

1                   A bill to be entitled  
2           An act relating to state regulation of lands;  
3           amending s. 206.9935, F.S.; providing  
4           requirements for determination of the rate;  
5           amending s. 252.87, F.S.; revising reporting  
6           requirements under the Hazardous Materials  
7           Emergency Response and Community Right-to-Know  
8           Act; amending s. 288.047, F.S.; requiring  
9           Enterprise Florida, Inc., to set aside each  
10          fiscal year a certain amount of the  
11          appropriation for the Quick Response Training  
12          Program for businesses located in a brownfield  
13          area; amending s. 288.107, F.S.; redefining the  
14          term "eligible business"; providing for bonus  
15          refunds for businesses that can demonstrate a  
16          fixed capital investment in certain mixed use  
17          activities in the brownfield area; amending s.  
18          288.905, F.S.; requiring Enterprise Florida,  
19          Inc., to develop comprehensive marketing  
20          strategies for redevelopment of brownfield  
21          areas; amending s. 376.051, F.S.; providing for  
22          the use of risk-based cleanup criteria on state  
23          university lands; amending s. 376.301, F.S.;  
24          redefining the terms "antagonistic effects,"  
25          "discharge," "institutional controls," "natural  
26          attenuation," and "site rehabilitation" and  
27          defining the term "risk reduction"; amending s.  
28          376.303, F.S.; providing authority for mapping  
29          and registering contamination within  
30          brownfields; amending s. 376.3078, F.S.;  
31          providing conditions with respect to

1 determination of eligibility of specified  
2 drycleaning facilities for state-funded site  
3 rehabilitation; providing for rehabilitation  
4 criteria; amending s. 376.79, F.S.; defining  
5 the terms "contaminant" and "risk reduction";  
6 redefining the terms "natural attenuation,"  
7 "institutional control," and "source removal";  
8 amending s. 376.80, F.S.; allowing local  
9 governments or persons responsible for  
10 brownfield area rehabilitation and  
11 redevelopment to use an existing advisory  
12 committee; deleting the requirement that the  
13 advisory committee must review and provide  
14 recommendations to the local government with  
15 jurisdiction on the proposed brownfield site  
16 rehabilitation agreement; providing that the  
17 person responsible for site rehabilitation must  
18 notify the advisory committee of the intent to  
19 rehabilitate and redevelop the site before  
20 executing the brownfield site rehabilitation  
21 agreement; requiring the person responsible for  
22 site rehabilitation to hold a meeting or attend  
23 a regularly scheduled meeting of the advisory  
24 committee to inform the advisory committee of  
25 the outcome of the environmental assessment;  
26 requiring the person responsible for site  
27 rehabilitation to enter into a brownfield site  
28 rehabilitation agreement only if actual  
29 contamination exists; clarifying provisions  
30 relating to the required comprehensive general  
31 liability and comprehensive automobile

1 liability insurance; amending s. 376.81, F.S.;  
2 providing direction regarding the risk-based  
3 corrective action rule; requiring the  
4 department to establish alternative cleanup  
5 levels under certain circumstances; amending s.  
6 376.82, F.S.; providing immunity for liability  
7 regarding contaminated site remediation under  
8 certain circumstances; amending s. 403.973,  
9 F.S.; providing that projects located in a  
10 designated brownfield area are eligible for the  
11 expedited permitting process; amending s.  
12 190.012, F.S.; authorizing community  
13 development districts to fund certain  
14 environmental costs under certain  
15 circumstances; amending ss. 712.01, 712.03,  
16 F.S.; prohibiting subsequent property owners  
17 from removing certain deed restrictions under  
18 other provisions of the Marketable Record Title  
19 Act; amending s. 163.2517, F.S.; revising the  
20 financial incentives which a local government  
21 may offer in an urban infill and redevelopment  
22 area which relate to exemption from local  
23 option sales surtaxes and waiver of delinquent  
24 taxes or fees; providing that, in order to be  
25 eligible for the exemption from collecting  
26 local option sales surtaxes, a business must  
27 submit an application under oath to the local  
28 government, which must be approved and  
29 submitted to the Department of Revenue;  
30 amending s. 212.08, F.S.; specifying that the  
31 authority of a local government to adopt

1 financial and local government incentives under  
2 s. 163.2517, F.S., is not superseded by certain  
3 provisions relating to sales tax exemptions;  
4 amending s. 163.2523, F.S.; authorizing  
5 transfer of unused funds between grant  
6 categories under the Urban Infill and  
7 Redevelopment Assistance Grant Program;  
8 repealing s. 376.3195, F.S.; providing for  
9 distribution of certain unspent appropriations;  
10 repealing s. 211.3103(9), F.S.; providing an  
11 effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

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

18 206.9935 Taxes imposed.--

19 (2) TAX FOR WATER QUALITY.--

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

24 2. The tax shall be imposed only once on each barrel  
25 or other unit of pollutant, other than petroleum products,  
26 when first produced in or imported into this state. The tax on  
27 pollutants first imported into or produced in this state shall  
28 be imposed when the product is first sold or first removed  
29 from storage. The tax shall be paid and remitted by any  
30 person who is licensed by the department to engage in the  
31

1 production or importation of motor fuel, diesel fuel, aviation  
2 fuel, or other pollutants.

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

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

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

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

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

15 (3) TAX FOR INLAND PROTECTION.--

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

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

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

30 a. Thirty cents if the unobligated balance of the fund  
31 is between \$100 million and \$150 million.

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

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

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

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

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

30           (c) This subsection shall be reviewed by the  
31 Legislature during the 1998 regular legislative session.

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

3 252.87 Supplemental state reporting requirements.--

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

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



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

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

18 288.047 Quick-response training for economic  
19 development.--

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

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

31 288.107 Brownfield redevelopment bonus refunds.--

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

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

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

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

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

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

27 (f) "Jobs" means full-time equivalent positions,  
28 consistent with the use of such terms by the Department of  
29 Labor and Employment Security for the purpose of unemployment  
30 compensation tax, resulting directly from a project in this  
31 state. This number does not include temporary construction

1 jobs involved with the construction of facilities for the  
2 project and which are not associated with the implementation  
3 of the site rehabilitation as provided in s. 376.80.

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

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

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

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

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

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

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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)(c)~~ 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

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.

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1 (g) The office shall approve all claims for a  
2 brownfield redevelopment bonus refund payment that are found  
3 to meet the requirements of paragraphs (b) and (d).

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

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

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1 (j) Upon approval of the brownfield redevelopment  
2 bonus refund, payment shall be made for the amount specified  
3 in the final order. If the final order is appealed, payment  
4 may not be made for a refund to the qualified target industry  
5 business until the conclusion of all appeals of that order.

