

L.P. Gas Statutes and Administrative Codes

5F-11.001 Definitions.

(1) Unless otherwise expressly stated, the term “approved” shall, for the purpose of these rules and regulations, mean accepted by the Bureau of Liquefied Petroleum Gas Inspection by reason of test, listing or approval by Underwriters’ Laboratories, Inc., the American Gas Association Laboratories, Canadian Gas Association, or other nationally recognized testing laboratory.

(2) “Nationally recognized testing laboratory” means a facility which:

(a) Is regularly engaged in the examination, testing and evaluation of the type of product, equipment or material required to be tested under the applicable statute or regulation;

(b) Has established test standards with regard to the type product, equipment or material required to be tested;

(c) Has an established program for periodic inspection of factory production procedure, including quality control; and

(d) Operates independently of control or influence of producers, suppliers, or vendors, of the product, equipment or material being tested under the applicable statute or regulation.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 8-7-80, Amended 7-18-85, Formerly 4B-1.21, 4B-1.021, Amended 3-15-94, 7-20-95.

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code, 2008 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 2006 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. Section 6.6.7 of NFPA 58, 2008 edition, titled “Installation of Containers on Roofs of Buildings,” is hereby excluded from adoption. Section 7.1.6.2 of NFPA 54, 2006 edition, titled “Conduit With Both Ends Terminating Indoors” is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06, 8-2-07, 5-28-08.

5F-11.004 Bureau of Liquefied Petroleum Gas Inspection Forms.

(1) The following Bureau of Liquefied Petroleum Gas Inspection forms are adopted and incorporated herein by reference:

FORM NUMBER	TITLE
(a) DACS-03501 (6/95)	LP Gas Renewal Application
(b) DACS-03502 (6/95)	LP Gas Renewal Application /100,000 Bond
(c) DACS-03503 (6/95)	LP Gas Renewal Application /300,000 Bond
(d) DACS-03504 (6/95)	Examination Scheduling Request
(e) DACS-03505 (6/95)	Minimum Storage
(f) DACS-03506 (6/95)	Liquefied Petroleum Gas Installer B
(g) DACS-03507 (6/95)	Category III LP Gas Cylinder Exchange unit operator
(h) DACS-03508 (6/95)	Manufacturer of LP Gas Appliances and Equipment
(i) DACS-03509 (6/95)	Liquefied Petroleum Gas Installer C
(j) DACS-03510 (6/95)	Requalification of Cylinders

(k) DACS-03511 (6/95)	Fabrication, Repair and Testing of Vehicles and Cargo Tanks
(l) DACS-03512 (6/95)	Category I Liquefied Petroleum Gas Installer D
(m) DACS-03513 (6/95)	Dealer in Appliances and Equipment for use of LP Gas
(n) DACS-03514 (6/95)	Liquefied Petroleum Gas Installer D
(o) DACS-03515 (6/95)	Category II Liquefied Petroleum Gas Dispenser
(p) DACS-03516 (6/95)	Liquefied Petroleum Gas Installer
(q) DACS-03517 (6/95)	Pipeline System Operator
(r) DACS-03518 (6/95)	Indemnity Bond Form (\$100,000)
(s) DACS-03519 (6/95)	Indemnity Bond Form (\$300,000)
(t) DACS-03520 (6/95)	LP Gas Insurance Affidavit For Category III
(u) DACS-03521 (6/95)	LP Gas Insurance Affidavit For Dealers, Dispensers
(v) DACS-03522 (6/95)	Facility Inspection Report
(w) DACS-03523 (6/95)	Vehicle Registration Form

(2) Copies of all forms listed above may be obtained through the Department of Agriculture and Consumer Services, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.055, 527.061 FS. History—New 6-8-88, Amended 2-5-91, 3-18-92, Formerly 4B-1.034, Amended 7-20-95, 6-8-99.

5F-11.005 Lack of Trustworthiness.

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

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

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

5F-11.011 Effect of Revocation or Suspension Upon Reapplication for Licensure.

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

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

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

5F-11.012 Installer Licenses.

