

1 A bill to be entitled

2 An act relating to environmental site redevelopment;  
3 amending s. 376.30715, F.S.; defining the term "acquired";  
4 providing for financial assistance in certain additional  
5 circumstances involving the transfer of a contaminated  
6 property; s. 220.1845, F.S.; revising requirements for  
7 site rehabilitation tax credits; expanding eligibility for  
8 site rehabilitation tax credits; providing for application  
9 to brownfield site redevelopment solid waste removal  
10 costs; providing requirements and limitations; providing  
11 definitions; providing for application to construction and  
12 operation of new health care facilities or health care  
13 providers on brownfield sites; providing requirements;  
14 amending s. 376.30781, F.S.; revising provisions providing  
15 tax credits for rehabilitation of certain contaminated  
16 sites and brownfield sites; providing for application to  
17 solid waste removal activities and site rehabilitation;  
18 providing for granting tax credits to multiple applicants;  
19 providing criteria for claiming costs for solid waste  
20 removal; providing definitions; providing for application  
21 to construction and operation of new health care  
22 facilities or health care providers on brownfield sites;  
23 providing requirements; revising criteria and requirements  
24 for granting site rehabilitation tax credits; providing  
25 criteria and requirements for granting solid waste removal  
26 tax credits; revising criteria and requirements for  
27 Department of Environmental Protection review of tax  
28 credit applications; providing notice requirements for the

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

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

Section 1. Section 376.30715, Florida Statutes, is amended to read:

376.30715 Innocent victim petroleum storage system restoration.--A contaminated site acquired by the current owner prior to July 1, 1990, which has ceased operating as a petroleum storage or retail business prior to January 1, 1985, is eligible for financial assistance pursuant to s. 376.305(6), notwithstanding s. 376.305(6)(a). For purposes of this section, the term "acquired" means the acquisition of title to the property; however, a subsequent transfer of the property to a spouse, a surviving spouse in trust or free of trust, or a revocable trust created for the benefit of the settlor does not disqualify the site from financial assistance pursuant to s. 376.305(6). Eligible sites shall be ranked in accordance with s. 376.3071(5).

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

220.1845 Contaminated site rehabilitation tax credit.--

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

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

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

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

92 3. A brownfield site in a designated brownfield area under  
93 s. 376.80.

94 (c) If the credit granted under this section is not fully  
95 used in any one year because of insufficient tax liability on  
96 the part of the corporation, the unused amount may be carried  
97 forward for up to a period not to exceed 5 years. The carryover  
98 credit may be used in a subsequent year if ~~when~~ the tax imposed  
99 by this chapter for that year exceeds the credit for which the  
100 corporation is eligible in that year ~~under this section~~ after  
101 applying the other credits and unused carryovers in the order  
102 provided by s. 220.02(8). ~~Five years after the date a credit is~~  
103 ~~granted under this section, such credit expires and may not be~~  
104 ~~used.~~ However, If during the 5-year period the credit is  
105 transferred, in whole or in part, pursuant to paragraph (g),  
106 each transferee has 5 years after the date of transfer to use  
107 its credit.

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

113           2. The entity or its surviving or acquiring entity as  
 114 described in subparagraph 1., may transfer any unused credit in  
 115 whole or in units of at least ~~no less than~~ 25 percent of the  
 116 remaining credit. The entity acquiring such credit may use it in  
 117 the same manner and with the same limitation as described in  
 118 this section. Such transferred credits may not be transferred  
 119 again although they may succeed to a surviving or acquiring  
 120 entity subject to the same conditions and limitations as  
 121 described in this section.

122           3. ~~If In the event~~ the credit ~~provided for under this~~  
 123 ~~section~~ is reduced due to ~~either as a result of~~ a determination  
 124 by the Department of Environmental Protection or an examination  
 125 or audit by the Department of Revenue, the ~~such~~ tax deficiency  
 126 shall be recovered from the first entity, or the surviving or  
 127 acquiring entity that, ~~to have claimed~~ the ~~such~~ credit up to the  
 128 amount of credit taken. Any subsequent deficiencies shall be  
 129 assessed against the ~~any~~ entity acquiring and claiming the ~~such~~  
 130 credit, or in the case of multiple succeeding entities in the  
 131 order of credit succession.

132           (i) In order to encourage the construction of housing that  
 133 meets the definition of affordable provided in s. 420.0004~~(3)~~,  
 134 an applicant for the tax credit may claim an additional 25  
 135 percent of the total site rehabilitation costs that are eligible  
 136 for tax credits under this section, not to exceed \$500,000. In  
 137 order to receive this additional tax credit, the applicant must  
 138 provide a certification letter from the Florida Housing Finance  
 139 Corporation, the local housing authority, or other governmental  
 140 agency that is a party to the use agreement~~,~~ indicating that the

141 construction on the brownfield site ~~is complete, the brownfield~~  
142 ~~site~~ has received a certificate of occupancy, and the brownfield  
143 site has a properly recorded instrument that limits the use of  
144 the property to housing that meets the definition of affordable  
145 provided in s. 420.0004(3).

