

By Senator Truenow

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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; requiring that sites issued a site
8 rehabilitation completion order without institutional
9 controls be removed from the registry of all
10 contaminated sites located in a brownfield area;
11 amending s. 376.30781, F.S.; revising the conditions
12 under which an applicant that has rehabilitated a
13 contaminated site may submit and claim certain tax
14 credits; specifying a timeframe within which such tax
15 credit application must be submitted; revising the
16 criteria for determining applicants who are
17 redeveloping brownfield sites who may be eligible for
18 certain tax credits; deleting the definition of the
19 term "monetary compensation"; revising the date by
20 which the Department of Environmental Protection must
21 issue annual site rehabilitation tax credit
22 certificate awards; revising the amount of time the
23 department has to respond to a tax credit applicant
24 regarding a certain notice; amending s. 376.78, F.S.;
25 conforming provisions to changes made by the act;
26 amending s. 376.79, F.S.; revising definitions;
27 amending s. 376.80, F.S.; revising the entities that
28 may propose brownfield area designations using
29 specified criteria; deleting the requirement that

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30 certain persons be identified before negotiating a
31 brownfield site rehabilitation agreement; amending s.
32 376.81, F.S.; providing legislative findings;
33 prohibiting the department or a delegated local
34 pollution control program from denying a specified
35 status or refusing to issue a specified order for
36 certain brownfield sites that are only a portion of
37 larger contaminated sites; providing applicability;
38 amending s. 376.82, F.S.; revising the persons and
39 sites eligible for participation in the brownfield
40 program; revising requirements for such participation;
41 revising the information necessary from the United
42 States Environmental Protection Agency and the
43 department for a person's participation in the
44 program; authorizing that certain brownfield sites are
45 eligible to participate in the brownfield program
46 under certain circumstances; amending ss. 196.1995 and
47 288.1175, F.S.; conforming cross-references;
48 reenacting s. 1004.53(1), F.S., relating to the Center
49 for Brownfield Rehabilitation Assistance, to
50 incorporate the amendment made to s. 376.79, F.S., in
51 a reference thereto; providing an effective date.

52

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

54

55 Section 1. Subsections (5) and (6) of section 376.303,
56 Florida Statutes, are amended to read:

57 376.303 Powers and duties of the Department of
58 Environmental Protection.—

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

74 ~~(6)~~ REGISTRY.—The department shall prepare and maintain a
75 registry of all contaminated sites located in a brownfield area
76 designated pursuant to s. 376.80, which are subject to
77 institutional and engineering controls, in order to provide a
78 mechanism for the public and local governments to monitor the
79 status of these controls, monitor the department's short-term
80 and long-term protection of human health and the environment in
81 relation to these sites, and evaluate economic revitalization
82 efforts in these areas. At a minimum, the registry must ~~shall~~
83 include the type of institutional or engineering controls
84 employed at a particular site, types of contaminants and
85 affected media, land use limitations, and the county in which
86 the site is located. Sites listed on the registry at which the
87 department has subsequently issued a site rehabilitation

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88 completion ~~no further action~~ order without institutional
89 controls must ~~shall~~ be removed from the registry. The department
90 shall make the registry available to the public and local
91 governments within 1 year after the effective date of this act.
92 The department shall provide local governments with actual
93 notice when the registry becomes available. Local zoning and
94 planning offices shall post information on how to access the
95 registry in public view.

96 Section 2. Paragraphs (c), (d), and (e) of subsection (3)
97 and subsection (9) of section 376.30781, Florida Statutes, are
98 amended to read:

99 376.30781 Tax credits for rehabilitation of drycleaning-
100 solvent-contaminated sites and brownfield sites in designated
101 brownfield areas; application process; rulemaking authority;
102 revocation authority.-

103 (3)

104 (c) In order to encourage completion of site rehabilitation
105 at contaminated sites that are being voluntarily cleaned up and
106 that are eligible for a tax credit under this section, the tax
107 credit applicant may claim an additional 25 percent of the total
108 site rehabilitation costs, not to exceed \$500,000, if the
109 Department of Environmental Protection has approved the
110 applicant's annual site rehabilitation application and has
111 issued a site rehabilitation completion in the final year of
112 cleanup as evidenced by the Department of Environmental
113 Protection issuing a "No Further Action" order for that site.
114 The tax credit applicant must submit the claim for the
115 additional 25 percent within 2 years after receipt of the site
116 rehabilitation completion order for that site.

