

By the Committee on Natural Resources

312-260-98

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to petroleum storage systems;  
amending s. 376.313, F.S.; correcting  
references to the Florida Administrative Code;  
repealing s. 21, ch. 86-159, Laws of Florida,  
relating to the scheduled repeal of s.  
376.313(4), F.S.; providing an effective date.

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

Section 1. Subsection (4) of section 376.313, Florida Statutes, is amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.--

(4) In any civil action brought after July 1, 1986, against the owner or operator of a petroleum storage system for damages arising from a petroleum storage system discharge, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge:

(a) The alleged damages resulted solely from a discharge from a petroleum storage system which was installed, replaced, or retrofitted, and maintained, in a manner consistent with the construction, operation, repair, and maintenance standards established for such systems under chapter 62-761 ~~17-61~~, Florida Administrative Code, as that chapter may hereafter be amended. The requirement of consistency with such standards may be satisfied only by being in compliance with the standards at the time of the discharge, regardless of the time specified for compliance under the schedule provided in said chapter.

1 (b) A leak detection system or systems or a monitoring  
2 well or wells were installed and operating in a manner  
3 consistent with technical requirements of chapter 62-761  
4 ~~17-61~~, Florida Administrative Code, as that chapter may  
5 hereafter be amended; and

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

10  
11 Any person bringing such an action must prove negligence to  
12 recover damages under this subsection. For the purposes of  
13 this subsection, noncompliance with this act, or any of the  
14 rules promulgated pursuant hereto, as the same may hereafter  
15 be amended, shall be prima facie evidence of negligence.

16 Section 2. Section 21 of chapter 86-159, Laws of  
17 Florida, is repealed.

18 Section 3. This act shall take effect October 1, 1998.

19  
20 \*\*\*\*\*

21 SENATE SUMMARY

22 Repeals a section of the Laws of Florida that provides  
23 for the October 1, 1998 repeal of a statutory provision  
24 relating to civil actions and damages involving a  
petroleum storage system discharge. Corrects a reference  
to the Florida Administrative Code.