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# **Agriculture, Conservation & Resiliency Subcommittee**

**January 19, 2024  
4:00 pm  
Sumner Hall**

**Meeting Packet**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Agriculture, Conservation & Resiliency Subcommittee

**Start Date and Time:** Friday, January 19, 2024 04:00 pm

**End Date and Time:** Friday, January 19, 2024 06:00 pm

**Location:** Sumner Hall (404 HOB)

**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 435 Cultivated Meat by Sirois

HB 455 Comprehensive Waste Reduction and Recycling Plan by Casello

HM 517 Foreign Polluters by Overdorf

HB 815 Sale of Liquefied Petroleum Gas by Smith

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

**NOTICE FINALIZED on 01/17/2024 4:00PM by Jones.Missy**



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 435 Cultivated Meat  
**SPONSOR(S):** Sirois  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 586

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee		Gawin	Moore
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) Infrastructure Strategies Committee			

**SUMMARY ANALYSIS**

The ability to take a small number of cells from living animals and grow them in a controlled environment to create food made from cultured animal cells is an emerging area of food science. Advancements in cell culture technology enable food developers to use cells obtained from livestock, poultry, seafood, or other animals in the production of food. Food products made with cultured animal cells are called a variety of names, including cultured meat, cultivated meat, cell-based meat, and lab-grown meat.

In 2019, the United States Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS) within the U.S. Department of Agriculture agreed to establish a joint regulatory framework for human foods made from cultured cells of livestock and poultry. Under this agreement, generally, the FDA oversees the collection, growth, and the differentiation of living cells into various cell types. Regulatory authority then shifts to FSIS during the harvesting stage of the cell-culturing process, and FSIS oversight continues during the processing, labeling, and packing of cultivated meat products. Two companies have been approved to sell cultivated chicken products in the U.S.

The Department of Agriculture and Consumer Services (DACS) is the agency responsible for the enforcement of the production, manufacture, transportation, and sale of food in the state. DACS’s Division of Food Safety is directly responsible for assuring the public of a safe, wholesome, and properly represented food supply.

The bill defines “cultivated meat” to mean any meat or food product produced from cultured animal cells.

The bill prohibits any person from manufacturing, selling, holding or offering for sale, or distributing cultivated meat in the state and specifies that a person who violates this prohibition commits a second-degree misdemeanor.

The bill specifies that a food establishment that distributes or sells cultivated meat is subject to fines and revocation or suspension of the food establishment’s permit. Additionally, the bill specifies that the license of any restaurant, store, or other business may be suspended as provided for in the applicable licensing law upon the conviction of the owner or employee of that business for a violation in connection with that business. The bill further specifies that any cultivated meat products are subject to an immediate stop-sale order as well as embargo, detainment, or destruction.

The bill may have an indeterminate negative fiscal impact on state government.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Cultivated Meat Production

The ability to take a small number of cells from living animals and grow them in a controlled environment to create food made from cultured animal cells is an emerging area of food science. Advancements in cell culture technology enable food developers to use cells obtained from livestock, poultry, seafood, or other animals in the production of food.<sup>1</sup> Food products made with cultured animal cells are called a variety of names, including cultured meat, cultivated meat, cell-based meat, and lab-grown meat.<sup>2</sup>

To make food products with cultured animal cells, scientists typically start with a sample of cells from the tissue of an animal, a process that does not permanently harm or kill the animal.<sup>3</sup> Cells are selected, screened, and grown to make a “bank” of cells to store for later use.<sup>4</sup> The cell type used has a significant impact on the parameters used in the production process, as each cell type has its particular requirements that might be beneficial for or detrimental to efficient production.<sup>5</sup> To make cultivated meat, a small number of cells are taken from the cell bank and placed in a tightly controlled and monitored environment that supports growth and cellular multiplication by supplying appropriate nutrients and other factors.<sup>6</sup> Then, various factors, such as protein growth components, new surfaces for cell attachment, and additional nutrients, are added to the cell environment to differentiate the cells into the various cell types so they can assume the characteristics of muscle, fat, or connective tissue cells.<sup>7</sup> Once the cells have differentiated into the desired type, the cellular material can be harvested from the controlled environment and prepared using conventional food processing and packaging methods.<sup>8</sup>

A simplified graphic of the process of cultivating meat from cells is depicted below:<sup>9</sup>

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<sup>1</sup> United States Food and Drug Administration (FDA), *Human Food Made with Cultured Animal Cells*, <https://www.fda.gov/food/food-ingredients-packaging/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>2</sup> Food and Agriculture Organization of the United Nations (FAO) & World Health Organization (WHO), *Food Safety Aspects of Cell-based Food* (2023), 6-8, available at <https://doi.org/10.4060/cc4855en> (last visited Jan. 2, 2024).

<sup>3</sup> United States Department of Agriculture (USDA), *Human Food Made with Cultured Animal Cells*, <https://www.fsis.usda.gov/inspection/compliance-guidance/labeling/labeling-policies/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>4</sup> *Id.* Examples of cells used in this process include non-differentiated stem cells, muscle precursor cells, fibroblasts, or adipose-derived cells. FAO & WHO, *Food Safety Aspects of Cell-based Food* (2023), 19, available at <https://doi.org/10.4060/cc4855en> (last visited Jan. 2, 2024).

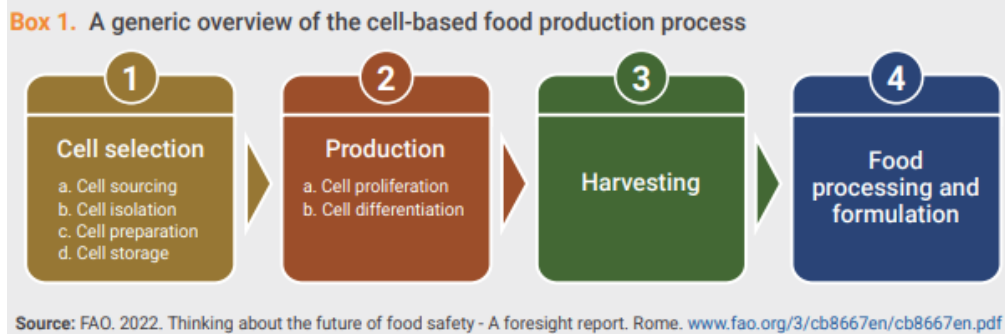
<sup>5</sup> FAO & WHO, *Food Safety Aspects of Cell-based Food* (2023), 21, available at <https://doi.org/10.4060/cc4855en> (last visited Jan. 2, 2024).

<sup>6</sup> USDA, *Human Food Made with Cultured Animal Cells*, <https://www.fsis.usda.gov/inspection/compliance-guidance/labeling/labeling-policies/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> FAO & WHO, *Food Safety Aspects of Cell-based Food* (2023), 19, available at <https://doi.org/10.4060/cc4855en> (last visited Jan. 2, 2024).



### Federal Regulation of Cultivated Meat

In 2019, the United States Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS) within the U. S. Department of Agriculture (USDA), agreed to establish a joint regulatory framework for human foods made from cultured cells of livestock and poultry.<sup>10</sup> Under this agreement, generally, the FDA oversees the collection, growth, and differentiation of living cells into various cell types.<sup>11</sup> Regulatory authority then shifts to the FSIS during the harvesting stage of the cell-culturing process, and FSIS oversight continues during the processing, labeling, and packing of cultivated meat products.<sup>12</sup> However, products for human consumption that are made from seafood or game meat and products for animal consumption are regulated solely by the FDA.<sup>13</sup> Two companies have been approved to sell cultivated chicken products in the U. S.<sup>14</sup> These products have been sold as prepared food on limited menus in restaurants in San Francisco and Washington, D.C.<sup>15</sup> Currently, raw cultivated meat products are not being sold directly to consumers.

### FDA Regulatory Oversight

The FDA encourages establishments interested in bringing cultivated meat products to market to do a voluntary pre-market consultation with the FDA. The pre-market evaluation assesses the production process and produced biological material, including tissue collection, cell lines and banks, manufacturing controls, and all components and inputs.<sup>16</sup> After a successful pre-market safety consultation, the FDA conducts routine inspections on an ongoing basis, as well as other oversight activities at cell banks and facilities where cells are cultured, differentiated, and harvested.<sup>17</sup> The FDA

<sup>10</sup> FDA, *Formal Agreement Between FDA and USDA Regarding Oversight of Human Food Produced Using Animal Cell Technology Derived from Cell Lines of USDA-amenable Species*, <https://www.fda.gov/food/domestic-interagency-agreements-food-expired/formal-agreement-between-fda-and-usda-regarding-oversight-human-food-produced-using-animal-cell> (last visited Jan. 2, 2024).