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

133 (e) In order to encourage the redevelopment of a brownfield
134 site, as defined in the brownfield site rehabilitation
135 agreement, that is hindered by the presence of solid waste, as
136 defined in s. 403.703, costs related to solid waste removal may
137 also be claimed under this section. A tax credit applicant, or
138 multiple tax credit applicants working jointly to clean up a
139 single brownfield site, may also claim costs to address the
140 solid waste removal as defined in this paragraph in accordance
141 with department rules. Multiple tax credit applicants shall be
142 granted tax credits in the same proportion as each applicant's
143 contribution to payment of solid waste removal costs. These
144 costs are eligible for a tax credit provided that the applicant
145 meets the eligibility requirements of s. 376.82(1) and that

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146 ~~submits an affidavit stating that, after consultation with~~
147 ~~appropriate local government officials and the department, to~~
148 ~~the best of the applicant's knowledge based upon such~~
149 ~~consultation and available historical records,~~ the brownfield
150 site was never operated as a permitted solid waste disposal area
151 as defined by rules adopted pursuant to s. 403.704 ~~or was never~~
152 ~~operated for monetary compensation, and the applicant submits~~
153 ~~all other documentation and certifications required by this~~
154 ~~section.~~ In this section, where reference is made to "site
155 rehabilitation," the department shall instead consider whether
156 the costs claimed are for solid waste removal. Tax credit
157 applications claiming costs pursuant to this paragraph are ~~shall~~
158 ~~not be~~ subject to the calendar-year limitation and January 31
159 annual application deadline, and the department shall accept a
160 one-time application filed subsequent to the completion by the
161 tax credit applicant of the applicable requirements listed in
162 this subsection. A tax credit applicant may claim 50 percent of
163 the costs for solid waste removal, not to exceed \$500,000, after
164 the applicant has determined solid waste removal is completed
165 for the brownfield site. A solid waste removal tax credit
166 application may be filed only once per brownfield site. For the
167 purposes of this section, the term:

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

170 2. ~~"Monetary compensation" means the fees that were charged~~
171 ~~or the assessments that were levied for the disposal of solid~~
172 ~~waste at a solid waste disposal area.~~

173 3. "Solid waste removal" means removal of solid waste from
174 the land surface or excavation of solid waste from below the

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175 land surface and removal of the solid waste from the brownfield
176 site. The term also includes:

177 a. Transportation of solid waste to a licensed or exempt
178 solid waste management facility or to a temporary storage area.

179 b. Sorting or screening of solid waste prior to removal
180 from the site.

181 c. Deposition of solid waste at a permitted or exempt solid
182 waste management facility, whether the solid waste is disposed
183 of or recycled.

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

200 Section 3. Subsection (1) of section 376.78, Florida
201 Statutes, is amended to read:

202 376.78 Legislative intent.—The Legislature finds and
203 declares the following:

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204 (1) The reduction of public health and environmental
205 hazards on ~~existing commercial and industrial sites~~ proposed to
206 be rehabilitated and redeveloped is vital to their use and reuse
207 as sources of employment, housing, recreation, and open space
208 areas. The reuse of such sites ~~industrial land~~ is an important
209 component of sound land use policy for productive urban purposes
210 which will help prevent the premature development of farmland,
211 open space areas, and natural areas, and reduce public costs for
212 installing new water, sewer, and highway infrastructure.

213 Section 4. Present subsections (6) through (21) of section
214 376.79, Florida Statutes, are redesignated as subsections (7)
215 through (22), respectively, a new subsection (6) is added to
216 that section, and subsections (4) and (5) of that section are
217 amended, to read:

218 376.79 Definitions relating to Brownfields Redevelopment
219 Act.—As used in ss. 376.77-376.85, the term:

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

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

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233 (6) "Brownfield site" means the real property identified in
234 a brownfield site rehabilitation agreement executed by the
235 person responsible for brownfield site rehabilitation of the
236 property and the department or a delegated local pollution
237 control program, as applicable.

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

240 376.80 Brownfield program administration process.—

241 (1) The following general procedures apply to brownfield
242 designations:

243 (a) The local government with jurisdiction over a proposed
244 brownfield area shall designate such area pursuant to this
245 section.

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

247 1. The jurisdictional local government, the designation
248 criteria under paragraph (2)(a) apply, except if the local
249 government proposes to designate as a brownfield area a
250 specified redevelopment area as provided in paragraph (2)(b).

