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CS/HB 527, Engrossed 1

2008 Legislature

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

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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:

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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.

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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

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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

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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.

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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,

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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.

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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

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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

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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

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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

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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.

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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~~

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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

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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

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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

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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

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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

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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

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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.

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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

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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.

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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

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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 permittable 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

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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

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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

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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.+

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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

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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

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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~~

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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

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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

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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:

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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

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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

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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.