

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Needelman offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 199.1055, Florida Statutes, is amended to read:

199.1055 Contaminated site rehabilitation tax credit.--

(1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

(a) A credit in the amount of 50 ~~35~~ percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is available against any tax due for a taxable year under s. 199.032, less any credit allowed by former s. 220.68 for that year:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 366347

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18 376.3078(11), if the real property owner is not also, and has  
19 never been, the owner or operator of the drycleaning facility  
20 where the contamination exists; or

21 3. A brownfield site in a designated brownfield area under  
22 s. 376.80.

23 (b) A tax credit applicant, or multiple tax credit  
24 applicants working jointly to clean up a single site, may not be  
25 granted more than \$500,000 ~~\$250,000~~ per year in tax credits for  
26 each site voluntarily rehabilitated. Multiple tax credit  
27 applicants shall be granted tax credits in the same proportion  
28 as their contribution to payment of cleanup costs. Subject to  
29 the same conditions and limitations as provided in this section,  
30 a municipality, county, or other tax credit applicant which  
31 voluntarily rehabilitates a site may receive not more than  
32 \$500,000 ~~\$250,000~~ per year in tax credits which it can  
33 subsequently transfer subject to the provisions in paragraph  
34 (g).

35 (c) If the credit granted under this section is not fully  
36 used in any one year because of insufficient tax liability on  
37 the part of the tax credit applicant, the unused amount may be  
38 carried forward for a period not to exceed 5 years. Five years  
39 after the date a credit is granted under this section, such  
40 credit expires and may not be used. However, if during the 5-  
41 year period the credit is transferred, in whole or in part,  
42 pursuant to paragraph (g), each transferee has 5 years after the  
43 date of transfer to use its credit.

44 (d) A taxpayer that receives a credit under s. 220.1845 is  
45 ineligible to receive credit under this section in a given tax  
46 year.

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47 (e) A tax credit applicant that receives state-funded site  
48 rehabilitation pursuant to s. 376.3078(3) for rehabilitation of  
49 a drycleaning-solvent-contaminated site is ineligible to receive  
50 credit under this section for costs incurred by the tax credit  
51 applicant in conjunction with the rehabilitation of that site  
52 during the same time period that state-administered site  
53 rehabilitation was underway.

54 (f) The total amount of the tax credits which may be  
55 granted under this section and s. 220.1845 is \$5 ~~\$2~~ million  
56 annually.

57 (g)1. Tax credits that may be available under this section  
58 to an entity eligible under s. 376.30781 may be transferred  
59 after a merger or acquisition to the surviving or acquiring  
60 entity and used in the same manner with the same limitations.

61 2. The entity or its surviving or acquiring entity as  
62 described in subparagraph 1., may transfer any unused credit in  
63 whole or in units of no less than 25 percent of the remaining  
64 credit. The entity acquiring such credit may use it in the same  
65 manner and with the same limitation as described in this  
66 section. Such transferred credits may not be transferred again  
67 although they may succeed to a surviving or acquiring entity  
68 subject to the same conditions and limitations as described in  
69 this section.

70 3. In the event the credit provided for under this section  
71 is reduced either as a result of a determination by the  
72 Department of Environmental Protection or an examination or  
73 audit by the Department of Revenue, such tax deficiency shall be  
74 recovered from the first entity, or the surviving or acquiring  
75 entity, to have claimed such credit up to the amount of credit  
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76 taken. Any subsequent deficiencies shall be assessed against any  
77 entity acquiring and claiming such credit, or in the case of  
78 multiple succeeding entities in the order of credit succession.

79 (h) In order to encourage completion of site  
80 rehabilitation at contaminated sites being voluntarily cleaned  
81 up and eligible for a tax credit under this section, the tax  
82 credit applicant may claim an additional 25 ~~10~~ percent of the  
83 total cleanup costs, not to exceed \$500,000 ~~\$50,000~~, in the  
84 final year of cleanup as evidenced by the Department of  
85 Environmental Protection issuing a "No Further Action" order for  
86 that site.

87 (i) In order to encourage the construction of housing that  
88 meets the definition of "affordable" provided in s. 420.0004(3),  
89 an applicant for the tax credit may claim an additional 25  
90 percent of the total site-rehabilitation costs that are eligible  
91 for tax credits under this section, not to exceed \$500,000. In  
92 order to receive this additional tax credit, the applicant must  
93 provide a certification letter from the Florida Housing Finance  
94 Corporation, the local housing authority, or other governmental  
95 agency that is a party to the use agreement, indicating that the  
96 construction on the brownfield site is complete, the brownfield  
97 site has received a certificate of occupancy, and the brownfield  
98 site has a properly recorded instrument that limits the use of  
99 the property to housing that meets the definition of  
100 "affordable" provided in s. 420.0004(3).