6 (5) ADMINISTRATION.--

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

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

21 Section 5. Paragraph (b) of subsection (3) of section  
22 288.905, Florida Statutes, is amended to read:

23 288.905 Duties of the board of directors of Enterprise  
24 Florida, Inc.--

25 (3)

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

30 2. Enterprise Florida, Inc., shall involve local  
31 governments, local and regional economic development

1 organizations, and other local, state, and federal economic,  
2 international, and workforce development entities, both public  
3 and private, in developing and carrying out policies,  
4 strategies, and programs, seeking to partner and collaborate  
5 to produce enhanced public benefit at a lesser cost.

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

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

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

22 376.051 Powers and duties of the Department of  
23 Environmental Protection.--

24 (6) The department is specifically authorized to  
25 utilize risk-based cleanup criteria as described in ss.  
26 376.3071, 376.3078, and 376.81 in conducting cleanups on lands  
27 owned by the state university system.

28 Section 7. Section 376.301, Florida Statutes, is  
29 amended to read:

30 376.301 Definitions of terms used in ss.  
31 376.30-376.319, 376.70, and 376.75.--When used in ss.



1 376.30-376.319, 376.70, and 376.75, unless the context clearly  
2 requires otherwise, the term:

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

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

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

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

22 (5) "Barrel" means 42 U.S. gallons at 60 degrees  
23 Fahrenheit.

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

28 (7) "Cattle-dipping vat" means any structure,  
29 excavation, or other facility constructed by any person, or  
30 the site where such structure, excavation, or other facility  
31 once existed, for the purpose of treating cattle or other

1 livestock with a chemical solution pursuant to or in  
2 compliance with any local, state, or federal governmental  
3 program for the prevention, suppression, control, or  
4 eradication of any dangerous, contagious, or infectious  
5 diseases.

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

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

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

23 (11) "Department" means the Department of  
24 Environmental Protection.

25 (12) "Discharge" includes, but is not limited to, any  
26 spilling, leaking, seeping, pouring, misapplying, emitting,  
27 emptying, releasing, or dumping of any pollutant or hazardous  
28 substance which occurs and which affects lands and the surface  
29 and ground waters of the state not regulated by ss.  
30 376.011-376.21.

31

1           (13) "Drycleaning facility" means a commercial  
2 establishment that operates or has at some time in the past  
3 operated for the primary purpose of drycleaning clothing and  
4 other fabrics utilizing a process that involves any use of  
5 drycleaning solvents. The term "drycleaning facility" includes  
6 laundry facilities that use drycleaning solvents as part of  
7 their cleaning process. The term does not include a facility  
8 that operates or has at some time in the past operated as a  
9 uniform rental company or a linen supply company regardless of  
10 whether the facility operates as or was previously operated as  
11 a drycleaning facility.

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

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

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

31

1           (17) "Wholesale supply facility" means a commercial  
2 establishment that supplies drycleaning solvents to  
3 drycleaning facilities.

4           (18) "Facility" means a nonresidential location  
5 containing, or which contained, any underground stationary  
6 tank or tanks which contain hazardous substances or pollutants  
7 and have individual storage capacities greater than 110  
8 gallons, or any aboveground stationary tank or tanks which  
9 contain pollutants which are liquids at standard ambient  
10 temperature and pressure and have individual storage  
11 capacities greater than 550 gallons. This subsection shall not  
12 apply to facilities covered by chapter 377, or containers  
13 storing solid or gaseous pollutants, and agricultural tanks  
14 having storage capacities of less than 550 gallons.

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

26           (20) "Hazardous substances" means those substances  
27 defined as hazardous substances in the Comprehensive  
28 Environmental Response, Compensation and Liability Act of  
29 1980, Pub. L. No. 96-510, 94 Stat. 2767, as amended by the  
30 Superfund Amendments and Reauthorization Act of 1986.

31

1           (21) "Institutional controls" means the restriction on  
2 use or access to a site to eliminate or minimize exposure to  
3 petroleum products' chemicals of concern, drycleaning  
4 solvents, or other contaminants. Such restrictions may  
5 include, but are not limited to, deed restrictions,  
6 restrictive covenants, or conservation easements ~~use~~  
7 ~~restrictions, or restrictive zoning.~~

8           (22) "Laundering on a wash, dry, and fold basis" means  
9 the service provided by the owner or operator of a  
10 coin-operated laundry to its customers whereby an employee of  
11 the laundry washes, dries, and folds laundry for its  
12 customers.

13           (23) "Marine fueling facility" means a commercial or  
14 recreational coastal facility, excluding a bulk product  
15 facility, providing fuel to vessels.

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

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

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

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

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

1           (29) "Person responsible for conducting site  
2 rehabilitation" means the site owner, operator, or the person  
3 designated by the site owner or operator on the reimbursement  
4 application. Mortgage holders and trust holders may be  
5 eligible to participate in the reimbursement program pursuant  
6 to s. 376.3071(12).

7           (30) "Petroleum" includes:

8           (a) Oil, including crude petroleum oil and other  
9 hydrocarbons, regardless of gravity, which are produced at the  
10 well in liquid form by ordinary methods and which are not the  
11 result of condensation of gas after it leaves the reservoir;  
12 and

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

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

25           (32) "Petroleum products' chemicals of concern" means  
26 the constituents of petroleum products, including, but not  
27 limited to, xylene, benzene, toluene, ethylbenzene,  
28 naphthalene, and similar chemicals, and constituents in  
29 petroleum products, including, but not limited to, methyl  
30 tert-butyl ether (MTBE), lead, and similar chemicals found in  
31

1 additives, provided the chemicals of concern are present as a  
2 result of a discharge of petroleum products.

3 (33) "Petroleum storage system" means a stationary  
4 tank not covered under the provisions of chapter 377, together  
5 with any onsite integral piping or dispensing system  
6 associated therewith, which is used, or intended to be used,  
7 for the storage or supply of any petroleum product. Petroleum  
8 storage systems may also include oil/water separators, and  
9 other pollution control devices installed at petroleum product  
10 terminals as defined in this chapter and bulk product  
11 facilities pursuant to, or required by, permits or best  
12 management practices in an effort to control surface discharge  
13 of pollutants. Nothing herein shall be construed to allow a  
14 continuing discharge in violation of department rules.

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

18 (35) "Pollution" means the presence on the land or in  
19 the waters of the state of pollutants in quantities which are  
20 or may be potentially harmful or injurious to human health or  
21 welfare, animal or plant life, or property or which may  
22 unreasonably interfere with the enjoyment of life or property,  
23 including outdoor recreation.

