

Bill No. CS for CS for CS for SB 1406, 2nd Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Albright offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (2) and
paragraph (b) of subsection (3) of section 206.9935, Florida
Statutes, is amended to read:

206.9935 Taxes imposed.--

(2) TAX FOR WATER QUALITY.--

(a)1. There is hereby levied an excise tax for the
privilege of producing in, importing into, or causing to be
imported into this state pollutants for sale, use, or
otherwise.

2. The tax shall be imposed only once on each barrel
or other unit of pollutant, other than petroleum products,
when first produced in or imported into this state. The tax on
pollutants first imported into or produced in this state shall
be imposed when the product is first sold or first removed
from storage. The tax shall be paid and remitted by any

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1 person who is licensed by the department to engage in the
2 production or importation of motor fuel, diesel fuel, aviation
3 fuel, or other pollutants.

4 3. The tax shall be imposed on petroleum products and
5 remitted to the department in the same manner as the motor
6 fuel tax imposed pursuant to s. 206.41.

7 (b) The excise tax shall be the applicable rate as
8 specified in subparagraph 1. per barrel or per unit of
9 pollutant, or equivalent measure as established by the
10 department, produced in or imported into the state. If the
11 unobligated balance of the Water Quality Assurance Trust Fund
12 is or falls below \$3 million, the tax shall be increased to
13 the applicable rates specified in subparagraph 2. and shall
14 remain at said rates until the unobligated balance in the fund
15 exceeds \$5 million, at which time the tax shall be imposed at
16 the rates specified in subparagraph 1. If the unobligated
17 balance of the fund exceeds \$12 million, the levy of the tax
18 shall be discontinued until the unobligated balance of the
19 fund falls below \$5 million, at which time the tax shall be
20 imposed at the rates specified in subparagraph 1. Changes in
21 the tax rates pursuant to this paragraph shall take effect on
22 the first day of the month after 30 days' notification to the
23 Department of Revenue when the unobligated balance of the fund
24 falls below or exceeds a limit set pursuant to this paragraph.
25 The unobligated balance of the Water Quality Assurance Trust
26 Fund as it relates to determination of the applicable excise
27 tax rate shall exclude the unobligated balances of funds of
28 the Dry Cleaning, Operator Certification, and nonagricultural
29 nonpoint source programs, and other required reservations of
30 fund balance. The unobligated balance in the Water Quality
31 Assurance Trust Fund is based upon the current unreserved fund

1 balance, projected revenues, authorized legislative
2 appropriations, and funding for the department's base budget
3 for the subsequent fiscal year. Determination of the
4 unobligated balance of the Water Quality Assurance Trust Fund
5 shall be performed annually subsequent to the annual
6 legislative appropriations becoming law.

7 1. As provided in this paragraph, the tax shall be
8 2.36 cents per gallon of solvents, 1 cent per gallon of motor
9 oil or other lubricants, and 2 cents per barrel of petroleum
10 products, pesticides, ammonia, and chlorine.

11 2. As provided in this paragraph, the tax shall be 5.9
12 cents per gallon of solvents, 2.5 cents per gallon of motor
13 oil or other lubricants, 2 cents per barrel of ammonia, and 5
14 cents per barrel of petroleum products, pesticides, and
15 chlorine. ingestion.

16 (3) TAX FOR INLAND PROTECTION.--

17 (a)1. There is hereby levied an excise tax for the
18 privilege of producing in, importing into, or causing to be
19 imported into this state pollutants for sale, use, or
20 otherwise.

21 2. The tax shall be imposed only once on each barrel
22 of pollutant produced in or imported into this state in the
23 same manner as the motor fuel tax imposed pursuant to s.
24 206.41. The tax shall be paid or remitted by any person who
25 is licensed by the department to engage in the production or
26 importation of motor fuel, diesel fuel, aviation fuel, or
27 other pollutants.

28 (b)1. The excise tax per barrel of pollutant, or
29 equivalent measure as established by the department, produced
30 in or imported into this state shall be:

31 a. Thirty cents if the unobligated balance of the fund

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1 is between \$100 million and \$150 million.

2 b. Sixty cents if the unobligated balance of the fund
3 is above \$50 million, but below \$100 million.

4 c. Eighty cents if the unobligated balance of the fund
5 is \$50 million or less.

6 2. Any change in the tax rate shall be effective for a
7 minimum of 6 months, unless the unobligated balance of the
8 fund requires that a higher rate be levied.

9 3. If the unobligated balance of the fund exceeds \$150
10 million, the tax shall be discontinued until such time as the
11 unobligated balance of the fund reaches \$100 million.

12 4. The Secretary of Environmental Protection shall
13 immediately notify the Department of Revenue when the
14 unobligated balance of the fund falls below or exceeds an
15 amount set herein. Changes in the tax rates pursuant to this
16 subsection shall take effect on the first day of the month
17 after 30 days' notification to the Department of Revenue by
18 the Secretary of Environmental Protection when the unobligated
19 balance of the fund falls below or exceeds a limit set
20 pursuant to this subsection. The unobligated balance of the
21 Inland Protection Trust Fund as it relates to determination of
22 the applicable excise tax rate shall exclude any required
23 reservations of fund balance. The unobligated balance of the
24 Inland Protection Trust Fund is based upon the current
25 unreserved fund balance, projected revenues, authorized
26 legislative appropriations, and funding for the department's
27 base budget for the subsequent fiscal year. Determination of
28 the unobligated balance of the Inland Protection Trust Fund
29 shall be performed annually subsequent to the annual
30 legislative appropriations becoming law.

31 (c) This subsection shall be reviewed by the

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1 Legislature during the 1998 regular legislative session.

2 Section 2. Subsections (4) and (7) of section 252.87,
3 Florida Statutes, are amended to read:

4 252.87 Supplemental state reporting requirements.--

5 (4) Each employer that owns or operates a facility in
6 this state at which hazardous materials are present in
7 quantities at or above the thresholds established under ss.
8 311(b) and 312(b) of EPCRA shall comply with the reporting
9 requirements of ss. 311 and 312 of EPCRA. Such employer shall
10 also be responsible for notifying the department, the local
11 emergency planning committee and the local fire department in
12 writing within 30 days if there is a discontinuance or
13 abandonment of the employer's business activities that could
14 affect any stored hazardous materials.

15 (7) The department shall avoid duplicative reporting
16 requirements by utilizing the reporting requirements of other
17 state agencies that regulate hazardous materials to the extent
18 feasible and shall ~~only~~ request the ~~necessary~~ information
19 authorized required under EPCRA ~~or required to implement the~~
20 ~~fee provisions of this part.~~ With the advice and consent of
21 the State Emergency Response Commission for Hazardous
22 Materials, the department may require by rule that the maximum
23 daily amount entry on the chemical inventory report required
24 under s. 312 of EPCRA provide for reporting in estimated
25 actual amounts. The department may also require by rule an
26 entry for the Federal Employer Identification Number on this
27 report. To the extent feasible, the department shall
28 encourage and accept required information in a form initiated
29 through electronic data interchange and shall describe by rule
30 the format, manner of execution, and method of electronic
31 transmission necessary for using such form.To the extent

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1 feasible, the Department of Insurance, the Department of
2 Agriculture and Consumer Services, the Department of
3 Environmental Protection, the Public Service Commission, the
4 Department of Revenue, the Department of Labor and Employment
5 Security, and other state agencies which regulate hazardous
6 materials shall coordinate with the department in order to
7 avoid duplicative requirements contained in each agency's
8 respective reporting or registration forms. The other state
9 agencies that inspect facilities storing hazardous materials
10 and suppliers and distributors of covered substances shall
11 assist the department in informing the facility owner or
12 operator of the requirements of this part. The department
13 shall provide the other state agencies with the necessary
14 information and materials to inform the owners and operators
15 of the requirements of this part to ensure that the budgets of
16 these agencies are not adversely affected.

17 Section 3. Subsection (5) of section 288.047, Florida
18 Statutes, is amended to read:

19 288.047 Quick-response training for economic
20 development.--

21 (5) For the first 6 months of each fiscal year,
22 Enterprise Florida, Inc., shall set aside 30 percent of the
23 amount appropriated for the Quick-Response Training Program by
24 the Legislature to fund instructional programs for businesses
25 located in an enterprise zone or brownfield area ~~to instruct~~
26 ~~residents of an enterprise zone~~. Any unencumbered funds
27 remaining undisbursed from this set-aside at the end of the
28 6-month period may be used to provide funding for any program
29 qualifying for funding pursuant to this section.

30 Section 4. Section 288.107, Florida Statutes, is
31 amended to read:

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1 288.107 Brownfield redevelopment bonus refunds.--

2 (1) DEFINITIONS.--As used in this section:

3 (a) "Account" means the Economic Development
4 Incentives Account as authorized in s. 288.095.

5 (b) "Brownfield sites" means sites that are generally
6 abandoned, idled, or underused industrial and commercial
7 properties where expansion or redevelopment is complicated by
8 actual or perceived environmental contamination.

9 (c) "Brownfield area" means a contiguous area of one
10 or more brownfield sites, some of which may not be
11 contaminated, and which has been designated by a local
12 government by resolution. Such areas may include all or
13 portions of community redevelopment areas, enterprise zones,
14 empowerment zones, other such designated economically deprived
15 communities and areas, and
16 Environmental-Protection-Agency-designated brownfield pilot
17 projects.

18 (d) "Director" means the director of the Office of
19 Tourism, Trade, and Economic Development.

20 (e) "Eligible business" means a qualified target
21 industry business as defined in s. 288.106(2)(o) or other
22 business that can demonstrate a fixed capital investment of at
23 least \$2 million in mixed-use business activities, including
24 multiunit housing, commercial, retail, and industrial in
25 brownfield areas and which pays wages that are at least 80
26 percent of the average of all private sector wages in the
27 county in which the business is located.

28 (f) "Jobs" means full-time equivalent positions,
29 consistent with the use of such terms by the Department of
30 Labor and Employment Security for the purpose of unemployment
31 compensation tax, resulting directly from a project in this

1 state. This number does not include temporary construction
2 jobs involved with the construction of facilities for the
3 project and which are not associated with the implementation
4 of the site rehabilitation as provided in s. 376.80.