101 Section 2. Subsection (1) of section 220.1845, Florida  
102 Statutes, is amended to read:

103 220.1845 Contaminated site rehabilitation tax credit.--

104 (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

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105 (a) A credit in the amount of 50 ~~35~~ percent of the costs  
106 of voluntary cleanup activity that is integral to site  
107 rehabilitation at the following sites is available against any  
108 tax due for a taxable year under this chapter:

109 1. A drycleaning-solvent-contaminated site eligible for  
110 state-funded site rehabilitation under s. 376.3078(3);

111 2. A drycleaning-solvent-contaminated site at which  
112 cleanup is undertaken by the real property owner pursuant to s.  
113 376.3078(11), if the real property owner is not also, and has  
114 never been, the owner or operator of the drycleaning facility  
115 where the contamination exists; or

116 3. A brownfield site in a designated brownfield area under  
117 s. 376.80.

118 (b) A tax credit applicant, or multiple tax credit  
119 applicants working jointly to clean up a single site, may not be  
120 granted more than \$500,000 ~~\$250,000~~ per year in tax credits for  
121 each site voluntarily rehabilitated. Multiple tax credit  
122 applicants shall be granted tax credits in the same proportion  
123 as their contribution to payment of cleanup costs. Subject to  
124 the same conditions and limitations as provided in this section,  
125 a municipality, county, or other tax credit applicant which  
126 voluntarily rehabilitates a site may receive not more than  
127 \$500,000 ~~\$250,000~~ per year in tax credits which it can  
128 subsequently transfer subject to the provisions in paragraph  
129 (h).

130 (c) If the credit granted under this section is not fully  
131 used in any one year because of insufficient tax liability on  
132 the part of the corporation, the unused amount may be carried  
133 forward for a period not to exceed 5 years. The carryover credit

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134 may be used in a subsequent year when the tax imposed by this  
135 chapter for that year exceeds the credit for which the  
136 corporation is eligible in that year under this section after  
137 applying the other credits and unused carryovers in the order  
138 provided by s. 220.02(8). Five years after the date a credit is  
139 granted under this section, such credit expires and may not be  
140 used. However, if during the 5-year period the credit is  
141 transferred, in whole or in part, pursuant to paragraph (h),  
142 each transferee has 5 years after the date of transfer to use  
143 its credit.

144 (d) A taxpayer that files a consolidated return in this  
145 state as a member of an affiliated group under s. 220.131(1) may  
146 be allowed the credit on a consolidated return basis up to the  
147 amount of tax imposed upon the consolidated group.

148 (e) A taxpayer that receives credit under s. 199.1055 is  
149 ineligible to receive credit under this section in a given tax  
150 year.

151 (f) A tax credit applicant that receives state-funded site  
152 rehabilitation under s. 376.3078(3) for rehabilitation of a  
153 drycleaning-solvent-contaminated site is ineligible to receive  
154 credit under this section for costs incurred by the tax credit  
155 applicant in conjunction with the rehabilitation of that site  
156 during the same time period that state-administered site  
157 rehabilitation was underway.

158 (g) The total amount of the tax credits which may be  
159 granted under this section and s. 199.1055 is \$5 ~~\$2~~ million  
160 annually.

161 (h)1. Tax credits that may be available under this section  
162 to an entity eligible under s. 376.30781 may be transferred

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163 after a merger or acquisition to the surviving or acquiring  
164 entity and used in the same manner and with the same  
165 limitations.

166 2. The entity or its surviving or acquiring entity as  
167 described in subparagraph 1., may transfer any unused credit in  
168 whole or in units of no less than 25 percent of the remaining  
169 credit. The entity acquiring such credit may use it in the same  
170 manner and with the same limitation as described in this  
171 section. Such transferred credits may not be transferred again  
172 although they may succeed to a surviving or acquiring entity  
173 subject to the same conditions and limitations as described in  
174 this section.

175 3. In the event the credit provided for under this section  
176 is reduced either as a result of a determination by the  
177 Department of Environmental Protection or an examination or  
178 audit by the Department of Revenue, such tax deficiency shall be  
179 recovered from the first entity, or the surviving or acquiring  
180 entity, to have claimed such credit up to the amount of credit  
181 taken. Any subsequent deficiencies shall be assessed against any  
182 entity acquiring and claiming such credit, or in the case of  
183 multiple succeeding entities in the order of credit succession.

