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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
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Appropriations Subcommittee on General Government (Simpson)
recommended the following:

1 **Senate Substitute for Amendment (740840) (with title**
2 **amendment)**

3
4 Delete lines 1393 - 1451
5 and insert:

6 share. An applicant proposing that the department enter into a
7 performance-based contract for the cleanup of at least 20 sites
8 may use the following as its cost share commitment: a commitment
9 to pay; a demonstrated cost savings to the department; or any
10 combination of the two. For applications relying on a



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11 demonstration of a cost savings, the applicant, in conjunction
12 with its proposed agency term contractor, shall establish and
13 provide in its application the percentage of cost savings, in
14 the aggregate, that is being provided to the department for
15 cleanup of the sites under its application compared to the cost
16 of cleanup of those same sites using the current rates provided
17 to the department by that proposed agency term contractor. The
18 department shall determine if the cost savings demonstration is
19 acceptable, and such determination is not subject to chapter
20 120.

21 2. A nonrefundable review fee of \$250 to cover the
22 administrative costs associated with the department's review of
23 the application.

24 3. A limited contamination assessment report.

25 4. A proposed course of action.

26
27 The limited contamination assessment report must ~~shall~~ be
28 sufficient to support the proposed course of action and to
29 estimate the cost of the proposed course of action. ~~Any~~ Costs
30 incurred related to conducting the limited contamination
31 assessment report are not refundable from the Inland Protection
32 Trust Fund. Site eligibility under this subsection, ~~or any other~~
33 provision of this section ~~is, shall~~ not ~~constitute~~ an
34 entitlement to ~~preapproved~~ advanced cleanup or continued
35 restoration funding. The applicant shall certify to the
36 department that the applicant has the prerequisite authority to
37 enter into an ~~a preapproved~~ advanced cleanup contract with the
38 department. The ~~This~~ certification must ~~shall~~ be submitted with
39 the application.



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40 (b) The department shall rank the applications based on the
41 percentage of cost-sharing commitment proposed by the applicant,
42 with the highest ranking given to the applicant who ~~that~~
43 proposes the highest percentage of cost sharing. If the
44 department receives applications that propose identical cost-
45 sharing commitments and that ~~which~~ exceed the funds available to
46 commit to all such proposals during the ~~preapproved~~ advanced
47 cleanup application period, the department shall proceed to
48 rerank those applicants. Those applicants submitting identical
49 cost-sharing proposals that ~~which~~ exceed funding availability
50 must ~~shall~~ be so notified by the department and ~~shall be~~ offered
51 the opportunity to raise their individual cost-share
52 commitments, in a period ~~of time~~ specified in the notice. At the
53 close of the period, the department shall proceed to rerank the
54 applications pursuant to ~~in accordance with~~ this paragraph.

55 (3) (a) Based on the ranking established under paragraph
56 ~~(2) (b) and the funding limitations provided in subsection (4),~~
57 the department shall begin ~~commence~~ negotiation with such
58 applicants. If the department and the applicant agree on the
59 course of action, the department may enter into a contract with
60 the applicant. The department may ~~is authorized to~~ negotiate the
61 terms and conditions of the contract.

62 (b) ~~Preapproved~~ Advanced cleanup shall be conducted
63 pursuant to s. 376.3071(5) (b) and (6) and rules adopted under
64 ss. 287.0595 and 376.3071 ~~under the provisions of ss.~~
65 ~~376.3071(5) (b) and 376.30711.~~ If the terms of the ~~preapproved~~
66 advanced cleanup contract are not fulfilled, the applicant
67 forfeits any right to future payment for any site rehabilitation
68 work conducted under the contract.



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69 (c) The department's decision not to enter into an a
70 ~~preapproved~~ advanced cleanup contract with the applicant is
71 ~~shall not be~~ subject to ~~the provisions of~~ chapter 120. If the
72 department cannot ~~is not able to~~ complete negotiation of the
73 course of action and the terms of the contract within 60 days
74 after beginning ~~commencing~~ negotiations, the department shall
75 terminate negotiations with that applicant.

76 (4) The department may ~~is authorized to~~ enter into
77 contracts for a total of up to \$15 million of ~~preapproved~~
78 advanced cleanup work in each fiscal year. However, a facility
79 or an applicant that bundles multiple sites as specified in
80 subparagraph (2) (a) 1.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 14

85 and insert:

86 amending ss. 376.301, 376.302, and 376.305, F.S.;

87 conforming provisions to changes made by the act;

88 amending s. 376.30713, F.S.; providing that applicants

89 can use a demonstration of a cost savings if bundling

90 multiple sites for meeting the required cost-

91 commitment share; amending ss.