5 (g) "Office" means the Office of Tourism, Trade, and
6 Economic Development.

7 (h) "Project" means the creation of a new business or
8 the expansion of an existing business as defined in s.
9 288.106.

10 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.--There
11 shall be allowed from the account a bonus refund of \$2,500 to
12 any qualified target industry business or other eligible
13 business as defined in paragraph (1)(e) for each new Florida
14 job created in a brownfield which is claimed on the qualified
15 target industry business's annual refund claim authorized in
16 s. 288.106(6) or other similar annual claim procedure for
17 other eligible business as defined in paragraph (1)(e) and
18 approved by the office as specified in the final order issued
19 by the director.

20 (3) CRITERIA.--The minimum criteria for participation
21 in the brownfield redevelopment bonus refund are:

22 (a) The creation of at least 10 new full-time
23 permanent jobs. Such jobs shall not include construction or
24 site rehabilitation jobs associated with the implementation of
25 a brownfield site agreement as described in s. 376.80(5).

26 (b) The completion of a fixed capital investment of at
27 least \$2 million in mixed-use business activities, including
28 multiunit housing, commercial, retail, and industrial in
29 brownfield areas and which pay wages that are at least 80
30 percent of the average of all private sector wages in the
31 county in which the business is located.

1 ~~(c)(b)~~ That the designation as a brownfield will
2 diversify and strengthen the economy of the area surrounding
3 the site.

4 ~~(d)(e)~~ That the designation as a brownfield will
5 promote capital investment in the area beyond that
6 contemplated for the rehabilitation of the site.

7 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS
8 REFUNDS.--

9 (a) To be eligible to receive a bonus refund for new
10 Florida jobs created in a brownfield, a business must have
11 been certified as a qualified target industry business under
12 s. 288.106 or eligible business as defined in paragraph (1)(e)
13 and must have indicated on the qualified target industry tax
14 refund application form submitted in accordance with s.
15 288.106(4) or other similar agreement for other eligible
16 business as defined in paragraph (1)(e) that the project for
17 which the application is submitted is or will be located in a
18 brownfield and that the business is applying for certification
19 as a qualified brownfield business under this section, and
20 must have signed a qualified target industry tax refund
21 agreement with the office which indicates that the business
22 has been certified as a qualified target industry business
23 located in a brownfield and specifies the schedule of
24 brownfield redevelopment bonus refunds that the business may
25 be eligible to receive in each fiscal year.

26 (b) To be considered to receive an eligible brownfield
27 redevelopment bonus refund payment, the business meeting the
28 requirements of paragraph (a) must submit a claim once each
29 fiscal year on a claim form approved by the office which
30 indicates the location of the brownfield, the address of the
31 business facility's brownfield location, the name of the

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1 brownfield in which it is located, the number of jobs created,
2 and the average wage of the jobs created by the business
3 within the brownfield as defined in s. 288.106 or other
4 eligible business as defined in paragraph (1)(e) and the
5 administrative rules and policies for that section.

6 (c) The bonus refunds shall be available on the same
7 schedule as the qualified target industry tax refund payments
8 scheduled in the qualified target industry tax refund
9 agreement authorized in s. 288.106 or other similar agreement
10 for other eligible businesses as defined in paragraph (1)(e).

11 (d) After entering into a tax refund agreement as
12 provided in s. 288.106 or other similar agreement for other
13 eligible businesses as defined in paragraph (1)(e), an
14 eligible business may receive brownfield redevelopment bonus
15 refunds from the account pursuant to s. 288.106(3)(c).

16 (e) An eligible business that fraudulently claims a
17 refund under this section:

18 1. Is liable for repayment of the amount of the refund
19 to the account, plus a mandatory penalty in the amount of 200
20 percent of the tax refund, which shall be deposited into the
21 General Revenue Fund.

22 2. Commits a felony of the third degree, punishable as
23 provided in s. 775.082, s. 775.083, or s. 775.084.

24 (f) The office shall review all applications submitted
25 under s. 288.106 or other similar application forms for other
26 eligible businesses as defined in paragraph (1)(e) which
27 indicate that the proposed project will be located in a
28 brownfield and determine, with the assistance of the
29 Department of Environmental Protection, that the project
30 location is within a brownfield as provided in this act.

31 (g) The office shall approve all claims for a

1 brownfield redevelopment bonus refund payment that are found
2 to meet the requirements of paragraphs (b) and (d).

3 (h) The director, with such assistance as may be
4 required from the office and the Department of Environmental
5 Protection, shall specify by written final order the amount of
6 the brownfield redevelopment bonus refund that is authorized
7 for the qualified target industry business for the fiscal year
8 within 30 days after the date that the claim for the annual
9 tax refund is received by the office.

10 (i) The total amount of the bonus refunds approved by
11 the director under this section in any fiscal year must not
12 exceed the total amount appropriated to the Economic
13 Development Incentives Account for this purpose for the fiscal
14 year. In the event that the Legislature does not appropriate
15 an amount sufficient to satisfy projections by the office for
16 brownfield redevelopment bonus refunds under this section in a
17 fiscal year, the office shall, not later than July 15 of such
18 year, determine the proportion of each brownfield
19 redevelopment bonus refund claim which shall be paid by
20 dividing the amount appropriated for tax refunds for the
21 fiscal year by the projected total of brownfield redevelopment
22 bonus refund claims for the fiscal year. The amount of each
23 claim for a brownfield redevelopment bonus tax refund shall be
24 multiplied by the resulting quotient. If, after the payment
25 of all such refund claims, funds remain in the Economic
26 Development Incentives Account for brownfield redevelopment
27 tax refunds, the office shall recalculate the proportion for
28 each refund claim and adjust the amount of each claim
29 accordingly.

30 (j) Upon approval of the brownfield redevelopment
31 bonus refund, payment shall be made for the amount specified

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1 in the final order. If the final order is appealed, payment
2 may not be made for a refund to the qualified target industry
3 business until the conclusion of all appeals of that order.

4 (5) ADMINISTRATION.--

5 (a) The office is authorized to verify information
6 provided in any claim submitted for tax credits under this
7 section with regard to employment and wage levels or the
8 payment of the taxes to the appropriate agency or authority,
9 including the Department of Revenue, the Department of Labor
10 and Employment Security, or any local government or authority.

11 (b) To facilitate the process of monitoring and
12 auditing applications made under this program, the office may
13 provide a list of qualified target industry businesses to the
14 Department of Revenue, to the Department of Labor and
15 Employment Security, to the Department of Environmental
16 Protection, or to any local government authority. The office
17 may request the assistance of those entities with respect to
18 monitoring the payment of the taxes listed in s. 288.106(3).

19 Section 5. Paragraph (b) of subsection (3) of section
20 288.905, Florida Statutes, is amended to read:

21 288.905 Duties of the board of directors of Enterprise
22 Florida, Inc.--

23 (3)

24 (b)1. The strategic plan required under this section
25 shall include specific provisions for the stimulation of
26 economic development and job creation in rural areas and
27 midsize cities and counties of the state.

28 2. Enterprise Florida, Inc., shall involve local
29 governments, local and regional economic development
30 organizations, and other local, state, and federal economic,
31 international, and workforce development entities, both public

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1 and private, in developing and carrying out policies,
2 strategies, and programs, seeking to partner and collaborate
3 to produce enhanced public benefit at a lesser cost.

4 3. Enterprise Florida, Inc., shall involve rural,
5 urban, small-business, and minority-business development
6 agencies and organizations, both public and private, in
7 developing and carrying out policies, strategies, and
8 programs.

9 4. Enterprise Florida, Inc., shall develop a
10 comprehensive marketing plan for redevelopment of brownfield
11 areas designated pursuant to s. 376.80. The plan must include,
12 but is not limited to, strategies to distribute information
13 about current designated brownfield areas and the available
14 economic incentives for redevelopment of brownfield areas.
15 Such strategies are to be used in the promotion of business
16 formation, expansion, recruitment, retention, and workforce
17 development programs.

18 Section 6. Subsection (6) of section 376.051, Florida
19 Statutes, is added to said section to read:

20 376.051 Powers and duties of the Department of
21 Environmental Protection.--

22 (6) The department is specifically authorized to
23 utilize risk-based cleanup criteria as described in ss.
24 376.3071, 376.3078, and 376.81 in conducting cleanups on lands
25 owned by the state university system.

26 Section 7. Section 376.301, Florida Statutes, is
27 amended to read:

28 376.301 Definitions of terms used in ss.
29 376.30-376.319, 376.70, and 376.75.--When used in ss.
30 376.30-376.319, 376.70, and 376.75, unless the context clearly
31 requires otherwise, the term:

1 (1) "Aboveground hazardous substance tank" means any
2 stationary aboveground storage tank and onsite integral piping
3 that contains hazardous substances which are liquid at
4 standard temperature and pressure and has an individual
5 storage capacity greater than 110 gallons.

6 (2) "Additive effects" means a scientific principle
7 that the toxicity that occurs as a result of exposure is the
8 sum of the toxicities of the individual chemicals to which the
9 individual is exposed.

10 (3) "Antagonistic effects" means a scientific
11 principle that the toxicity that occurs as a result of
12 exposure is less than the sum of the toxicities of the
13 individual chemicals to which the individual is exposed.

14 (4) "Backlog" means reimbursement obligations incurred
15 pursuant to s. 376.3071(12), prior to March 29, 1995, or
16 authorized for reimbursement under the provisions of s.
17 376.3071(12), pursuant to chapter 95-2, Laws of Florida.
18 Claims within the backlog are subject to adjustment, where
19 appropriate.

20 (5) "Barrel" means 42 U.S. gallons at 60 degrees
21 Fahrenheit.

22 (6) "Bulk product facility" means a waterfront
23 location with at least one aboveground tank with a capacity
24 greater than 30,000 gallons which is used for the storage of
25 pollutants.

