

1 A bill to be entitled
2 An act relating to pollution control; amending
3 s. 206.9935, F.S.; providing requirements for
4 determination of the rate; amending s. 252.87,
5 F.S.; revising reporting requirements under the
6 Hazardous Materials Emergency Response and
7 Community Right-to-Know Act; amending s.
8 288.047, F.S.; requiring Enterprise Florida,
9 Inc., to set aside each fiscal year a certain
10 amount of the appropriation for the Quick
11 Response Training Program for businesses
12 located in a brownfield area; amending s.
13 288.107, F.S.; redefining the term "eligible
14 business"; providing for bonus refunds for
15 businesses that can demonstrate a fixed capital
16 investment in certain mixed use activities in
17 the brownfield area; amending s. 288.905, F.S.;
18 requiring Enterprise Florida, Inc., to develop
19 comprehensive marketing strategies for
20 redevelopment of brownfield areas; amending s.
21 376.051, F.S.; providing for the use of
22 risk-based cleanup criteria on state university
23 lands; amending s. 376.301, F.S.; redefining
24 the terms "antagonistic effects," "discharge,"
25 "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 an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (b) of subsection (2) and
14 paragraph (b) of subsection (3) of section 206.9935, Florida
15 Statutes, is amended to read:

16 206.9935 Taxes imposed.--

17 (2) TAX FOR WATER QUALITY.--

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

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

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

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

1 unobligated balance of the Water Quality Assurance Trust Fund
2 shall be performed annually subsequent to the annual
3 legislative appropriations becoming law.

4 1. As provided in this paragraph, the tax shall be
5 2.36 cents per gallon of solvents, 1 cent per gallon of motor
6 oil or other lubricants, and 2 cents per barrel of petroleum
7 products, pesticides, ammonia, and chlorine.

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

13 (3) TAX FOR INLAND PROTECTION.--

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

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

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

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

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

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

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

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

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

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

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

1 252.87 Supplemental state reporting requirements.--

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

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

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

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

16 288.047 Quick-response training for economic
17 development.--

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

27 Section 4. Section 288.107, Florida Statutes, is
28 amended to read:

29 288.107 Brownfield redevelopment bonus refunds.--

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

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

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

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

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

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

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

1 project and which are not associated with the implementation
2 of the site rehabilitation as provided in s. 376.80.

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

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

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

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

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

24 (b) The completion of a fixed capital investment of at
25 least \$2 million in mixed-use business activities, including
26 multiunit housing, commercial, retail, and industrial in
27 brownfield areas and which pay wages that are at least 80
28 percent of the average of all private sector wages in the
29 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 (5) MAPPING.--If an institutional control is
12 implemented at any contaminated site in a brownfield area
13 designated pursuant to s. 376.80, the property owner must
14 provide information regarding the institutional control to the
15 local government for mapping purposes. The local government
16 must then note the existence of the institutional control on
17 any relevant local land use and zoning maps with a cross
18 reference to the department's site registry developed pursuant
19 to subsection (6). If the type of institutional control used
20 requires recording with the local government, then the map
21 notation shall also provide a cross reference to the book and
22 page number where recorded. When a local government is
23 provided with evidence that the department has subsequently
24 issued a no further action order without institutional
25 controls for a site currently noted on such maps, the local
26 government shall remove the notation.

27 (6) REGISTRY.--The department shall prepare and
28 maintain a registry of all contaminated sites located in a
29 brownfield area designated pursuant to s. 376.80, which are
30 subject to institutional and engineering controls, in order to
31 provide a mechanism for the public and local governments to

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

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

21 376.3078 Drycleaning facility restoration; funds;
 22 uses; liability; recovery of expenditures.--

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

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

12 (i) Establish appropriate cleanup target levels for
13 soils.

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

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

1 The leachability goals shall not be applicable if the
2 department determines, based upon individual site
3 characteristics, that contaminants will not leach into the
4 groundwater at levels which pose a threat to human health,
5 public safety, and the environment.

6 3. The department may set alternative cleanup target
7 levels based upon the person responsible for site
8 rehabilitation demonstrating, using site-specific modeling and
9 risk assessment studies, that human health, public safety, and
10 the environment are protected.

