

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

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

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

57 Section 1. Paragraphs (a), (c), (g), and (i) of subsection
58 (1) and subsection (2) of section 220.1845, Florida Statutes,
59 are amended, and paragraphs (j) and (k) are added to subsection
60 (1) of that section, to read:

61 220.1845 Contaminated site rehabilitation tax credit.--

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

63 (a) A credit in the amount of 50 percent of the costs of
64 voluntary cleanup activity that is integral to site
65 rehabilitation at the following sites is available against any
66 tax due for a taxable year under this chapter:

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

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

74 3. A brownfield site in a designated brownfield area under
75 s. 376.80.

76 (c) If the credit granted under this section is not fully
77 used in any one year because of insufficient tax liability on
78 the part of the corporation, the unused amount may be carried
79 forward for up to a period not to exceed 5 years. The carryover
80 credit may be used in a subsequent year if ~~when~~ the tax imposed
81 by this chapter for that year exceeds the credit for which the
82 corporation is eligible in that year ~~under this section~~ after
83 applying the other credits and unused carryovers in the order
84 provided by s. 220.02(8). ~~Five years after the date a credit is~~

85 ~~granted under this section, such credit expires and may not be~~
86 ~~used. However,~~ If during the 5-year period the credit is
87 transferred, in whole or in part, pursuant to paragraph (g),
88 each transferee has 5 years after the date of transfer to use
89 its credit.

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

95 2. The entity or its surviving or acquiring entity as
96 described in subparagraph 1., may transfer any unused credit in
97 whole or in units of at least ~~no less than~~ 25 percent of the
98 remaining credit. The entity acquiring such credit may use it in
99 the same manner and with the same limitation as described in
100 this section. Such transferred credits may not be transferred
101 again although they may succeed to a surviving or acquiring
102 entity subject to the same conditions and limitations as
103 described in this section.

104 3. ~~If In the event~~ the credit ~~provided for under this~~
105 ~~section~~ is reduced due to ~~either as a result of~~ a determination
106 by the Department of Environmental Protection or an examination
107 or audit by the Department of Revenue, the ~~such~~ tax deficiency
108 shall be recovered from the first entity, or the surviving or
109 acquiring entity that, ~~to have claimed~~ the ~~such~~ credit up to the
110 amount of credit taken. Any subsequent deficiencies shall be
111 assessed against the ~~any~~ entity acquiring and claiming the ~~such~~

112 credit, or in the case of multiple succeeding entities in the
113 order of credit succession.

114 (i) In order to encourage the construction of housing that
115 meets the definition of affordable provided in s. 420.0004~~(3)~~,
116 an applicant for the tax credit may claim an additional 25
117 percent of the total site rehabilitation costs that are eligible
118 for tax credits under this section, not to exceed \$500,000. In
119 order to receive this additional tax credit, the applicant must
120 provide a certification letter from the Florida Housing Finance
121 Corporation, the local housing authority, or other governmental
122 agency that is a party to the use agreement~~7~~, indicating that the
123 construction on the brownfield site ~~is complete, the brownfield~~
124 ~~site~~ has received a certificate of occupancy~~7~~, and the brownfield
125 site has a properly recorded instrument that limits the use of
126 the property to housing that meets the definition of affordable
127 provided in s. 420.0004~~(3)~~.

128 (j) In order to encourage the redevelopment of a
129 brownfield site, as defined in the brownfield site
130 rehabilitation agreement, that is hindered by the presence of
131 solid waste, as defined in s. 403.703, a tax credit applicant,
132 or multiple tax credit applicants working jointly to clean up a
133 single brownfield site, may also claim costs required to address
134 solid waste removal as defined in this paragraph in accordance
135 with rules of the Department of Environmental Protection.
136 Multiple tax credit applicants shall be granted tax credits in
137 the same proportion as each applicant's contribution to payment
138 of solid waste removal costs. These costs are eligible for a tax
139 credit provided the applicant submits an affidavit stating that,

140 after consultation with appropriate local government officials
141 and the Department of Environmental Protection, to the best of
142 the applicant's knowledge according to such consultation and
143 available historical records, the brownfield site was never
144 operated as a permitted solid waste disposal area or was never
145 operated for monetary compensation and the applicant submits all
146 other documentation and certifications required by this section.
147 Under this section, wherever reference is made to "site
148 rehabilitation," the Department of Environmental Protection
149 shall instead consider whether or not the costs claimed are for
150 solid waste removal. Tax credit applications claiming costs
151 pursuant to this paragraph shall not be subject to the calendar-
152 year limitation and January 31 annual application deadline, and
153 the Department of Environmental Protection shall accept a one-
154 time application filed subsequent to the completion by the tax
155 credit applicant of the applicable requirements listed in this
156 section. A tax credit applicant may claim 50 percent of the cost
157 for solid waste removal, not to exceed \$500,000, after the
158 applicant has determined solid waste removal is completed for
159 the brownfield site. A solid waste removal tax credit
160 application may be filed only once per brownfield site. For the
161 purposes of this section, the term:

- 162 1. "Solid waste disposal area" means a landfill, dump, or
163 other area where solid waste has been disposed of.
- 164 2. "Monetary compensation" means the fees that were
165 charged or the assessments that were levied for the disposal of
166 solid waste at a solid waste disposal area.