(1) The following license types are established under the Specialty Installer category:

(a) Installer B is any person engaged in the liquefied petroleum gas business whose services include installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, or equipment for the use of liquefied petroleum gas when the apparatus, piping tubing, appliances, or equipment is part of or attached to a recreational vehicle.

(b) Installer C is any person engaged in the liquefied petroleum gas business whose services include installing, servicing,

altering, or modifying appliances, equipment, piping, or tubing to convey liquefied petroleum gas to appliances or equipment and selling or offering to sell, leasing or offering to lease, appliances or equipment for the use of liquefied petroleum gas. The scope of work that may be performed by an Installer C does not include installing, servicing, altering, or modifying liquefied petroleum gas motor fuel systems, liquefied petroleum gas equipment, appliances or systems on recreational vehicles, or liquefied petroleum gas containers or container assemblies.

(c) Installer D is any person who is engaged in the liquefied petroleum gas business and whose services include installing, servicing, altering, or modifying apparatus, piping, tubing, tanks, and equipment to convert liquefied petroleum gas for use as a motor fuel.

(d) Installer E is any person engaged in the liquefied petroleum gas business whose services include installing portable propane cylinders of no more than 40 lbs. water capacity at a consumer site for the sole purpose of fuel for outdoor appliances and equipment; servicing, altering, or modifying outdoor appliances, equipment, piping, or tubing to convey liquefied petroleum gas to such outdoor appliances or equipment and selling or offering to sell, leasing or offering to lease, outdoor appliances or equipment for the use of liquefied petroleum gas. The scope of work that may be performed by an Installer E does not include installing, servicing, altering, or modifying liquefied petroleum gas motor fuel systems, liquefied petroleum gas equipment, appliances or systems on recreational vehicles, permanently installed liquefied petroleum gas containers or container assemblies, or liquefied petroleum gas equipment, piping, appliances or systems installed in the interior of any permanent building or structure.

(2) All applicants shall be tested on the properties and characteristics of liquefied petroleum gas as well as the LP gas laws, rules, and regulations. The installation questions shall be based upon the specific type of examination the individual is applying for. The applicant must score a 75% or above on the installation sections as well as scoring a 75% or above on the overall examination in order to pass.

Specific Authority 527.01(11), 527.06 FS. Law Implemented 527.01(11), 527.02(2) FS. History—New 8-31-93, Formerly 4B-1.036, Amended 9-2-02.

5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas.

The following is explanatory of each of the two methods which may be used to comply with Section 527.11, F.S., (either of the two methods may be used):

(1) (See Section 527.11(1), F.S.): Erect a bulk storage filling plant of not less than 18,000 gallons (water capacity) within the state. Plans, in triplicate, and in detail showing proposed location of the bulk storage container or containers, container charging area, loading and unloading facilities, vaporizers, pumps and compressors and other pertinent facilities shall be submitted to the Bureau of Liquefied Petroleum Gas Inspection for approval prior to erection. The plans shall bear the following statement, and such shall be attested to by signature of a responsible official of the licensee or qualified consumer.

“To be constructed and maintained in accordance with the provisions of NFPA No. 58, and other appropriate regulations.”

Signature

(2) (See Section 527.11(2), F.S.): All dealers licensed as of August 31, 2000, and who have entered into a written agreement with a wholesaler (supplier) that the wholesaler (supplier) will provide liquefied petroleum gas to said dealer for a period of twelve continuous months in order to comply with the Minimum Storage Law, specifically Section 527.11(2), F.S., shall certify such agreement in writing on forms provided by the Bureau of Liquefied Petroleum Gas Inspection providing detailed information to include, but not limited to, total bulk plant storage of wholesaler (supplier) and length of the supply agreement. Such certification must be signed by responsible officials of the wholesaler (supplier). The wholesaler (supplier) shall give the Bureau of Liquefied Petroleum Gas Inspection thirty (30) days written notice of cancellation of such supply agreement.

Specific Authority 527.06 FS. Law Implemented 527.11 FS. History—New 8-7-80, Formerly 4A-1.13, Amended 7-18-85, Formerly 4B-1.10, Amended 10-8-86, 2-6-90, Formerly 4B-1.010, Amended 7-20-95, 9-5-01.

5F-11.021 Testing and Repairing Containers.

