

HOUSE MESSAGE SUMMARY

BILL: CS/CS/CS/SB 1406, 2nd Eng. [S1406.HMS]
SPONSOR: Fiscal Policy Committee, Comprehensive Planning, Local and Military Affairs
Committee, Natural Resources Committee, and Senator Latvala
SUBJECT: State regulation of lands (brownfields)
PREPARED BY: Senate Committee on Natural Resources
DATE: May 8, 2000

I. Amendments Contained in Message

House Amendment 1 -- 103703 (body with title)

II. Summary of Amendments Contained in Message

House Amendment 1 deletes a variety of economic incentives that would have encouraged the rehabilitation of brownfield areas. Retained in the bill are numerous improvements for administration of the brownfield program such as:

- Clarifies how the balance in the Water Quality Assurance Trust Fund and Inland Protection Trust Fund are calculated for purposes of trigger any new tier of tax levies.
- Provides the Department of Community Affairs rule making authority for reporting requirements for certain chemicals used by businesses.
- Expands the definition of eligible businesses for purposes of the quick response training for economic development.
- Directs Enterprise Florida, due to develop a comprehensive marketing plan for brownfield areas designated pursuant to s. 376.80.
- DEP is specifically authorized to use RBCA criteria for cleanups on lands owned by the state university system.
- Provides for mapping and registry of brownfield sites where institutional controls are used.
- Clarifies the time frames and conditions for certain dry-cleaning facilities to qualify for state-funded site rehabilitation.
- Several terms are defined - “containment”, “natural attenuation”, and “risk reduction”.
- Clarification of the use of local advisory committees for brownfield programs.

- Requires DEP to update, revise and adopt a rule on brownfield cleanup criteria that must prescribe a phased risk-based corrective action process. Statutory guidance for rule making is provided.
- Clarifies the liability protection provided to persons whose property becomes contaminated from a nearby brownfield area.
- Authorizes Community Development Districts to levy charges for remediation costs of contamination unless the covered costs benefit any person who is a landowner within the district.
- Clarifies the application of the Marketable Records Title Act to contaminated property with institutional controls.
- Provides for exemptions to local option sales surtaxes in urban infill and redevelopment areas. Authorizes DCA to transfer certain unused balances in the Urban Infill and Redevelopment Assistance Grant Program.
- Deletes an outdated provision restricting the employment of certain DEP employees in private sector petroleum cleanup program.
- Contingency provisions are made for FY 2000-2001 for unencumbered funds from the Quick Response Training Program, Brownfield Redevelopment Bonus Refunds and any appropriations in the GAA for cleanup of state-owned lands - to allow grants for assessment and remediation at brownfield sites.