

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Government Accountability
 2 Committee

3 Representative Stone offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 43-226 and insert:

7 paragraph (e) shall make prompt payment to subcontractors and
 8 suppliers for their costs associated with an approved contract
 9 pursuant to s. 287.0585, except that the contractor or the
 10 person to whom the contractor has assigned its right to payment
 11 pursuant to paragraph (e) may remit payments to subcontractors
 12 and suppliers within 30 working days after the contractor's
 13 receipt of payment by the department before the penalties
 14 required by s. 287.0585(1) are applicable.

15 Section 2. Paragraphs (a) and (c) of subsection (1) and
 16 subsections (2) and (4) of section 376.30713, Florida Statutes,

Amendment No.

17 are amended to read:

18 376.30713 Advanced cleanup.—

19 (1) In addition to the legislative findings provided in s.
20 376.3071, the Legislature finds and declares:

21 (a) That the inability to conduct site rehabilitation in
22 advance of a site's priority ranking pursuant to s.
23 376.3071(5) (a) may substantially impede or prohibit property
24 redevelopment, property transactions, or the proper completion
25 of public works projects.

26 (c) It is in the public interest and of substantial
27 economic benefit to the state to provide an opportunity for site
28 rehabilitation to be conducted on a limited basis at
29 contaminated sites, in advance of the site's priority ranking,
30 to encourage redevelopment and facilitate property transactions
31 or public works projects.

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

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

Amendment No.

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

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

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

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

56 (II) For an aggregate application relying on a
57 demonstrated cost savings to the department, the applicant
58 shall, in conjunction with the proposed agency term contractor,
59 establish and provide in the application the percentage of cost
60 savings in the aggregate that is being provided to the
61 department for cleanup of the sites under the application
62 compared to the cost of cleanup of those same sites using the
63 current rates provided to the department by the proposed agency
64 term contractor.

65 b. Applications for the cleanup of individual sites may be
66 submitted in one of two formats to meet the cost-share

Amendment No.

67 requirement:

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

72 (II) For an individual application relying on a
73 demonstrated cost savings to the department, the applicant
74 shall, in conjunction with the proposed agency term contractor,
75 establish and provide in the application a 25-percent cost
76 savings to the department for cleanup of the site under the
77 application compared to the cost of cleanup of the same site
78 using the current rates provided to the department by the
79 proposed agency term contractor.

80 2. A nonrefundable review fee of \$250 to cover the
81 administrative costs associated with the department's review of
82 the application.

83 3. A limited contamination assessment report.

84 4. A proposed course of action.

85 5. A department site access agreement, or similar
86 agreements approved by the department that do not violate state
87 law, entered into with the property owner or owners, as
88 applicable, and evidence of authorization from such owner or
89 owners for petroleum site rehabilitation program tasks
90 consistent with the proposed course of action where the
91 applicant is not the property owner for any of the sites

Amendment No.

92 contained in the application.

93
94 The limited contamination assessment report must be sufficient
95 to support the proposed course of action and to estimate the
96 cost of the proposed course of action. Costs incurred related to
97 conducting the limited contamination assessment report are not
98 refundable from the Inland Protection Trust Fund. Site
99 eligibility under this subsection or any other provision of this
100 section is not an entitlement to advanced cleanup or continued
101 restoration funding. The applicant shall certify to the
102 department that the applicant has the prerequisite authority to
103 enter into an advanced cleanup contract with the department. The
104 certification must be submitted with the application.

105 (b) The department shall rank the applications based on
106 the percentage of cost-sharing commitment proposed by the
107 applicant, with the highest ranking given to the applicant who
108 proposes the highest percentage of cost sharing. If the
109 department receives applications that propose identical cost-
110 sharing commitments and that exceed the funds available to
111 commit to all such proposals during the advanced cleanup
112 application period, the department shall proceed to rerank those
113 applicants. Those applicants submitting identical cost-sharing
114 proposals that exceed funding availability must be so notified
115 by the department and offered the opportunity to raise their
116 individual cost-share commitments, in a period specified in the

919275 - HB 753 am line 43.docx

Published On: 4/18/2017 7:06:13 PM

Amendment No.

117 notice. At the close of the period, the department shall proceed
118 to rerank the applications pursuant to this paragraph.