184 (i) In order to encourage completion of site  
185 rehabilitation at contaminated sites being voluntarily cleaned  
186 up and eligible for a tax credit under this section, the tax  
187 credit applicant may claim an additional 25 ~~10~~ percent of the  
188 total cleanup costs, not to exceed \$500,000 ~~\$50,000~~, in the  
189 final year of cleanup as evidenced by the Department of  
190 Environmental Protection issuing a "No Further Action" order for  
191 that site.

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192       (j) In order to encourage the construction of housing that  
193 meets the definition of "affordable" provided in s. 420.0004(3),  
194 an applicant for the tax credit may claim an additional 25  
195 percent of the total site-rehabilitation costs that are eligible  
196 for tax credits under this section, not to exceed \$500,000. In  
197 order to receive this additional tax credit, the applicant must  
198 provide a certification letter from the Florida Housing Finance  
199 Corporation, the local housing authority, or other governmental  
200 agency that is a party to the use agreement, indicating that the  
201 construction on the brownfield site is complete, the brownfield  
202 site has received a certificate of occupancy, and the brownfield  
203 site has a properly recorded instrument that limits the use of  
204 the property to housing that meets the definition of  
205 "affordable" provided in s. 420.0004(3).

206       Section 3. Section 376.30781, Florida Statutes, is amended  
207 to read:

208       376.30781 Partial tax credits for rehabilitation of  
209 drycleaning-solvent-contaminated sites and brownfield sites in  
210 designated brownfield areas; application process; rulemaking  
211 authority; revocation authority.--

212       (1) The Legislature finds that:

213       (a) To facilitate property transactions and economic  
214 growth and development, it is in the interest of the state to  
215 encourage the cleanup, at the earliest possible time, of  
216 drycleaning-solvent-contaminated sites and brownfield sites in  
217 designated brownfield areas.

218       (b) It is the intent of the Legislature to encourage the  
219 voluntary cleanup of drycleaning-solvent-contaminated sites and  
220 brownfield sites in designated brownfield areas by providing a  
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221 partial tax credit for the restoration of such property in  
222 specified circumstances.

223 (2) Notwithstanding the requirements of subsection (5),  
224 tax credits allowed pursuant to ss. 199.1055 and 220.1845 are  
225 available for any site rehabilitation conducted during the  
226 calendar year in which the applicable voluntary cleanup  
227 agreement or brownfield site rehabilitation agreement is  
228 executed, even if the site rehabilitation is conducted prior to  
229 the execution of that agreement or the designation of the  
230 brownfield area.

231 (3)~~(2)~~(a) A credit in the amount of 50 ~~35~~ percent of the  
232 costs of voluntary cleanup activity that is integral to site  
233 rehabilitation at the following sites is allowed pursuant to ss.  
234 199.1055 and 220.1845:

235 1. A drycleaning-solvent-contaminated site eligible for  
236 state-funded site rehabilitation under s. 376.3078(3);

237 2. A drycleaning-solvent-contaminated site at which  
238 cleanup is undertaken by the real property owner pursuant to s.  
239 376.3078(11), if the real property owner is not also, and has  
240 never been, the owner or operator of the drycleaning facility  
241 where the contamination exists; or

242 3. A brownfield site in a designated brownfield area under  
243 s. 376.80.

244 (b) A tax credit applicant, or multiple tax credit  
245 applicants working jointly to clean up a single site, may not be  
246 granted more than \$500,000 ~~\$250,000~~ per year in tax credits for  
247 each site voluntarily rehabilitated. Multiple tax credit  
248 applicants shall be granted tax credits in the same proportion  
249 as their contribution to payment of cleanup costs. Tax credits  
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250 are available only for site rehabilitation conducted during the  
251 calendar year for which the tax credit application is submitted.

252 (c) In order to encourage completion of site  
253 rehabilitation at contaminated sites that are being voluntarily  
254 cleaned up and that are eligible for a tax credit under this  
255 section, the tax credit applicant may claim an additional 25 ~~10~~  
256 percent of the total cleanup costs, not to exceed \$500,000  
257 ~~\$50,000~~, in the final year of cleanup as evidenced by the  
258 Department of Environmental Protection issuing a "No Further  
259 Action" order for that site.

