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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2015	.	
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The Committee on Environmental Preservation and Conservation
(Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 313 and 314

insert:

Section 4. Subsection (6) of section 376.305, Florida
Statutes, is amended to read:

376.305 Removal of prohibited discharges.—

(6) The Legislature created the Abandoned Tank Restoration
Program in response to the need to provide financial assistance
for cleanup of sites that have abandoned petroleum storage



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11 systems. For purposes of this subsection, the term "abandoned
12 petroleum storage system" means a petroleum storage system that
13 has not stored petroleum products for consumption, use, or sale
14 since March 1, 1990. The department shall establish the
15 Abandoned Tank Restoration Program to facilitate the restoration
16 of sites contaminated by abandoned petroleum storage systems.

17 (a) To be included in the program:

18 1. An application must be submitted to the department ~~by~~
19 ~~June 30, 1996,~~ certifying that the system has not stored
20 petroleum products for consumption, use, or sale at the facility
21 since March 1, 1990.

22 2. The owner or operator of the petroleum storage system
23 when it was in service must have ceased conducting business
24 involving consumption, use, or sale of petroleum products at
25 that facility on or before March 1, 1990.

26 3. The site is not otherwise eligible for the cleanup
27 programs pursuant to s. 376.3071 or s. 376.3072.

28 (b) In order to be eligible for the program, petroleum
29 storage systems from which a discharge occurred must be closed
30 pursuant to department rules before an eligibility
31 determination. However, if the department determines that the
32 owner of the facility cannot financially comply with the
33 department's petroleum storage system closure requirements and
34 all other eligibility requirements are met, the petroleum
35 storage system closure requirements shall be waived. The
36 department shall take into consideration the owner's net worth
37 and the economic impact on the owner in making the determination
38 of the owner's financial ability. ~~The June 30, 1996, application~~
39 ~~deadline shall be waived for owners who cannot financially~~



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40 ~~comply.~~

41 (c) Sites accepted in the program are eligible for site
42 rehabilitation funding as provided in s. 376.3071.

43 (d) The following sites are excluded from eligibility:

44 1. Sites on property of the Federal Government;

45 2. Sites contaminated by pollutants that are not petroleum
46 products;

47 3. Sites where the department has been denied site access;
48 or

49 4. Sites which are owned by a person who had knowledge of
50 the polluting condition when title was acquired unless the
51 person acquired title to the site after issuance of a notice of
52 site eligibility by the department.

53 (e) Participating sites are subject to a deductible as
54 determined by rule, not to exceed \$10,000.

55

56 ~~This subsection does not relieve a person who has acquired title~~
57 ~~after July 1, 1992, from the duty to establish by a~~
58 ~~preponderance of the evidence that he or she undertook, at the~~
59 ~~time of acquisition, all appropriate inquiry into the previous~~
60 ~~ownership and use of the property consistent with good~~
61 ~~commercial or customary practice in an effort to minimize~~
62 ~~liability, as required by s. 376.308(1)(c).~~

63 Section 5. Paragraph (b) of subsection (5), paragraph (d)
64 of subsection (6), paragraph (b) of subsection (12), and
65 subsection (13) of section 376.3071, Florida Statutes, are
66 amended, and paragraphs (n) and (o) are added to subsection (6)
67 of that section, to read:

68 376.3071 Inland Protection Trust Fund; creation; purposes;



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69 funding.—

70 (5) SITE SELECTION AND CLEANUP CRITERIA.—

71 (b) It is the intent of the Legislature to protect the
72 health of all people under actual circumstances of exposure. The
73 secretary shall establish criteria by rule for the purpose of
74 determining, on a site-specific basis, the rehabilitation
75 program tasks that comprise a site rehabilitation program and
76 the level at which a rehabilitation program task and a site
77 rehabilitation program are completed. In establishing the rule,
78 the department shall incorporate, ~~to the maximum extent~~
79 ~~feasible,~~ risk-based corrective action principles approved by
80 the property owner to achieve protection of the public health,
81 safety, and welfare, water resources, and the environment in a
82 cost-effective manner as provided in this subsection. Criteria
83 for determining what constitutes a rehabilitation program task
84 or completion of site rehabilitation program tasks and site
85 rehabilitation programs shall be based upon the factors set
86 forth in paragraph (a) and the following additional factors:

87 1. The current exposure and potential risk of exposure to
88 humans and the environment including multiple pathways of
89 exposure.

