

By Senator Latvala

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1 A bill to be entitled

2 An act relating to tax credits for the rehabilitation
3 of contaminated sites; amending s. 220.1845, F.S.;
4 increasing the annual amount of tax credits available
5 for the rehabilitation of contaminated sites; amending
6 s. 376.30781, F.S.; increasing the annual amount of
7 tax credits available for the cleanup of sites
8 contaminated with drycleaning solvents and the cleanup
9 of certain brownfield sites; providing an effective
10 date.

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

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14 Section 1. Paragraph (f) of subsection (2) of section
15 220.1845, Florida Statutes, is amended to read:

16 220.1845 Contaminated site rehabilitation tax credit.—

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

18 (f) The total amount of the tax credits which may be
19 granted under this section is \$4 ~~\$2~~ million annually.

20 Section 2. Subsections (4), (5), and (11) of section
21 376.30781, Florida Statutes, are amended to read:

22 376.30781 Tax credits for rehabilitation of drycleaning-
23 solvent-contaminated sites and brownfield sites in designated
24 brownfield areas; application process; rulemaking authority;
25 revocation authority.—

26 (4) The Department of Environmental Protection is
27 responsible for allocating the tax credits provided for in s.
28 220.1845, which may not exceed a total of \$4 ~~\$2~~ million in tax
29 credits annually.

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30 (5) To claim the credit for site rehabilitation or solid
31 waste removal, each tax credit applicant must apply to the
32 Department of Environmental Protection for an allocation of the
33 \$4 ~~\$2~~ million annual credit by filing a tax credit application
34 with the Division of Waste Management on a form developed by the
35 Department of Environmental Protection in cooperation with the
36 Department of Revenue. The form shall include an affidavit from
37 each tax credit applicant certifying that all information
38 contained in the application, including all records of costs
39 incurred and claimed in the tax credit application, are true and
40 correct. If the application is submitted pursuant to
41 subparagraph (3)(a)2., the form must include an affidavit signed
42 by the real property owner stating that it is not, and has never
43 been, the owner or operator of the drycleaning facility where
44 the contamination exists. Approval of tax credits must be
45 accomplished on a first-come, first-served basis based upon the
46 date and time complete applications are received by the Division
47 of Waste Management, subject to the limitations of subsection
48 (14). To be eligible for a tax credit, the tax credit applicant
49 must:

50 (a) For site rehabilitation tax credits, have entered into
51 a voluntary cleanup agreement with the Department of
52 Environmental Protection for a drycleaning-solvent-contaminated
53 site or a Brownfield Site Rehabilitation Agreement, as
54 applicable, and have paid all deductibles pursuant to s.
55 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
56 sites, as applicable. A site rehabilitation tax credit applicant
57 must submit only a single completed application per site for
58 each calendar year's site rehabilitation costs. A site

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59 rehabilitation application must be received by the Division of
60 Waste Management of the Department of Environmental Protection
61 by January 31 of the year after the calendar year for which site
62 rehabilitation costs are being claimed in a tax credit
63 application. All site rehabilitation costs claimed must have
64 been for work conducted between January 1 and December 31 of the
65 year for which the application is being submitted. All payment
66 requests must have been received and all costs must have been
67 paid prior to submittal of the tax credit application, but no
68 later than January 31 of the year after the calendar year for
69 which site rehabilitation costs are being claimed.

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

80 (11) If a tax credit applicant does not receive a tax
81 credit allocation due to an exhaustion of the \$4 2 million
82 annual tax credit authorization, such application will then be
83 included in the same first-come, first-served order in the next
84 year's annual tax credit allocation, if any, based on the prior
85 year application.

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