

1 A bill to be entitled
2 An act relating to brownfields; amending s. 376.303,
3 F.S.; deleting a provision requiring certain property
4 owners to provide information regarding institutional
5 controls to the local government for mapping purposes;
6 deleting local government requirements for such
7 mapping; amending s. 376.30781, F.S.; revising the
8 conditions under which an applicant that has
9 rehabilitated a contaminated site may submit and claim
10 certain tax credits; specifying a timeframe within
11 which such tax credit application must be submitted;
12 revising the criteria for determining applicants who
13 are redeveloping brownfield sites who may be eligible
14 for certain tax credits; deleting the definition of
15 the term "monetary compensation"; revising the date by
16 which the Department of Environmental Protection must
17 issue annual site rehabilitation tax credit
18 certificate awards; revising the amount of time the
19 department has to respond to a tax credit applicant
20 regarding a certain notice; amending s. 376.78, F.S.;
21 conforming provisions to changes made by the act;
22 amending s. 376.79, F.S.; revising definitions;
23 amending s. 376.80, F.S.; revising the entities that
24 may propose brownfield area designations using
25 specified criteria; deleting the requirement that

26 certain persons be identified before negotiating a
27 brownfield site rehabilitation agreement; amending s.
28 376.81, F.S.; providing legislative findings;
29 prohibiting the department or a delegated local
30 pollution control program from denying a specified
31 status or refusing to issue a specified order for
32 certain brownfield sites that are only a portion of
33 larger contaminated sites; providing applicability;
34 amending s. 376.82, F.S.; revising the persons and
35 sites eligible for participation in the brownfield
36 program; revising requirements for such participation;
37 revising the information necessary from the United
38 States Environmental Protection Agency and the
39 department for a person's participation in the
40 program; amending ss. 196.1995 and 288.1175, F.S.;
41 conforming cross-references; reenacting s. 1004.53(1),
42 F.S., relating to the Center for Brownfield
43 Rehabilitation Assistance, to incorporate the
44 amendment made to s. 376.79, F.S., in a reference
45 thereto; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 **Section 1. Subsections (5) and (6) of section 376.303,**
50 **Florida Statutes, are amended to read:**

51 376.303 Powers and duties of the Department of
52 Environmental Protection.—

53 ~~(5) MAPPING.—If an institutional control is implemented at~~
54 ~~any contaminated site in a brownfield area designated pursuant~~
55 ~~to s. 376.80, the property owner must provide information~~
56 ~~regarding the institutional control to the local government for~~
57 ~~mapping purposes. The local government must then note the~~
58 ~~existence of the institutional control on any relevant local~~
59 ~~land use and zoning maps with a cross-reference to the~~
60 ~~department's site registry developed pursuant to subsection (6).~~
61 ~~If the type of institutional control used requires recording~~
62 ~~with the local government, then the map notation shall also~~
63 ~~provide a cross-reference to the book and page number where~~
64 ~~recorded. When a local government is provided with evidence that~~
65 ~~the department has subsequently issued a no further action order~~
66 ~~without institutional controls for a site currently noted on~~
67 ~~such maps, the local government shall remove the notation.~~

68 (5)(6) REGISTRY.—The department shall prepare and maintain
69 a registry of all contaminated sites located in a brownfield
70 area designated pursuant to s. 376.80, which are subject to
71 institutional and engineering controls, in order to provide a
72 mechanism for the public and local governments to monitor the
73 status of these controls, monitor the department's short-term
74 and long-term protection of human health and the environment in
75 relation to these sites, and evaluate economic revitalization

76 | efforts in these areas. At a minimum, the registry shall include
 77 | the type of institutional or engineering controls employed at a
 78 | particular site, types of contaminants and affected media, land
 79 | use limitations, and the county in which the site is located.
 80 | Sites listed on the registry at which the department has
 81 | subsequently issued a site rehabilitation completion ~~no further~~
 82 | ~~action~~ order without institutional controls shall be removed
 83 | from the registry. The department shall make the registry
 84 | available to the public and local governments within 1 year
 85 | after the effective date of this act. The department shall
 86 | provide local governments with actual notice when the registry
 87 | becomes available. Local zoning and planning offices shall post
 88 | information on how to access the registry in public view.

