

1 A bill to be entitled
2 An act relating to brownfield site redevelopment; amending
3 s. 212.08, F.S.; revising a definition for purposes of
4 providing a sales tax exemption for materials used in
5 constructing certain homes in certain areas; amending s.
6 220.1845, F.S.; expanding eligibility for site
7 rehabilitation tax credits; providing for application to
8 brownfield site redevelopment solid waste removal costs;
9 providing requirements and limitations; providing
10 definitions; providing for application to construction and
11 operation of new health care facilities or health care
12 providers on brownfield sites; providing requirements;
13 amending s. 376.30781, F.S.; revising provisions providing
14 partial tax credits for rehabilitation of certain
15 contaminated sites and brownfield sites; providing for
16 application to solid waste removal activities and site
17 rehabilitation; providing for granting tax credits to
18 multiple applicants; providing criteria for claiming costs
19 for solid waste removal; providing definitions; providing
20 for application to construction and operation of new
21 health care facilities or health care providers on
22 brownfield sites; providing requirements; revising
23 criteria and requirements for granting site rehabilitation
24 removal tax credits; providing criteria and requirements
25 for granting solid waste removal tax credits; revising
26 criteria and requirements for Department of Environmental
27 Protection review of tax credit applications; providing
28 notice requirements for the department in reviewing

29 applications; increasing available amounts eligible for
30 tax credits; providing additional limitations on tax
31 credit awards for site rehabilitation costs and solid
32 waste removal costs; providing construction of costs not
33 eligible for tax credits; amending s. 376.79, F.S.;
34 revising definitions relating to brownfield redevelopment;
35 conforming a cross-reference; amending s. 376.80, F.S.;
36 revising the brownfield program administration process;
37 revising local government proposal requirements; revising
38 requirements for brownfield site redevelopment agreements;
39 deleting certain brownfield site rehabilitation contractor
40 certification requirements; deleting a requirement that
41 certain professionals carry professional liability
42 insurance; providing legislative findings and
43 declarations; authorizing local governments to evaluate
44 certain benefits and effects of brownfield site
45 redevelopment and rehabilitation; providing criteria;
46 authorizing the Department of Health to assist local
47 governments in such evaluations; amending s. 376.82, F.S.;
48 conforming references; amending s. 376.86, F.S.; providing
49 for limited application of Brownfield Areas Loan Guarantee
50 Program grants to construction and operation of new health
51 care facilities and health care providers; expanding
52 membership of the Brownfield Areas Loan Guarantee Council;
53 providing an effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:
56

57 Section 1. Paragraph (n) of subsection (5) of section
 58 212.08, Florida Statutes, is amended to read:

59 212.08 Sales, rental, use, consumption, distribution, and
 60 storage tax; specified exemptions.--The sale at retail, the
 61 rental, the use, the consumption, the distribution, and the
 62 storage to be used or consumed in this state of the following
 63 are hereby specifically exempt from the tax imposed by this
 64 chapter.

65 (5) EXEMPTIONS; ACCOUNT OF USE.--

66 (n) Materials for construction of single-family homes in
 67 certain areas.--

68 1. As used in this paragraph, the term:

69 a. "Building materials" means tangible personal property
 70 that becomes a component part of a qualified home.

71 b. "Qualified home" means a single-family home or dwelling
 72 constructed for occupancy by any person or household and meeting
 73 the definition of "affordable" provided in s. 420.0004 that
 74 ~~having an appraised value of no more than \$160,000 which is~~
 75 located in an enterprise zone, empowerment zone, brownfield area
 76 designated pursuant to s. 376.80, or Front Porch Florida
 77 Community and ~~which~~ is constructed and occupied by the owner
 78 thereof for residential purposes.

79 c. "Substantially completed" has the same meaning as
 80 provided in s. 192.042~~(1)~~.

81 2. Building materials used in the construction of a
 82 qualified home and the costs of labor associated with the
 83 construction of a qualified home are exempt from the tax imposed
 84 by this chapter upon an affirmative showing to the satisfaction

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85 | of the department that the requirements of this paragraph have
86 | been met. This exemption inures to the owner through a refund of
87 | previously paid taxes. To receive this refund, the owner must
88 | file an application under oath with the department which
89 | includes:

90 | a. The name and address of the owner.

91 | b. The address and assessment roll parcel number of the
92 | home for which a refund is sought.

93 | c. A copy of the building permit issued for the home.

94 | d. A certification by the local building code inspector
95 | that the home is substantially completed.

96 | e. A sworn statement, under penalty of perjury, from the
97 | general contractor licensed in this state with whom the owner
98 | contracted to construct the home, which statement lists the
99 | building materials used in the construction of the home and the
100 | actual cost thereof, the labor costs associated with such
101 | construction, and the amount of sales tax paid on these
102 | materials and labor costs. If a general contractor was not used,
103 | the owner shall provide this information in a sworn statement,
104 | under penalty of perjury. Copies of invoices evidencing payment
105 | of sales tax must be attached to the sworn statement.

106 | f. A sworn statement, under penalty of perjury, from the
107 | owner affirming that he or she is occupying the home for
108 | residential purposes.

109 | 3. An application for a refund under this paragraph must
110 | be submitted to the department within 6 months after the date
111 | the home is deemed to be substantially completed by the local
112 | building code inspector. Within 30 working days after receipt of

113 the application, the department shall determine if it meets the
 114 requirements of this paragraph. A refund approved pursuant to
 115 this paragraph shall be made within 30 days after formal
 116 approval of the application by the department.

117 4. The department shall establish by rule an application
 118 form and criteria for establishing eligibility for exemption
 119 under this paragraph.

120 5. The exemption shall apply to purchases of materials on
 121 or after July 1, 2000.

122 Section 2. Paragraph (i) of subsection (1) of section
 123 220.1845, Florida Statutes, is amended, and paragraphs (j) and
 124 (k) are added to that subsection, to read:

125 220.1845 Contaminated site rehabilitation tax credit.--

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

127 (i) In order to encourage the construction of housing that
 128 meets the definition of "affordable" provided in s. 420.0004~~(3)~~,
 129 an applicant for the tax credit may claim an additional 25
 130 percent of the total site rehabilitation costs that are eligible
 131 for tax credits under this section, including site
 132 rehabilitation costs as provided in paragraph (j) and s.
 133 376.30781(3) (e), not to exceed \$500,000. In order to receive
 134 this additional tax credit, the applicant must provide a
 135 certification letter from the Florida Housing Finance
 136 Corporation, the local housing authority, or other governmental
 137 agency that is a party to the use agreement~~,~~ indicating that the
 138 construction on the brownfield site is substantially completed
 139 as defined in s. 192.042 or complete, the brownfield site has
 140 received a certificate of occupancy~~,~~ and that the brownfield

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141 site has a properly recorded instrument that limits the use of
142 the property to housing that meets the definition of
143 "affordable" provided in s. 420.0004~~(3)~~.