251 2. Any person, ~~other than a governmental entity,~~ including,
252 but not limited to, individuals, corporations, partnerships,
253 trusts, limited liability companies, community-based
254 organizations, or not-for-profit corporations, the designation
255 criteria under paragraph (2)(c) apply.

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

258 1. Notification to department following adoption.—A local
259 government with jurisdiction over the brownfield area must
260 notify the department, and, if applicable, the local pollution
261 control program under s. 403.182, of its decision to designate a

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262 brownfield area for rehabilitation for the purposes of ss.
263 376.77-376.86. The notification must include a resolution
264 adopted by the local government body. The local government shall
265 notify the department, and, if applicable, the local pollution
266 control program under s. 403.182, of the designation within 30
267 days after adoption of the resolution.

268 2. Resolution adoption.—The brownfield area designation
269 must be carried out by a resolution adopted by the
270 jurisdictional local government, which includes a map adequate
271 to clearly delineate exactly which parcels are to be included in
272 the brownfield area or alternatively a less-detailed map
273 accompanied by a detailed legal description of the brownfield
274 area. For municipalities, the governing body shall adopt the
275 resolution in accordance with the procedures outlined in s.
276 166.041, except that the notices ~~procedures~~ for the public
277 hearings on the proposed resolution must be in the form
278 established in s. 166.041(3)(c)2. For counties, the governing
279 body shall adopt the resolution in accordance with the
280 procedures outlined in s. 125.66, except that the notices
281 ~~procedures~~ for the public hearings on the proposed resolution
282 must be in the form established in s. 125.66(5)(b).

283 3. Right to be removed from proposed brownfield area.—If a
284 property owner within the area proposed for designation by the
285 local government requests in writing to have his or her property
286 removed from the proposed designation, the local government must
287 grant the request.

288 4. Notice and public hearing requirements for designation
289 of a proposed brownfield area outside a redevelopment area or by
290 a nongovernmental entity. Compliance with the following

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291 provisions is required before designation of a proposed
292 brownfield area under paragraph (2) (a) or paragraph (2) (c):

293 a. At least one of the required public hearings must be
294 conducted as closely as is reasonably practicable to the area to
295 be designated to provide an opportunity for public input on the
296 size of the area, the objectives for rehabilitation, job
297 opportunities and economic developments anticipated,
298 neighborhood residents' considerations, and other relevant local
299 concerns.

300 b. Notice of a public hearing must be made in a newspaper
301 of general circulation in the area, must be made in ethnic
302 newspapers or local community bulletins, must be posted in the
303 affected area, and must be announced at a scheduled meeting of
304 the local governing body before the actual public hearing.

305 (2) (a) *Local government-proposed brownfield area*
306 *designation outside specified redevelopment areas.*—If a local
307 government proposes to designate a brownfield area that is
308 outside a community redevelopment area, enterprise zone,
309 empowerment zone, closed military base, or designated brownfield
310 pilot project area, the local government shall provide notice,
311 adopt the resolution, and conduct public hearings pursuant to
312 paragraph (1) (c). At a public hearing to designate the proposed
313 area as a brownfield area as defined in s. 376.79, the local
314 government must consider:

315 1. Whether the brownfield area warrants economic
316 development and has a reasonable potential for such activities;

317 2. Whether the proposed area to be designated represents a
318 reasonably focused approach and is not overly large in
319 geographic coverage;

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320 3. Whether the area has potential to interest the private
321 sector in participating in rehabilitation; and

322 4. Whether the area contains sites or parts of sites
323 suitable for limited recreational open space, cultural, or
324 historical preservation purposes.

325 (b) *Local government-proposed brownfield area designation*
326 *within specified redevelopment areas.*—Paragraph (a) does not
327 apply to a proposed brownfield area if the local government
328 proposes to designate the brownfield area inside a community
329 redevelopment area, enterprise zone, empowerment zone, closed
330 military base, or designated brownfield pilot project area and
331 the local government complies with paragraph (1)(c).

332 (c) *Brownfield area designation proposed by specified*
333 *persons ~~other than a governmental entity.~~*—For designation of a
334 brownfield area that is proposed by a person under this
335 subsection ~~other than the local government~~, the local government
336 with jurisdiction over the proposed brownfield area shall
337 provide notice and adopt a resolution to designate the
338 brownfield area pursuant to paragraph (1)(c) if, at the public
339 hearing to adopt the resolution, the person establishes all of
340 the following with respect to the proposed brownfield area:

341 1. A person who owns or controls a potential brownfield
342 site is requesting the designation and has agreed to
343 rehabilitate and redevelop the brownfield site.

