

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hutson offered the following:

2

3 **Amendment**

4 Remove lines 38-174 and insert:

5 (1) The following general procedures apply to brownfield  
6 designations:

7 (a) The local government with jurisdiction over a proposed  
8 brownfield area shall designate such area pursuant to this  
9 section.

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

11 1. The jurisdictional local government, the designation  
12 criteria under paragraph (2) (a) apply, except if the local  
13 government proposes to designate as a brownfield area a  
14 specified redevelopment area as provided in paragraph (2) (b).

15 2. Any person, other than a governmental entity,  
16 including, but not limited to, individuals, corporations,

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17 partnerships, limited liability companies, community-based  
18 organizations, or not-for-profit corporations, the designation  
19 criteria under paragraph (2) (c) apply.

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

22 1. Notification to department following adoption.—A local  
23 government with jurisdiction over the brownfield area must  
24 notify the department, and, if applicable, the local pollution  
25 control program under s. 403.182, of its decision to designate a  
26 brownfield area for rehabilitation for the purposes of ss.  
27 376.77–376.86. The notification must include a resolution  
28 adopted~~r~~ by the local government body. The local government  
29 shall notify the department, and, if applicable, the local  
30 pollution control program under s. 403.182, of the designation  
31 within 30 days after adoption of the resolution.

32 2. Resolution adoption.—The brownfield area designation  
33 must be carried out by a resolution adopted by the  
34 jurisdictional local government, ~~to~~ which includes ~~is attached~~ a  
35 map adequate to clearly delineate exactly which parcels are to  
36 be included in the brownfield area or alternatively a less-  
37 detailed map accompanied by a detailed legal description of the  
38 brownfield area. For municipalities, the governing body shall  
39 adopt the resolution in accordance with the procedures outlined  
40 in s. 166.041, except that the notice for the public hearings on  
41 the proposed resolution must be in the form established in s.  
42 166.041(3)(c)2. For counties, the governing body shall adopt the  
43 resolution in accordance with the procedures outlined in s.  
44 125.66, except that the notice for the public hearings on the

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45 proposed resolution shall be in the form established in s.

46 125.66(4)(b).

47 3. Right to be removed from proposed brownfield area.—If a  
48 property owner within the area proposed for designation by the  
49 local government requests in writing to have his or her property  
50 removed from the proposed designation, the local government  
51 shall grant the request. ~~For municipalities, the governing body~~  
52 ~~shall adopt the resolution in accordance with the procedures~~  
53 ~~outlined in s. 166.041, except that the notice for the public~~  
54 ~~hearings on the proposed resolution must be in the form~~  
55 ~~established in s. 166.041(3)(c)2. For counties, the governing~~  
56 ~~body shall adopt the resolution in accordance with the~~  
57 ~~procedures outlined in s. 125.66, except that the notice for the~~  
58 ~~public hearings on the proposed resolution shall be in the form~~  
59 ~~established in s. 125.66(4)(b)2.~~

60 4. Notice and public hearing requirements for designation  
61 of a proposed brownfield area outside a redevelopment area or by  
62 a nongovernmental entity.—Compliance with the following  
63 provisions is required before designation of a proposed  
64 brownfield area under paragraph (2)(a) or paragraph (2)(c):

65 a. At least one of the required public hearings shall be  
66 conducted as closely as is reasonably practicable to the area to  
67 be designated to provide an opportunity for public input on the  
68 size of the area, the objectives for rehabilitation, job  
69 opportunities and economic developments anticipated,  
70 neighborhood residents' considerations, and other relevant local  
71 concerns.

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72 b. Notice of the public hearing must be made in a  
73 newspaper of general circulation in the area, and the notice  
74 must be at least 16 square inches in size, must be in ethnic  
75 newspapers or local community bulletins, must be posted in the  
76 affected area, and must be announced at a scheduled meeting of  
77 the local governing body before the actual public hearing.

