

Amendment No.

CHAMBER ACTION

Senate

House

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The Conference Committee on HB 5701E offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

(13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage detection, reporting, and cleanup of contamination caused by discharges of petroleum or petroleum products, the department shall, within the guidelines established in this subsection,

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14 implement a cleanup program to provide rehabilitation funding
15 assistance for all property contaminated by discharges of
16 petroleum or petroleum products from a petroleum storage system
17 occurring before January 1, 1995. Eligibility is subject to an
18 annual appropriation from the fund. Additionally, funding for
19 eligible sites is contingent upon annual appropriation in
20 subsequent years. Such continued state funding is not an
21 entitlement or a vested right under this subsection. Eligibility
22 shall be determined in the program, notwithstanding any other
23 provision of law, consent order, order, judgment, or ordinance
24 to the contrary.

25 (i) Notwithstanding this section, ~~for the 2025-2026 fiscal~~
26 ~~year,~~ program deductibles and copayments may not be assessed,
27 monetary caps may not be enforced, and all costs for activities
28 described in this subsection must be absorbed at the expense of
29 the Inland Protection Trust Fund, without recourse to
30 reimbursement or recovery, with the following exceptions:

31 1. This paragraph does not apply to a site where the
32 department has been denied site access to implement this
33 section.

34 2. This paragraph does not authorize or require
35 reimbursement from the fund for costs expended before the
36 beginning of the grace period.

37 3. Upon discovery by the department that the owner or
38 operator of a petroleum storage system has been grossly

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39 negligent in the maintenance of such petroleum storage system;
40 has, with willful intent to conceal the existence of a serious
41 discharge, falsified inventory or reconciliation records
42 maintained with respect to the site at which such system is
43 located; or has intentionally damaged such petroleum storage
44 system, the site at which such system is located is ineligible
45 for participation in the incentive program and the owner is
46 liable for all costs due to discharges from petroleum storage
47 systems at that site.

48
49 ~~This paragraph expires July 1, 2026.~~

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

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

- 58 1. Proposal costs or costs related to preparation of the
59 application and required documentation;
60 2. Certified public accountant costs;
61 3. Except as provided in paragraph (j), any costs in
62 excess of the amount approved by the department under paragraph

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63 (b) or which are not in substantial compliance with the purchase
64 order;

65 4. Costs associated with storage tanks, piping, or
66 ancillary equipment that has previously been repaired or
67 replaced for which costs have been paid under this section;

68 5. Facilities that are not in compliance with department
69 storage tank rules, until the noncompliance issues have been
70 resolved; or

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

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

76 376.3072 Florida Petroleum Liability and Restoration
77 Insurance Program.—

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

84 (a) This subsection does not apply to a site where the
85 department has been denied site access to implement this
86 section.

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87 (b) This subsection does not authorize or require
88 reimbursement from the fund for costs expended before the
89 beginning of the grace period.

90 (c) Upon discovery by the department that the owner or
91 operator of a petroleum storage system has been grossly
92 negligent in the maintenance of such petroleum storage system;
93 has, with willful intent to conceal the existence of a serious
94 discharge, falsified inventory or reconciliation records
95 maintained with respect to the site at which such system is
96 located; or has intentionally damaged such petroleum storage
97 system, the site at which such system is located is ineligible
98 for participation in the incentive program and the owner is
99 liable for all costs due to discharges from petroleum storage
100 systems at that site.

101
102 ~~This subsection expires July 1, 2026.~~

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

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105 -----
106 **T I T L E A M E N D M E N T**

107 Remove everything before the enacting clause and insert:

108 A bill to be entitled

109 An act relating to petroleum cleanup programs;
110 amending ss. 376.3071 and 376.3072, F.S.; removing the
111 2025-2026 fiscal year limitation on prohibiting

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112 | certain deductibles and copays, prohibiting
113 | enforcement of certain monetary caps, requiring that
114 | certain costs be absorbed at the expense of the Inland
115 | Protection Trust Fund, and providing exceptions;
116 | providing an effective date.

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