344 2. The rehabilitation and redevelopment of the proposed
345 brownfield site will result in economic productivity of the
346 area, along with the creation of at least 5 new permanent jobs
347 at the brownfield site that are full-time equivalent positions
348 not associated with the implementation of the brownfield site

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349 rehabilitation agreement and that are not associated with
350 redevelopment project demolition or construction activities
351 pursuant to the redevelopment of the proposed brownfield site or
352 area. However, the job creation requirement does not apply to
353 the rehabilitation and redevelopment of a brownfield site that
354 will provide affordable housing as defined in s. 420.0004 or the
355 creation of recreational areas, conservation areas, or parks.

356 3. The redevelopment of the proposed brownfield site is
357 consistent with the local comprehensive plan and is a
358 permittable use under the applicable local land development
359 regulations.

360 4. Notice of the proposed rehabilitation of the brownfield
361 area has been provided to neighbors and nearby residents of the
362 proposed area to be designated pursuant to paragraph (1)(c), and
363 the person proposing the area for designation has afforded to
364 those receiving notice the opportunity for comments and
365 suggestions about rehabilitation. Notice pursuant to this
366 subparagraph must be posted in the affected area.

367 5. The person proposing the area for designation has
368 provided reasonable assurance that he or she has sufficient
369 financial resources to implement and complete the rehabilitation
370 agreement and redevelopment of the brownfield site.

371 (d) *Negotiation of brownfield site rehabilitation*
372 *agreement.*—The designation of a brownfield area ~~and the~~
373 ~~identification of a person responsible for brownfield site~~
374 ~~rehabilitation~~ simply entitles a ~~the identified~~ person to
375 negotiate a brownfield site rehabilitation agreement with the
376 department or approved local pollution control program.

377 Section 6. Present subsection (3) of section 376.81,

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378 Florida Statutes, is redesignated as subsection (4), a new
379 subsection (3) is added to that section, and present subsection
380 (3) of that section is amended, to read:

381 376.81 Brownfield site and brownfield areas contamination
382 cleanup criteria.—

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

397 (b) Therefore, the Legislature finds that it is in the
398 public interest to remove any such barriers to the
399 rehabilitation and redevelopment of property by providing a
400 clear path to obtaining a "No Further Action" status in cases
401 where a potential brownfield site is only a portion of a larger
402 contaminated site.

403 (c) If the person responsible for a brownfield site
404 rehabilitation demonstrates the applicable contamination cleanup
405 criteria described in subsection (1), and the brownfield site is
406 only a portion of a larger contaminated site, the department or

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407 any delegated local pollution control program under s. 376.80(9)
408 may not:

409 1. Deny a "No Further Action" status for the brownfield
410 site; or

411 2. Refuse to issue a site rehabilitation completion order
412 for the brownfield site, regardless of whether it has
413 engineering and institutional controls. This subparagraph
414 applies even where similar contamination exists elsewhere on the
415 contaminated site which was the result of similar or related
416 activities or operations that occurred both on the contaminated
417 site and the brownfield site, provided that all soil and
418 groundwater contamination emanating from the brownfield site is
419 adequately addressed pursuant to chapter 62-780, Florida
420 Administrative Code.

421 (d) This subsection applies to all brownfield sites,
422 irrespective of the effective date of the brownfield site
423 rehabilitation agreement.

424 (4)~~(3)~~ The cleanup criteria described in this section
425 govern only site rehabilitation activities occurring at the
426 brownfield ~~contaminated~~ site. Removal of contaminated media from
427 a site for offsite relocation or treatment must be in accordance
428 with all applicable federal, state, and local laws and
429 regulations.

430 Section 7. Paragraphs (a) and (b) of subsection (1) and
431 paragraphs (e) and (g) of subsection (2) of section 376.82,
432 Florida Statutes, are amended to read:

433 376.82 Eligibility criteria and liability protection.—

434 (1) ELIGIBILITY.—

435 (a) All of the following persons are eligible to

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436 participate in the brownfield program established in ss. 376.77-
437 376.85:

438 1. Other than as allowed by subparagraph 2., a any person
439 who has not caused or contributed to the contamination of a
440 brownfield site on or after July 1, 1997.

441 2. A local governmental entity, including any other person
442 who may be organized or united with the local governmental
443 entity for a business purpose, if such entity or person did not
444 cause or contribute to the contamination of a brownfield site on
445 or after July 1, 2025.