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

22 (9) REQUIREMENT FOR DRYCLEANING FACILITIES.--It is the
23 intent of the Legislature that the following drycleaning
24 solvent containment shall be required of the owners or
25 operators of drycleaning facilities, as follows:

26 (a) Owners or operators of drycleaning facilities
27 shall by January 1, 1997, install dikes or other containment
28 structures around each machine or item of equipment in which
29 drycleaning solvents are used and around any area in which
30 solvents or waste-containing solvents are stored. Such dikes
31 or containment structures shall be capable of containing 110

1 percent of the capacity of each such machine and each such
2 storage area. To the extent practicable, each owner or
3 operator of a drycleaning facility shall seal or otherwise
4 render impervious those portions of all dikes' floor surfaces
5 upon which any drycleaning solvents may leak, spill, or
6 otherwise be released. Drycleaning facilities that commenced
7 operating prior to January 1, 1996, applied to the program by
8 December 30, 1997, and reported in the completed application
9 that the facility was not in compliance with this paragraph
10 shall be considered to have had secondary containment timely
11 installed for the purpose of determining eligibility for
12 state-funded site rehabilitation under this section if such
13 drycleaning facility entered into a consent order with the
14 department to install secondary containment and installed the
15 required containment by April 15, 1999. The department shall
16 reconsider the applications of facilities that meet the
17 criteria set forth in this paragraph and that were previously
18 determined to be ineligible due to failure to comply with
19 secondary containment requirements. Such facilities must meet
20 all other eligibility requirements.

21 Section 10. Section 376.79, Florida Statutes, is
22 amended to read:

23 376.79 Definitions.--As used in ss. 376.77-376.85, the
24 term:

25 (1) "Additive effects" means a scientific principle
26 that the toxicity that occurs as a result of exposure is the
27 sum of the toxicities of the individual chemicals to which the
28 individual is exposed.

29 (2) "Antagonistic effects" means a scientific
30 principle that the toxicity that occurs as a result of
31

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

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

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

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

20 ~~(6)(5)~~ "Contaminated site" means any contiguous land,
21 surface water, or groundwater areas that contain contaminants
22 that may be harmful to human health or the environment.

23 ~~(7)(6)~~ "Department" means the Department of
24 Environmental Protection.

25 ~~(8)(7)~~ "Engineering controls" means modifications to a
26 site to reduce or eliminate the potential for exposure to
27 contaminants. Such modifications may include, but are not
28 limited to, physical or hydraulic control measures, capping,
29 point of use treatments, or slurry walls.

30 ~~(9)(8)~~ "Environmental justice" means the fair
31 treatment of all people of all races, cultures, and incomes

1 with respect to the development, implementation, and
2 enforcement of environmental laws, regulations, and policies.

3 (10)~~(9)~~ "Institutional controls" means the restriction
4 on use of or access to a site to eliminate or minimize
5 exposure to contaminants. Such restrictions may include, but
6 are not limited to, deed restrictions, restrictive covenants,
7 or conservation easements ~~use restrictions, or restrictive~~
8 ~~zoning.~~

9 (11)~~(10)~~ "Local pollution control program" means a
10 local pollution control program that has received delegated
11 authority from the Department of Environmental Protection
12 under ss. 376.80(11) and 403.182.

13 (12)~~(11)~~ "Natural attenuation" means a verifiable
14 approach to site rehabilitation which allows natural processes
15 to contain the spread of contamination and reduce the
16 concentrations of contaminants in contaminated groundwater and
17 soil. Natural attenuation processes may include sorption,
18 biodegradation, chemical reactions with subsurface materials,
19 diffusion, dispersion, and volatilization.~~the verifiable~~
20 ~~reduction of contaminants through natural processes, which may~~
21 ~~include diffusion, dispersion, adsorption, and biodegradation.~~

22 (13)~~(12)~~ "Person responsible for brownfield site
23 rehabilitation" means the individual or entity that is
24 designated by the local government to enter into the
25 brownfield site rehabilitation agreement with the department
26 or an approved local pollution control program and enters into
27 an agreement with the local government for redevelopment of
28 the site.

29 (14)~~(13)~~ "Person" means any individual, partner, joint
30 venture, or corporation; any group of the foregoing, organized
31 or united for a business purpose; or any governmental entity.

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

5 ~~(16)(14)~~ "Secretary" means the secretary of the
6 Department of Environmental Protection.

7 ~~(17)(15)~~ "Site rehabilitation" means the assessment of
8 site contamination and the remediation activities that reduce
9 the levels of contaminants at a site through accepted
10 treatment methods to meet the cleanup target levels
11 established for that site.

12 ~~(18)(16)~~ "Source removal" means the removal of free
13 product,or the removal of contaminants from soil or sediment
14 that has been contaminated to the extent that leaching to
15 groundwater or surface water has occurred or is occurring.