144 (j) In order to encourage the redevelopment of a
145 brownfield site, as defined in the brownfield site
146 rehabilitation agreement, that is hindered by the presence of
147 solid waste, as defined in s. 403.703, a tax credit applicant,
148 or multiple tax credit applicants working jointly to clean up a
149 single brownfield site, may also claim costs required to address
150 removal of the solid waste in accordance with department rules.
151 Multiple tax credit applicants shall be granted tax credits in
152 the same proportion as the contribution each such applicant
153 makes to the total payment of solid waste removal costs. These
154 costs are eligible for a tax credit provided the applicant
155 submits an affidavit stating that, after consultation with
156 appropriate local government officials and the department, to
157 the best of the applicant's knowledge according to such
158 consultation and available historical records, the brownfield
159 site was never operated as a permitted solid waste disposal area
160 and was never operated for monetary compensation and provided
161 the applicant submits all other documentation and certifications
162 required by this section. Under this section, wherever reference
163 is made to "site rehabilitation," the department shall instead
164 consider whether the costs claimed are for solid waste removal
165 and the applicant seeking recovery of costs under this paragraph
166 for solid waste removal may be eligible to receive tax credits
167 under this subsection in accordance with the requirements of
168 this subsection. Tax credit applications claiming costs pursuant

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169 to this paragraph shall not be subject to the calendar-year
170 limitation and January 15 annual application deadline, and the
171 department shall accept a one-time application filed subsequent
172 to the completion by the tax credit applicant of the applicable
173 requirements listed in this subsection. A tax credit applicant
174 may claim 50 percent of the costs for solid waste removal, not
175 to exceed \$500,000, after the applicant has determined solid
176 waste removal is completed for the brownfield site. A solid
177 waste removal tax credit application may be filed only once per
178 brownfield site. For the purposes of this section, the term:

179 1. "Solid waste disposal area" means a landfill, dump, or
180 other area where solid waste has been disposed of.

181 2. "Monetary compensation" means the fees that were
182 charged or the assessments that were levied for the disposal of
183 solid waste at a solid waste disposal area.

184 3. "Solid waste removal" means removal of solid waste from
185 the land surface or excavation of solid waste from below the
186 land surface and removal of the solid waste from the brownfield
187 site. The term includes:

188 a. Transportation of solid waste to a licensed or exempt
189 solid waste management facility or to a temporary storage area.

190 b. Sorting or screening of solid waste prior to removal
191 from the site.

192 c. Deposition of solid waste at a permitted or exempt
193 solid waste management facility, whether the solid waste is
194 disposed of or recycled.

195 (k) In order to encourage the construction and operation
196 of a new health care facility or a health care provider, as

197 defined in s. 408.032, s. 408.07, or s. 408.7056, on a
 198 brownfield site, an applicant for a tax credit may claim an
 199 additional 25 percent of the total site rehabilitation costs,
 200 not to exceed \$500,000. In order to receive this additional tax
 201 credit, the applicant must provide documentation indicating that
 202 the construction of the health care facility or health care
 203 provider by the applicant on the brownfield site has been
 204 substantially completed as defined in s. 192.042 or that a
 205 certificate of occupancy or a license or certificate for the
 206 operation of the health care facility or health care provider
 207 has been issued.

208 Section 3. Section 376.30781, Florida Statutes, is amended
 209 to read:

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

214 (1) The Legislature finds that:

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

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

225 (2) Notwithstanding the requirements of subsection
 226 ~~paragraph~~ (5)(a), tax credits allowed pursuant to s. 220.1845
 227 are available for any site rehabilitation or solid waste removal
 228 conducted during the calendar year in which the applicable
 229 voluntary cleanup agreement or brownfield site rehabilitation
 230 agreement is executed, even if the site rehabilitation or solid
 231 waste removal is conducted prior to the execution of that
 232 agreement or the designation of the brownfield area.

233 (3)(a) A credit in the amount of 50 percent of the costs
 234 of voluntary cleanup activity that is integral to site
 235 rehabilitation at the following sites is allowed pursuant to s.
 236 220.1845:

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

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

244 3. A brownfield site in a designated brownfield area under
 245 s. 376.80.

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

253 only for site rehabilitation conducted during the calendar year
 254 for which the tax credit application is submitted. For purposes
 255 of this section, the term "integral to site rehabilitation"
 256 means work that is necessary to implement the requirements of
 257 chapter 62-785 or chapter 62-782, Florida Administrative Code.

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

266 (d) In order to encourage the construction of housing that
 267 meets the definition of affordable provided in s. 420.0004~~(3)~~,
 268 an applicant for the tax credit may claim an additional 25
 269 percent of the total site rehabilitation costs that are eligible
 270 for tax credits under this section, including site
 271 rehabilitation costs as provided in paragraph (e), not to exceed
 272 \$500,000. In order to receive this additional tax credit, the
 273 applicant must provide a certification letter from the Florida
 274 Housing Finance Corporation, the local housing authority, or
 275 other governmental agency that is a party to the use agreement~~7~~
 276 indicating that the construction on the brownfield site is
 277 substantially completed as defined in s. 192.042 or complete~~7~~,
 278 the brownfield site has received a certificate of occupancy~~7~~ and
 279 that the brownfield site has a properly recorded instrument that
 280 limits the use of the property to housing that meets the

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281 definition of affordable provided in s. 420.0004(3).
282 Notwithstanding the limitation that only one application shall
283 be submitted each year for each site, an application for the
284 additional credit provided for in this paragraph shall be
285 submitted after ~~as soon as~~ all requirements to obtain this
286 additional tax credit have been met.

