provision of the rules adopted pursuant to this subsection shall be subject to a civil penalty not to exceed \$25,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$500,000, in aggregate, for any related series of violations. Any such civil penalty may be compromised by the department. In determining the amount of such penalty or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance after notification of a violation shall be considered. Each penalty shall be a lien upon the real and personal property of such person and enforceable by the department as statutory liens under chapter 85, the proceeds of which shall be deposited in the General Inspection Trust Fund, as provided in s. 527.0201.

History.—s. 5, ch. 24302, 1947; s. 1, ch. 61-158; ss. 10, 13, 35, ch. 69-106; s. 1, ch. 73-286; ss. 1, 2, ch. 75-83; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 21, ch. 78-95; ss. 3, 6, ch. 80-390; ss. 4, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 4, ch. 86-69; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 8, ch. 94-335; s. 4, ch. 2000-269; s. 4, ch. 2003-132; s. 1, ch. 2011-106; s. 19, ch. 2011-222; s. 9, ch. 2016-11; s. 58, ch. 2018-84.
Note.—Former s. 526.16.

527.0605 Liquefied petroleum gas bulk storage locations; jurisdiction.—

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

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

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

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

(2) No newly installed container may be placed in operation until it has been inspected and approved by the department.

History.—ss. 3, 6, ch. 80-390; ss. 5, 19, ch. 81-175; s. 2, ch. 81-318; ss. 1, 2, ch. 82-6; s. 4, ch. 84-126; ss. 2, 3, ch. 87-34; s. 7, ch. 90-215; s. 4, ch. 91-429; s. 4, ch. 92-324; s. 24, ch. 2018-84.

527.061 Inspection of buildings, systems, equipment, vehicles, or premises.—

The department may inspect, at any reasonable hour, any facility, building, system, equipment, vehicle, or premises where liquefied petroleum gas or equipment therefor is offered for sale, stored, transported, or being repaired or installed, to determine if there is any violation of this chapter or of any rules of the department.

History.—ss. 4, 6, ch. 80-390; ss. 6, 19, ch. 81-175; s. 2, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 8, ch. 90-215; s. 4, ch. 91-429.

527.062 Investigation and safety promotion; authority of department.—

(1) The department may investigate the cause and circumstances of any accident involving loss of life, personal injury, or property damage when there is reasonable cause to believe that liquefied petroleum gas or equipment was involved. The department shall have the authority to take samples or evidence on or about the site of an accident in conjunction with an investigation. The department shall make a written report of each investigation it conducts. All information compiled by the department pursuant to an investigation is confidential and exempt from s. 119.07(1) until the investigation is completed or ceases to be active. For purposes of this section, an investigation shall be considered “active” so long as the department is proceeding with reasonable dispatch and has a reasonable good faith belief that additional information is necessary and likely to be discovered which will allow the department to make a final determination of the cause and circumstances of the accident.

(2) The department shall have the authority to assist the state, county, municipal, and other local governments of this state and their agencies in promoting safety.

(3) The department shall have the authority to publish and disseminate information consistent with this chapter and the rules promulgated thereunder which it considers to be in the public interest for liquefied petroleum gas safety.

History.—ss. 5, 6, ch. 80-390; ss. 7, 19, ch. 81-175; s. 402, ch. 81-259; s. 2, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 2, ch. 92-6; s. 341, ch. 96-406.

527.065 Notification of accidents; leak calls.—

(1) Immediately upon discovery, all liquefied petroleum gas licensees shall notify the department of any liquefied petroleum gas-related accident involving a liquefied petroleum gas licensee or customer account:

(a) Which caused a death or personal injury requiring professional medical treatment;

(b) Where uncontrolled ignition of liquefied petroleum gas resulted in death, personal injury, or property damage exceeding \$3,000; or

(c) Which caused estimated damage to property exceeding \$3,000.

(2) “Uncontrolled ignition” means any ignition of liquefied petroleum gas that occurs outside normal maintenance, service testing, or operation of LP gas equipment or appliances.

(3) All licensees who maintain bulk storage of liquefied petroleum gas shall supply their local fire department with the name and phone number of an emergency contact for after-hour emergencies. This shall also be posted in a prominent location on the premises. If this number is answered by a service or machine, the message must be relayed to the appropriate person within an hour of receipt.

(4) Upon notification by a consumer, the supplier shall physically respond to any verifiable leak call within a reasonable time, not to exceed 24 hours.

(5) In the event that the licensee is contacted by an emergency response unit which requires the licensee's presence at the scene because the incident involves the licensee's equipment, the licensee shall physically respond within 2 hours.
History.—ss. 5, 10, ch. 86-69; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 3, ch. 93-248; s. 5, ch. 2003-132; s. 25, ch. 2018-84.

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

(1) All persons engaged in the business of servicing, testing, repairing, maintaining, or installing liquefied petroleum gas equipment and systems shall initially present proof of licensure to consumers, owners, or end users prior to working on said equipment or system and shall subsequently present proof of licensure upon the request of consumers, owners, end users, or persons who have authorized such work.

(2) Any consumer, owner, end user, or person who alters or modifies his or her LP gas equipment or system in any way shall, for informational purposes, notify the licensed dealer who next fills or otherwise services his or her LP gas system that such work has been performed. The department may promulgate rules prescribing the method of notification. Such notification shall be made within a reasonable time prior to the date the liquefied petroleum gas equipment or system is next filled or otherwise serviced in order that the equipment or system may be serviced in a safe manner.

(3) A category I liquefied petroleum gas dealer may not render a consumer's liquefied petroleum gas equipment or system inoperable or discontinue service without providing written or electronic notification to the consumer at least 5 business days before rendering the liquefied petroleum gas equipment or system inoperable or discontinuing service. This notification does not apply in the event of a hazardous condition known to the category I liquefied petroleum gas dealer. History.—ss. 7, 10, ch. 86-69; ss. 1, 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 725, ch. 97-103; s. 26, ch. 2018-84.

527.07 Restriction on use of containers.—

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

History.—s. 6, ch. 24302, 1947; s. 1, ch. 61-158; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 8, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 9, ch. 2007-232.

Note.—Former s. 526.17.

527.08 Penalty for violation.—

It is unlawful for any person to violate any of the provisions of this chapter or of the rules of the department made pursuant to this chapter. Any person violating any of the provisions of this chapter or such rule is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083.

History.—s. 7, ch. 24302, 1947; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 510, ch. 71-136; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 9, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429.

Note.—Former s. 526.18.

527.09 Injunction.—

In addition to the penalties and other enforcement provisions of this chapter, in the event any person violates any provision of this chapter or any rule of the department, the department is authorized to resort to proceedings for injunction in the circuit court of the county where such person resides or has her or his principal place of business. The department may apply for such temporary and permanent orders as it deems necessary to restrain such person from engaging in any such businesses until such person has complied with the provisions of this chapter and such rules.

History.—s. 7, ch. 24302, 1947; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 10, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 726, ch. 97-103.

Note.—Former s. 526.18.

527.10 Restriction on use of unsafe container or system.—

No liquefied petroleum gas shall be introduced into or removed from any container or system in this state that has been identified by the department or its duly authorized inspectors as not complying with the rules pertaining to such container or system, until such violations as specified have been satisfactorily corrected and authorization for continued service or removal granted by the department. A statement of violations of the rules that render such a system unsafe for use shall be furnished in

writing by the department to the consumer or dealer in liquefied petroleum gas.

History.—s. 1, ch. 29742, 1955; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 11, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 4, ch. 93-248; s. 27, ch. 2018-84.

Note.—Former s. 526.181.

527.11 Minimum storage.—

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

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

(3) A dealer in liquefied petroleum gas operating a single dispensing unit for the sole purpose of direct product sale to customers, including delivery of cylinders of 40 pounds or less of propane gas capacity for use with outdoor equipment or appliances that are not connected to or part of the permanent interior piping of a structure, or an operator of a cylinder exchange unit is exempt from the requirements of this section. A person may not deliver liquefied petroleum gas by cargo vehicle unless the person complies with requirements for minimum storage.

History.—ss. 1, 2, ch. 57-219; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 5, ch. 84-126; ss. 2, 3, ch. 87-34; s. 9, ch. 90-215; s. 4, ch. 91-429; s. 727, ch. 97-103; s. 5, ch. 2000-269; s. 6, ch. 2003-132; s. 8, ch. 2006-165. Note.—Former s. 526.21.

527.12 Cease and desist orders; administrative fines.—

Whenever the department shall have reason to believe that any person is or has been violating provisions of this chapter or any rules adopted pursuant thereto, it may issue a cease and desist order or impose a civil penalty or may issue such cease and desist order and impose a civil penalty.

History.—s. 3, ch. 57-174; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 2, ch. 73-286; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 21, ch. 78-95; ss. 12, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429.

Note.—Former s. 526.22.

527.13 Administrative fines and warning letters.—

(1) If a person violates this chapter or any rule adopted under this chapter or a cease and desist order, the department may impose civil or administrative penalties in the Class II category pursuant to s. 570.971 not to exceed \$3,000 for each

offense, suspend or revoke the license or qualification issued to such person, or any of the foregoing. The cost of the proceedings to enforce this chapter may be added to any penalty imposed. The department may allow the licensee a reasonable period, not to exceed 90 days, within which to pay to the department the amount of the penalty so imposed. If the licensee fails to pay the penalty in its entirety to the department at its office at Tallahassee within the period so allowed, the licenses of the licensee shall stand revoked upon expiration of such period.

(2) If any license expires while administrative charges are pending against the license, the proceedings against the license shall continue to conclusion as if the license were still in effect.

(3) In lieu of an administrative or civil penalty in subsection (1) of this section, the department may issue a warning letter to the licensee, master qualifier, qualifier, or any person for a first violation.

(4) All such fines, monetary penalties, and costs received by the department shall be deposited in the General Inspection Trust Fund for the purpose of administering the provisions of this chapter.

History.—s. 3, ch. 57-174; s. 1, ch. 61-158; s. 2, ch. 61-119; ss. 13, 35, ch. 69-106; s. 3, ch. 73-286; s. 2, ch. 74-296; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 21, ch. 78-95; ss. 13, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 8, ch. 86-69; ss. 2, 3, ch. 87-34; s. 10, ch. 90-215; s. 4, ch. 91-429; s. 5, ch. 93-248; s. 9, ch. 94-335; s. 7, ch. 2003-132; s. 52, ch. 2014-150.