24 (36) "Real property owner" means the individual or  
25 entity that is vested with ownership, dominion, or legal or  
26 rightful title to the real property, or which has a ground  
27 lease interest in the real property, on which a drycleaning  
28 facility or wholesale supply facility is or has ever been  
29 located.

30 (37) "Response action" means any activity, including  
31 evaluation, planning, design, engineering, construction, and

1 ancillary services, which is carried out in response to any  
2 discharge, release, or threatened release of a hazardous  
3 substance, pollutant, or other contaminant from a facility or  
4 site identified by the department under the provisions of ss.  
5 376.30-376.319.

6 (38) "Response action contractor" means a person who  
7 is carrying out any response action, including a person  
8 retained or hired by such person to provide services relating  
9 to a response action.

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

14 (40)~~(39)~~ "Secretary" means the Secretary of  
15 Environmental Protection.

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

24 (42)~~(41)~~ "Source removal" means the removal of free  
25 product, or the removal of contaminants from soil or sediment  
26 that has been contaminated to the extent that leaching to  
27 groundwater or surface water has occurred or is occurring.

28 (43)~~(42)~~ "Storage system" means a stationary tank not  
29 covered under the provisions of chapter 377, together with any  
30 onsite integral piping or dispensing system associated  
31 therewith, which is or has been used for the storage or supply



1 of any petroleum product, pollutant, or hazardous substance as  
2 defined herein, and which is registered with the Department of  
3 Environmental Protection under this chapter or any rule  
4 adopted pursuant hereto.

5 (44)~~(43)~~ "Synergistic effects" means a scientific  
6 principle that the toxicity that occurs as a result of  
7 exposure is more than the sum of the toxicities of the  
8 individual chemicals to which the individual is exposed.

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

1 drilling for or pumping, storing, handling, transferring,  
2 processing, or refining of pollutants through a waterfront  
3 facility owned and operated by such a governmental entity  
4 shall be construed as a terminal facility.

5 ~~(46)(45)~~ "Transfer" or "transferred" includes  
6 onloading, offloading, fueling, bunkering, lightering, removal  
7 of waste pollutants, or other similar transfers, between  
8 terminal facility and vessel or vessel and vessel.

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

11 376.303 Powers and duties of the Department of  
12 Environmental Protection.--

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

29 (6) REGISTRY.--The department shall prepare and  
30 maintain a registry of all contaminated sites located in a  
31 brownfield area designated pursuant to s. 376.80, which are

1 subject to institutional and engineering controls, in order to  
2 provide a mechanism for the public and local governments to  
3 monitor the status of these controls, monitor the department's  
4 short-term and long-term protection of human health and the  
5 environment in relation to these sites, and evaluate economic  
6 revitalization efforts in these areas. At a minimum, the  
7 registry shall include the type of institutional or  
8 engineering controls employed at a particular site, types of  
9 contaminants and affected media, land use limitations, and the  
10 county in which the site is located. Sites listed on the  
11 registry at which the department has subsequently issued a no  
12 further action order without institutional controls shall be  
13 removed from the registry. The department shall make the  
14 registry available to the public and local governments within  
15 1 year after the effective date of this act. The department  
16 shall provide local governments with actual notice when the  
17 registry becomes available. Local zoning and planning offices  
18 shall post information on how to access the registry in public  
19 view.

20 Section 9. Paragraph (i) of subsection (4) and  
21 paragraph (a) of subsection (9) of section 376.3078, Florida  
22 Statutes, are amended, to read:

23 376.3078 Drycleaning facility restoration; funds;  
24 uses; liability; recovery of expenditures.--

25 (4) REHABILITATION CRITERIA.--It is the intent of the  
26 Legislature to protect the health of all people under actual  
27 circumstances of exposure. By July 1, 1999, the secretary of  
28 the department shall establish criteria by rule for the  
29 purpose of determining, on a site-specific basis, the  
30 rehabilitation program tasks that comprise a site  
31 rehabilitation program, including a voluntary site

1 rehabilitation program, and the level at which a  
2 rehabilitation program task and a site rehabilitation program  
3 may be deemed completed. In establishing the rule, the  
4 department shall incorporate, to the maximum extent feasible,  
5 risk-based corrective action principles to achieve protection  
6 of human health and safety and the environment in a  
7 cost-effective manner as provided in this subsection. The  
8 rule shall also include protocols for the use of natural  
9 attenuation and the issuance of "no further action" letters.  
10 The criteria for determining what constitutes a rehabilitation  
11 program task or completion of a site rehabilitation program  
12 task or site rehabilitation program, including a voluntary  
13 site rehabilitation program, must:

14 (i) Establish appropriate cleanup target levels for  
15 soils.

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

27 2. Leachability-based soil target levels shall be  
28 based on protection of the groundwater cleanup target levels  
29 or the alternate cleanup target levels for groundwater  
30 established pursuant to this paragraph, as appropriate. Source  
31 removal and other cost-effective alternatives that are

1 technologically feasible shall be considered in achieving the  
2 leachability soil target levels established by the department.  
3 The leachability goals shall not be applicable if the  
4 department determines, based upon individual site  
5 characteristics, that contaminants will not leach into the  
6 groundwater at levels which pose a threat to human health,  
7 public safety, and the environment.

8           3. Using risk-based corrective action principles, the  
9 department shall approve ~~may set~~ alternative cleanup target  
10 levels based upon the person responsible for site  
11 rehabilitation demonstrating, using site-specific modeling and  
12 risk assessment studies, that human health, public safety, and  
13 the environment are protected.

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

26           (9) REQUIREMENT FOR DRYCLEANING FACILITIES.--It is the  
27 intent of the Legislature that the following drycleaning  
28 solvent containment shall be required of the owners or  
29 operators of drycleaning facilities, as follows:

30           (a) Owners or operators of drycleaning facilities  
31 shall by January 1, 1997, install dikes or other containment

1 structures around each machine or item of equipment in which  
2 drycleaning solvents are used and around any area in which  
3 solvents or waste-containing solvents are stored. Such dikes  
4 or containment structures shall be capable of containing 110  
5 percent of the capacity of each such machine and each such  
6 storage area. To the extent practicable, each owner or  
7 operator of a drycleaning facility shall seal or otherwise  
8 render impervious those portions of all dikes' floor surfaces  
9 upon which any drycleaning solvents may leak, spill, or  
10 otherwise be released. A drycleaning facility that commenced  
11 operating before January 1, 1996, and applied to the program  
12 by December 30, 1997, is considered to have had secondary  
13 containment timely installed for the purpose of determining  
14 eligibility for state-funded site rehabilitation under this  
15 section if the drycleaning facility meets the following  
16 criteria:

17 1. Reported in the completed application that the  
18 facility was not in compliance with paragraph (a) of this  
19 subsection, and entered into a consent order with the  
20 department to install secondary containment and installed the  
21 required containment by April 15, 1999; or

22 2. Reported in the completed application that the  
23 facility had installed secondary containment but stated in the  
24 application that the date the facility installed secondary  
25 containment was not known, and was requested by the department  
26 subsequent to April 30, 1997, to apply for program eligibility  
27 and did so apply within 90 days of the request, and installed  
28 secondary containment by February 28, 1998.