Any American Society of Mechanical Engineers (ASME) container which requires welding to the shell, head, or any part of the container, or which may have been subjected to heat as a result from direct fire, must be tested and repaired in compliance with the code under which the tank was fabricated before being returned to liquefied petroleum gas service. If the tank is not to be returned to liquefied petroleum gas service, it must be purged in its entirety from any combustible mixture. Department of Transportation (DOT) containers shall be tested in accordance with U.S. Department of Transportation regulations.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.06, Formerly 4B-1.06, 4B-1.006.

5F-11.022 Marking of Containers.

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

(2) Containers gained through acquisition shall be marked as soon as reasonably possible, but no later than 24 months after acquisition.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.16, Formerly 4B-1.12, 4B-1.012, Amended 3-15-94.

5F-11.023 Manufacturer's Data Sheets Covering ASME Tanks.

All tank fabricators who manufacture and sell American Society of Mechanical Engineers (ASME) liquefied petroleum gas containers shall provide, a Manufacturer's Data Sheet for each container as set forth in the ASME Boiler and Pressure Vessel Code, Section VIII (1986 edition) of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (ASME) to each company, firm or corporation doing business or operating within the state. Each company, firm or corporation doing business or operating within the state shall retain the Manufacturer's Data Sheets as a part of their business records for as long as the liquefied petroleum gas container is in service. All such records shall be available for inspection by the Bureau of Liquefied Petroleum Gas Inspection during regular business hours and shall be provided to the Bureau upon request. This requirement shall apply to containers at facilities which meet the definition of bulk storage facility as defined in Section 527.0605, F.S., and those which are utilized on trucks, semi-trucks, and trailers. This section shall not apply to motor fuel containers.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.20, 4B-1.15, 4B-1.015, Amended 7-20-95, 4-30-96.

5F-11.025 Color Scheme for Piping Identification.

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

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

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

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

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.21, 4B-1.16, 4B-1.016.

5F-11.026 Unsafe Container or System.

(1)(a) Any system or container that fails to comply with Chapter 527, F.S., this rule chapter, and any standards incorporated by reference shall be designated unsafe by division staff by means of a "red tag" indicating the inspector's name and the date of

inspection where the violation creates an immediate threat to safety.

(b) Systems identified by the bureau in this manner, i.e. red-tagged, shall not continue in service until all deficiencies have been corrected.

(2) The owner of any container or system red-tagged by the division will be notified immediately by the bureau and furnished a copy of the inspection report indicating the deficiencies found.

(3)(a) A red tag placed on a system or container shall not be removed until all inspection deficiencies have been corrected and the bureau or its representative removes or authorizes removal of the red tag from the system or container.

(b) The red tag must be returned to the bureau immediately upon removal.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 3-15-94, Formerly 4B-1.037, Amended 7-20-95.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

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

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

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section 6.6.7 is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00, 9-2-02, 1-29-06.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, Annex C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example: 10-1E indicating requalification in October 2001 by the external visual inspection method).

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, F.A.C., shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 5-9-04, Amended 1-29-06.

5F-11.033 Truck Safety; Regulations.

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

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

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

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

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

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

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

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

(9)(a) Upon completion of each truck inspection, the licensee will be billed by the Department in accordance with Section 527.021, F.S.

(b) The licensee shall remit payment to the Department no later than 45 days from the date of the invoice.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.033, Amended 3-15-94.

5F-11.034 Transportation of Liquefied Petroleum Gas by Pipeline.

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

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

5F-11.041 Underground Installations.

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

- (a) Places of public assembly,
- (b) Group living facilities,
- (c) Health care facilities,

(d) Detention and correction facilities,

(e) Industrial or commercial facilities.

(2) Educational facilities shall be leak surveyed upon any change of gas supplier, or at intervals not to exceed 60 months when the supplier is contractually bound to serve the facility for the entire 60 month period.

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

(4) All underground storage containers that are not included in the requirements of subsections (1) and (2) of this rule shall be visually inspected at the time of each fuel delivery. This inspection may be documented by a notation on the fuel delivery ticket or other form designated for this purpose by the gas supplier. Documentary proof of each inspection conducted pursuant to this subsection (4) shall be maintained by the gas supplier for a period of 12 months.