167 3. "Solid waste removal" means removal of solid waste from
 168 the land surface or excavation of solid waste from below the
 169 land surface and removal of the solid waste from the brownfield
 170 site. The term also includes:

171 a. Transportation of solid waste to a licensed or exempt
 172 solid waste management facility or to a temporary storage area.

173 b. Sorting or screening of solid waste prior to removal
 174 from the site.

175 c. Deposition of solid waste at a permitted or exempt
 176 solid waste management facility, whether the solid waste is
 177 disposed of or recycled.

178 (k) In order to encourage the construction and operation
 179 of a new health care facility as defined in s. 408.032 or s.
 180 408.07, or a health care provider as defined in s. 408.07 or s.
 181 408.7056, on a brownfield site, an applicant for a tax credit
 182 may claim an additional 25 percent of the total site
 183 rehabilitation costs, not to exceed \$500,000, if the applicant
 184 meets the requirements of this paragraph. In order to receive
 185 this additional tax credit, the applicant must provide
 186 documentation indicating that the construction of the health
 187 care facility or health care provider by the applicant on the
 188 brownfield site has received a certificate of occupancy or a
 189 license or certificate has been issued for the operation of the
 190 health care facility or health care provider.

191 (2) FILING REQUIREMENTS.--Any corporation that wishes to
 192 obtain credit under this section must submit with its return a
 193 tax credit certificate approving ~~partial~~ tax credits issued by
 194 the Department of Environmental Protection under s. 376.30781.

195 Section 2. Section 376.30781, Florida Statutes, is amended
 196 to read:

197 376.30781 ~~Partial~~ Tax credits for rehabilitation of
 198 drycleaning-solvent-contaminated sites and brownfield sites in
 199 designated brownfield areas; application process; rulemaking
 200 authority; revocation authority.--

201 (1) The Legislature finds that:

202 (a) To facilitate property transactions and economic
 203 growth and development, it is in the state's interest ~~of the~~
 204 ~~state~~ to encourage the cleanup, at the earliest possible time,
 205 of drycleaning-solvent-contaminated sites and brownfield sites
 206 in designated brownfield areas.

207 (b) It is the intent of the Legislature to encourage the
 208 voluntary cleanup of drycleaning-solvent-contaminated sites and
 209 brownfield sites in designated brownfield areas by providing a
 210 ~~partial~~ tax credit for the restoration of such property in
 211 specified circumstances.

212 (2) Notwithstanding the requirements of subsection
 213 ~~paragraph~~ (5)(a), tax credits allowed pursuant to s. 220.1845
 214 are available for ~~any~~ site rehabilitation or solid waste removal
 215 conducted during the calendar year in which the applicable
 216 voluntary cleanup agreement or brownfield site rehabilitation
 217 agreement is executed, even if the site rehabilitation or solid
 218 waste removal is conducted prior to the execution of that
 219 agreement or the designation of the brownfield area.

220 (3) (a) A credit in the amount of 50 percent of the costs
 221 of voluntary cleanup activity that is integral to site

222 rehabilitation at the following sites is allowed pursuant to s.
 223 220.1845:

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

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

231 3. A brownfield site in a designated brownfield area under
 232 s. 376.80.

233 (b) A tax credit applicant, or multiple tax credit
 234 applicants working jointly to clean up a single site, may not
 235 receive ~~be granted~~ more than \$500,000 per year in tax credits
 236 for each site voluntarily rehabilitated. Multiple tax credit
 237 applicants shall be granted tax credits in the same proportion
 238 as each applicant's ~~their~~ contribution to payment of site
 239 rehabilitation ~~cleanup~~ costs. Tax credits are available only for
 240 site rehabilitation conducted during the calendar year for which
 241 the tax credit application is submitted. For purposes of this
 242 section, the term "integral to site rehabilitation" means work
 243 that is necessary to implement the requirements of chapter 62-
 244 785 or chapter 62-782, Florida Administrative Code.