29  
30 The department shall reconsider the applications of facilities  
31 that meet the criteria set forth in this paragraph and that

1 were previously determined to be ineligible due to failure to  
2 comply with secondary containment requirements. The facilities  
3 must meet all other eligibility requirements.

4 Section 10. Section 376.79, Florida Statutes, is  
5 amended to read:

6 376.79 Definitions.--As used in ss. 376.77-376.85, the  
7 term:

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

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

16 (3) "Brownfield sites" means sites that are generally  
17 abandoned, idled, or underused industrial and commercial  
18 properties where expansion or redevelopment is complicated by  
19 actual or perceived environmental contamination.

20 (4) "Brownfield area" means a contiguous area of one  
21 or more brownfield sites, some of which may not be  
22 contaminated, and which has been designated by a local  
23 government by resolution. Such areas may include all or  
24 portions of community redevelopment areas, enterprise zones,  
25 empowerment zones, other such designated economically deprived  
26 communities and areas, and Environmental Protection  
27 Agency-designated brownfield pilot projects.

28 (5) "Contaminant" means any physical, chemical,  
29 biological, or radiological substance present in any medium  
30 which may result in adverse effects to human health or the

31

1 environment or which creates an adverse nuisance,  
2 organoleptic, or aesthetic condition in groundwater.

3 (6)(5) "Contaminated site" means any contiguous land,  
4 surface water, or groundwater areas that contain contaminants  
5 that may be harmful to human health or the environment.

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

8 (8)(7) "Engineering controls" means modifications to a  
9 site to reduce or eliminate the potential for exposure to  
10 contaminants. Such modifications may include, but are not  
11 limited to, physical or hydraulic control measures, capping,  
12 point of use treatments, or slurry walls.

13 (9)(8) "Environmental justice" means the fair  
14 treatment of all people of all races, cultures, and incomes  
15 with respect to the development, implementation, and  
16 enforcement of environmental laws, regulations, and policies.

17 (10)(9) "Institutional controls" means the restriction  
18 on use of or access to a site to eliminate or minimize  
19 exposure to contaminants. Such restrictions may include, but  
20 are not limited to, deed restrictions, restrictive covenants,  
21 or conservation easements ~~use restrictions, or restrictive~~  
22 ~~zoning.~~

23 (11)(10) "Local pollution control program" means a  
24 local pollution control program that has received delegated  
25 authority from the Department of Environmental Protection  
26 under ss. 376.80(11) and 403.182.

27 (12)(11) "Natural attenuation" means a verifiable  
28 approach to site rehabilitation which allows natural processes  
29 to contain the spread of contamination and reduce the  
30 concentrations of contaminants in contaminated groundwater and  
31 soil. Natural attenuation processes may include sorption,



1 biodegradation, chemical reactions with subsurface materials,  
2 diffusion, dispersion, and volatilization.~~the verifiable~~  
3 ~~reduction of contaminants through natural processes, which may~~  
4 ~~include diffusion, dispersion, adsorption, and biodegradation.~~

5 (13)~~(12)~~ "Person responsible for brownfield site  
6 rehabilitation" means the individual or entity that is  
7 designated by the local government to enter into the  
8 brownfield site rehabilitation agreement with the department  
9 or an approved local pollution control program and enters into  
10 an agreement with the local government for redevelopment of  
11 the site.

12 (14)~~(13)~~ "Person" means any individual, partner, joint  
13 venture, or corporation; any group of the foregoing, organized  
14 or united for a business purpose; or any governmental entity.

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

19 (16)~~(14)~~ "Secretary" means the secretary of the  
20 Department of Environmental Protection.

21 (17)~~(15)~~ "Site rehabilitation" means the assessment of  
22 site contamination and the remediation activities that reduce  
23 the levels of contaminants at a site through accepted  
24 treatment methods to meet the cleanup target levels  
25 established for that site.

26 (18)~~(16)~~ "Source removal" means the removal of free  
27 product, or the removal of contaminants from soil or sediment  
28 that has been contaminated to the extent that leaching to  
29 groundwater or surface water has occurred or is occurring.

30 (19)~~(17)~~ "Synergistic effects" means a scientific  
31 principle that the toxicity that occurs as a result of

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

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

6 376.80 Brownfield program administration process.--

7 (4) Local governments or persons responsible for  
8 rehabilitation and redevelopment of brownfield areas must  
9 establish an advisory committee or use an existing advisory  
10 committee that has formally expressed its intent to address  
11 redevelopment of the specific brownfield area for the purpose  
12 of improving public participation and receiving public  
13 comments on rehabilitation and redevelopment of the brownfield  
14 area, future land use, local employment opportunities,  
15 community safety, and environmental justice. Such advisory  
16 committee should include residents within or adjacent to the  
17 brownfield area, businesses operating within the brownfield  
18 area, and others deemed appropriate. The person responsible  
19 for brownfield site rehabilitation must notify the advisory  
20 committee of the intent to rehabilitate and redevelop the site  
21 before executing the brownfield site rehabilitation agreement,  
22 and provide the committee with a copy of the draft plan for  
23 site rehabilitation which addresses elements required by  
24 subsection (5). This includes disclosing potential reuse of  
25 the property as well as site rehabilitation activities, if  
26 any, to be performed. The advisory committee shall review the  
27 proposed redevelopment agreement required pursuant to  
28 paragraph (5)(i) and provide comments, if appropriate, to the  
29 board of the local government with jurisdiction over the  
30 brownfield area. The advisory committee must receive a copy of  
31 the executed brownfield site rehabilitation agreement. When

1 the person responsible for brownfield site rehabilitation  
2 submits a site assessment report or the technical document  
3 containing the proposed course of action following site  
4 assessment to the department or the local pollution control  
5 program for review, the person responsible for brownfield site  
6 rehabilitation must hold a meeting or attend a regularly  
7 scheduled meeting to inform the advisory committee of the  
8 findings and recommendations in the site assessment report or  
9 the technical document containing the proposed course of  
10 action following site assessment. ~~The advisory committee must~~  
11 ~~review and provide recommendations to the board of the local~~  
12 ~~government with jurisdiction on the proposed site~~  
13 ~~rehabilitation agreement provided in subsection (5).~~