16 ~~(19)(17)~~ "Synergistic effects" means a scientific
17 principle that the toxicity that occurs as a result of
18 exposure is more than the sum of the toxicities of the
19 individual chemicals to which the individual is exposed.

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

23 376.80 Brownfield program administration process.--

24 (4) Local governments or persons responsible for
25 rehabilitation and redevelopment of brownfield areas must
26 establish an advisory committee or use an existing advisory
27 committee that has formally expressed its intent to address
28 redevelopment of the specific brownfield area for the purpose
29 of improving public participation and receiving public
30 comments on rehabilitation and redevelopment of the brownfield
31 area, future land use, local employment opportunities,

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

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

7 (a) A brownfield site rehabilitation schedule,
8 including milestones for completion of site rehabilitation
9 tasks and submittal of technical reports and rehabilitation
10 plans as agreed upon by the parties to the agreement;

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

28 (c) A commitment to conduct site rehabilitation in
29 accordance with an approved comprehensive quality assurance
30 plan under department rules;

31

1 (d) A commitment to conduct site rehabilitation
2 consistent with state, federal, and local laws and consistent
3 with the brownfield site contamination cleanup criteria in s.
4 376.81, including any applicable requirements for risk-based
5 corrective action;

6 (e) Timeframes for the department's review of
7 technical reports and plans submitted in accordance with the
8 agreement. The department shall make every effort to adhere
9 to established agency goals for reasonable timeframes for
10 review of such documents;

11 (f) A commitment to secure site access for the
12 department or approved local pollution control program to all
13 brownfield sites within the eligible brownfield area for
14 activities associated with site rehabilitation;

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

19 (h) A commitment to consider appropriate pollution
20 prevention measures and to implement those that the person
21 responsible for brownfield site rehabilitation determines are
22 reasonable and cost-effective, taking into account the
23 ultimate use or uses of the brownfield site. Such measures
24 may include improved inventory or production controls and
25 procedures for preventing loss, spills, and leaks of hazardous
26 waste and materials, and include goals for the reduction of
27 releases of toxic materials; and

28 (i) Certification that an agreement exists between the
29 person responsible for brownfield site rehabilitation and the
30 local government with jurisdiction over the brownfield area.
31

1 Such agreement shall contain terms for the redevelopment of
2 the brownfield area.

3 (7) The contractor must certify to the department that
4 the contractor:

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

13 Section 12. Section 376.81, Florida Statutes, is
14 amended to read:

15 376.81 Brownfield site and brownfield areas
16 contamination cleanup criteria.--

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

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

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

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

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

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

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

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

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

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

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

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

24 3. The department shall approve ~~may set~~ alternative
 25 cleanup target levels in conjunction with institutional and
 26 engineering controls, if needed, based upon an applicant's
 27 demonstration, using site-specific data, modeling results, ~~and~~
 28 risk assessment studies, risk reduction techniques, or a
 29 combination thereof, that human health, public safety, and the
 30 environment are protected to the same degree as provided in
 31 subparagraphs 1. and 2. Where a state water quality standard

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

17 a. The only cleanup target levels exceeded are the
 18 groundwater cleanup target levels derived from nuisance,
 19 organoleptic, or aesthetic considerations;

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

23 c. All of the groundwater cleanup target levels
 24 established pursuant to subparagraph 1. are met at the
 25 property boundary;

26 d. The person responsible for brownfield site
 27 rehabilitation has demonstrated that the contaminants will not
 28 migrate beyond the property boundary at concentrations
 29 exceeding the groundwater cleanup target levels established
 30 pursuant to subparagraph 1.;

31

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

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

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

18 (i) Establish appropriate cleanup target levels for
19 soils.

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

1 used to prevent human exposure to contaminated soils more than
 2 2 feet below the land surface. Any removal of such
 3 institutional controls shall require such contaminated soils
 4 to be remediated.

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

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

26 (2) The department shall require source removal, if
 27 warranted and cost-effective. Once source removal at a site
 28 is complete, the department shall reevaluate the site to
 29 determine the degree of active cleanup needed to continue.
 30 Further, the department shall determine if the reevaluated
 31 site qualifies for monitoring only or if no further action is

1 required to rehabilitate the site. If additional site
2 rehabilitation is necessary to reach "no further action"
3 status, the department is encouraged to utilize natural
4 attenuation and monitoring where site conditions warrant.