245 (c) In order to encourage completion of site
 246 rehabilitation at contaminated sites that are being voluntarily
 247 cleaned up and that are eligible for a tax credit under this
 248 section, the tax credit applicant may claim an additional 25
 249 percent of the total site rehabilitation ~~cleanup~~ costs, not to

250 exceed \$500,000, in the final year of cleanup as evidenced by
 251 the Department of Environmental Protection issuing a "No Further
 252 Action" order for that site.

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

272 (e) In order ~~Notwithstanding the restrictions in this~~
 273 ~~section that limit tax credit eligibility to costs that are~~
 274 ~~integral to site rehabilitation,~~ to encourage the redevelopment
 275 of a brownfield site, as defined in the brownfield site
 276 rehabilitation agreement, properties in designated brownfield
 277 ~~areas~~ that is ~~are~~ hindered by the presence of solid waste, as

278 defined in s. 403.703, costs related to solid waste removal may
 279 also be claimed under this section. A tax credit applicant, or
 280 multiple tax credit applicants working jointly to clean up a
 281 single brownfield site, may also claim costs to address the
 282 solid waste removal as defined in this paragraph, ~~but only those~~
 283 ~~costs to remove, transport, and dispose of solid waste in~~
 284 accordance with department rules. Multiple tax credit applicants
 285 shall be granted tax credits in the same proportion as each
 286 applicant's contribution to payment of solid waste removal
 287 costs. These costs are eligible for a tax credit provided the
 288 applicant submits an affidavit stating that, after consultation
 289 with appropriate local government officials and the department,
 290 to the best of the applicant's knowledge based upon such
 291 consultation and available historical records, the brownfield
 292 site was never operated as a permitted solid waste disposal area
 293 or was never operated landfill or dump site for monetary
 294 compensation, and the applicant submits all other documentation
 295 and certifications required by this section. In this section,
 296 where reference is made to "site rehabilitation," the department
 297 shall instead consider whether the costs claimed are for solid
 298 waste removal, ~~transportation, and disposal of solid waste.~~ Tax
 299 credit applications claiming costs pursuant to this paragraph
 300 shall not be subject to the calendar-year limitation and January
 301 31 ~~15~~ annual application deadline, and the department shall
 302 accept a one-time application filed subsequent to the completion
 303 by the tax credit applicant of the applicable requirements
 304 listed in this subsection ~~paragraph.~~ A tax credit applicant may
 305 claim 50 percent of the costs for solid waste removal, not to

306 exceed \$500,000, after the applicant has determined solid waste
307 removal is completed for the brownfield site. A solid waste
308 removal tax credit application may be filed only once per
309 brownfield site. For the purposes of this section, the term:

310 1. "Solid waste disposal area" means a landfill, dump, or
311 other area where solid waste has been disposed.

312 2. "Monetary compensation" means the fees that were
313 charged or the assessments that were levied for the disposal of
314 solid waste at a solid waste disposal area.

315 3. "Solid waste removal" means removal of solid waste from
316 the land surface or excavation of solid waste from below the
317 land surface and removal of the solid waste from the brownfield
318 site. The term also includes:

319 a. Transportation of solid waste to a licensed or exempt
320 solid waste management facility or to a temporary storage area.

321 b. Sorting or screening of solid waste prior to removal
322 from the site.

323 c. Deposition of solid waste at a permitted or exempt
324 solid waste management facility, whether the solid waste is
325 disposed of or recycled.

326 (f) In order to encourage the construction and operation
327 of a new health care facility or a health care provider, as
328 defined in s. 408.032, s. 408.07, or s. 408.7056, on a
329 brownfield site, an applicant for a tax credit may claim an
330 additional 25 percent of the total site rehabilitation costs,
331 not to exceed \$500,000, if the applicant meets the requirements
332 of this paragraph. In order to receive this additional tax
333 credit, the applicant must provide documentation indicating that

334 the construction of the health care facility or health care
 335 provider by the applicant on the brownfield site has received a
 336 certificate of occupancy or a license or certificate has been
 337 issued for the operation of the health care facility or health
 338 care provider.

339 (4) The Department of Environmental Protection ~~is shall be~~
 340 responsible for allocating the tax credits provided for in s.
 341 220.1845, which may not ~~to~~ exceed a total of \$2 million in tax
 342 credits annually.