89 | **Section 2. Paragraphs (c), (d), and (e) of subsection (3)**
 90 | **and subsection (9) of section 376.30781, Florida Statutes, are**
 91 | **amended to read:**

92 | 376.30781 Tax credits for rehabilitation of drycleaning-
 93 | solvent-contaminated sites and brownfield sites in designated
 94 | brownfield areas; application process; rulemaking authority;
 95 | revocation authority.—

96 | (3)

97 | (c) In order to encourage completion of site
 98 | rehabilitation at contaminated sites that are being voluntarily
 99 | cleaned up and that are eligible for a tax credit under this
 100 | section, the tax credit applicant may claim an additional 25

101 percent of the total site rehabilitation costs, not to exceed
102 \$500,000, if the Department of Environmental Protection has
103 approved the applicant's annual site rehabilitation application
104 and has issued in the final year of cleanup as evidenced by the
105 Department of Environmental Protection issuing a site
106 rehabilitation completion "No Further Action" order for that
107 site. The tax credit applicant must submit the claim for the
108 additional 25 percent within 2 years after receipt of the "No
109 Further Action" order for that site.

110 (d) In order to encourage the construction of housing that
111 meets the definition of affordable provided in s. 420.0004, an
112 applicant for the tax credit may claim an additional 25 percent
113 of the total site rehabilitation costs that are eligible for tax
114 credits under this section, not to exceed \$500,000. To receive
115 this additional tax credit, the applicant must provide a
116 certification letter from the Florida Housing Finance
117 Corporation, the local housing authority, or other governmental
118 agency that is a party to the use agreement indicating that the
119 construction on the brownfield site has received a certificate
120 of occupancy and the brownfield site has a properly recorded
121 instrument that limits the use of the property to housing.
122 Notwithstanding that only one application may be submitted each
123 year for each site, an application for the additional credit
124 provided for in this paragraph must ~~shall~~ be submitted after all
125 requirements to obtain the additional tax credit have been met.

126 (e) In order to encourage the redevelopment of a
127 brownfield site, as defined in the brownfield site
128 rehabilitation agreement, that is hindered by the presence of
129 solid waste, as defined in s. 403.703, costs related to solid
130 waste removal may also be claimed under this section. A tax
131 credit applicant, or multiple tax credit applicants working
132 jointly to clean up a single brownfield site, may also claim
133 costs to address the solid waste removal as defined in this
134 paragraph in accordance with department rules. Multiple tax
135 credit applicants shall be granted tax credits in the same
136 proportion as each applicant's contribution to payment of solid
137 waste removal costs. These costs are eligible for a tax credit
138 provided that the applicant meets the eligibility requirements
139 of s. 376.82(1) and that ~~submits an affidavit stating that,~~
140 ~~after consultation with appropriate local government officials~~
141 ~~and the department, to the best of the applicant's knowledge~~
142 ~~based upon such consultation and available historical records,~~
143 the brownfield site was never operated as a permitted solid
144 waste disposal area as defined by rules adopted pursuant to s.
145 403.704 ~~or was never operated for monetary compensation, and the~~
146 ~~applicant submits all other documentation and certifications~~
147 ~~required by this section.~~ In this section, where reference is
148 made to "site rehabilitation," the department shall instead
149 consider whether the costs claimed are for solid waste removal.
150 Tax credit applications claiming costs pursuant to this

151 paragraph are ~~shall~~ not ~~be~~ subject to the calendar-year
152 limitation and January 31 annual application deadline, and the
153 department shall accept a one-time application filed subsequent
154 to the completion by the tax credit applicant of the applicable
155 requirements listed in this subsection. A tax credit applicant
156 may claim 50 percent of the costs for solid waste removal, not
157 to exceed \$500,000, after the applicant has determined solid
158 waste removal is completed for the brownfield site. A solid
159 waste removal tax credit application may be filed only once per
160 brownfield site. For the purposes of this section, the term:

161 1. "Solid waste disposal area" means a landfill, dump, or
162 other area where solid waste has been disposed.

