A bill to be entitled

An act relating to petroleum cleanup programs; amending ss. 376.3071 and 376.3072 F.S.; removing the 2025-2026 fiscal year limitation on prohibiting certain deductibles and copays, prohibiting enforcement of certain monetary caps, requiring that certain costs be absorbed at the expense of the Inland Protection Trust Fund, and providing exceptions; providing an effective date.

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

Section 1. Paragraph (i) of subsection (13) of section 376.3071, Florida Statutes, is amended, and paragraph (g) of subsection (15) is reenacted, to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage detection, reporting, and cleanup of contamination caused by discharges of petroleum or petroleum products, the department shall, within the guidelines established in this subsection, implement a cleanup program to provide rehabilitation funding assistance for all property contaminated by discharges of petroleum or petroleum products from a petroleum storage system occurring before January 1, 1995. Eligibility is subject to an

annual appropriation from the fund. Additionally, funding for eligible sites is contingent upon annual appropriation in subsequent years. Such continued state funding is not an entitlement or a vested right under this subsection. Eligibility shall be determined in the program, notwithstanding any other provision of law, consent order, order, judgment, or ordinance to the contrary.

(i) Notwithstanding this section, ~~for the 2025-2026 fiscal year,~~ program deductibles and copayments may not be assessed, monetary caps may not be enforced, and all costs for activities described in this subsection must be absorbed at the expense of the Inland Protection Trust Fund, without recourse to reimbursement or recovery, with the following exceptions:

1. This paragraph does not apply to a site where the department has been denied site access to implement this section.

2. This paragraph does not authorize or require reimbursement from the fund for costs expended before the beginning of the grace period.

3. Upon discovery by the department that the owner or operator of a petroleum storage system has been grossly negligent in the maintenance of such petroleum storage system; has, with willful intent to conceal the existence of a serious discharge, falsified inventory or reconciliation records maintained with respect to the site at which such system is

located; or has intentionally damaged such petroleum storage system, the site at which such system is located is ineligible for participation in the incentive program and the owner is liable for all costs due to discharges from petroleum storage systems at that site.

~~This paragraph expires July 1, 2026.~~

(15) ETHANOL OR BIODIESEL DAMAGE; PREVENTIVE MEASURES.—The department shall pay, pursuant to this subsection, up to $10 million each fiscal year from the fund for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged due to the storage of fuels blended with ethanol or biodiesel, or for preventive measures to reduce the potential for such damage.

(g) Payments may not be made for the following:

1. Proposal costs or costs related to preparation of the application and required documentation;

2. Certified public accountant costs;

3. Except as provided in paragraph (j), any costs in excess of the amount approved by the department under paragraph (b) or which are not in substantial compliance with the purchase order;

4. Costs associated with storage tanks, piping, or ancillary equipment that has previously been repaired or replaced for which costs have been paid under this section;

5. Facilities that are not in compliance with department storage tank rules, until the noncompliance issues have been resolved; or

6. Costs associated with damage to petroleum storage systems caused in whole or in part by causes other than the storage of fuels blended with ethanol or biodiesel.

Section 2. Subsection (5) of section 376.3072, Florida Statutes, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(5) Notwithstanding subsections (1)-(4), ~~for the 2025-2026 fiscal year,~~ program deductibles or copayments may not be assessed, monetary caps may not be enforced, and all costs for activities described in this section must be absorbed at the expense of the Inland Protection Trust Fund, without recourse to reimbursement or recovery, with the following exceptions:

(a) This subsection does not apply to a site where the department has been denied site access to implement this section.

(b) This subsection does not authorize or require reimbursement from the fund for costs expended before the beginning of the grace period.

(c) Upon discovery by the department that the owner or operator of a petroleum storage system has been grossly negligent in the maintenance of such petroleum storage system;

has, with willful intent to conceal the existence of a serious discharge, falsified inventory or reconciliation records maintained with respect to the site at which such system is located; or has intentionally damaged such petroleum storage system, the site at which such system is located is ineligible for participation in the incentive program and the owner is liable for all costs due to discharges from petroleum storage systems at that site.

~~This subsection expires July 1, 2026.~~

Section 3. This act shall take effect July 1, 2026.