343 (5) To claim the credit for site rehabilitation or solid
 344 waste removal ~~conducted during the current calendar year~~, each
 345 tax credit applicant must apply to the Department of
 346 Environmental Protection for an allocation of the \$2 million
 347 annual credit by filing a tax credit application with the
 348 Division of Waste Management ~~January 15 of the following year~~ on
 349 a form developed by the Department of Environmental Protection
 350 in cooperation with the Department of Revenue. The form shall
 351 include an affidavit from each tax credit applicant certifying
 352 that all information contained in the application, including all
 353 records of costs incurred and claimed in the tax credit
 354 application, are true and correct. If the application is
 355 submitted pursuant to subparagraph (3)(a)2., the form must
 356 include an affidavit signed by the real property owner stating
 357 that it is not, and has never been, the owner or operator of the
 358 drycleaning facility where the contamination exists. Approval of
 359 ~~partial~~ tax credits must be accomplished on a first-come, first-
 360 served basis based upon the date and time complete applications
 361 are received by the Division of Waste Management, subject to the

362 limitations of subsection (14). ~~A tax credit applicant shall~~
 363 ~~submit only one complete application per site for each calendar~~
 364 ~~year's site rehabilitation costs. Incomplete placeholder~~
 365 ~~applications shall not be accepted and will not secure a place~~
 366 ~~in the first-come, first-served application line.~~ To be eligible
 367 for a tax credit, the tax credit applicant must:

368 (a) For site rehabilitation tax credits, have entered into
 369 a voluntary cleanup agreement with the Department of
 370 Environmental Protection for a drycleaning-solvent-contaminated
 371 site or a Brownfield Site Rehabilitation Agreement, as
 372 applicable,⁺ and have paid all deductibles pursuant to s.
 373 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
 374 sites, as applicable. A site rehabilitation tax credit applicant
 375 must submit only a single completed application per site for
 376 each calendar year's site rehabilitation costs. A site
 377 rehabilitation application must be received by the Division of
 378 Waste Management of the Department of Environmental Protection
 379 by January 31 of the year after the calendar year for which site
 380 rehabilitation costs are being claimed in a tax credit
 381 application.

382 (b) For solid waste removal tax credits, have entered into
 383 a brownfield site rehabilitation agreement with the Department
 384 of Environmental Protection. A solid waste removal tax credit
 385 applicant must submit only a single complete application per
 386 brownfield site, as defined in the brownfield site
 387 rehabilitation agreement, for solid waste removal costs. A solid
 388 waste removal tax credit application must be received by the
 389 Division of Waste Management of the Department of Environmental

390 Protection subsequent to the completion of the requirements
 391 listed in paragraph (3)(e) Have paid all deductibles pursuant to
 392 s. 376.3078(3)(e) for eligible drycleaning solvent cleanup
 393 program sites.

394 (6) To obtain the tax credit certificate, a ~~tax credit~~
 395 ~~applicant must annually file an application for certification,~~
 396 ~~which must be received by the Division of Waste Management of~~
 397 ~~the Department of Environmental Protection by January 15 of the~~
 398 ~~year following the calendar year for which site rehabilitation~~
 399 ~~costs are being claimed in a tax credit application.~~ the tax
 400 credit applicant must provide all pertinent information
 401 requested on the tax credit application form, including, at a
 402 minimum, the name and address of the tax credit applicant and
 403 the address and tracking identification number of the eligible
 404 site. Along with the tax credit application form, the tax credit
 405 applicant must submit the following:

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

410 (b) Copies of documents that describe the goods or
 411 services and associated costs being claimed that were integral
 412 to site rehabilitation as defined in s. 376.301 or s. 376.79 or
 413 were for solid waste removal as defined in this section during
 414 the time period covered by the application. Such documents must
 415 include contractual records that describe the scope of work
 416 performed, payment requests that describe the goods or services
 417 provided, and payment records involving actual costs incurred

418 and paid. Such documentation must be sufficient to demonstrate a
 419 link between the contractual records, the payment requests, and
 420 the payment records for the time period covered by the
 421 application ~~contracts and documentation of contract~~
 422 ~~negotiations, accounts, invoices, sales tickets, or other~~
 423 ~~payment records from purchases, sales, leases, or other~~
 424 ~~transactions involving actual costs incurred for that tax year~~
 425 ~~related to site rehabilitation, as that term is defined in ss.~~
 426 ~~376.301 and 376.79;~~

427 (c) Proof that the documentation submitted pursuant to
 428 paragraph (b) has been reviewed and verified by an independent
 429 certified public accountant in accordance with standards
 430 established by the American Institute of Certified Public
 431 Accountants. Specifically, a certified public accountant's
 432 report must be submitted and the certified public accountant
 433 must attest to the accuracy and validity of the costs incurred
 434 and paid during the time period covered in the application by
 435 conducting an independent review of the data presented by the
 436 tax credit applicant. Accuracy and validity of costs incurred
 437 and paid shall ~~would~~ be determined after ~~once~~ the level of
 438 effort is ~~was~~ certified by an appropriate professional
 439 registered in this state in each contributing technical
 440 discipline. The certified public accountant's report must ~~would~~
 441 also attest that the costs included in the application form are
 442 not duplicated within the application. A copy of the
 443 accountant's report shall be submitted to the Department of
 444 Environmental Protection in addition to the accountant's
 445 certification form in ~~with~~ the tax credit application; and