<sup>11</sup> USDA, *Human Food Made with Cultured Animal Cells*, <https://www.fsis.usda.gov/inspection/compliance-guidance/labeling/labeling-policies/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> FDA, *Human Food Made with Cultured Animal Cells Inventory*, <https://www.cfsanappsexternal.fda.gov/scripts/fdcc/?set=AnimalCellCultureFoods> (last visited Dec. 18, 2023).

<sup>15</sup> CNN, *Lab-grown chicken debuts in San Francisco Restaurant*, <https://www.cnn.com/2023/07/01/business/lab-grown-chicken-san-francisco/index.html> (last visited Dec. 18, 2023); NPR, *We Tried That 'Lab-grown' Chicken at One of Jose Andres' D.C. Restaurants*, <https://www.npr.org/local/305/2023/08/03/1191810646/we-tried-that-lab-grown-chicken-at-one-of-jose-andres-d-c-restaurants> (last visited Dec. 18, 2023).

<sup>16</sup> FDA, *Human Food Made with Cultured Animal Cells*, <https://www.fda.gov/food/food-ingredients-packaging/human-food-made-cultured-animal-cells> (last visited Nov. 29, 2023); The FDA publishes completed pre-market consultations which contain a description of the food and species origin; a file number that the FDA has assigned to the pre-market consultation; the sponsor's final submission in the consultation explaining their basis for concluding that the cultured animal cell material is safe for use as a human food; the letter the FDA sent in response to the sponsor at the completion of the pre-market consultation; and a scientific memo that documents the FDA's evaluation of the sponsor's final submission. FDA, *Inventory of Completed Pre-market Consultations for Human Food Made with Cultured Animal Cells*, <https://www.fda.gov/food/human-food-made-cultured-animal-cells/inventory-completed-pre-market-consultations-human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>17</sup> FDA, *Human Food Made with Cultured Animal Cells*, <https://www.fda.gov/food/food-ingredients-packaging/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

has completed two pre-market consultations for cultivated meat, both for meat cultivated from chicken cells.<sup>18</sup>

### *FSIS Regulatory Oversight*

Establishments that intend to harvest or process cell-cultured meat must apply for and obtain a USDA grant of inspection for such products using existing procedures.<sup>19</sup> The establishment also must meet all applicable FSIS regulatory requirements, including the requirements for ensuring sanitation and developing and implementing the Hazard Analysis and Critical Control Points system.<sup>20</sup> The USDA directs establishments that seek to harvest cultivated meat to complete an FDA pre-market safety consultation prior to applying for a USDA grant of inspection.<sup>21</sup> FSIS regulates cultivated meat products under existing food safety inspection regulations and has stated that it does not intend to establish new food safety inspection regulations specific to cultivated meat. However, FSIS has initiated rulemaking to create new labeling requirements for cultivated meat products.<sup>22</sup>

### *Importing Cultivated Meat*

Like traditionally produced meat, imports of cultivated meat must originate from eligible countries<sup>23</sup> and from establishments or plants that are certified to export to the U.S.<sup>24</sup> Countries that are eligible to export to the U.S. have gone through an equivalence process through which FSIS determines whether its inspection system achieves the same level of public health protection as is applied by FSIS in the U.S.<sup>25</sup> All imported cultivated meat products are subject to FSIS labeling requirements.<sup>26</sup> Similarly, all imported cultivated meats regulated by the FDA are subject to the same legal requirements as domestically produced food, including requirements related to unapproved additives, color additives, or other substances that may adulterate food.<sup>27</sup>

### Florida Food Safety

The Department of Agriculture and Consumer Services (DACs) is the agency responsible for the enforcement of the production, manufacture, transportation, and sale of food. DACs's Division of Food Safety is directly responsible for assuring the public of a safe, wholesome, and properly represented food supply.<sup>28</sup> The division accomplishes this through the permitting and inspection of food establishments,<sup>29</sup> the inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida. The division also proactively monitors food from manufacturing and distribution to retail.

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<sup>18</sup> FDA, *Human Food Made with Cultured Animal Cells Inventory*,

<https://www.cfsanappsexternal.fda.gov/scripts/fdcc/?set=AnimalCellCultureFoods> (last visited Jan. 2, 2024).

<sup>19</sup> USDA, *Human Food Made with Cultured Animal Cells*, <https://www.fsis.usda.gov/inspection/compliance-guidance/labeling/labeling-policies/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>20</sup> *Id.* Hazard Analysis Critical Control Point is a management system that addresses food safety through the analysis and control of biological, chemical, and physical hazards from raw material production, procurement and handling, to manufacturing, distribution and consumption of the finished product. FDA, Hazard Analysis Critical Control Point (HACCP), <https://www.fda.gov/food/guidance-regulation-food-and-dietary-supplements/hazard-analysis-critical-control-point-haccp#:~:text=HACCP%20is%20a%20management%20system,consumption%20of%20the%20finished%20product.> (last visited Dec. 20, 2023).

<sup>21</sup> *Id.*

<sup>22</sup> See Labeling of Meat or Poultry Products Comprised of or Containing Cultured Animal Cells, 86 Fed. Reg. 49,491 (Sept. 3, 2021).

<sup>23</sup> FSIS lists the countries, products, and establishments from those countries that are eligible to import to the U.S. on its website. USDA, *Eligible Foreign Establishments*, <https://www.fsis.usda.gov/inspection/import-export/import-export-library/eligible-foreign-establishments> (last visited Jan. 2, 2024).

<sup>24</sup> USDA, *Human Food Made with Cultured Animal Cells*, <https://www.fsis.usda.gov/inspection/compliance-guidance/labeling/labeling-policies/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> FDA, *Human Food Made with Cultured Animal Cells*, <https://www.fda.gov/food/food-ingredients-packaging/human-food-made-cultured-animal-cells> (last visited Jan. 2, 2024).

<sup>28</sup> DACs, *Division of Food Safety*, <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (last visited Jan. 2, 2024).

<sup>29</sup> "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. Section 500.03(1)(o), F.S.

DACS, as part of its responsibilities, can impose a variety of disciplinary actions against food establishments for specified violations.<sup>30</sup> This includes, but is not limited to, revoking or suspending the permit of a food establishment<sup>31</sup> or imposing Class II<sup>32</sup> administrative fines.<sup>33</sup> DACS, or its duly authorized agent, can also issue and enforce a stop-sale, stop-use, removal, or hold order if DACS or its agent finds that any food, food processing equipment, food processing area, or food storage area is in violation of the Florida Food Safety Act.<sup>34</sup>

### **Effect of the Bill**

The bill defines “cultivated meat” to mean any meat or food product produced from cultured animal cells.

The bill prohibits any person from manufacturing, selling, holding or offering for sale, or distributing cultivated meat in the state and specifies that a person who violates this prohibition commits a second-degree misdemeanor.<sup>35</sup>

The bill specifies that a food establishment that distributes or sells cultivated meat is subject to fines and revocation or suspension of the food establishment’s permit. Additionally, the bill specifies that the license of any restaurant, store, or other business may be suspended as provided for in the applicable licensing law upon the conviction of the owner or employee of that business for a violation in connection with that business. The bill further specifies that any cultivated meat products are subject to an immediate stop-sale order as well as embargo, detainment, or destruction.

### **B. SECTION DIRECTORY:**

Section 1. Amends s. 500.03, F.S., related to definitions in the Florida Food Safety Act.

Section 2. Creates s. 500.452, F.S., related to cultivated meat.

Section 3. Provides an effective date of upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The bill may have an indeterminate negative fiscal impact on DACS associated with enforcing the requirements of the bill.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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<sup>30</sup> Section 500.121(1), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> The fine for each Class II violation cannot exceed \$5,000. Section 570.971(1)(b), F.S.

<sup>33</sup> Section 500.121(1), F.S.

<sup>34</sup> Section 500.172(1), F.S.

<sup>35</sup> A second-degree misdemeanor is punishable by up to 60 days in jail or a fine up to \$500. Sections 775.082(4)(b), F.S. and 775.083(1)(e), F.S.



C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DACS to adopt rules to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

HB 435

2024

1                                   A bill to be entitled  
 2       An act relating to cultivated meat; amending s.  
 3       500.03, F.S.; defining the term "cultivated meat";  
 4       creating s. 500.452, F.S.; prohibiting the  
 5       manufacture, sale, holding or offering for sale, or  
 6       distribution of cultivated meat in this state;  
 7       providing criminal penalties; providing for additional  
 8       licensing penalties; providing that such products are  
 9       subject to an immediate stop-sale order; authorizing  
 10      the Department of Agriculture and Consumer Services to  
 11      adopt rules; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14

15           Section 1. Present paragraphs (k) through (y) of  
 16       subsection (1) of section 500.03, Florida Statutes, are  
 17       redesignated as paragraphs (l) through (z), respectively, and a  
 18       new paragraph (k) is added to that subsection, to read:

19           500.03 Definitions; construction; applicability.—

20           (1) For the purpose of this chapter, the term:

21           (k) "Cultivated meat" means any meat or food product  
 22       produced from cultured animal cells.