163 2. ~~"Monetary compensation" means the fees that were~~
164 ~~charged or the assessments that were levied for the disposal of~~
165 ~~solid waste at a solid waste disposal area.~~

166 3. "Solid waste removal" means removal of solid waste from
167 the land surface or excavation of solid waste from below the
168 land surface and removal of the solid waste from the brownfield
169 site. The term also includes:

170 a. Transportation of solid waste to a licensed or exempt
171 solid waste management facility or to a temporary storage area.

172 b. Sorting or screening of solid waste prior to removal
173 from the site.

174 c. Deposition of solid waste at a permitted or exempt
175 solid waste management facility, whether the solid waste is

176 disposed of or recycled.

177 (9) On or before June ~~May~~ 1, the Department of
 178 Environmental Protection shall inform each tax credit applicant
 179 ~~that is~~ subject to the January 31 annual application deadline of
 180 the applicant's eligibility status and the amount of any tax
 181 credit due. The department shall provide each eligible tax
 182 credit applicant with a tax credit certificate that must be
 183 submitted with its tax return to the Department of Revenue to
 184 claim the tax credit or be transferred pursuant to s.
 185 220.1845(2)(g). The June ~~May~~ 1 deadline for annual site
 186 rehabilitation tax credit certificate awards does ~~shall~~ not
 187 apply to any tax credit application for which the department has
 188 issued a notice of deficiency pursuant to subsection (8). The
 189 department shall respond within 120 ~~90~~ days after receiving a
 190 response from the tax credit applicant to such a notice of
 191 deficiency. Credits may not result in the payment of refunds if
 192 total credits exceed the amount of tax owed.

193 **Section 3. Subsection (1) of section 376.78, Florida**
 194 **Statutes, is amended to read:**

195 376.78 Legislative intent.—The Legislature finds and
 196 declares the following:

197 (1) The reduction of public health and environmental
 198 hazards on ~~existing commercial and industrial sites~~ proposed to
 199 be rehabilitated and redeveloped is vital to their use and reuse
 200 as sources of employment, housing, recreation, and open space

201 areas. The reuse of such sites ~~industrial land~~ is an important
202 component of sound land use policy for productive urban purposes
203 which will help prevent the premature development of farmland,
204 open space areas, and natural areas, and reduce public costs for
205 installing new water, sewer, and highway infrastructure.

206 **Section 4. Present subsections (6) through (21) of section**
207 **376.79, Florida Statutes, are redesignated as subsections (7)**
208 **through (22), respectively, a new subsection (6) is added to**
209 **that section, and subsections (4) and (5) of that section are**
210 **amended, to read:**

211 376.79 Definitions relating to Brownfields Redevelopment
212 Act.—As used in ss. 376.77–376.85, the term:

213 (4) "Brownfield ~~sites~~" means any real property, the
214 expansion, redevelopment, or reuse of which may be complicated
215 by actual or perceived environmental contamination and which has
216 not yet been entered into a brownfield site rehabilitation
217 agreement pursuant to s. 376.80(5).

218 (5) "Brownfield area" means a contiguous area of one or
219 more brownfields ~~brownfield sites~~, some of which may not be
220 contaminated, and which has been designated by a local
221 government by resolution. Such areas may include all or portions
222 of community redevelopment areas, enterprise zones, empowerment
223 zones, other such designated economically deprived communities
224 and areas, and United States Environmental Protection Agency-
225 designated brownfield pilot projects.

226 (6) "Brownfield site" means the real property identified
 227 in a brownfield site rehabilitation agreement executed by the
 228 person responsible for brownfield site rehabilitation of the
 229 property and the department or a delegated local pollution
 230 control program, as applicable.

231 **Section 5. Subsections (1) and (2) of section 376.80,**
 232 **Florida Statutes, are amended to read:**

233 376.80 Brownfield program administration process.—

234 (1) The following general procedures apply to brownfield
 235 designations:

236 (a) The local government with jurisdiction over a proposed
 237 brownfield area shall designate such area pursuant to this
 238 section.