146 (j) In order to encourage the redevelopment of a  
147 brownfield site, as defined in the brownfield site  
148 rehabilitation agreement, that is hindered by the presence of  
149 solid waste, as defined in s. 403.703, a tax credit applicant,  
150 or multiple tax credit applicants working jointly to clean up a  
151 single brownfield site, may also claim costs required to address  
152 solid waste removal as defined in this paragraph in accordance  
153 with rules of the Department of Environmental Protection.  
154 Multiple tax credit applicants shall be granted tax credits in  
155 the same proportion as each applicant's contribution to payment  
156 of solid waste removal costs. These costs are eligible for a tax  
157 credit provided the applicant submits an affidavit stating that,  
158 after consultation with appropriate local government officials  
159 and the Department of Environmental Protection, to the best of  
160 the applicant's knowledge according to such consultation and  
161 available historical records, the brownfield site was never  
162 operated as a permitted solid waste disposal area or was never  
163 operated for monetary compensation and the applicant submits all  
164 other documentation and certifications required by this section.  
165 Under this section, wherever reference is made to "site  
166 rehabilitation," the Department of Environmental Protection  
167 shall instead consider whether or not the costs claimed are for  
168 solid waste removal. Tax credit applications claiming costs

169 pursuant to this paragraph shall not be subject to the calendar-  
170 year limitation and January 31 annual application deadline, and  
171 the Department of Environmental Protection shall accept a one-  
172 time application filed subsequent to the completion by the tax  
173 credit applicant of the applicable requirements listed in this  
174 section. A tax credit applicant may claim 50 percent of the cost  
175 for solid waste removal, not to exceed \$500,000, after the  
176 applicant has determined solid waste removal is completed for  
177 the brownfield site. A solid waste removal tax credit  
178 application may be filed only once per brownfield site. For the  
179 purposes of this section, the term:

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

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

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

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

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

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

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

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

213           Section 3. Section 376.30781, Florida Statutes, is amended  
 214 to read:

215           376.30781 ~~Partial~~ Tax credits for rehabilitation of  
 216 drycleaning-solvent-contaminated sites and brownfield sites in  
 217 designated brownfield areas; application process; rulemaking  
 218 authority; revocation authority.--

219           (1) The Legislature finds that:

220           (a) To facilitate property transactions and economic  
 221 growth and development, it is in the state's interest ~~of the~~  
 222 ~~state~~ to encourage the cleanup, at the earliest possible time,



223 of drycleaning-solvent-contaminated sites and brownfield sites  
 224 in designated brownfield areas.

225 (b) It is the intent of the Legislature to encourage the  
 226 voluntary cleanup of drycleaning-solvent-contaminated sites and  
 227 brownfield sites in designated brownfield areas by providing a  
 228 ~~partial~~ tax credit for the restoration of such property in  
 229 specified circumstances.

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

238 (3)(a) A credit in the amount of 50 percent of the costs  
 239 of voluntary cleanup activity that is integral to site  
 240 rehabilitation at the following sites is allowed pursuant to s.  
 241 220.1845:

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

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

249 3. A brownfield site in a designated brownfield area under  
 250 s. 376.80.

251 (b) A tax credit applicant, or multiple tax credit  
 252 applicants working jointly to clean up a single site, may not  
 253 receive ~~be granted~~ more than \$500,000 per year in tax credits  
 254 for each site voluntarily rehabilitated. Multiple tax credit  
 255 applicants shall be granted tax credits in the same proportion  
 256 as each applicant's ~~their~~ contribution to payment of site  
 257 rehabilitation ~~cleanup~~ costs. Tax credits are available only for  
 258 site rehabilitation conducted during the calendar year for which  
 259 the tax credit application is submitted. For purposes of this  
 260 section, the term "integral to site rehabilitation" means work  
 261 that is necessary to implement the requirements of chapter 62-  
 262 785 or chapter 62-782, Florida Administrative Code.

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

271 (d) In order to encourage the construction of housing that  
 272 meets the definition of affordable provided in s. 420.0004(3),  
 273 an applicant for the tax credit may claim an additional 25  
 274 percent of the total site rehabilitation costs that are eligible  
 275 for tax credits under this section, not to exceed \$500,000. ~~In~~  
 276 ~~order~~ To receive this additional tax credit, the applicant must  
 277 provide a certification letter from the Florida Housing Finance  
 278 Corporation, the local housing authority, or other governmental

279 agency that is a party to the use agreement, indicating that the  
280 construction on the brownfield site ~~is complete, the brownfield~~  
281 ~~site~~ has received a certificate of occupancy, and the brownfield  
282 site has a properly recorded instrument that limits the use of  
283 the property to housing that ~~meets the definition of affordable~~  
284 ~~provided in s. 420.0004(3)~~. Notwithstanding ~~the limitation that~~  
285 only one application may ~~shall~~ be submitted each year for each  
286 site, an application for the additional credit provided for in  
287 this paragraph shall be submitted after ~~as soon as~~ all  
288 requirements to obtain the ~~this~~ additional tax credit have been  
289 met.