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

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

13 376.82 Eligibility criteria and liability
14 protection.--

15 (2) LIABILITY PROTECTION.--

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

28 1. Does not own and has never held an ownership
29 interest in, or shared in the profits of, activities in the
30 designated brownfield area operated at the source location;
31

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

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

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

9 403.973 Expedited permitting; comprehensive plan
10 amendments.--

11 (3)

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

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

16 190.012 Special powers; public improvements and
17 community facilities.--The district shall have, and the board
18 may exercise, subject to the regulatory jurisdiction and
19 permitting authority of all applicable governmental bodies,
20 agencies, and special districts having authority with respect
21 to any area included therein, any or all of the following
22 special powers relating to public improvements and community
23 facilities authorized by this act:

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

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

31

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

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

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

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

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

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

30 (g)~~(f)~~ Any other project within or without the
31 boundaries of a district when a local government issued a

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

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

10 712.01 Definitions.--As used in this law:

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

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

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

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

30 (5) The term "parcel" means real property which is
31 used for residential purposes that is subject to exclusive

1 ownership and which is subject to any covenant or restriction
2 of a homeowners' association.

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

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

14 712.03 Exceptions to marketability.--Such marketable
15 record title shall not affect or extinguish the following
16 rights:

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

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

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

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

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

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

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

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

30 Section 18. Paragraph (j) of subsection (3) of section
31 163.2517, Florida Statutes, is amended to read:

1 163.2517 Designation of urban infill and redevelopment
2 area.--

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

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

31 1. Waiver of license and permit fees.

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

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

6 4. Expedited permitting.

7 5. Lower transportation impact fees for development
8 which encourages more use of public transit, pedestrian, and
9 bicycle modes of transportation.

10 6. Prioritization of infrastructure spending within
11 the urban infill and redevelopment area.

12 7. Local government absorption of developers'
13 concurrency costs.

14
15 In order to be authorized to recognize the exemption from
16 local option sales surtaxes pursuant to subparagraph 2., the
17 owner, lessee, or lessor of the new development, expanding
18 existing development, or redevelopment within the urban infill
19 and redevelopment area must file an application under oath
20 with the governing body having jurisdiction over the urban
21 infill and redevelopment area where the business is located.
22 The application must include the name and address of the
23 business claiming the exclusion from collecting local option
24 surtaxes; an address and assessment roll parcel number of the
25 urban infill and redevelopment area for which the exemption is
26 being sought; a description of the improvements made to
27 accomplish the new development, expanding development, or
28 redevelopment of the real property; a copy of the building
29 permit application or the building permit issued for the
30 development of the real property; a new application for a
31 certificate of registration with the Department of Revenue

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

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

12 212.08 Sales, rental, use, consumption, distribution,
13 and storage tax; specified exemptions.--The sale at retail,
14 the rental, the use, the consumption, the distribution, and
15 the storage to be used or consumed in this state of the
16 following are hereby specifically exempt from the tax imposed
17 by this chapter.

18 (13) No transactions shall be exempt from the tax
19 imposed by this chapter except those expressly exempted
20 herein. All laws granting tax exemptions, to the extent they
21 may be inconsistent or in conflict with this chapter,
22 including, but not limited to, the following designated laws,
23 shall yield to and be superseded by the provisions of this
24 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,
25 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,
26 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09,
27 and the following Laws of Florida, acts of the year indicated:
28 s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12,
29 chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter
30 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter
31 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s.

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

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

8 163.2523 Grant program.--An Urban Infill and
9 Redevelopment Assistance Grant Program is created for local
10 governments. A local government may allocate grant money to
11 special districts, including community redevelopment agencies,
12 and nonprofit community development organizations to implement
13 projects consistent with an adopted urban infill and
14 redevelopment plan or plan employed in lieu thereof. Thirty
15 percent of the general revenue appropriated for this program
16 shall be available for planning grants to be used by local
17 governments for the development of an urban infill and
18 redevelopment plan, including community participation
19 processes for the plan. Sixty percent of the general revenue
20 appropriated for this program shall be available for
21 fifty/fifty matching grants for implementing urban infill and
22 redevelopment projects that further the objectives set forth
23 in the local government's adopted urban infill and
24 redevelopment plan or plan employed in lieu thereof. The
25 remaining 10 percent of the revenue must be used for outright
26 grants for implementing projects requiring an expenditure of
27 under \$50,000. If the volume of fundable applications under
28 any of the allocations specified in this section does not
29 fully obligate the amount of the allocation, the Department of
30 Community Affairs may transfer the unused balance to the
31 category having the highest dollar value of applications

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

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

18 Section 22. This act shall take effect upon becoming a
19 law.

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