239 (b) For a brownfield area designation proposed by:

240 1. The jurisdictional local government, the designation
 241 criteria under paragraph (2) (a) apply, except if the local
 242 government proposes to designate as a brownfield area a
 243 specified redevelopment area as provided in paragraph (2) (b).

244 2. Any person, ~~other than a governmental entity,~~
 245 including, but not limited to, individuals, corporations,
 246 partnerships, trusts, limited liability companies, community-
 247 based organizations, or not-for-profit corporations, the
 248 designation criteria under paragraph (2) (c) apply.

249 (c) Except as otherwise provided, the following provisions
 250 apply to all proposed brownfield area designations:

251 1. Notification to department following adoption.—A local
252 government with jurisdiction over the brownfield area must
253 notify the department, and, if applicable, the local pollution
254 control program under s. 403.182, of its decision to designate a
255 brownfield area for rehabilitation for the purposes of ss.
256 376.77–376.86. The notification must include a resolution
257 adopted by the local government body. The local government shall
258 notify the department, and, if applicable, the local pollution
259 control program under s. 403.182, of the designation within 30
260 days after adoption of the resolution.

261 2. Resolution adoption.—The brownfield area designation
262 must be carried out by a resolution adopted by the
263 jurisdictional local government, which includes a map adequate
264 to clearly delineate exactly which parcels are to be included in
265 the brownfield area or alternatively a less-detailed map
266 accompanied by a detailed legal description of the brownfield
267 area. For municipalities, the governing body shall adopt the
268 resolution in accordance with the procedures outlined in s.
269 166.041, except that the notices ~~procedures~~ for the public
270 hearings on the proposed resolution must be in the form
271 established in s. 166.041(3)(c)2. For counties, the governing
272 body shall adopt the resolution in accordance with the
273 procedures outlined in s. 125.66, except that the notices
274 ~~procedures~~ for the public hearings on the proposed resolution
275 must be in the form established in s. 125.66(5)(b).

276 3. Right to be removed from proposed brownfield area.—If a
277 property owner within the area proposed for designation by the
278 local government requests in writing to have his or her property
279 removed from the proposed designation, the local government must
280 grant the request.

281 4. Notice and public hearing requirements for designation
282 of a proposed brownfield area outside a redevelopment area or by
283 a nongovernmental entity. Compliance with the following
284 provisions is required before designation of a proposed
285 brownfield area under paragraph (2) (a) or paragraph (2) (c):

286 a. At least one of the required public hearings must be
287 conducted as closely as is reasonably practicable to the area to
288 be designated to provide an opportunity for public input on the
289 size of the area, the objectives for rehabilitation, job
290 opportunities and economic developments anticipated,
291 neighborhood residents' considerations, and other relevant local
292 concerns.

293 b. Notice of a public hearing must be made in a newspaper
294 of general circulation in the area, must be made in ethnic
295 newspapers or local community bulletins, must be posted in the
296 affected area, and must be announced at a scheduled meeting of
297 the local governing body before the actual public hearing.

298 (2) (a) *Local government-proposed brownfield area*
299 *designation outside specified redevelopment areas.*—If a local
300 government proposes to designate a brownfield area that is

301 outside a community redevelopment area, enterprise zone,
302 empowerment zone, closed military base, or designated brownfield
303 pilot project area, the local government shall provide notice,
304 adopt the resolution, and conduct public hearings pursuant to
305 paragraph (1)(c). At a public hearing to designate the proposed
306 area as a brownfield area as defined in s. 376.79, the local
307 government must consider:

- 308 1. Whether the brownfield area warrants economic
309 development and has a reasonable potential for such activities;
- 310 2. Whether the proposed area to be designated represents a
311 reasonably focused approach and is not overly large in
312 geographic coverage;
- 313 3. Whether the area has potential to interest the private
314 sector in participating in rehabilitation; and
- 315 4. Whether the area contains sites or parts of sites
316 suitable for limited recreational open space, cultural, or
317 historical preservation purposes.