90 2. The appropriate point of compliance with cleanup target
91 levels for petroleum products' chemicals of concern. The point
92 of compliance shall be at the source of the petroleum
93 contamination. However, the department may temporarily move the
94 point of compliance to the boundary of the property, or to the
95 edge of the plume when the plume is within the property
96 boundary, while cleanup, including cleanup through natural
97 attenuation processes in conjunction with appropriate



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98 monitoring, is proceeding. The department may also, pursuant to
99 criteria provided for in this paragraph, temporarily extend the
100 point of compliance beyond the property boundary with
101 appropriate monitoring, if such extension is needed to
102 facilitate natural attenuation or to address the current
103 conditions of the plume, if the public health, safety, and
104 welfare, water resources, and the environment are adequately
105 protected. Temporary extension of the point of compliance beyond
106 the property boundary, as provided in this subparagraph, must
107 include notice to local governments and owners of any property
108 into which the point of compliance is allowed to extend.

109 3. The appropriate site-specific cleanup goal. The site-
110 specific cleanup goal shall be that all petroleum contamination
111 sites ultimately achieve the applicable cleanup target levels
112 provided in this paragraph. However, the department may allow
113 concentrations of the petroleum products' chemicals of concern
114 to temporarily exceed the applicable cleanup target levels while
115 cleanup, including cleanup through natural attenuation processes
116 in conjunction with appropriate monitoring, is proceeding, if
117 the public health, safety, and welfare, water resources, and the
118 environment are adequately protected.

119 4. The appropriateness of using institutional or
120 engineering controls. Site rehabilitation programs may include
121 the use of institutional or engineering controls to eliminate
122 the potential exposure to petroleum products' chemicals of
123 concern to humans or the environment. Use of such controls must
124 have prior department approval and may not be acquired with
125 moneys from the fund. When institutional or engineering controls
126 are implemented to control exposure, the removal of such



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127 controls must have prior department approval and must be
128 accompanied immediately by the resumption of active cleanup or
129 other approved controls unless cleanup target levels pursuant to
130 this paragraph have been achieved. Beginning July 1, 2013, site
131 rehabilitation for a site that qualifies for a conditional
132 closure or closure with institutional or engineering controls
133 that require deed restrictions or a work stoppage not due to
134 insufficient funds may be implemented only with the approval of
135 the property owner.

136 5. The additive effects of the petroleum products'
137 chemicals of concern. The synergistic effects of petroleum
138 products' chemicals of concern must also be considered when the
139 scientific data becomes available.

140 6. Individual site characteristics which must include, but
141 not be limited to, the current and projected use of the affected
142 groundwater in the vicinity of the site, current and projected
143 land uses of the area affected by the contamination, the exposed
144 population, the degree and extent of contamination, the rate of
145 contaminant migration, the apparent or potential rate of
146 contaminant degradation through natural attenuation processes,
147 the location of the plume, and the potential for further
148 migration in relation to site property boundaries.

149 7. Applicable state water quality standards.

150 a. Cleanup target levels for petroleum products' chemicals
151 of concern found in groundwater shall be the applicable state
152 water quality standards. Where such standards do not exist, the
153 cleanup target levels for groundwater shall be based on the
154 minimum criteria specified in department rule. The department
155 shall consider the following, as appropriate, in establishing



156 the applicable minimum criteria: calculations using a lifetime
157 cancer risk level of 1.0E-6; a hazard index of 1 or less; the
158 best achievable detection limit; the naturally occurring
159 background concentration; or nuisance, organoleptic, and
160 aesthetic considerations.