290 (e) In order ~~Notwithstanding the restrictions in this~~  
291 ~~section that limit tax credit eligibility to costs that are~~  
292 ~~integral to site rehabilitation,~~ to encourage the redevelopment  
293 of a brownfield site, as defined in the brownfield site  
294 rehabilitation agreement, properties in designated brownfield  
295 ~~areas~~ that is ~~are~~ hindered by the presence of solid waste, as  
296 defined in s. 403.703, costs related to solid waste removal may  
297 also be claimed under this section. A tax credit applicant, or  
298 multiple tax credit applicants working jointly to clean up a  
299 single brownfield site, may also claim costs to address the  
300 solid waste removal as defined in this paragraph, ~~but only those~~  
301 ~~costs to remove, transport, and dispose of solid waste in~~  
302 accordance with department rules. Multiple tax credit applicants  
303 shall be granted tax credits in the same proportion as each  
304 applicant's contribution to payment of solid waste removal  
305 costs. These costs are eligible for a tax credit provided the  
306 applicant submits an affidavit stating that, after consultation

307 with appropriate local government officials and the department,  
308 to the best of the applicant's knowledge based upon such  
309 consultation and available historical records, the brownfield  
310 site was never operated as a permitted solid waste disposal area  
311 or was never operated landfill or dump site for monetary  
312 compensation, and the applicant submits all other documentation  
313 and certifications required by this section. In this section,  
314 where reference is made to "site rehabilitation," the department  
315 shall instead consider whether the costs claimed are for solid  
316 waste removal, transportation, and disposal of solid waste. Tax  
317 credit applications claiming costs pursuant to this paragraph  
318 shall not be subject to the calendar-year limitation and January  
319 31 ~~15~~ annual application deadline, and the department shall  
320 accept a one-time application filed subsequent to the completion  
321 by the tax credit applicant of the applicable requirements  
322 listed in this subsection paragraph. A tax credit applicant may  
323 claim 50 percent of the costs for solid waste removal, not to  
324 exceed \$500,000, after the applicant has determined solid waste  
325 removal is completed for the brownfield site. A solid waste  
326 removal tax credit application may be filed only once per  
327 brownfield site. 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.
- 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 also 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, if the applicant meets the requirements  
350 of this paragraph. In order to receive this additional tax  
351 credit, the applicant must provide documentation indicating that  
352 the construction of the health care facility or health care  
353 provider by the applicant on the brownfield site has received a  
354 certificate of occupancy or a license or certificate has been  
355 issued for the operation of the health care facility or health  
356 care provider.

357 (4) The Department of Environmental Protection ~~is shall be~~  
358 responsible for allocating the tax credits provided for in s.  
359 220.1845, which may not ~~to~~ exceed a total of \$2 million in tax  
360 credits 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 \$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 complete applications  
 379 are received by the Division of Waste Management, subject to the  
 380 limitations of subsection (14). ~~A tax credit applicant shall~~  
 381 ~~submit only one complete application per site for each calendar~~  
 382 ~~year's site rehabilitation costs. Incomplete placeholder~~  
 383 ~~applications shall not be accepted and will not secure a place~~  
 384 ~~in the first come, first served application line.~~ To be eligible  
 385 for a tax credit, the tax 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, as  
 390 applicable, and have paid all deductibles pursuant to s.

391 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
392 sites, as applicable. A site rehabilitation tax credit applicant  
393 must submit only a single completed application per site for  
394 each calendar year's site rehabilitation costs. A site  
395 rehabilitation application must be received by the Division of  
396 Waste Management of the Department of Environmental Protection  
397 by January 31 of the year after the calendar year for which site  
398 rehabilitation costs are being claimed in a tax credit  
399 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. A solid waste removal tax credit  
403 applicant must submit only a single complete application per  
404 brownfield site, as defined in the brownfield site  
405 rehabilitation agreement, for solid waste removal costs. A solid  
406 waste removal tax credit application 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 as defined in this section during  
432 the time period covered by the application. Such documents must  
433 include contractual records that describe the scope of work  
434 performed, payment requests that describe the goods or services  
435 provided, and payment records involving actual costs incurred  
436 and paid. Such documentation must be sufficient to demonstrate a  
437 link between the contractual records, the payment requests, and  
438 the payment records for the time period covered by the  
439 application ~~contracts and documentation of contract~~  
440 ~~negotiations, accounts, invoices, sales tickets, or other~~  
441 ~~payment records from purchases, sales, leases, or other~~  
442 ~~transactions involving actual costs incurred for that tax year~~  
443 ~~related to site rehabilitation, as that term is defined in ss.~~  
444 ~~376.301 and 376.79;~~

445 (c) Proof that the documentation submitted pursuant to  
446 paragraph (b) has been reviewed and verified by an independent



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

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

475 professional in this state, such certification form is not  
476 required as part of the tax credit application.

477 (7) The certified public accountant and appropriate  
478 registered professionals submitting forms as part of a tax  
479 credit application must verify such forms by completing and  
480 signing the appropriate certifications included as part of the  
481 application form. Verification shall ~~must~~ be accomplished as  
482 provided in s. 92.525(1)(b) and subject to ~~the provisions of s.~~  
483 92.525(3).

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

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

503 application secures a place in the first-come, first-served  
 504 application line. Tax credit applications may not be altered to  
 505 claim additional costs during this time.

