

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: HB 5701

INTRODUCER: Agriculture & Natural Resources Budget Subcommittee and Representative Snyder

SUBJECT: Petroleum Cleanup Programs

DATE: February 27, 2026

REVISED: 3/2/26

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Reagan</u>	<u>Sadberry</u>	<u>AP</u>	<b>Fav/1 amendment</b>

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**Please see Section IX. for Additional Information:**

AMENDMENTS - Significant amendments were recommended

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**I. Summary:**

HB 5701 conforms current law to the proposed House of Representatives' Fiscal Year 2026-2027 General Appropriations Act (GAA). The bill amends the Petroleum Cleanup Participation Program (PCPP) and the Florida Petroleum Liability and Restoration Insurance Program (PLRIP) to remove program deductibles, copayments, and monetary caps for eligible parties and have the costs absorbed by the Inland Protection Trust Fund.

The bill will likely have a negative impact, estimated at \$4.1 million, on the Inland Protection Trust Fund (IPTF) in the Department of Environmental Protection (DEP). See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

**II. Present Situation:**

**Petroleum Restoration Program**

Petroleum is stored in thousands of underground and aboveground storage tank systems throughout Florida. Releases of petroleum into the environment may occur as a result of accidental spills, storage tank system leaks, or poor maintenance practices. These discharges pose a significant threat to groundwater quality,<sup>1</sup> the source of 60 percent of Florida's total water

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<sup>1</sup> U.S. Environmental Protection Agency, *Underground Storage Tanks (USTs)*, available at <https://www.epa.gov/ust> (last visited Jan. 28, 2026).

used.<sup>2</sup> The identification and cleanup of petroleum contamination is particularly challenging due to Florida's diverse geology, diverse water systems, and the complex dynamics between contaminants and the environment.

In 1983, Florida began enacting legislation to regulate underground and aboveground storage tank systems in an effort to protect Florida's groundwater from past and future petroleum releases.<sup>3</sup> The Department of Environmental Protection (DEP) regulates these storage tank systems.<sup>4</sup> Further, the DEP may establish criteria for the prioritization, assessment and cleanup, and reimbursement for cleanup of areas contaminated by leaking underground petroleum storage tanks.<sup>5</sup> The Petroleum Restoration Program (PRP) establishes the requirements and procedures for cleaning up contaminated land, as well as the circumstances under which the state will pay for the cleanup.<sup>6</sup>

To fund the cleanup of contaminated petroleum sites, the Legislature created the Inland Protection Trust Fund (IPTF).<sup>7</sup> The state levies an excise tax on each barrel of petroleum and petroleum products produced in or imported into the state to fund the IPTF.<sup>8</sup> The state determines the amount of the excise tax for each barrel based on a formula that is dependent upon the unobligated balance of the IPTF.<sup>9</sup>

The owner of contaminated land or the person who caused the discharge is responsible for rehabilitating the land, unless the site owner can show that the contamination resulted from the activities of a previous owner or other third party (responsible party), who is then responsible.<sup>10</sup> Over the years, the DEP has implemented different programs to provide state financial assistance to certain eligible site owners and responsible parties for site rehabilitation.<sup>11</sup> To receive rehabilitation funding assistance, a site must qualify for one of the following Petroleum Cleanup Eligibility Programs:

- Abandoned Tank Restoration Program (ATRP)
  - Innocent Victim Petroleum Storage System Restoration Program (IVPSSRP).
  - Indigent ATRP.
  - Early Detection Incentive Program (EDI).
  - Petroleum Liability and Restoration Insurance Program (PLRIP).
  - Petroleum Cleanup Participation Program (PCPP).

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<sup>2</sup> South Florida Water Management District, <https://www.sfwmd.gov/science-data/gw-modeling> (last visited Jan. 28, 2026).

<sup>3</sup> Chapter 83-310, Laws of Fla.

<sup>4</sup> Sections 376.30(3) and 376.303, F.S.

<sup>5</sup> Section 376.3071(5), F.S.

<sup>6</sup> DEP, *Petroleum Restoration Program*, available at <https://floridadep.gov/Waste/Petroleum-Restoration> (last visited Jan. 28, 2026).

<sup>7</sup> Section 376.3071(3)-(4), F.S.

<sup>8</sup> Sections 206.9935(3), F.S. and 376.3071(7), F.S.

<sup>9</sup> The amount of the excise tax per barrel is based on the following formula: 30 cents if the unobligated balance is between \$100 million and \$150 million; 60 cents if the unobligated balance is above \$50 million, but below \$100 million; and 80 cents if the unobligated balance is \$50 million or less. Section 206.9935(3), F.S.

<sup>10</sup> Section 376.308, F.S.

<sup>11</sup> Section 376.3071(12)(a), F.S.