23           Section 2. Section 500.452, Florida Statutes, is created  
 24       to read:

25           500.452 Cultivated meat; prohibition; penalties.—

26        (1) It is unlawful for any person to manufacture, sell,  
 27 hold or offer for sale, or distribute cultivated meat in this  
 28 state.

29        (2) A person who violates this section commits a  
 30 misdemeanor of the second degree, punishable as provided in s.  
 31 775.082 or s. 775.083.

32        (3) A food establishment that distributes or sells  
 33 cultivated meat in violation of this section is subject to  
 34 disciplinary action pursuant to s. 500.121.

35        (4) In addition to the penalties provided in this section,  
 36 the license of any restaurant, store, or other business may be  
 37 suspended as provided in the applicable licensing law upon the  
 38 conviction of an owner or employee of that business for a  
 39 violation of this section in connection with that business.

40        (5) A product found to be in violation of this section is  
 41 subject to s. 500.172 and an immediate stop-sale order.

42        (6) The department may adopt rules to implement this  
 43 section.

44        Section 3. This act shall take effect upon becoming a law.

**HB 455**

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 455 Comprehensive Waste Reduction and Recycling Plan

**SPONSOR(S):** Casello and others

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 36

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee		Gawin	Moore
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) Infrastructure Strategies Committee			

**SUMMARY ANALYSIS**

Recycling is any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products. In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW) by 2020. The Department of Environmental Protection (DEP) established numerous programs and initiatives to reach the 75 percent recycling goal. In 2010, the Legislature built on this goal by requiring counties to implement local recycling programs with interim goals of recycling MSW. Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.

While Florida achieved the interim goals for 2012 and 2014, the state’s recycling rates did not meet the 2020 75 percent recycling goal. DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives each year in which the interim recycling goals were not met. In 2021, DEP released its final report titled “Florida and the 2020 75% Recycling Goal” (2020 report). The 2020 report outlines various recommendations to increase recycling within the state.

The bill requires DEP, by July 1, 2025, to develop a comprehensive waste reduction and recycling plan (plan) for the state based on recommendations from the 2020 report. DEP must also convene a technical assistance group to help develop the plan. At a minimum, the bill requires the plan to identify recycling goals based on sustainable materials management and waste diversion and include a three-year plan to implement certain specified policies.

Upon completion of the plan, the bill requires DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives. The report must include an update on the status of the plan and any recommendations for statutory changes necessary to achieve the recycling goals or strategies identified in the plan.

The bill may have an indeterminate negative fiscal impact on the state.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Recycling

Recycling is any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products.<sup>1</sup> These materials or products include, but are not limited to, crude oil, fuels, and fuel substitutes.<sup>2</sup> Local governments are responsible for collecting and transporting solid waste to solid waste processing facilities where the recyclables are separated by category.<sup>3</sup>

##### Florida's Recycling Goal

In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW)<sup>4</sup> by 2020.<sup>5</sup> The Department of Environmental Protection (DEP) established numerous programs and initiatives to reach the 75 percent recycling goal.<sup>6</sup> In 2010, the Legislature built on this goal by requiring counties to implement local recycling programs with interim goals of recycling MSW as follows:<sup>7</sup>

Recycling Goal	Goal Date
40 percent	December 31, 2012
50 percent	December 31, 2014
60 percent	December 31, 2016
70 percent	December 31, 2018
75 percent	December 31, 2020

While Florida achieved the interim goals for 2012 and 2014, the state's recycling rate for 2016 was 56 percent, falling short of the 60 percent goal.<sup>8</sup> Between 2016 and 2020, Florida's statewide recycling rate continued to decline, with a rate of 52 percent in 2019 and 50 percent in 2020.<sup>9</sup> Only three of Florida's 36 large counties—Charlotte, Lee, and Pinellas—successfully met the 75 percent recycling goal by 2020.<sup>10</sup> In 2022, the single-family recycling participation rate was 48 percent, which was a 4 percent increase from 2020 but a 3 percent decrease from 2021.<sup>11</sup> Commercial recycling participation rates also showed a slight increase (approximately 1 percent) during the same timeframe.<sup>12</sup>

<sup>1</sup> Section 403.703(31), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 403.706(1), F.S.; Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Rule 62-701, F.A.C.; City of Fort Lauderdale, *What Really Happens to Our Recycling*, [https://gyr.fortlauderdale.gov/greener-government/recycling-waste-reduction/our-waste-stream/what-really-happens-to-our-recycling#:~:text=The%20recyclables%20are%20placed%20on,and%20paper%20and%20cardboard%20remain](https://gyr.fortlauderdale.gov/greener-government/recycling-waste-reduction/our-waste-stream/what-really-happens-to-our-recycling#:~:text=The%20recyclables%20are%20placed%20on,and%20paper%20and%20cardboard%20remain.). (last visited Jan. 12, 2024).

<sup>4</sup> "MSW" means any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. MSW also includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. Section 403.706(5), F.S.

<sup>5</sup> Section 403.7032, F.S.; MSW is measured by weight. DEP, *Florida and the 2020 75% Recycling Goal: Final Report*, 3, 8 (2020), available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>. (last visited Jan. 12, 2024).

<sup>6</sup> DEP, *Recycling*, <http://www.dep.state.fl.us/waste/categories/recycling/default.htm> (last visited Jan. 12, 2024).

<sup>7</sup> Section 403.706(2)(a), F.S.

<sup>8</sup> DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>. (last visited Jan. 12, 2024).

<sup>9</sup> *Id.* at 6. Prior to the implementation of the 75 percent recycling goal, Florida's recycling rate, which was calculated based on recycling traditional materials, was 30 percent. If the same methodology was applied to 2020, the recycling rate would be only 25 percent. *Id.*

<sup>10</sup> *Id.* at 9. "Large counties" are those with a population of over 100,000. *Id.*

<sup>11</sup> DEP, *2022 Single-Family Participation in Recycling (2023)*, available at

[https://floridadep.gov/sites/default/files/2022\\_Single\\_Family\\_Participation.pdf](https://floridadep.gov/sites/default/files/2022_Single_Family_Participation.pdf) (last visited Jan. 12, 2024); DEP, *2021 Single-Family*

### Local Government Solid Waste and Recycling Responsibilities

Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.<sup>13</sup> Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities.<sup>14</sup> Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or county contractor.<sup>15</sup> Local governments are also authorized to provide for the collection of recyclable materials.<sup>16</sup> A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.<sup>17</sup>

As discussed above, counties are required to implement recycling programs that include the statutory interim goals.<sup>18</sup> These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers;
- Aluminum cans;
- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.<sup>19</sup>

In addition, each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.<sup>20</sup> Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs,<sup>21</sup> and must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a specified service area for a county or municipality.<sup>22</sup>

Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.<sup>23</sup> To assess progress, counties must provide information on their solid waste management programs and recycling activities to DEP by April 1 of each year.<sup>24</sup> DEP may reduce or modify a

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*Participation in Recycling (2022), available at*

<https://floridadep.gov/sites/default/files/2021%20Single%20Family%20Recycling%20Participation%20in%20Florida.pdf> (last visited Jan. 12, 2024); DEP, *2020 Single-Family Participation in Recycling (2021), available at*

<https://floridadep.gov/sites/default/files/2020%20Single-Family%20Participation%20in%20Recycling.pdf>. (last visited Jan. 12, 2024).

<sup>12</sup> DEP, *2022 Commercial Participation in Recycling (2023), available at*

[https://floridadep.gov/sites/default/files/2022\\_Commercial\\_Participation.pdf](https://floridadep.gov/sites/default/files/2022_Commercial_Participation.pdf) (last visited Jan. 12, 2024); DEP, *2021 Commercial Participation in Recycling (2022), available at*

<https://floridadep.gov/sites/default/files/2021%20Commercial%20Recycling%20Participation%20in%20Florida.pdf> (last visited Jan. 12, 2024); DEP, *2020 Commercial Participation in Recycling (2021), available at*

<https://floridadep.gov/sites/default/files/2020%20Commercial%20Participation%20in%20Recycling.pdf>. (last visited Jan. 12, 2024).

<sup>13</sup> Section 403.706(1), F.S. Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Fla. Admin. Code Ch. 62-701.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 403.706(21), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 403.706(2)(a), F.S.

<sup>19</sup> Section 403.706(2)(f), F.S.

<sup>20</sup> Section 403.706(3), F.S.

<sup>21</sup> Section 403.706(2)(a), F.S.

<sup>22</sup> Section 403.706(9), F.S.

<sup>23</sup> Section 403.706(4), F.S.