260 (d) In order to encourage the construction of housing that  
261 meets the definition of "affordable" provided in s. 420.0004(3),  
262 an applicant for the tax credit may claim an additional 25  
263 percent of the total site-rehabilitation costs that are eligible  
264 for tax credits under this section, not to exceed \$500,000. In  
265 order to receive this additional tax credit, the applicant must  
266 provide a certification letter from the Florida Housing Finance  
267 Corporation, the local housing authority, or other governmental  
268 agency that is a party to the use agreement, indicating that the  
269 construction on the brownfield site is complete, the brownfield  
270 site has received a certificate of occupancy, and the brownfield  
271 site has a properly recorded instrument that limits the use of  
272 the property to housing that meets the definition of  
273 "affordable" provided in s. 420.0004(3). Notwithstanding the  
274 limitation that only one application shall be submitted each  
275 year for each site, an application for the additional credit  
276 provided for in this paragraph shall be submitted as soon as all  
277 requirements to obtain this additional tax credit have been met.

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278        (e) Notwithstanding the restrictions in this section that  
279        limit tax credit eligibility to costs that are integral to site  
280        rehabilitation, in order to encourage the redevelopment of  
281        properties in designated brownfield areas that are hindered by  
282        the presence of solid waste, as defined in s. 403.703, a tax  
283        credit applicant may also claim costs to address the solid  
284        waste, but only those costs to sort, screen, separate, excavate,  
285        remove, transport, and dispose of solid waste in accordance with  
286        department rules. These costs are eligible for a tax credit  
287        provided the applicant submits an affidavit stating that, after  
288        consultation with appropriate local government officials and the  
289        department, to the best of the applicant's knowledge, the site  
290        was never operated as a landfill or dump site for monetary  
291        compensation and submits all other documentation and  
292        certifications required by this section. In this section, where  
293        reference is made to "site rehabilitation," the department shall  
294        instead consider whether the costs claimed are for sorting,  
295        screening, separation, excavation, removal, transportation, and  
296        disposal of solid waste. Tax credit applications claiming costs  
297        pursuant to this paragraph shall not be subject to the calendar-  
298        year limitation and January 15 annual application deadline and,  
299        instead, the department shall accept a one-time application  
300        filed subsequent to the tax credit applicant completing the  
301        applicable requirements listed in this paragraph. The department  
302        shall have 60 days from the date of receipt of any application  
303        claiming tax credits pursuant to this paragraph to process the  
304        application and grant or deny the claimed tax credits.

305        ~~(4)-(3)~~ The Department of Environmental Protection shall be  
306        responsible for allocating the tax credits provided for in ss.  
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307 199.1055 and 220.1845, not to exceed a total of \$5 ~~\$2~~ million in  
308 tax credits annually.

309 (5)~~(4)~~ To claim the credit for site rehabilitation  
310 conducted during the current calendar year, each tax credit  
311 applicant must apply to the Department of Environmental  
312 Protection for an allocation of the \$5 ~~\$2~~ million annual credit  
313 by January 15 of the following year on a form developed by the  
314 Department of Environmental Protection in cooperation with the  
315 Department of Revenue. The form shall include an affidavit from  
316 each tax credit applicant certifying that all information  
317 contained in the application, including all records of costs  
318 incurred and claimed in the tax credit application, are true and  
319 correct. If the application is submitted pursuant to  
320 subparagraph (3)~~(2)~~(a)2., the form must include an affidavit  
321 signed by the real property owner stating that it is not, and  
322 has never been, the owner or operator of the drycleaning  
323 facility where the contamination exists. Approval of partial tax  
324 credits must be accomplished on a first-come, first-served basis  
325 based upon the date complete applications are received by the  
326 Division of Waste Management. A tax credit applicant shall  
327 submit only one complete application per site for each calendar  
328 year's site rehabilitation costs. Incomplete placeholder  
329 applications shall not be accepted and will not secure a place  
330 in the first-come, first-served application line. To be eligible  
331 for a tax credit, the tax credit applicant must:

332 (a) Have entered into a voluntary cleanup agreement with  
333 the Department of Environmental Protection for a drycleaning-  
334 solvent-contaminated site or a Brownfield Site Rehabilitation  
335 Agreement, as applicable; and

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336 (b) Have paid all deductibles pursuant to s.  
337 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
338 sites.