287 (e) In order ~~Notwithstanding the restrictions in this~~
288 ~~section that limit tax credit eligibility to costs that are~~
289 ~~integral to site rehabilitation,~~ to encourage the redevelopment
290 of a brownfield site, as defined in the brownfield site
291 rehabilitation agreement, properties in designated brownfield
292 ~~areas~~ that is ~~are~~ hindered by the presence of solid waste, as
293 defined in s. 403.703, a tax credit applicant, or multiple tax
294 credit applicants working jointly to clean up a single
295 brownfield site, may also claim costs to address removal of the
296 ~~solid waste, but only those costs to remove, transport, and~~
297 ~~dispose of solid waste~~ in accordance with department rules.
298 Multiple tax credit applicants shall be granted tax credits in
299 the same proportion as the contribution of each such applicant
300 makes to the total payment of solid waste removal costs. These
301 costs are eligible for a tax credit provided the applicant
302 submits an affidavit stating that, after consultation with
303 appropriate local government officials and the department, to
304 the best of the applicant's knowledge according to such
305 consultation and available historical records, the brownfield
306 site was never operated as a permitted solid waste disposal area
307 and was never operated landfill or dump site for monetary
308 compensation, and provided the applicant submits all other

309 documentation and certifications required by this section. In
 310 this section, where reference is made to "site rehabilitation,"
 311 the department shall instead consider whether the costs claimed
 312 are for solid waste removal and the applicant seeking recovery
 313 of costs under this paragraph for solid waste removal may be
 314 eligible to receive tax credits under this subsection in
 315 accordance with the requirements of this subsection~~removal,~~
 316 ~~transportation, and disposal of solid waste.~~ Tax credit
 317 applications claiming costs pursuant to this paragraph shall not
 318 be subject to the calendar-year limitation and January 15 annual
 319 application deadline, and the department shall accept a one-time
 320 application filed subsequent to the completion by the tax credit
 321 applicant of the applicable requirements listed in this
 322 subsection paragraph. A tax credit applicant may claim 50
 323 percent of the costs for solid waste removal, not to exceed
 324 \$500,000, after the applicant has determined solid waste removal
 325 is completed for the brownfield site. A solid waste removal tax
 326 credit application may be filed only once per brownfield site.
 327 For the purposes of this section, the term:

328 1. "Solid waste disposal area" means a landfill, dump, or
 329 other area where solid waste has been disposed of.

330 2. "Monetary compensation" means the fees that were
 331 charged or the assessments that were levied for the disposal of
 332 solid waste at a solid waste disposal area.

333 3. "Solid waste removal" means removal of solid waste from
 334 the land surface or excavation of solid waste from below the
 335 land surface and removal of the solid waste from the brownfield
 336 site. The term includes:

337 a. Transportation of solid waste to a licensed or exempt
338 solid waste management facility or to a temporary storage area.

339 b. Sorting or screening of solid waste prior to removal
340 from the site.

341 c. Deposition of solid waste at a permitted or exempt
342 solid waste management facility, whether the solid waste is
343 disposed of or recycled.

344 (f) In order to encourage the construction and operation
345 of a new health care facility or a health care provider, as
346 defined in s. 408.032, s. 408.07, or s. 408.7056, on a
347 brownfield site, an applicant for a tax credit may claim an
348 additional 25 percent of the total site rehabilitation costs,
349 not to exceed \$500,000. In order to receive this additional tax
350 credit, the applicant must provide documentation indicating that
351 the construction of the health care facility or health care
352 provider by the applicant on the brownfield site has been
353 substantially completed as defined in s. 192.042 or that a
354 certificate of occupancy or a license or certificate for the
355 operation of the health care facility or health care provider
356 has been issued.

357 (4) The Department of Environmental Protection shall be
358 responsible for allocating the tax credits provided for in s.
359 220.1845, not to exceed a total of \$5 ~~\$2~~ million in tax credits
360 annually.

361 (5) To claim the credit for site rehabilitation or solid
362 waste removal ~~conducted during the current calendar year~~, each
363 tax credit applicant must apply to the Department of
364 Environmental Protection for an allocation of the \$5 ~~\$2~~ million

365 annual credit by filing a tax credit application with the
 366 Division of Waste Management ~~January 15 of the following year~~ on
 367 a form developed by the Department of Environmental Protection
 368 in cooperation with the Department of Revenue. The form shall
 369 include an affidavit from each tax credit applicant certifying
 370 that all information contained in the application, including all
 371 records of costs incurred and claimed in the tax credit
 372 application, are true and correct. If the application is
 373 submitted pursuant to subparagraph (3)(a)2., the form must
 374 include an affidavit signed by the real property owner stating
 375 that it is not, and has never been, the owner or operator of the
 376 drycleaning facility where the contamination exists. Approval of
 377 partial tax credits must be accomplished on a first-come, first-
 378 served basis based upon the date and time completed ~~complete~~
 379 applications are received by the Division of Waste Management. ~~A~~
 380 ~~tax credit applicant shall submit only one complete application~~
 381 ~~per site for each calendar year's site rehabilitation costs.~~
 382 ~~Incomplete placeholder applications shall not be accepted and~~
 383 ~~will not secure a place in the first-come, first-served~~
 384 ~~application line.~~ To be eligible for a tax credit, the tax
 385 credit applicant must:

386 (a) For site rehabilitation tax credits, have entered into
 387 a voluntary cleanup agreement with the Department of
 388 Environmental Protection for a drycleaning-solvent-contaminated
 389 site or a brownfield site rehabilitation agreement ~~Brownfield~~
 390 ~~Site Rehabilitation Agreement,~~ as applicable, ~~+~~ and have paid all
 391 deductibles pursuant to s. 376.3078(3)(e) for eligible
 392 drycleaning-solvent-cleanup program sites, as applicable. Site

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393 rehabilitation tax credit applicants must submit only a single
394 completed application per site for each calendar year's site
395 rehabilitation costs. Site rehabilitation applications must be
396 received by the Division of Waste Management of the Department
397 of Environmental Protection by January 15 of the year following
398 the calendar year for which site rehabilitation costs are being
399 claimed in a tax credit application.

400 (b) For solid waste removal tax credits, have entered into
401 a brownfield site rehabilitation agreement with the Department
402 of Environmental Protection. Solid waste removal tax credit
403 applicants must submit only a single completed application per
404 brownfield site, as defined in the brownfield site
405 rehabilitation agreement, for solid waste removal costs. Solid
406 waste removal tax credit applications must be received by the
407 Division of Waste Management of the Department of Environmental
408 Protection subsequent to the completion of the requirements
409 listed in paragraph (3) (e) Have paid all deductibles pursuant to
410 s. 376.3078(3) (e) for eligible drycleaning solvent cleanup
411 program sites.