78 (2) (a) Local government-proposed brownfield area  
79 designation outside specified redevelopment areas.—If a local  
80 government proposes to designate a brownfield area that is  
81 outside a community redevelopment area areas, enterprise zone  
82 zones, empowerment zone zones, closed military base bases, or  
83 designated brownfield pilot project area areas, the local  
84 government shall provide notice, adopt the resolution, and  
85 conduct ~~the~~ public hearings pursuant to paragraph ~~in accordance~~  
86 ~~with the requirements of subsection (1) (c), except at least one~~  
87 ~~of the required public hearings shall be conducted as close as~~  
88 ~~reasonably practicable to the area to be designated to provide~~  
89 ~~an opportunity for public input on the size of the area, the~~  
90 ~~objectives for rehabilitation, job opportunities and economic~~  
91 ~~developments anticipated, neighborhood residents'~~  
92 ~~considerations, and other relevant local concerns. Notice of the~~  
93 ~~public hearing must be made in a newspaper of general~~  
94 ~~circulation in the area and the notice must be at least 16~~  
95 ~~square inches in size, must be in ethnic newspapers or local~~  
96 ~~community bulletins, must be posted in the affected area, and~~  
97 ~~must be announced at a scheduled meeting of the local governing~~  
98 ~~body before the actual public hearing. At a public hearing to~~

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99 designate the proposed brownfield area ~~In determining the areas~~  
100 ~~to be designated,~~ the local government must consider:

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

103 2. Whether the proposed area to be designated represents a  
104 reasonably focused approach and is not overly large in  
105 geographic coverage;

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

108 4. Whether the area contains sites or parts of sites  
109 suitable for limited recreational open space, cultural, or  
110 historical preservation purposes.

111 (b) Local government-proposed brownfield area designation  
112 within specified redevelopment areas.—Paragraph (a) does not  
113 apply to a proposed brownfield area if the local government  
114 proposes to designate the brownfield area inside a community  
115 redevelopment area, enterprise zone, empowerment zone, closed  
116 military base, or designated brownfield pilot project area and  
117 the local government complies with paragraph (1) (c).

118 (c) ~~(b)~~ Brownfield area designation proposed by persons  
119 other than a governmental entity.—For designation of a  
120 brownfield area that is proposed by a person other than the  
121 local government, the local government with jurisdiction over  
122 the proposed brownfield area shall provide notice and adopt a  
123 resolution to designate the a brownfield area pursuant to  
124 paragraph (1) (c) if, at the public hearing to adopt the  
125 resolution, the person establishes all of the following under  
126 the provisions of this act provided that:

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127 1. A person who owns or controls a potential brownfield  
128 site is requesting the designation and has agreed to  
129 rehabilitate and redevelop the brownfield site.~~†~~

130 2. The rehabilitation and redevelopment of the proposed  
131 brownfield site will result in economic productivity of the  
132 area, along with the creation of at least 5 new permanent jobs  
133 at the brownfield site that are full-time equivalent positions  
134 not associated with the implementation of the brownfield site  
135 rehabilitation agreement and that are not associated with  
136 redevelopment project demolition or construction activities  
137 pursuant to the redevelopment of the proposed brownfield site or  
138 area. However, the job creation requirement does ~~shall~~ not apply  
139 to the rehabilitation and redevelopment of a brownfield site  
140 that will provide affordable housing as defined in s. 420.0004  
141 or the creation of recreational areas, conservation areas, or  
142 parks.~~†~~

143 3. The redevelopment of the proposed brownfield site is  
144 consistent with the local comprehensive plan and is a  
145 permittable use under the applicable local land development  
146 regulations.~~†~~

147 4. Notice of the proposed rehabilitation of the brownfield  
148 area has been provided to neighbors and nearby residents of the  
149 proposed area to be designated pursuant to paragraph (1)(c), and  
150 the person proposing the area for designation has afforded to  
151 those receiving notice the opportunity for comments and  
152 suggestions about rehabilitation. Notice pursuant to this  
153 subparagraph must be made in a newspaper of general circulation

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154 in the area, at least 16 square inches in size, and the notice  
155 must be posted in the affected area. ~~and~~

156 5. The person proposing the area for designation has  
157 provided reasonable assurance that he or she has sufficient  
158 financial resources to implement and complete the rehabilitation  
159 agreement and redevelopment of the brownfield site.

160 (d) ~~(e)~~ Negotiation of brownfield site rehabilitation  
161 agreement.—The designation of a brownfield area and the