339 ~~(6)~~(5) To obtain the tax credit certificate, a tax credit  
340 applicant must annually file an application for certification,  
341 which must be received by the Division of Waste Management of  
342 the Department of Environmental Protection by January 15 of the  
343 year following the calendar year for which site rehabilitation  
344 costs are being claimed in a tax credit application. The tax  
345 credit applicant must provide all pertinent information  
346 requested on the tax credit application form, including, at a  
347 minimum, the name and address of the tax credit applicant and  
348 the address and tracking identification number of the eligible  
349 site. Along with the tax credit application form, the tax credit  
350 applicant must submit the following:

351 (a) A nonrefundable review fee of \$250 made payable to the  
352 Water Quality Assurance Trust Fund to cover the administrative  
353 costs associated with the department's review of the tax credit  
354 application;

355 (b) Copies of contracts and documentation of contract  
356 negotiations, accounts, invoices, sales tickets, or other  
357 payment records from purchases, sales, leases, or other  
358 transactions involving actual costs incurred for that tax year  
359 related to site rehabilitation, as that term is defined in ss.  
360 376.301 and 376.79;

361 (c) Proof that the documentation submitted pursuant to  
362 paragraph (b) has been reviewed and verified by an independent  
363 certified public accountant in accordance with standards  
364 established by the American Institute of Certified Public  
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365 Accountants. Specifically, the certified public accountant must  
366 attest to the accuracy and validity of the costs incurred and  
367 paid by conducting an independent review of the data presented  
368 by the tax credit applicant. Accuracy and validity of costs  
369 incurred and paid would be determined once the level of effort  
370 was certified by an appropriate professional registered in this  
371 state in each contributing technical discipline. The certified  
372 public accountant's report would also attest that the costs  
373 included in the application form are not duplicated within the  
374 application. A copy of the accountant's report shall be  
375 submitted to the Department of Environmental Protection with the  
376 tax credit application; and

377 (d) A certification form stating that site rehabilitation  
378 activities associated with the documentation submitted pursuant  
379 to paragraph (b) have been conducted under the observation of,  
380 and related technical documents have been signed and sealed by,  
381 an appropriate professional registered in this state in each  
382 contributing technical discipline. The certification form shall  
383 be signed and sealed by the appropriate registered professionals  
384 stating that the costs incurred were integral, necessary, and  
385 required for site rehabilitation, as that term is defined in ss.  
386 376.301 and 376.79.

387 ~~(7)-(6)~~ The certified public accountant and appropriate  
388 registered professionals submitting forms as part of a tax  
389 credit application must verify such forms. Verification must be  
390 accomplished as provided in s. 92.525(1)(b) and subject to the  
391 provisions of s. 92.525(3).

392 ~~(8)-(7)~~ The Department of Environmental Protection shall  
393 review the tax credit application and any supplemental  
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394 documentation that the tax credit applicant may submit prior to  
395 the annual application deadline in order to have the application  
396 considered complete, for the purpose of verifying that the tax  
397 credit applicant has met the qualifying criteria in subsections  
398 (3)-(2) and (5)-(4) and has submitted all required documentation  
399 listed in subsection (6)-(5). Upon verification that the tax  
400 credit applicant has met these requirements, the department  
401 shall issue a written decision granting eligibility for partial  
402 tax credits (a tax credit certificate) in the amount of 50 ~~35~~  
403 percent of the total costs claimed, subject to the \$500,000  
404 ~~\$250,000~~ limitation, for the calendar year for which the tax  
405 credit application is submitted based on the report of the  
406 certified public accountant and the certifications from the  
407 appropriate registered technical professionals.

408 (9)-(8) On or before March 1, the Department of  
409 Environmental Protection shall inform each eligible tax credit  
410 applicant of the amount of its partial tax credit and provide  
411 each eligible tax credit applicant with a tax credit certificate  
412 that must be submitted with its tax return to the Department of  
413 Revenue to claim the tax credit or be transferred pursuant to s.  
414 199.1055(1)(g) or s. 220.1845(1)(h). Credits will not result in  
415 the payment of refunds if total credits exceed the amount of tax  
416 owed.

417 (10)-(9) If a tax credit applicant does not receive a tax  
418 credit allocation due to an exhaustion of the \$5 ~~\$2~~ million  
419 annual tax credit authorization, such application will then be  
420 included in the same first-come, first-served order in the next  
421 year's annual tax credit allocation, if any, based on the prior  
422 year application.

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423        (11)~~(10)~~ The Department of Environmental Protection may  
424 adopt rules to prescribe the necessary forms required to claim  
425 tax credits under this section and to provide the administrative  
426 guidelines and procedures required to administer this section.

427        (12)~~(11)~~ The Department of Environmental Protection may  
428 revoke or modify any written decision granting eligibility for  
429 partial tax credits under this section if it is discovered that  
430 the tax credit applicant submitted any false statement,  
431 representation, or certification in any application, record,  
432 report, plan, or other document filed in an attempt to receive  
433 partial tax credits under this section. The Department of  
434 Environmental Protection shall immediately notify the Department  
435 of Revenue of any revoked or modified orders affecting  
436 previously granted partial tax credits. Additionally, the tax  
437 credit applicant must notify the Department of Revenue of any  
438 change in its tax credit claimed.