Note.—Former s. 526.22(9)

527.14 Suspension and revocation of license.—

(1) The violation by any person possessed of a license or required to possess a license as provided in s. 527.02 of any provision of this chapter or any rule adopted pursuant thereto or of a cease and desist order shall be cause for revocation or suspension of such license or eligibility for licensure by the department after the department determines such person guilty of such violation.

(2) An order of suspension shall state the period of time of such suspension which period shall not be in excess of 1 year from the date of such order. An order of revocation may be entered for a period of not exceeding 2 years; and such order shall effect revocation of license then held by such person and during such period of time no license shall be issued such person. If during the period between the beginning of proceedings and entry of an order of suspension or revocation by the department a new license has been issued the person so charged, any order of suspension or revocation shall operate effectively with respect to the new license held by such person.

(3) The provisions of this section are cumulative and shall not affect the penalty and injunctive provisions of ss. 527.08 and 527.09.

History.—s. 2, ch. 29742, 1955; s. 1, ch. 61-158; ss. 13, 35, ch. 69-106; s. 4, ch. 73-286; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 21, ch. 78-95; ss. 14, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 6, ch. 86-69; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429.

Note.—Former s. 526.181(2).

527.15 Conduct of proceedings; record costs.—

The state's portion of the cost of the stenographic record and transcription of department proceedings shall be paid out of the General Inspection Trust Fund. Any sums received from parties for copies of the stenographic record shall be deposited by the department into the State Treasury to the credit of such trust fund.

History.—s. 1, ch. 61-158; s. 2, ch. 61-119; ss. 13, 35, ch. 69-106; s. 3, ch. 74-296; s. 3, ch. 76-168; s. 1, ch. 77-174; s. 1, ch. 77-457; s. 21, ch. 78-95; ss. 15, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; s. 9, ch. 86-69; ss. 2, 3, ch. 87-34; s. 11, ch. 90-215; s. 4, ch. 91-429; s. 10, ch. 94-335.

527.16 Witnesses and evidence.—

(1) As to the subject of any examination or investigation being conducted by the department, or an examiner appointed by it, the department may administer oaths, examine and cross-examine witnesses, and receive oral and documentary evidence and shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of documents or other evidence which it deems relevant to the inquiry.

(2) If any person refuses to comply with such subpoena or to testify as to any relevant matter, the Circuit Court of Leon County, or the circuit court of the county wherein such examination or investigation is being conducted or wherein such person resides, on the department's application, may issue an order requiring such person to comply with the subpoena and to testify. Any failure to obey such an order of the court may be punished by the court as a contempt thereof.

(3) Subpoenas shall be served and proof of such service made in the same manner as if issued by a circuit court. Witness fees and mileage if claimed shall be allowed the same as for testimony in a circuit court.

(4) Any person willfully testifying falsely under oath as to any matter material to any such examination, investigation, or hearing shall, upon conviction thereof, be guilty of perjury and shall be punished accordingly.

(5) If any person asks to be excused from attending or testifying or from producing any documents or other evidence in connection with any examination, hearing, or investigation being conducted on the ground that the testimony or evidence required may tend to incriminate him or her or subject him or her to a penalty or forfeiture and shall notwithstanding be directed to give such testimony or produce such evidence, he or she shall, if so directed by the department and the Department of Legal Affairs, nonetheless comply with such direction. The person shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she may have testified or produced evidence, and no testimony given or evidence produced shall be received against him or her in any criminal action, investigation, or proceeding. However, no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him or her in such testimony, and the testimony or evidence given or produced shall be admissible against him or her in any criminal action, investigation, or proceeding concerning such perjury; nor shall the person be exempt from the refusal, suspension, or revocation of any license, permission, or authority conferred or to be conferred pursuant to this chapter.

(6) Any such individual may execute, acknowledge, and file in the office of the department a statement expressly waiving such immunity or privilege in respect to any transaction, matter, or thing specified in such statement; and thereupon the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise; and, if so received or produced, such individual shall not be entitled to any immunity or privileges on account of any testimony he or she may so give or evidence so produced.

(7) Any person who refuses or fails without lawful cause to testify relative to the affairs of any person, when subpoenaed and requested by the department to so testify, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083.

History.—s. 1, ch. 61-158; ss. 11, 13, 35, ch. 69-106; s. 511, ch. 71-136; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 21, ch. 78-95; ss. 16, 18, 19, ch. 81-175; ss. 2, 3, ch. 81-318; ss. 1, 2, ch. 82-6; ss. 2, 3, ch. 87-34; s. 4, ch. 91-429; s. 728, ch. 97-103.

527.20 Short title and purpose.—

(1) Sections 527.20-527.23 may be cited as the “Florida Propane Gas Education, Safety, and Research Act.”

(2) It is the finding of the Legislature that:

(a) Educating propane gas producers, distributors, and consumers about propane gas and about the mechanical, technical, and safety practices related to propane gas and propane gas equipment furthers the public interest by reducing accidents and improving safety.

(b) Improved and increased marketing of propane gas will increase the consumption and use of propane gas, thereby furthering the public interest by creating additional employment opportunities in the state and expanding revenue.

(3) The purposes of the act are to:

(a) Establish the Florida Propane Gas Education, Safety, and Research Council to study problems arising in the production, transportation, marketing, and use of propane gas and to formulate and provide to the commissioner recommendations and policy alternatives. The council is to investigate, research, study, or perform other activities in order to advance the safety, efficiency, desirability, usage, and marketability of propane gas and propane gas use equipment.

(b) Provide for education of propane gas producers, distributors, and consumers about:

1. Propane gas and its uses;

2. Safety issues related to propane gas and the mechanical, technical, and safety practices related to propane gas and propane gas equipment; and

3. Other issues related to propane gas which the council determines would be beneficial to producers, distributors, and consumers.

(c) Provide a method of funding for the activities established in the act.

History.—s. 1, ch. 97-105.

527.21 Definitions relating to Florida Propane Gas Education, Safety, and Research Act.—

As used in ss. 527.20-527.23, the term:

(1) “Council” means the Florida Propane Gas Education, Safety, and Research Council created by this act.

(2) “Commissioner” means the Commissioner of Agriculture or the commissioner’s designee.

(3) “Dealer” means a business engaged primarily in selling propane gas and its appliances and equipment to the consumer or to retail propane gas dispensers.

(4) “Department” means the Department of Agriculture and Consumer Services.

(5) “Education” means any action to provide information to consumers and to members of the propane gas industry concerning propane gas, propane gas use equipment, mechanical and technical practices, and propane gas uses.

(6) “Manufacturer and distributor of propane gas use equipment” means any person or firm engaged in manufacturing, assembling, and marketing appliances, containers, and products used in the propane gas industry, and any person or firm engaged in the wholesale marketing of appliances, containers, and products used in the propane gas industry.

(7) “Marketing” means the establishment of plans and programs for advertising, sales promotion, and education to maintain present markets or to create new or larger markets for propane gas without reference to a private brand or trade name.

(8) “Marketing order” means an order issued by the department prescribing rules governing the distribution, or handling in any manner, of propane gas in the state during any specified period or periods.

(9) “Person” means any individual, group of individuals, association, cooperative, corporation, firm, or other entity.

(10) “Producer” means the owner of propane gas at the time it is recovered at a manufacturing facility, irrespective of the state where production occurs.

(11) “Propane” includes propane, butane, mixtures, and liquefied petroleum gas as defined by National Fire Protection Association (NFPA) 58, Liquefied Petroleum Gas Code.

(12) “Public member” means a state resident, citizen-at-large member of the council who is representative of the views of the general public toward propane gas use and selected from among private nonindustrial or noncommercial users of propane gas.

(13) “Qualified industry organization” means the National Propane Gas Association, the Florida Propane Gas Association, or a successor association.

(14) “Research” means any type of study, investigation, or other activity designed to advance the image, desirability, usage, marketability, efficiency, and safety of propane gas and propane gas use equipment and to further the development of such information and products.

(15) “Retail marketer class” means those persons who sell or produce propane gas.

(16) “Transporter” means any person involved in the commercial transportation of propane gas by pipeline, truck, rail, or water.

(17) “Wholesaler” or “reseller” means a seller of propane gas who is not a producer and who does not sell propane gas to the consumer.

History.—s. 1, ch. 97-105; s. 2, ch. 2011-106; s. 20, ch. 2011-222; s. 28, ch. 2018-84.

527.22 Florida Propane Gas Education, Safety, and Research Council established; membership; duties and responsibilities.—

(1) The Florida Propane Gas Education, Safety, and Research Council is established.

(2)(a) The commissioner shall appoint members of the council from a list of nominees submitted by qualified industry organizations. The commissioner may require such reports or documentation as is necessary to document the nomination process for members of the council. Qualified industry organizations, in making nominations, and the commissioner, in making appointments, shall give due regard to selecting a council that is representative of the industry and the geographic regions of the state. Other than the public member, council members must be full-time employees or owners of propane gas producers or dealers doing business in this state.

(b) The council shall consist of 15 members, as follows:

1. Ten members representing dealers of propane gas, but not more than two dealer members may be from any one company;

2. Two members representing producers of propane gas;

3. Two members representing manufacturers and distributors of propane gas use equipment, wholesalers or resellers, and transporters; and

4. One public member.

(c) Council members shall be appointed to terms of 4 years. Vacancies in unexpired terms of council members may be filled by the council subject to approval of the commissioner.

(d) The council shall elect from among its members a chair, a vice chair, and a secretary, and shall use accepted rules of procedure. The terms of such officers shall be for 1 year.

(3)(a) The council shall meet at least annually. The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules of procedure. The commissioner shall receive notice of all meetings. Meetings of the council are subject to the provisions of chapter 286.

(b) A majority of the members of the council constitutes a quorum for all purposes, and an act by a majority of a quorum at any meeting constitutes an official act of the council.

(c) The council secretary shall keep a complete record of the proceedings of each meeting, which record shall include the names of the members present and the actions taken.

