

Bill No. CS for SB 1202

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Latvala moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 44, between lines 5 and 6,		
15			
16	insert:		
17	Section 17. Subsection (4) of section 376.313, Florida		
18	Statutes, is amended to read:		
19	376.313 Nonexclusiveness of remedies and individual		
20	cause of action for damages under ss. 376.30-376.319.--		
21	(4) In any civil action brought after July 1, 1986,		
22	against the owner or operator of a petroleum storage system		
23	for damages arising from a petroleum storage system discharge,		
24	the provisions of subsection (3) shall not apply if it can be		
25	proven that, at the time of the discharge:		
26	(a) The alleged damages resulted solely from a		
27	discharge from a petroleum storage system which was installed,		
28	replaced, or retrofitted, and maintained, in a manner		
29	consistent with the construction, operation, repair, and		
30	maintenance standards established for such systems under		
31	chapter <u>62-761</u> 17-61 , Florida Administrative Code, as that		

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1 chapter may hereafter be amended. The requirement of
2 consistency with such standards may be satisfied only by being
3 in compliance with the standards at the time of the discharge,
4 regardless of the time specified for compliance under the
5 schedule provided in said chapter.

6 (b) A leak detection system or systems or a monitoring
7 well or wells were installed and operating in a manner
8 consistent with technical requirements of chapter 62-761
9 ~~17-61~~, Florida Administrative Code, as that chapter may
10 hereafter be amended; and

11 (c) All inventory, recordkeeping, and reporting
12 requirements of chapter 62-761 ~~17-61~~, Florida Administrative
13 Code, as that chapter may hereafter be amended, have been and
14 are being complied with.

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16 Any person bringing such an action must prove negligence to
17 recover damages under this subsection. For the purposes of
18 this subsection, noncompliance with this act, or any of the
19 rules promulgated pursuant hereto, as the same may hereafter
20 be amended, shall be prima facie evidence of negligence.

21 Section 18. Section 21 of chapter 86-159, Laws of
22 Florida, is repealed.

23
24 (Redesignate subsequent sections.)

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26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 3, line 17, after the semicolon

30
31 insert:

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1 amending s. 376.313, F.S.; correcting
2 references to the Florida Administrative Code;
3 repealing s. 21, ch. 86-159, Laws of Florida,
4 relating to the scheduled repeal of s.
5 376.313(4), F.S.;

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