

Bill No. CS for SB 956

Amendment No. ____ Barcode 914386

CHAMBER ACTION

Senate

House

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Senator Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 3, line 4, through
page 4, line 7, delete those lines

and insert:

Section 3. Subsection (3) of section 376.3079, Florida
Statutes, is amended to read:

376.3079 Third-party liability insurance.--

(3) For purposes of this section and s. 376.3078, the
term:

(a) "Third-party liability" means the insured's
liability, other than for site rehabilitation costs and
property damage, for bodily injury ~~or property damage~~ caused
by an incident of contamination related to the operation of a
drycleaning facility or wholesale supply facility.

(b) "Incident" means any sudden or gradual discharge
of drycleaning solvents arising from the operation of a
drycleaning facility or wholesale supply facility that results
in a need for site rehabilitation or results in bodily injury

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1 or property damage neither expected nor intended by the
2 drycleaning facility owner or operator or wholesale supply
3 facility.

4 Section 4. Subsection (6) of section 376.308, Florida
5 Statutes, is amended to read:

6 376.308 Liabilities and defenses of facilities.--

7 (6) This section may not ~~Nothing herein shall~~ be
8 construed to affect cleanup program eligibility under ss.
9 376.305(6), 376.3071, 376.3072, 376.3078, and 376.3079. Except
10 as otherwise expressly provided in this chapter, nothing in
11 this chapter shall affect, void, or defeat any immunity of any
12 real property owner or nearby real property owner under s.
13 376.3078.

14 Section 5. Subsection (3) and paragraph (a) of
15 subsection (5) of section 376.313, Florida Statutes, are
16 amended to read:

17 376.313 Nonexclusiveness of remedies and individual
18 cause of action for damages under ss. 376.30-376.319.--

19 (3) Except as provided in s. 376.3078(3) and (11)
20 ~~Notwithstanding any other provision of law,~~ nothing contained
21 in ss. 376.30-376.319 prohibits any person from bringing a
22 cause of action in a court of competent jurisdiction for all
23 damages resulting from a discharge or other condition of
24 pollution covered by ss. 376.30-376.319. Nothing in this
25 chapter shall prohibit or diminish a party's right to
26 contribution from other parties jointly or severally liable
27 for a prohibited discharge of pollutants or hazardous
28 substances or other pollution conditions. Except as otherwise
29 provided in subsection (4) or subsection (5), in any such
30 suit, it is not necessary for such person to plead or prove
31 negligence in any form or manner. Such person need only plead

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1 and prove the fact of the prohibited discharge or other
2 pollutive condition and that it has occurred. The only
3 defenses to such cause of action shall be those specified in
4 s. 376.308.

5 (5)(a) In any civil action against the owner or
6 operator of a drycleaning facility or a wholesale supply
7 facility, or the owner of the real property on which such
8 facility is located, if such facility is not eligible under s.
9 376.3078(3) and is not involved in voluntary cleanup under s.
10 376.3078(11), for damages arising from the discharge of
11 drycleaning solvents from a drycleaning facility or wholesale
12 supply facility, the provisions of subsection (3) shall not
13 apply if it can be proven that, at the time of the discharge
14 the alleged damages resulted solely from a discharge from a
15 drycleaning facility or wholesale supply facility that was in
16 compliance with department rules regulating drycleaning
17 facilities or wholesale supply facilities.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, line 12, delete that line

23

24 and insert:

25 s. 376.3079, F.S.; redefining the term
26 "third-party liability" with respect to
27 third-party liability insurance; amending s.
28 376.308, F.S.; revising applicability of
29 provisions that set out liabilities and
30 defenses of facilities; amending s. 376.313,
31 F.S.; revising provisions that