26 (7) "Cattle-dipping vat" means any structure,
27 excavation, or other facility constructed by any person, or
28 the site where such structure, excavation, or other facility
29 once existed, for the purpose of treating cattle or other
30 livestock with a chemical solution pursuant to or in
31 compliance with any local, state, or federal governmental

1 program for the prevention, suppression, control, or
2 eradication of any dangerous, contagious, or infectious
3 diseases.

4 (8) "Compression vessel" means any stationary
5 container, tank, or onsite integral piping system, or
6 combination thereof, which has a capacity of greater than 110
7 gallons, that is primarily used to store pollutants or
8 hazardous substances above atmospheric pressure or at a
9 reduced temperature in order to lower the vapor pressure of
10 the contents. Manifold compression vessels that function as a
11 single vessel shall be considered as one vessel.

12 (9) "Contaminant" means any physical, chemical,
13 biological, or radiological substance present in any medium
14 which may result in adverse effects to human health or the
15 environment or which creates an adverse nuisance,
16 organoleptic, or aesthetic condition in groundwater.

17 (10) "Contaminated site" means any contiguous land,
18 sediment, surface water, or groundwater areas that contain
19 contaminants that may be harmful to human health or the
20 environment.

21 (11) "Department" means the Department of
22 Environmental Protection.

23 (12) "Discharge" includes, but is not limited to, any
24 spilling, leaking, seeping, pouring, misapplying, emitting,
25 emptying, releasing, or dumping of any pollutant or hazardous
26 substance which occurs and which affects lands and the surface
27 and ground waters of the state not regulated by ss.
28 376.011-376.21.

29 (13) "Drycleaning facility" means a commercial
30 establishment that operates or has at some time in the past
31 operated for the primary purpose of drycleaning clothing and

1 other fabrics utilizing a process that involves any use of
2 drycleaning solvents. The term "drycleaning facility" includes
3 laundry facilities that use drycleaning solvents as part of
4 their cleaning process. The term does not include a facility
5 that operates or has at some time in the past operated as a
6 uniform rental company or a linen supply company regardless of
7 whether the facility operates as or was previously operated as
8 a drycleaning facility.

9 (14) "Drycleaning solvents" means any and all
10 nonaqueous solvents used in the cleaning of clothing and other
11 fabrics and includes perchloroethylene (also known as
12 tetrachloroethylene) and petroleum-based solvents, and their
13 breakdown products. For purposes of this definition,
14 "drycleaning solvents" only includes those drycleaning
15 solvents originating from use at a drycleaning facility or by
16 a wholesale supply facility.

17 (15) "Dry drop-off facility" means any commercial
18 retail store that receives from customers clothing and other
19 fabrics for drycleaning or laundering at an offsite
20 drycleaning facility and that does not clean the clothing or
21 fabrics at the store utilizing drycleaning solvents.

22 (16) "Engineering controls" means modifications to a
23 site to reduce or eliminate the potential for exposure to
24 petroleum products' chemicals of concern, drycleaning
25 solvents, or other contaminants. Such modifications may
26 include, but are not limited to, physical or hydraulic control
27 measures, capping, point of use treatments, or slurry walls.

28 (17) "Wholesale supply facility" means a commercial
29 establishment that supplies drycleaning solvents to
30 drycleaning facilities.

31 (18) "Facility" means a nonresidential location

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1 containing, or which contained, any underground stationary
2 tank or tanks which contain hazardous substances or pollutants
3 and have individual storage capacities greater than 110
4 gallons, or any aboveground stationary tank or tanks which
5 contain pollutants which are liquids at standard ambient
6 temperature and pressure and have individual storage
7 capacities greater than 550 gallons. This subsection shall not
8 apply to facilities covered by chapter 377, or containers
9 storing solid or gaseous pollutants, and agricultural tanks
10 having storage capacities of less than 550 gallons.

11 (19) "Flow-through process tank" means an aboveground
12 tank that contains hazardous substances or specified mineral
13 acids as defined in s. 376.321 and that forms an integral part
14 of a production process through which there is a steady,
15 variable, recurring, or intermittent flow of materials during
16 the operation of the process. Flow-through process tanks
17 include, but are not limited to, seal tanks, vapor recovery
18 units, surge tanks, blend tanks, feed tanks, check and delay
19 tanks, batch tanks, oil-water separators, or tanks in which
20 mechanical, physical, or chemical change of a material is
21 accomplished.

22 (20) "Hazardous substances" means those substances
23 defined as hazardous substances in the Comprehensive
24 Environmental Response, Compensation and Liability Act of
25 1980, Pub. L. No. 96-510, 94 Stat. 2767, as amended by the
26 Superfund Amendments and Reauthorization Act of 1986.

27 (21) "Institutional controls" means the restriction on
28 use or access to a site to eliminate or minimize exposure to
29 petroleum products' chemicals of concern, drycleaning
30 solvents, or other contaminants. Such restrictions may
31 include, but are not limited to, deed restrictions,

1 restrictive covenants, or conservation easements ~~use~~
2 ~~restrictions, or restrictive zoning.~~

3 (22) "Laundering on a wash, dry, and fold basis" means
4 the service provided by the owner or operator of a
5 coin-operated laundry to its customers whereby an employee of
6 the laundry washes, dries, and folds laundry for its
7 customers.

8 (23) "Marine fueling facility" means a commercial or
9 recreational coastal facility, excluding a bulk product
10 facility, providing fuel to vessels.

11 (24) "Natural attenuation" means a verifiable an
12 approach to site rehabilitation that allows natural processes
13 to contain the spread of contamination and reduce the
14 concentrations of contaminants in contaminated groundwater and
15 soil. Natural attenuation processes may include the following:
16 sorption, biodegradation, chemical reactions with subsurface
17 materials, diffusion, dispersion, and volatilization.

18 (25) "Operator" means any person operating a facility,
19 whether by lease, contract, or other form of agreement.

20 (26) "Owner" means any person owning a facility.

21 (27) "Person" means any individual, partner, joint
22 venture, or corporation; any group of the foregoing, organized
23 or united for a business purpose; or any governmental entity.

24 (28) "Person in charge" means the person on the scene
25 who is in direct, responsible charge of a facility from which
26 pollutants are discharged, when the discharge occurs.

27 (29) "Person responsible for conducting site
28 rehabilitation" means the site owner, operator, or the person
29 designated by the site owner or operator on the reimbursement
30 application. Mortgage holders and trust holders may be
31 eligible to participate in the reimbursement program pursuant

1 to s. 376.3071(12).

2 (30) "Petroleum" includes:

3 (a) Oil, including crude petroleum oil and other
4 hydrocarbons, regardless of gravity, which are produced at the
5 well in liquid form by ordinary methods and which are not the
6 result of condensation of gas after it leaves the reservoir;
7 and

8 (b) All natural gas, including casinghead gas, and all
9 other hydrocarbons not defined as oil in paragraph (a).

10 (31) "Petroleum product" means any liquid fuel
11 commodity made from petroleum, including, but not limited to,
12 all forms of fuel known or sold as diesel fuel, kerosene, all
13 forms of fuel known or sold as gasoline, and fuels containing
14 a mixture of gasoline and other products, excluding liquefied
15 petroleum gas and American Society for Testing and Materials
16 (ASTM) grades no. 5 and no. 6 residual oils, bunker C residual
17 oils, intermediate fuel oils (IFO) used for marine bunkering
18 with a viscosity of 30 and higher, asphalt oils, and
19 petrochemical feedstocks.

20 (32) "Petroleum products' chemicals of concern" means
21 the constituents of petroleum products, including, but not
22 limited to, xylene, benzene, toluene, ethylbenzene,
23 naphthalene, and similar chemicals, and constituents in
24 petroleum products, including, but not limited to, methyl
25 tert-butyl ether (MTBE), lead, and similar chemicals found in
26 additives, provided the chemicals of concern are present as a
27 result of a discharge of petroleum products.

28 (33) "Petroleum storage system" means a stationary
29 tank not covered under the provisions of chapter 377, together
30 with any onsite integral piping or dispensing system
31 associated therewith, which is used, or intended to be used,

1 for the storage or supply of any petroleum product. Petroleum
2 storage systems may also include oil/water separators, and
3 other pollution control devices installed at petroleum product
4 terminals as defined in this chapter and bulk product
5 facilities pursuant to, or required by, permits or best
6 management practices in an effort to control surface discharge
7 of pollutants. Nothing herein shall be construed to allow a
8 continuing discharge in violation of department rules.

9 (34) "Pollutants" includes any "product" as defined in
10 s. 377.19(11), pesticides, ammonia, chlorine, and derivatives
11 thereof, excluding liquefied petroleum gas.

12 (35) "Pollution" means the presence on the land or in
13 the waters of the state of pollutants in quantities which are
14 or may be potentially harmful or injurious to human health or
15 welfare, animal or plant life, or property or which may
16 unreasonably interfere with the enjoyment of life or property,
17 including outdoor recreation.

18 (36) "Real property owner" means the individual or
19 entity that is vested with ownership, dominion, or legal or
20 rightful title to the real property, or which has a ground
21 lease interest in the real property, on which a drycleaning
22 facility or wholesale supply facility is or has ever been
23 located.

24 (37) "Response action" means any activity, including
25 evaluation, planning, design, engineering, construction, and
26 ancillary services, which is carried out in response to any
27 discharge, release, or threatened release of a hazardous
28 substance, pollutant, or other contaminant from a facility or
29 site identified by the department under the provisions of ss.
30 376.30-376.319.

31 (38) "Response action contractor" means a person who

1 is carrying out any response action, including a person
2 retained or hired by such person to provide services relating
3 to a response action.

4 (39) "Risk reduction" means the lowering or
5 elimination of the level of risk posed to human health or the
6 environment through interim remedial actions, remedial action,
7 or institutional and, if appropriate, engineering controls.

8 (40)~~(39)~~ "Secretary" means the Secretary of
9 Environmental Protection.

10 (41)~~(40)~~ "Site rehabilitation" means the assessment of
11 site contamination and the remediation activities that reduce
12 the levels of contaminants at a site through accepted
13 treatment methods to meet the cleanup target levels
14 established for that site. For purposes of sites subject to
15 the Resource Conservation and Recovery Act, as amended, the
16 term includes removal, decontamination, and corrective action
17 of releases of hazardous substances.