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

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

531 issued a notice of deficiency pursuant to subsection (8). The  
 532 department shall respond within 90 days after receiving a  
 533 response from the tax credit applicant to such a notice of  
 534 deficiency. Credits may ~~will~~ not result in the payment of  
 535 refunds if total credits exceed the amount of tax owed.

536 (10) For solid waste removal, new health care facility or  
 537 health care provider, and affordable housing tax credit  
 538 applications, the Department of Environmental Protection shall  
 539 inform the applicant of the department's determination within 90  
 540 days after the application is deemed complete. Each eligible tax  
 541 credit applicant shall be informed of the amount of its tax  
 542 credit and provided with a tax credit certificate that must be  
 543 submitted with its tax return to the Department of Revenue to  
 544 claim the tax credit or be transferred pursuant to s.  
 545 220.1845(1)(g). Credits may not result in the payment of refunds  
 546 if total credits exceed the amount of tax owed.

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

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

557 ~~(13)-(12)~~ The Department of Environmental Protection may  
 558 revoke or modify any written decision granting eligibility for

559 ~~partial~~ tax credits under this section if it is discovered that  
 560 the tax credit applicant submitted any false statement,  
 561 representation, or certification in any application, record,  
 562 report, plan, or other document filed in an attempt to receive  
 563 ~~partial~~ tax credits under this section. The Department of  
 564 Environmental Protection shall immediately notify the Department  
 565 of Revenue of any revoked or modified orders affecting  
 566 previously granted partial tax credits. Additionally, the tax  
 567 credit applicant must notify the Department of Revenue of any  
 568 change in its tax credit 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) and (f) are additive, but at no time  
 578 shall the total tax credit award for site rehabilitation exceed  
 579 100 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 and tax  
 588 credit application preparation and submittal costs.

589 (e) If the department notifies an applicant pursuant to  
 590 subsection (9) that any claimed costs are ineligible, those  
 591 costs may not be allocated and applied to the annual tax credit  
 592 authorization, and any disputed costs may not delay the  
 593 application processing or award for subsequent eligible tax  
 594 credit applicants in the first-come, first-served application  
 595 line. However, if the department subsequently agrees to award  
 596 tax credits on any amount that was disputed, the department  
 597 shall do so based upon the first-come, first-served application  
 598 line determined by the applicant's original completeness date  
 599 and time, provided there is any tax credit authorization  
 600 available. If a tax credit applicant does not receive an award  
 601 for the disputed costs due to an exhaustion of the annual tax  
 602 credit authorization, such subsequent tax credit award shall be  
 603 included in the same first-come, first-served order in the next  
 604 year's annual tax credit allocation, if any, based upon the  
 605 applicant's original completeness date and time.

606 Section 4. Subsections (6), (8), (10), (11), (12), and  
 607 (17) of section 376.79, Florida Statutes, are amended to read:

608 376.79 Definitions relating to Brownfields Redevelopment  
 609 Act.--As used in ss. 376.77-376.85, the term:

610 (6) "Contaminated site" means any contiguous land,  
 611 sediment, surface water, or groundwater areas that contain  
 612 contaminants that may be harmful to human health or the  
 613 environment.

614 (8) "Engineering controls" means modifications to a site  
615 to reduce or eliminate the potential for exposure to chemicals  
616 of concern from petroleum products, drycleaning solvents, or  
617 other contaminants. Such modifications may include, but are not  
618 limited to, physical or hydraulic control measures, capping,  
619 point of use treatments, or slurry walls.

620 (10) "Institutional controls" means the restriction on use  
621 of or access to a site to eliminate or minimize exposure to  
622 chemicals of concern from petroleum products, drycleaning  
623 solvents, or other contaminants. Such restrictions may include,  
624 but are not limited to, deed restrictions, restrictive  
625 covenants, or conservation easements.

626 (11) "Local pollution control program" means a local  
627 pollution control program that has received delegated authority  
628 from the Department of Environmental Protection under ss.  
629 376.80 (9) ~~(11)~~ and 403.182.

630 (12) "Natural attenuation" means a verifiable approach to  
631 site rehabilitation that ~~which~~ allows natural processes to  
632 contain the spread of contamination and reduce the  
633 concentrations of contaminants in contaminated groundwater and  
634 soil. Natural attenuation processes may include sorption,  
635 biodegradation, chemical reactions with subsurface materials,  
636 diffusion, dispersion, and volatilization.

637 (17) "Site rehabilitation" means the assessment of site  
638 contamination and the remediation activities that reduce the  
639 levels of contaminants at a site through accepted treatment  
640 methods to meet the cleanup target levels established for that  
641 site. For purposes of sites subject to the Resource Conservation

642 and Recovery Act, as amended, the term includes removal,  
643 decontamination, and corrective action of releases of hazardous  
644 substances.

