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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
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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.

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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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