14 (5) The person responsible for brownfield site  
15 rehabilitation must enter into a brownfield site  
16 rehabilitation agreement with the department or an approved  
17 local pollution control program if actual contamination exists  
18 at the brownfield site. The brownfield site rehabilitation  
19 agreement must include:

20 (a) A brownfield site rehabilitation schedule,  
21 including milestones for completion of site rehabilitation  
22 tasks and submittal of technical reports and rehabilitation  
23 plans as agreed upon by the parties to the agreement;

24 (b) A commitment to conduct site rehabilitation  
25 activities under the observation of professional engineers or  
26 geologists who are registered in accordance with the  
27 requirements of chapter 471 or chapter 492, respectively.  
28 Submittals provided by the person responsible for brownfield  
29 site rehabilitation must be signed and sealed by a  
30 professional engineer registered under chapter 471, or a  
31 professional geologist registered under chapter 492,

1 certifying that the submittal and associated work comply with  
2 the law and rules of the department and those governing the  
3 profession. In addition, upon completion of the approved  
4 remedial action, the department shall require a professional  
5 engineer registered under chapter 471 or a professional  
6 geologist registered under chapter 492 to certify that the  
7 corrective action was, to the best of his or her knowledge,  
8 completed in substantial conformance with the plans and  
9 specifications approved by the department;

10 (c) A commitment to conduct site rehabilitation in  
11 accordance with an approved comprehensive quality assurance  
12 plan under department rules;

13 (d) A commitment to conduct site rehabilitation  
14 consistent with state, federal, and local laws and consistent  
15 with the brownfield site contamination cleanup criteria in s.  
16 376.81, including any applicable requirements for risk-based  
17 corrective action;

18 (e) Timeframes for the department's review of  
19 technical reports and plans submitted in accordance with the  
20 agreement. The department shall make every effort to adhere  
21 to established agency goals for reasonable timeframes for  
22 review of such documents;

23 (f) A commitment to secure site access for the  
24 department or approved local pollution control program to all  
25 brownfield sites within the eligible brownfield area for  
26 activities associated with site rehabilitation;

27 (g) Other provisions that the person responsible for  
28 brownfield site rehabilitation and the department agree upon,  
29 that are consistent with ss. 376.77-376.85, and that will  
30 improve or enhance the brownfield site rehabilitation process;

31

1 (h) A commitment to consider appropriate pollution  
2 prevention measures and to implement those that the person  
3 responsible for brownfield site rehabilitation determines are  
4 reasonable and cost-effective, taking into account the  
5 ultimate use or uses of the brownfield site. Such measures  
6 may include improved inventory or production controls and  
7 procedures for preventing loss, spills, and leaks of hazardous  
8 waste and materials, and include goals for the reduction of  
9 releases of toxic materials; and

10 (i) Certification that an agreement exists between the  
11 person responsible for brownfield site rehabilitation and the  
12 local government with jurisdiction over the brownfield area.  
13 Such agreement shall contain terms for the redevelopment of  
14 the brownfield area.

15 (7) The contractor must certify to the department that  
16 the contractor:

17 (c) Maintains comprehensive general liability and  
18 comprehensive automobile liability insurance with minimum  
19 limits of at least \$1 million per claim ~~occurrence~~ and \$1  
20 million annual aggregate, sufficient to protect it from claims  
21 for damage for personal injury, including accidental death, as  
22 well as claims for property damage which may arise from  
23 performance of work under the program, designating the state  
24 as an additional insured party.

25 Section 12. Section 376.81, Florida Statutes, is  
26 amended to read:

27 376.81 Brownfield site and brownfield areas  
28 contamination cleanup criteria.--

29 (1) It is the intent of the Legislature to protect the  
30 health of all people under actual circumstances of exposure.  
31 By July 1, 2001 ~~1998~~, the secretary of the department shall

1 establish criteria by rule for the purpose of determining, on  
2 a site-specific basis, the rehabilitation program tasks that  
3 comprise a site rehabilitation program and the level at which  
4 a rehabilitation program task and a site rehabilitation  
5 program may be deemed completed. In establishing the rule,  
6 the department shall apply ~~incorporate~~, to the maximum extent  
7 feasible, a risk-based corrective action process ~~principles~~ to  
8 achieve protection of human health and safety and the  
9 environment in a cost-effective manner based on the principles  
10 set forth as provided in this subsection. The rule must  
11 prescribe a phased risk-based corrective action process that  
12 is iterative and that tailors site rehabilitation tasks to  
13 site-specific conditions and risks. The department and the  
14 person responsible for brownfield site rehabilitation are  
15 encouraged to establish decision points at which risk  
16 management decisions will be made. The department shall  
17 provide an early decision, when requested, regarding  
18 applicable exposure factors and a risk management approach  
19 based on the current and future land use at the site.The rule  
20 shall also include protocols for the use of natural  
21 attenuation, the use of institutional and engineering  
22 controls,and the issuance of "no further action" letters. The  
23 criteria for determining what constitutes a rehabilitation  
24 program task or completion of a site rehabilitation program  
25 task or site rehabilitation program must:

26 (a) Consider the current exposure and potential risk  
27 of exposure to humans and the environment, including multiple  
28 pathways of exposure. The physical, chemical, and biological  
29 characteristics of each contaminant must be considered in  
30 order to determine the feasibility of risk-based corrective  
31 action assessment.

1 (b) Establish the point of compliance at the source of  
2 the contamination. However, the department is authorized to  
3 temporarily move the point of compliance to the boundary of  
4 the property, or to the edge of the plume when the plume is  
5 within the property boundary, while cleanup, including cleanup  
6 through natural attenuation processes in conjunction with  
7 appropriate monitoring, is proceeding. The department also is  
8 authorized, pursuant to criteria provided for in this section,  
9 to temporarily extend the point of compliance beyond the  
10 property boundary with appropriate monitoring, if such  
11 extension is needed to facilitate natural attenuation or to  
12 address the current conditions of the plume, provided human  
13 health, public safety, and the environment are protected.  
14 When temporarily extending the point of compliance beyond the  
15 property boundary, it cannot be extended further than the  
16 lateral extent of the plume at the time of execution of the  
17 brownfield site rehabilitation agreement, if known, or the  
18 lateral extent of the plume as defined at the time of site  
19 assessment. Temporary extension of the point of compliance  
20 beyond the property boundary, as provided in this paragraph,  
21 must include actual notice by the person responsible for  
22 brownfield site rehabilitation to local governments and the  
23 owners of any property into which the point of compliance is  
24 allowed to extend and constructive notice to residents and  
25 business tenants of the property into which the point of  
26 compliance is allowed to extend. Persons receiving notice  
27 pursuant to this paragraph shall have the opportunity to  
28 comment within 30 days of receipt of the notice.