161 b. Where surface waters are exposed to petroleum
162 contaminated groundwater, the cleanup target levels for the
163 petroleum products' chemicals of concern shall be based on the
164 surface water standards as established by department rule. The
165 point of measuring compliance with the surface water standards
166 shall be in the groundwater immediately adjacent to the surface
167 water body.

168 8. Whether deviation from state water quality standards or
169 from established criteria is appropriate. The department may
170 issue a "No Further Action Order" based upon the degree to which
171 the desired cleanup target level is achievable and can be
172 reasonably and cost-effectively implemented within available
173 technologies or engineering and institutional control
174 strategies. Where a state water quality standard is applicable,
175 a deviation may not result in the application of cleanup target
176 levels more stringent than the standard. In determining whether
177 it is appropriate to establish alternate cleanup target levels
178 at a site, the department may consider the effectiveness of
179 source removal that has been completed at the site and the
180 practical likelihood of the use of low yield or poor quality
181 groundwater; the use of groundwater near marine surface water
182 bodies; the current and projected use of the affected
183 groundwater in the vicinity of the site; or the use of
184 groundwater in the immediate vicinity of the storage tank area,



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185 where it has been demonstrated that the groundwater
186 contamination is not migrating away from such localized source,
187 if the public health, safety, and welfare, water resources, and
188 the environment are adequately protected.

189 9. Appropriate cleanup target levels for soils.

190 a. In establishing soil cleanup target levels for human
191 exposure to petroleum products' chemicals of concern found in
192 soils from the land surface to 2 feet below land surface, the
193 department shall consider the following, as appropriate:
194 calculations using a lifetime cancer risk level of 1.0E-6; a
195 hazard index of 1 or less; the best achievable detection limit;
196 or the naturally occurring background concentration.

197 b. Leachability-based soil target levels shall be based on
198 protection of the groundwater cleanup target levels or the
199 alternate cleanup target levels for groundwater established
200 pursuant to this paragraph, as appropriate. Source removal and
201 other cost-effective alternatives that are technologically
202 feasible shall be considered in achieving the leachability soil
203 target levels established by the department. The leachability
204 goals do not apply if the department determines, based upon
205 individual site characteristics, that petroleum products'
206 chemicals of concern will not leach into the groundwater at
207 levels which pose a threat to public health, safety, and
208 welfare, water resources, or the environment.

209

210 This paragraph does not restrict the department from temporarily
211 postponing completion of any site rehabilitation program for
212 which funds are being expended whenever such postponement is
213 necessary in order to make funds available for rehabilitation of



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214 a contamination site with a higher priority status.

215 (6) CONTRACTING AND CONTRACTOR SELECTION REQUIREMENTS.—

216 (d) The department rules implementing this section must:

217 1. Specify that only qualified vendors may submit responses
218 on a competitive solicitation. ~~The department rules must also~~

219 2. Include procedures for the rejection of vendors not
220 meeting the minimum qualifications on the opening of a
221 competitive solicitation. ~~and~~

222 3. Include requirements for a vendor to maintain its
223 qualifications in order to enter contracts or perform
224 rehabilitation work.

225 4. Establish a procedure by October 1, 2015, for the
226 processing of invoices and the direct assignment of tasks that
227 are less than \$500,000. This procedure may not involve the use
228 of MyFloridaMarketPlace. Invoices and assignment of tasks may be
229 processed pursuant to chapter 287.

230 (n) For sites that are within the priority scoring range
231 eligible for funding, excluding sites that are within a cost-
232 share program, a site owner or operator may select three agency
233 term contractors. The department will then select one of the
234 three agency term contractors based on the best value to be
235 determined by a combination of the agency term contractor's
236 Invitation to Negotiate ranking and Schedule E rates.