(4) The council shall keep minutes, accounting records, and other records as necessary to clearly reflect all of the acts and transactions of the council and regularly report such information to the commissioner, along with such other information as the commissioner requires. All records of the council shall be kept on file with the department, and these records and other documents about matters within the jurisdiction of the council shall be subject to the review and inspection of the department's Inspector General, the Auditor General, and the members of the council, or other interested parties upon request. All records of the council are subject to the provisions of s. 119.07.

(5) Council members shall receive no compensation or honorarium for their services.

(6) At the beginning of each fiscal period, the council shall prepare and submit to the commissioner for approval a business plan and a budget plan that includes the estimated costs of all recommended programs and projects and states a recommended rate of assessment to cover such costs.

(7) The members and employees of the council shall not be held responsible individually in any way whatsoever to any producer or dealer or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agency, person, or employee, except for their own individual acts of dishonesty or crime. No such member or employee shall be held responsible individually for any act of any other member of the council.

History.—s. 1, ch. 97-105; s. 6, ch. 2000-269; s. 8, ch. 2003-132; s. 30, ch. 2011-206; s. 29, ch. 2018-84.

527.23 Marketing orders; referendum requirements; assessments.—

(1) Subject to the legislative restrictions and limitations set forth in this act, any marketing order issued by the department may contain any or all of the following provisions:

(a) Provisions for the establishment of plans and programs for advertising, sales promotion, and education to maintain present markets or to create new or larger markets for propane gas produced or marketed in the state. The department is authorized to prepare, issue, administer, and enforce plans and programs for promoting the sale of propane gas; however, any plan or program shall be directed toward increasing the sale of the commodity without reference to a private brand or trade name.

(b) Provisions for carrying on research studies in the production, marketing, or distribution of propane gas; for economic research or environmental research related to propane gas; and for the expenditure of moneys for such purposes. In any research carried on pursuant to this paragraph, the department, upon recommendation of the council, shall select the research project or projects to be carried on. These projects may be carried out by any research agency the department chooses, based upon recommendations of the council.

(c) Provisions incidental to and not inconsistent with the terms, conditions, and provisions specified and necessary to effectuate the other provisions of the marketing order.

(2) Upon request of the council, the department shall conduct a referendum of all producers and dealers of propane gas who are in the state to levy an assessment upon producers and dealers of propane gas who are in the state based upon the gallonage of odorized propane gas sold and based upon the rate of assessment recommended by the council.

(3) Due notice of any hearing shall be given to all persons who may be directly affected by any action of the department. These hearings shall be open to the public. All testimony shall be received under oath, and a full and complete record of all proceedings at any hearing shall be made and filed by the department in its office. All interested persons shall have a

period of not less than 7 days following the public hearing for filing written briefs with the department concerning such action.

(4) After notice and hearing, the department shall issue a marketing order if it finds and sets forth that the order will tend to accomplish the objectives and purposes of this act.

(5)(a) With respect to any referendum conducted under this act, the department shall, before calling and announcing a referendum, determine and publicly announce, at least 15 days in advance of the date on which ballots and copies of the proposed order are mailed to all producers or dealers of propane gas who are in the state and whose names and addresses are known, the date by which ballots must be returned to the department.

(b) It is the duty of the producers or dealers of propane gas who vote in each referendum to send their marked ballots to the department, which shall have the ballots counted by qualified and impartial personnel in its office, and the department shall, within 10 days after the closing date for submitting ballots in any referendum, certify in writing and publish the results of such referendum on the front page of their website and shall send notice via e-mail to all publications of general circulation and all news departments of broadcast network affiliates located within the state.

(6)(a) No marketing order or amendments thereto directly affecting and regulating producers or dealers of propane gas in this state shall become effective unless the department finds that the order has been approved by ballot by persons representing two-thirds of the total gallonage of odorized propane gas voting in the retail marketer class.

(b) All percentages determined by the department as required in this section shall be computed on the basis of persons voting in the referendum.

(7) From assessments collected, the council shall reimburse the department for costs incurred in holding the referendum establishing the council, making appointments to the council, and other expenses directly related to the council, development, marketing, and consumer awareness.

(8) Before issuing any marketing order, or any suspension, amendment, or termination thereof, the department shall provide notice to the producers and dealers affected by the marketing order.

(9)(a) To provide funds to defray the necessary expenses incurred by the department in the formulation, issuance, administration, and enforcement of any marketing order, producers and dealers in propane gas shall pay to the department an assessment, at such times and in such installments as the department prescribes. The department, after receiving the recommendations of the council, shall fix the rate of assessment on propane gas dealers and producers.

(b) The collected assessments shall be deposited into the General Inspection Trust Fund and shall be used for the sole purpose of implementing the marketing order for which the assessment was collected. Four percent of all income of a revenue nature deposited in this fund, including transfers from any subsidiary accounts thereof and any interest income, shall be deposited in the General Revenue Fund pursuant to chapter 215. The department is not subject to the procedures found in s. 287.057 in the expenditure of these funds. However, the director of the Division of Marketing and Development shall file with the internal auditor of the department a certification of conditions and circumstances justifying each contract or agreement entered into without competitive bidding.

(10) The council, or producers or dealers representing 35 percent of the total gallonage of odorized propane gas sold in the state, may petition the commissioner to suspend or terminate an order levying an assessment. The commissioner may not suspend or terminate an order levying the assessment unless the suspension or termination is approved in a referendum by those persons representing more than one-half of the total gallonage of odorized propane gas in the dealer class.

(11) The initial assessment shall be set at no greater than one-tenth of 1 cent per gallon. Thereafter, annual assessments

shall be sufficient to cover the costs of the plans and programs developed by the council and approved by the commissioner. The assessment shall not be greater than one-half of 1 cent per gallon of odorized propane gas. The assessment may not be raised by more than one-tenth of 1 cent per gallon annually.

(12) The owner of propane gas immediately prior to odorization in this state or the owner at the time of import into this state of odorized propane gas is responsible for the payment of the assessment on the volume of propane gas at the time of import or odorization, whichever is later. Nonodorized propane gas shall not be subject to assessment until odorized.

(13) The department shall adopt rules necessary for administering, collecting, reporting, and the payment of assessments collected under this act.

History.—s. 1, ch. 97-105; s. 2, ch. 2009-78; s. 17, [ch. 2012-212](#).

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CHAPTER 5J 20, FLORIDA ADMINISTRATIVE CODE “LIQUEFIED PETROLEUM GAS INSPECTION”

5J-20.002 Standards of National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA 58, Liquefied Petroleum Gas Code, 2020 Edition, for gas appliances and gas piping as published in NFPA 54, National Fuel Gas Code, 2018 Edition, and for emergency power supply as published in NFPA 110, Standard for Emergency and Standby Power Systems, 2016 Edition, shall be the accepted standards for this state and are hereby adopted and incorporated by reference. The LP Gas Code Handbook, NFPA 58, 2020 Edition, and the National Fuel Gas Code Handbook, NFPA 54, 2018 Edition, are hereby adopted and incorporated by reference and shall be utilized by the department as a guide in interpreting the provisions of chapter 527, F.S. Reference to NFPA 58, NFPA 54, and NFPA 110 in these rules shall be to the most recent edition as adopted herein. “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association, which are copyrighted. It would be a violation of federal copyright law to post the materials incorporated in this rule on the Internet for public viewing. Accordingly, the public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269, or at <http://www.nfpa.org>. In addition, copies of the incorporated materials are available for viewing during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services offices located at 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500.

Rulemaking Authority 527.06, 570.07(23) FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A- 1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06, 8-2-07, 5-28-08, 4-6-12, 12-9-14, Formerly 5F-11.002, Amended 5-25-15, 6-28-17, 7-10-19, 11/20.

5J-20.004 Liquefied Petroleum Gas Forms.

The following documents are hereby incorporated by reference and may be obtained from the Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500 or online as indicated.

(1) Pursuant to section 527.02(3)(b), F.S., the following persons are eligible for a waiver of the initial registration fee: an honorably discharged veteran of the United States Armed Forces, the spouse or surviving spouse of such a veteran, a current member of the United States Armed Forces who has served on active duty, the spouse of such a member, the services served on active duty, the spouse of such a member, the surviving spouse of a member if the member died while serving on active duty, or a business entity that has a majority ownership held by such a veteran or surviving spouse. Pursuant to section 527.02(3)(b), F.S., the following persons are eligible for a waiver of the renewal registration fee: an active member of the United States Armed Forces of the spouse of such member, a member who served on active duty within the 2 years preceding the renewal date, an honorably discharged veteran of the United States Armed Forces who served on active duty within the 2 years preceding the renewal date, or the surviving spouse of a member if the member was serving on active duty at the time of death and died within the 2 years preceding the date of renewal. Persons seeking a fee waiver shall submit FDACS-10991, Military Fee Waiver Request, 10/18,

incorporated by reference in rule 5J-26.001, F.A.C., and provide all required documentation at the time the applicant submits a license application.

(2) FDACS-03578 LP Gas Category I Dealer License Application, 05/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10826>.

(3) FDACS-03579 LP Gas Category II Dispenser License Application, 05/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10827>.

(4) FDACS-03580 LP Gas Category III Cylinder Exchange Operator License Application, Rev. 09/20,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12283>.

(5) FDACS-03581 LP Gas Category IV Dealer in Appliances and Equipment License Application, Rev. 09/20,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12284>.

(6) FDACS-03582 LP Gas Category V Installer License Application, 05/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10830>.

(7) FDACS-03583 LP Gas Category VI Miscellaneous Operator License Application, 05/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10831>.

(8) FDACS-03584 LP Gas Qualifier and Master Qualifier Registration Application, Rev. 09/20,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12285>.

(9) FDACS-03585 LP Gas Material Change and Duplicate Licenses Form, 05/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10833>.

(10) FDACS-03586 LP Gas Continuing Education Course Approval Application, 05/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10834>.

(11) FDACS-03587, LP Gas Indemnity Bond, 02/19,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10835>.

(12) FDACS-03588, LP Gas Insurance Affidavit, Rev. 09/20,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12286>.

(13) FDACS-03589, LP Gas Category I R.V. Dealer License Application, Rev. 09/20,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12287>.