412 (6) To obtain the tax credit certificate, a tax credit
413 applicant must annually file an application for certification,
414 which must be received by the Division of Waste Management of
415 the Department of Environmental Protection by January 15 of the
416 year following the calendar year for which site rehabilitation
417 costs are being claimed in a tax credit application. the tax
418 credit applicant must provide all pertinent information
419 requested on the tax credit application form, including, at a
420 minimum, the name and address of the tax credit applicant and

421 the address and tracking identification number of the eligible
422 site. Along with the tax credit application form, the tax credit
423 applicant must submit the following:

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

428 (b) Copies of documents that describe the goods or
429 services and associated costs being claimed that were integral
430 to site rehabilitation as defined in s. 376.301 or s. 376.79 or
431 were for solid waste removal during the time period covered by
432 the application. Such documents must include contractual records
433 that describe the scope of work performed, payment requests that
434 describe the goods or services provided, and payment records
435 involving actual costs incurred and paid. Such documentation
436 must be sufficient to demonstrate a link between the contractual
437 records, the payment requests, and the payment records for the
438 time period covered by the application ~~contracts and~~
439 ~~documentation of contract negotiations, accounts, invoices,~~
440 ~~sales tickets, or other payment records from purchases, sales,~~
441 ~~leases, or other transactions involving actual costs incurred~~
442 ~~for that tax year related to site rehabilitation, as that term~~
443 ~~is defined in ss. 376.301 and 376.79;~~

444 (c) Proof that the documentation submitted pursuant to
445 paragraph (b) has been reviewed and verified by an independent
446 certified public accountant in accordance with standards
447 established by the American Institute of Certified Public
448 Accountants. Specifically, a certified public accountant's

449 report must be submitted and the certified public accountant
450 must attest to the accuracy and validity of the costs incurred
451 and paid during the time period covered in the application by
452 conducting an independent review of the data presented by the
453 tax credit applicant. Accuracy and validity of costs incurred
454 and paid would be determined once the level of effort was
455 certified by an appropriate professional registered in this
456 state in each contributing technical discipline. The certified
457 public accountant's report would also attest that the costs
458 included in the application form are not duplicated within the
459 application. A copy of the accountant's report shall be
460 submitted to the Department of Environmental Protection in
461 addition to the accountant's certification form in ~~with~~ the tax
462 credit application; and

463 (d) A certification form stating that ~~site rehabilitation~~
464 activities associated with the documentation submitted pursuant
465 to paragraph (b) have been conducted under the observation of,
466 and related technical documents have been signed and sealed by,
467 an appropriate professional registered in this state in each
468 contributing technical discipline. The certification form shall
469 be signed and sealed by the appropriate registered professionals
470 stating that the costs incurred were integral, necessary, and
471 required for site rehabilitation, as that term is defined in ss.
472 376.301 and 376.79. If the scope of solid waste removal
473 activities does not require oversight by a registered technical
474 professional in this state, such certification form is not
475 required as part of the tax credit application.

476 (7) The certified public accountant and appropriate
477 registered professionals submitting forms as part of a tax
478 credit application must verify such forms. Verification must be
479 accomplished as provided in s. 92.525(1)(b) and subject to the
480 provisions of s. 92.525(3) by completing and signing the
481 appropriate certifications included as part of the application
482 form.

483 (8) The Department of Environmental Protection shall
484 review the tax credit application and any supplemental
485 documentation that the tax credit applicant may submit prior to
486 the annual application deadline, if applicable, for completeness
487 and eligibility, as follows:

488 (a) In order to have the application considered complete,
489 the department shall perform a review for the purpose of
490 verifying that the tax credit applicant has met the appropriate
491 qualifying criteria in subsections (3) and (5), ~~and~~ has
492 submitted a completed application form, and has addressed each
493 of the categories of submittals ~~all required documentation~~
494 listed in subsection (6). Upon verification that the tax credit
495 applicant has met such completeness ~~these~~ requirements, the tax
496 credit application secures a place in the first-come, first-
497 served application line. If the department determines that an
498 application is incomplete, the department shall notify the
499 applicant in writing and the applicant shall have 30 days to
500 correct any deficiency. The department shall respond within 60
501 days after receipt of a response from the tax credit applicant
502 to such a notice of deficiency. Upon timely correction of any
503 deficiencies, the tax credit application secures a place in the

504 first-come, first-served application line. Tax credit
 505 applications shall not be altered to claim additional costs
 506 during this time.

507 (b) In order to have costs considered eligible, the
 508 department shall review the completed application to verify that
 509 the work claimed was integral to site rehabilitation or was for
 510 solid waste removal, that the work claimed was performed in the
 511 applicable timeframe, and that the costs claimed were properly
 512 documented. Upon verification of such requirements, the
 513 department shall issue a written decision granting eligibility
 514 for partial tax credits (a tax credit certificate). Complete tax
 515 credit applications shall be reviewed for eligible costs in
 516 conjunction with ~~in the amount of 50 percent of the total costs~~
 517 ~~claimed, subject to the \$500,000 limitation, for the calendar~~
 518 ~~year for which the tax credit application is submitted based on~~
 519 the report of the certified public accountant and the
 520 certifications from the appropriate registered technical
 521 professionals, as applicable.

522 (9) On or before March 31, the Department of Environmental
 523 Protection shall inform each eligible tax credit applicant,
 524 subject to the January 15 annual application deadline, of the
 525 amount of its partial tax credit and provide each eligible tax
 526 credit applicant with a tax credit certificate that must be
 527 submitted with its tax return to the Department of Revenue to
 528 claim the tax credit or be transferred pursuant to s.
 529 220.1845(1)(h). The March 31 deadline for annual site
 530 rehabilitation tax credit certificate awards shall not apply to
 531 any tax credit application for which the department has

532 delivered a notice of deficiency pursuant to subsection (8).

