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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Commerce (Lynn) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) is added to section 220.1845,
Florida Statutes, to read:

220.1845 Contaminated site rehabilitation tax credit.-

(4) APPLICATION FOR CREDIT.-As provided in s.376.30781(2),
and notwithstanding any other provision of this section, any tax
credit application may claim annual site rehabilitation costs
pursuant to this section or s. 376.30781 for site rehabilitation
costs incurred in the calendar year prior to submission of the
application, provided such costs are paid in the calendar year



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14 in which the site rehabilitation activities were performed or
15 were paid prior to the submission of the application by January
16 31 of the year in which the application is submitted.

17 Section 2. Subsection (2) of section 376.30781, Florida
18 Statutes, is amended to read:

19 376.30781 Tax credits for rehabilitation of drycleaning-
20 solvent-contaminated sites and brownfield sites in designated
21 brownfield areas; application process; rulemaking authority;
22 revocation authority.-

23 (1) The Legislature finds that:

24 (a) To facilitate property transactions and economic growth
25 and development, it is in the state's interest to encourage the
26 cleanup, at the earliest possible time, of drycleaning-solvent-
27 contaminated sites and brownfield sites in designated brownfield
28 areas.

29 (b) It is the intent of the Legislature to encourage the
30 voluntary cleanup of drycleaning-solvent-contaminated sites and
31 brownfield sites in designated brownfield areas by providing a
32 tax credit for the restoration of such property in specified
33 circumstances.

34 (2) Notwithstanding the requirements of subsection (5),
35 tax credits allowed pursuant to s. 220.1845 are available for
36 site rehabilitation or solid waste removal conducted during the
37 calendar year in which the applicable voluntary cleanup
38 agreement or brownfield site rehabilitation agreement is
39 executed, even if the site rehabilitation or solid waste removal
40 is conducted prior to the execution of that agreement or the
41 designation of the brownfield area. Notwithstanding any other
42 provision of this section, any tax credit application claiming



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43 annual brownfield site rehabilitation costs pursuant to this
44 section for such costs incurred in the calendar year prior to
45 submission of the application may claim such costs in the
46 application, provided such costs are paid in the calendar year
47 in which the brownfield site rehabilitation activities were
48 performed or were paid prior to the submission of the
49 application by January 31 of the year in which the application
50 is submitted.

51 Section 3. Section 376.85, Florida statutes, is amended to
52 read:

53 376.85 Annual report.-The Department of Environmental
54 Protection shall prepare and submit an annual report to the
55 President of the Senate and the Speaker of the House of
56 Representatives by February 1 of each year a report that
57 Legislature, beginning in December 1998, which shall include,
58 but is not be limited to, the number, size, and locations of
59 brownfield sites: that have been remediated under the provisions
60 of this act,; that are currently under rehabilitation pursuant
61 to a negotiated site rehabilitation agreement with the
62 department or a delegated local program,; where alternative
63 cleanup target levels have been established pursuant to s.
64 376.81(1)(g)3.,; and, where engineering and institutional
65 control strategies are being employed as conditions of a "no
66 further action order" to maintain the protections provided in s.
67 376.81(1)(g)1. and 2. Based upon such information, the report
68 shall also include recommendations for potential improvements to
69 the brownfield program established under ss. 376.77-376.86 in
70 order to achieve the legislative intent and goals and objectives
71 set forth in s. 376.78.



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72 Section 4. Subsection (7) of section 403.1835, Florida
73 Statutes, is amended to read:

74 403.1835 Water pollution control financial assistance.

75 (7)Eligible projects must be given priority according to
76 the extent each project is intended to remove, mitigate, or
77 prevent adverse effects on surface or ground water quality and
78 public health. The relative costs of achieving environmental and
79 public health benefits must be taken into consideration during
80 the department's assignment of project priorities. The
81 department shall adopt a priority system by rule. In developing
82 the priority system, the department shall give priority to
83 projects that:

84 (a) Eliminate public health hazards;

85 (b) Enable compliance with laws requiring the elimination
86 of discharges to specific water bodies, including the
87 requirements of s. 403.086(9) regarding domestic wastewater
88 ocean outfalls;

89 (c) Assist in the implementation of total maximum daily
90 loads adopted under s. 403.067;

91 (d) Enable compliance with other pollution control
92 requirements, including, but not limited to, toxics control,
93 wastewater residuals management, and reduction of nutrients and
94 bacteria;

95 (e) Assist in the implementation of surface water
96 improvement and management plans and pollutant load reduction
97 goals developed under state water policy;

98 (f) Promote reclaimed water reuse;

99 (g) Eliminate failing onsite sewage treatment and disposal
100 systems or those that are causing environmental damage; or



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101 (h) Reduce pollutants to and otherwise promote the
102 restoration of Florida's surface and ground waters.

103
104 Eligible projects located within a brownfield site addressed by
105 a brownfield site rehabilitation agreement under s. 376.80 which
106 remove, mitigate, or prevent adverse effects on surface or
107 groundwater quality and public health shall be prioritized
108 according to paragraphs (a)-(h).

109 Section 5. This act shall take effect July 1, 2010.

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111
112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete everything before the enacting clause
115 and insert:

116 A bill to be entitled

117 An act relating to brownfield development; amending s.
118 220.1845, F.S.; providing requirements for claiming certain site
119 rehabilitation costs in an application for a contaminated site
120 rehabilitation tax credit; amending s. 376.30781, F.S.;

121 providing requirements for claiming certain site rehabilitation
122 costs in an application for a contaminated site rehabilitation
123 tax credit; amending s. 376.85, F.S.; specifying additional
124 requirements for the Department of Environmental Protection in
125 its annual report to the Legislature regarding site
126 rehabilitation; amending s. 403.1835, F.S.; specifying criteria
127 for prioritizing certain brownfield site projects that eliminate
128 public health hazards; providing an effective date.