439        (13)~~(12)~~ A tax credit applicant who receives state-funded  
440 site rehabilitation under s. 376.3078(3) for rehabilitation of a  
441 drycleaning-solvent-contaminated site is ineligible to receive a  
442 tax credit under s. 199.1055 or s. 220.1845 for costs incurred  
443 by the tax credit applicant in conjunction with the  
444 rehabilitation of that site during the same time period that  
445 state-administered site rehabilitation was underway.

446        Section 4. Paragraph (b) of subsection (15), and paragraph  
447 (b) of subsection (16) of section 196.012, Florida Statutes, are  
448 amended to read:

449        196.012 Definitions.--For the purpose of this chapter, the  
450 following terms are defined as follows, except where the context  
451 clearly indicates otherwise:

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452 (15) "New business" means:

453 (b) Any business located in an enterprise zone or  
454 brownfield area that first begins operation on a site clearly  
455 separate from any other commercial or industrial operation owned  
456 by the same business.

457 (16) "Expansion of an existing business" means:

458 (b) Any business located in an enterprise zone or  
459 brownfield area that increases operations on a site colocated  
460 with a commercial or industrial operation owned by the same  
461 business.

462 Section 5. Subsections (3) and (5) of section 196.1995,  
463 Florida Statutes, are amended to read:

464 196.1995 Economic development ad valorem tax exemption.--

465 (3) The board of county commissioners or the governing  
466 authority of the municipality that ~~which~~ calls a referendum  
467 within its total jurisdiction to determine whether its  
468 respective jurisdiction may grant economic development ad  
469 valorem tax exemptions may vote to limit the effect of the  
470 referendum to authority to grant economic development tax  
471 exemptions for new businesses and expansions of existing  
472 businesses located in an enterprise zone or a brownfield area,  
473 as defined in s. 376.79(4). If ~~In the event that~~ an area  
474 nominated to be an enterprise zone pursuant to s. 290.0055 has  
475 not yet been designated pursuant to s. 290.0065 or has not been  
476 designated as a brownfield pursuant to s. 376.80, the board of  
477 county commissioners or the governing authority of the  
478 municipality may call such referendum prior to such designation;  
479 however, the authority to grant economic development ad valorem  
480 tax exemptions does ~~will~~ not apply until such area is designated

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481 pursuant to s. 290.0065. The ballot question in such referendum  
482 shall be in substantially the following form and shall be used  
483 in lieu of the ballot question prescribed in subsection (2):  
484

485 Shall the board of county commissioners of this county (or the  
486 governing authority of this municipality, or both) be authorized  
487 to grant, pursuant to s. 3, Art. VII of the State Constitution,  
488 property tax exemptions for new businesses and expansions of  
489 existing businesses which are located in an enterprise zone or a  
490 brownfield area?

491  
492  Yes--For authority to grant exemptions.

493  No--Against authority to grant exemptions.

494 (5) Upon a majority vote in favor of such authority, the  
495 board of county commissioners or the governing authority of the  
496 municipality, at its discretion, by ordinance may exempt from ad  
497 valorem taxation up to 100 percent of the assessed value of all  
498 improvements to real property made by or for the use of a new  
499 business and of all tangible personal property of such new  
500 business, or up to 100 percent of the assessed value of all  
501 added improvements to real property made to facilitate the  
502 expansion of an existing business and of the net increase in all  
503 tangible personal property acquired to facilitate such expansion  
504 of an existing business, provided that the improvements to real  
505 property are made or the tangible personal property is added or  
506 increased on or after the day the ordinance is adopted. However,  
507 if the authority to grant exemptions is approved in a referendum  
508 in which the ballot question contained in subsection (3) appears  
509 on the ballot, the authority of the board of county

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510 commissioners or the governing authority of the municipality to  
511 grant exemptions is limited solely to new businesses and  
512 expansions of existing businesses that ~~which~~ are located in an  
513 enterprise zone or brownfield area. Property acquired to replace  
514 existing property shall not be considered to facilitate a  
515 business expansion. The exemption applies only to taxes levied  
516 by the respective unit of government granting the exemption. The  
517 exemption does not apply, however, to taxes levied for the  
518 payment of bonds or to taxes authorized by a vote of the  
519 electors pursuant to s. 9(b) or s. 12, Art. VII of the State  
520 Constitution. Any such exemption shall remain in effect for up  
521 to 10 years with respect to any particular facility, regardless  
522 of any change in the authority of the county or municipality to  
523 grant such exemptions. The exemption shall not be prolonged or  
524 extended by granting exemptions from additional taxes or by  
525 virtue of any reorganization or sale of the business receiving  
526 the exemption.