533 Credits will not result in the payment of refunds if total
534 credits exceed the amount of tax owed.

535 (10) For solid waste removal, new health care facility or
536 health care provider, and affordable housing tax credit
537 applications, the Department of Environmental Protection shall
538 inform the applicant of the department's determination within 75
539 days after the application is deemed complete. Each eligible tax
540 credit applicant shall be informed of the amount of its partial
541 tax credit and provided with a tax credit certificate that must
542 be submitted with its tax return to the Department of Revenue to
543 claim the tax credit or be transferred pursuant to s.
544 220.1845(1)(h). Credits may not result in the payment of refunds
545 if total credits exceed the amount of tax owed.

546 (11)~~(10)~~ If a tax credit applicant does not receive a tax
547 credit allocation due to an exhaustion of the \$5 ~~2~~ million
548 annual tax credit authorization, such application will then be
549 included in the same first-come, first-served order in the next
550 year's annual tax credit allocation, if any, based on the prior
551 year application.

552 (12)~~(11)~~ The Department of Environmental Protection may
553 adopt rules to prescribe the necessary forms required to claim
554 tax credits under this section and to provide the administrative
555 guidelines and procedures required to administer this section.

556 (13)~~(12)~~ The Department of Environmental Protection has
557 audit authority for tax credit applications and may revoke or
558 modify any written decision granting eligibility for partial tax
559 credits under this section if it is discovered that the tax

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560 credit applicant submitted any false statement, representation,
561 or certification in any application, record, report, plan, or
562 other document filed in an attempt to receive partial tax
563 credits under this section. The Department of Environmental
564 Protection shall immediately notify the Department of Revenue of
565 any revoked or modified orders affecting previously granted
566 partial tax credits. Additionally, the tax credit applicant must
567 notify the Department of Revenue of any change in its tax credit
568 claimed.

569 (14) (a) ~~(13)~~ A tax credit applicant who receives state-
570 funded site rehabilitation under s. 376.3078(3) for
571 rehabilitation of a drycleaning-solvent-contaminated site is
572 ineligible to receive a tax credit under s. 220.1845 for costs
573 incurred by the tax credit applicant in conjunction with the
574 rehabilitation of that site during the same time period that
575 state-administered site rehabilitation was underway.

576 (b) Tax credits for site rehabilitation awarded pursuant
577 to paragraphs (3) (b) - (d) are additive, but at no time shall the
578 total tax credit award for site rehabilitation exceed 100
579 percent of the costs incurred and paid by an applicant.

580 (c) A single brownfield site may receive tax credits for
581 both eligible site rehabilitation costs and eligible solid waste
582 removal costs provided the costs for any given activity are not
583 claimed for both site rehabilitation and solid waste removal
584 such that the same costs are claimed twice.

585 (d) For purposes of this subsection, costs incurred that
586 are not considered integral to site rehabilitation include, but
587 are not limited to, brownfield area designation costs, tax

588 credit application preparation and submittal costs,
 589 redevelopment costs that are not integral to site
 590 rehabilitation, and federal, state, or local government
 591 regulatory compliance costs that are not necessary to implement
 592 the requirements of chapter 62-785 or chapter 62-782, Florida
 593 Administrative Code, and are not integral to site
 594 rehabilitation.

595 Section 4. Subsections (6), (8), (10), (11), and (17) of
 596 section 376.79, Florida Statutes, are amended to read:

597 376.79 Definitions relating to Brownfields Redevelopment
 598 Act.--As used in ss. 376.77-376.85, the term:

599 (6) "Contaminated site" means any contiguous land,
 600 sediment, surface water, or groundwater areas that contain
 601 contaminants that may be harmful to human health or the
 602 environment.

603 (8) "Engineering controls" means modifications to a site
 604 to reduce or eliminate the potential for exposure to chemicals
 605 of concern from petroleum products, drycleaning solvents, or
 606 other contaminants. Such modifications may include, but are not
 607 limited to, physical or hydraulic control measures, capping,
 608 point of use treatments, or slurry walls.

609 (10) "Institutional controls" means the restriction on use
 610 of or access to a site to eliminate or minimize exposure to
 611 chemicals of concern from petroleum products, drycleaning
 612 solvents, or other contaminants. Such restrictions may include,
 613 but are not limited to, deed restrictions, restrictive
 614 covenants, or conservation easements.

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615 (11) "Local pollution control program" means a local
 616 pollution control program that has received delegated authority
 617 from the Department of Environmental Protection under ss.
 618 376.80 (9) ~~(11)~~ and 403.182.

619 (17) "Site rehabilitation" means the assessment of site
 620 contamination and the remediation activities that reduce the
 621 levels of contaminants at a site through accepted treatment
 622 methods to meet the cleanup target levels established for that
 623 site. For purposes of sites subject to the Resource Conservation
 624 and Recovery Act, as amended, the term includes removal,
 625 decontamination, and corrective action of releases of hazardous
 626 substances.

627 Section 5. Section 376.80, Florida Statutes, is amended to
 628 read:

629 376.80 Brownfield program administration process.--

630 (1) A local government with jurisdiction over the
 631 brownfield area must notify the department of its decision to
 632 designate a brownfield area for rehabilitation for the purposes
 633 of ss. 376.77-376.85. The notification must include a
 634 resolution, by the local government body, to which is attached a
 635 map adequate to clearly delineate exactly which parcels are to
 636 be included in the brownfield area or alternatively a less-
 637 detailed map accompanied by a detailed legal description of the
 638 brownfield area. If a property owner within the area proposed
 639 for designation by the local government requests in writing to
 640 have his or her property removed from the proposed designation,
 641 the local government shall grant the request. For
 642 municipalities, the governing body shall adopt the resolution in

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643 accordance with the procedures outlined in s. 166.041, except
644 that the notice for the public hearings on the proposed
645 resolution must be in the form established in s. 166.041(3)(c)2.
646 For counties, the governing body shall adopt the resolution in
647 accordance with the procedures outlined in s. 125.66, except
648 that the notice for the public hearings on the proposed
649 resolution shall be in the form established in s. 125.66(4)(b)2.