18 (42)~~(41)~~ "Source removal" means the removal of free
19 product, or the removal of contaminants from soil or sediment
20 that has been contaminated to the extent that leaching to
21 groundwater or surface water has occurred or is occurring.

22 (43)~~(42)~~ "Storage system" means a stationary tank not
23 covered under the provisions of chapter 377, together with any
24 onsite integral piping or dispensing system associated
25 therewith, which is or has been used for the storage or supply
26 of any petroleum product, pollutant, or hazardous substance as
27 defined herein, and which is registered with the Department of
28 Environmental Protection under this chapter or any rule
29 adopted pursuant hereto.

30 (44)~~(43)~~ "Synergistic effects" means a scientific
31 principle that the toxicity that occurs as a result of

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1 exposure is more than the sum of the toxicities of the
2 individual chemicals to which the individual is exposed.

3 (45)~~(44)~~ "Terminal facility" means any structure,
4 group of structures, motor vehicle, rolling stock, pipeline,
5 equipment, or related appurtenances which are used or capable
6 of being used for one or more of the following purposes:
7 pumping, refining, drilling for, producing, storing, handling,
8 transferring, or processing pollutants, provided such
9 pollutants are transferred over, under, or across any water,
10 estuaries, tidal flats, beaches, or waterfront lands,
11 including, but not limited to, any such facility and related
12 appurtenances owned or operated by a public utility or a
13 governmental or quasi-governmental body. In the event of a
14 ship-to-ship transfer of pollutants, the vessel going to or
15 coming from the place of transfer and a terminal facility
16 shall also be considered a terminal facility. For the purposes
17 of ss. 376.30-376.319, the term "terminal facility" shall not
18 be construed to include spill response vessels engaged in
19 response activities related to removal of pollutants, or
20 temporary storage facilities created to temporarily store
21 recovered pollutants and matter, or waterfront facilities
22 owned and operated by governmental entities acting as agents
23 of public convenience for persons engaged in the drilling for
24 or pumping, storing, handling, transferring, processing, or
25 refining of pollutants. However, each person engaged in the
26 drilling for or pumping, storing, handling, transferring,
27 processing, or refining of pollutants through a waterfront
28 facility owned and operated by such a governmental entity
29 shall be construed as a terminal facility.

30 (46)~~(45)~~ "Transfer" or "transferred" includes
31 onloading, offloading, fueling, bunkering, lightering, removal

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1 of waste pollutants, or other similar transfers, between
2 terminal facility and vessel or vessel and vessel.

3 Section 8. Subsections (5) and (6) of section 376.303,
4 Florida Statutes, are added to read:

5 (5) MAPPING.--If an institutional control is
6 implemented at any contaminated site in a brownfield area
7 designated pursuant to s. 376.80, the property owner must
8 provide information regarding the institutional control to the
9 local government for mapping purposes. The local government
10 must then note the existence of the institutional control on
11 any relevant local land use and zoning maps with a cross
12 reference to the department's site registry developed pursuant
13 to subsection (6). If the type of institutional control used
14 requires recording with the local government, then the map
15 notation shall also provide a cross reference to the book and
16 page number where recorded. When a local government is
17 provided with evidence that the department has subsequently
18 issued a no further action order without institutional
19 controls for a site currently noted on such maps, the local
20 government shall remove the notation.

21 (6) REGISTRY.--The department shall prepare and
22 maintain a registry of all contaminated sites located in a
23 brownfield area designated pursuant to s. 376.80, which are
24 subject to institutional and engineering controls, in order to
25 provide a mechanism for the public and local governments to
26 monitor the status of these controls, monitor the department's
27 short-term and long-term protection of human health and the
28 environment in relation to these sites, and evaluate economic
29 revitalization efforts in these areas. At a minimum, the
30 registry shall include the type of institutional or
31 engineering controls employed at a particular site, types of

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1 contaminants and affected media, land use limitations, and the
2 county in which the site is located. Sites listed on the
3 registry at which the department has subsequently issued a no
4 further action order without institutional controls shall be
5 removed from the registry. The department shall make the
6 registry available to the public and local governments within
7 1 year after the effective date of this act. The department
8 shall provide local governments with actual notice when the
9 registry becomes available. Local zoning and planning offices
10 shall post information on how to access the registry in public
11 view.

12 Section 9. Paragraph (i) of subsection (4) and
13 paragraph (a) of subsection (9) of section 376.3078, Florida
14 Statutes, are amended, to read:

15 376.3078 Drycleaning facility restoration; funds;
16 uses; liability; recovery of expenditures.--

17 (4) REHABILITATION CRITERIA.--It is the intent of the
18 Legislature to protect the health of all people under actual
19 circumstances of exposure. By July 1, 1999, the secretary of
20 the department shall establish criteria by rule for the
21 purpose of determining, on a site-specific basis, the
22 rehabilitation program tasks that comprise a site
23 rehabilitation program, including a voluntary site
24 rehabilitation program, and the level at which a
25 rehabilitation program task and a site rehabilitation program
26 may be deemed completed. In establishing the rule, the
27 department shall incorporate, to the maximum extent feasible,
28 risk-based corrective action principles to achieve protection
29 of human health and safety and the environment in a
30 cost-effective manner as provided in this subsection. The
31 rule shall also include protocols for the use of natural

1 attenuation and the issuance of "no further action" letters.
2 The criteria for determining what constitutes a rehabilitation
3 program task or completion of a site rehabilitation program
4 task or site rehabilitation program, including a voluntary
5 site rehabilitation program, must:

6 (i) Establish appropriate cleanup target levels for
7 soils.

8 1. In establishing soil cleanup target levels for
9 human exposure to each contaminant found in soils from the
10 land surface to 2 feet below land surface, the department
11 shall consider the following, as appropriate: calculations
12 using a lifetime cancer risk level of 1.0E-6; a hazard index
13 of 1 or less; the best achievable detection limit; or the
14 naturally occurring background concentration. Institutional
15 controls or other methods shall be used to prevent human
16 exposure to contaminated soils more than 2 feet below the land
17 surface. Any removal of such institutional controls shall
18 require such contaminated soils to be remediated.

19 2. Leachability-based soil target levels shall be
20 based on protection of the groundwater cleanup target levels
21 or the alternate cleanup target levels for groundwater
22 established pursuant to this paragraph, as appropriate. Source
23 removal and other cost-effective alternatives that are
24 technologically feasible shall be considered in achieving the
25 leachability soil target levels established by the department.
26 The leachability goals shall not be applicable if the
27 department determines, based upon individual site
28 characteristics, that contaminants will not leach into the
29 groundwater at levels which pose a threat to human health,
30 public safety, and the environment.

31 3. Using risk-based corrective action principles, the

1 department shall approve ~~may set~~ alternative cleanup target
2 levels based upon the person responsible for site
3 rehabilitation demonstrating, using site-specific modeling and
4 risk assessment studies, that human health, public safety, and
5 the environment are protected.

6
7 The department shall require source removal, as a risk
8 reduction measure, if warranted and cost-effective. Once
9 source removal at a site is complete, the department shall
10 reevaluate the site to determine the degree of active cleanup
11 needed to continue. Further, the department shall determine
12 if the reevaluated site qualifies for monitoring only or if no
13 further action is required to rehabilitate the site. If
14 additional site rehabilitation is necessary to reach "no
15 further action" status, the department is encouraged to
16 utilize natural attenuation and monitoring where site
17 conditions warrant.

18 (9) REQUIREMENT FOR DRYCLEANING FACILITIES.--It is the
19 intent of the Legislature that the following drycleaning
20 solvent containment shall be required of the owners or
21 operators of drycleaning facilities, as follows:

22 (a) Owners or operators of drycleaning facilities
23 shall by January 1, 1997, install dikes or other containment
24 structures around each machine or item of equipment in which
25 drycleaning solvents are used and around any area in which
26 solvents or waste-containing solvents are stored. Such dikes
27 or containment structures shall be capable of containing 110
28 percent of the capacity of each such machine and each such
29 storage area. To the extent practicable, each owner or
30 operator of a drycleaning facility shall seal or otherwise
31 render impervious those portions of all dikes' floor surfaces

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1 upon which any drycleaning solvents may leak, spill, or
2 otherwise be released. A drycleaning facility that commenced
3 operating before January 1, 1996, and applied to the program
4 by December 30, 1997, is considered to have had secondary
5 containment timely installed for the purpose of determining
6 eligibility for state-funded site rehabilitation under this
7 section if the drycleaning facility meets the following
8 criteria:

9 1. Reported in the completed application that the
10 facility was not in compliance with paragraph (a) of this
11 subsection, and entered into a consent order with the
12 department to install secondary containment and installed the
13 required containment by April 15, 1999; or

14 2. Reported in the completed application that the
15 facility had installed secondary containment but stated in the
16 application that the date the facility installed secondary
17 containment was not known, and was requested by the department
18 subsequent to April 30, 1997, to apply for program eligibility
19 and did so apply within 90 days of the request, and installed
20 secondary containment by February 28, 1998.

21
22 The department shall reconsider the applications of facilities
23 that meet the criteria set forth in this paragraph and that
24 were previously determined to be ineligible due to failure to
25 comply with secondary containment requirements. The facilities
26 must meet all other eligibility requirements.

27 Section 10. Section 376.79, Florida Statutes, is
28 amended to read:

29 376.79 Definitions.--As used in ss. 376.77-376.85, the
30 term:

31 (1) "Additive effects" means a scientific principle

1 that the toxicity that occurs as a result of exposure is the
2 sum of the toxicities of the individual chemicals to which the
3 individual is exposed.

4 (2) "Antagonistic effects" means a scientific
5 principle that the toxicity that occurs as a result of
6 exposure is less than the sum of the toxicities of the
7 individual chemicals to which the individual is exposed.

8 (3) "Brownfield sites" means sites that are generally
9 abandoned, idled, or underused industrial and commercial
10 properties where expansion or redevelopment is complicated by
11 actual or perceived environmental contamination.