(14) FDACS-03524, LP Gas Odorizers/Importers

Quarterly Remittance Report 10/18,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10837>.

Rulemaking Authority 527.0201, 527.06, 527.23, 570.07(23) FS. Law Implemented 527.02, 527.0201, 527.021, 527.03, 527.04, 527.055, 527.06, 527.0605, 527.061, 527.11, 527.23 FS. History—New 6-8-88, Amended 2-5-91, 3-18-92, Formerly 4B-1.034, Amended 7-20-95, 6-8-99, 7-28-14, Formerly 5F-11.004, Amended 6-28-17, 6-27-18, 8-20-19, 11/20.

5J-20.005 Lack of Trustworthiness.

Grounds for a determination of a lack of "trustworthiness" pursuant to section 527.02, F.S., as evidenced by an applicant or licensee shall be:

- (1) Conviction of or pleading nolo contendere to a felony involving moral turpitude; or
- (2) An established and repeated history of intentional non-compliance with applicable safety standards as set forth in chapter 527, F.S., or duly adopted rules and regulations of the Department of Agriculture and Consumer Services.

Rulemaking Authority 527.02(1)(b), 527.06 FS. Law Implemented 527.02(1)(b), 527.06 FS. History—New 6-18-87, Formerly 4B-1.031, 5F-11.005.

5J-20.011 Effect of Revocation or Suspension Upon Reapplication for Licensure.

(1) A proper and duly-authorized order of revocation or suspension filed by the Commissioner of Agriculture against any individual or entity licensed pursuant to chapter 527, F.S., may not be obviated or improperly evaded by changes of company name or by technical restructuring or changes of ownership which are merely superficial and cosmetic in nature and are made for the purpose of improperly evading a lawful revocation or suspension order issued in the interests of public safety.

(2) If the Bureau finds that such a sham restructuring of name or ownership has taken place or if the circumstances for which the previous license or certification was revoked or suspended still exist or are likely to recur, the Bureau shall deny the application for licensure or certification for such an applicant. The burden shall rest with the applicant to demonstrate that the ownership transaction in question was not accomplished for the purposes of improper evasion and that the conditions or circumstances which prompted the revocation or suspension do not presently exist and are not likely to recur.

Rulemaking Authority 527.06 FS. Law Implemented 527.14 FS. History—New 8-5-85, Formerly 4B-1.24, 4B-1.024, 5F-11.011.

5J-20.022 Marking of Containers; Posting of Owner Contact Information at Dealer Locations.

(1) All dealer-owned containers, aboveground or underground, installed at consumer locations shall be marked in a legible manner with the name and telephone number of the owner by decal, tag, stencil, or similar marking.

(2) Containers gained through acquisition shall be marked as soon as reasonably possible, but no later than 30 days after acquisition. The department shall grant an extension to the 30-day marking requirement, not to exceed 24 months from the date of acquisition, if:

(a) A written request is received by the department within 30 days after the acquisition;

(b) The request provides information demonstrating that, due to the number of newly-acquired containers, a good faith effort to mark them all within 30 days will fail; and

(3) The request indicates that containers affected by the extension are and will remain marked with an active emergency contact telephone number at all times.

(4) Containers at dealer locations (bulk plants and remote storage sites) are not required to be marked with the name and telephone number of the owner as long as this information is prominently posted at the dealer location by signage having easily-readable numbers and letters of at least 4 inches in height. If the signage is posted in an outdoor location, such as on a perimeter fence, it must be constructed of weatherproof material.

Rulemaking Authority 527.06 FS. Law Implemented

527.06 FS. History—New 8-7-80, Formerly 4A-1.16, 4B-1.12, 4B- 1.012, Amended 3-15-94, 7-28-14, Formerly 5F-11.022, Amended 8-20-19.

5J-20.025 Color Scheme for Piping Identification.

(1) All bulk and Category II dispenser storage liquid liquefied petroleum gas valves and all piping, fittings and pipe coverings within 30 inches of such valves shall be painted red; and all bulk and Category II dispenser storage vapor liquefied petroleum gas valves and all piping, fittings and pipe coverings within 30 inches of such valves shall be painted yellow. Where the piping handles liquefied petroleum gas other than propane, the same color coding is to be used and each of the aforesaid colors shall be striped with a white stripe—minimum 3/4 inches wide, maximum 1-1/2 inches wide with not more than 3 inches and not less than 2 inches separation between such stripes.

(2) Color used on the remainder of the liquid piping shall show contrast to red and shall not be yellow.

(3) Color used on the remainder of the vapor piping shall show contrast to yellow and shall not be red.

(4) In the absence of local coloring codes to the contrary, all water valves and all piping and fittings within 30 inches of such valves shall be colored blue. The remaining piping shall show contrast to blue and shall not be red or yellow.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.21, 4B-1.16, 4B- 1.016, 5F-11.025, Amended 7-10-19.

5J-20.026 Unsafe Container or System.

(1) Any system or container that fails to comply with chapter 527, F.S., this rule chapter, and any standards incorporated by reference shall be designated unsafe by department staff by means of issuance of a FDACS-10988, Stop Use Order. Rev. 02/17, as incorporated by reference in rule 5J-22.002, F.A.C., to the operator of the system or container.

(2) Containers or systems under stop use order shall not continue in service until all violations have been corrected and the Stop Use Order is removed by department staff by means of issuance of FDACS-03209, Release, Rev. 02/17, as incorporated by reference in rule 5J-22.002, F.A.C.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.10 FS. History—New 3-15-94, Formerly 4B-1.037, Amended 7-20-95, 7-28-14, Formerly 5F-11.026, Amended 7-10-19.

5J-20.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section 5.2, NFPA 58. Liquefied petroleum gas containers offered for sale must meet the requirements of the code under which they were fabricated, the requirements of NFPA 58, chapter 527, F.S., and this rule chapter when being sold for continued use with liquefied petroleum gas.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-5-97, Amended 1-29-06, 8-2-07, Formerly 5F-11.027.

5J-20.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section 6.8.7, as incorporated by reference in rule 5J-20.002, F.A.C., is prohibited.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00, 9-2-02, 1-29-06, Formerly 5F-11.028, Amended 7-10-19.

5J-20.033 Truck Safety; Regulations.

(1) The provisions of Sections 316.302(1)-(4), F.S., relative to the safe operation of commercial motor vehicles, are hereby adopted by this section and incorporated herein by reference in their entirety, with the exception of 49 C.F.R. Part 173 C-F, H-O and Part 178-A-B, D-I, K as referenced in Section 316.302(1), F.S.

(2) A person who operates an LP gas commercial motor vehicle transporting LP gas solely within this state may, after 8 hours rest, be permitted to operate any 12 of the first 15 on-duty hours, but may not be permitted to operate an LP gas commercial motor vehicle after that until the requirement of another 8 hours rest has been fulfilled. Upon request of the Bureau of Liquefied Petroleum Gas Inspection or the Department of Transportation, LP gas motor carriers shall furnish time records or other written verification so that compliance with this section can be verified.

(3) A person under the age of 21 years may not operate an LP gas commercial motor vehicle.

(4) A driver operating a commercial motor vehicle solely within this state within a 200 air-mile radius of the location where the vehicle is based need not keep a record of duty report as required by 49 C.F.R. s. 395.8.

(5) The requirements of 49 C.F.R. Part 177.817 may be satisfied by keeping in the vehicle cab a permanent shipping paper identifying Hazardous Materials, Hazardous Class and the volume as one truck load. The shipping paper must be legible and readily available to the driver and emergency response personnel.

(6) Any agent of the Department of Transportation described in section 316.545(9), F.S., or any member of the Florida Highway Patrol may enforce the provisions of this section.

(7) Except during loading and unloading, every liquid discharge valve on the cargo tank of a cargo truck, other than an engine fuel line valve, must be closed during transportation by use of a self-closing shut-off valve which operates mechanically, pneumatically, hydraulically, or by pressure differential.

(8) If the liquid self-closing cargo valve or the remote emergency actuator for the liquid cargo valve is not functioning properly as defined in NFPA 58, the vehicle must be taken out of service immediately.

Rulemaking Authority 527.06, 570.07(23) FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly

4B-1.033, Amended 3-15-94, Formerly 5F-11.033, Amended 6-28-17.

5J-20.034 Transportation of Liquefied Petroleum Gas by Pipeline.

The standards required for construction, maintenance, operation and reporting relating to transportation of liquefied petroleum gas by pipeline in this state, subject to the jurisdiction of the Department of Agriculture and Consumer Services of this state, shall be the same as those required by the Federal Department of Transportation pursuant to Title 49 of the Code of Federal Regulations, Parts 191, 192 and 199, to the extent that these parts are applicable to liquefied petroleum gas and to the extent the provisions thereof are not in conflict with the laws of this state.

Rulemaking Authority 527.06 FS. Law Implemented 527.06(3) FS. History—New 8-7-80, Formerly 4A-1.29, 4B-1.20, Amended 2-5-91, Formerly 4B-1.020, 5F-11.034.

5J-20.041 Underground Installations.

(1) At intervals not to exceed 60 months, all licensed suppliers of LP gas shall perform bar probe leak surveys utilizing a combustible gas indicator (CGI) meter or equivalent testing procedures guaranteeing the same level of safety on all underground installations for which they are the supplier (including but not limited to all storage containers, integral valves, and piping up to the inlet side of the second stage regulator) and which installations serve the following categories of facilities:

- (a) Places of public assembly;
- (b) Group living facilities;
- (c) Health care facilities;
- (d) Detention and correction facilities; and
- (e) Industrial or commercial facilities.

(2) Educational facilities shall be bar probe leak surveyed upon any change of gas supplier and at intervals not to exceed 60 months.

(3) The supplier shall maintain records of these surveys at their local office of distribution and shall properly date-tag each LP gas system so surveyed.

(4) All underground storage containers that are not included in the requirements pursuant to subsections (1) and (2) of this rule, shall be visually inspected at the time of each fuel delivery. Documentation of the visual inspection shall be maintained as prescribed in NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C.