29 (c) Ensure that the site-specific cleanup goal is that  
30 all contaminated brownfield sites and brownfield areas  
31 ultimately achieve the applicable cleanup target levels

1 provided in this section. In the circumstances provided below,  
2 and after constructive notice and opportunity to comment  
3 within 30 days from receipt of the notice to local government,  
4 to owners of any property into which the point of compliance  
5 is allowed to extend, and to residents on any property into  
6 which the point of compliance is allowed to extend, the  
7 department may allow concentrations of contaminants to  
8 temporarily exceed the applicable cleanup target levels while  
9 cleanup, including cleanup through natural attenuation  
10 processes in conjunction with appropriate monitoring, is  
11 proceeding, if human health, public safety, and the  
12 environment are protected.

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

29 (e) Consider the additive effects of contaminants.  
30 The synergistic and antagonistic effects shall also be  
31 considered when the scientific data become available.



1 (f) Take into consideration individual site  
2 characteristics, which shall include, but not be limited to,  
3 the current and projected use of the affected groundwater and  
4 surface water in the vicinity of the site, current and  
5 projected land uses of the area affected by the contamination,  
6 the exposed population, the degree and extent of  
7 contamination, the rate of contaminant migration, the apparent  
8 or potential rate of contaminant degradation through natural  
9 attenuation processes, the location of the plume, and the  
10 potential for further migration in relation to site property  
11 boundaries.

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

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

29 2. Where surface waters are exposed to contaminated  
30 groundwater, the cleanup target levels for the contaminants  
31 shall be based on the more protective of the groundwater or

1 surface water standards as established by department rule.  
2 The point of measuring compliance with the surface water  
3 standards shall be in the groundwater immediately adjacent to  
4 the surface water body.

5       3. Using risk-based corrective action principles, the  
6 department shall approve ~~may set~~ alternative cleanup target  
7 levels in conjunction with institutional and engineering  
8 controls, if needed, based upon an applicant's demonstration,  
9 using site-specific data, modeling results, ~~and~~ risk  
10 assessment studies, risk reduction techniques, or a  
11 combination thereof, that human health, public safety, and the  
12 environment are protected to the same degree as provided in  
13 subparagraphs 1. and 2. Where a state water quality standard  
14 is applicable, a deviation may not result in the application  
15 of cleanup target levels more stringent than the standard. In  
16 determining whether it is appropriate to establish alternative  
17 cleanup target levels at a site, the department must consider  
18 the effectiveness of source removal, if any, which ~~that~~ has  
19 been completed at the site and the practical likelihood of the  
20 use of low yield or poor quality groundwater, the use of  
21 groundwater near marine surface water bodies, the current and  
22 projected use of the affected groundwater in the vicinity of  
23 the site, or the use of groundwater in the immediate vicinity  
24 of the contaminated area, where it has been demonstrated that  
25 the groundwater contamination is not migrating away from such  
26 localized source, provided human health, public safety, and  
27 the environment are protected. When using alternative cleanup  
28 target levels at a brownfield site, institutional controls  
29 shall not be required if:

30  
31

1           a. The only cleanup target levels exceeded are the  
2 groundwater cleanup target levels derived from nuisance,  
3 organoleptic, or aesthetic considerations;

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

7           c. All of the groundwater cleanup target levels  
8 established pursuant to subparagraph 1. are met at the  
9 property boundary;

10           d. The person responsible for brownfield site  
11 rehabilitation has demonstrated that the contaminants will not  
12 migrate beyond the property boundary at concentrations  
13 exceeding the groundwater cleanup target levels established  
14 pursuant to subparagraph 1.;

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

18           f. The real property owner provides written acceptance  
19 of the "no further action" proposal to the department or the  
20 local pollution control program.

21           (h) Provide for the department to issue a "no further  
22 action order," with conditions, including, but not limited to,  
23 the use of institutional or engineering controls where  
24 appropriate, when alternative cleanup target levels  
25 established pursuant to subparagraph (g)3. have been achieved,  
26 or when the person responsible for brownfield site  
27 rehabilitation can demonstrate that the cleanup target level  
28 is unachievable within available technologies. Prior to  
29 issuing such an order, the department shall consider the  
30 feasibility of an alternative site rehabilitation technology  
31 in the brownfield area.

1 (i) Establish appropriate cleanup target levels for  
2 soils.

3 1. In establishing soil cleanup target levels for  
4 human exposure to each contaminant found in soils from the  
5 land surface to 2 feet below land surface, the department  
6 shall apply ~~consider~~ the following, as appropriate:  
7 calculations using a lifetime cancer risk level of 1.0E-6; a  
8 hazard index of 1 or less; and the best achievable detection  
9 limit; ~~or the naturally occurring background concentration.~~  
10 However, the department shall not require site rehabilitation  
11 to achieve a cleanup target level for an individual  
12 contaminant which is more stringent than the site-specific,  
13 naturally occurring background concentration for that  
14 contaminant. Institutional controls or other methods shall be  
15 used to prevent human exposure to contaminated soils more than  
16 2 feet below the land surface. Any removal of such  
17 institutional controls shall require such contaminated soils  
18 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, and in conjunction with institutional and  
29 engineering controls, if needed, that contaminants will not  
30 leach into the groundwater at levels that ~~which~~ pose a threat  
31 to human health, public safety, and the environment.

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

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

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

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

28           376.82 Eligibility criteria and liability  
29 protection.--

30           (2) LIABILITY PROTECTION.--

31

1           (k) A person whose property becomes contaminated due  
2 to geophysical or hydrologic reasons, including the migration  
3 of contaminants onto their property from the operation of  
4 facilities and activities on a nearby designated brownfield  
5 area, and whose property has never been occupied by a business  
6 that utilized or stored the contaminants or similar  
7 constituents is not subject to administrative or judicial  
8 action brought by or on behalf of another to compel the  
9 rehabilitation of or the payment of the costs for the  
10 rehabilitation of sites contaminated by materials that  
11 migrated onto the property from the designated brownfield  
12 area, if the person:

13           1. Does not own and has never held an ownership  
14 interest in, or shared in the profits of, activities in the  
15 designated brownfield area operated at the source location;

16           2. Did not participate in the operation or management  
17 of the activities in the designated brownfield area operated  
18 at the source location; and

19           3. Did not cause, contribute to, or exacerbate the  
20 release or threat of release of any hazardous substance  
21 through any act or omission.