645 Section 5. Section 376.80, Florida Statutes, is amended to  
646 read:

647 376.80 Brownfield program administration process.--

648 (1) A local government with jurisdiction over the  
649 brownfield area must notify the department of its decision to  
650 designate a brownfield area for rehabilitation for the purposes  
651 of ss. 376.77-376.86 ~~376.77-376.85~~. The notification must  
652 include a resolution, by the local government body, to which is  
653 attached a map adequate to clearly delineate exactly which  
654 parcels are to be included in the brownfield area or  
655 alternatively a less-detailed map accompanied by a detailed  
656 legal description of the brownfield area. If a property owner  
657 within the area proposed for designation by the local government  
658 requests in writing to have his or her property removed from the  
659 proposed designation, the local government shall grant the  
660 request. For municipalities, the governing body shall adopt the  
661 resolution in accordance with the procedures outlined in s.  
662 166.041, except that the notice for the public hearings on the  
663 proposed resolution must be in the form established in s.  
664 166.041(3)(c)2. For counties, the governing body shall adopt the  
665 resolution in accordance with the procedures outlined in s.  
666 125.66, except that the notice for the public hearings on the  
667 proposed resolution shall be in the form established in s.  
668 125.66(4)(b)2.



669           (2) (a) If a local government proposes to designate a  
670 brownfield area that is outside community redevelopment areas,  
671 enterprise zones, empowerment zones, closed military bases, or  
672 designated brownfield pilot project areas, the local government  
673 shall adopt the resolution and ~~must~~ conduct the public hearings  
674 in accordance with the requirements of subsection (1), except at  
675 least one of the required public hearings shall be conducted as  
676 close as reasonably practicable to ~~hearing in~~ the area to be  
677 designated to provide an opportunity for public input on the  
678 size of the area, the objectives for rehabilitation, job  
679 opportunities and economic developments anticipated,  
680 neighborhood residents' considerations, and other relevant local  
681 concerns. Notice of the public hearing must be made in a  
682 newspaper of general circulation in the area and the notice must  
683 be at least 16 square inches in size, must be in ethnic  
684 newspapers or local community bulletins, must be posted in the  
685 affected area, and must be announced at a scheduled meeting of  
686 the local governing body before the actual public hearing. In  
687 determining the areas to be designated, the local government  
688 must consider:

- 689           1. Whether the brownfield area warrants economic  
690 development and has a reasonable potential for such activities;  
691           2. Whether the proposed area to be designated represents a  
692 reasonably focused approach and is not overly large in  
693 geographic coverage;  
694           3. Whether the area has potential to interest the private  
695 sector in participating in rehabilitation; and

696 4. Whether the area contains sites or parts of sites  
 697 suitable for limited recreational open space, cultural, or  
 698 historical preservation purposes.

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

701 1. A person who owns or controls a potential brownfield  
 702 site is requesting the designation and has agreed to  
 703 rehabilitate and redevelop the brownfield site;

704 2. The rehabilitation and redevelopment of the proposed  
 705 brownfield site will result in economic productivity of the  
 706 area, along with the creation of at least 5 new permanent jobs  
 707 at the brownfield site that ~~which~~ are full-time equivalent  
 708 positions not associated with the implementation of the  
 709 brownfield site rehabilitation agreement and that ~~which~~ are not  
 710 associated with redevelopment project demolition or construction  
 711 activities pursuant to the redevelopment of the proposed  
 712 brownfield site or area agreement required under paragraph

713 ~~(5)(i)~~. However, the job creation requirement shall not apply to  
 714 the rehabilitation and redevelopment of a brownfield site that  
 715 will provide affordable housing as defined in s. 420.0004~~(3)~~ or  
 716 the creation of recreational areas, conservation areas, or  
 717 parks;

718 3. The redevelopment of the proposed brownfield site is  
 719 consistent with the local comprehensive plan and is a  
 720 permissible use under the applicable local land development  
 721 regulations;

722 4. Notice of the proposed rehabilitation of the brownfield  
 723 area has been provided to neighbors and nearby residents of the

724 proposed area to be designated, and the person proposing the  
725 area for designation has afforded to those receiving notice the  
726 opportunity for comments and suggestions about rehabilitation.  
727 Notice pursuant to this subparagraph ~~subsection~~ must be made in  
728 a newspaper of general circulation in the area, at least 16  
729 square inches in size, and the notice must be posted in the  
730 affected area; and

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

735 (c) The designation of a brownfield area and the  
736 identification of a person responsible for brownfield site  
737 rehabilitation simply entitles the identified person to  
738 negotiate a brownfield site rehabilitation agreement with the  
739 department or approved local pollution control program.

740 (3) When there is a person responsible for brownfield site  
741 rehabilitation, the local government must notify the department  
742 of the identity of that person. If the agency or person who will  
743 be responsible for the coordination changes during the approval  
744 process specified in subsections (4), (5), and (6), the  
745 department or the affected approved local pollution control  
746 program must notify the affected local government when the  
747 change occurs.