<sup>24</sup> Section 403.706(7), F.S.; Rule 62-716.450, F.A.C.

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county's recycling goal if the county demonstrates that the achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility, and the county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.<sup>25</sup> However, the goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.<sup>26</sup>

Local governments can require all residential properties, multifamily dwellings, apartment complexes, and industrial, commercial, and institutional establishments to create programs for the separation of recyclable materials designated by the local government.<sup>27</sup> Local governments can also require a commercial establishment to source-separate the recovered materials generated on the premises.<sup>28</sup> However, a local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator's right to sell such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.<sup>29</sup>

### DEP's Recycling Report

DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives each year in which the interim recycling goals were not met.<sup>30</sup> These reports had to identify additional programs or statutory changes needed to achieve the recycling goals.<sup>31</sup> In 2021, DEP released its final report titled "Florida and the 2020 75% Recycling Goal" (2020 report).<sup>32</sup> According to the 2020 report, Florida generated the equivalent to over two tons of MSW per resident in 2020, which is approximately twice the national average.<sup>33</sup> However, there is no universal methodology for measuring progress toward recycling goals. Moreover, Florida's MSW calculations do not account for tourists, while calculations by the U.S. Environmental Protection Agency and other states do.<sup>34</sup>

In the 2020 report, DEP recommends convening a technical assistance group (TAG) to develop a comprehensive waste reduction and recycling plan for Florida.<sup>35</sup> The TAG, if convened, would include the Florida Recycling Workgroup, local governments, and other interested parties, and the comprehensive plan would implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management<sup>36</sup> and waste diversion<sup>37</sup> concepts;

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<sup>25</sup> Section 403.706(6), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 403.706(21), F.S. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials and ensuring the collection of recovered materials as necessary to protect public health and safety. *Id.*

<sup>28</sup> Section 403.7046(2)(a), F.S.

<sup>29</sup> Section 403.7046(2), F.S.

<sup>30</sup> Section 403.706(2)(e), F.S.; see s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state's success in meeting the solid waste recycling goal.

<sup>31</sup> Section 403.706(2)(e), F.S.

<sup>32</sup> DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>. (last visited Jan. 12, 2024).

<sup>33</sup> *Id.* at 8.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 4.

<sup>36</sup> Sustainable materials management is a term for alternative approaches to recycling that recognize the differences among waste components with respect to environmental and resource outcomes. Sustainable materials management focuses on using and reusing materials more productively over their life cycles. *Id.*

<sup>37</sup> Waste diversion is the process of diverting waste from landfills; it is the amount of material that is reduced, reused, and/or recycled per capita and can be measured by the amount of waste not being disposed of in landfills. Waste diversion reduces disposal costs and the burden on landfills. United States Environmental Protection Agency (EPA), *Waste Diversion at EPA*,



- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.<sup>38</sup>

The 2020 report also provides recommendations from the Florida Recycling Workgroup and a group of local governments, including:

- Replacing the current 75 percent weight-based goal with a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;<sup>39</sup>
- Using sustainable materials management to prioritize which materials to recycle based on environmental metrics and market availability and setting recycling goals for these specific materials; and
- Focusing on three strategies: education and outreach, funding and incentives to support local government recycling efforts, and developing recycling markets.<sup>40</sup>

#### *Recycling Education and Outreach*

Education on the types of recycling services available, how materials are collected, and which materials are accepted is important for a successful recycling program. Because recycling programs within the state vary significantly, education should be tailored to local recycling programs.<sup>41</sup>

Currently, DEP operates several education programs, including:

- The Florida Food Waste Prevention Week, which focuses on engagement with local municipalities, universities, national food recovery networks, and the hospitality industry to raise awareness about food waste;
- Phase Three of the Rethink.Reset.Recycle. Program, which focuses on providing counties and municipalities with a variety of customized digital products illustrating correct preparation of recyclables prior to disposing of them; and
- The Recycling Recognition Program, which encourages private businesses, institutions, schools, organizations, and the public to increase recycling by setting recycling goals.<sup>42</sup>

According to the 2020 report, the TAG, if convened, would propose an education and outreach approach that evaluates statewide solutions but is customized for local needs, including a possible application for mobile devices that provides recycling information based on location.<sup>43</sup>

#### *Local Government Assistance*

In 1988, the Solid Waste Management Act required counties to initiate recycling programs to address the growing costs and environmental problems associated with solid waste disposal in the state.<sup>44</sup> To aid counties in setting up recycling programs, the Legislature established the Recycling and Education Grant Program. Under the program, counties received funds for initial capital costs, operations, recycling education, market development, and special projects. The program sunset in 2001.<sup>45</sup>

The 2020 report recommends that the TAG evaluate the benefits and problems of the now defunct Recycling and Education Grant Program, make a recommendation to reinstate the program, or consider other means to provide recycling assistance to local governments.<sup>46</sup>

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<https://www.epa.gov/greeningepa/waste-diversion-epa> (last visited Jan. 12, 2024); DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

<sup>38</sup> DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>. (last visited Jan. 12, 2024).

<sup>39</sup> *Id.* at 3. There is a consensus in Florida's recycling industry (as well as other states and at the federal level) that using a weight-based goal does not result in efficient or effective recycling. *Id.*

<sup>40</sup> *Id.* at 4.

<sup>41</sup> *Id.* at 5.

<sup>42</sup> *Id.* at 20-21.

<sup>43</sup> *Id.* at 4.

<sup>44</sup> *Id.* at 5.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

### *Recycling Market Development*

In order for the recycling industry to operate efficiently and provide reasonable returns on investments, there must be a market for finished goods that are manufactured from recycled materials. When the markets for these finished goods increase, the demand for recycled materials will increase, driving up profitability and incentivizing increased investments in the collection, sorting, processing, and manufacturing sectors.<sup>47</sup>

To increase markets for recyclable materials, DEP recommends in its final report that the following be considered when developing the comprehensive recycling plan:

- Tax incentives for usage of recycled materials as feed stocks in manufacturing processes;
- Tax incentives and credits to support materials recovery plant upgrades;
- Public/private partnerships to invest in new processing technologies;
- Investments in expansion of Recycling Business Assistance Center<sup>48</sup> activities;
- End-user purchase rebates for Florida Certified Compost; and
- Preference programs to use and purchase products made from recycled content material.<sup>49</sup>

### **Effect of the Bill**

The bill requires DEP, by July 1, 2025, to develop a comprehensive waste reduction and recycling plan (plan) for the state based on recommendations from the 2020 report. DEP must convene a TAG to help develop the plan.

At a minimum, the bill requires the plan to identify recycling goals based on sustainable materials management and waste diversion and include a three-year plan to implement the following strategies:

- Recycling education and outreach. DEP must propose statewide solutions to provide local recycling information and education throughout the state.
- Local government recycling assistance. DEP is required to evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or considering other means of providing recycling assistance to local governments.
- Recycling materials market development. DEP must consider and recommend plans to develop and promote markets for recycling materials.

Upon completion of the plan, the bill requires DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives. The report must include an update on the status of the plan and any recommendations for statutory changes necessary to achieve the recycling goals or strategies identified in the plan.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 403.7032, F.S., related to recycling.

Section 2. Provides an effective date of July 1, 2024.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>47</sup> *Id.*

<sup>48</sup> The Recycling Business Assistance Center was established in 2010 to coordinate between state agencies and the private sector to develop new markets for recyclable materials locally and globally. DEP, *Recycling Business Assistance Center*, <https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center> (last visited Jan 12, 2024).

<sup>49</sup> DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>. (last visited Jan. 12, 2024).

2. Expenditures:

The bill may have an indeterminate negative fiscal impact on DEP associated with convening a TAG and developing the plan.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1                                   A bill to be entitled  
 2           An act relating to a comprehensive waste reduction and  
 3           recycling plan; amending s. 403.7032, F.S.; requiring  
 4           the Department of Environmental Protection to develop  
 5           a comprehensive waste reduction and recycling plan for  
 6           this state by a specified date, based on certain  
 7           department recommendations; requiring the department  
 8           to convene a technical assistance group for a  
 9           specified purpose; specifying minimum requirements for  
 10          the comprehensive plan; requiring the department to  
 11          submit a report to the Legislature upon completion of  
 12          the comprehensive plan; specifying requirements for  
 13          the report; providing an effective date.

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

16  
 17           Section 1. Subsection (6) is added to section 403.7032,  
 18 Florida Statutes, to read:

19           403.7032 Recycling.—

20           (6) By July 1, 2025, the Department of Environmental  
 21 Protection shall develop a comprehensive waste reduction and  
 22 recycling plan for this state based on recommendations from the  
 23 department's "Florida and the 2020 75% Recycling Goal-Final  
 24 Report." The department shall convene a technical assistance  
 25 group within the department to help develop the plan.