318 (b) *Local government-proposed brownfield area designation*
319 *within specified redevelopment areas.*—Paragraph (a) does not
320 apply to a proposed brownfield area if the local government
321 proposes to designate the brownfield area inside a community
322 redevelopment area, enterprise zone, empowerment zone, closed
323 military base, or designated brownfield pilot project area and
324 the local government complies with paragraph (1)(c).

325 (c) *Brownfield area designation proposed by specified*

326 ~~persons other than a governmental entity.~~ For designation of a
327 brownfield area that is proposed by a person under this
328 subsection ~~other than the local government~~, the local government
329 with jurisdiction over the proposed brownfield area shall
330 provide notice and adopt a resolution to designate the
331 brownfield area pursuant to paragraph (1)(c) if, at the public
332 hearing to adopt the resolution, the person establishes all of
333 the following with respect to the proposed brownfield area:

334 1. A person who owns or controls a potential brownfield
335 site is requesting the designation and has agreed to
336 rehabilitate and redevelop the brownfield site.

337 2. The rehabilitation and redevelopment of the proposed
338 brownfield site will result in economic productivity of the
339 area, along with the creation of at least 5 new permanent jobs
340 at the brownfield site that are full-time equivalent positions
341 not associated with the implementation of the brownfield site
342 rehabilitation agreement and that are not associated with
343 redevelopment project demolition or construction activities
344 pursuant to the redevelopment of the proposed brownfield site or
345 area. However, the job creation requirement does not apply to
346 the rehabilitation and redevelopment of a brownfield site that
347 will provide affordable housing as defined in s. 420.0004 or the
348 creation of recreational areas, conservation areas, or parks.

349 3. The redevelopment of the proposed brownfield site is
350 consistent with the local comprehensive plan and is a

351 | permittable use under the applicable local land development
352 | regulations.

353 | 4. Notice of the proposed rehabilitation of the brownfield
354 | area has been provided to neighbors and nearby residents of the
355 | proposed area to be designated pursuant to paragraph (1)(c), and
356 | the person proposing the area for designation has afforded to
357 | those receiving notice the opportunity for comments and
358 | suggestions about rehabilitation. Notice pursuant to this
359 | subparagraph must be posted in the affected area.

360 | 5. The person proposing the area for designation has
361 | provided reasonable assurance that he or she has sufficient
362 | financial resources to implement and complete the rehabilitation
363 | agreement and redevelopment of the brownfield site.

364 | (d) *Negotiation of brownfield site rehabilitation*
365 | *agreement.*—The designation of a brownfield area ~~and the~~
366 | ~~identification of a person responsible for brownfield site~~
367 | ~~rehabilitation~~ simply entitles a ~~the identified~~ person to
368 | negotiate a brownfield site rehabilitation agreement with the
369 | department or approved local pollution control program.

370 | **Section 6. Present subsection (3) of section 376.81,**
371 | **Florida Statutes, is redesignated as subsection (4), a new**
372 | **subsection (3) is added to that section, and present subsection**
373 | **(3) of that section is amended, to read:**

374 | 376.81 Brownfield site and brownfield areas contamination
375 | cleanup criteria.—

376 (3) (a) The Legislature finds that rehabilitation and
377 redevelopment of a potential brownfield site that is a portion
378 of a larger historical contaminated site is significantly
379 complicated when multiple parties may own, lease, or operate
380 different portions of the historical contaminated site. The
381 Legislature further finds that delaying a person's ability to
382 achieve a "No Further Action" status for a potential brownfield
383 site until such time as the owners, lessees, or operators of all
384 other portions of the larger historical contaminated site have
385 completed site rehabilitation on their respective portions is
386 not in the public's interest, as such delay disincentivizes
387 rehabilitation and redevelopment of the potential brownfield
388 site by imposing unnecessary legal burdens, technical obstacles,
389 and financial costs.

390 (b) Therefore, the Legislature finds that it is in the
391 public interest to remove any such barriers to the
392 rehabilitation and redevelopment of property by providing a
393 clear path to obtaining a "No Further Action" status in cases
394 where a potential brownfield site is only a portion of a larger
395 historical contaminated site.