748 (4) Local governments or persons responsible for  
749 rehabilitation and redevelopment of brownfield areas must  
750 establish an advisory committee or use an existing advisory  
751 committee that has formally expressed its intent to address

752 redevelopment of the specific brownfield area for the purpose of  
753 improving public participation and receiving public comments on  
754 rehabilitation and redevelopment of the brownfield area, future  
755 land use, local employment opportunities, community safety, and  
756 environmental justice. Such advisory committee should include  
757 residents within or adjacent to the brownfield area, businesses  
758 operating within the brownfield area, and others deemed  
759 appropriate. The person responsible for brownfield site  
760 rehabilitation must notify the advisory committee of the intent  
761 to rehabilitate and redevelop the site before executing the  
762 brownfield site rehabilitation agreement, and provide the  
763 committee with a copy of the draft plan for site rehabilitation  
764 which addresses elements required by subsection (5). This  
765 includes disclosing potential reuse of the property as well as  
766 site rehabilitation activities, if any, to be performed. The  
767 advisory committee shall review any ~~the~~ proposed redevelopment  
768 agreements prepared ~~agreement required~~ pursuant to paragraph  
769 (5) (i) and provide comments, if appropriate, to the board of the  
770 local government with jurisdiction over the brownfield area. The  
771 advisory committee must receive a copy of the executed  
772 brownfield site rehabilitation agreement. When the person  
773 responsible for brownfield site rehabilitation submits a site  
774 assessment report or the technical document containing the  
775 proposed course of action following site assessment to the  
776 department or the local pollution control program for review,  
777 the person responsible for brownfield site rehabilitation must  
778 hold a meeting or attend a regularly scheduled meeting to inform  
779 the advisory committee of the findings and recommendations in

780 the site assessment report or the technical document containing  
781 the proposed course of action following site assessment.

782 (5) The person responsible for brownfield site  
783 rehabilitation must enter into a brownfield site rehabilitation  
784 agreement with the department or an approved local pollution  
785 control program if actual contamination exists at the brownfield  
786 site. The brownfield site rehabilitation agreement must include:

787 (a) A brownfield site rehabilitation schedule, including  
788 milestones for completion of site rehabilitation tasks and  
789 submittal of technical reports and rehabilitation plans as  
790 agreed upon by the parties to the agreement.†

791 (b) A commitment to conduct site rehabilitation activities  
792 under the observation of professional engineers or geologists  
793 who are registered in accordance with the requirements of  
794 chapter 471 or chapter 492, respectively. Submittals provided by  
795 the person responsible for brownfield site rehabilitation must  
796 be signed and sealed by a professional engineer registered under  
797 chapter 471, or a professional geologist registered under  
798 chapter 492, certifying that the submittal and associated work  
799 comply with the law and rules of the department and those  
800 governing the profession. In addition, upon completion of the  
801 approved remedial action, the department shall require a  
802 professional engineer registered under chapter 471 or a  
803 professional geologist registered under chapter 492 to certify  
804 that the corrective action was, to the best of his or her  
805 knowledge, completed in substantial conformance with the plans  
806 and specifications approved by the department.†

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

809 (d) A commitment to conduct site rehabilitation consistent  
810 with state, federal, and local laws and consistent with the  
811 brownfield site contamination cleanup criteria in s. 376.81,  
812 including any applicable requirements for risk-based corrective  
813 action.†

814 (e) Timeframes for the department's review of technical  
815 reports and plans submitted in accordance with the agreement.  
816 The department shall make every effort to adhere to established  
817 agency goals for reasonable timeframes for review of such  
818 documents.†

819 (f) A commitment to secure site access for the department  
820 or approved local pollution control program to all brownfield  
821 sites within the eligible brownfield area for activities  
822 associated with site rehabilitation.†

823 (g) Other provisions that the person responsible for  
824 brownfield site rehabilitation and the department agree upon,  
825 that are consistent with ss. 376.77-376.86 ~~376.77-376.85~~, and  
826 that will improve or enhance the brownfield site rehabilitation  
827 process.†

828 (h) A commitment to consider appropriate pollution  
829 prevention measures and to implement those that the person  
830 responsible for brownfield site rehabilitation determines are  
831 reasonable and cost-effective, taking into account the ultimate  
832 use or uses of the brownfield site. Such measures may include  
833 improved inventory or production controls and procedures for  
834 preventing loss, spills, and leaks of hazardous waste and

835 materials, and include goals for the reduction of releases of  
836 toxic materials. ~~and~~

837 (i) Certification that ~~an agreement exists between the~~  
838 person responsible for brownfield site rehabilitation has  
839 consulted with ~~and~~ the local government with jurisdiction over  
840 the brownfield area about the proposed redevelopment of the  
841 brownfield site, that the local government is in agreement with  
842 or approves the proposed redevelopment, and that the proposed  
843 redevelopment complies with applicable laws and requirements for  
844 such redevelopment. Certification shall be accomplished by  
845 referencing or providing a legally recorded or officially  
846 approved land use or site plan, a development order or approval,  
847 a building permit, or a similar official document issued by the  
848 local government that reflects the local government's approval  
849 of proposed redevelopment of the brownfield site; providing a  
850 copy of the local government resolution designating the  
851 brownfield area that contains the proposed redevelopment of the  
852 brownfield site; or providing a letter from the local government  
853 that describes the proposed redevelopment of the brownfield site  
854 and expresses the local government's agreement with or approval  
855 of the proposed redevelopment. Such agreement shall contain  
856 ~~terms for the redevelopment of the brownfield area.~~

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

859 (a) Meets all certification and license requirements  
860 imposed by law; and

861           (b) Will conduct ~~Has obtained the necessary approvals for~~  
862 ~~conducting~~ sample collection and analyses pursuant to department  
863 rules.