26 (a) At a minimum, the comprehensive plan must do all of  
 27 the following:

28 1. Identify recycling goals based on sustainable materials  
 29 management and waste diversion.

30 2. Include a 3-year plan to implement all of the following  
 31 strategies:

32 a. Recycling education and outreach. The department shall  
 33 propose statewide solutions to provide local recycling  
 34 information and education throughout this state.

35 b. Local government recycling assistance. The department  
 36 shall evaluate the benefits and challenges of the former state  
 37 Recycling and Education Grant Program and provide  
 38 recommendations for reinstating the program or considering other  
 39 means of providing recycling assistance to local governments.

40 c. Recycling materials market development. The department  
 41 shall consider and recommend plans to develop and promote  
 42 markets for recycling materials.

43 (b) Upon completion of the comprehensive waste reduction  
 44 and recycling plan, the department shall provide a report to the  
 45 President of the Senate and the Speaker of the House of  
 46 Representatives. The report must include an update on the status  
 47 of the plan and any recommendations for statutory changes  
 48 necessary to achieve the recycling goals or strategies  
 49 identified in the plan.

50 Section 2. This act shall take effect July 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HM 517 Foreign Polluters

**SPONSOR(S):** Overdorf and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SM 800

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee		Gawin	Moore
2) Infrastructure Strategies Committee			

### SUMMARY ANALYSIS

Greenhouse gases are gases that trap heat in the atmosphere. Greenhouse gases include carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide, and fluorinated gases. CO<sub>2</sub> is naturally present in the atmosphere as part of the Earth's carbon cycle, but additional carbon enters the atmosphere through burning fossil fuels, solid waste, trees, and other biological materials and accounts for most of the greenhouse gases released into the atmosphere by human activity.

In 2015, 195 parties signed the Paris Agreement, an international treaty that provides a framework for the global reduction of greenhouse gases. Under the agreement, each signatory is required to establish an emissions target known as a nationally determined contribution, which must be updated every five years. Currently, the People's Republic of China accounts for 30 percent of all greenhouse gas emissions, the United States accounts for 11 percent, the European Union accounts for 7 percent, India accounts for 7 percent, and the Russian Federation accounts for 5 percent.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

The memorial urges the U.S. Congress to support solutions that examine the pollution differential between U.S. production and other countries and that hold foreign polluters accountable for their pollution.

The memorial does not have a fiscal impact on the state or local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Greenhouse Gases

Greenhouse gases are gases that trap heat in the atmosphere. Greenhouse gasses include carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide, and fluorinated gases.<sup>1</sup> Greenhouse gas concentrations are measured in parts per million, parts per billion, and even parts per trillion. One part per million is equivalent to one drop of water diluted into about 13 gallons of liquid.<sup>2</sup> CO<sub>2</sub> is naturally present in the atmosphere as part of the Earth's carbon cycle, but additional carbon enters the atmosphere through burning fossil fuels, solid waste, trees, and other biological materials and accounts for most of the greenhouse gasses released into the atmosphere by human activity.<sup>3</sup> Increases of CO<sub>2</sub> released into the atmosphere can intensify concentrations of CO<sub>2</sub> for thousands of years due to the persistent nature of CO<sub>2</sub> in the atmosphere.<sup>4</sup>

##### Global Emissions Goals

In 2015, 195 parties<sup>5</sup> signed the Paris Agreement (Agreement), an international treaty that provides a framework for the global reduction of greenhouse gases.<sup>6</sup> The Agreement aims to substantially reduce global greenhouse gas emissions in order to hold the global temperature increase to less than 2 degrees Celsius (°C) above pre-industrial levels and pursue efforts to limit it to 1.5°C above pre-industrial levels.<sup>7</sup> Under the Agreement, each signatory is required to establish an emissions target known as a nationally determined contribution (NDC),<sup>8</sup> which must be updated every five years.<sup>9</sup>

Since 2015, the United Nations (UN) has published an annual Emissions Gap Report to track the gap between where global emissions are heading with current country commitments and where they should be.<sup>10</sup> According to the 2023 Emissions Gap Report, global greenhouse gas emissions reached a record high in 2022, with atmospheric CO<sub>2</sub> concentrations growing to 417.9 parts per million.<sup>11</sup> The United States has historically made significant contributions to greenhouse gas emissions, but reached its emissions peak and has reduced its absolute emissions for more than 10 years.<sup>12</sup> Currently, the People's Republic of China (China) accounts for 30 percent of all greenhouse gas emissions, the U.S. accounts for 11 percent, the European Union accounts for 7 percent, India accounts for 7 percent, and the Russian Federation accounts for 5 percent.<sup>13</sup> The U.S. set an NDC aiming for an economy-wide

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<sup>1</sup> United States Environmental Protection Agency (EPA), *Overview of Greenhouse Gases*, <https://www.epa.gov/ghgemissions/overview-greenhouse-gases> (last visited Jan. 2, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> EPA, *Understanding Global Warming Potentials*, <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials> (last visited Jan. 2, 2024).

<sup>5</sup> The European Union is one party, representing 27 member states. United Nations (UN) Treaty Collection, Paris Agreement, 7.d Paris Agreement, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-7-d&chapter=27&clang=\\_en&\\_gl=1\\*1cvnxd\\*\\_\\*ga\\*MTI4NTEzNDU2Ny4xNzAwNTA2ODQx\\*\\_ga\\_TK9BQL5X7Z\\*MTcwMTQ0NDA0NC4zLjAuMTcwMTQ0NDA0NC4wLjAuMA..#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en&_gl=1*1cvnxd*_*ga*MTI4NTEzNDU2Ny4xNzAwNTA2ODQx*_ga_TK9BQL5X7Z*MTcwMTQ0NDA0NC4zLjAuMTcwMTQ0NDA0NC4wLjAuMA..#EndDec) (last visited Jan. 2, 2024).

<sup>6</sup> UN, *The Paris Agreement*, <https://www.un.org/en/climatechange/paris-agreement> (last visited Jan. 2, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> NDCs are targets set by a country to mitigate greenhouse gas emissions that cause climate change and for adapting to climate impacts. UN, *All About NDCs*, <https://www.un.org/en/climatechange/all-about-ndcs#countries> (last visited Jan. 2, 2024).

<sup>9</sup> UN Environment Programme, *Emissions Gap Report 2023: Broken Record – Temperatures hit new highs, yet world fails to cut emissions (again)* (2023), 1, available at <https://doi.org/10.59117/20.500.11822/43922> (last visited Jan. 2, 2024).

<sup>10</sup> UN, *Emissions Gap Report 2023*, <https://www.unep.org/resources/emissions-gap-report-2023> (last visited Jan. 2, 2024).

<sup>11</sup> UN Environment Programme, *Emissions Gap Report 2023: Broken Record – Temperatures hit new highs, yet world fails to cut emissions (again)* (2023), 4, available at <https://doi.org/10.59117/20.500.11822/43922> (last visited Jan. 2, 2024).

<sup>12</sup> *Id.* at 7-8.

<sup>13</sup> *Id.* at 8.



target of reducing its net greenhouse gas emissions by 50 to 52 percent below 2005 levels by 2030.<sup>14</sup> China's updated NDC goals include having CO<sub>2</sub> emissions peak before 2030, achieving carbon neutrality before 2060, and lowering CO<sub>2</sub> emissions per unit of gross domestic product by over 65 percent from the 2005 level.<sup>15</sup> According to the UN, current country NDCs fall short of what is required to reach the 1.5°C goal specified in the Agreement.<sup>16</sup>

### Legislative Memorials

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

### **Effect of the Memorial**

The memorial urges the U.S. Congress to support solutions that examine the pollution differential between U.S. production and other countries and that hold foreign polluters accountable for their pollution.

The memorial calls for copies of the memorial to be dispatched to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Florida delegation to the U.S. Congress.

### **B. SECTION DIRECTORY:**

Not applicable.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

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<sup>14</sup> UN Framework Convention on Climate Change, *The United States of America Nationally Determined Contribution* (2021), 1, available at <https://unfccc.int/sites/default/files/NDC/2022-06/United%20States%20NDC%20April%2021%202021%20Final.pdf> (last visited Jan. 2, 2024).

<sup>15</sup> UN Framework Convention on Climate Change, *China's Achievements, New Goals and New Measures for Nationally Determined Contributions*, 2, available at <https://unfccc.int/sites/default/files/NDC/2022-06/China%E2%80%99s%20Achievements%2C%20New%20Goals%20and%20New%20Measures%20for%20Nationally%20Determined%20Contributions.pdf> (last visited Jan. 2, 2024).

<sup>16</sup> *Id.* at 1.