396 (c) If the person responsible for a brownfield site
397 rehabilitation demonstrates the applicable contamination cleanup
398 criteria described in subsection (1), and the brownfield site is
399 only a portion of a larger contaminated site, the department or
400 any delegated local pollution control program under s. 376.80(9)

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401 may not:

402 1. Deny a "No Further Action" status to the brownfield
403 site; or

404 2. Refuse to issue a site rehabilitation completion order
405 to the site, regardless of whether it has engineering and
406 institutional controls. This subparagraph applies even where
407 similar contamination exists elsewhere on the contaminated site
408 which was the result of similar or related activities or
409 operations that occurred both on the contaminated site and the
410 brownfield site, provided that all soil and groundwater
411 contamination emanating from the brownfield site is adequately
412 addressed pursuant to rule 62-780 of the Florida Administrative
413 Code.

414 (d) This subsection applies to all brownfield sites,
415 irrespective of the effective date of the brownfield site
416 rehabilitation agreement.

417 (4)-(3) The cleanup criteria described in this section
418 govern only site rehabilitation activities occurring at the
419 brownfield ~~contaminated~~ site. Removal of contaminated media from
420 a site for offsite relocation or treatment must be in accordance
421 with all applicable federal, state, and local laws and
422 regulations.

423 **Section 7. Paragraphs (a) and (b) of subsection (1) and**
424 **paragraphs (e) and (g) of subsection (2) of section 376.82,**
425 **Florida Statutes, are amended to read:**

426 376.82 Eligibility criteria and liability protection.—

427 (1) ELIGIBILITY.—

428 (a) All of the following persons are eligible to
 429 participate in the brownfield program established in ss. 376.77-
 430 376.85:

431 1. Notwithstanding subparagraph (1)(a)2., a ~~Any~~ person who
 432 has not caused or contributed to the contamination of a
 433 brownfield site on or after July 1, 1997.

434 2. A local governmental entity, including any other person
 435 who is organized with the local governmental entity for a
 436 business purpose, if such entity or person did not cause or
 437 contribute to the contamination of a brownfield site on or after
 438 July 1, 2025.

439 (b) A person eligible to participate in the brownfield
 440 program pursuant to paragraph (a) is, ~~is eligible to participate~~
 441 ~~in the brownfield program established in ss. 376.77-376.85,~~
 442 subject to the following:

443 1.(a) Potential brownfield sites that are subject to an
 444 ongoing formal judicial or administrative enforcement action or
 445 corrective action pursuant to federal authority, including, but
 446 not limited to, the Comprehensive Environmental Response
 447 Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as
 448 amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i,
 449 as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as
 450 amended; or under an order from the United States Environmental

451 Protection Agency pursuant to s. 3008(h) of the Resource
452 Conservation and Recovery Act, as amended (42 U.S.C.A. s.
453 6928(h)); or that have obtained or are required to obtain a
454 permit for the operation of a hazardous waste treatment,
455 storage, or disposal facility; a postclosure permit; or a permit
456 pursuant to the federal Hazardous and Solid Waste Amendments of
457 1984, are not eligible for participation in the brownfield
458 program established in ss. 376.77-376.385 unless, pursuant to
459 paragraph (2) (g), ~~specific exemptions are secured by a~~
460 ~~memorandum of agreement with~~ the United States Environmental
461 Protection Agency issues a letter stating it has no objection to
462 such participation and the department issues a letter of no
463 objection pursuant to paragraph (2) (g). A brownfield site within
464 an eligible brownfield area that subsequently becomes subject to
465 formal judicial or administrative enforcement action or
466 corrective action under such federal authority shall have its
467 eligibility revoked unless, ~~specific exemptions are secured by a~~
468 ~~memorandum of agreement with the United States Environmental~~
469 ~~Protection Agency~~ pursuant to paragraph (2) (g), the United
470 States Environmental Protection Agency issues a letter stating
471 it has no objection to such participation and the department
472 issues a letter of no objection.