12 (4) "Brownfield area" means a contiguous area of one
13 or more brownfield sites, some of which may not be
14 contaminated, and which has been designated by a local
15 government by resolution. Such areas may include all or
16 portions of community redevelopment areas, enterprise zones,
17 empowerment zones, other such designated economically deprived
18 communities and areas, and Environmental Protection
19 Agency-designated brownfield pilot projects.

20 (5) "Contaminant" means any physical, chemical,
21 biological, or radiological substance present in any medium
22 which may result in adverse effects to human health or the
23 environment or which creates an adverse nuisance,
24 organoleptic, or aesthetic condition in groundwater.

25 ~~(6)~~~~(5)~~ "Contaminated site" means any contiguous land,
26 surface water, or groundwater areas that contain contaminants
27 that may be harmful to human health or the environment.

28 ~~(7)~~~~(6)~~ "Department" means the Department of
29 Environmental Protection.

30 ~~(8)~~~~(7)~~ "Engineering controls" means modifications to a
31 site to reduce or eliminate the potential for exposure to

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1 contaminants. Such modifications may include, but are not
2 limited to, physical or hydraulic control measures, capping,
3 point of use treatments, or slurry walls.

4 (9)~~(8)~~ "Environmental justice" means the fair
5 treatment of all people of all races, cultures, and incomes
6 with respect to the development, implementation, and
7 enforcement of environmental laws, regulations, and policies.

8 (10)~~(9)~~ "Institutional controls" means the restriction
9 on use of or access to a site to eliminate or minimize
10 exposure to contaminants. Such restrictions may include, but
11 are not limited to, deed restrictions, restrictive covenants,
12 or conservation easements ~~use restrictions, or restrictive~~
13 ~~zoning.~~

14 (11)~~(10)~~ "Local pollution control program" means a
15 local pollution control program that has received delegated
16 authority from the Department of Environmental Protection
17 under ss. 376.80(11) and 403.182.

18 (12)~~(11)~~ "Natural attenuation" means a verifiable
19 approach to site rehabilitation which allows natural processes
20 to contain the spread of contamination and reduce the
21 concentrations of contaminants in contaminated groundwater and
22 soil. Natural attenuation processes may include sorption,
23 biodegradation, chemical reactions with subsurface materials,
24 diffusion, dispersion, and volatilization.~~the verifiable~~
25 ~~reduction of contaminants through natural processes, which may~~
26 ~~include diffusion, dispersion, adsorption, and biodegradation.~~

27 (13)~~(12)~~ "Person responsible for brownfield site
28 rehabilitation" means the individual or entity that is
29 designated by the local government to enter into the
30 brownfield site rehabilitation agreement with the department
31 or an approved local pollution control program and enters into

1 an agreement with the local government for redevelopment of
2 the site.

3 (14)~~(13)~~ "Person" means any individual, partner, joint
4 venture, or corporation; any group of the foregoing, organized
5 or united for a business purpose; or any governmental entity.

6 (15) "Risk reduction" means the lowering or
7 elimination of the level of risk posed to human health or the
8 environment through interim remedial actions, remedial action,
9 or institutional, and if appropriate, engineering controls.

10 (16)~~(14)~~ "Secretary" means the secretary of the
11 Department of Environmental Protection.

12 (17)~~(15)~~ "Site rehabilitation" means the assessment of
13 site contamination and the remediation activities that reduce
14 the levels of contaminants at a site through accepted
15 treatment methods to meet the cleanup target levels
16 established for that site.

17 (18)~~(16)~~ "Source removal" means the removal of free
18 product, or the removal of contaminants from soil or sediment
19 that has been contaminated to the extent that leaching to
20 groundwater or surface water has occurred or is occurring.

21 (19)~~(17)~~ "Synergistic effects" means a scientific
22 principle that the toxicity that occurs as a result of
23 exposure is more than the sum of the toxicities of the
24 individual chemicals to which the individual is exposed.

25 Section 11. Subsections (4) and (5) and paragraph (c)
26 of subsection (7) of section 376.80, Florida Statutes, are
27 amended to read:

28 376.80 Brownfield program administration process.--

29 (4) Local governments or persons responsible for
30 rehabilitation and redevelopment of brownfield areas must
31 establish an advisory committee or use an existing advisory

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1 committee that has formally expressed its intent to address
2 redevelopment of the specific brownfield area for the purpose
3 of improving public participation and receiving public
4 comments on rehabilitation and redevelopment of the brownfield
5 area, future land use, local employment opportunities,
6 community safety, and environmental justice. Such advisory
7 committee should include residents within or adjacent to the
8 brownfield area, businesses operating within the brownfield
9 area, and others deemed appropriate. The person responsible
10 for brownfield site rehabilitation must notify the advisory
11 committee of the intent to rehabilitate and redevelop the site
12 before executing the brownfield site rehabilitation agreement,
13 and provide the committee with a copy of the draft plan for
14 site rehabilitation which addresses elements required by
15 subsection (5). This includes disclosing potential reuse of
16 the property as well as site rehabilitation activities, if
17 any, to be performed. The advisory committee shall review the
18 proposed redevelopment agreement required pursuant to
19 paragraph (5)(i) and provide comments, if appropriate, to the
20 board of the local government with jurisdiction over the
21 brownfield area. The advisory committee must receive a copy of
22 the executed brownfield site rehabilitation agreement. When
23 the person responsible for brownfield site rehabilitation
24 submits a site assessment report or the technical document
25 containing the proposed course of action following site
26 assessment to the department or the local pollution control
27 program for review, the person responsible for brownfield site
28 rehabilitation must hold a meeting or attend a regularly
29 scheduled meeting to inform the advisory committee of the
30 findings and recommendations in the site assessment report or
31 the technical document containing the proposed course of

1 ~~action following site assessment. The advisory committee must~~
2 ~~review and provide recommendations to the board of the local~~
3 ~~government with jurisdiction on the proposed site~~
4 ~~rehabilitation agreement provided in subsection (5).~~

5 (5) The person responsible for brownfield site
6 rehabilitation must enter into a brownfield site
7 rehabilitation agreement with the department or an approved
8 local pollution control program if actual contamination exists
9 at the brownfield site. The brownfield site rehabilitation
10 agreement must include:

11 (a) A brownfield site rehabilitation schedule,
12 including milestones for completion of site rehabilitation
13 tasks and submittal of technical reports and rehabilitation
14 plans as agreed upon by the parties to the agreement;

15 (b) A commitment to conduct site rehabilitation
16 activities under the observation of professional engineers or
17 geologists who are registered in accordance with the
18 requirements of chapter 471 or chapter 492, respectively.
19 Submittals provided by the person responsible for brownfield
20 site rehabilitation must be signed and sealed by a
21 professional engineer registered under chapter 471, or a
22 professional geologist registered under chapter 492,
23 certifying that the submittal and associated work comply with
24 the law and rules of the department and those governing the
25 profession. In addition, upon completion of the approved
26 remedial action, the department shall require a professional
27 engineer registered under chapter 471 or a professional
28 geologist registered under chapter 492 to certify that the
29 corrective action was, to the best of his or her knowledge,
30 completed in substantial conformance with the plans and
31 specifications approved by the department;

- 1 (c) A commitment to conduct site rehabilitation in
2 accordance with an approved comprehensive quality assurance
3 plan under department rules;
- 4 (d) A commitment to conduct site rehabilitation
5 consistent with state, federal, and local laws and consistent
6 with the brownfield site contamination cleanup criteria in s.
7 376.81, including any applicable requirements for risk-based
8 corrective action;
- 9 (e) Timeframes for the department's review of
10 technical reports and plans submitted in accordance with the
11 agreement. The department shall make every effort to adhere
12 to established agency goals for reasonable timeframes for
13 review of such documents;
- 14 (f) A commitment to secure site access for the
15 department or approved local pollution control program to all
16 brownfield sites within the eligible brownfield area for
17 activities associated with site rehabilitation;
- 18 (g) Other provisions that the person responsible for
19 brownfield site rehabilitation and the department agree upon,
20 that are consistent with ss. 376.77-376.85, and that will
21 improve or enhance the brownfield site rehabilitation process;
- 22 (h) A commitment to consider appropriate pollution
23 prevention measures and to implement those that the person
24 responsible for brownfield site rehabilitation determines are
25 reasonable and cost-effective, taking into account the
26 ultimate use or uses of the brownfield site. Such measures
27 may include improved inventory or production controls and
28 procedures for preventing loss, spills, and leaks of hazardous
29 waste and materials, and include goals for the reduction of
30 releases of toxic materials; and
- 31 (i) Certification that an agreement exists between the

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1 person responsible for brownfield site rehabilitation and the
2 local government with jurisdiction over the brownfield area.
3 Such agreement shall contain terms for the redevelopment of
4 the brownfield area.

5 (7) The contractor must certify to the department that
6 the contractor:

7 (c) Maintains comprehensive general liability and
8 comprehensive automobile liability insurance with minimum
9 limits of at least \$1 million per claim occurrence and \$1
10 million annual aggregate, sufficient to protect it from claims
11 for damage for personal injury, including accidental death, as
12 well as claims for property damage which may arise from
13 performance of work under the program, designating the state
14 as an additional insured party.

15 Section 12. Section 376.81, Florida Statutes, is
16 amended to read:

17 376.81 Brownfield site and brownfield areas
18 contamination cleanup criteria.--

19 (1) It is the intent of the Legislature to protect the
20 health of all people under actual circumstances of exposure.
21 By July 1, 2001 ~~1998~~, the secretary of the department shall
22 establish criteria by rule for the purpose of determining, on
23 a site-specific basis, the rehabilitation program tasks that
24 comprise a site rehabilitation program and the level at which
25 a rehabilitation program task and a site rehabilitation
26 program may be deemed completed. In establishing the rule,
27 the department shall apply ~~incorporate~~, to the maximum extent
28 feasible, a risk-based corrective action process principles to
29 achieve protection of human health and safety and the
30 environment in a cost-effective manner based on the principles
31 set forth as provided in this subsection. The rule must

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1 prescribe a phased risk-based corrective action process that
2 is iterative and that tailors site rehabilitation tasks to
3 site-specific conditions and risks. The department and the
4 person responsible for brownfield site rehabilitation are
5 encouraged to establish decision points at which risk
6 management decisions will be made. The department shall
7 provide an early decision, when requested, regarding
8 applicable exposure factors and a risk management approach
9 based on the current and future land use at the site.The rule
10 shall also include protocols for the use of natural
11 attenuation, the use of institutional and engineering
12 controls,and the issuance of "no further action" letters. The
13 criteria for determining what constitutes a rehabilitation
14 program task or completion of a site rehabilitation program
15 task or site rehabilitation program must:

16 (a) Consider the current exposure and potential risk
17 of exposure to humans and the environment, including multiple
18 pathways of exposure. The physical, chemical, and biological
19 characteristics of each contaminant must be considered in
20 order to determine the feasibility of risk-based corrective
21 action assessment.