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. The memorial does not appear to affect county or municipal governments.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The memorial neither authorizes nor requires executive branch rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

House Memorial

A memorial to the Congress of the United States,  
 urging Congress to support solutions that examine the  
 pollution differential between United States  
 production and other countries and that hold foreign  
 polluters accountable for their pollution.

WHEREAS, Florida's natural resources and environment are  
 essential to the state's character, economy, and way of life,  
 and

WHEREAS, Florida, under Governor DeSantis' leadership, has  
 recently delivered investments to protect the state's natural  
 resources and environment, including Everglades restoration,  
 waterway rehabilitation, and water quality infrastructure, and

WHEREAS, China, by far the world's largest polluter,  
 accounts for over 30 percent of global carbon dioxide emissions  
 and subsidizes its exports by not imposing or enforcing  
 reasonable environmental and labor standards, and

WHEREAS, Chinese government-owned industry is an arm of the  
 Communist Party and strives to increase its influence over the  
 global economy by pursuing predatory trade practices such as  
 stealing intellectual property from the United States, and

WHEREAS, the United States has reduced more carbon  
 emissions than any other country in the last 15 years and has an

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25 | economy that is 44 percent more carbon efficient than the world  
 26 | average, and

27 |       WHEREAS, manufacturers in the United States are more  
 28 | efficient in nearly every industry and yet are forced to compete  
 29 | with companies in China and other countries that face few limits  
 30 | on how much they pollute, and

31 |       WHEREAS, goods produced in China and Russia generate 300  
 32 | percent and 400 percent on average, respectively, more in carbon  
 33 | emissions compared to equivalent goods produced in the United  
 34 | States, and

35 |       WHEREAS, United States trade policy has not taken into  
 36 | account carbon emissions, and as a result, afforded foreign  
 37 | polluters with loose carbon standards an advantage over the  
 38 | United States for the past several decades, and

39 |       WHEREAS, China benefits from the current federal trade  
 40 | policy, and

41 |       WHEREAS, rewarding United States firms for their  
 42 | environmental performance would bolster domestic manufacturing,  
 43 | generate good-paying jobs, and reduce dependence on imports from  
 44 | high-emitting producers like China and Russia, NOW, THEREFORE,

45 |  
 46 | Be It Resolved by the Legislature of the State of Florida:

47 |  
 48 |       That the Congress of the United States is urged to support  
 49 | solutions that examine the pollution differential between United

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50 States production and other countries and that hold foreign  
51 polluters accountable for their pollution.

52 BE IT FURTHER RESOLVED that the Secretary of State dispatch  
53 copies of this memorial to the President of the United States,  
54 to the President of the United States Senate, to the Speaker of  
55 the United States House of Representatives, and to each member  
56 of the Florida delegation to the United States Congress.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 815 Sale of Liquefied Petroleum Gas

**SPONSOR(S):** Smith

**TIED BILLS:** IDEN./SIM. BILLS: SB 998

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee		Gawin	Moore
2) Infrastructure Strategies Committee			

### SUMMARY ANALYSIS

Liquefied petroleum (LP) gas is any material that is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes, and butylenes. The Department of Agriculture and Consumer Services (DACS) is responsible for licensing individuals and businesses that sell, transport, dispense, or store LP gas or that manufacture, install, service, or repair LP gas containers, systems, or appliances.

To engage in LP gas-related activities such as sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities, a business must follow certain licensing requirements. Licenses are divided into categories I through VI based on the activity the business is involved in. Every business organization in LP license category I, category II, or category V is required to employ a full-time qualifier who has successfully completed the competency exam in the corresponding category of the license held by the business organization. Additionally, each category I and category V licensee is required, at the time of application for licensure, to identify to DACS one master qualifier who is a full-time employee at the licensed location. As a prerequisite to obtaining a LP gas license, each person who engages in distribution of LP gas for resale to domestic, commercial, or industrial consumers is required to install, own, or lease a bulk storage filling plant of not less than 18,000 gallons (water capacity) within the state and located within a 75-mile radius of the licensed company's business location.

The bill specifies that a category I LP gas dealer license may include up to two remote bulk storage locations to meet the minimum bulk storage requirements and requires a remote bulk storage location to be documented and located within 75 miles of the licensed location.

The bill revises requirements related to licensed qualifiers, including when a competency exam must be completed and the required qualifications to be employed in certain roles. The bill also specifies that a qualifier may only oversee one storage location and must function in a position with authority to monitor and enforce safety provisions.

The bill authorizes DACS to condemn unsafe equipment and order the immediate removal of LP gas from storage that does not comply with statutory regulations and is deemed a threat to the public health, safety, and welfare.

The bill specifies what information must be included in work order, invoice, or similar documents when a person services, repairs, maintains, or installs LP gas equipment and systems. Additionally, the bill prohibits a person, other than those authorized by the end user, from adding gas to or removing gas from any container or receptacle that contains LP gas purchased or contracted for transfer by, and in the lawful possession of, the end user. DACS must adopt rules to provide exceptions for emergencies.

The bill may have an insignificant negative fiscal impact on state government.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Liquefied Petroleum (LP) Gas

LP gas is any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes, and butylenes.<sup>1</sup> LP gasses can be used as a fuel gas for heating appliances, cooking, or vehicles. The Department of Agriculture and Consumer Services (DACs) is responsible for licensing individuals and businesses that sell, transport, dispense, or store LP gas or that manufacture, install, service, or repair LP gas containers, systems, or appliances.<sup>2</sup> DACs also inspects facilities where LP gas is sold or stored and investigates accidents involving LP gas or equipment.<sup>3</sup>

##### LP Gas Licensing

To engage in LP gas-related activities such as sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities, a business must follow certain licensing requirements.<sup>4</sup> It is a third-degree felony<sup>5</sup> to intentionally or willfully engage in any LP gas-related activities without first obtaining the appropriate licensure from DACs.<sup>6</sup> Businesses with multiple locations must have a separate license for each location.<sup>7</sup> DACs grants licenses to applicants after determining that the applicant is competent, qualified, and trustworthy.<sup>8</sup> An applicant is required to file a surety bond, insurance affidavit, or other proof of insurance with DACs.<sup>9</sup>

The LP license categories and associated license fees are as follows:<sup>10</sup>

License Category	Annual License Fee
Category I LP Gas Dealer	\$400
Category II LP Gas Dispenser	\$400
Category III LP 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

All licenses must be renewed annually, biennially, or triennially at the rates provided for in the above chart.<sup>11</sup>

<sup>1</sup> Section 527.01(1), F.S.

<sup>2</sup> Section 527.055, F.S.

<sup>3</sup> Section 527.055(3), F.S.

<sup>4</sup> See ch. 527, F.S.

<sup>5</sup> A third-degree felony is punishable by up to five years in prison or a fine up to \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S. Additionally, a person who commits three or more felonies is subject to habitual offender sentencing guidelines. See Section 775.084, F.S.

<sup>6</sup> Section 527.02(1), F.S.

<sup>7</sup> Section 527.02(2), F.S.

<sup>8</sup> *Id.* DACs determines lack of trustworthiness as evidenced by an applicant or licensee having a conviction or pleading nolo contendere to a felony involving moral turpitude or an established and repeated history of intentional non-compliance with the applicable safety standards set forth in ch. 527, F.S., or duly adopted rules and regulations of DACs. Rule 5J-20.005, F.A.C.

<sup>9</sup> *Id.*

<sup>10</sup> Section 527.02(2), F.S.

<sup>11</sup> Section 527.03, F.S. When an applicant renews their license biennially or triennially, the rate fee is an accumulation of cost of those years. For example, a Category I LP gas dealer renewing biennially or triennially would pay \$800 or \$1,200, respectively. DACs, *Liquefied Petroleum Gas Licenses*, <https://www.fdacs.gov/Business-Services/LP-Gas-Licenses> (last visited Jan. 10, 2024).