(5) The term "underground installation" for the purposes of this rule means any system where liquefied petroleum gas is provided to a consumer from an underground liquefied petroleum gas storage container.

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

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

5F-11.042 Underground Tanks; Regulators.

All underground LP gas storage containers shall possess a two-stage regulation system with a second stage regulator installed at the nearest practical location where the LP gas line enters the building. Alternatively, the second stage regulator may be installed inside the building, provided there is proper venting of the regulator relief system. In individual cases of extreme hardship or inconvenience, the Bureau of Liquefied Petroleum Gas Inspection may approve alternative locations for placement of a second stage regulator. All regulators shall be installed in accordance with duly-adopted NFPA standards. All underground LP gas storage containers shall be modified in accordance with this section no later than June 30, 1988. Upon proper documentation of a good faith effort to comply with the provisions of this rule, and upon Bureau approval of an acceptable compliance schedule, the Bureau may grant additional time for compliance. This section shall not apply to those underground installations already subject to the provisions of Parts 191 and 192, Title 49 of the Code of Federal Regulations.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, Formerly 4B-1.028.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section 6.6.6 of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to Annex D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

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

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

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

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

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

5F-11.044 Out-of-gas, Leak Call, and Interrupted Service Procedure.

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

(a) Close all container valves.

(b) If practical, physically check all appliances and appliance outlets to be certain they are closed and check for evidence of appliance changes and open or uncapped lines.

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice shall be deemed adequate when it includes the name and phone number of the servicing company, a description of the work performed, a description of any unsafe conditions found, a telephone contact for restoration of service, and a statement warning against reactivation of service by unauthorized persons.

(d) Fill container(s) or replace safely with filled container(s).

(e) If access is possible, put all appliances back in service, making certain all pilots are properly lighted.

(f) An LP gas serviceman may, subsequent to the filling of an LP gas container in an out-of-gas situation, perform the safety procedures required in paragraphs (b), (c) and (e) above.

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

(a) Check for leakage by performing an appropriate leak test pursuant to Annex D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

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

(c) After repairs have been made, place the system back into service pursuant to Chapter 7, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

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

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in Annex D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in Annex D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended 1-29-06.

5F-11.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58 as incorporated by reference in Rule 5F-11.003, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

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

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

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

(2) Newly installed or relocated vehicle fuel dispensers or dispensing stations, if subject to vehicular traffic, shall be protected by adequate barriers as follows:

(a) The minimum distance for barricade posts from the sides and non-dispensing end of the unit shall be three (3) feet.

(b) Minimum distance for barricade posts around the dispensing end of the tank (scale area) shall be ten (10) feet if the unit is exposed to vehicular parking or traffic patterns.

(c) The minimum standard for barricade posts shall be as follows:

1. Posts must extend three (3) feet belowground and three (3) feet aboveground;

2. Posts must be located three (3) feet apart; and

3. Posts must be constructed of three (3) inch steel pipe or its equivalent.

(d) Natural barriers (such as trees) shall be accepted in lieu of crash posts if the natural barriers provide equivalent protection.

(3) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of six (6) months shall

be made safe by evacuation of any remaining LP gas from the tank, reducing the tank pressure to vapor pressure and plugging all container openings.

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

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with a valve approved pursuant to the requirements of NFPA 58.

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

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, Chapter 9 are complied with. It shall be the responsibility of the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Amended 1-29-06.

5F-11.047 Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation.

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

(2) In an out-of-gas situation and upon receiving authorization from the end user or owner of the cylinder, tank or system, the person, firm or corporation may disconnect the cylinder, tank or system downstream of the system regulator or meter. A person, firm or corporation who disconnects any cylinder, tank or system shall notify the owner of the cylinder, tank or system immediately, but not to exceed 24 hours, followed by written notification within 5 working days after said disconnect. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery or facsimile transmission receipt.

