

1                                   A bill to be entitled  
 2           An act relating to the contaminated site rehabilitation  
 3           tax credit; amending s. 220.1845, F.S.; increasing the  
 4           annual tax credit cap; amending s. 376.30781, F.S.;  
 5           conforming references; providing an effective date.

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

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 9           Section 1. Paragraph (f) of subsection (2) of section  
 10          220.1845, Florida Statutes, is amended to read:

11           220.1845 Contaminated site rehabilitation tax credit.—

12           (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

13           (f) The total amount of the tax credits which may be  
 14          granted under this section is \$5 ~~\$2~~ million annually.

15           Section 2. Subsections (4), (5), and (11) of section  
 16          376.30781, Florida Statutes, are amended to read:

17           376.30781 Tax credits for rehabilitation of drycleaning-  
 18          solvent-contaminated sites and brownfield sites in designated  
 19          brownfield areas; application process; rulemaking authority;  
 20          revocation authority.—

21           (4) The Department of Environmental Protection is  
 22          responsible for allocating the tax credits provided for in s.  
 23          220.1845, which may not exceed a total of \$5 ~~\$2~~ million in tax  
 24          credits annually.

25           (5) To claim the credit for site rehabilitation or solid  
 26          waste removal, each tax credit applicant must apply to the  
 27          Department of Environmental Protection for an allocation of the  
 28          \$5 ~~\$2~~ million annual credit by filing a tax credit application

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29 | with the Division of Waste Management on a form developed by the  
30 | Department of Environmental Protection in cooperation with the  
31 | Department of Revenue. The form shall include an affidavit from  
32 | each tax credit applicant certifying that all information  
33 | contained in the application, including all records of costs  
34 | incurred and claimed in the tax credit application, are true and  
35 | correct. If the application is submitted pursuant to  
36 | subparagraph (3)(a)2., the form must include an affidavit signed  
37 | by the real property owner stating that it is not, and has never  
38 | been, the owner or operator of the drycleaning facility where  
39 | the contamination exists. Approval of tax credits must be  
40 | accomplished on a first-come, first-served basis based upon the  
41 | date and time complete applications are received by the Division  
42 | of Waste Management, subject to the limitations of subsection  
43 | (14). To be eligible for a tax credit, the tax credit applicant  
44 | must:

45 |       (a) For site rehabilitation tax credits, have entered into  
46 | a voluntary cleanup agreement with the Department of  
47 | Environmental Protection for a drycleaning-solvent-contaminated  
48 | site or a Brownfield Site Rehabilitation Agreement, as  
49 | applicable, and have paid all deductibles pursuant to s.  
50 | 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
51 | sites, as applicable. A site rehabilitation tax credit applicant  
52 | must submit only a single completed application per site for  
53 | each calendar year's site rehabilitation costs. A site  
54 | rehabilitation application must be received by the Division of  
55 | Waste Management of the Department of Environmental Protection  
56 | by January 31 of the year after the calendar year for which site

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57 rehabilitation costs are being claimed in a tax credit  
58 application. All site rehabilitation costs claimed must have  
59 been for work conducted between January 1 and December 31 of the  
60 year for which the application is being submitted. All payment  
61 requests must have been received and all costs must have been  
62 paid prior to submittal of the tax credit application, but no  
63 later than January 31 of the year after the calendar year for  
64 which site rehabilitation costs are being claimed.

65 (b) For solid waste removal tax credits, have entered into  
66 a brownfield site rehabilitation agreement with the Department  
67 of Environmental Protection. A solid waste removal tax credit  
68 applicant must submit only a single complete application per  
69 brownfield site, as defined in the brownfield site  
70 rehabilitation agreement, for solid waste removal costs. A solid  
71 waste removal tax credit application must be received by the  
72 Division of Waste Management of the Department of Environmental  
73 Protection subsequent to the completion of the requirements  
74 listed in paragraph (3) (e).

75 (11) If a tax credit applicant does not receive a tax  
76 credit allocation due to an exhaustion of the \$5 ~~2~~ million  
77 annual tax credit authorization, such application will then be  
78 included in the same first-come, first-served order in the next  
79 year's annual tax credit allocation, if any, based on the prior  
80 year application.

81 Section 3. This act shall take effect July 1, 2011.