Additionally, a person applying for a license to engage in category I, category II, or category V activities is required to prove competency by passing a written examination administered by DACS or its agent and pass with a grade of 70 percent or above in each tested area.<sup>12</sup>

Any person engaged in the business of servicing, testing, repairing, maintaining, or installing LP gas equipment and systems must initially present proof of licensure to consumers, owners, or end users prior to working on such equipment or system.<sup>13</sup> Licensure must also be presented when a consumer, owner, end user, or person who has authorized such work requests it.<sup>14</sup>

A person, other than the owner or those authorized by the owner, cannot sell, fill, refill, remove gas from, deliver, permit to be delivered, or use in any manner a LP gas container or receptacle for any gas or compound, or for any other purpose.<sup>15</sup>

### Qualifiers

Every business organization in LP license category I, category II, or category V is required to employ a full-time qualifier<sup>16</sup> who has successfully completed the competency exam in the corresponding category of the license held by the business organization.<sup>17</sup> The qualifier must function in a supervisory capacity of other company employees performing licensed activities,<sup>18</sup> and there must be a separate qualifier for every 10 such employees at the location.<sup>19</sup> A person may not act as a qualifier for more than one licensed location.<sup>20</sup>

Additionally, each category I and category V licensee is required, at the time of application for licensure, to identify to DACS one master qualifier who is a full-time employee at the licensed location.<sup>21</sup> To apply to be a master qualifier, the applicant must have a minimum of three years of verifiable LP gas experience or other specified professional certification, must be employed by a licensed category I or category V licensee or applicant for such license, and must pass a master qualifier competency examination administered by DACS.<sup>22</sup> The applicant must pass the exam with a grade of 70 percent or higher.<sup>23</sup> The master qualifier must be a manager, owner, or otherwise primarily responsible for overseeing the operations for the licensed location.<sup>24</sup>

Both qualifiers and master qualifiers are required to earn continuing education credits as part of maintaining their licensure.<sup>25</sup>

### LP Gas Storage

Chapter 527, F.S., which regulates the sale of LP gas, applies to a bulk storage location when a single container in the bulk storage location has a capacity of 2,000 gallons or more; the aggregate container capacity of the bulk storage location is 4,000 gallons or more; or a container or containers are installed for the purpose of serving the liquid product to the public.<sup>26</sup>

As a prerequisite to obtaining a LP gas license, each person who engages in the distribution of LP gas for resale to domestic, commercial, or industrial consumers is required to install, own, or lease a bulk

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<sup>12</sup> Section 527.0201(1), F.S.

<sup>13</sup> Section 527.067(1), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 527.07, F.S.

<sup>16</sup> “Qualifier” means any person who has passed a competency examination administered by DACS and is employed by a licensed category I, category II, or category V business. Section 527.01(5), F.S.

<sup>17</sup> Section 527.0201(2)(b), F.S.

<sup>18</sup> Section 527.0201(3), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 527.0201(2)(b), F.S.

<sup>21</sup> Section 527.0201(5), F.S.

<sup>22</sup> Section 527.0201(5)(a), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* DACS, *LP Gas Training*, <https://www.fdacs.gov/Business-Services/LP-Gas-Licenses/LP-Gas-Training> (last visited Jan. 10, 2024).

<sup>25</sup> Sections 527.0201(3) and 527.0201(5)(c), F.S.

<sup>26</sup> Section 527.0605(1), F.S.

storage filling plant of not less than 18,000 gallons (water capacity) within the state and located within a 75-mile radius of the licensed company's business location.<sup>27</sup> Dealers in LP gas who were licensed as of August 31, 2000, and who enter into a written agreement with a wholesaler<sup>28</sup> that the wholesaler will provide LP gas to the dealer for a period of 12 continuous months is exempt from these regulations if certain conditions are met.<sup>29</sup> 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).<sup>30</sup>

## Effect of the Bill

The bill defines "licensed location" to mean the premises on which category I, category II, category III, category IV, category V, or category VI LP gas operations are performed. Additionally, the bill defines "remote bulk storage" to mean the location of LP gas stored for the sole purpose of filling delivery vehicles used in delivery to an end user.

The bill specifies that a category I LP gas dealer license may include up to two remote bulk storage locations to meet the minimum bulk storage requirements. The bill requires a remote bulk storage location to be located within 75 miles of the licensed location and requires the bulk storage location to be included in the category I LP gas dealer license application. Additionally, the bill specifies that each remote bulk storage location of a category I LP gas dealer must comply with the category I LP gas dealer licensing requirements.

The bill specifies that a qualifier examination for competency must be completed within 90 days after the application has been accepted by DACS. In order to apply for certification as a category I or category V qualifier, the bill requires each applicant to have a minimum of one year of verifiable LP gas experience. The bill specifies that a person may not act as a qualifier for more than one licensed or remote bulk storage location. In addition, the bill requires a qualifier for a business to actually function in a position with authority to monitor and enforce safety provisions under ch. 527, F.S., at the licensed location.

The bill specifies that a category I or category V licensee must identify one master qualifier who is a full-time employee of the licensee, rather than a full-time employee at the licensed location. A person is prohibited from acting as a master qualifier for more than one licensee.

The bill authorizes DACS to have the power and authority to condemn unsafe equipment and order the immediate removal of LP gas from storage that does not comply with ch. 527, F.S., and is deemed a threat to the public health, safety, and welfare.

The bill specifies that the provisions of ch. 527, F.S., apply to LP gas bulk storage locations when the aggregate container capacity of the bulk storage location is more than 4,000 gallons, rather than 4,000 gallons or more.

The bill requires all persons engaged in the business of servicing, testing, repairing, maintaining, or installing LP gas equipment and systems to include on all work orders, invoices, or similar documents the name of the person performing the work and the applicable qualifier number.

Additionally, the bill prohibits a person, other than those authorized by the end user, from adding gas to or removing gas from any container or receptacle that contains LP gas purchased or contracted for transfer by, and in the lawful possession of, the end user. DACS must adopt rules to provide exceptions for emergencies.

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<sup>27</sup> Section 527.11(1), F.S.

<sup>28</sup> "Wholesaler" means any person selling or offering to sell any LP gas for industrial, commercial, or domestic use to any person except the consumer. Section 527.01(13), F.S.

<sup>29</sup> Section 527.11(2), F.S.

<sup>30</sup> *Id.*

The bill specifies that every person who engages in the distribution of LP gas for resale to domestic, commercial, or industrial consumers, as a prerequisite to obtaining a LP gas license, must install, own, or lease bulk storage with an aggregate capacity of not less than 18,000 gallons (water capacity) within the state. The bill removes the requirement that such storage must be within a 75-mile radius of the licensed company's business location. Additionally, the bill removes the minimum storage exemption for dealers in LP gas licensed as of August 31, 2000.

The bill prohibits a dealer from entering into written agreements that allocate an amount of storage that exceeds the dealer's total storage capacity minus 18,000 gallons (water capacity).

**B. SECTION DIRECTORY:**

- Section 1. Amends s. 527.01, F.S., related to sale of LP gas definitions.
- Section 2. Amends s. 527.02, F.S., related to LP licenses.
- Section 3. Amends s. 527.02, F.S., related to LP licenses.
- Section 4. Amends s. 527.0201, F.S., related to LP qualifiers.
- Section 5. Amends s. 527.055, F.S., related to DACS general powers and duties.
- Section 6. Amends s. 527.0605, F.S., related to LP gas bulk storage locations.
- Section 7. Amends s. 527.067, F.S., related to persons engaged in servicing LP gas equipment and systems.
- Section 8. Amends s. 527.07, F.S., related to restriction on use of containers.
- Section 9. Amends s. 527.11, F.S., related to minimum storage.
- Section 10. Provides an effective date of July 1, 2024.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

- 1. Revenues:  
None.
- 2. Expenditures:  
The bill may have an insignificant negative fiscal impact on DACS associated with the rulemaking requirements of the bill that can be absorbed within existing resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DACS to adopt rules to provide exceptions for when a person, other than those authorized by the end user, may add or remove gas in an emergency.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                                   A bill to be entitled  
2           An act relating to the sale of liquefied petroleum  
3           gas; amending s. 527.01, F.S.; providing definitions;  
4           amending s. 527.02, F.S.; requiring certain remote  
5           bulk storage locations to comply with specified  
6           requirements; amending s. 527.0201, F.S.; requiring  
7           qualifier examinations to be completed within a  
8           specified timeframe; providing eligibility criteria  
9           for certain qualifier certification; prohibiting a  
10          person from acting as a qualifier for more than one  
11          remote bulk storage location; requiring qualifiers to  
12          function in a position with specified authority;  
13          prohibiting a person from acting as a master qualifier  
14          for more than one licensee; amending s. 527.055, F.S.;  
15          authorizing the Department of Agriculture and Consumer  
16          Services to condemn unsafe equipment and order the  
17          immediate removal of liquefied petroleum gas from  
18          certain bulk storage; amending s. 527.0605, F.S.;  
19          revising the applicability of specified provisions for  
20          bulk storage locations; amending s. 527.067, F.S.;  
21          requiring persons servicing, testing, repairing,  
22          maintaining, or installing liquefied petroleum gas  
23          equipment and systems to include specified information  
24          on all work orders, invoices, and similar documents;  
25          amending s. 527.07, F.S.; prohibiting unauthorized

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

35

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

37

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

40 527.01 Definitions.—As used in this chapter:

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

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

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

49 527.02 License; penalty; fees.—

50 (3)

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

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

61 527.02 License; penalty; fees.—

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

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

68 527.0201 Qualifiers; master qualifiers; examinations.—

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

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

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

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

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



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

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

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

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

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

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

138 |       527.055 General powers and duties.—

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

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

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

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

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

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

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

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

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

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

167 527.07 Restriction on use of containers.—

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

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

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

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

181 527.11 Minimum storage.—

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

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

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

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

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Agriculture, Conservation  
2 & Resiliency Subcommittee

3 Representative Smith offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (19) and (20) are added to section  
8 527.01, Florida Statutes, to read:

9 527.01 Definitions.—As used in this chapter:

10 (19) "Licensed location" means the premises on which  
11 category I, category II, category III, category IV, category V,  
12 or category VI liquefied petroleum gas operations are performed,  
13 excluding remote bulk storage.