22 (b) Establish the point of compliance at the source of
23 the contamination. However, the department is authorized to
24 temporarily move the point of compliance to the boundary of
25 the property, or to the edge of the plume when the plume is
26 within the property boundary, while cleanup, including cleanup
27 through natural attenuation processes in conjunction with
28 appropriate monitoring, is proceeding. The department also is
29 authorized, pursuant to criteria provided for in this section,
30 to temporarily extend the point of compliance beyond the
31 property boundary with appropriate monitoring, if such

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1 extension is needed to facilitate natural attenuation or to
2 address the current conditions of the plume, provided human
3 health, public safety, and the environment are protected.
4 When temporarily extending the point of compliance beyond the
5 property boundary, it cannot be extended further than the
6 lateral extent of the plume at the time of execution of the
7 brownfield site rehabilitation agreement, if known, or the
8 lateral extent of the plume as defined at the time of site
9 assessment. Temporary extension of the point of compliance
10 beyond the property boundary, as provided in this paragraph,
11 must include actual notice by the person responsible for
12 brownfield site rehabilitation to local governments and the
13 owners of any property into which the point of compliance is
14 allowed to extend and constructive notice to residents and
15 business tenants of the property into which the point of
16 compliance is allowed to extend. Persons receiving notice
17 pursuant to this paragraph shall have the opportunity to
18 comment within 30 days of receipt of the notice.

19 (c) Ensure that the site-specific cleanup goal is that
20 all contaminated brownfield sites and brownfield areas
21 ultimately achieve the applicable cleanup target levels
22 provided in this section. In the circumstances provided below,
23 and after constructive notice and opportunity to comment
24 within 30 days from receipt of the notice to local government,
25 to owners of any property into which the point of compliance
26 is allowed to extend, and to residents on any property into
27 which the point of compliance is allowed to extend, the
28 department may allow concentrations of contaminants to
29 temporarily exceed the applicable cleanup target levels while
30 cleanup, including cleanup through natural attenuation
31 processes in conjunction with appropriate monitoring, is

1 proceeding, if human health, public safety, and the
2 environment are protected.

3 (d) Allow brownfield site and brownfield area
4 rehabilitation programs to include the use of institutional or
5 engineering controls, where appropriate, to eliminate or
6 control the potential exposure to contaminants of humans or
7 the environment. The use of controls must be preapproved by
8 the department and only after constructive notice and
9 opportunity to comment within 30 days from receipt of notice
10 is provided to local governments, to owners of any property
11 into which the point of compliance is allowed to extend, and
12 to residents on any property into which the point of
13 compliance is allowed to extend. When institutional or
14 engineering controls are implemented to control exposure, the
15 removal of the controls must have prior department approval
16 and must be accompanied by the resumption of active cleanup,
17 or other approved controls, unless cleanup target levels under
18 this section have been achieved.

19 (e) Consider the additive effects of contaminants.
20 The synergistic and antagonistic effects shall also be
21 considered when the scientific data become available.

22 (f) Take into consideration individual site
23 characteristics, which shall include, but not be limited to,
24 the current and projected use of the affected groundwater and
25 surface water in the vicinity of the site, current and
26 projected land uses of the area affected by the contamination,
27 the exposed population, the degree and extent of
28 contamination, the rate of contaminant migration, the apparent
29 or potential rate of contaminant degradation through natural
30 attenuation processes, the location of the plume, and the
31 potential for further migration in relation to site property

1 boundaries.

2 (g) Apply state water quality standards as follows:

3 1. Cleanup target levels for each contaminant found in
4 groundwater shall be the applicable state water quality
5 standards. Where such standards do not exist, the cleanup
6 target levels for groundwater shall be based on the minimum
7 criteria specified in department rule. The department shall
8 apply ~~consider~~ the following, as appropriate, in establishing
9 the applicable cleanup target levels ~~minimum criteria~~:
10 calculations using a lifetime cancer risk level of 1.0E-6; a
11 hazard index of 1 or less; the best achievable detection
12 limit; and ~~the naturally occurring background concentration;~~
13 ~~or~~ nuisance, organoleptic, and aesthetic considerations.
14 However, the department shall not require site rehabilitation
15 to achieve a cleanup target level for any individual
16 contaminant which is more stringent than the site-specific,
17 naturally occurring background concentration for that
18 contaminant.

19 2. Where surface waters are exposed to contaminated
20 groundwater, the cleanup target levels for the contaminants
21 shall be based on the more protective of the groundwater or
22 surface water standards as established by department rule.
23 The point of measuring compliance with the surface water
24 standards shall be in the groundwater immediately adjacent to
25 the surface water body.

26 3. Using risk-based corrective action principles, the
27 department shall approve ~~may set~~ alternative cleanup target
28 levels in conjunction with institutional and engineering
29 controls, if needed, based upon an applicant's demonstration,
30 using site-specific data, modeling results, ~~and~~ risk
31 assessment studies, risk reduction techniques, or a

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1 combination thereof, that human health, public safety, and the
2 environment are protected to the same degree as provided in
3 subparagraphs 1. and 2. Where a state water quality standard
4 is applicable, a deviation may not result in the application
5 of cleanup target levels more stringent than the standard. In
6 determining whether it is appropriate to establish alternative
7 cleanup target levels at a site, the department must consider
8 the effectiveness of source removal, if any, which ~~that~~ has
9 been completed at the site and the practical likelihood of the
10 use of low yield or poor quality groundwater, the use of
11 groundwater near marine surface water bodies, the current and
12 projected use of the affected groundwater in the vicinity of
13 the site, or the use of groundwater in the immediate vicinity
14 of the contaminated area, where it has been demonstrated that
15 the groundwater contamination is not migrating away from such
16 localized source, provided human health, public safety, and
17 the environment are protected. When using alternative cleanup
18 target levels at a brownfield site, institutional controls
19 shall not be required if:

20 a. The only cleanup target levels exceeded are the
21 groundwater cleanup target levels derived from nuisance,
22 organoleptic, or aesthetic considerations;

23 b. Concentrations of all contaminants meet the state
24 water quality standards or minimum criteria, based on
25 protection of human health, provided in subparagraph 1.;

26 c. All of the groundwater cleanup target levels
27 established pursuant to subparagraph 1. are met at the
28 property boundary;

29 d. The person responsible for brownfield site
30 rehabilitation has demonstrated that the contaminants will not
31 migrate beyond the property boundary at concentrations

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1 exceeding the groundwater cleanup target levels established
2 pursuant to subparagraph 1.;

3 e. The property has access to and is using an offsite
4 water supply and no unplugged private wells are used for
5 domestic purposes; and

6 f. The real property owner provides written acceptance
7 of the "no further action" proposal to the department or the
8 local pollution control program.

9 (h) Provide for the department to issue a "no further
10 action order," with conditions, including, but not limited to,
11 the use of institutional or engineering controls where
12 appropriate, when alternative cleanup target levels
13 established pursuant to subparagraph (g)3. have been achieved,
14 or when the person responsible for brownfield site
15 rehabilitation can demonstrate that the cleanup target level
16 is unachievable within available technologies. Prior to
17 issuing such an order, the department shall consider the
18 feasibility of an alternative site rehabilitation technology
19 in the brownfield area.

20 (i) Establish appropriate cleanup target levels for
21 soils.

22 1. In establishing soil cleanup target levels for
23 human exposure to each contaminant found in soils from the
24 land surface to 2 feet below land surface, the department
25 shall apply ~~consider~~ the following, as appropriate:
26 calculations using a lifetime cancer risk level of 1.0E-6; a
27 hazard index of 1 or less; and the best achievable detection
28 limit; ~~or the naturally occurring background concentration.~~
29 However, the department shall not require site rehabilitation
30 to achieve a cleanup target level for an individual
31 contaminant which is more stringent than the site-specific,

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1 naturally occurring background concentration for that
2 contaminant. Institutional controls or other methods shall be
3 used to prevent human exposure to contaminated soils more than
4 2 feet below the land surface. Any removal of such
5 institutional controls shall require such contaminated soils
6 to be remediated.

7 2. Leachability-based soil target levels shall be
8 based on protection of the groundwater cleanup target levels
9 or the alternate cleanup target levels for groundwater
10 established pursuant to this paragraph, as appropriate. Source
11 removal and other cost-effective alternatives that are
12 technologically feasible shall be considered in achieving the
13 leachability soil target levels established by the department.
14 The leachability goals shall not be applicable if the
15 department determines, based upon individual site
16 characteristics, and in conjunction with institutional and
17 engineering controls, if needed, that contaminants will not
18 leach into the groundwater at levels that ~~which~~ pose a threat
19 to human health, public safety, and the environment.

20 3. Using risk-based corrective action principles, the
21 department shall approve ~~may set~~ alternative cleanup target
22 levels in conjunction with institutional and engineering
23 controls, if needed, based upon an applicant's demonstration,
24 using site-specific data, modeling results, ~~and~~ risk
25 assessment studies, risk reduction techniques, or a
26 combination thereof, that human health, public safety, and the
27 environment are protected to the same degree as provided in
28 subparagraphs 1. and 2.