(3) The owner of any disconnected cylinder, tank or system must remove the cylinder or tank from the premises of the consumer or end-user within 30 working days after notification. No person, firm or corporation, other than the owner and those authorized to do so, shall transport or carry by any means of conveyance whatsoever, any cylinder or tank containing liquefied petroleum gas, whether in the liquid or vapor state.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.07 FS. History—New 8-7-80, Formerly 4A-1.11, Amended 7-18-85, Formerly 4B-1.08, Amended 2-6-90, 2-5-91, Formerly 4B-1.008.

5F-11.048 Cylinder Exchange Units.

(1) In the interest of safety, all cylinder exchange units shall:

(a) Be locked when not attended;

(b) Have the following signs affixed: "Propane" or "Flammable Gas," and "No Smoking;"

(c) Have an approved 18 lb. minimum capacity dry chemical BC or ABC portable fire extinguisher readily available and within 50 feet for the unit; and

(d) Have emergency telephone number(s) prominently posted.

(2) Cylinder exchange units must have adequate barriers to protect the unit from vehicular traffic where necessary and be vented both top and bottom. Cylinder exchange units must be set on a secure, non-combustible base and must be located a minimum of five feet from any building opening or source of ignition. Cylinder exchange units shall not be located within buildings.

(3) The maximum cylinder size that may be stored in any cylinder exchange unit is 45 pounds' liquefied petroleum gas capacity. The aggregate liquefied petroleum gas storage of any single cylinder exchange unit shall not exceed 720 pounds' liquefied petroleum gas capacity. Multiple cylinder exchange units may be located adjacent to each other provided the aggregate storage does not exceed 720 pounds' liquefied petroleum gas capacity. Any combination of cylinder exchange units whose aggregate storage exceeds 720 lbs. liquefied petroleum gas capacity must be separated from each other by a minimum distance of 10 feet.

Specific Authority 527.06 FS. Law Implemented 527.06(2) FS. History—New 2-5-91, Formerly 4B-1.035, Amended 7-20-95.

5F-11.049 Use of Liquefied Petroleum Gas Limited.

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

(2)(a) The use, sale, and distribution of refrigerants containing liquefied petroleum gas is prohibited for use in mobile air conditioning systems.

(b) "Mobile air conditioning system" means mechanical vapor compression equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.04, Amended 7-18-85, Formerly 4B-1.04, Amended 2-15-94, Formerly 4B-1.004.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 10.23 of NFPA 54 are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6,000 BTU per hour and combustion and ventilation air are provided as specified by Section 9.3 of NFPA 54.

(2) One listed wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 9.3 of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 1-24-95, Amended 1-29-06, 8-2-07.

5F-11.051 Construction Notification.

Any licensee responsible for the installation of a liquefied petroleum gas system which is jurisdictional, as defined in Title 49, Code of Federal Regulations, Parts 191 and 192; or who alters or causes to be altered any existing liquefied petroleum gas system, when such alteration causes such system to become jurisdictional, shall give notice to the Bureau of Liquefied Petroleum Gas Inspection prior to commencing such installation or alteration. Any notice given to the Bureau of Liquefied Petroleum Gas Inspection shall include the owner of the system, size of the system, capacity of bulk storage in the system, location of the system and anticipated date on which construction will begin.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 4-30-96.

5F-11.060 Documentation of Training, General.

(1) Documentation of employee training, as required in Section 1-5, NFPA 58, and as adopted in Rule 5F-11.002, F.A.C., shall include the following:

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

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

Specific Authority 527.02(4), 527.055, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History—New 1-15-02.

5F-11.061 Master Qualifier Examinations; Applicant Qualifications.

(1) As evidence of reasonable competency and qualification, Master Qualifier applicants must be a Category I LP Gas Dealer or LP Gas Installer qualifier and shall have a minimum of one year's practical experience in the gas industry. Practical experience is defined as work with a gas company and which activities fall within one or more of the following categories:

- (a) Maintenance of gas facilities and equipment.
- (b) Gas storage and distribution facility operations and safety.
- (c) Gas transportation, delivery, product transfer.
- (d) Gas tanks, cylinders and equipment.
- (e) Gas liquid and vapor distribution systems and equipment.
- (f) Gas equipment and appliance service, installation and repair.