864           ~~(7) The contractor who is performing the majority of the~~  
865 ~~site rehabilitation program tasks pursuant to a brownfield site~~  
866 ~~rehabilitation agreement or supervising the performance of such~~  
867 ~~tasks by licensed subcontractors in accordance with the~~  
868 ~~provisions of s. 489.113(9) must certify to the department that~~  
869 ~~the contractor:~~

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

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

873           ~~(c) Maintains comprehensive general liability coverage~~  
874 ~~with limits of not less than \$1 million per occurrence and \$2~~  
875 ~~million general aggregate for bodily injury and property damage~~  
876 ~~and comprehensive automobile liability coverage with limits of~~  
877 ~~not less than \$1 million combined single limit. The contractor~~  
878 ~~shall also maintain pollution liability coverage with limits of~~  
879 ~~not less than \$3 million aggregate for personal injury or death,~~  
880 ~~\$1 million per occurrence for personal injury or death, and \$1~~  
881 ~~million per occurrence for property damage. The contractor's~~  
882 ~~certificate of insurance shall name the state as an additional~~  
883 ~~insured party.~~

884           ~~(d) Maintains professional liability insurance of at least~~  
885 ~~\$1 million per claim and \$1 million annual aggregate.~~

886           ~~(8) Any professional engineer or geologist providing~~  
887 ~~professional services relating to site rehabilitation program~~



888 ~~tasks must carry professional liability insurance with a~~  
889 ~~coverage limit of at least \$1 million.~~

890 (7)~~(9)~~ During the cleanup process, if the department or  
891 local program fails to complete review of a technical document  
892 within the timeframe specified in the brownfield site  
893 rehabilitation agreement, the person responsible for brownfield  
894 site rehabilitation may proceed to the next site rehabilitation  
895 task. However, the person responsible for brownfield site  
896 rehabilitation does so at its own risk and may be required by  
897 the department or local program to complete additional work on a  
898 previous task. Exceptions to this subsection include requests  
899 for "no further action," "monitoring only proposals," and  
900 feasibility studies, which must be approved prior to  
901 implementation.

902 (8)~~(10)~~ If the person responsible for brownfield site  
903 rehabilitation fails to comply with the brownfield site  
904 rehabilitation agreement, the department shall allow 90 days for  
905 the person responsible for brownfield site rehabilitation to  
906 return to compliance with the provision at issue or to negotiate  
907 a modification to the brownfield site rehabilitation agreement  
908 with the department for good cause shown. If an imminent hazard  
909 exists, the 90-day grace period shall not apply. If the project  
910 is not returned to compliance with the brownfield site  
911 rehabilitation agreement and a modification cannot be  
912 negotiated, the immunity provisions of s. 376.82 are revoked.

913 (9)~~(11)~~ The department is specifically authorized and  
914 encouraged to enter into delegation agreements with local  
915 pollution control programs approved under s. 403.182 to

916 administer the brownfield program within their jurisdictions,  
 917 thereby maximizing the integration of this process with the  
 918 other local development processes needed to facilitate  
 919 redevelopment of a brownfield area. When determining whether a  
 920 delegation pursuant to this subsection of all or part of the  
 921 brownfield program to a local pollution control program is  
 922 appropriate, the department shall consider the following. The  
 923 local pollution control program must:

924 (a) Have and maintain the administrative organization,  
 925 staff, and financial and other resources to effectively and  
 926 efficiently implement and enforce the statutory requirements of  
 927 the delegated brownfield program; and

928 (b) Provide for the enforcement of the requirements of the  
 929 delegated brownfield program, and for notice and a right to  
 930 challenge governmental action, by appropriate administrative and  
 931 judicial process, which shall be specified in the delegation.  
 932

933 The local pollution control program shall not be delegated  
 934 authority to take action on or to make decisions regarding any  
 935 brownfield site on land owned by the local government. Any  
 936 delegation agreement entered into pursuant to this subsection  
 937 shall contain such terms and conditions necessary to ensure the  
 938 effective and efficient administration and enforcement of the  
 939 statutory requirements of the brownfield program as established  
 940 by the act and the relevant rules and other criteria of the  
 941 department.

942 (10)~~(12)~~ Local governments are encouraged to use the full  
 943 range of economic and tax incentives available to facilitate and

944 promote the rehabilitation of brownfield areas, to help  
945 eliminate the public health and environmental hazards, and to  
946 promote the creation of jobs and economic development in these  
947 previously run-down, blighted, and underutilized areas.

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

949 1. Brownfield site rehabilitation and redevelopment can  
950 improve the overall health of a community and the quality of  
951 life for communities, including for individuals living in such  
952 communities.

953 2. The community health benefits of brownfield site  
954 rehabilitation and redevelopment should be better measured in  
955 order to achieve the legislative intent as expressed in s.  
956 376.78.

957 3. There is a need in this state to define and better  
958 measure the community health benefits of brownfield site  
959 rehabilitation and redevelopment.