446 (d) A certification form stating that ~~site rehabilitation~~
 447 activities associated with the documentation submitted pursuant
 448 to paragraph (b) have been conducted under the observation of,
 449 and related technical documents have been signed and sealed by,
 450 an appropriate professional registered in this state in each
 451 contributing technical discipline. The certification form shall
 452 be signed and sealed by the appropriate registered professionals
 453 stating that the costs incurred were integral, necessary, and
 454 required for site rehabilitation, as that term is defined in ss.
 455 376.301 and 376.79. If the scope of solid waste removal
 456 activities does not require oversight by a registered technical
 457 professional in this state, such certification form is not
 458 required as part of the tax credit application.

459 (7) The certified public accountant and appropriate
 460 registered professionals submitting forms as part of a tax
 461 credit application must verify such forms by completing and
 462 signing the appropriate certifications included as part of the
 463 application form. Verification shall ~~must~~ be accomplished as
 464 provided in s. 92.525(1)(b) and subject to ~~the provisions of~~ s.
 465 92.525(3).

466 (8) The Department of Environmental Protection shall
 467 review the tax credit application and any supplemental
 468 documentation that the tax credit applicant may submit prior to
 469 the annual application deadline, if applicable, for completeness
 470 and eligibility, as follows:

471 (a) To be ~~In order to have the application~~ considered
 472 complete, the review must verify ~~for the purpose of verifying~~
 473 that the tax credit applicant has met the appropriate qualifying

474 criteria in subsections (3) and (5), ~~and~~ has submitted a
475 completed application form, and has addressed each of the
476 categories of submittals all required documentation listed in
477 subsection (6). Upon verification that the tax credit applicant
478 has met such completeness ~~these~~ requirements, the tax credit
479 application secures a place in the first-come, first-served
480 application line. If the department determines that an
481 application is incomplete, the department shall notify the
482 applicant in writing and the applicant shall have 30 days after
483 receiving such notification to correct any deficiency. Upon
484 timely correction of any deficiencies, the tax credit
485 application secures a place in the first-come, first-served
486 application line. Tax credit applications may not be altered to
487 claim additional costs during this time.

488 (b) In order to have costs considered eligible, the review
489 of the complete application shall be performed to verify that
490 the work claimed was integral to site rehabilitation or was for
491 solid waste removal, that the work claimed was performed in the
492 applicable timeframe, and that the costs claimed were properly
493 documented. Upon verification, the department shall issue a
494 written decision granting eligibility for ~~partial~~ tax credits (a
495 tax credit certificate). Complete tax credit applications shall
496 be reviewed for eligible costs in conjunction with ~~in the amount~~
497 of 50 percent of the total costs claimed, subject to the
498 \$500,000 limitation, for the calendar year for which the tax
499 credit application is submitted based on the report of the
500 certified public accountant and the certifications from the
501 appropriate registered technical professionals, as applicable.

502 (9) On or before May 1 ~~March 31~~, the Department of
 503 Environmental Protection shall inform each ~~eligible~~ tax credit
 504 applicant that is subject to the January 31 annual application
 505 deadline of the applicant's eligibility status and ~~of~~ the amount
 506 of any ~~its partial~~ tax credit due. The department shall ~~and~~
 507 provide each eligible tax credit applicant with a tax credit
 508 certificate that must be submitted with its tax return to the
 509 Department of Revenue to claim the tax credit or be transferred
 510 pursuant to s. 220.1845(1) (g) ~~(h)~~. The May 1 deadline for annual
 511 site rehabilitation tax credit certificate awards shall not
 512 apply to any tax credit application for which the department has
 513 issued a notice of deficiency pursuant to subsection (8). The
 514 department shall respond within 90 days after receiving a
 515 response from the tax credit applicant to such a notice of
 516 deficiency. Credits may ~~will~~ not result in the payment of
 517 refunds if total credits exceed the amount of tax owed.