237 (o)1. Both the selected agency term contractor and the
238 property owner, or responsible party, who selects the agency
239 term contractor must execute a sworn affidavit testifying that
240 neither party has solicited, offered, accepted, paid, or
241 received any compensation, remuneration, or gift of any kind,
242 directly or indirectly, in exchange for the selection of the



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243 agency term contractor in connection with the cleanup of the
244 petroleum contaminated property, except for the compensation
245 paid by the department to the agency term contractor pursuant to
246 the agency term contractor's contract with the department. If
247 the department subsequently determines that remuneration did
248 occur, the department may seek recovery of the costs of cleanup
249 of specific properties from all parties responsible for the
250 property contamination, and the property is ineligible for
251 participation in any cleanup program.

252 2. Pursuant to the terms and conditions of the agency term
253 contractor's contract with the department, the agency term
254 contractor must disclose any conflict of interest to the
255 department. The agency term contractor shall be conclusively
256 determined to have a conflict of interest with regard to any
257 site if it has given or offered remuneration, in cash or in
258 kind, directly or indirectly, to the property owner or
259 responsible party, or the owner's or responsible party's
260 designee, to obtain work associated with such property. The
261 department retains the right to investigate and determine if an
262 agency term contractor has a conflict of interest with regard to
263 any property. The department may terminate the agency term
264 contractor's contract with the department or may terminate the
265 agency term contractor's work assignment to a particular
266 property based upon the department's assessment of the potential
267 conflict of interest.

268 (12) SITE CLEANUP.—

269 (b) *Low-scored site initiative.*—Notwithstanding subsections
270 (5) and (6), a site with a priority ranking score of 29 points
271 or less may voluntarily participate in the low-scored site



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272 initiative regardless of whether the site is eligible for state
273 restoration funding.

274 1. To participate in the low-scored site initiative, the
275 responsible party or property owner must affirmatively
276 demonstrate that the following conditions are met:

277 a. Upon reassessment pursuant to department rule, the site
278 retains a priority ranking score of 29 points or less.

279 b. Excessively contaminated soil, as defined by department
280 rule, does not exist onsite as a result of a release of
281 petroleum products.

282 c. A minimum of 6 months of groundwater monitoring
283 indicates that the plume is shrinking or stable.

284 d. The release of petroleum products at the site does not
285 adversely affect adjacent surface waters, including their
286 effects on human health and the environment.

287 e. The area of groundwater containing the petroleum
288 products' chemicals of concern ~~is less than one-quarter acre and~~
289 is confined to the source property boundaries of the real
290 property on which the discharge originated or is located below a
291 state road or a state road's right-of-way.

292 f. Soils onsite that are subject to human exposure found
293 between land surface and 2 feet below land surface meet the soil
294 cleanup target levels established by department rule or human
295 exposure is limited by appropriate institutional or engineering
296 controls.

297 2. Upon affirmative demonstration of the conditions under
298 subparagraph 1., the department shall issue a determination of
299 "No Further Action." Such determination acknowledges that
300 minimal contamination exists onsite and that such contamination



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301 is not a threat to the public health, safety, or welfare, water
302 resources, or the environment. If no contamination is detected,
303 the department may issue a site rehabilitation completion order.

304 3. Sites that are eligible for state restoration funding
305 may receive payment of costs for the low-scored site initiative
306 as follows:

307 a. A responsible party or property owner may submit an
308 assessment plan designed to affirmatively demonstrate that the
309 site meets the conditions under subparagraph 1. Notwithstanding
310 the priority ranking score of the site, the department may
311 approve the cost of the assessment, including 6 months of
312 groundwater monitoring, not to exceed \$35,000 ~~\$30,000~~ for each
313 site. The department may not pay the costs associated with the
314 establishment of institutional or engineering controls.

315 b. Following the assessment, the department may approve up
316 to an additional \$35,000 for interim source removal pursuant to
317 department rule to achieve a "No Further Action" order or a site
318 rehabilitation completion order pursuant to subparagraph 2.

319 c. For low-scored site initiative sites that were completed
320 before July 1, 2015, the department may approve up to an
321 additional \$35,000 for supplemental site assessment pursuant to
322 department rule or to achieve a "No Further Action" order or a
323 site rehabilitation completion order pursuant to subparagraph 2.