473 2.(b) A person who is eligible to participate in the
474 brownfield program pursuant to paragraph (a) ~~Persons who have~~
475 ~~not caused or contributed to the contamination of a brownfield~~

476 ~~site on or after July 1, 1997,~~ and who, before ~~prior to~~ the
477 department's approval of a brownfield site rehabilitation
478 agreement, is ~~are~~ subject to ongoing corrective action or
479 enforcement under state authority established in this chapter or
480 chapter 403, including those persons subject to a pending
481 consent order with the state, is ~~are~~ eligible for participation
482 in a brownfield site rehabilitation agreement if:

483 a.1. The proposed brownfield site is currently idle or
484 underutilized as a result of the contamination, and
485 participation in the brownfield program will immediately, after
486 cleanup or sooner, result in increased economic productivity at
487 the site, including at a minimum the creation of 10 new
488 permanent jobs, whether full-time or part-time, which are not
489 associated with implementation of the brownfield site
490 rehabilitation agreement. However, the job creation requirement
491 does not apply to the rehabilitation and redevelopment of a
492 brownfield site that will provide housing that is affordable as
493 defined in s. 420.0004; create recreational areas, conservation
494 areas, or parks; or be maintained for cultural or historical
495 preservation purposes; and

496 b.2. The person is complying in good faith with the terms
497 of an existing consent order or department-approved corrective
498 action plan, or responding in good faith to an enforcement
499 action, as evidenced by a determination issued by the department
500 or an approved local pollution control program.

501 (2) LIABILITY PROTECTION.—

502 (e) Completion of the performance of the remediation
 503 obligations at the brownfield site shall be evidenced by a site
 504 rehabilitation completion order ~~letter or a "no further action"~~
 505 ~~letter~~ issued by the department or the approved local pollution
 506 control program, which letter shall include the following
 507 statement: "Based upon the information provided by (property
 508 owner) concerning property located at (address), it is the
 509 opinion of (the Florida Department of Environmental Protection
 510 or approved local pollution control program) that (party) has
 511 successfully and satisfactorily implemented the approved
 512 brownfield site rehabilitation agreement schedule and,
 513 accordingly, no further action is required to assure that any
 514 land use identified in the brownfield site rehabilitation
 515 agreement is consistent with existing and proposed uses."

516 (g)1. The Legislature recognizes the benefits of promoting
 517 the reuse of brownfield sites, even when subject to its
 518 ~~limitations in addressing cleanup liability under federal~~
 519 ~~pollution control programs,~~ including those enumerated in
 520 subparagraph (1)(b)1. In an effort to encourage such reuse
 521 ~~secure federal liability protection~~ for persons willing to
 522 undertake ~~remediation~~ responsibility for site rehabilitation at
 523 a brownfield site, the department may, upon receipt of a letter
 524 of no objection from ~~shall attempt to negotiate a memorandum of~~
 525 ~~agreement or similar document with~~ the United States

526 Environmental Protection Agency stating it has no objection to a
527 site's participation pursuant to subparagraph (1)(b)1. and upon
528 a reasonable demonstration by the person seeking to participate
529 in the brownfields program that he or she will conduct site
530 rehabilitation pursuant to s. 376.81, issue a letter of no
531 objection that states the person may participate in the
532 brownfield program. The department may not require, as a
533 condition of such letter of no objection, that, ~~whereby~~ the
534 United States Environmental Protection Agency agree ~~agrees~~ to
535 forego enforcement of federal corrective action authority at
536 brownfield sites that have received a site rehabilitation
537 completion order ~~or "No Further Action" determination~~ from the
538 department or the approved local pollution control program or
539 that are in the process of implementing a brownfield site
540 rehabilitation agreement in accordance with this act. The
541 letters of no objection from the United States Environmental
542 Protection Agency and the department must be added as
543 attachments to the brownfield site rehabilitation agreement.