(2) Each applicant for Master Qualifier examination shall provide documentation to the department certifying eligibility as a Master Qualifier for a licensed Category I LP Gas Dealer or LP Gas Installer in the State of Florida. Documentation shall be provided on department form DACS-03527, entitled Master Qualifier Declaration of Eligibility, effective December 1, 2001, and incorporated herein by reference, and shall include the following:

- (a) Applicant's Name;
- (b) Mailing Address;
- (c) Name and license number of employer, or date of application if pending;
- (d) Statement of eligibility, signed by the applicant, as a supervisor, manager, owner, or other person primarily responsible for the daily operations of the licensee;
- (e) Verification of Employment with a Licensed Category I LP Gas Dealer or LP Gas Installer;
- (f) Copy of the applicants examination qualification card as a Category I LP Gas Dealer or LP Gas Installer qualifier.

Copies of this form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650.

Specific Authority 527.02(4), 527.055, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History—New 1-15-02.

5F-11.062 Approved Courses of Continuing Education.

(1) Courses, which cover one or more of the following topics, shall be approved for continuing education credit as required in Section 527, Florida Statutes, for Category I LP Gas Dealer Qualifiers, Installer Qualifiers and Master Qualifiers:

- (a) Inspections and maintenance of LP gas facilities and equipment.
- (b) State and federal LP gas laws, rules and regulations, codes and standards.
- (c) Gas emergency procedures, fire protection, risk management planning.
- (d) Gas storage and distribution facility operations and safety.
- (e) Gas transportation and delivery.
- (f) Gas liquid transfer.
- (g) Gas tanks, cylinders and equipment.
- (h) Gas liquid and vapor distribution systems and equipment.
- (i) Gas equipment and appliance service, installation and repair.

(2) Twelve hours of continuing education during the three-year period must be attained in order for the qualifier or master qualifier to renew certification. Continuing education credits will be granted on an hour-for-hour basis for up to 4 hours credit per class. For each 12 hours of continuing education credits, a minimum of two hours shall be from items (a), (b) or (c) in subsection (1) above.

(3) Continuing education classes provided by the employer shall be documented as outlined in Rule 5F-11.060, F.A.C., and records shall be maintained at the employee's work location. These records shall be available for inspection by the bureau upon request.

Specific Authority 527.02(2), (4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(c), 527.055, 527.06 FS. History—New 1-15-02.

5F-11.063 Approval of Outside Vendor Training Programs.

(1) Outside vendors providing training to industry personnel for the purposes of continuing education credits shall submit the following documentation to the bureau for review and approval:

- (a) Name and qualifications of each instructor.
- (b) Course Title as it is to appear on any advertisements or in internal company records.
- (c) Course Time Table, which outlines the approximate schedule for the course, specifying the total number of training hours for the course.
- (d) Course Description, which shall relate to the inspection and technical skills required for students and meet the criteria set forth in Rule 5F-11.062, F.A.C.
- (e) Course Objectives and Goals, which clearly and specifically state what skills or knowledge the applicants should be able to demonstrate when the course is successfully completed.
- (f) Method of Course Presentation, which shall describe how the content will be presented, such as lecture, discussion, multimedia presentations, computer based training, or other specified methods.
- (g) Method of Evaluation of Course Participants, which shall specify how students will be evaluated, such as written examination, demonstration of skills, observation, or other specified method.
- (h) Topical Outline of the Course, which indicates the order in which the course subject matter will be presented to the course participants.

- (i) A copy of course materials to be used during training.
- (2) Courses which fail to meet the criteria of this section shall not be eligible for continuing education credits.
- (3) The outside vendor shall immediately notify the bureau of any revisions to course materials or documents and shall provide copies of such revisions or documents to the bureau for review.

Specific Authority 527.02(2), (4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(c), 527.055, 527.06 FS. History—New 1-15-02.

5F-11.064 Renewal of Qualifier and Master Qualifier Certificates.