518 (10) For solid waste removal, new health care facility or
 519 health care provider, and affordable housing tax credit
 520 applications, the Department of Environmental Protection shall
 521 inform the applicant of the department's determination within 90
 522 days after the application is deemed complete. Each eligible tax
 523 credit applicant shall be informed of the amount of its tax
 524 credit and provided with a tax credit certificate that must be
 525 submitted with its tax return to the Department of Revenue to
 526 claim the tax credit or be transferred pursuant to s.
 527 220.1845(1) (g). Credits may not result in the payment of refunds
 528 if total credits exceed the amount of tax owed.

529 (11)~~(10)~~ If a tax credit applicant does not receive a tax
530 credit allocation due to an exhaustion of the 2 million annual
531 tax credit authorization, such application will then be included
532 in the same first-come, first-served order in the next year's
533 annual tax credit allocation, if any, based on the prior year
534 application.

535 (12)~~(11)~~ The Department of Environmental Protection may
536 adopt rules to prescribe the necessary forms required to claim
537 tax credits under this section and to provide the administrative
538 guidelines and procedures required to administer this section.

539 (13)~~(12)~~ The Department of Environmental Protection may
540 revoke or modify any written decision granting eligibility for
541 ~~partial~~ tax credits under this section if it is discovered that
542 the tax credit applicant submitted any false statement,
543 representation, or certification in any application, record,
544 report, plan, or other document filed in an attempt to receive
545 ~~partial~~ tax credits under this section. The Department of
546 Environmental Protection shall immediately notify the Department
547 of Revenue of any revoked or modified orders affecting
548 previously granted partial tax credits. Additionally, the tax
549 credit applicant must notify the Department of Revenue of any
550 change in its tax credit claimed.

551 (14) (a)~~(13)~~ A tax credit applicant who receives state-
552 funded site rehabilitation under s. 376.3078(3) for
553 rehabilitation of a drycleaning-solvent-contaminated site is
554 ineligible to receive a tax credit under s. 220.1845 for costs
555 incurred by the tax credit applicant in conjunction with the

556 rehabilitation of that site during the same time period that
557 state-administered site rehabilitation was underway.

558 (b) Tax credits for site rehabilitation awarded pursuant
559 to paragraphs (3) (b)-(d) and (f) are additive, but at no time
560 shall the total tax credit award for site rehabilitation exceed
561 100 percent of the costs incurred and paid by an applicant.

562 (c) A single brownfield site may receive tax credits for
563 both eligible site rehabilitation costs and eligible solid waste
564 removal costs provided the costs for any given activity are not
565 claimed for both site rehabilitation and solid waste removal
566 such that the same costs are claimed twice.

567 (d) For purposes of this subsection, costs incurred that
568 are not considered integral to site rehabilitation include, but
569 are not limited to, brownfield area designation costs and tax
570 credit application preparation and submittal costs.

571 (e) If the department notifies an applicant pursuant to
572 subsection (9) that any claimed costs are ineligible, those
573 costs may not be allocated and applied to the annual tax credit
574 authorization, and any disputed costs may not delay the
575 application processing or award for subsequent eligible tax
576 credit applicants in the first-come, first-served application
577 line. However, if the department subsequently agrees to award
578 tax credits on any amount that was disputed, the department
579 shall do so based upon the first-come, first-served application
580 line determined by the applicant's original completeness date
581 and time, provided there is any tax credit authorization
582 available. If a tax credit applicant does not receive an award
583 for the disputed costs due to an exhaustion of the annual tax

584 credit authorization, such subsequent tax credit award shall be
 585 included in the same first-come, first-served order in the next
 586 year's annual tax credit allocation, if any, based upon the
 587 applicant's original completeness date and time.

588 Section 3. Subsections (6), (8), (10), (11), (12), and
 589 (17) of section 376.79, Florida Statutes, are amended to read:

590 376.79 Definitions relating to Brownfields Redevelopment
 591 Act.--As used in ss. 376.77-376.85, the term:

592 (6) "Contaminated site" means any contiguous land,
 593 sediment, surface water, or groundwater areas that contain
 594 contaminants that may be harmful to human health or the
 595 environment.

596 (8) "Engineering controls" means modifications to a site
 597 to reduce or eliminate the potential for exposure to chemicals
 598 of concern from petroleum products, drycleaning solvents, or
 599 other contaminants. Such modifications may include, but are not
 600 limited to, physical or hydraulic control measures, capping,
 601 point of use treatments, or slurry walls.

602 (10) "Institutional controls" means the restriction on use
 603 of or access to a site to eliminate or minimize exposure to
 604 chemicals of concern from petroleum products, drycleaning
 605 solvents, or other contaminants. Such restrictions may include,
 606 but are not limited to, deed restrictions, restrictive
 607 covenants, or conservation easements.

608 (11) "Local pollution control program" means a local
 609 pollution control program that has received delegated authority
 610 from the Department of Environmental Protection under ss.
 611 376.80 (9) ~~(11)~~ and 403.182.