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

24           403.973 Expedited permitting; comprehensive plan  
25 amendments.--

26           (3)

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

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

31

1           190.012 Special powers; public improvements and  
2 community facilities.--The district shall have, and the board  
3 may exercise, subject to the regulatory jurisdiction and  
4 permitting authority of all applicable governmental bodies,  
5 agencies, and special districts having authority with respect  
6 to any area included therein, any or all of the following  
7 special powers relating to public improvements and community  
8 facilities authorized by this act:

9           (1) To finance, fund, plan, establish, acquire,  
10 construct or reconstruct, enlarge or extend, equip, operate,  
11 and maintain systems, facilities, and basic infrastructures  
12 for the following:

13           (a) Water management and control for the lands within  
14 the district and to connect some or any of such facilities  
15 with roads and bridges.

16           (b) Water supply, sewer, and wastewater management,  
17 reclamation, and reuse or any combination thereof, and to  
18 construct and operate connecting intercepting or outlet sewers  
19 and sewer mains and pipes and water mains, conduits, or  
20 pipelines in, along, and under any street, alley, highway, or  
21 other public place or ways, and to dispose of any effluent,  
22 residue, or other byproducts of such system or sewer system.

23           (c) Bridges or culverts that may be needed across any  
24 drain, ditch, canal, floodway, holding basin, excavation,  
25 public highway, tract, grade, fill, or cut and roadways over  
26 levees and embankments, and to construct any and all of such  
27 works and improvements across, through, or over any public  
28 right-of-way, highway, grade, fill, or cut.

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

1           2. Buses, trolleys, transit shelters, ridesharing  
2 facilities and services, parking improvements, and related  
3 signage.

4           (e) Investigation and remediation costs associated  
5 with the cleanup of actual or perceived environmental  
6 contamination within the district under the supervision or  
7 direction of a competent governmental authority unless the  
8 covered costs benefit any person who is a landowner within the  
9 district and who caused or contributed to the contamination.

10          ~~(f)~~(e) Conservation areas, mitigation areas, and  
11 wildlife habitat, including the maintenance of any plant or  
12 animal species, and any related interest in real or personal  
13 property.

14          (g)~~(f)~~ Any other project within or without the  
15 boundaries of a district when a local government issued a  
16 development order pursuant to s. 380.06 or s. 380.061  
17 approving or expressly requiring the construction or funding  
18 of the project by the district, or when the project is the  
19 subject of an agreement between the district and a  
20 governmental entity and is consistent with the local  
21 government comprehensive plan of the local government within  
22 which the project is to be located.

23           Section 16. Section 712.01, Florida Statutes, is  
24 amended to read:

25           712.01 Definitions.--As used in this law:

26           (1) The term "person" as used herein denotes singular  
27 or plural, natural or corporate, private or governmental,  
28 including the state and any political subdivision or agency  
29 thereof as the context for the use thereof requires or denotes  
30 and including any homeowners' association.

31



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

7           (3) "Title transaction" means any recorded instrument  
8 or court proceeding which affects title to any estate or  
9 interest in land and which describes the land sufficiently to  
10 identify its location and boundaries.

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

15           (5) The term "parcel" means real property which is  
16 used for residential purposes that is subject to exclusive  
17 ownership and which is subject to any covenant or restriction  
18 of a homeowners' association.

19           (6) The term "covenant or restriction" means any  
20 agreement or limitation contained in a document recorded in  
21 the public records of the county in which a parcel is located  
22 which subjects the parcel to any use restriction which may be  
23 enforced by a homeowners' association or which authorizes a  
24 homeowners' association to impose a charge or assessment  
25 against the parcel or the owner of the parcel or which may be  
26 enforced by the Florida Department of Environmental Protection  
27 pursuant to chapter 376 or chapter 403.

28           Section 17. Section 712.03, Florida Statutes, is  
29 amended to read:

30  
31

1           712.03 Exceptions to marketability.--Such marketable  
2 record title shall not affect or extinguish the following  
3 rights:

4           (1) Estates or interests, easements and use  
5 restrictions disclosed by and defects inherent in the  
6 muniments of title on which said estate is based beginning  
7 with the root of title; provided, however, that a general  
8 reference in any of such muniments to easements, use  
9 restrictions or other interests created prior to the root of  
10 title shall not be sufficient to preserve them unless specific  
11 identification by reference to book and page of record or by  
12 name of recorded plat be made therein to a recorded title  
13 transaction which imposed, transferred or continued such  
14 easement, use restrictions or other interests; subject,  
15 however, to the provisions of subsection (5).

16           (2) Estates, interests, claims, or charges, or any  
17 covenant or restriction, preserved by the filing of a proper  
18 notice in accordance with the provisions hereof.

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

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

24           (5) Recorded or unrecorded easements or rights,  
25 interest or servitude in the nature of easements,  
26 rights-of-way and terminal facilities, including those of a  
27 public utility or of a governmental agency, so long as the  
28 same are used and the use of any part thereof shall except  
29 from the operation hereof the right to the entire use thereof.  
30 No notice need be filed in order to preserve the lien of any  
31 mortgage or deed of trust or any supplement thereto

1 encumbering any such recorded or unrecorded easements, or  
2 rights, interest, or servitude in the nature of easements,  
3 rights-of-way, and terminal facilities. However, nothing  
4 herein shall be construed as preserving to the mortgagee or  
5 grantee of any such mortgage or deed of trust or any  
6 supplement thereto any greater rights than the rights of the  
7 mortgagor or grantor.

8 (6) Rights of any person in whose name the land is  
9 assessed on the county tax rolls for such period of time as  
10 the land is so assessed and which rights are preserved for a  
11 period of 3 years after the land is last assessed in such  
12 person's name.

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

15 (8) A restriction or covenant recorded pursuant to  
16 chapter 376 or chapter 403.

17 Section 18. Paragraph (j) of subsection (3) of section  
18 163.2517, Florida Statutes, is amended to read:

19 163.2517 Designation of urban infill and redevelopment  
20 area.--

21 (3) A local government seeking to designate a  
22 geographic area within its jurisdiction as an urban infill and  
23 redevelopment area shall prepare a plan that describes the  
24 infill and redevelopment objectives of the local government  
25 within the proposed area. In lieu of preparing a new plan, the  
26 local government may demonstrate that an existing plan or  
27 combination of plans associated with a community redevelopment  
28 area, Florida Main Street program, Front Porch Florida  
29 Community, sustainable community, enterprise zone, or  
30 neighborhood improvement district includes the factors listed  
31 in paragraphs (a)-(n), including a collaborative and holistic

1 community participation process, or amend such existing plans  
2 to include these factors. The plan shall demonstrate the local  
3 government and community's commitment to comprehensively  
4 address the urban problems within the urban infill and  
5 redevelopment area and identify activities and programs to  
6 accomplish locally identified goals such as code enforcement;  
7 improved educational opportunities; reduction in crime;  
8 neighborhood revitalization and preservation; provision of  
9 infrastructure needs, including mass transit and multimodal  
10 linkages; and mixed-use planning to promote multifunctional  
11 redevelopment to improve both the residential and commercial  
12 quality of life in the area. The plan shall also:

13 (j) Identify and adopt a package of financial and  
14 local government incentives which the local government will  
15 offer for new development, expansion of existing development,  
16 and redevelopment within the urban infill and redevelopment  
17 area. Examples of such incentives include:

18 1. Waiver of license and permit fees.

