

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Appropriations Subcommittee
 3 Representative Grant offered the following:

Amendment (with title amendment)

6 Between lines 93 and 94, insert:

7 (4) USES.—Whenever, in its determination, incidents of
 8 inland contamination related to the storage of petroleum or
 9 petroleum products may pose a threat to the public health,
 10 safety, or welfare, water resources, or the environment, the
 11 department shall obligate moneys available in the fund to
 12 provide for:

13 (a) Prompt investigation and assessment of contamination
 14 sites.

15 (b) Expeditious restoration or replacement of potable
 16 water supplies as provided in s. 376.30(3)(c)1.

17 (c) Rehabilitation of contamination sites, which shall

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18 consist of cleanup of affected soil, groundwater, and inland
19 surface waters, using the most cost-effective alternative that
20 is technologically feasible and reliable and that provides
21 adequate protection of the public health, safety, and welfare,
22 and water resources, and that minimizes environmental damage,
23 pursuant to the site selection and cleanup criteria established
24 by the department under subsection (5), except that this
25 paragraph does not authorize the department to obligate funds
26 for payment of costs which may be associated with, but are not
27 integral to, site rehabilitation, such as the cost for
28 retrofitting or replacing petroleum storage systems.

29 (d) Maintenance and monitoring of contamination sites.

30 (e) Inspection and supervision of activities described in
31 this subsection.

32 (f) Payment of expenses incurred by the department in its
33 efforts to obtain from responsible parties the payment or
34 recovery of reasonable costs resulting from the activities
35 described in this subsection.

36 (g) Payment of any other reasonable costs of
37 administration, including those administrative costs incurred by
38 the Department of Health in providing field and laboratory
39 services, toxicological risk assessment, and other assistance to
40 the department in the investigation of drinking water
41 contamination complaints and costs associated with public
42 information and education activities.

43 (h) Establishment and implementation of the compliance

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44 verification program as authorized in s. 376.303(1) (a),
45 including contracting with local governments or state agencies
46 to provide for the administration of such program through
47 locally administered programs, to minimize the potential for
48 further contamination sites.

49 (i) Funding of the provisions of ss. 376.305(6) and
50 376.3072.

51 (j) Activities related to removal and replacement of
52 petroleum storage systems, exclusive of costs of any tank,
53 piping, dispensing unit, or related hardware, if soil removal is
54 approved as a component of site rehabilitation and requires
55 removal of the tank where remediation is conducted under this
56 section or if such activities were justified in an approved
57 remedial action plan.

58 (k) Reasonable costs of restoring property as nearly as
59 practicable to the conditions which existed before activities
60 associated with contamination assessment or remedial action
61 taken under s. 376.303(4).

62 (l) Repayment of loans to the fund.

63 (m) Expenditure of sums from the fund to cover ineligible
64 sites or costs as set forth in subsection (13), if the
65 department in its discretion deems it necessary to do so. In
66 such cases, the department may seek recovery and reimbursement
67 of costs in the same manner and pursuant to the same procedures
68 established for recovery and reimbursement of sums otherwise
69 owed to or expended from the fund.

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70 (n) Payment of amounts payable under any service contract
71 entered into by the department pursuant to s. 376.3075, subject
72 to annual appropriation by the Legislature.

73 (o) Petroleum remediation pursuant to this section
74 throughout a state fiscal year. The department shall establish a
75 process to uniformly encumber appropriated funds throughout a
76 state fiscal year and shall allow for emergencies and imminent
77 threats to public health, safety, and welfare, water resources,
78 and the environment as provided in paragraph (5)(a). This
79 paragraph does not apply to appropriations associated with the
80 free product recovery initiative provided in paragraph (5)(c) or
81 the advanced cleanup program provided in s. 376.30713.

82 (p) Enforcement of this section and ss. 376.30-376.317 by
83 the Fish and Wildlife Conservation Commission. The department
84 shall disburse moneys to the commission for such purpose.

85 (q) Payments for program deductibles, copayments, and
86 limited contamination assessment reports that otherwise would be
87 paid by another state agency for state-funded petroleum
88 contamination site rehabilitation. ~~This paragraph expires July~~
89 ~~1, 2016.~~

90
91 The Inland Protection Trust Fund may only be used to fund the
92 activities in ss. 376.30-376.317 except ss. 376.3078 and
93 376.3079. Amounts on deposit in the fund in each fiscal year
94 shall first be applied or allocated for the payment of amounts
95 payable by the department pursuant to paragraph (n) under a

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96 service contract entered into by the department pursuant to s.
97 376.3075 and appropriated in each year by the Legislature before
98 making or providing for other disbursements from the fund. This
99 subsection does not authorize the use of the fund for cleanup of
100 contamination caused primarily by a discharge of solvents as
101 defined in s. 206.9925(6), or polychlorinated biphenyls when
102 their presence causes them to be hazardous wastes, except
103 solvent contamination which is the result of chemical or
104 physical breakdown of petroleum products and is otherwise
105 eligible. Facilities used primarily for the storage of motor or
106 diesel fuels as defined in ss. 206.01 and 206.86 are not
107 excluded from eligibility pursuant to this section.

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110 **T I T L E A M E N D M E N T**

111 Remove line 7 and insert:
112 specified date; amending s. 376.3071, F.S.; deleting expiration
113 date for certain use of the funds; renaming