650 (2)(a) If a local government proposes to designate a
651 brownfield area that is outside community redevelopment areas,
652 enterprise zones, empowerment zones, closed military bases, or
653 designated brownfield pilot project areas, the local government
654 shall adopt the resolution and ~~must~~ conduct the public hearings
655 in accordance with the requirements of subsection (1), except at
656 least one of the required public hearings shall be conducted as
657 close as reasonably practicable to hearing ~~in~~ the area to be
658 designated to provide an opportunity for public input on the
659 size of the area, the objectives for rehabilitation, job
660 opportunities and economic developments anticipated,
661 neighborhood residents' considerations, and other relevant local
662 concerns. Notice of the public hearing must be made in a
663 newspaper of general circulation in the area and the notice must
664 be at least 16 square inches in size, must be in ethnic
665 newspapers or local community bulletins, must be posted in the
666 affected area, and must be announced at a scheduled meeting of
667 the local governing body before the actual public hearing. In
668 determining the areas to be designated, the local government
669 must consider:

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- 670 1. Whether the brownfield area warrants economic
671 development and has a reasonable potential for such activities;
- 672 2. Whether the proposed area to be designated represents a
673 reasonably focused approach and is not overly large in
674 geographic coverage;
- 675 3. Whether the area has potential to interest the private
676 sector in participating in rehabilitation; and
- 677 4. Whether the area contains sites or parts of sites
678 suitable for limited recreational open space, cultural, or
679 historical preservation purposes.
- 680 (b) A local government shall designate a brownfield area
681 under the provisions of this act provided that:
- 682 1. A person who owns or controls a potential brownfield
683 site is requesting the designation and has agreed to
684 rehabilitate and redevelop the brownfield site;
- 685 2. The rehabilitation and redevelopment of the proposed
686 brownfield site will result in economic productivity of the
687 area, along with the creation of at least 5 new permanent jobs
688 at the brownfield site that ~~which~~ are full-time equivalent
689 positions not associated with the implementation of the
690 brownfield site rehabilitation agreement and that ~~which~~ are not
691 associated with redevelopment project demolition or construction
692 activities pursuant to the redevelopment of the proposed
693 brownfield site or area agreement required under paragraph
694 ~~(5)(i)~~. However, the job creation requirement shall not apply to
695 the rehabilitation and redevelopment of a brownfield site that
696 will provide affordable housing as defined in s. 420.0004~~(3)~~ or

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697 the creation of recreational areas, conservation areas, or
698 parks;

699 3. The redevelopment of the proposed brownfield site is
700 consistent with the local comprehensive plan and is a
701 permittable use under the applicable local land development
702 regulations;

703 4. Notice of the proposed rehabilitation of the brownfield
704 area has been provided to neighbors and nearby residents of the
705 proposed area to be designated, and the person proposing the
706 area for designation has afforded to those receiving notice the
707 opportunity for comments and suggestions about rehabilitation.
708 Notice pursuant to this subparagraph ~~subsection~~ must be made in
709 a newspaper of general circulation in the area, at least 16
710 square inches in size, and the notice must be posted in the
711 affected area; and

712 5. The person proposing the area for designation has
713 provided reasonable assurance that he or she has sufficient
714 financial resources to implement and complete the rehabilitation
715 agreement and redevelopment of the brownfield site ~~plan~~.

716 (c) The designation of a brownfield area and the
717 identification of a person responsible for brownfield site
718 rehabilitation simply entitles the identified person to
719 negotiate a brownfield site rehabilitation agreement with the
720 department or approved local pollution control program.

721 (3) When there is a person responsible for brownfield site
722 rehabilitation, the local government must notify the department
723 of the identity of that person. If the agency or person who will
724 be responsible for the coordination changes during the approval

725 process specified in subsections (4), (5), and (6), the
726 department or the affected approved local pollution control
727 program must notify the affected local government when the
728 change occurs.

729 (4) Local governments or persons responsible for
730 rehabilitation and redevelopment of brownfield areas must
731 establish an advisory committee or use an existing advisory
732 committee that has formally expressed its intent to address
733 redevelopment of the specific brownfield area for the purpose of
734 improving public participation and receiving public comments on
735 rehabilitation and redevelopment of the brownfield area, future
736 land use, local employment opportunities, community safety, and
737 environmental justice. Such advisory committee should include
738 residents within or adjacent to the brownfield area, businesses
739 operating within the brownfield area, and others deemed
740 appropriate. The person responsible for brownfield site
741 rehabilitation must notify the advisory committee of the intent
742 to rehabilitate and redevelop the site before executing the
743 brownfield site rehabilitation agreement, and provide the
744 committee with a copy of the draft plan for site rehabilitation
745 which addresses elements required by subsection (5). This
746 includes disclosing potential reuse of the property as well as
747 site rehabilitation activities, if any, to be performed. The
748 advisory committee shall review any ~~the~~ proposed redevelopment
749 agreements prepared ~~agreement required~~ pursuant to paragraph
750 (5) (i) and provide comments, if appropriate, to the board of the
751 local government with jurisdiction over the brownfield area. The
752 advisory committee must receive a copy of the executed

753 brownfield site rehabilitation agreement. When the person
754 responsible for brownfield site rehabilitation submits a site
755 assessment report or the technical document containing the
756 proposed course of action following site assessment to the
757 department or the local pollution control program for review,
758 the person responsible for brownfield site rehabilitation must
759 hold a meeting or attend a regularly scheduled meeting to inform
760 the advisory committee of the findings and recommendations in
761 the site assessment report or the technical document containing
762 the proposed course of action following site assessment.

763 (5) The person responsible for brownfield site
764 rehabilitation must enter into a brownfield site rehabilitation
765 agreement with the department or an approved local pollution
766 control program if actual contamination exists at the brownfield
767 site. The brownfield site rehabilitation agreement must include:

768 (a) A brownfield site rehabilitation schedule, including
769 milestones for completion of site rehabilitation tasks and
770 submittal of technical reports and rehabilitation plans as
771 agreed upon by the parties to the agreement;

772 (b) A commitment to conduct site rehabilitation activities
773 under the observation of professional engineers or geologists
774 who are registered in accordance with the requirements of
775 chapter 471 or chapter 492, respectively. Submittals provided by
776 the person responsible for brownfield site rehabilitation must
777 be signed and sealed by a professional engineer registered under
778 chapter 471, or a professional geologist registered under
779 chapter 492, certifying that the submittal and associated work
780 comply with the law and rules of the department and those

781 governing the profession. In addition, upon completion of the
782 approved remedial action, the department shall require a
783 professional engineer registered under chapter 471 or a
784 professional geologist registered under chapter 492 to certify
785 that the corrective action was, to the best of his or her
786 knowledge, completed in substantial conformance with the plans
787 and specifications approved by the department;