324 d. To provide pricing levels on the best terms to the
325 department, only an agency term contractor may participate in
326 the low-scored site initiative.

327 e. Completed low-scored site initiative sites shall be
328 granted priority 2 scoring status for ongoing assessment or
329 remedial activity pursuant to department rule.



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330 ~~f.b.~~ All The assessment work shall be completed no later
331 than 9 6 months after the department issues its approval. If
332 groundwater monitoring is required after the assessment in order
333 to satisfy the conditions of sub-subparagraph 1.c., the
334 department may authorize an additional 6 months to complete the
335 monitoring.

336 ~~g.e.~~ No more than \$10 million for the low-scored site
337 initiative may be encumbered from the fund in any fiscal year.
338 Funds shall be made available on a first-come, first-served
339 basis and shall be limited to 10 sites in each fiscal year for
340 each responsible party or property owner.

341 ~~h.d.~~ Program deductibles, copayments, and the limited
342 contamination assessment report requirements under paragraph
343 (13) (c) do not apply to expenditures under this paragraph.

344 (13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage
345 detection, reporting, and cleanup of contamination caused by
346 discharges of petroleum or petroleum products, the department
347 shall, within the guidelines established in this subsection,
348 implement a cost-sharing cleanup program to provide
349 rehabilitation funding assistance for all property contaminated
350 by discharges of petroleum or petroleum products from a
351 petroleum storage system occurring before January 1, 1995,
352 subject to a copayment provided for in a Petroleum Cleanup
353 Participation Program site rehabilitation agreement. Eligibility
354 is subject to an annual appropriation from the fund.
355 Additionally, funding for eligible sites is contingent upon
356 annual appropriation in subsequent years. Such continued state
357 funding is not an entitlement or a vested right under this
358 subsection. Eligibility shall be determined in the program,



359 notwithstanding any other provision of law, consent order,
360 order, judgment, or ordinance to the contrary.

361 (a)1. The department shall accept any discharge reporting
362 form received before January 1, 1995, as an application for this
363 program, and the facility owner or operator need not reapply.

364 2. Owners or operators of property, regardless of whether
365 ownership has changed, which is contaminated by petroleum or
366 petroleum products from a petroleum storage system may apply for
367 such program by filing a written report of the contamination
368 incident, including evidence that such incident occurred before
369 January 1, 1995, with the department. Incidents of petroleum
370 contamination discovered after December 31, 1994, at sites which
371 have not stored petroleum or petroleum products for consumption,
372 use, or sale after such date shall be presumed to have occurred
373 before January 1, 1995. An operator's filed report shall be an
374 application of the owner for all purposes. ~~Sites reported to the~~
375 ~~department after December 31, 1998, are not eligible for the~~
376 ~~program.~~

377 (b) Subject to annual appropriation from the fund, sites
378 meeting the criteria of this subsection are eligible for up to
379 \$1 million ~~\$400,000~~ of site rehabilitation funding assistance in
380 priority order pursuant to subsections (5) and (6). Sites
381 meeting the criteria of this subsection for which a site
382 rehabilitation completion order was issued before June 1, 2008,
383 do not qualify for the 2008 increase in site rehabilitation
384 funding assistance and are bound by the pre-June 1, 2008,
385 limits. Sites meeting the criteria of this subsection for which
386 a site rehabilitation completion order was not issued before
387 June 1, 2008, regardless of whether they have previously



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388 transitioned to nonstate-funded cleanup status, may continue
389 state-funded cleanup pursuant to this section until a site
390 rehabilitation completion order is issued or the increased site
391 rehabilitation funding assistance limit is reached, whichever
392 occurs first. The department may not pay expenses incurred
393 beyond the scope of an approved contract.