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

Amendment No.

17 Section 2. Subsections (3), (4), and (5) of section  
18 527.02, Florida Statutes, are renumbered as subsections (4),  
19 (5), and (6), respectively, paragraph (d) is added to the newly  
20 designated subsection (4), and a new subsection (3) is added to  
21 that section to read:

22 527.02 License; penalty; fees.—

23 (3) Each remote bulk storage location of a category I  
24 liquefied petroleum gas dealer must comply with the category I  
25 liquefied petroleum gas dealer licensing requirements under  
26 subsection (2).

27 (4)-(3)

28 (d) A category I liquefied petroleum gas dealer license  
29 shall include one licensed location and may include up to two  
30 remote bulk storage locations. Remote bulk storage locations  
31 must be located within a 75-mile radius of the licensed location  
32 and included in the category I liquefied petroleum gas dealer  
33 license application.

34 Section 3. Subsections (2), (4), (5), and (7) of section  
35 527.0201, Florida Statutes, are amended to read:

36 527.0201 Qualifiers; master qualifiers; examinations.—

37 (2) Application for examination for competency may be made  
38 by an individual or by an owner, a partner, or any person  
39 employed by the license applicant. The examination for  
40 competency must be completed within 90 days after the  
41 application has been accepted by the department. Upon successful

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42 completion of the competency examination, the department shall  
43 register the examinee.

44 (a) Qualifier registration automatically expires if the  
45 individual terminates active employment in the area of  
46 examination for a period exceeding 24 months, or fails to  
47 provide documentation of continuing education. If the qualifier  
48 registration has expired, the individual must apply for and  
49 successfully complete an examination by the department in order  
50 to reestablish qualifier status.

51 (b) Every business organization in license category I,  
52 category II, or category V shall employ at all times a full-time  
53 qualifier who has successfully completed an examination in the  
54 corresponding category of the license held by the business  
55 organization. In order to apply for certification as a category  
56 I or category V qualifier, each applicant must have a minimum of  
57 1 year of verifiable LP gas experience. A person may not act as  
58 a qualifier for more than one ~~licensed~~ location where the  
59 liquefied petroleum gas activities described in ss. 527.01(6),  
60 (7), or (10) are performed.

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

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67 (5) In addition to all other licensing requirements, each  
68 category I and category V licensee must, at the time of  
69 application for licensure, identify to the department one master  
70 qualifier who is a full-time employee of the licensee at the  
71 licensed location. This person shall be a manager, owner, or  
72 otherwise primarily responsible for overseeing the operations of  
73 the licensed location and must provide documentation to the  
74 department as provided by rule. A person may not act as a master  
75 qualifier for more than one license. The master qualifier  
76 requirement shall be in addition to the requirements of  
77 subsection (1).

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

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

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

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

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

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

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

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

113 | (d) Demonstrating a lack of trustworthiness to engage in  
114 | activities requiring a qualifier identification card as defined  
115 | by department rule pursuant to s. 527.02(5).

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

118 527.055 General powers and duties.—

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

124 Section 5. Paragraph (b) of subsection (1) of section  
125 527.0605, Florida Statutes, is amended to read:

126 527.0605 Liquefied petroleum gas bulk storage locations;  
127 jurisdiction.—

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

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

132 Section 6. Subsections (2) and (3) of section 527.067,  
133 Florida Statutes, are renumbered as subsections (3) and (4),  
134 respectively, and a new subsection (2) is added to that section  
135 to read:

136 527.067 Responsibilities of persons engaged in servicing  
137 liquefied petroleum gas equipment and systems and consumers, end  
138 users, or owners of liquefied petroleum gas equipment or  
139 systems.—

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140       (2) All persons engaged in the business of servicing,  
141 testing, repairing, maintaining, or installing liquefied  
142 petroleum gas equipment and systems shall include on all work  
143 orders, invoices, or similar documents the name of the person  
144 performing the work and the applicable qualifier number.

145       Section 7. Section 527.07, Florida Statutes, is amended to  
146 read:

147       527.07 Restriction on use of containers.—

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

153       (2) A person, other than those authorized by the end user,  
154 may not add gas to or remove gas from any container or  
155 receptacle that contains liquefied petroleum gas purchased or  
156 contracted for transfer by, and in the lawful possession of, the  
157 end user. The department shall adopt rules to provide exceptions  
158 for emergencies.

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

161       527.11 Minimum storage.—

162       (1) Every person who engages in the distribution of  
163 liquefied petroleum gas for resale to domestic, commercial, or  
164 industrial consumers as a prerequisite to obtaining a liquefied

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165 petroleum gas license shall install, own, or lease a bulk  
166 storage with an aggregate capacity ~~filling plant~~ of not less  
167 than 18,000 gallons (water capacity) within the state ~~and shall~~  
168 ~~be located within a 75-mile radius of the licensed company's~~  
169 ~~business location.~~ The This bulk storage ~~filling plant~~ must have  
170 loading and unloading provisions solely for the licenseholder  
171 and be operated and maintained in compliance with this chapter  
172 for the duration of the license.

173 (2) ~~A dealer in liquefied petroleum gas licensed as of~~  
174 ~~August 31, 2000, who has entered or who enters into a written~~  
175 ~~agreement with a wholesaler that the wholesaler will provide~~  
176 ~~liquefied petroleum gas to the dealer for a period of 12~~  
177 ~~continuous months is exempt from the requirements of subsection~~  
178 ~~(1), if the wholesaler has at least 18,000 gallons (water~~  
179 ~~capacity) of bulk storage within this state permanently~~  
180 ~~connected for storage, which is used as such for each dealer to~~  
181 ~~whom gas is sold, and if the wholesaler has loading and~~  
182 ~~unloading provisions. Such dealer must provide certification of~~  
183 ~~this agreement on a form provided by the department to the~~  
184 ~~department before her or his license may be issued. The form~~  
185 ~~must be signed by both the wholesaler or his or her agent and~~  
186 ~~the dealer or his or her agent and must be submitted annually~~  
187 ~~with the license renewal application. A dealer who does not~~  
188 ~~provide written proof of minimum storage may have her or his~~  
189 ~~license denied, suspended, or revoked. A dealer or wholesaler~~

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190 may not enter into written agreements that allocate an amount of  
191 storage that exceeds the dealer's or wholesaler's total storage  
192 capacity minus 18,000 gallons (water capacity).

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

194

195 -----

196 **T I T L E A M E N D M E N T**

197 Remove everything before the enacting clause and insert:  
198 An act relating to the sale of liquefied petroleum gas;  
199 amending s. 527.01, F.S.; providing definitions; amending  
200 s. 527.02, F.S.; requiring certain remote bulk storage  
201 locations to comply with specified requirements; amending  
202 s. 527.0201, F.S.; requiring qualifier examinations to be  
203 completed within a specified timeframe; providing  
204 eligibility criteria for certain qualifier certification;  
205 prohibiting a person from acting as a qualifier for more  
206 than one location where specified liquefied petroleum gas  
207 activities are performed; requiring qualifiers to function  
208 in a position with specified authority; prohibiting a  
209 person from acting as a master qualifier for more than one  
210 licensee; specifying when the Department of Agriculture and  
211 Consumer Services may take action as to a qualifier's or  
212 master qualifier's license; amending s. 527.055, F.S.;  
213 authorizing the department to condemn unsafe equipment and  
214 issue an immediate final order requiring the immediate

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215 removal of liquefied petroleum gas from certain bulk  
216 storage; amending s. 527.0605, F.S.; revising the  
217 applicability of specified provisions for bulk storage  
218 locations; amending s. 527.067, F.S.; requiring persons  
219 servicing, testing, repairing, maintaining, or installing  
220 liquefied petroleum gas equipment and systems to include  
221 specified information on all work orders, invoices, and  
222 similar documents; amending s. 527.07, F.S.; prohibiting  
223 unauthorized persons from adding liquefied petroleum gas to  
224 or removing liquefied petroleum gas from certain containers  
225 and receptacles; requiring the department to adopt  
226 specified rules; amending s. 527.11, F.S.; revising minimum  
227 bulk storage requirements for liquefied petroleum gas  
228 licenses; removing an exemption from such requirements;  
229 prohibiting dealers from entering into certain agreements;  
230 providing an effective date.