788 (c) A commitment to conduct site rehabilitation in
789 accordance with department quality assurance rules;

790 (d) A commitment to conduct site rehabilitation consistent
791 with state, federal, and local laws and consistent with the
792 brownfield site contamination cleanup criteria in s. 376.81,
793 including any applicable requirements for risk-based corrective
794 action;

795 (e) Timeframes for the department's review of technical
796 reports and plans submitted in accordance with the agreement.
797 The department shall make every effort to adhere to established
798 agency goals for reasonable timeframes for review of such
799 documents;

800 (f) A commitment to secure site access for the department
801 or approved local pollution control program to all brownfield
802 sites within the eligible brownfield area for activities
803 associated with site rehabilitation;

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

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808 (h) A commitment to consider appropriate pollution
809 prevention measures and to implement those that the person
810 responsible for brownfield site rehabilitation determines are
811 reasonable and cost-effective, taking into account the ultimate
812 use or uses of the brownfield site. Such measures may include
813 improved inventory or production controls and procedures for
814 preventing loss, spills, and leaks of hazardous waste and
815 materials, and include goals for the reduction of releases of
816 toxic materials; and

817 (i) Certification that ~~an agreement exists between the~~
818 person responsible for brownfield site rehabilitation has
819 consulted with ~~and~~ the local government with jurisdiction over
820 the brownfield area about the proposed redevelopment of the
821 brownfield site, that the local government is in agreement with
822 or approves the proposed redevelopment, and that the proposed
823 redevelopment complies with applicable laws and requirements for
824 such redevelopment. Certification shall be accomplished by
825 referencing or providing a legally recorded or officially
826 approved land use or site plan, a development order or approval,
827 a building permit, or a similar official document issued by the
828 local government that reflects the local government's approval
829 of proposed redevelopment of the brownfield site; providing a
830 copy of the local government resolution designating the
831 brownfield area that contains the proposed redevelopment of the
832 brownfield site; or providing a letter from the local government
833 that describes the proposed redevelopment of the brownfield site
834 and expresses the local government's agreement with or approval

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835 ~~of the proposed redevelopment. Such agreement shall contain~~
836 ~~terms for the redevelopment of the brownfield area.~~

837 (6) Any contractor performing site rehabilitation program
838 tasks must demonstrate to the department that the contractor:

839 (a) Meets all certification and license requirements
840 imposed by law; and

841 (b) Will conduct ~~Has obtained the necessary approvals for~~
842 ~~conducting~~ sample collection and analyses pursuant to department
843 rules.

844 ~~(7) The contractor who is performing the majority of the~~
845 ~~site rehabilitation program tasks pursuant to a brownfield site~~
846 ~~rehabilitation agreement or supervising the performance of such~~
847 ~~tasks by licensed subcontractors in accordance with the~~
848 ~~provisions of s. 489.113(9) must certify to the department that~~
849 ~~the contractor:~~

850 ~~(a) Complies with applicable OSHA regulations.~~

851 ~~(b) Maintains workers' compensation insurance for all~~
852 ~~employees as required by the Florida Workers' Compensation Law.~~

853 ~~(c) Maintains comprehensive general liability coverage~~
854 ~~with limits of not less than \$1 million per occurrence and \$2~~
855 ~~million general aggregate for bodily injury and property damage~~
856 ~~and comprehensive automobile liability coverage with limits of~~
857 ~~not less than \$1 million combined single limit. The contractor~~
858 ~~shall also maintain pollution liability coverage with limits of~~
859 ~~not less than \$3 million aggregate for personal injury or death,~~
860 ~~\$1 million per occurrence for personal injury or death, and \$1~~
861 ~~million per occurrence for property damage. The contractor's~~

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862 ~~certificate of insurance shall name the state as an additional~~
863 ~~insured party.~~

864 ~~(d) Maintains professional liability insurance of at least~~
865 ~~\$1 million per claim and \$1 million annual aggregate.~~

866 ~~(8) Any professional engineer or geologist providing~~
867 ~~professional services relating to site rehabilitation program~~
868 ~~tasks must carry professional liability insurance with a~~
869 ~~coverage limit of at least \$1 million.~~

870 (7)~~(9)~~ During the cleanup process, if the department or
871 local program fails to complete review of a technical document
872 within the timeframe specified in the brownfield site
873 rehabilitation agreement, the person responsible for brownfield
874 site rehabilitation may proceed to the next site rehabilitation
875 task. However, the person responsible for brownfield site
876 rehabilitation does so at its own risk and may be required by
877 the department or local program to complete additional work on a
878 previous task. Exceptions to this subsection include requests
879 for "no further action," "monitoring only proposals," and
880 feasibility studies, which must be approved prior to
881 implementation.

882 (8)~~(10)~~ If the person responsible for brownfield site
883 rehabilitation fails to comply with the brownfield site
884 rehabilitation agreement, the department shall allow 90 days for
885 the person responsible for brownfield site rehabilitation to
886 return to compliance with the provision at issue or to negotiate
887 a modification to the brownfield site rehabilitation agreement
888 with the department for good cause shown. If an imminent hazard
889 exists, the 90-day grace period shall not apply. If the project

890 is not returned to compliance with the brownfield site
 891 rehabilitation agreement and a modification cannot be
 892 negotiated, the immunity provisions of s. 376.82 are revoked.

893 (9)~~(11)~~ The department is specifically authorized and
 894 encouraged to enter into delegation agreements with local
 895 pollution control programs approved under s. 403.182 to
 896 administer the brownfield program within their jurisdictions,
 897 thereby maximizing the integration of this process with the
 898 other local development processes needed to facilitate
 899 redevelopment of a brownfield area. When determining whether a
 900 delegation pursuant to this subsection of all or part of the
 901 brownfield program to a local pollution control program is
 902 appropriate, the department shall consider the following. The
 903 local pollution control program must:

904 (a) Have and maintain the administrative organization,
 905 staff, and financial and other resources to effectively and
 906 efficiently implement and enforce the statutory requirements of
 907 the delegated brownfield program; and

908 (b) Provide for the enforcement of the requirements of the
 909 delegated brownfield program, and for notice and a right to
 910 challenge governmental action, by appropriate administrative and
 911 judicial process, which shall be specified in the delegation.