527 Section 6. Subsection (2) of section 288.9015, Florida  
528 Statutes, is amended to read:

529 288.9015 Enterprise Florida, Inc.; purpose; duties.--

530 (2) It shall be the responsibility of Enterprise Florida,  
531 Inc., to aggressively market Florida's rural communities,  
532 distressed urban communities, brownfields, and enterprise zones  
533 as locations for potential new investment, to aggressively  
534 assist in the retention and expansion of existing businesses in  
535 these communities, and to aggressively assist these communities  
536 in the identification and development of new economic  
537 development opportunities for job creation, fully marketing  
538 state incentive programs such as the Qualified Target Industry

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539 Tax Refund Program under s. 288.106 and the Quick Action Closing  
540 Fund under s. 288.1088 in economically distressed areas.

541 Section 7. Paragraph (b) of subsection (2) of section  
542 376.80, Florida Statutes, is amended to read:

543 376.80 Brownfield program administration process.--

544 (2)

545 (b) A local government shall designate a brownfield area  
546 under the provisions of this act provided that:

547 1. A person who owns or controls a potential brownfield  
548 site is requesting the designation and has agreed to  
549 rehabilitate and redevelop the brownfield site;

550 2. The rehabilitation and redevelopment of the proposed  
551 brownfield site will result in economic productivity of the  
552 area, along with the creation of at least 10 new permanent jobs  
553 at the brownfield site, ~~whether full-time or part-time~~, which  
554 are full-time equivalent positions not associated with the  
555 implementation of the brownfield site rehabilitation agreement  
556 and which are not associated with redevelopment project  
557 demolition or construction activities pursuant to the  
558 redevelopment agreement required under paragraph (5)(i).

559 However, the job-creation requirement shall not apply to the  
560 rehabilitation and redevelopment of a brownfield site that will  
561 provide affordable housing as defined in s. 420.0004(3) or the  
562 creation of recreational areas, conservation areas, or parks;

563 3. The redevelopment of the proposed brownfield site is  
564 consistent with the local comprehensive plan and is a  
565 permittable use under the applicable local land development  
566 regulations;

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567 4. Notice of the proposed rehabilitation of the brownfield  
568 area has been provided to neighbors and nearby residents of the  
569 proposed area to be designated, and the person proposing the  
570 area for designation has afforded to those receiving notice the  
571 opportunity for comments and suggestions about rehabilitation.  
572 Notice pursuant to this subsection must be made in a newspaper  
573 of general circulation in the area, at least 16 square inches in  
574 size, and the notice must be posted in the affected area; and

575 5. The person proposing the area for designation has  
576 provided reasonable assurance that he or she has sufficient  
577 financial resources to implement and complete the rehabilitation  
578 agreement and redevelopment plan.

579 Section 8. Subsection (1) of section 376.86, Florida  
580 Statutes, is amended to read:

581 376.86 Brownfield Areas Loan Guarantee Program.--

582 (1) The Brownfield Areas Loan Guarantee Council is created  
583 to review and approve or deny by a majority vote of its  
584 membership, the situations and circumstances for participation  
585 in partnerships by agreements with local governments, financial  
586 institutions, and others associated with the redevelopment of  
587 brownfield areas pursuant to the Brownfields Redevelopment Act  
588 for a limited state guaranty of up to 5 years of loan guarantees  
589 or loan loss reserves issued pursuant to law. The limited state  
590 loan guaranty applies only to 50 ~~40~~ percent of the primary  
591 lenders loans for redevelopment projects in brownfield areas. If  
592 the redevelopment project is for affordable housing, as defined  
593 in s. 420.0004(3), in a brownfield area, the limited state loan  
594 guaranty applies to 75 percent of the primary lender's loan. A  
595 limited state guaranty of private loans or a loan loss reserve

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596 is authorized for lenders licensed to operate in the state upon  
597 a determination by the council that such an arrangement would be  
598 in the public interest and the likelihood of the success of the  
599 loan is great.