29 (2) The department shall require source removal, as a
30 risk reduction measure, if warranted and cost-effective. Once
31 source removal at a site is complete, the department shall

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1 reevaluate the site to determine the degree of active cleanup
2 needed to continue. Further, the department shall determine
3 if the reevaluated site qualifies for monitoring only or if no
4 further action is required to rehabilitate the site. If
5 additional site rehabilitation is necessary to reach "no
6 further action" status, the department is encouraged to
7 utilize natural attenuation and monitoring where site
8 conditions warrant.

9 (3) The cleanup criteria described in this section
10 govern only site rehabilitation activities occurring at the
11 contaminated site. Removal of contaminated media from a site
12 for offsite relocation or treatment must be in accordance with
13 all applicable federal, state, and local laws and regulations.

14 Section 13. Paragraph (k) is added to subsection (2)
15 of section 376.82, Florida Statutes, to read:

16 376.82 Eligibility criteria and liability
17 protection.--

18 (2) LIABILITY PROTECTION.--

19 (k) A person whose property becomes contaminated due
20 to geophysical or hydrologic reasons, including the migration
21 of contaminants onto their property from the operation of
22 facilities and activities on a nearby designated brownfield
23 area, and whose property has never been occupied by a business
24 that utilized or stored the contaminants or similar
25 constituents is not subject to administrative or judicial
26 action brought by or on behalf of another to compel the
27 rehabilitation of or the payment of the costs for the
28 rehabilitation of sites contaminated by materials that
29 migrated onto the property from the designated brownfield
30 area, if the person:

31 1. Does not own and has never held an ownership

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1 interest in, or shared in the profits of, activities in the
2 designated brownfield area operated at the source location;

3 2. Did not participate in the operation or management
4 of the activities in the designated brownfield area operated
5 at the source location; and

6 3. Did not cause, contribute to, or exacerbate the
7 release or threat of release of any hazardous substance
8 through any act or omission.

9 Section 14. Paragraph (d) is added to subsection (3)
10 of section 403.973, Florida Statutes, to read:

11 403.973 Expedited permitting; comprehensive plan
12 amendments.--

13 (3)

14 (d) Projects located in a designated brownfield area
15 are eligible for the expedited permitting process.

16 Section 15. Subsection (1) of section 190.012, Florida
17 Statutes, is amended to read:

18 190.012 Special powers; public improvements and
19 community facilities.--The district shall have, and the board
20 may exercise, subject to the regulatory jurisdiction and
21 permitting authority of all applicable governmental bodies,
22 agencies, and special districts having authority with respect
23 to any area included therein, any or all of the following
24 special powers relating to public improvements and community
25 facilities authorized by this act:

26 (1) To finance, fund, plan, establish, acquire,
27 construct or reconstruct, enlarge or extend, equip, operate,
28 and maintain systems, facilities, and basic infrastructures
29 for the following:

30 (a) Water management and control for the lands within
31 the district and to connect some or any of such facilities

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1 with roads and bridges.

2 (b) Water supply, sewer, and wastewater management,
3 reclamation, and reuse or any combination thereof, and to
4 construct and operate connecting intercepting or outlet sewers
5 and sewer mains and pipes and water mains, conduits, or
6 pipelines in, along, and under any street, alley, highway, or
7 other public place or ways, and to dispose of any effluent,
8 residue, or other byproducts of such system or sewer system.

9 (c) Bridges or culverts that may be needed across any
10 drain, ditch, canal, floodway, holding basin, excavation,
11 public highway, tract, grade, fill, or cut and roadways over
12 levees and embankments, and to construct any and all of such
13 works and improvements across, through, or over any public
14 right-of-way, highway, grade, fill, or cut.

15 (d)1. District roads equal to or exceeding the
16 specifications of the county in which such district roads are
17 located, and street lights.

18 2. Buses, trolleys, transit shelters, ridesharing
19 facilities and services, parking improvements, and related
20 signage.

21 (e) Investigation and remediation costs associated
22 with the cleanup of actual or perceived environmental
23 contamination within the district under the supervision or
24 direction of a competent governmental authority unless the
25 covered costs benefit any person who is a landowner within the
26 district and who caused or contributed to the contamination.

27 (f)(e) Conservation areas, mitigation areas, and
28 wildlife habitat, including the maintenance of any plant or
29 animal species, and any related interest in real or personal
30 property.

31 (g)(f) Any other project within or without the

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1 boundaries of a district when a local government issued a
2 development order pursuant to s. 380.06 or s. 380.061
3 approving or expressly requiring the construction or funding
4 of the project by the district, or when the project is the
5 subject of an agreement between the district and a
6 governmental entity and is consistent with the local
7 government comprehensive plan of the local government within
8 which the project is to be located.

9 Section 16. Section 712.01, Florida Statutes, is
10 amended to read:

11 712.01 Definitions.--As used in this law:

12 (1) The term "person" as used herein denotes singular
13 or plural, natural or corporate, private or governmental,
14 including the state and any political subdivision or agency
15 thereof as the context for the use thereof requires or denotes
16 and including any homeowners' association.

17 (2) "Root of title" means any title transaction
18 purporting to create or transfer the estate claimed by any
19 person and which is the last title transaction to have been
20 recorded at least 30 years prior to the time when
21 marketability is being determined. The effective date of the
22 root of title is the date on which it was recorded.

23 (3) "Title transaction" means any recorded instrument
24 or court proceeding which affects title to any estate or
25 interest in land and which describes the land sufficiently to
26 identify its location and boundaries.

27 (4) The term "homeowners' association" means a
28 homeowners' association as defined in s. 617.301(7), or an
29 association of parcel owners which is authorized to enforce
30 use restrictions that are imposed on the parcels.

31 (5) The term "parcel" means real property which is

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1 used for residential purposes that is subject to exclusive
2 ownership and which is subject to any covenant or restriction
3 of a homeowners' association.

4 (6) The term "covenant or restriction" means any
5 agreement or limitation contained in a document recorded in
6 the public records of the county in which a parcel is located
7 which subjects the parcel to any use restriction which may be
8 enforced by a homeowners' association or which authorizes a
9 homeowners' association to impose a charge or assessment
10 against the parcel or the owner of the parcel or which may be
11 enforced by the Florida Department of Environmental Protection
12 pursuant to chapter 376 or chapter 403.

13 Section 17. Section 712.03, Florida Statutes, is
14 amended to read:

15 712.03 Exceptions to marketability.--Such marketable
16 record title shall not affect or extinguish the following
17 rights:

18 (1) Estates or interests, easements and use
19 restrictions disclosed by and defects inherent in the
20 muniments of title on which said estate is based beginning
21 with the root of title; provided, however, that a general
22 reference in any of such muniments to easements, use
23 restrictions or other interests created prior to the root of
24 title shall not be sufficient to preserve them unless specific
25 identification by reference to book and page of record or by
26 name of recorded plat be made therein to a recorded title
27 transaction which imposed, transferred or continued such
28 easement, use restrictions or other interests; subject,
29 however, to the provisions of subsection (5).

30 (2) Estates, interests, claims, or charges, or any
31 covenant or restriction, preserved by the filing of a proper

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1 notice in accordance with the provisions hereof.

2 (3) Rights of any person in possession of the lands,
3 so long as such person is in such possession.

4 (4) Estates, interests, claims, or charges arising out
5 of a title transaction which has been recorded subsequent to
6 the effective date of the root of title.

7 (5) Recorded or unrecorded easements or rights,
8 interest or servitude in the nature of easements,
9 rights-of-way and terminal facilities, including those of a
10 public utility or of a governmental agency, so long as the
11 same are used and the use of any part thereof shall except
12 from the operation hereof the right to the entire use thereof.
13 No notice need be filed in order to preserve the lien of any
14 mortgage or deed of trust or any supplement thereto
15 encumbering any such recorded or unrecorded easements, or
16 rights, interest, or servitude in the nature of easements,
17 rights-of-way, and terminal facilities. However, nothing
18 herein shall be construed as preserving to the mortgagee or
19 grantee of any such mortgage or deed of trust or any
20 supplement thereto any greater rights than the rights of the
21 mortgagor or grantor.

22 (6) Rights of any person in whose name the land is
23 assessed on the county tax rolls for such period of time as
24 the land is so assessed and which rights are preserved for a
25 period of 3 years after the land is last assessed in such
26 person's name.

27 (7) State title to lands beneath navigable waters
28 acquired by virtue of sovereignty.

29 (8) A restriction or covenant recorded pursuant to
30 chapter 376 or chapter 403.

31 Section 18. Paragraph (j) of subsection (3) of section

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1 163.2517, Florida Statutes, is amended to read:

2 163.2517 Designation of urban infill and redevelopment
3 area.--

4 (3) A local government seeking to designate a
5 geographic area within its jurisdiction as an urban infill and
6 redevelopment area shall prepare a plan that describes the
7 infill and redevelopment objectives of the local government
8 within the proposed area. In lieu of preparing a new plan, the
9 local government may demonstrate that an existing plan or
10 combination of plans associated with a community redevelopment
11 area, Florida Main Street program, Front Porch Florida
12 Community, sustainable community, enterprise zone, or
13 neighborhood improvement district includes the factors listed
14 in paragraphs (a)-(n), including a collaborative and holistic
15 community participation process, or amend such existing plans
16 to include these factors. The plan shall demonstrate the local
17 government and community's commitment to comprehensively
18 address the urban problems within the urban infill and
19 redevelopment area and identify activities and programs to
20 accomplish locally identified goals such as code enforcement;
21 improved educational opportunities; reduction in crime;
22 neighborhood revitalization and preservation; provision of
23 infrastructure needs, including mass transit and multimodal
24 linkages; and mixed-use planning to promote multifunctional
25 redevelopment to improve both the residential and commercial
26 quality of life in the area. The plan shall also:

27 (j) Identify and adopt a package of financial and
28 local government incentives which the local government will
29 offer for new development, expansion of existing development,
30 and redevelopment within the urban infill and redevelopment
31 area. Examples of such incentives include:

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- 1 1. Waiver of license and permit fees.
- 2 2. Exemption of sales made in the urban infill and
- 3 redevelopment area from ~~Waiver of~~ local option sales surtaxes
- 4 imposed pursuant to s. 212.054 ~~taxes~~.
- 5 3. Waiver of delinquent local taxes or fees to promote
- 6 the return of property to productive use.
- 7 4. Expedited permitting.
- 8 5. Lower transportation impact fees for development
- 9 which encourages more use of public transit, pedestrian, and
- 10 bicycle modes of transportation.
- 11 6. Prioritization of infrastructure spending within
- 12 the urban infill and redevelopment area.
- 13 7. Local government absorption of developers'
- 14 concurrency costs.