394 (c) Upon notification by the department that rehabilitation
395 funding assistance is available for the site pursuant to
396 subsections (5) and (6), the owner, operator, or person
397 otherwise responsible for site rehabilitation shall provide the
398 department with a limited contamination assessment report and
399 shall enter into a Petroleum Cleanup Participation Program site
400 rehabilitation agreement with the department. The agreement must
401 provide for a 25-percent copayment by the owner, operator, or
402 person otherwise responsible for conducting site rehabilitation.
403 The owner, operator, or person otherwise responsible for
404 conducting site rehabilitation shall adequately demonstrate the
405 ability to meet the copayment obligation. The limited
406 contamination assessment report and the copayment costs may be
407 reduced or eliminated if the owner and all operators responsible
408 for restoration under s. 376.308 demonstrate that they cannot
409 financially comply with the copayment and limited contamination
410 assessment report requirements. The department shall take into
411 consideration the owner's and operator's net worth in making the
412 determination of financial ability. In the event the department
413 and the owner, operator, or person otherwise responsible for
414 site rehabilitation cannot complete negotiation of the cost-
415 sharing agreement within 120 days after beginning negotiations,
416 the department shall terminate negotiations and the site shall



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417 be ineligible for state funding under this subsection and all
418 liability protections provided for in this subsection shall be
419 revoked.

420 (d) A report of a discharge made to the department by a
421 person pursuant to this subsection or any rules adopted pursuant
422 to this subsection may not be used directly as evidence of
423 liability for such discharge in any civil or criminal trial
424 arising out of the discharge.

425 (e) This subsection does not preclude the department from
426 pursuing penalties under s. 403.141 for violations of any law or
427 any rule, order, permit, registration, or certification adopted
428 or issued by the department pursuant to its lawful authority.

429 (f) Upon the filing of a discharge reporting form under
430 paragraph (a), the department or local government may not pursue
431 any judicial or enforcement action to compel rehabilitation of
432 the discharge. This paragraph does not prevent any such action
433 with respect to discharges determined ineligible under this
434 subsection or to sites for which rehabilitation funding
435 assistance is available pursuant to subsections (5) and (6).

436 (g) The following are excluded from participation in the
437 program:

438 1. Sites at which the department has been denied reasonable
439 site access to implement this section.

440 2. Sites that were active facilities when owned or operated
441 by the Federal Government.

442 3. Sites that are identified by the United States
443 Environmental Protection Agency to be on, or which qualify for
444 listing on, the National Priorities List under Superfund. This
445 exception does not apply to those sites for which eligibility



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446 has been requested or granted as of the effective date of this
447 act under the Early Detection Incentive Program established
448 pursuant to s. 15, chapter 86-159, Laws of Florida.

449 4. Sites for which contamination is covered under the Early
450 Detection Incentive Program, the Abandoned Tank Restoration
451 Program, or the Petroleum Liability and Restoration Insurance
452 Program, in which case site rehabilitation funding assistance
453 shall continue under the respective program.

454 Section 6. Paragraph (a) of subsection (2) and subsection
455 (4) of section 376.30713, Florida Statutes, are amended to read:

456 376.30713 Advanced cleanup.—

457 (2) The department may approve an application for advanced
458 cleanup at eligible sites, before funding based on the site's
459 priority ranking established pursuant to s. 376.3071(5)(a),
460 pursuant to this section. Only the facility owner or operator or
461 the person otherwise responsible for site rehabilitation
462 qualifies as an applicant under this section.

463 (a) Advanced cleanup applications may be submitted between
464 May 1 and June 30 and between November 1 and December 31 of each
465 fiscal year. Applications submitted between May 1 and June 30
466 shall be for the fiscal year beginning July 1. An application
467 must consist of:

468 1. A commitment to pay 25 percent or more of the total
469 cleanup cost deemed recoverable under this section along with
470 proof of the ability to pay the cost share. An application
471 proposing that the department enter into a performance-based
472 contract for the cleanup of 10 ~~20~~ or more sites may use a
473 commitment to pay, a demonstrated cost savings to the
474 department, or both to meet the cost-share requirement. For an



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475 application relying on a demonstrated cost savings to the
476 department, the applicant shall, in conjunction with the
477 proposed agency term contractor, establish and provide in the
478 application the percentage of cost savings in the aggregate that
479 is being provided to the department for cleanup of the sites
480 under the application compared to the cost of cleanup of those
481 same sites using the current rates provided to the department by
482 the proposed agency term contractor. The department shall
483 determine whether the cost savings demonstration is acceptable.
484 Such determination is not subject to chapter 120.

