

HB 5701E

2026E

1 A bill to be entitled
2 An act relating to petroleum cleanup programs;
3 amending ss. 376.3071 and 376.3072 F.S.; removing the
4 2025-2026 fiscal year limitation on prohibiting
5 certain deductibles and copays, prohibiting
6 enforcement of certain monetary caps, requiring that
7 certain costs be absorbed at the expense of the Inland
8 Protection Trust Fund, and providing exceptions;
9 providing an effective date.

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

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13 **Section 1. Paragraph (i) of subsection (13) of section**
14 **376.3071, Florida Statutes, is amended, and paragraph (g) of**
15 **subsection (15) is reenacted, to read:**

16 376.3071 Inland Protection Trust Fund; creation; purposes;
17 funding.—

18 (13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage
19 detection, reporting, and cleanup of contamination caused by
20 discharges of petroleum or petroleum products, the department
21 shall, within the guidelines established in this subsection,
22 implement a cleanup program to provide rehabilitation funding
23 assistance for all property contaminated by discharges of
24 petroleum or petroleum products from a petroleum storage system
25 occurring before January 1, 1995. Eligibility is subject to an

26 | annual appropriation from the fund. Additionally, funding for
27 | eligible sites is contingent upon annual appropriation in
28 | subsequent years. Such continued state funding is not an
29 | entitlement or a vested right under this subsection. Eligibility
30 | shall be determined in the program, notwithstanding any other
31 | provision of law, consent order, order, judgment, or ordinance
32 | to the contrary.

33 | (i) Notwithstanding this section, ~~for the 2025-2026 fiscal~~
34 | ~~year,~~ program deductibles and copayments may not be assessed,
35 | monetary caps may not be enforced, and all costs for activities
36 | described in this subsection must be absorbed at the expense of
37 | the Inland Protection Trust Fund, without recourse to
38 | reimbursement or recovery, with the following exceptions:

39 | 1. This paragraph does not apply to a site where the
40 | department has been denied site access to implement this
41 | section.

42 | 2. This paragraph does not authorize or require
43 | reimbursement from the fund for costs expended before the
44 | beginning of the grace period.

45 | 3. Upon discovery by the department that the owner or
46 | operator of a petroleum storage system has been grossly
47 | negligent in the maintenance of such petroleum storage system;
48 | has, with willful intent to conceal the existence of a serious
49 | discharge, falsified inventory or reconciliation records
50 | maintained with respect to the site at which such system is

HB 5701E

2026E

51 | located; or has intentionally damaged such petroleum storage
52 | system, the site at which such system is located is ineligible
53 | for participation in the incentive program and the owner is
54 | liable for all costs due to discharges from petroleum storage
55 | systems at that site.

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57 | ~~This paragraph expires July 1, 2026.~~

58 | (15) ETHANOL OR BIODIESEL DAMAGE; PREVENTIVE MEASURES.—The
59 | department shall pay, pursuant to this subsection, up to \$10
60 | million each fiscal year from the fund for the costs of labor
61 | and equipment to repair or replace petroleum storage systems
62 | that may have been damaged due to the storage of fuels blended
63 | with ethanol or biodiesel, or for preventive measures to reduce
64 | the potential for such damage.

65 | (g) Payments may not be made for the following:

66 | 1. Proposal costs or costs related to preparation of the
67 | application and required documentation;

68 | 2. Certified public accountant costs;

69 | 3. Except as provided in paragraph (j), any costs in
70 | excess of the amount approved by the department under paragraph
71 | (b) or which are not in substantial compliance with the purchase
72 | order;

73 | 4. Costs associated with storage tanks, piping, or
74 | ancillary equipment that has previously been repaired or
75 | replaced for which costs have been paid under this section;

76 5. Facilities that are not in compliance with department
 77 storage tank rules, until the noncompliance issues have been
 78 resolved; or

79 6. Costs associated with damage to petroleum storage
 80 systems caused in whole or in part by causes other than the
 81 storage of fuels blended with ethanol or biodiesel.

82 **Section 2. Subsection (5) of section 376.3072, Florida**
 83 **Statutes, is amended to read:**

84 376.3072 Florida Petroleum Liability and Restoration
 85 Insurance Program.—

86 (5) Notwithstanding subsections (1)-(4), ~~for the 2025-2026~~
 87 ~~fiscal year,~~ program deductibles or copayments may not be
 88 assessed, monetary caps may not be enforced, and all costs for
 89 activities described in this section must be absorbed at the
 90 expense of the Inland Protection Trust Fund, without recourse to
 91 reimbursement or recovery, with the following exceptions:

92 (a) This subsection does not apply to a site where the
 93 department has been denied site access to implement this
 94 section.

95 (b) This subsection does not authorize or require
 96 reimbursement from the fund for costs expended before the
 97 beginning of the grace period.

98 (c) Upon discovery by the department that the owner or
 99 operator of a petroleum storage system has been grossly
 100 negligent in the maintenance of such petroleum storage system;

HB 5701E

2026E

101 has, with willful intent to conceal the existence of a serious
102 discharge, falsified inventory or reconciliation records
103 maintained with respect to the site at which such system is
104 located; or has intentionally damaged such petroleum storage
105 system, the site at which such system is located is ineligible
106 for participation in the incentive program and the owner is
107 liable for all costs due to discharges from petroleum storage
108 systems at that site.

109

110 ~~This subsection expires July 1, 2026.~~

111 **Section 3.** This act shall take effect July 1, 2026.