

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
 2 Representative Stone offered the following:

Amendment (with title amendment)

Remove lines 50-192 and insert:

(2) The department may approve an application for advanced cleanup at eligible sites including those applying pursuant to paragraph (c), notwithstanding the site's priority ranking established pursuant to s. 376.3071(5) (a), pursuant to this section. Only the facility owner or operator or the person otherwise responsible for site rehabilitation qualifies as an applicant under this section.

(a) Advanced cleanup applications may be submitted between May 1 and June 30 and between November 1 and December 31 of each fiscal year. Applications submitted between May 1 and June 30

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16 shall be for the fiscal year beginning July 1. An application
17 must consist of:

18 1. A commitment to pay 25 percent or more of the total
19 cleanup cost deemed recoverable under this section along with
20 proof of the ability to pay the cost share. The department shall
21 determine whether the cost savings demonstration is acceptable.
22 Such determination is not subject to chapter 120.

23 a. Applications for the aggregate cleanup of five or more
24 sites may be submitted in one of two formats to meet the cost-
25 share requirement:

26 (I) For an aggregate application proposing that the
27 department enter into a performance-based contract, the
28 applicant may use a commitment to pay, a demonstrated cost
29 savings to the department, or both to meet the requirement.

30 (II) For an aggregate application relying on a
31 demonstrated cost savings to the department, the applicant
32 shall, in conjunction with the proposed agency term contractor,
33 establish and provide in the application the percentage of cost
34 savings in the aggregate that is being provided to the
35 department for cleanup of the sites under the application
36 compared to the cost of cleanup of those same sites using the
37 current rates provided to the department by the proposed agency
38 term contractor.

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39 b. Applications for the cleanup of individual sites may be
40 submitted in one of two formats to meet the cost-share
41 requirement:

42 (I) For an individual application proposing that the
43 department enter into a performance-based contract, the
44 applicant may use a commitment to pay, a demonstrated cost
45 savings to the department, or both to meet the requirement.

46 (II) For an individual application relying on a
47 demonstrated cost savings to the department, the applicant
48 shall, in conjunction with the proposed agency term contractor,
49 establish and provide in the application a 25-percent cost
50 savings to the department for cleanup of the site under the
51 application compared to the cost of cleanup of the same site
52 using the current rates provided to the department by the
53 proposed agency term contractor.

54 2. A nonrefundable review fee of \$250 to cover the
55 administrative costs associated with the department's review of
56 the application.

57 3. A limited contamination assessment report.

58 4. A proposed course of action.

59 5. A department site access agreement, or similar
60 agreements approved by the department that do not violate state
61 law, entered into with the property owner or owners, as
62 applicable, and evidence of authorization from such owner or
63 owners for petroleum site rehabilitation program tasks

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64 consistent with the proposed course of action where the
65 applicant is not the property owner for any of the sites
66 contained in the application.

67
68 The limited contamination assessment report must be sufficient
69 to support the proposed course of action and to estimate the
70 cost of the proposed course of action. Costs incurred related to
71 conducting the limited contamination assessment report are not
72 refundable from the Inland Protection Trust Fund. Site
73 eligibility under this subsection or any other provision of this
74 section is not an entitlement to advanced cleanup or continued
75 restoration funding. The applicant shall certify to the
76 department that the applicant has the prerequisite authority to
77 enter into an advanced cleanup contract with the department. The
78 certification must be submitted with the application.

79 (b) The department shall rank the applications based on
80 the percentage of cost-sharing commitment proposed by the
81 applicant, with the highest ranking given to the applicant who
82 proposes the highest percentage of cost sharing. If the
83 department receives applications that propose identical cost-
84 sharing commitments and that exceed the funds available to
85 commit to all such proposals during the advanced cleanup
86 application period, the department shall proceed to rerank those
87 applicants. Those applicants submitting identical cost-sharing
88 proposals that exceed funding availability must be so notified

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89 by the department and offered the opportunity to raise their
90 individual cost-share commitments, in a period specified in the
91 notice. At the close of the period, the department shall proceed
92 to rerank the applications pursuant to this paragraph.

93 (c) ADVANCED CLEANUP FOR THE PURPOSES OF REDEVELOPMENT—

94 Applications for the advanced cleanup of individual sites
95 scheduled for redevelopment are not subject to the application
96 period limitations or the requirement to pay 25 percent of the
97 total cleanup costs specified in paragraph (a) or to the cost-
98 share provisions in paragraph (1)(d). Applications shall be
99 accepted on a first-come, first-served basis and shall not be
100 subject to the ranking provisions of paragraph (b). Applications
101 for the cleanup of individual redevelopment sites must include:

102 1. A nonrefundable review fee of \$250 to cover the
103 administrative costs associated with the department's review of
104 the application.