544 2. Proposed brownfield sites that are subject to ongoing
545 formal judicial or administrative enforcement action or
546 corrective action pursuant to an order from the United States
547 Environmental Protection Agency pursuant to s. 3008(h) of the
548 Resource Conservation and Recovery Act, as amended by 42
549 U.S.C.A., s. 6928(h), or that have obtained or are required to
550 obtain a permit for the operation of a hazardous waste

551 treatment, storage, or disposal facility, a post-closure permit,
552 or a permit pursuant to the federal Hazardous and Solid Waste
553 Amendments of 1984 are eligible for participation in the
554 brownfield program established in ss. 376.77-376.85, provided
555 the sites:

556 a. Obtain the necessary letters of no objection pursuant
557 to s. 376.82(1)(b) and s. 376.82(2)(g)1; or

558 b. Comply with the provisions of section V of the
559 Memorandum of Agreement between the department and the United
560 States Environmental Protection Agency Region 4 covering
561 Florida's Brownfield Program, dated November 28, 2025, as may be
562 amended.

563 **Section 8. Subsection (3) of section 196.1995, Florida**
564 **Statutes, is amended to read:**

565 196.1995 Economic development ad valorem tax exemption.—

566 (3) The board of county commissioners or the governing
567 authority of the municipality that calls a referendum within its
568 total jurisdiction to determine whether its respective
569 jurisdiction may grant economic development ad valorem tax
570 exemptions may vote to limit the effect of the referendum to
571 authority to grant economic development tax exemptions for new
572 businesses and expansions of existing businesses located in an
573 enterprise zone or a brownfield area, as defined in s. 376.79 ~~§~~
574 ~~376.79(5)~~. If an area nominated to be an enterprise zone
575 pursuant to s. 290.0055 has not yet been designated pursuant to

576 s. 290.0065, the board of county commissioners or the governing
 577 authority of the municipality may call such referendum prior to
 578 such designation; however, the authority to grant economic
 579 development ad valorem tax exemptions does not apply until such
 580 area is designated pursuant to s. 290.0065. The ballot question
 581 in such referendum shall be in substantially the following form
 582 and shall be used in lieu of the ballot question prescribed in
 583 subsection (2):

584
 585 Shall the board of county commissioners of this county (or the
 586 governing authority of this municipality, or both) be authorized
 587 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 588 property tax exemptions for new businesses and expansions of
 589 existing businesses that are located in an enterprise zone or a
 590 brownfield area and that are expected to create new, full-time
 591 jobs in the county (or municipality, or both)?

592
 593Yes—For authority to grant exemptions.

594No—Against authority to grant exemptions.

595 **Section 9. Paragraph (c) of subsection (5) of section**
 596 **288.1175, Florida Statutes, is amended to read:**

597 288.1175 Agriculture education and promotion facility.—

598 (5) The Department of Agriculture and Consumer Services
 599 shall competitively evaluate applications for funding of an
 600 agriculture education and promotion facility. If the number of

601 applicants exceeds three, the Department of Agriculture and
602 Consumer Services shall rank the applications based upon
603 criteria developed by the Department of Agriculture and Consumer
604 Services, with priority given in descending order to the
605 following items:

606 (c) The location of the facility in a brownfield site as
607 defined in s. 376.79 ~~s. 376.79(4)~~, a rural enterprise zone as
608 defined in s. 290.004, an agriculturally depressed area as
609 defined in s. 570.74, or a county that has lost its agricultural
610 land to environmental restoration projects.

611 **Section 10. For the purpose of incorporating the amendment**
612 **made by this act to section 376.79, Florida Statutes, in a**
613 **reference thereto, subsection (1) of section 1004.53, Florida**
614 **Statutes, is reenacted to read:**

615 1004.53 Interdisciplinary Center for Brownfield
616 Rehabilitation Assistance.—The Center for Brownfield
617 Rehabilitation Assistance in the Environmental Sciences and
618 Policy Program is established in the College of Arts and
619 Sciences at the University of South Florida with the
620 collaboration of other related disciplines such as business
621 administration, environmental science, and medicine. The center
622 shall work in conjunction with other state universities. The
623 Center for Brownfield Rehabilitation Assistance shall:

624 (1) Conduct research relating to problems and solutions
625 associated with rehabilitation and restoration of brownfield

626 areas as defined in s. 376.79. The research must include
627 identifying innovative solutions to removing contamination from
628 brownfield sites to reduce the threats to drinking water
629 supplies and other potential public health threats from
630 contaminated sites.

631 **Section 11.** This act shall take effect July 1, 2025.