19 2. Exemption of sales made in the urban infill and  
20 redevelopment area from ~~Waiver of~~ local option sales surtaxes  
21 imposed pursuant to s. 212.054 ~~taxes~~.

22 3. Waiver of delinquent local taxes or fees to promote  
23 the return of property to productive use.

24 4. Expedited permitting.

25 5. Lower transportation impact fees for development  
26 which encourages more use of public transit, pedestrian, and  
27 bicycle modes of transportation.

28 6. Prioritization of infrastructure spending within  
29 the urban infill and redevelopment area.

30 7. Local government absorption of developers'  
31 concurrency costs.

1  
2 In order to be authorized to recognize the exemption from  
3 local option sales surtaxes pursuant to subparagraph 2., the  
4 owner, lessee, or lessor of the new development, expanding  
5 existing development, or redevelopment within the urban infill  
6 and redevelopment area must file an application under oath  
7 with the governing body having jurisdiction over the urban  
8 infill and redevelopment area where the business is located.  
9 The application must include the name and address of the  
10 business claiming the exclusion from collecting local option  
11 surtaxes; an address and assessment roll parcel number of the  
12 urban infill and redevelopment area for which the exemption is  
13 being sought; a description of the improvements made to  
14 accomplish the new development, expanding development, or  
15 redevelopment of the real property; a copy of the building  
16 permit application or the building permit issued for the  
17 development of the real property; a new application for a  
18 certificate of registration with the Department of Revenue  
19 with the address of the new development, expanding  
20 development, or redevelopment; and the location of the  
21 property. The local government must review and approve the  
22 application and submit the completed application and  
23 documentation along with a copy of the ordinance adopted  
24 pursuant to subsection (5) to the Department of Revenue in  
25 order for the business to become eligible to make sales exempt  
26 from local option sales surtaxes in the urban infill and  
27 redevelopment area.

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

30           212.08 Sales, rental, use, consumption, distribution,  
31 and storage tax; specified exemptions.--The sale at retail,

1 the rental, the use, the consumption, the distribution, and  
2 the storage to be used or consumed in this state of the  
3 following are hereby specifically exempt from the tax imposed  
4 by this chapter.

5 (13) No transactions shall be exempt from the tax  
6 imposed by this chapter except those expressly exempted  
7 herein. All laws granting tax exemptions, to the extent they  
8 may be inconsistent or in conflict with this chapter,  
9 including, but not limited to, the following designated laws,  
10 shall yield to and be superseded by the provisions of this  
11 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,  
12 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,  
13 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09,  
14 and the following Laws of Florida, acts of the year indicated:  
15 s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12,  
16 chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter  
17 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter  
18 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s.  
19 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter  
20 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and  
21 s. 10, chapter 67-1681. This subsection does not supersede the  
22 authority of a local government to adopt financial and local  
23 government incentives pursuant to s. 163.2517.

24 Section 20. Section 163.2523, Florida Statutes, is  
25 amended to read:

26 163.2523 Grant program.--An Urban Infill and  
27 Redevelopment Assistance Grant Program is created for local  
28 governments. A local government may allocate grant money to  
29 special districts, including community redevelopment agencies,  
30 and nonprofit community development organizations to implement  
31 projects consistent with an adopted urban infill and

1 redevelopment plan or plan employed in lieu thereof. Thirty  
2 percent of the general revenue appropriated for this program  
3 shall be available for planning grants to be used by local  
4 governments for the development of an urban infill and  
5 redevelopment plan, including community participation  
6 processes for the plan. Sixty percent of the general revenue  
7 appropriated for this program shall be available for  
8 fifty/fifty matching grants for implementing urban infill and  
9 redevelopment projects that further the objectives set forth  
10 in the local government's adopted urban infill and  
11 redevelopment plan or plan employed in lieu thereof. The  
12 remaining 10 percent of the revenue must be used for outright  
13 grants for implementing projects requiring an expenditure of  
14 under \$50,000. If the volume of fundable applications under  
15 any of the allocations specified in this section does not  
16 fully obligate the amount of the allocation, the Department of  
17 Community Affairs may transfer the unused balance to the  
18 category having the highest dollar value of applications  
19 eligible but unfunded. However, in no event may the percentage  
20 of dollars allocated to outright grants for implementing  
21 projects exceed 20 percent in any given fiscal year. Projects  
22 that provide employment opportunities to clients of the WAGES  
23 program and projects within urban infill and redevelopment  
24 areas that include a community redevelopment area, Florida  
25 Main Street program, Front Porch Florida Community,  
26 sustainable community, enterprise zone, federal enterprise  
27 zone, enterprise community, or neighborhood improvement  
28 district must be given an elevated priority in the scoring of  
29 competing grant applications. The Division of Housing and  
30 Community Development of the Department of Community Affairs  
31 shall administer the grant program. The Department of

1 Community Affairs shall adopt rules establishing grant review  
2 criteria consistent with this section.

3 Section 21. Section 376.3195, Florida Statutes, is  
4 repealed.

5 Section 22. Subsection (9) of section 211.3103,  
6 Florida Statutes, is repealed.

7 Section 23. In fiscal year 2000-2001, any unencumbered  
8 funds remaining undisbursed on June 30, 2001, from the  
9 Quick-Response Training Program, Brownfield Redevelopment  
10 Bonus Refunds, and funds appropriated in the General  
11 Appropriations Act for cleanup of state-owned lands, shall be  
12 used for grants to fund assessment and remediation at  
13 brownfield sites or areas designated pursuant to section  
14 376.80, Florida Statutes, prior to April 1, 2000, that are  
15 United States Environmental Protection Agency brownfield pilot  
16 projects designated prior to July 1, 1997, at which site  
17 assessment has been initiated as of April 1, 2000. Grants  
18 shall be distributed to eligible pilot projects under this  
19 part on a pro-rata basis in an amount not to exceed \$500,000  
20 per pilot project.

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

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