## Petroleum Cleanup Participation Program

In 1996, the Legislature created the PCPP to implement a cost-sharing cleanup program to provide rehabilitation funding assistance for all property contaminated by discharges of petroleum or petroleum products from a petroleum storage system that occurred before January 1, 1995. Petroleum discharges from sources other than a petroleum storage system cannot receive funding under the PCPP.<sup>12</sup> Further, the following sites are not eligible for the PCPP:

- Sites where the DEP has been denied access;
- Sites owned or operated by the federal government;
- Sites identified by the United States Environmental Protection Agency to be on, or which qualify for listing on, the National Priorities List under Superfund; and
- Sites that are eligible under the ATRP, the EDI, or the PLRIP.<sup>13</sup>

The DEP ranks PCPP sites based on human health and safety risks.<sup>14</sup> When funds become available, the DEP will notify the owner, operator, or person otherwise responsible for site rehabilitation (owner or responsible party) in writing, based on that priority ranking.<sup>15</sup> The owner or responsible party must then prepare and provide the DEP with a limited contamination assessment report sufficient to determine the extent of the contamination and cleanup.<sup>16</sup> After approval from the DEP, the owner or responsible party must enter into a PCPP agreement with the DEP. The owner or responsible party may recommend a department term contractor to clean up the PCPP eligible discharge, but is not required to do so. Sites qualifying for the program are eligible for up to \$400,000 of site rehabilitation funding.<sup>17</sup> The DEP may approve supplemental funding of up to \$100,000 for additional remediation and monitoring at PCPP sites if such remediation and monitoring is necessary to achieve a NFA order.<sup>18</sup> The owner or responsible party must agree to pay a 25 percent copayment.<sup>19</sup> The copayment percentage may be reduced or eliminated if the owner or responsible party demonstrates an inability to pay.<sup>20</sup>

## Florida Petroleum Liability and Restoration Insurance Program

In 1988, the Legislature created the Florida Petroleum Liability Insurance Program to provide petroleum cleanup funding and third-party liability insurance to eligible petroleum facilities.<sup>21</sup> Petroleum facilities that were in state regulatory compliance eligibility to purchase \$1 million in pollution liability protection and provided \$1 million worth of site restoration coverage through reimbursement or state cleanup.<sup>22</sup> In 1992, the Legislature renamed the program the Florida Petroleum Liability and Restoration Insurance Program (PLRIP) and specified dates that qualify

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<sup>12</sup> Section 376.3071(13), F.S.

<sup>13</sup> Section 376.3071(13)(h), F.S.

<sup>14</sup> Rule 62-771.100(1), F.A.C.

<sup>15</sup> DEP, *Petroleum Cleanup Participation Program (PCPP)*, available at <https://floridadep.gov/waste/petroleum-restoration/content/petroleum-cleanup-participation-program-pcpp> (last visited Jan. 28, 2026).

<sup>16</sup> Section 376.3071(13)(d), F.S.

<sup>17</sup> Section 376.3071(13)(b), F.S.

<sup>18</sup> Section 376.3071(13)(c), F.S.

<sup>19</sup> Section 376.3071(13)(d), F.S.

<sup>20</sup> Section 376.3071(13)(d), F.S.

<sup>21</sup> Chapter 88-331, Laws of Fla.

<sup>22</sup> DEP, *Petroleum Liability & Restoration Insurance Program (PLRIP)*, available at <https://floridadep.gov/waste/petroleum-restoration/content/petroleum-liability-restoration-insurance-program-plrip> (last visited Jan. 28, 2026).

for eligibility in the program with eligibility for the claims in the program ending January 1, 1999 as private commercial liability insurance become more readily available.<sup>23</sup>

Monetary caps were put into statute to limit the maximum spending per site that required cleanup or third-party insurance.<sup>24</sup> In 1992, the PLRIP created incident reporting date tiers for monetary caps and deductibles based on the when a petroleum incident occurred.<sup>25</sup> In 2008, the monetary caps were increased on the PLRIP on sites where a rehabilitation order had not been issued before June 1, 2008. The increased monetary caps and deductibles are as listed below:

- Pre 7/1/1992 - \$1.2 M monetary cap (\$2 M annual facility aggregate, no deductible)
- 7/1/1992 – 6/30/1993 - \$1.2 M monetary cap (\$1,000 deductible)
- 7/1/1993 – 12/31/1993 - \$1.2 M monetary cap (\$5,000 deductible)
- 1/1/1994 – 12/31/1996 - \$400,000 monetary cap (\$10,000 deductible)
- 1/1/1997 – 12/31/1998 - \$300,000 monetary cap (\$10,000 deductible)
- After 1/1/1999 – no coverage<sup>26</sup>

Claims only apply to pre-January 1, 1999, incidents and payments made through the PLRIP are funded through the IPTF.

### III. Effect of Proposed Changes:

The bill amends ss. 376.3071 and 376.3072, F.S., to eliminate program deductibles, copayments, and monetary caps for the Petroleum Cleanup Participation Program and the Florida Petroleum Liability and Restoration Insurance Program, respectively, for responsible or eligible parties.

The effective date of the bill is July 1, 2026.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

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<sup>23</sup> *Id.*

<sup>24</sup> Chapter 1992-30, Laws of Fla.

<sup>25</sup> *Id.*

<sup>26</sup> Section 376.3072(2)(d), F.S.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will likely have a positive impact to the private sector for those eligible parties that are required to pay deductible and copayments associated with the PCCP and the PLRIP.

C. Government Sector Impact:

The bill will have a negative impact on the IPTF in the DEP. The DEP estimates that the annual fiscal impact at \$4.2 million.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 376.3071 and 376.3072.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

**Barcode 562810 by Appropriations on March 2, 2026:**

This amendment deletes everything and does not insert additional language.

(WITH TITLE AMENDMENT)