(5) This rule shall not apply to those underground installations already subject to the provisions of Parts 191 and 192, Title 49 of the Code of Federal Regulations.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, 8-9-92, Formerly 4B-1.027, Amended 11-6-95, 4-30-96, Formerly 5F-11.041, Amended 8-20-19.

5J-20.043 Out of Service Account Procedure

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to Annex C of NFPA 54 as incorporated by reference in rule 5J-20.002, F.A.C., performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures. For underground containers, an abandonment procedure pursuant to section 6.8.6, NFPA 58 as incorporated by reference in rule 5J-20.002, F.A.C., may be initiated in lieu of removal. The licensed supplier must obtain written approval of the property owner prior to abandoning the container on the property.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in paragraph (1)(a), above, for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

(b) Alternatively, have a prescribed pressure leak safety check performed annually by licensed, qualified personnel.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 2-6-90, 8-9-92, Formerly 4B-1.029, Amended 4-30-96, 9-2-02, 1-29-06, Formerly 5F-11.043, Amended 6-27-18.

5J-20.044 Out-of-gas, Leak Call, and Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed LP gas dealer shall:

(a) Close all container valves.

(b) Physically check all appliances and appliance outlets to be certain they are closed and check for evidence of appliance changes and open or uncapped lines. If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice shall be deemed adequate when it includes the name and phone number of the servicing company, a description of the work performed, a description of any unsafe conditions found, a telephone contact for restoration of service, and a statement warning against reactivation of service by unauthorized persons.

(2)) An LP gas serviceman may, subsequent to the filling of an LP gas container in an out-of-gas situation, perform the safety procedures required in subsection (1).

(3) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Notify the user.

(b) Check for leakage by performing an appropriate leak test pursuant to Annex C of NFPA 54 as incorporated by reference in rule 5J-20.002, F.A.C.

(c) Make necessary repairs or leave the system in a safe condition.

(d) After repairs have been made, place the system back into service pursuant to Chapter 8, NFPA 54 as incorporated by reference in rule 5J-20.002, F.A.C.

(4) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) Notify the user.

(b) If access is possible, put all appliances back in

service, making certain all pilots are properly lighted.

(c) The LP gas license holder or its employee shall check for leakage of the affected areas of the system pursuant to Chapter 8, NFPA 54 as incorporated by reference in rule 5J-20.002, F.A.C.

(d) A leak test of the system as prescribed in Annex C of NFPA 54 as incorporated by reference in rule 5J-20.002, F.A.C., must be performed and the results documented prior to placing the system back into service.

(e) A leak test as prescribed in Annex C of NFPA 54 as incorporated by reference in rule 5J-20.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of combustible gas detector or a leak detector solution.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended 1-29-06, 7-28-14, Formerly 5F-11.044, Amended 6-27-18, 7-10-19.

5J-20.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

(a) Prominently post "No Smoking" signs on the visible or approachable sides and ends of the container.

(b) Prominently post "Flammable Gas" or "Propane" on the visible or approachable sides of the container.

(c) Prominently post proper filling instructions at the transfer location.

(2) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of six (6) months shall be made safe by evacuation of any remaining LP gas from the tank, reducing the tank pressure to vapor pressure and plugging all container openings.

(3) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of twelve (12) months shall be removed from the premises.

(4) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.9.7 of NFPA 58 as incorporated by reference in rule 5J-20.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with a valve approved pursuant to the requirements of NFPA 58.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, 1-29-06, 7-28-14, Formerly 5F-11.045, Amended 6-27-18.

5J-20.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer or dispenser of liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in or on any vehicle unless the provisions of NFPA No. 58, Chapter 9, as incorporated by reference in rule 5J-20.002, F.A.C., are complied with. It shall be the responsibility of the dealer or dispenser to ensure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.15, Amended 7-18- 85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-

1.011, Amended 1-29-06, Formerly 5F-11.046, Amended 7-10-19.

5J-20.047 Connecting or Disconnecting Containers or Systems; Notice to Owner; Transportation.

(1) No person, firm or corporation, other than the owner and those authorized by the owner, shall connect or disconnect any container, or system containing liquefied petroleum gas, except in an out-of-gas situation, unless due and sufficient notice has been given by any person, firm, or corporation to the owner of the container or system prior to disconnecting or connecting such container or system. Due and sufficient notice shall be received by the owner at least two (2) working days prior to installing the container or system of said person, firm, or corporation, and shall be evidenced by a signed receipt. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery, email delivery confirmation, or facsimile transmission receipt. If, after two working days, the container or system has not been disconnected by the owner, the said person, firm, or corporation, may then disconnect downstream of the system regulator or meter. It shall be mandatory that the person, firm, or corporation who so disconnects any such container, whether empty or full, upon the premises of a consumer, does so in a manner that renders the container tight with valves turned off, the container service valve plugged with brass or steel fittings, and all other container or system openings properly plugged. In addition, any container or system disconnected must be done so in a manner that is in compliance with the requirements of NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C. Notices of disconnect shall expire after 30 days. If the container or system is not disconnected prior to the expiration of the disconnect notice, a new notice of disconnect must be issued in compliance with the provisions of this rule.

(2) In an out-of-gas situation and upon receiving authorization from the end user or owner of the container or system, the person, firm, or corporation may disconnect the container or system downstream of the system regulator or meter. A person, firm, or corporation who disconnects any container or system shall notify the owner of the container or system within 24 hours. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery, email delivery confirmation, or facsimile transmission receipt.

(3) All disconnected container or systems must be timely removed from the premises of the consumer or end-user or must be timely and lawfully abandoned. Disconnected aboveground containers or systems and underground containers being stored above ground must be removed or lawfully abandoned within 5 days after disconnect. Disconnected underground containers or systems must be removed or lawfully abandoned within 30 days after disconnect. No person, firm or corporation, other than the owner and those authorized to do so, shall transport or carry by any means of conveyance whatsoever, any container containing liquefied petroleum gas, whether in the liquid or vapor state.

(4) Complaints from consumers, liquefied petroleum gas industry-members, agencies, or other entities concerning violations of this rule must be filed within 30 days of the violation's occurrence.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.7 FS. History—New 8-7-80, Formerly 4A-1.11, Amended 7-18-85, Formerly 4B-1.08, Amended 2-6-90, 2-5-91, Formerly 4B-1.008, Amended 7-28-14, Formerly 5F-11.047, Amended 7-10-19.

5J-20.048 Storage of Cylinders Awaiting Use, Resale, or Exchange.

(1) All cylinders awaiting use, resale, or exchange at a location open to the public shall be stored in storage units meeting the requirements of Chapter 8, NFPA 58 as incorporated by reference in rule 5J-20.002, F.A.C.

(2) The following signs shall be affixed to the front of the unit and all approachable sides: "Propane" or "Flammable Gas," and "No Smoking" or the universally-recognized symbol for "no smoking." Signs shall not be faded or unreadable.

(3) The servicing dealer's name and emergency telephone number(s) shall be prominently posted on the front of the unit. For purposes of this rule, the "front" shall be the part of the unit most likely to be approached by the public.

Rulemaking Authority 527.06 FS. Law Implemented 527.06(2) FS. History—New 2-5-91, Formerly 4B-1.035, Amended 7-20-95, 7-28-14, Formerly 5F-11.048, Amended 6-27-18.

5J-20.049 Use of Liquefied Petroleum Gas Limited.

No person, firm, or corporation shall use liquefied petroleum gas as a source of pressure in lieu of compressed air in operating emergency shut off valves, spray guns and other similar equipment.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.04, Amended 7-18-85, Formerly 4B-1.04, Amended 2-15-94, Formerly 4B-1.004, 5F-11.049, Amended 7-10-19.

5J-20.060 Documentation of Training, General.

(1) Documentation of employee training, as required in NFPA 58, incorporated in rule 5J-20.002, F.A.C., shall include the following:

- (a) Employee's name and signature;
- (b) Employee's primary job responsibilities and duties;
- (c) Date of completed employee training;
- (d) Description, copy or location of the materials used to conduct the training, including the topics covered by the training;
- (e) Name, address and phone number of the person or organization conducting the training;
- (f) Signature of employee supervisor or trainer verifying training and evaluation.

(2) Documentation shall be maintained at the employee's place of business and shall be available for inspection by the department upon request.

Rulemaking Authority 527.0201, 527.06 FS. Law Implemented 527.0201, 527.055, 527.06 FS. History—New 1-15-2, Amended 7-28-14, Formerly 5F-11.060, Amended 7-10-19.

5J-20.061 Qualifier and Master Qualifier Examinations; Applicant Qualifications.

(1) Applicants for examination for competency must submit FDACS-03584 LP Gas Qualifier and Master Qualifier Registration Application, Rev. 11/20, as incorporated by reference in rule 5J-20.004, F.A.C., along with the required non-refundable examination fee set forth in section 527.0201(1) or 527.0201(5)(a), F.S.

(2) Testing shall be administered either by the department or an agent authorized by the department.

(a) Testing Agents must maintain nationally recognized accreditation and offer testing services under contract with the department.

(b) Testing Agents may not be interested, directly or indirectly, in the sales or distribution of liquefied petroleum gas regulated by this rule chapter.

(3) Testing Requirements – Areas of competency.

(a) Qualifiers:

1. All registrants for a Category I Qualifier designation shall be tested on the properties and characteristics, transportation, liquid transfer, service/installation, and bulk plant operation/distribution of liquefied petroleum gas as well as the LP gas laws, rules, and regulations as specified in chapter 527, F.S. and this rule chapter.

2. All registrants for a Category I Qualifier - R.V. designation shall be tested on the properties and characteristics, liquid transfer, R.V. appliance or system service/installation, and the LP gas laws, rules, and regulations as specified in chapter 527, F.S., and this rule chapter.

3. All registrants for a Category II Qualifier designation shall be tested on the properties and characteristics, inspection of cylinders/containers/valves, liquid transfer, transportation of cylinders/containers, and safety of liquefied petroleum gas as well as the LP gas laws, rules, and regulations specified in chapter 527, F.S. and this rule chapter.

4. All registrants for a Category V qualifier designation shall be tested on the properties and characteristics, inspection of cylinders/containers/valves, liquid transfer, safety, service and installation of liquefied petroleum gas as well as the LP gas laws, rules, and regulations specified in chapter 527, F.S. and this rule chapter.

