

By the Committees on Commerce; and Environmental Preservation  
and Conservation; and Senator Constantine

577-04827-10

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1                   A bill to be entitled  
2           An act relating to brownfield development; amending s.  
3           220.1845, F.S.; providing requirements for claiming  
4           certain site rehabilitation costs in an application  
5           for a contaminated site rehabilitation tax credit;  
6           amending s. 376.30781, F.S.; providing requirements  
7           for claiming certain site rehabilitation costs in an  
8           application for a contaminated site rehabilitation tax  
9           credit; amending s. 376.85, F.S.; specifying  
10          additional requirements for the Department of  
11          Environmental Protection in its annual report to the  
12          Legislature regarding site rehabilitation; amending s.  
13          403.1835, F.S.; specifying criteria for prioritizing  
14          certain brownfield site projects that eliminate public  
15          health hazards; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (4) is added to section 220.1845,  
20 Florida Statutes, to read:

21           220.1845 Contaminated site rehabilitation tax credit.—

22           (4) APPLICATION FOR CREDIT.—As provided in s. 376.30781(2),  
23 and notwithstanding any other provision of this section, any tax  
24 credit application may claim annual site rehabilitation costs  
25 pursuant to this section or s. 376.30781 for site rehabilitation  
26 costs incurred in the calendar year prior to submission of the  
27 application, provided such costs are paid in the calendar year  
28 in which the site rehabilitation activities were performed or  
29 were paid prior to the submission of the application by January

577-04827-10

2010544c2

30 31 of the year in which the application is submitted.

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

33 376.30781 Tax credits for rehabilitation of drycleaning-  
34 solvent-contaminated sites and brownfield sites in designated  
35 brownfield areas; application process; rulemaking authority;  
36 revocation authority.—

37 (2) Notwithstanding the requirements of subsection (5), tax  
38 credits allowed pursuant to s. 220.1845 are available for site  
39 rehabilitation or solid waste removal conducted during the  
40 calendar year in which the applicable voluntary cleanup  
41 agreement or brownfield site rehabilitation agreement is  
42 executed, even if the site rehabilitation or solid waste removal  
43 is conducted prior to the execution of that agreement or the  
44 designation of the brownfield area. Notwithstanding any other  
45 provision of this section, any tax credit application claiming  
46 annual brownfield site rehabilitation costs pursuant to this  
47 section for such costs incurred in the calendar year prior to  
48 submission of the application may claim such costs in the  
49 application, provided such costs are paid in the calendar year  
50 in which the brownfield site rehabilitation activities were  
51 performed or were paid prior to the submission of the  
52 application by January 31 of the year in which the application  
53 is submitted.

54 Section 3. Section 376.85, Florida statutes, is amended to  
55 read:

56 376.85 Annual report.—The Department of Environmental  
57 Protection shall prepare and submit an annual report to the  
58 President of the Senate and the Speaker of the House of

577-04827-10

2010544c2

59 Representatives by August 1 of each year Legislature, beginning  
60 in December 1998, which shall include, but is not ~~be~~ limited to,  
61 the number, size, and locations of brownfield sites~~÷~~ that have  
62 been remediated under the provisions of this act,† that are  
63 currently under rehabilitation pursuant to a negotiated site  
64 rehabilitation agreement with the department or a delegated  
65 local program,† where alternative cleanup target levels have  
66 been established pursuant to s. 376.81(1)(g)3.† and~~†~~ where  
67 engineering and institutional control strategies are being  
68 employed as conditions of a "no further action order" to  
69 maintain the protections provided in s. 376.81(1)(g)1. and 2.  
70 Based upon such information, the report shall also include  
71 recommendations for potential improvements to the brownfield  
72 program established under ss. 376.77-376.86 in order to achieve  
73 the legislative intent and goals and objectives set forth in s.  
74 376.78.

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

77 403.1835 Water pollution control financial assistance.—

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

87 (a) Eliminate public health hazards;

577-04827-10

2010544c2

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

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

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

98 (e) Assist in the implementation of surface water  
99 improvement and management plans and pollutant load reduction  
100 goals developed under state water policy;

101 (f) Promote reclaimed water reuse;

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

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

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

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