15

16 In order to be authorized to recognize the exemption from

17 local option sales surtaxes pursuant to subparagraph 2., the

18 owner, lessee, or lessor of the new development, expanding

19 existing development, or redevelopment within the urban infill

20 and redevelopment area must file an application under oath

21 with the governing body having jurisdiction over the urban

22 infill and redevelopment area where the business is located.

23 The application must include the name and address of the

24 business claiming the exclusion from collecting local option

25 surtaxes; an address and assessment roll parcel number of the

26 urban infill and redevelopment area for which the exemption is

27 being sought; a description of the improvements made to

28 accomplish the new development, expanding development, or

29 redevelopment of the real property; a copy of the building

30 permit application or the building permit issued for the

31 development of the real property; a new application for a

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1 certificate of registration with the Department of Revenue
2 with the address of the new development, expanding
3 development, or redevelopment; and the location of the
4 property. The local government must review and approve the
5 application and submit the completed application and
6 documentation along with a copy of the ordinance adopted
7 pursuant to subsection (5) to the Department of Revenue in
8 order for the business to become eligible to make sales exempt
9 from local option sales surtaxes in the urban infill and
10 redevelopment area.

11 Section 19. Subsection (13) of section 212.08, Florida
12 Statutes, is amended to read:

13 212.08 Sales, rental, use, consumption, distribution,
14 and storage tax; specified exemptions.--The sale at retail,
15 the rental, the use, the consumption, the distribution, and
16 the storage to be used or consumed in this state of the
17 following are hereby specifically exempt from the tax imposed
18 by this chapter.

19 (13) No transactions shall be exempt from the tax
20 imposed by this chapter except those expressly exempted
21 herein. All laws granting tax exemptions, to the extent they
22 may be inconsistent or in conflict with this chapter,
23 including, but not limited to, the following designated laws,
24 shall yield to and be superseded by the provisions of this
25 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,
26 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,
27 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09,
28 and the following Laws of Florida, acts of the year indicated:
29 s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12,
30 chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter
31 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter

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1 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s.
2 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter
3 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and
4 s. 10, chapter 67-1681. This subsection does not supersede the
5 authority of a local government to adopt financial and local
6 government incentives pursuant to s. 163.2517.

7 Section 20. Section 163.2523, Florida Statutes, is
8 amended to read:

9 163.2523 Grant program.--An Urban Infill and
10 Redevelopment Assistance Grant Program is created for local
11 governments. A local government may allocate grant money to
12 special districts, including community redevelopment agencies,
13 and nonprofit community development organizations to implement
14 projects consistent with an adopted urban infill and
15 redevelopment plan or plan employed in lieu thereof. Thirty
16 percent of the general revenue appropriated for this program
17 shall be available for planning grants to be used by local
18 governments for the development of an urban infill and
19 redevelopment plan, including community participation
20 processes for the plan. Sixty percent of the general revenue
21 appropriated for this program shall be available for
22 fifty/fifty matching grants for implementing urban infill and
23 redevelopment projects that further the objectives set forth
24 in the local government's adopted urban infill and
25 redevelopment plan or plan employed in lieu thereof. The
26 remaining 10 percent of the revenue must be used for outright
27 grants for implementing projects requiring an expenditure of
28 under \$50,000. If the volume of fundable applications under
29 any of the allocations specified in this section does not
30 fully obligate the amount of the allocation, the Department of
31 Community Affairs may transfer the unused balance to the

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1 category having the highest dollar value of applications
2 eligible but unfunded. However, in no event may the percentage
3 of dollars allocated to outright grants for implementing
4 projects exceed 20 percent in any given fiscal year. Projects
5 that provide employment opportunities to clients of the WAGES
6 program and projects within urban infill and redevelopment
7 areas that include a community redevelopment area, Florida
8 Main Street program, Front Porch Florida Community,
9 sustainable community, enterprise zone, federal enterprise
10 zone, enterprise community, or neighborhood improvement
11 district must be given an elevated priority in the scoring of
12 competing grant applications. The Division of Housing and
13 Community Development of the Department of Community Affairs
14 shall administer the grant program. The Department of
15 Community Affairs shall adopt rules establishing grant review
16 criteria consistent with this section.

17 Section 21. Section 376.3195, Florida Statutes, is
18 repealed.

19 Section 22. Subsection (9) of section 211.3103,
20 Florida Statutes, is repealed.

21 Section 23. In fiscal year 2000-2001, any unencumbered
22 funds remaining undisbursed on June 30, 2001, from the
23 Quick-Response Training Program, Brownfield Redevelopment
24 Bonus Refunds, and funds appropriated in the General
25 Appropriations Act for cleanup of state-owned lands, shall be
26 used for grants to fund assessment and remediation at
27 brownfield sites or areas designated pursuant to s. 376.80,
28 Florida Statutes, prior to April 1, 2000, that are United
29 States Environmental Protection Agency brownfield pilot
30 projects designated prior to July 1, 1997, at which site
31 assessment has been initiated as of April 1, 2000. Grants

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1 shall be distributed to eligible pilot projects under this
2 part on a pro-rata basis in an amount not to exceed \$500,000
3 per pilot project.

4 Section 24. This act shall take effect July 1, 2000.

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

8 And the title is amended as follows:

9 On page 1, line 2 through page 6, line 4
10 remove from the title of the bill: all of said lines

11
12 and insert in lieu thereof:

13 An act relating to state regulation of lands;
14 amending s. 206.9935, F.S.; providing
15 requirements for determination of the rate;
16 amending s. 252.87, F.S.; revising reporting
17 requirements under the Hazardous Materials
18 Emergency Response and Community Right-to-Know
19 Act; amending s. 288.047, F.S.; requiring
20 Enterprise Florida, Inc., to set aside each
21 fiscal year a certain amount of the
22 appropriation for the Quick Response Training
23 Program for businesses located in a brownfield
24 area; amending s. 288.107, F.S.; redefining the
25 term "eligible business"; providing for bonus
26 refunds for businesses that can demonstrate a
27 fixed capital investment in certain mixed use
28 activities in the brownfield area; amending s.
29 288.905, F.S.; requiring Enterprise Florida,
30 Inc., to develop comprehensive marketing
31 strategies for redevelopment of brownfield

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1 areas; amending s. 376.051, F.S.; providing for
2 the use of risk-based cleanup criteria on state
3 university lands; amending s. 376.301, F.S.;
4 redefining the terms "antagonistic effects,"
5 "discharge," "institutional controls," "natural
6 attenuation," and "site rehabilitation" and
7 defining the term "risk reduction"; amending s.
8 376.303, F.S.; providing authority for mapping
9 and registering contamination within
10 brownfields; amending s. 376.3078, F.S.;
11 providing conditions with respect to
12 determination of eligibility of specified
13 drycleaning facilities for state-funded site
14 rehabilitation; providing for rehabilitation
15 criteria; amending s. 376.79, F.S.; defining
16 the terms "contaminant" and "risk reduction";
17 redefining the terms "natural attenuation,"
18 "institutional control," and "source removal";
19 amending s. 376.80, F.S.; allowing local
20 governments or persons responsible for
21 brownfield area rehabilitation and
22 redevelopment to use an existing advisory
23 committee; deleting the requirement that the
24 advisory committee must review and provide
25 recommendations to the local government with
26 jurisdiction on the proposed brownfield site
27 rehabilitation agreement; providing that the
28 person responsible for site rehabilitation must
29 notify the advisory committee of the intent to
30 rehabilitate and redevelop the site before
31 executing the brownfield site rehabilitation

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1 agreement; requiring the person responsible for
2 site rehabilitation to hold a meeting or attend
3 a regularly scheduled meeting of the advisory
4 committee to inform the advisory committee of
5 the outcome of the environmental assessment;
6 requiring the person responsible for site
7 rehabilitation to enter into a brownfield site
8 rehabilitation agreement only if actual
9 contamination exists; clarifying provisions
10 relating to the required comprehensive general
11 liability and comprehensive automobile
12 liability insurance; amending s. 376.81, F.S.;
13 providing direction regarding the risk-based
14 corrective action rule; requiring the
15 department to establish alternative cleanup
16 levels under certain circumstances; amending s.
17 376.82, F.S.; providing immunity for liability
18 regarding contaminated site remediation under
19 certain circumstances; amending s. 403.973,
20 F.S.; providing that projects located in a
21 designated brownfield area are eligible for the
22 expedited permitting process; amending s.
23 190.012, F.S.; authorizing community
24 development districts to fund certain
25 environmental costs under certain
26 circumstances; amending ss. 712.01, 712.03,
27 F.S.; prohibiting subsequent property owners
28 from removing certain deed restrictions under
29 other provisions of the Marketable Record Title
30 Act; amending s. 163.2517, F.S.; revising the
31 financial incentives which a local government

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1 may offer in an urban infill and redevelopment
2 area which relate to exemption from local
3 option sales surtaxes and waiver of delinquent
4 taxes or fees; providing that, in order to be
5 eligible for the exemption from collecting
6 local option sales surtaxes, a business must
7 submit an application under oath to the local
8 government, which must be approved and
9 submitted to the Department of Revenue;
10 amending s. 212.08, F.S.; specifying that the
11 authority of a local government to adopt
12 financial and local government incentives under
13 s. 163.2517, F.S., is not superseded by certain
14 provisions relating to sales tax exemptions;
15 amending s. 163.2523, F.S.; authorizing
16 transfer of unused funds between grant
17 categories under the Urban Infill and
18 Redevelopment Assistance Grant Program;
19 repealing s. 376.3195, F.S.; providing for
20 distribution of certain unspent appropriations;
21 repealing s. 211.3103(9); providing an
22 effective date.

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