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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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02/07/2018 01:43 PM

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Senator Grimsley moved the following:

Senate Amendment (with title amendment)

Between lines 1266 and 1267

insert:

Section 37. In order to implement Specific Appropriation 1660 of the 2018-2019 General Appropriations Act, paragraph (r) is added to subsection (4) of section 376.3071, Florida Statutes, to read:

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

(4) USES.—Whenever, in its determination, incidents of



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12 inland contamination related to the storage of petroleum or
13 petroleum products may pose a threat to the public health,
14 safety, or welfare, water resources, or the environment, the
15 department shall obligate moneys available in the fund to
16 provide for:

17 (r) Notwithstanding paragraph (j), \$10 million is allocated
18 for the 2018-2019 fiscal year for the payment of the repair or
19 the replacement of, or other preventive measures for, storage
20 tanks, piping, or system components. Such costs may include
21 equipment, preventive measures, excavation, electrical work,
22 site restoration, and maintenance protocols. Owners or operators
23 may submit an application for funding on forms developed by the
24 department.

25 1. The application must include:

26 a. An affidavit by a petroleum storage system specialty
27 contractor and supporting documentation demonstrating that the
28 storage tank system may have been damaged or is subject to
29 damage by incompatibility with fuel blended with ethanol or
30 biodiesel;

31 b. A proposed scope of work and cost; and

32 c. For proposals to replace tanks or piping, a statement
33 from a certified public accountant which indicates the
34 depreciated value of the equipment. The depreciated value is the
35 maximum allowable replacement cost. Tanks and piping that are 20
36 years old or older are deemed to have no replacement value.

37 2. The department must review the application for
38 completeness, accuracy, and reasonableness of costs and scope of
39 work. Upon approval of an application, the department must issue
40 a purchase order to the applicant. The department may not issue



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41 a purchase order unless funds remain for the current fiscal
42 year. The purchase order must include a deductible of 25 percent
43 of the total cost. Except for preventative maintenance
44 contracts, the specified work must be substantially completed
45 within 180 days after the date of issuance of the purchase
46 order.

47 3. Applications shall be funded on a first-come, first-
48 served basis. Except for preventative maintenance contracts, the
49 specified work must be substantially completed within 180 days
50 after the date of issuance of the purchase order. After such
51 time, the purchase order is void. An owner or operator may not
52 cancel a preventative maintenance contract without cause.
53 Following submission of proof to the department that the
54 approved scope of work; or, in the case of preventative
55 maintenance contracts, the first service event is complete; the
56 applicant may request payment. A petroleum storage system owner
57 or operator may not receive more than \$200,000 per fiscal year
58 for any single facility or \$500,000 per fiscal year for all the
59 facilities it owns or operates.

60 4. Owners or operators who have incurred costs for repair,
61 replacement, or other preventative measures as described in this
62 paragraph from July 1, 2015, through June 30, 2018, may apply to
63 request payment for such costs from the department using the
64 procedure specified in this paragraph. The department may not
65 disburse payments for approved applications for such work until
66 all purchase orders for previously approved applications
67 submitted after July 1, 2018, have been paid and funds remain
68 available for the fiscal year. Such payment is subject to a
69 deductible of 25 percent of the approved cost.



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70 5. Payment may not be provided for:

71 a. Any costs for which an application for repair,
72 replacement, or preventative measures is not approved in
73 accordance with this paragraph;

74 b. Proposal costs or costs related to preparation of the
75 application and required documentation;

76 c. Costs associated with the services of a certified public
77 accountant;

78 d. Costs associated with storage tanks, piping, or
79 ancillary equipment that has been previously repaired or
80 replaced with funds that have been paid pursuant to this
81 section;

82 e. Facilities that are not in compliance with department
83 storage tank rules, until the facility has been brought into
84 compliance with such rules; or

85 f. Costs associated with damage to petroleum storage
86 systems caused in whole or in part by causes other than the
87 storage of fuels blended with ethanol or biodiesel.

88 6. This paragraph does not affect the obligations of
89 facility owners or operators or petroleum storage system owners
90 or operators to timely comply with department rules regarding
91 the maintenance, replacement, and repair of petroleum storage
92 systems in order to prevent a release or discharge of
93 pollutants. This paragraph does not prevent the department from
94 issuing a purchase order in accordance with this paragraph based
95 on grounds that work had commenced before the issuance of the
96 purchase order.

97 7. The department shall ensure that petroleum storage
98 systems approved after July 1, 2018, meet applicable standards



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99 for compatibility for ethanol blends, biodiesel blends, and
100 other alternative fuels that are likely to be installed in such
101 systems.

102 8. This paragraph expires July 1, 2019.

103
104 The issuance of a site rehabilitation completion order pursuant
105 to subsection (5) or paragraph (12) (b) for contamination
106 eligible for programs funded by this section does not alter the
107 project's eligibility for state-funded remediation if the
108 department determines that site conditions are not protective of
109 human health under actual or proposed circumstances of exposure
110 under subsection (5). The Inland Protection Trust Fund may be
111 used only to fund the activities in ss. 376.30-376.317 except
112 ss. 376.3078 and 376.3079. Amounts on deposit in the fund in
113 each fiscal year must first be applied or allocated for the
114 payment of amounts payable by the department pursuant to
115 paragraph (n) under a service contract entered into by the
116 department pursuant to s. 376.3075 and appropriated in each year
117 by the Legislature before making or providing for other
118 disbursements from the fund. This subsection does not authorize
119 the use of the fund for cleanup of contamination caused
120 primarily by a discharge of solvents as defined in s.
121 206.9925(6), or polychlorinated biphenyls when their presence
122 causes them to be hazardous wastes, except solvent contamination
123 which is the result of chemical or physical breakdown of
124 petroleum products and is otherwise eligible. Facilities used
125 primarily for the storage of motor or diesel fuels as defined in
126 ss. 206.01 and 206.86 are not excluded from eligibility pursuant
127 to this section.



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

And the title is amended as follows:

Delete line 208

and insert:

department; amending s. 376.3071, F.S.; allocating a specified sum from the Inland Protection Trust Fund for the payment of repair, replacement, and preventative measure costs for storage tanks, piping, or system components; requiring an owner or operator to submit an application to the department to receive funding; prescribing requirements for such application; specifying requirements, restrictions, and limitations regarding applications and payments; prohibiting payments for specified expenses; providing construction; requiring to the department to ensure that petroleum storage systems approved after a specified date meet certain standards; amending s. 295.23, F.S.; transferring