(1) All category I LP gas dealer qualifiers, LP gas installer qualifiers and Master Qualifiers shall submit a renewal fee, renewal

application and documentation of a minimum of 12 continuing education hours on department form DACS-03530, entitled Master Qualifier/Qualifier Renewal Form, effective December 1, 2001, and incorporated herein by reference, in order to renew their qualification. This form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650. The renewal fee, as prescribed in Section 527.02, F.S., is \$20 for each category I LP gas dealer qualifier and LP gas installer qualifier, and \$30 for each Master Qualifier. Additionally, each person designated as Master Qualifier for a license holder must submit documentation of eligibility on department form DACS-03527, entitled Master Qualifier Declaration of Eligibility, effective December 1, 2001, and incorporated herein by reference, as a manager, owner, or person otherwise primarily responsible for overseeing the operations of the licensed location. The Master Qualifier Declaration of Eligibility form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650.

(2) Master Qualifiers who wish to renew their qualification but who are not the designated Master Qualifier for a license holder or license applicant, may renew their qualification and maintain the qualification on inactive status.

Specific Authority 527.02(2), (4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(c), 527.055, 527.06 FS. History—New 1-15-02.

5F-11.065 Examination Procedures.

An applicant who fails any part of an examination may be reexamined on those parts failed upon reapplication and payment of the required examination fee. Reexaminations must be completed within 90 calendar days of the original examination, however, no examinee may retake the failed examination more than two times within the 90-day period. If the applicant does not successfully complete the examination within the 90-day period, the examinee shall be given a failing grade. After a 30-day period, the applicant may reapply to retake the entire examination.

Specific Authority 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(a), 527.055, 527.06 FS. History—New 1-15-02.

5F-11.070 Definitions.

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

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

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

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

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

Specific Authority 527.23(13) FS. Law Implemented 527.23 FS. History—New 7-8-98.

5F-11.071 Rate of Assessments; Effective Date.

(1) There is hereby assessed to every producer or retail marketer engaged in the production or sale of propane in this state the amount of \$.001 per gallon of odorized gas sold in Florida for consumption in Florida; and \$.001 per gallon of odorized gas imported into the state for consumption in the state.

(2) Assessments shall be paid to the department at the end of each quarter and shall be based on the gallonage sold or imported during that quarter. This assessment is effective with the quarter beginning July 1, 1998.

Specific Authority 527.23(13) FS. Law Implemented 527.23(9), (11), (12) FS. History—New 7-8-98.

5F-11.072 Payment of Assessments; Penalties.

(1) Each producer or marketer shall certify to the department the amount of each load of propane sold or imported at the end of each quarter. Any load of propane sold for export outside the state shall also be certified to the department for audit purposes only. Payment of the quarterly assessment shall be remitted at the end of the quarter along with this certification on form DACS-03524

(7/98), entitled Odorizer's or Importer's Quarterly Remittance Report, which is incorporated herein by reference. Copies of this form may be obtained through the Department of Agriculture and Consumer Services, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650.

(2) Assessments shall be submitted to the department and postmarked no later than 45 calendar days after the end of each quarter. When the 45th day falls on a Saturday, Sunday or legal holiday, the payments made on the first following business day shall not be considered late.

(3) Failure to submit payment within the 45-day period will result in a 5% late penalty based on the original amount due. Payments withheld for more than 60 days will result in a 10% late penalty based on the original amount due. The department shall notify the payor of any payments not received at the end of the 60-day period. The late penalty and original amount of the assessment shall be due and payable within 15 days of the departments notification to the payor.

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

Specific Authority 527.23(13) FS. Law Implemented 527.12, 527.13, 527.23(9), (12) FS. History—New 7-8-98.

5F-11.073 Payment Agreements; Purchaser Responsibilities.

(1) The owner of propane gas immediately prior to odorization, or the owner at the time of import into Florida is responsible for payment of the assessment. An agreement entered into by a producer and retail marketer for an alternate means of payment is acceptable, provided a copy of the agreement is provided to the department and the agreement is in compliance with the provisions of this chapter and Chapter 527, F.S.

(2) Any person, firm or corporation purchasing gas from a wholesaler, and which gas is to be sold outside the state boundaries, shall certify to the wholesaler the out-of-state gallonage at the time of purchase.

Specific Authority 527.23(13) FS. Law Implemented 527.23(12) FS. History—New 7-8-98.

5F-11.074 Audits.

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

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

Specific Authority 527.23(13) FS. Law Implemented 527.055(3) FS. History—New 7-8-98.