119 (c) Applications for the advanced cleanup of individual
120 sites scheduled for redevelopment are not subject to the
121 application period limitations or the requirement to pay 25
122 percent of the total cleanup cost specified in paragraph (a) or
123 to the cost-sharing commitment specified in paragraph (1)(d).
124 Applications must be accepted on a first-come, first-served
125 basis and are not subject to the ranking provisions of paragraph
126 (b). Applications for the advanced cleanup of individual sites
127 scheduled for redevelopment must include:

128 1. A nonrefundable review fee of \$250 to cover the
129 administrative costs associated with the department's review of
130 the application.

131 2. A limited contamination assessment report. The report
132 must be sufficient to support the proposed course of action and
133 to estimate the cost of the proposed course of action. Costs
134 incurred related to conducting and preparing the report are not
135 refundable from the Inland Protection Trust Fund.

136 3. A proposed course of action for cleanup of the site.

137 4. If the applicant is not the property owner for any of
138 the sites contained in the application, a department site access
139 agreement, or a similar agreement approved by the department and
140 not in violation of state law, entered into with the property
141 owner or owners, as applicable, and evidence of authorization

919275 - HB 753 am line 43.docx

Published On: 4/18/2017 7:06:13 PM

Amendment No.

142 from such owner or owners for petroleum site rehabilitation
143 program tasks consistent with the proposed course of action.

144 5. A certification to the department stating that the
145 applicant has the prerequisite authority to enter into an
146 advanced cleanup contract with the department. The advanced
147 cleanup contract must include redevelopment and site
148 rehabilitation milestones.

149 6. Documentation, in the form of a letter from the local
150 government having jurisdiction over the area where the site is
151 located, which states that the local government is in agreement
152 with or approves the proposed redevelopment and that the
153 proposed redevelopment complies with applicable law and
154 requirements for such redevelopment.

155 7. A demonstrated reasonable assurance that the applicant
156 has sufficient financial resources to implement and complete the
157 redevelopment project.

158
159 Site eligibility under this section is not an entitlement to
160 advanced cleanup funding or continued restoration funding.

161 (4) The department may enter into contracts for a total of
162 up to \$30 ~~\$25~~ million of advanced cleanup work in each fiscal
163 year. Up to \$5 million of these funds may be designated by the
164 department for advanced cleanup of individual sites scheduled
165 for redevelopment under paragraph (2) (c).

166 (a) ~~However,~~ A facility or an applicant who bundles

Amendment No.

167 multiple sites as specified in subparagraph (2) (a)1. may not be
168 approved for more than \$5 million of cleanup activity in each
169 fiscal year.

170 (b) A facility or an applicant applying for advanced
171 cleanup of individual sites scheduled for redevelopment pursuant
172 to paragraph (2) (c) may not be approved for more than \$1 million
173 of cleanup activity in any one fiscal year.

174 (c) A property owner or responsible party may enter into a
175 voluntary cost-share agreement in which the property owner or
176 responsible party commits to bundle multiple sites and lists the
177 facilities that will be included in those future bundles. The
178 facilities listed are not subject to agency term contractor
179 assignment pursuant to department rule. The department must
180 reserve ~~reserves~~ the right to terminate or amend the voluntary
181 cost-share agreement for any identified site under the voluntary
182 cost-share agreement if the property owner or responsible party
183 fails to submit an application to bundle any site, not already
184 covered by an advance cleanup contract, under such voluntary
185 cost-share agreement within three a subsequent open application
186 periods or 18 months, whichever period is shorter, ~~period~~ during
187 which it is eligible to participate. The property owner or
188 responsible party must agree to conduct limited site assessments
189 on the identified sites within 12 months after the execution of
190 the

Amendment No.

192
193
194
195
196
197
198
199
200
201
202
203
204
205
206

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

Remove lines 3-18 and insert:

s. 376.3071, F.S.; providing an exception to prompt payment requirements to subcontractors and suppliers; amending s. 376.30713, F.S.; revising legislative findings; specifying that applicants for advanced cleanup of certain individual sites are not subject to application period limitations and need not pay a certain cost-sharing commitment; requiring applications by such applicants to be accepted on a first-come, first-served basis; providing that such applications are not subject to certain ranking provisions; specifying application requirements; providing construction; increasing the amount per year the Department of Environmental Protection may use for advanced cleanup work;