960 4. Funding sources should be established to support  
961 efforts by the state and local governments, in collaboration  
962 with local health departments, community health providers, and  
963 nonprofit organizations, to evaluate the community health  
964 benefits of brownfield site rehabilitation and redevelopment.

965 (b) Local governments may and are encouraged to evaluate  
966 the community health benefits and effects of brownfield site  
967 rehabilitation and redevelopment in connection with brownfield  
968 areas located within their jurisdictions. Factors that may be  
969 evaluated and monitored before and after brownfield site  
970 rehabilitation and redevelopment include, but are not limited  
971 to:

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

975           2. Access to primary and other health care or health  
 976 services for persons living in or around brownfield sites that  
 977 have been rehabilitated and redeveloped.

978           3. Any new or increased access to open, green, park, or  
 979 other recreational spaces that provide recreational  
 980 opportunities for individuals living in or around brownfield  
 981 sites that have been rehabilitated and redeveloped.

982           4. Other factors described in rules adopted by the  
 983 Department of Environmental Protection or the Department of  
 984 Health, as applicable.

985           (c) The Department of Health may and is encouraged to  
 986 assist local governments, in collaboration with local health  
 987 departments, community health providers, and nonprofit  
 988 organizations, in evaluating the community health benefits of  
 989 brownfield site rehabilitation and redevelopment.

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

992           376.82 Eligibility criteria and liability protection.--

993           (2) LIABILITY PROTECTION.--

994           (d) The liability protection provided under this section  
 995 shall become effective upon execution of a brownfield site  
 996 rehabilitation agreement and shall remain effective, provided  
 997 the person responsible for brownfield site rehabilitation  
 998 complies with the terms of the site rehabilitation agreement.  
 999 Any statute of limitations that would bar the department from

1000 pursuing relief in accordance with its existing authority is  
 1001 tolled from the time the agreement is executed until site  
 1002 rehabilitation is completed or immunity is revoked pursuant to  
 1003 s. 376.80 (8) ~~(10)~~.

1004 (f) Compliance with ~~the agreement referenced in s.~~  
 1005 376.80(5)(i) must be evidenced as set forth in that paragraph ~~by~~  
 1006 ~~a finding by the local government with jurisdiction over the~~  
 1007 ~~brownfield area that the terms of the agreement have been met.~~

1008 Section 7. Subsections (1) and (2) of section 376.86,  
 1009 Florida Statutes, are amended to read:

1010 376.86 Brownfield Areas Loan Guarantee Program.--

1011 (1) The Brownfield Areas Loan Guarantee Council is created  
 1012 to review and approve or deny, by a majority vote of its  
 1013 membership, the situations and circumstances for participation  
 1014 in partnerships by agreements with local governments, financial  
 1015 institutions, and others associated with the redevelopment of  
 1016 brownfield areas pursuant to the Brownfields Redevelopment Act  
 1017 for a limited state guaranty of up to 5 years of loan guarantees  
 1018 or loan loss reserves issued pursuant to law. The limited state  
 1019 loan guaranty applies only to 50 percent of the primary lenders  
 1020 loans for redevelopment projects in brownfield areas. If the  
 1021 redevelopment project is for affordable housing, as defined in  
 1022 s. 420.0004 ~~(3)~~, in a brownfield area, the limited state loan  
 1023 guaranty applies to 75 percent of the primary lender's loan. If  
 1024 the redevelopment project includes the construction and  
 1025 operation of a new health care facility or a health care  
 1026 provider, as defined in s. 408.032, s. 408.07, or s. 408.7056,  
 1027 on a brownfield site and the applicant has obtained

1028 documentation in accordance with s. 376.30781 indicating that  
 1029 the construction of the health care facility or health care  
 1030 provider by the applicant on the brownfield site has received a  
 1031 certificate of occupancy or a license or certificate has been  
 1032 issued for the operation of the health care facility or health  
 1033 care provider, the limited state loan guaranty applies to 75  
 1034 percent of the primary lender's loan. A limited state guaranty  
 1035 of private loans or a loan loss reserve is authorized for  
 1036 lenders licensed to operate in the state upon a determination by  
 1037 the council that such an arrangement would be in the public  
 1038 interest and the likelihood of the success of the loan is great.

1039 (2) The council shall consist of the secretary of the  
 1040 Department of Environmental Protection or the secretary's  
 1041 designee, the secretary of the Department of Community Affairs  
 1042 or the secretary's designee, the State Surgeon General or the  
 1043 State Surgeon General's designee, the Executive Director of the  
 1044 State Board of Administration or the executive director's  
 1045 designee, the Executive Director of the Florida Housing Finance  
 1046 Corporation or the executive director's designee, and the  
 1047 Director of the Governor's Office of Tourism, Trade, and  
 1048 Economic Development or the director's designee. The chairperson  
 1049 of the council shall be the Director of the Governor's Office of  
 1050 Tourism, Trade, and Economic Development. Staff services for  
 1051 activities of the council shall be provided as needed by the  
 1052 member agencies.

1053 Section 8. This act shall take effect upon becoming a law  
 1054 and shall operate retroactively to January 1, 2008.