

By Senator Broxson

1-00967-20

20201152__

1 A bill to be entitled
2 An act relating to brownfield site rehabilitation;
3 amending ss. 220.1845 and 376.30781, F.S.; increasing
4 the total amount of tax credits which may be granted
5 for certain contaminated site rehabilitations each
6 year; amending s. 376.79, F.S.; defining the term
7 "PFAS"; amending s. 376.82, F.S.; providing that
8 potential brownfield sites owned by the state or a
9 local government which are impacted by PFAS are
10 eligible to participate in a brownfield site
11 rehabilitation agreement regardless of contribution;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (f) of subsection (2) of section
17 220.1845, Florida Statutes, is amended to read:

18 220.1845 Contaminated site rehabilitation tax credit.—

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

20 (f) The total amount of the tax credits which may be
21 granted under this section is \$18.5 million in the 2018-2019
22 fiscal year and \$12 ~~\$10~~ million each fiscal year thereafter.

23 Section 2. Subsection (4) of section 376.30781, Florida
24 Statutes, is amended to read:

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

29 (4) The Department of Environmental Protection is

1-00967-20

20201152__

30 responsible for allocating the tax credits provided for in s.
31 220.1845, which may not exceed a total of \$18.5 million in tax
32 credits in fiscal year 2018-2019 and \$12 ~~\$10~~ million in tax
33 credits each fiscal year thereafter.

34 Section 3. Present subsections (17) through (21) of section
35 376.79, Florida Statutes, are redesignated as subsections (18)
36 through (22), respectively, and a new subsection (17) is added
37 to that section, to read:

38 376.79 Definitions relating to Brownfields Redevelopment
39 Act.—As used in ss. 376.77-376.85, the term:

40 (17) "PFAS" means perfluoroalkyl and polyfluoroalkyl
41 substances, including perfluorooctanoic acid and perfluorooctane
42 sulfonate, which are used in fire suppressants and firefighting
43 foams.

44 Section 4. Subsection (1) of section 376.82, Florida
45 Statutes, is amended to read:

46 376.82 Eligibility criteria and liability protection.—

47 (1) ELIGIBILITY.—Except as provided in paragraph (d), any
48 person who has not caused or contributed to the contamination of
49 a brownfield site on or after July 1, 1997, is eligible to
50 participate in the brownfield program established in ss. 376.77-
51 376.85, subject to the following:

52 (a) Potential brownfield sites that are subject to an
53 ongoing formal judicial or administrative enforcement action or
54 corrective action pursuant to federal authority, including, but
55 not limited to, the Comprehensive Environmental Response
56 Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as
57 amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i,
58 as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as

1-00967-20

20201152__

59 amended; or under an order from the United States Environmental
60 Protection Agency pursuant to s. 3008(h) of the Resource
61 Conservation and Recovery Act, as amended (42 U.S.C.A. s.
62 6928(h)); or that have obtained or are required to obtain a
63 permit for the operation of a hazardous waste treatment,
64 storage, or disposal facility; a postclosure permit; or a permit
65 pursuant to the federal Hazardous and Solid Waste Amendments of
66 1984, are not eligible for participation unless specific
67 exemptions are secured by a memorandum of agreement with the
68 United States Environmental Protection Agency pursuant to
69 paragraph (2)(g). A brownfield site within an eligible
70 brownfield area that subsequently becomes subject to formal
71 judicial or administrative enforcement action or corrective
72 action under such federal authority shall have its eligibility
73 revoked unless specific exemptions are secured by a memorandum
74 of agreement with the United States Environmental Protection
75 Agency pursuant to paragraph (2)(g).

76 (b) Persons who have not caused or contributed to the
77 contamination of a brownfield site on or after July 1, 1997, and
78 who, prior to the department's approval of a brownfield site
79 rehabilitation agreement, are subject to ongoing corrective
80 action or enforcement under state authority established in this
81 chapter or chapter 403, including those persons subject to a
82 pending consent order with the state, are eligible for
83 participation in a brownfield site rehabilitation agreement if:

84 1. The proposed brownfield site is currently idle or
85 underutilized as a result of the contamination, and
86 participation in the brownfield program will immediately, after
87 cleanup or sooner, result in increased economic productivity at

1-00967-20

20201152__

88 the site, including at a minimum the creation of 10 new
89 permanent jobs, whether full-time or part-time, which are not
90 associated with implementation of the brownfield site
91 rehabilitation agreement; and

92 2. The person is complying in good faith with the terms of
93 an existing consent order or department-approved corrective
94 action plan, or responding in good faith to an enforcement
95 action, as evidenced by a determination issued by the department
96 or an approved local pollution control program.

97 (c) Potential brownfield sites owned by the state or a
98 local government which contain contamination for which a
99 governmental entity is potentially responsible and which are
100 already designated as federal brownfield pilot projects or have
101 filed an application for designation to the United States
102 Environmental Protection Agency are eligible for participation
103 in a brownfield site rehabilitation agreement.

104 (d) Potential brownfield sites owned by the state or a
105 local government which are impacted by PFAS are eligible for
106 participation in a brownfield site rehabilitation agreement,
107 whether or not such contamination was caused or contributed to
108 by the state or local government after July 1, 1997.

109 (e)~~(d)~~ After July 1, 1997, petroleum and drycleaning
110 contamination sites shall not receive both restoration funding
111 assistance available for the discharge under this chapter and
112 any state assistance available under s. 288.107. Nothing in this
113 act shall affect the cleanup criteria, priority ranking, and
114 other rights and obligations inherent in petroleum contamination
115 and drycleaning contamination site rehabilitation under ss.
116 376.30-376.317, or the availability of economic incentives

1-00967-20

20201152__

117 otherwise provided for by law.

118 Section 5. This act shall take effect July 1, 2020.