600 Section 9. Sections 376.87 and 376.875, Florida Statutes,  
601 are repealed.

602 Section 10. Paragraph (f) of subsection (2) of section  
603 14.2015, Florida Statutes, is amended to read:

604 14.2015 Office of Tourism, Trade, and Economic  
605 Development; creation; powers and duties.--

606 (2) The purpose of the Office of Tourism, Trade, and  
607 Economic Development is to assist the Governor in working with  
608 the Legislature, state agencies, business leaders, and economic  
609 development professionals to formulate and implement coherent  
610 and consistent policies and strategies designed to provide  
611 economic opportunities for all Floridians. To accomplish such  
612 purposes, the Office of Tourism, Trade, and Economic Development  
613 shall:

614 (f)1. Administer the Florida Enterprise Zone Act under ss.  
615 290.001-290.016, the community contribution tax credit program  
616 under ss. 220.183 and 624.5105, the tax refund program for  
617 qualified target industry businesses under s. 288.106, the tax-  
618 refund program for qualified defense contractors under s.  
619 288.1045, contracts for transportation projects under s.  
620 288.063, the sports franchise facility program under s.  
621 288.1162, the professional golf hall of fame facility program  
622 under s. 288.1168, the expedited permitting process under s.  
623 403.973, the Rural Community Development Revolving Loan Fund  
624 under s. 288.065, the Regional Rural Development Grants Program  
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625 under s. 288.018, the Certified Capital Company Act under s.  
626 288.99, the Florida State Rural Development Council, the Rural  
627 Economic Development Initiative, and other programs that are  
628 specifically assigned to the office by law, by the  
629 appropriations process, or by the Governor. Notwithstanding any  
630 other provisions of law, the office may expend interest earned  
631 from the investment of program funds deposited in the Grants and  
632 Donations Trust Fund ~~and the Brownfield Property Ownership~~  
633 ~~Clearance Assistance Revolving Loan Trust Fund~~ to contract for  
634 the administration of the programs, or portions of the programs,  
635 enumerated in this paragraph or assigned to the office by law,  
636 by the appropriations process, or by the Governor. Such  
637 expenditures shall be subject to review under chapter 216.

638 2. The office may enter into contracts in connection with  
639 the fulfillment of its duties concerning the Florida First  
640 Business Bond Pool under chapter 159, tax incentives under  
641 chapters 212 and 220, tax incentives under the Certified Capital  
642 Company Act in chapter 288, foreign offices under chapter 288,  
643 the Enterprise Zone program under chapter 290, the Seaport  
644 Employment Training program under chapter 311, the Florida  
645 Professional Sports Team License Plates under chapter 320,  
646 Spaceport Florida under chapter 331, Expedited Permitting under  
647 chapter 403, and in carrying out other functions that are  
648 specifically assigned to the office by law, by the  
649 appropriations process, or by the Governor.

650 Section 11. This act shall take effect July 1, 2006.

651

652

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

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654 Remove the entire title and insert:  
655 A bill to be entitled  
656 An act relating to the redevelopment of brownfields;  
657 amending ss. 199.1055, 220.1845, and 376.30781, F.S.;  
658 increasing the amount and percentage of the credit that  
659 may be applied against the intangible personal property  
660 tax and the corporate income tax for the cost of voluntary  
661 cleanup of a contaminated site; increasing the amount that  
662 may be received by the taxpayer as an incentive to  
663 complete the cleanup in the final year; increasing the  
664 total amount of credits that may be granted in any year;  
665 providing tax credits for voluntary cleanup activities  
666 related to solid waste disposal facilities; providing  
667 criteria for eligible sites and activities; directing the  
668 Department of Environmental Protection to apply certain  
669 criteria, requirements, and limitations for implementation  
670 of such provisions; providing certain exceptions; amending  
671 ss. 196.012 and 196.1995, F.S., to include brownfield  
672 areas in the implementation of the economic development ad  
673 valorem tax exemption authorized under s. 3, Art VII of  
674 the Florida Constitution; amending s. 288.9015, F.S.;  
675 requiring Enterprise Florida, Inc., to aggressively market  
676 brownfields; amending ss. 376.80 and 376.86, F.S.;  
677 increasing the percentage of loans for redevelopment  
678 projects in brownfield areas to which the state loan  
679 guarantee applies under the Brownfield Areas Loan  
680 Guarantee Program; repealing s. 376.87, F.S., relating to  
681 the Brownfield Property Ownership Clearance Assistance;  
682 repealing s. 376.875, F.S., relating to the Brownfield

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683           Property Ownership Clearance Assistance Revolving Loan  
684           Trust Fund; amending s. 14.2015, F.S.; deleting a  
685           reference to the trust fund to conform; providing an  
686           effective date.  
687