105 2. A limited contamination assessment report. The report
106 must be sufficient to support the proposed course of action and
107 to estimate the cost of the proposed course of action. Costs
108 incurred related to conducting and preparing the report are not
109 refundable from the Inland Protection Trust Fund.

110 3. A proposed course of action.

111 4. A department site access agreement, or similar
112 agreements approved by the department that do not violate state
113 law, entered into with the property owner or owners, as

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114 applicable, and evidence of authorization from such owner or
115 owners for petroleum site rehabilitation program tasks
116 consistent with the proposed course of action where the
117 applicant is not the property owner for any of the sites
118 contained in the application.

119 5. A certification to the department that the applicant
120 has the prerequisite authority to enter into an advanced cleanup
121 contract with the department. The advanced cleanup contract
122 shall include redevelopment and site rehabilitation milestones.

123 6. Documentation in the form of a letter from the local
124 government having jurisdiction over the area about the proposed
125 redevelopment of the site, that the local government is in
126 agreement with or approves the proposed redevelopment, and that
127 the proposed redevelopment complies with applicable laws and
128 requirements for such redevelopment.

129 7. A demonstrated reasonable assurance that the applicant
130 has sufficient financial resources to implement and complete the
131 redevelopment project.

132
133 Site eligibility under this subsection or any other provision of
134 this section is not an entitlement to advanced cleanup or
135 continued restoration funding.

136 (3) (a) Based on the ranking established under paragraph
137 (2) (b), the department shall begin negotiation with such
138 applicants. If the department and the applicant agree on the

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139 course of action, the department may enter into a contract with
140 the applicant. The department may negotiate the terms and
141 conditions of the contract.

142 (b) Advanced cleanup shall be conducted pursuant to s.
143 376.3071(5)(b) and (6) and rules adopted under ss. 287.0595 and
144 376.3071. If the terms of the advanced cleanup contract are not
145 fulfilled, the applicant forfeits any right to future payment
146 for any site rehabilitation work conducted under the contract.

147 (c) The department's decision not to enter into an
148 advanced cleanup contract with the applicant is not subject to
149 chapter 120. If the department cannot complete negotiation of
150 the course of action and the terms of the contract within 60
151 days after beginning negotiations, the department shall
152 terminate negotiations with that applicant.

153 (4) The department may enter into contracts for a total of
154 up to ~~\$25~~ \$30 million of advanced cleanup work in each fiscal
155 year. Up to \$5 million of these funds may be designated by the
156 department for cleanup of individual redevelopment sites as
157 referenced in paragraph (c).

158 (a) However, A facility or an applicant who bundles
159 multiple sites as specified in subparagraph (2)(a)1. may not be
160 approved for more than \$5 million of cleanup activity in each
161 fiscal year.

162 (b) A facility or an applicant applying for cleanup of
163 individual redevelopment sites as referenced in paragraph (c)

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164 may not be approved for more than \$1 million of cleanup activity
165 in each fiscal year.

166 (c) A property owner or responsible party may enter into a
167 voluntary cost-share agreement in which the property owner or
168 responsible party commits to bundle multiple sites and lists the
169 facilities that will be included in those future bundles. The
170 facilities listed are not subject to agency term contractor
171 assignment pursuant to department rule. The department reserves
172 the right to terminate or amend the voluntary cost-share
173 agreement for any identified site under the voluntary cost-share
174 agreement if the property owner or responsible party fails to
175 submit an application to bundle any site, not already covered by
176 an advance cleanup contract, under such voluntary cost-share
177 agreement within ~~a~~ three subsequent open application periods or
178 18 months' whichever period is shorter during which it is
179 eligible to participate. The property owner or responsible party
180 agrees to conduct limited site assessments on the identified
181 sites within twelve months of execution of the voluntary cost-
182 share agreement. For the purposes of this section, the term
183 "facility" includes, but is not limited to, multiple site
184 facilities such as airports, port facilities, and terminal
185 facilities even though such enterprises may be treated as
186 separate facilities for other purposes under this chapter.

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T I T L E A M E N D M E N T

Remove lines 3-15 and insert:

s. 376.30713, F.S.; specifying the method by which the department shall rerank redevelopment advanced cleanup applications; specifying the application requirements for such sites; increasing the amount per year the department may use for advanced cleanup work; revising the time period during which the department may terminate or amend voluntary cost-share agreements; revising duties of property owners and responsible parties with respect to voluntary cost-share agreements;