912
 913 The local pollution control program shall not be delegated
 914 authority to take action on or to make decisions regarding any
 915 brownfield site on land owned by the local government. Any
 916 delegation agreement entered into pursuant to this subsection
 917 shall contain such terms and conditions necessary to ensure the

918 effective and efficient administration and enforcement of the
 919 statutory requirements of the brownfield program as established
 920 by the act and the relevant rules and other criteria of the
 921 department.

922 (10)-(12) Local governments are encouraged to use the full
 923 range of economic and tax incentives available to facilitate and
 924 promote the rehabilitation of brownfield areas, to help
 925 eliminate the public health and environmental hazards, and to
 926 promote the creation of jobs and economic development in these
 927 previously run-down, blighted, and underutilized areas.

928 (11) (a) The Legislature finds and declares that:

929 1. Brownfield site rehabilitation and redevelopment can
 930 improve the overall health of a community and the quality of
 931 life for individuals living in that community.

932 2. The community health benefits of brownfield site
 933 rehabilitation and redevelopment should be better measured in
 934 order to achieve the legislative intent as expressed in s.
 935 376.78.

936 3. There is a need in this state to define and better
 937 measure the community health benefits of brownfield site
 938 rehabilitation and redevelopment.

939 4. Funding sources should be established to support
 940 efforts by the state and local governments, in collaboration
 941 with local health departments, community health providers, and
 942 nonprofit organizations, to evaluate the community health
 943 benefits of brownfield site rehabilitation and redevelopment.

944 (b) Local governments may and are encouraged to evaluate
 945 the community health benefits and effects of brownfield site

946 rehabilitation and redevelopment in connection with brownfield
 947 areas located within their jurisdictions. Factors that may be
 948 evaluated and monitored before and after brownfield site
 949 rehabilitation and redevelopment, include, but are not limited
 950 to:

951 1. Health status, disease distribution, and quality of
 952 life among populations living in or around brownfield sites that
 953 have been rehabilitated and redeveloped.

954 2. Access to primary and other health care or health
 955 services for persons living in or around brownfield sites that
 956 have been rehabilitated and redeveloped.

957 3. Any new or increased access to open, green, park, or
 958 other recreational spaces that provide recreational
 959 opportunities for individuals living in or around brownfield
 960 sites that have been rehabilitated and redeveloped.

961 4. Other factors described in rules adopted by the
 962 Department of Environmental Protection or the Department of
 963 Health, as applicable.

964 (c) The Department of Health may and is encouraged to
 965 assist local governments, in collaboration with local health
 966 departments, community health providers, and nonprofit
 967 organizations, in evaluating the community health benefits of
 968 brownfield site rehabilitation and redevelopment.

969 Section 6. Paragraphs (d) and (f) of subsection (2) of
 970 section 376.82, Florida Statutes, are amended to read:

971 376.82 Eligibility criteria and liability protection.--

972 (2) LIABILITY PROTECTION.--

973 (d) The liability protection provided under this section
 974 shall become effective upon execution of a brownfield site
 975 rehabilitation agreement and shall remain effective, provided
 976 the person responsible for brownfield site rehabilitation
 977 complies with the terms of the site rehabilitation agreement.
 978 Any statute of limitations that would bar the department from
 979 pursuing relief in accordance with its existing authority is
 980 tolled from the time the agreement is executed until site
 981 rehabilitation is completed or immunity is revoked pursuant to
 982 s. 376.80(8)~~(10)~~.

983 (f) Compliance with ~~the agreement referenced in s.~~
 984 376.80(5)(i) must be evidenced as set forth in that paragraph by
 985 ~~a finding by the local government with jurisdiction over the~~
 986 ~~brownfield area that the terms of the agreement have been met.~~

987 Section 7. Subsections (1) and (2) of section 376.86,
 988 Florida Statutes, are amended to read:

989 376.86 Brownfield Areas Loan Guarantee Program.--

990 (1) The Brownfield Areas Loan Guarantee Council is created
 991 to review and approve or deny, by a majority vote of its
 992 membership, the situations and circumstances for participation
 993 in partnerships by agreements with local governments, financial
 994 institutions, and others associated with the redevelopment of
 995 brownfield areas pursuant to the Brownfields Redevelopment Act
 996 for a limited state guaranty of up to 5 years of loan guarantees
 997 or loan loss reserves issued pursuant to law. The limited state
 998 loan guaranty applies only to 50 percent of the primary lenders
 999 loans for redevelopment projects in brownfield areas. If the
 1000 redevelopment project is for affordable housing, as defined in

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1001 s. 420.0004~~(3)~~, in a brownfield area, the limited state loan
 1002 guaranty applies to 75 percent of the primary lender's loan. If
 1003 the redevelopment project includes the construction and
 1004 operation of a new health care facility or a health care
 1005 provider, as defined in s. 408.032, s. 408.07, or s. 408.7056,
 1006 on a brownfield site and the applicant has obtained
 1007 documentation in accordance with s. 376.30781 indicating that
 1008 the construction of the health care facility or health care
 1009 provider by the applicant on the brownfield site has been
 1010 substantially completed as defined in s. 192.042 or that a
 1011 certificate of occupancy or a license or certificate for the
 1012 operation of the health care facility or health care provider
 1013 has been issued, the limited state loan guaranty applies to 75
 1014 percent of the primary lender's loan. A limited state guaranty
 1015 of private loans or a loan loss reserve is authorized for
 1016 lenders licensed to operate in the state upon a determination by
 1017 the council that such an arrangement would be in the public
 1018 interest and the likelihood of the success of the loan is great.

1019 (2) The council shall consist of the secretary of the
 1020 Department of Environmental Protection or the secretary's
 1021 designee, the secretary of the Department of Community Affairs
 1022 or the secretary's designee, the State Surgeon General or the
 1023 State Surgeon General's designee, the Executive Director of the
 1024 State Board of Administration or the executive director's
 1025 designee, the Executive Director of the Florida Housing Finance
 1026 Corporation or the executive director's designee, and the
 1027 Director of the Governor's Office of Tourism, Trade, and
 1028 Economic Development or the director's designee. The chairperson

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1029 | of the council shall be the Director of the Governor's Office of
1030 | Tourism, Trade, and Economic Development. Staff services for
1031 | activities of the council shall be provided as needed by the
1032 | member agencies.

1033 | Section 8. This act shall take effect July 1, 2008.