485 2. A nonrefundable review fee of \$250 to cover the
486 administrative costs associated with the department's review of
487 the application.

488 3. A limited contamination assessment report.

489 4. A proposed course of action.

490

491 The limited contamination assessment report must be sufficient
492 to support the proposed course of action and to estimate the
493 cost of the proposed course of action. Costs incurred related to
494 conducting the limited contamination assessment report are not
495 refundable from the Inland Protection Trust Fund. Site
496 eligibility under this subsection or any other provision of this
497 section is not an entitlement to advanced cleanup or continued
498 restoration funding. The applicant shall certify to the
499 department that the applicant has the prerequisite authority to
500 enter into an advanced cleanup contract with the department. The
501 certification must be submitted with the application.

502 (4) The department may enter into contracts for a total of
503 up to \$25 ~~\$15~~ million of advanced cleanup work in each fiscal



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504 year. However, a facility or an applicant who bundles multiple
505 sites as specified in subparagraph (2)(a)1. may not be approved
506 for more than \$5 million of cleanup activity in each fiscal
507 year. A property owner or responsible party may enter into a
508 voluntary cost-share agreement in which the property owner or
509 responsible party commits to bundle multiple sites and lists the
510 facilities that will be included in those future bundles. The
511 facilities listed are not subject to agency term contractor
512 assignment pursuant to department rule. The department reserves
513 the right to terminate the voluntary cost-share agreement if the
514 property owner or responsible party fails to submit an
515 application to bundle multiple sites within an open application
516 period in which it is eligible to participate. For the purposes
517 of this section, the term "facility" includes, but is not
518 limited to, multiple site facilities such as airports, port
519 facilities, and terminal facilities even though such enterprises
520 may be treated as separate facilities for other purposes under
521 this chapter.

522
523 ===== T I T L E A M E N D M E N T =====

524 And the title is amended as follows:

525 Between lines 17 and 18

526 insert:

527 amending s. 376.305, F.S.; removing the requirement
528 that applications for the Abandoned Tank Restoration
529 Program must have been submitted to the Department of
530 Environmental Protection by a certain time; deleting
531 provisions relieving certain persons from liability;
532 amending s. 376.3071, F.S.; prohibiting the department



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533 from incorporating risk-based corrective actions
534 principles not approved by the property owner;
535 prohibiting site rehabilitation from being implemented
536 on certain sites without the approval of the property
537 owner; requiring the department to establish a
538 procedure by rule for the processing of certain
539 invoices and the direct assignment of tasks by a
540 certain date; authorizing site owners and operators to
541 select agency term contractors from which the
542 department must select from under certain
543 circumstances; requiring the property owner or
544 responsible party selecting the agency term contractor
545 and the selected agency term contractor to execute a
546 sworn affidavit testifying to certain terms; requiring
547 agency term contractors to disclose any conflict of
548 interest to the department; revising the conditions
549 for eligibility and methods for payment of costs for
550 the low-scored site initiative; clarifying that a
551 change in ownership does not preclude a site from
552 entering into the program; revising the eligibility
553 requirements for receiving rehabilitation funding
554 assistance; increasing the amount of funding
555 assistance available; amending s. 376.30713, F.S.;
556 revising the number of sites for certain advanced
557 cleanup applications; increasing the total amount for
558 which the department may contract for advanced cleanup
559 work in a fiscal year; authorizing property owners and
560 responsible parties to enter into voluntary cost-share
561 agreements under certain circumstances;