612 (12) "Natural attenuation" means a verifiable approach to
 613 site rehabilitation that ~~which~~ allows natural processes to
 614 contain the spread of contamination and reduce the
 615 concentrations of contaminants in contaminated groundwater and
 616 soil. Natural attenuation processes may include sorption,
 617 biodegradation, chemical reactions with subsurface materials,
 618 diffusion, dispersion, and volatilization.

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 4. 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. 376.77-376.86 ~~376.77-376.85~~. The notification must
 634 include a resolution, by the local government body, to which is
 635 attached a map adequate to clearly delineate exactly which
 636 parcels are to be included in the brownfield area or
 637 alternatively a less-detailed map accompanied by a detailed
 638 legal description of the brownfield area. If a property owner
 639 within the area proposed for designation by the local government

640 requests in writing to have his or her property removed from the
 641 proposed designation, the local government shall grant the
 642 request. For municipalities, the governing body shall adopt the
 643 resolution in accordance with the procedures outlined in s.
 644 166.041, except that the notice for the public hearings on the
 645 proposed resolution must be in the form established in s.
 646 166.041(3)(c)2. For counties, the governing body shall adopt the
 647 resolution in accordance with the procedures outlined in s.
 648 125.66, except that the notice for the public hearings on the
 649 proposed resolution shall be in the form established in s.
 650 125.66(4)(b)2.

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

668 the local governing body before the actual public hearing. In
 669 determining the areas to be designated, the local government
 670 must consider:

671 1. Whether the brownfield area warrants economic
 672 development and has a reasonable potential for such activities;

673 2. Whether the proposed area to be designated represents a
 674 reasonably focused approach and is not overly large in
 675 geographic coverage;

676 3. Whether the area has potential to interest the private
 677 sector in participating in rehabilitation; and

678 4. Whether the area contains sites or parts of sites
 679 suitable for limited recreational open space, cultural, or
 680 historical preservation purposes.

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

683 1. A person who owns or controls a potential brownfield
 684 site is requesting the designation and has agreed to
 685 rehabilitate and redevelop the brownfield site;

686 2. The rehabilitation and redevelopment of the proposed
 687 brownfield site will result in economic productivity of the
 688 area, along with the creation of at least 5 new permanent jobs
 689 at the brownfield site that ~~which~~ are full-time equivalent
 690 positions not associated with the implementation of the
 691 brownfield site rehabilitation agreement and that ~~which~~ are not
 692 associated with redevelopment project demolition or construction
 693 activities pursuant to the redevelopment of the proposed
 694 brownfield site or area agreement required under paragraph
 695 ~~(5)(i)~~. However, the job creation requirement shall not apply to

696 the rehabilitation and redevelopment of a brownfield site that
 697 will provide affordable housing as defined in s. 420.0004(3) or
 698 the creation of recreational areas, conservation areas, or
 699 parks;

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

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

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

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

722 (3) When there is a person responsible for brownfield site
 723 rehabilitation, the local government must notify the department

724 of the identity of that person. If the agency or person who will
725 be responsible for the coordination changes during the approval
726 process specified in subsections (4), (5), and (6), the
727 department or the affected approved local pollution control
728 program must notify the affected local government when the
729 change occurs.

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

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

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

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

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

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

789 (c) A commitment to conduct site rehabilitation in
790 accordance with department quality assurance rules.†

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

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

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

805 (g) Other provisions that the person responsible for
806 brownfield site rehabilitation and the department agree upon,
807 that are consistent with ss. 376.77-376.86 ~~376.77-376.85~~, and

808 that will improve or enhance the brownfield site rehabilitation
 809 process.

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

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

836 and expresses the local government's agreement with or approval
837 of the proposed redevelopment. Such agreement shall contain
838 terms for the redevelopment of the brownfield area.

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

841 (a) Meets all certification and license requirements
842 imposed by law; and

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

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

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

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

855 ~~(c) Maintains comprehensive general liability coverage~~
856 ~~with limits of not less than \$1 million per occurrence and \$2~~
857 ~~million general aggregate for bodily injury and property damage~~
858 ~~and comprehensive automobile liability coverage with limits of~~
859 ~~not less than \$1 million combined single limit. The contractor~~
860 ~~shall also maintain pollution liability coverage with limits of~~
861 ~~not less than \$3 million aggregate for personal injury or death,~~
862 ~~\$1 million per occurrence for personal injury or death, and \$1~~
863 ~~million per occurrence for property damage. The contractor's~~

864 ~~certificate of insurance shall name the state as an additional~~
865 ~~insured party.~~

866 ~~(d) Maintains professional liability insurance of at least~~
867 ~~\$1 million per claim and \$1 million annual aggregate.~~

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

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

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

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

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

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

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

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

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

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

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

931 1. Brownfield site rehabilitation and redevelopment can
 932 improve the overall health of a community and the quality of
 933 life for communities, including for individuals living in such
 934 communities.