(b) Master Qualifiers:

1. All registrants for a Category I Master Qualifier designation shall be tested on the properties and characteristics, transportation, liquid transfer, service/installation, and bulk plant operation/distribution of liquefied petroleum gas as well as the LP gas laws, rules, and regulations specified in chapter 527, F.S. and this rule chapter.

2. All registrants for a Category I Master Qualifier - R.V. designation shall be tested on the properties and characteristics, liquid transfer, R.V. LP gas service/installation, and the LP gas laws, rules, and regulations as specified in chapter 527, F.S., and this rule chapter.

3. All registrants for a Category V Master Qualifier designation shall be tested on the properties and characteristics, inspection of cylinders/containers/valves, liquid transfer, safety, service and installation of liquefied petroleum gas as well as the LP gas laws, rules, and regulations specified in chapter 527, F.S. and this rule chapter.

(4) All areas of competency as described in subsection (2) above shall be given equal weight during grading of the examination.

(5) As evidence of reasonable competency and qualification, Master Qualifier applicants must submit proof of professional certification in safety, installation, maintenance, service or repair of liquefied petroleum gas equipment, systems, or appliances by an LP gas industry manufacturer that proves the applicant has the knowledge, experience and skills to perform the required duties in the specific Master Qualifier area of competency or shall have a minimum of 3 year's verifiable experience in the liquefied petroleum gas industry within the 10 years preceding submission of the application for Master Qualifier examination. Acceptable experience shall include work with a liquefied petroleum gas company where the applicant performed activities that fall within one or more of the following categories:

- (a) Maintenance of gas facilities and equipment.
- (b) Gas storage and distribution facility operations and safety.
- (c) Gas transportation, delivery, product transfer.
- (d) Gas tanks, cylinders and equipment.

(e) Gas liquid and vapor distribution systems and equipment.

(f) Gas equipment and appliance service, installation and repair.

Rulemaking Authority 527.0201, 527.06 FS. Law Implemented 527.0201, 527.055, 527.06 FS. History—New 1-15-02, Amended 7-28-14, Formerly 5F-11.061, Amended 6-27-18, 7-10-19, 11/20.

5J-20.062 Approved Courses of Continuing Education.

(1) Courses, which cover one or more of the following topics, shall be approved for continuing education credit for Category I, Category I-R.V., Category II and V Qualifiers and Category I, Category I-R.V., and Category V Master Qualifiers:

(a) Inspections and maintenance of LP gas facilities and equipment.

(b) State and federal LP gas laws, rules and regulations, codes and standards.

(c) Gas emergency procedures, fire protection, or risk management planning.

(d) Gas storage and distribution facility operations and safety.

(e) Gas transportation and delivery.

(f) Gas liquid transfer.

(g) Gas tanks, cylinders and equipment.

(h) Gas liquid and vapor distribution systems and equipment.

(i) Gas equipment and appliance service, installation and repair.

(2) Sixteen hours of continuing education during the three-year period must be attained in order for the Qualifier or Master Qualifier to renew certification. Continuing education credits will be granted on an hour-for-hour basis for up to four hours credit per class. For each 3 year period, a minimum of two hours shall be from paragraph (a), (b) or (c), in subsection (1), above.

(3) Continuing education classes provided by the employer shall be documented as outlined in rule 5J-20.060, F.A.C., and records shall be maintained for a period of three years at the employee's work location. These records shall be available for inspection by the department upon request.

(4) No more than two approved courses per topic as listed in subsection (1) shall be accepted in order to meet the 16 hour requirement.

(5) No more than four credit hours shall be accepted for safety related meetings that have not been approved pursuant to rule 5J-20.063, F.A.C.

Rulemaking Authority 527.0201, 527.06 FS. Law Implemented 527.0201, 527.055, 527.06 FS. History—New 1-15-2, Amended 7-28-14, Formerly 5F-11.062, Amended 7-10-19, 11/20.

5J-20.063 Approval of Outside Vendor Training Programs.

(1) Outside vendors providing training to industry personnel for the purposes of continuing education credits shall submit FDACS-03586, LP Gas Continuing Education Course Approval Application, 05/19, as incorporated by reference in rule 5J-20.004, F.A.C. for review and approval.

(2) Courses which fail to meet the criteria of chapter 527, F.S., or this rule will not be approved by the department and shall not be eligible for continuing education credits.

(3) The outside vendor shall review the course content annually and immediately notify the department of any revisions to course materials or documents and shall provide copies of such revisions or documents to the department for review.

(4) The approval for such courses will expire five years

from the approval date. Courses must be reapproved in order to be eligible for continuing education credits.

Rulemaking Authority 527.0201, 527.055, 527.06 FS. Law Implemented 527.0201, 527.055, 527.06 FS. History—New 1-15-02, Formerly 5F-11.063, Amended 7-10-19.

5J-20.064 Renewal of Qualifier and Master Qualifier Certificates.

In order to renew their qualification, all Qualifiers and Master Qualifiers shall submit a renewal fee, registration application and documentation of a minimum of 16 continuing education hours using FDACS-03584, LP Gas Qualifier and Master Qualifier Registration Application, 05/19, as incorporated by reference in rule 5J-20.004, F.A.C.

Rulemaking Authority 527.0201, 527.055, 527.06 FS. Law Implemented 527.0201, 527.055, 527.06 FS. History—New 1-15-02, Amended 7-28-14, Formerly 5F-11.064, Amended 7-10-19.

5J-20.065 Re-examination Procedures.

An applicant who fails any part of an examination is eligible to be re-examined on those parts failed. The applicant must submit FDACS-03584 LP Gas Qualifier and Master Qualifier Registration Application, 05/19, as incorporated by reference in rule 5J-20.004, F.A.C., and the applicable non-refundable examination fee as set forth in either sections 527.0201(1) or 527.0201(5)(a), F.S., for the type of examination being taken. Re-examinations must be completed within 90 calendar days of the original examination; however, no examinee is permitted to retake the failed examination more than two times within the 90-day period. If the applicant does not successfully complete and obtain a passing grade on the examination re-take within the 90-day period, the examinee shall be given a failing grade. After a 30-day period, the applicant must reapply to retake the entire examination.

Rulemaking Authority 527.055, 527.06 FS. Law Implemented 527.0201, 527.055, 527.06 FS. History—New 1-15-02, Amended 7-28-14, Formerly 5F-11.065, Amended 6-27-18, 7-10-19.

5J-20.066 Reporting of Qualifier and Master Qualifier Vacancies.

For purposes of section 527.0201(6), F.S., vacancies in a Qualifier or Master Qualifier position resulting from the departure of the Qualifier or Master Qualifier shall be reported to the department in writing by the Qualifier or Master Qualifier and the licensed company no later than two working days following the day on which the Qualifier or Master Qualifier departed from, or was no longer working at or associated with, the licensed business location. Such notice shall be submitted to the Division of Consumer Services by mail to the Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Mail Stop R- 8, Tallahassee, Florida 32399-6500, by email at QualifierVacancyNotice@freshfromflorida.com, or by facsimile transmission at the following fax number: (850)410- 3804. Qualifiers and Master Qualifiers transferring to another licensed business location shall notify the Division of Consumer Services of the transfer by submitting FDACS- 03585, LP Gas Material Change and Duplicate Licenses Form, 05/19, as incorporated by reference in rule 5J-20.004, F.A.C.

Rulemaking Authority 527.06 FS. Law Implemented 527.0201(6), 527.055, 527.06 FS. History—New 7-28-14, Formerly 5F-11.066, Amended 6-27-18, 7-10-19.

5J-20.070 Definitions.

For the purposes of this part, the following definitions shall apply:

(1) Owner of propane at the time of import means the person holding legal title to odorized gas at the time of its import into the State of Florida.

(2) Owner of propane immediately prior to odorization means the person holding legal title to the propane before odorant has been added.

(3) Fiscal year shall be defined as the period beginning July 1 of each year and ending June 30 of the following year.

(4) Quarter as used in this part, shall mean one of four 3-month periods during the fiscal year, each ending on one of the following dates: September 30, December 31, March 31, and June 30.

Rulemaking Authority 527.23(13) FS. Law Implemented 527.23 S. History—New 7-8-98, Formerly 5F-11.070.

5J-20.071 Rate of Assessments; Effective Date.

(1) There is hereby assessed to every producer or retail marketer engaged in the production or sale of propane gas in this state the amount of \$.003 per gallon of odorized gas sold in Florida for consumption in Florida; and \$.003 per gallon of odorized gas imported into the state for consumption in the state.

(2) The rate set forth above, shall take effect at the beginning of the first full quarter immediately following adoption of the rule fixing this amount and shall apply to all odorized propane gas subject to the assessment sold during that quarter and thereafter until changed.

Rulemaking Authority 527.23(13) FS. Law Implemented 527.23(9), (11), (12) FS. History—New 7-8-98, Amended 1-1-14, Formerly 5F-11.071, Amended 6-27-18.

5J-20.072 Payment of Assessments.

(1) Payment of the quarterly assessment shall be based on the odorized gallonage sold or imported into Florida during the quarter. Each producer or marketer shall certify to the department the volume of each load of propane gas sold or imported at the end of each quarter. The volume of propane gas sold for export outside the state shall also be certified to the department for audit purposes only. The amount of the quarterly assessment to be paid and certification of load volume shall be provided on FDACS- 03524, LP Gas Odorizers/Importers Quarterly Remittance Report, Rev. 10/18, as incorporated by reference in rule 5J- 20.004, F.A.C.

(2) Assessment payments and the completed LP Gas Odorizers/Importers Quarterly Remittance Report must be received by the department no later than 45 calendar days after the end of each quarter.

(3) Failure to remit payment is a violation of chapter 527, F.S., and subject to penalties provided therein in addition to payment of the assessment.

Rulemaking Authority 527.23(13) FS. Law Implemented 527.12, 527.13, 527.23(9), (12) FS. History—New 7-8-98, Amended 1-1-14, Formerly 5F-11.072, Amended 6-27-18, 7-10-19.

5J-20.074 Audits.

(1) The department may initiate random audits of sales or purchase records of any person, firm, or corporation for the purposes of determining compliance with this chapter. The person, firm or corporation shall make available all papers, books, accounts, documents and other business records necessary to sufficiently document gallonage certified to the department.

