

ENROLLED

HB 5701E, Engrossed 1

2026E Legislature

1  
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.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Paragraph (i) of subsection (13) of section  
14 376.3071, Florida Statutes, is amended, and paragraph (g) of  
15 subsection (15) of that section 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

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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

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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.

56 |

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;

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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;

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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.