935 2. The community health benefits of brownfield site
 936 rehabilitation and redevelopment should be better measured in
 937 order to achieve the legislative intent as expressed in s.
 938 376.78.

939 3. There is a need in this state to define and better
 940 measure the community health benefits of brownfield site
 941 rehabilitation and redevelopment.

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

947 (b) Local governments may and are encouraged to evaluate
 948 the community health benefits and effects of brownfield site
 949 rehabilitation and redevelopment in connection with brownfield
 950 areas located within their jurisdictions. Factors that may be
 951 evaluated and monitored before and after brownfield site
 952 rehabilitation and redevelopment include, but are not limited
 953 to:

954 1. Health status, disease distribution, and quality of
 955 life measures regarding populations living in or around
 956 brownfield sites that have been rehabilitated and redeveloped.

957 2. Access to primary and other health care or health
 958 services for persons living in or around brownfield sites that
 959 have been rehabilitated and redeveloped.

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

964 4. Other factors described in rules adopted by the
 965 Department of Environmental Protection or the Department of
 966 Health, as applicable.

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

972 Section 5. Paragraphs (d) and (f) of subsection (2) of
 973 section 376.82, Florida Statutes, are amended to read:

974 376.82 Eligibility criteria and liability protection.--

975 (2) LIABILITY PROTECTION.--

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

986 (f) Compliance with ~~the agreement referenced in s.~~
 987 376.80(5)(i) must be evidenced as set forth in that paragraph ~~by~~
 988 ~~a finding by the local government with jurisdiction over the~~
 989 ~~brownfield area that the terms of the agreement have been met.~~

990 Section 6. Subsections (1) and (2) of section 376.86,
 991 Florida Statutes, are amended to read:

992 376.86 Brownfield Areas Loan Guarantee Program.--

993 (1) The Brownfield Areas Loan Guarantee Council is created
 994 to review and approve or deny, by a majority vote of its
 995 membership, the situations and circumstances for participation
 996 in partnerships by agreements with local governments, financial
 997 institutions, and others associated with the redevelopment of
 998 brownfield areas pursuant to the Brownfields Redevelopment Act
 999 for a limited state guaranty of up to 5 years of loan guarantees
 1000 or loan loss reserves issued pursuant to law. The limited state
 1001 loan guaranty applies only to 50 percent of the primary lenders
 1002 loans for redevelopment projects in brownfield areas. If the

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1003 redevelopment project is for affordable housing, as defined in
1004 s. 420.0004~~(3)~~, in a brownfield area, the limited state loan
1005 guaranty applies to 75 percent of the primary lender's loan. If
1006 the redevelopment project includes the construction and
1007 operation of a new health care facility or a health care
1008 provider, as defined in s. 408.032, s. 408.07, or s. 408.7056,
1009 on a brownfield site and the applicant has obtained
1010 documentation in accordance with s. 376.30781 indicating that
1011 the construction of the health care facility or health care
1012 provider by the applicant on the brownfield site has received a
1013 certificate of occupancy or a license or certificate has been
1014 issued for the operation of the health care facility or health
1015 care provider, the limited state loan guaranty applies to 75
1016 percent of the primary lender's loan. A limited state guaranty
1017 of private loans or a loan loss reserve is authorized for
1018 lenders licensed to operate in the state upon a determination by
1019 the council that such an arrangement would be in the public
1020 interest and the likelihood of the success of the loan is great.

1021 (2) The council shall consist of the secretary of the
1022 Department of Environmental Protection or the secretary's
1023 designee, the secretary of the Department of Community Affairs
1024 or the secretary's designee, the State Surgeon General or the
1025 State Surgeon General's designee, the Executive Director of the
1026 State Board of Administration or the executive director's
1027 designee, the Executive Director of the Florida Housing Finance
1028 Corporation or the executive director's designee, and the
1029 Director of the Governor's Office of Tourism, Trade, and
1030 Economic Development or the director's designee. The chairperson

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1031 of the council shall be the Director of the Governor's Office of
1032 Tourism, Trade, and Economic Development. Staff services for
1033 activities of the council shall be provided as needed by the
1034 member agencies.

1035 Section 7. This act shall take effect upon becoming a law
1036 and shall operate retroactively to January 1, 2008.