(2) Fraudulent reporting of information is a violation of chapter 527, F.S., and subject to penalties provided therein in addition to payment of the assessments due.

Rulemaking Authority 527.23(13) FS. Law Implemented 527.055(3) FS. History--New 7-8-98, Formerly 5F-11.074.

5J-20.078 Inspection Identification Stickers.

The department shall affix a decal to any container, storage unit, liquefied petroleum gas system, or liquefied petroleum gas equipment or device to indicate that it has been inspected pursuant to section 527.061, F.S. The decal shall be affixed in a manner that ensures it can be easily read by the public, but shall not obstruct other information on the inspected item intended to provide important information to the public, such as the owner's contact information or information regarding propane safety. Decals shall only be removed, replaced, or altered by department personnel.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.061, 527.12, 527.13, 527.14 FS. History--New 7-28-14, Formerly 5F-11.078, Amended 7-10-19.

5J-20.080 Enforcement Actions and Administrative Penalties.

(1) This rule sets forth the guidelines the department will follow in imposing the penalties and enforcement actions authorized under sections 527.13 and 527.14, F.S. The purpose of the guidelines is to give notice of the range of penalties which will be imposed for a single violation within a three (3) year period. The three-year period shall be based on the date of the last enforcement action or administrative penalty imposed for the same violation. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The department will enforce compliance with chapter 527, F.S., and this rule chapter by issuing an administrative complaint, notice of noncompliance, a stop use order, and/or a cease and desist order.

(3) Stop Use Orders. The department shall issue a FDACS-10988, Stop Use Order, Rev. 02/17, as incorporated by reference in rule 5J-22.002, F.A.C., whenever necessary to effectuate the statutory duties of the department in the interests of public health, safety, and welfare and to promote public safety where the installation, operation, maintenance, or condition of a liquefied petroleum gas container or system, including a cylinder storage unit, fails to comply with the codes adopted in rule 5J-20.002, F.A.C., or with any provision of chapter 527, F.S., or this rule chapter.

(4) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to encompass all possible violations of statute or department rule that might be committed by any person. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:

- (a) The closest analogous violation, if any, that is listed in this rule chapter; and
- (b) The mitigating or aggravating factors listed in this rule.

(5) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of chapter 527, F.S., and this rule chapter. Aggravating factors, as defined in paragraph (5)(a) of this rule, shall warrant the adjustment of

the fine upward from \$500 to \$1,000 per violation per aggravating factor and mitigating factors, as defined in paragraph (5)(b) of this rule, shall warrant the adjustment of the fine downward from \$500 to \$1,000 per violation per mitigating factor. Both aggravating and mitigating factors, if present, shall be applied against each single count of the listed violation regardless of whether the violation is a Tier I violation or a Tier II violation as described in paragraphs 5J-20.080(7)(a) and (b), F.A.C.

(a) Aggravating Factors:

- 1. The violation caused, or has the potential to cause, serious injury to a person.
- 2. The violation endangered the public safety or welfare.
- 3. The violation occurred for more than 24 hours with the violator's knowledge.
- 4. The violator impeded, or otherwise failed to cooperate with, the department's inspection or investigation.
- 5. Previous disciplinary actions within the preceding three years against the violator involving any violation of chapter 527, F.S. or rule chapter 5J-20, F.A.C.
- 6. The violator's prior knowledge of chapter 527, F.S., and rule chapter 5J-20, F.A.C.
- 7. The violation resulted from an intentional act.
- 8. The cost of the enforcement action.
- 9. The benefit to the violator.

(b) Mitigating Factors:

- 1. Any documented efforts by the violator at rehabilitation, including, but not limited to, successful completion of training courses directly related to the offense committed.
- 2. Intentional actions of another party prevented the violator from complying with the applicable laws or rules.
- 3. Documented financial hardship.
- 4. Acts of God or nature that impaired the ability of the violator to comply with chapter 527, F.S. or rule chapter 5J- 20, F.A.C.
- 5. The violator took affirmative or corrective action within twenty-four hours.
- 6. The disciplinary history contains no violations within the prior three years.
- (6) Notice of noncompliance. Any department investigation or inspection that reveals minor violations of this rule chapter for which the department has reason to believe that the violator was unaware of the rule or unclear as to how to comply with it, will result in the issuance of a notice of noncompliance as the department's first response to the violation. The following shall be considered minor violations for which a notice of noncompliance shall be issued for the first occurrence only:
 - (a) Lack of proper signage;
 - (b) Propane containers in need of paint;
 - (c) Minor corrosion issues; or
 - (d) Accumulation or storage of combustibles too close to a container.
 - (e) Conducting LP gas activities as defined in section 527.01, F.S., under the Category IV, or Category VI, licensure categories, without a license, including while any licensure application is pending, where the unlicensed activity did not contribute to or cause an LP-gas related accident.
 - (f) Failure to mark dealer-owned containers in service in a legible manner with the name and phone number of the owner.
 - (g) Failure to maintain or make immediately available to the department upon request employee training records.
- (7) Violations. For the purposes of imposing the penalties and enforcement actions provided for in sections 527.13 and 527.14, F.S., violations shall be designated as either Tier I or Tier II.

(a) Tier I Violations. Tier I violations shall result in imposition of a fine of up to \$1,000. The following violations shall be considered Tier I violations:

(b) Tier II Violations. Tier II violations shall result in imposition of a fine of up to \$500. The following violations shall be considered Tier II violations:

1. A subsequent violation of any of the violations enumerated in subsection (6), above, within a three-year period.

2. Failure to timely notify the department of a loss of Qualifier or Master Qualifier in violation of section 527.0201, F.S.

3. Connecting or disconnecting a container or system without due and sufficient notice as required under rule 5J-20.047, F.A.C.

4. Failure to timely remove or lawfully abandon a disconnected container or system from the premises of the consumer or end-user in accordance with rule 5J-20.047, F.A.C.

5. Except as otherwise stated in paragraph (6)(e), above, conducting LP gas activities as defined in section 527.01, F.S., without a license, including while any licensure application is pending, or while the license is inoperative because of failure to renew, or conducting LP gas activities after the qualification status of the duly-designated Qualifier or Master Qualifier has expired, where the unlicensed activity did not contribute to or cause an LP-gas related accident.

6. Any violation involving LP gas found during a department accident investigation that contributed to the accident, but was not a direct cause of the accident, and resulted in the following:

a. Personal injury not requiring professional medical treatment; or

b. Property damage of \$25,000 or less.

7. Conducting LP gas activities without insurance as required in sections 527.02 and 527.04, F.S., including conducting LP gas activities after insurance coverage has expired or has been cancelled.

8. Failure to correct non-hazardous law, rule, or code deficiencies identified in a Notice of Non-Compliance, within the time period specified.

9. Falsification of records relating to application for, or renewal of, Qualifier or Master Qualifier status, including but not limited to misrepresentation of eligibility, of position within the licensed company, or place of full-time employment.

10. Failure to perform and/or document the following periodic testing required on propane cargo vehicles within the time frames as referenced in NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C.:

a. Annual external visual and leak test;

b. Cargo pressure test;

c. Monthly delivery hose inspection; or

d. Monthly emergency shut-off valve test.

11. Failure to provide local emergency response personnel with emergency contacts for after-hour emergencies, failure to post emergency numbers on the premises, or failure to relay messages on emergency answering services or machines within time frames as required by section 527.065(3), F.S.

12. Failure to timely notify the department of any accident meeting the criteria of section 527.065, F.S.

13. Selling, filling, refilling, delivering, or using an LP gas container for any gas or compound, or for any other purpose, without permission of the owner, in violation of section 527.07, F.S.

14. Filling a cylinder with an expired requalification date, filling a "non-refillable" cylinder, filling a cylinder without conducting an appropriate visual inspection, or filling a cylinder that fails one or more of the visual inspection criteria in NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C.

15. Continuing a cylinder in service with an expired requalification date or that fails to meet any visual inspection criterion or any other provision regarding in-service use, including provisions governing transporting of cylinders, contained in NFPA 58, as incorporated by reference in rule

5J-20.002, F.A.C.

16. Conducting metered sales of LP gas without an active temperature compensating device as required by NIST Handbook 130, as incorporated by reference in rule 5J-22.003, F.A.C.

17. Failure to document any procedure or activity required to be documented by NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C., or this rule chapter.

18. Failure to notify the department of the completion of corrections issued in a Notice of Noncompliance.

19. Falsification of records related to corrections ordered by the department on a Notice of Noncompliance.

(b) Tier II Violations. Tier II violations shall result in the imposition of an administrative fine of \$1,000 up to \$3,000, suspension or revocation of the license as prescribed in section 527.14, F.S., or any of the foregoing, as prescribed in section 527.13, F.S. The following violations shall be considered Tier II violations:

1. Any violation involving LP gas found during a department accident investigation that contributed to the accident and resulted in property damage exceeding \$25,000.

2. Any violation involving LP gas found during a department accident investigation, regardless of whether the violation was or was not a direct cause of the accident, that contributed to the accident and resulted in the following:

a. Loss of human life; or

b. Personal injury requiring professional medical treatment.

3. Any violation involving LP gas found during a department accident investigation that contributed to and was a direct cause of the accident, and that resulted in property damage exceeding \$3,000.

4. Transportation of propane cylinders in violation of the requirements of NFPA 58, as incorporated by reference in rule 5J-20.002, F.A.C.

5. Conducting LP gas activities without a license following issuance of written notice from the department regarding the lack of licensure, including licensure that has expired due to nonrenewal.

6. Conducting LP gas activities without insurance coverage following issuance of written notice from the department regarding the lack of insurance.

7. Failure to conduct a leak test in a new piping system, or in an out-of-gas or interrupted service situation, as required by NFPA 54, as incorporated by reference in rule 5J-20.002, F.A.C.

8. Intentional alteration, modification, or disabling of any component in an LP gas system, including the container and its appurtenances, that renders the equipment out of compliance with chapter 527, F.S., this rule chapter, or any applicable code adopted in rule 5J-20.002, F.A.C., or renders it inoperable, or otherwise prevents it from functioning as intended by the equipment manufacturer.