446 (b) A person eligible to participate in the brownfield
447 program pursuant to paragraph (a) is, ~~is eligible to participate~~
448 in the brownfield program established in ss. 376.77-376.85,
449 subject to the following:

450 1. ~~(a)~~ Potential brownfield sites that are subject to an
451 ongoing formal judicial or administrative enforcement action or
452 corrective action pursuant to federal authority, including, but
453 not limited to, the Comprehensive Environmental Response
454 Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as
455 amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i,
456 as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as
457 amended; or under an order from the United States Environmental
458 Protection Agency pursuant to s. 3008(h) of the Resource
459 Conservation and Recovery Act, as amended (42 U.S.C.A. s.
460 6928(h)); or that have obtained or are required to obtain a
461 permit for the operation of a hazardous waste treatment,
462 storage, or disposal facility; a post-closure ~~postclosure~~
463 permit; or a permit pursuant to the federal Hazardous and Solid
464 Waste Amendments of 1984, are not eligible for participation in

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465 the brownfield program established in ss. 376.77-376.85 unless,
466 pursuant to paragraph (2) (g), ~~specific exemptions are secured by~~
467 ~~a memorandum of agreement with the United States Environmental~~
468 Protection Agency issues a letter stating it has no objection to
469 such participation and the department issues a letter of
470 concurrence pursuant to paragraph (2) (g). A brownfield site
471 within an eligible brownfield area that subsequently becomes
472 subject to formal judicial or administrative enforcement action
473 or corrective action under such federal authority shall have its
474 eligibility revoked unless, ~~specific exemptions are secured by a~~
475 ~~memorandum of agreement with the United States Environmental~~
476 ~~Protection Agency~~ pursuant to paragraph (2) (g), the United
477 States Environmental Protection Agency issues a letter stating
478 it has no objection to such participation and the department
479 issues a letter of concurrence.

480 2.(b) A person who is eligible to participate in the
481 brownfield program pursuant to paragraph (a) ~~Persons who have~~
482 ~~not caused or contributed to the contamination of a brownfield~~
483 ~~site on or after July 1, 1997, and who, before prior to the~~
484 ~~department's approval of a brownfield site rehabilitation~~
485 ~~agreement, is are~~ subject to ongoing corrective action or
486 enforcement under state authority established in this chapter or
487 chapter 403, including those persons subject to a pending
488 consent order with the state, is are eligible for participation
489 in a brownfield site rehabilitation agreement if:

490 a.1. The proposed brownfield site is currently idle or
491 underutilized as a result of the contamination, and
492 participation in the brownfield program will immediately, after
493 cleanup or sooner, result in increased economic productivity at

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494 the site, including at a minimum the creation of 10 new
495 permanent jobs, whether full-time or part-time, which are not
496 associated with implementation of the brownfield site
497 rehabilitation agreement. However, the job creation requirement
498 does not apply to the rehabilitation and redevelopment of a
499 brownfield site that will provide housing that is affordable as
500 defined in s. 420.0004; create recreational areas, conservation
501 areas, or parks; or be maintained for cultural or historical
502 preservation purposes; and

503 b.2. The person is complying in good faith with the terms
504 of an existing consent order or department-approved corrective
505 action plan, or responding in good faith to an enforcement
506 action, as evidenced by a determination issued by the department
507 or an approved local pollution control program.

508 (2) LIABILITY PROTECTION.—

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

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523 (g)1. The Legislature recognizes the benefits of promoting
524 the reuse of brownfield sites, even when subject to its
525 limitations in addressing cleanup liability under federal
526 pollution control programs, including those enumerated in
527 subparagraph (1)(b)1. In an effort to encourage such reuse
528 ~~secure federal liability protection~~ for persons willing to
529 undertake ~~remediation~~ responsibility for site rehabilitation at
530 a brownfield site, the department shall, upon receipt of a
531 letter from attempt to negotiate a memorandum of agreement or
532 ~~similar document with~~ the United States Environmental Protection
533 Agency stating it has no objection to a site's participation
534 pursuant to subparagraph (1)(b)1. and upon a reasonable
535 demonstration by the person seeking to participate in the
536 brownfield program that he or she will conduct site
537 rehabilitation pursuant to s. 376.81, issue a letter of no
538 objection that states the person may participate in the
539 brownfield program. The department may not require, as a
540 condition of such letter of concurrence, that, whereby the
541 United States Environmental Protection Agency agree ~~agrees~~ to
542 forego enforcement of federal corrective action authority at
543 brownfield sites that have received a site rehabilitation
544 completion order ~~or "No Further Action" determination~~ from the
545 department or the approved local pollution control program or
546 that are in the process of implementing a brownfield site
547 rehabilitation agreement in accordance with this act. The
548 letters of concurrence from the United States Environmental
549 Protection Agency and the department must be added as
550 attachments to the brownfield site rehabilitation agreement.