9. Failure to install LP gas appliances, piping, or equipment in accordance with manufacturer's instructions or applicable safety codes.

10. Failure to install, disconnect, and/or store LP gas containers in accordance with applicable rules and safety codes.

11. Failure to follow proper fill procedures, other than visual inspection requirements, including overfilling of propane containers.

12. Failure to respond to a verifiable leak call within twenty-four hours or failure to physically respond to an emergency within two (2) hours when contacted by an emergency response unit, as required by sections 527.065(4) and 527.065(5), F.S.

13. Use or operation of equipment or systems, including

transport vehicles.

14. Failing to correct within designated timeframe, any hazardous law, rule, or code deficiencies identified in a Notice of Noncompliance.

15. Operating LP gas equipment, including equipment transporting an LP gas container containing product, in a reckless manner.

Rulemaking Authority 120.695, 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New 7-28-14, Formerly 5F-11.080, Amended 6-27-18, 8-20-19.

5J-20.082 Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(1) Failure to respond to an administrative complaint shall result in the entry of a default Final Order against the violator or entity responsible for the violation. The department shall impose administrative fines in a default Final Order up to the maximum amount allowable under section 527.13, F.S.

(2) A failure to comply with a Final Order of the department shall result in license revocation and additional enforcement as prescribed in sections 527.09, 527.12 and 527.13, F.S.

Rulemaking Authority 527.06, 570.07(23) FS. Law Implemented 527.06, 527.08, 527.09, 527.12, 527.13, 527.14 FS. History—New 7-28-14, Formerly 5F-11.082, Amended 7-10-19.

SUBJECT INDEX OF LP GAS LAWS AND RULES

ACCIDENTS AND INVESTIGATIONS

- 527.065 Notification of accidents; leak calls.
- 527.062 Investigation and safety promotion; authority of department.
- 527.16 Witnesses and evidence.

CONSUMER RESPONSIBILITIES

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

DEFINITIONS AND ADOPTED CODES

- 5J-20.001 Definitions
- 5J-20.002 Standards of National Fire Protection Association Adopted
- 527.01 Definitions (license categories, scope of work, terms used in this chapter)
- 5J-20.005 Lack of trustworthiness

BUREAU OF LP GAS INSPECTION DUTIES & RESPONSIBILITIES

- 527.055 General powers and duties.
- 527.06 Rules
- 527.061 Inspection of buildings, systems, equipment, vehicles, or premises.
- 5J-20.078 Facility Inspection Report; Vehicle Inspection Report; Notice of Required Correction; Failure to Correct
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- 527.02 License application and renewal fees, examination fees.
- 527.021 Truck inspection fee.
- 527.0605 Site plan review fees.

LICENSING INFORMATION

- 527.02 License; penalty; fees.
- 527.03 Renewal of license.
- 527.04 Proof of insurance required.
- 527.11 Minimum storage requirements.
- 5J-20.011 Effect of revocation or suspension upon reapplication for licensure
- 5J-20.012 Installer Licenses
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LPG CONTAINERS & APPURTENANCES

- 527.07 Restriction on use of containers.
- 527.10 Restriction on use of unsafe container or system
- 5J-20.021 Testing and Repairing Containers.
- 5J-20.022 Marking of Containers
- 5J-20.023 Manufacturer's Data Sheets Covering ASME Tanks
- 5J-20.025 Color Scheme for Piping Identification
- 5J-20.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance
- 5J-20.047 Connecting or Disconnecting Cylinders Containers or Systems; Notice to Owner; Transportation

PENALTIES & ADMINISTRATIVE ACTIONS

- 527.08 Penalty for violation.
- 527.09 Injunction.
- 527.12 Cease and desist orders; administrative fines.
- 527.13 Administrative fine.
- 527.14 Suspension and revocation of license.
- 527.15 Conduct of proceedings; record costs.
- 527.16 Witness and evidence.
- 5J-20.080 Enforcement Actions and Administrative Penalties
- 5J-20.082 Resolution of Violations, Settlement, and Additional Enforcement Remedies

STORAGE, DISPENSING AND USE OF LPG

- 527.0605 Liquefied petroleum gas bulk storage locations; jurisdiction.
- 5J-20.041 Underground Installations
- 5J-20.042 Underground tanks; regulators
- 5J-20.043 Out of Service account procedure
- 5J-20.044 Out-of-gas, Leak Call, and Interrupted Service Procedure
- 5J-20.045 Dispensing Units
- 5J-20.048 Storage of Cylinders Awaiting Use, Resale, or Exchange
- 5J-20.049 Use of Liquefied Petroleum Gas Limited

TRANSPORTATION OF LPG

- 527.021 Registration of transport vehicles.
- 5J-20.033 Truck safety; regulations
- 5J-20.034 Transportation of Liquefied Petroleum Gas by Pipeline

MARKETING AND ASSESSMENTS

- 527.20 Florida Propane Gas Education, Safety & Research Act
- 527.21 Definitions (relating to the Act)
- 527.22 Establishment of the Council; duties & responsibilities.
- 527.23 Marketing orders; referendum requirements; assessments.
- 5J-20.070 Definitions
- 5J-20.071 Rate of Assessments; effective date
- 5J-20.072 Payment of Assessments; Penalties
- 5J-20.073 Payment Agreements; Purchaser Responsibilities
- 5J-20.074 Audits

QUALIFIER/MASTER QUALIFIER & CEU'S

- 527.0201 Requirements; Competency Exam; Renewal
- 5J-20.061 Qualifier and Master Qualifier Examinations; Applicant Qualifications
- 5J-20.062 Approved Courses of Continuing Education
- 5J-20.064 Renewal of Qualifier and Master Qualifier Certificates
- 5J-20.065 Re-examination
- 5J-20.066 Reporting of Qualifier and Master Qualifier Vacancies

INFORMATION DOCUMENTATION OF TRAINING

Training documentation is required for EVERY employee who dispenses propane or who performs any job function which falls within the scope of NFPA 58 (Liquefied Petroleum Gas Code) – not just those persons who are qualifiers. Training must be refreshed at 3 - year intervals and all initial and refresher training must be documented and on file at the licensed location. Florida law requires that all training records be made available for inspection upon request of the department.

INFORMATION REGULATORY DEADLINES

RENEWALS ARE DUE EVERY 3 YEARS

16 CONTINUING EDUCATION CREDIT HOURS ARE REQUIRED FOR RENEWAL OF MASTER QUALIFIER AND QUALIFIERS THAT FALL UNDER THE CATEGORIES I LIQUEFIED PETROLEUM GAS DEALER / RV DEALER AND CATEGORY V LIQUEFIED PETROLEUM GAS INSTALLER AS WELL AS QUALIFIERS THAT FALL UNDER THE CATEGORY II LIQUEFIED PETROLEUM GAS DISPENSER

ADDITIONAL RESOURCES

For Information On:

Natural Gas Issues: contact the Florida Public Service Commission at (850) 413-6100 or toll-free 1-800-342-3552 or email contact@psc.state.fl.us



LP Gas Storage Tank Registration - Contact the Department of Environmental Protection at (850) 245-8839.

LP Gas Storage Risk Management 112(r) Program (EPA) Contact 1-800-424-9346
(Note: propane tanks of 2,400 gallon water capacity or over must be registered by March 1st of each year.)

Special (or Alternative) Fuel Decals - Contact the Florida Department of Revenue at 1-800-352-3671.

Scales (permitting of scales, permitting of LP meters, calibration requirements, inspection, etc.) -
Contact the Bureau of Compliance at (850) 921-1590.

Office of Motor Carrier Compliance - Enforcement of U.S. Department of Transportation rules governing hazardous materials, including LP gases at (850) 617-2000.

Internet Resources:

Federal Hazardous Materials Transportation Laws (include propane) www.phmsa.dot.gov/hazmat

Florida Propane Gas Education, Safety and Research Act Website <http://www.floridagas.org>

Office of Pipeline System (federal pipeline regulatory agency) www.phmsa.dot.gov/pipeline

Florida Uniform Building Code Online <https://floridabuilding.org/c/default.aspx>

National Propane Gas Association www.npga.org/

National Propane Gas Education and Research Council <http://www.propanecouncil.org/>

Florida Department of Revenue - Information on taxes & business in Florida
<http://floridarevenue.com/pages/default.aspx>

Federal Highway Safety Administration-information on motor carrier regulations, requirements, hours of service, etc.
<https://www.fmcsa.dot.gov/>



HURRICANE PREPAREDNESS

Each year, Florida is faced with hurricanes which can have a devastating effect on the state. Here are some suggestions to help you prepare for the storm season:

- Have a power generator available in the event of power loss.
- Check customer generators and gas supply at locations such as hospitals, emergency response facilities, communication towers, group or assisted living facilities. Keep a written list of these facilities and their phone numbers available; prioritize fuel deliveries.
- Educate your customers on the proper use of generators; address their expectations as to performance; ensure generator locations are safe and that combustion gases are vented away from building openings.
- Make sure your customers know what to do in the event of a storm or evacuation.
- Check with county emergency centers to determine the need for fuel during the storm as well as after. Check to make sure forklift tank supplies are available for distribution of food, ice and emergency supplies after the storm.
- Plan for vehicle fuel availability before the storm. When a storm is approaching, top off delivery vehicle fuel tanks and ensure they are in good working condition.
- Establish communications with all personnel and local officials.
- Secure all equipment from wind and water damage to the extent possible. Lock cylinder cages and dispensing cabinets. Move vehicles to higher ground if you are in a low or flood-prone area.
- Make arrangements for your customers to be covered by another branch of your company should you be unable to respond after the storm. Contact other branches or companies in your area to ensure an inventory of emergency equipment is available.
- Update emergency contact phone numbers.
- Make sure all employees are aware of emergency procedures and contact numbers.
- Keep and maintain a list of all agencies that you may need to contact before, during and after the emergency, such as local fire departments, sheriff or police departments, insurers, government agencies, and any internal staff as company policy dictates.
- After the storm passes, check all tanks, piping, regulators and other equipment for structural damage, shifting, water damage, leaks, etc. Check customer locations as soon as possible after the storm to ensure safety for continued operation.