551 2. Proposed brownfield sites that are subject to ongoing

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552 formal judicial or administrative enforcement action or
553 corrective action pursuant to an order from the United States
554 Environmental Protection Agency pursuant to s. 3008(h) of the
555 Resource Conservation and Recovery Act, as amended by 42 U.S.C.
556 s. 6928(h), or that have obtained or are required to obtain a
557 permit for the operation of a hazardous waste treatment,
558 storage, or disposal facility, a post-closure permit, or a
559 permit pursuant to the federal Hazardous and Solid Waste
560 Amendments of 1984 are eligible for participation in the
561 brownfield program established in ss. 376.77-376.85, provided
562 that the sites:

563 a. Obtain the necessary letters of concurrence pursuant to
564 paragraph (1)(b) and subparagraph 1.; and

565 b. Comply with the provisions of Section V of the
566 Memorandum of Agreement between the department and the United
567 States Environmental Protection Agency Region 4 covering
568 Florida's Brownfield Program, dated November 28, 2025, as may be
569 amended.

570 Section 8. Subsection (3) of section 196.1995, Florida
571 Statutes, is amended to read:

572 196.1995 Economic development ad valorem tax exemption.—

573 (3) The board of county commissioners or the governing
574 authority of the municipality that calls a referendum within its
575 total jurisdiction to determine whether its respective
576 jurisdiction may grant economic development ad valorem tax
577 exemptions may vote to limit the effect of the referendum to
578 authority to grant economic development tax exemptions for new
579 businesses and expansions of existing businesses located in an
580 enterprise zone or a brownfield area, as defined in s. 376.79 ~~s.~~

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581 ~~376.79(5)~~. If an area nominated to be an enterprise zone
 582 pursuant to s. 290.0055 has not yet been designated pursuant to
 583 s. 290.0065, the board of county commissioners or the governing
 584 authority of the municipality may call such referendum prior to
 585 such designation; however, the authority to grant economic
 586 development ad valorem tax exemptions does not apply until such
 587 area is designated pursuant to s. 290.0065. The ballot question
 588 in such referendum shall be in substantially the following form
 589 and shall be used in lieu of the ballot question prescribed in
 590 subsection (2):

591
 592 Shall the board of county commissioners of this county (or the
 593 governing authority of this municipality, or both) be authorized
 594 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 595 property tax exemptions for new businesses and expansions of
 596 existing businesses that are located in an enterprise zone or a
 597 brownfield area and that are expected to create new, full-time
 598 jobs in the county (or municipality, or both)?

599
 600Yes-For authority to grant exemptions.

601No-Against authority to grant exemptions.

602 Section 9. Paragraph (c) of subsection (5) of section
 603 288.1175, Florida Statutes, is amended to read:

604 288.1175 Agriculture education and promotion facility.-

605 (5) The Department of Agriculture and Consumer Services
 606 shall competitively evaluate applications for funding of an
 607 agriculture education and promotion facility. If the number of
 608 applicants exceeds three, the Department of Agriculture and
 609 Consumer Services shall rank the applications based upon

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610 criteria developed by the Department of Agriculture and Consumer
611 Services, with priority given in descending order to the
612 following items:

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

618 Section 10. For the purpose of incorporating the amendment
619 made by this act to section 376.79, Florida Statutes, in a
620 reference thereto, subsection (1) of section 1004.53, Florida
621 Statutes, is reenacted to read:

622 1004.53 Interdisciplinary Center for Brownfield
623 Rehabilitation Assistance.—The Center for Brownfield
624 Rehabilitation Assistance in the Environmental Sciences and
625 Policy Program is established in the College of Arts and
626 Sciences at the University of South Florida with the
627 collaboration of other related disciplines such as business
628 administration, environmental science, and medicine. The center
629 shall work in conjunction with other state universities. The
630 Center for Brownfield Rehabilitation Assistance shall:

631 (1) Conduct research relating to problems and solutions
632 associated with rehabilitation and restoration of brownfield
633 areas as defined in s. 376.79. The research must include
634 identifying innovative solutions to removing contamination from
635 brownfield sites to reduce the threats to drinking water
636 supplies and other potential public health threats from
637 contaminated sites.

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