

1 A bill to be entitled
2 An act relating to brownfields; amending s. 212.08,
3 F.S.; revising the definition of the term "housing
4 project" for purposes of specifying the projects
5 eligible for certain tax exemptions; amending s.
6 376.30781, F.S.; revising the conditions under which
7 an applicant that has rehabilitated a contaminated
8 site may submit and claim certain tax credits;
9 specifying a timeframe within which such tax credit
10 applications must be submitted; revising the types of
11 projects that are eligible for a specified tax credit;
12 revising the criteria for determining applicants who
13 are redeveloping brownfield sites who may be eligible
14 for certain tax credits; revising the definition of
15 "solid waste disposal area"; revising the date by
16 which the Department of Environmental Protection must
17 issue annual site rehabilitation tax credit
18 certificate awards; amending s. 376.313, F.S.;
19 specifying defenses to specified causes of action
20 concerning certain discharges or other types of
21 pollution resulting from certain discharges or
22 pollution; amending s. 376.78, F.S.; conforming
23 provisions to changes made by the act; amending s.
24 376.80, F.S.; revising the entities that may propose
25 brownfield designations using specified criteria;

26 removing the requirement that certain persons be
27 identified prior to negotiating a brownfield site
28 rehabilitation agreement; amending s. 376.82, F.S.;
29 exempting certain job creation requirements otherwise
30 needed for eligibility for specified brownfield site
31 rehabilitation agreements; providing an effective
32 date.

33
34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. Paragraph (o) of subsection (5) of section
37 212.08, Florida Statutes, is amended to read:

38 212.08 Sales, rental, use, consumption, distribution, and
39 storage tax; specified exemptions.—The sale at retail, the
40 rental, the use, the consumption, the distribution, and the
41 storage to be used or consumed in this state of the following
42 are hereby specifically exempt from the tax imposed by this
43 chapter.

44 (5) EXEMPTIONS; ACCOUNT OF USE.—

45 (o) Building materials in redevelopment projects.—

46 1. As used in this paragraph, the term:

47 a. "Building materials" means tangible personal property
48 that becomes a component part of a housing project or a mixed-
49 use project.

50 b. "Housing project" means:

51 (I) The conversion of an existing manufacturing or
 52 industrial building to a housing unit which is in an urban high-
 53 crime area, an enterprise zone, an empowerment zone, a Front
 54 Porch Florida Community, a designated brownfield site for which
 55 a rehabilitation agreement with the Department of Environmental
 56 Protection or a local government delegated by the Department of
 57 Environmental Protection has been executed under s. 376.80 and
 58 any abutting real property parcel within a brownfield area, or
 59 an urban infill area; and in which the developer agrees to set
 60 aside at least 20 percent of the housing units in the project
 61 for low-income and moderate-income persons; or

62 (II) The construction of affordable housing ~~in a~~
 63 ~~designated brownfield area of affordable housing~~ for persons
 64 described in s. 420.0004(9), (11), (12), or (17) or in s.
 65 159.603(7), in designated brownfield areas for which a
 66 brownfield site rehabilitation agreement with the Department of
 67 Environmental Protection or a local government delegated by the
 68 Department of Environmental Protection has been executed under
 69 s. 376.80, and any real property parcel abutting the brownfield
 70 area, if the developer agrees to set aside at least 20 percent
 71 of the housing units in any building, project, or development
 72 for such persons regardless of whether the affordable housing is
 73 part of a larger building, project, or development that includes
 74 market-rate housing.

75 c. "Mixed-use project" means:

76 (I) The conversion of an existing manufacturing or
 77 industrial building to mixed-use units that include artists'
 78 studios, art and entertainment services, or other compatible
 79 uses. A mixed-use conversion project must be located in an urban
 80 high-crime area, an enterprise zone, an empowerment zone, a
 81 Front Porch Florida Community, a designated brownfield site for
 82 which a rehabilitation agreement with the Department of
 83 Environmental Protection or a local government delegated by the
 84 Department of Environmental Protection has been executed under
 85 s. 376.80 and any abutting real property parcel within a
 86 brownfield area, or an urban infill area; and the developer must
 87 agree to set aside at least 20 percent of the square footage of
 88 the project for low-income and moderate-income housing; or

89 (II) The construction of mixed-use units in a designated
 90 brownfield site for which a rehabilitation agreement with the
 91 Department of Environmental Protection or a local government
 92 delegated by the Department of Environmental Protection has been
 93 executed under s. 376.80 and any real property parcel abutting
 94 the brownfield area, if the developer agrees to set aside at
 95 least 20 percent of the square footage of the project for low-
 96 income and moderate-income housing.

97 d. "Substantially completed" has the same meaning as
 98 provided in s. 192.042(1).

99 2. Building materials used in the construction of a
 100 housing project or mixed-use project are exempt from the tax

101 imposed by this chapter upon an affirmative showing to the
102 satisfaction of the department that the requirements of this
103 paragraph have been met. This exemption inures to the owner
104 through a refund of previously paid taxes. To receive this
105 refund, the owner must file an application under oath with the
106 department which includes:

- 107 a. The name and address of the owner.
- 108 b. The address and assessment roll parcel number of the
109 project for which a refund is sought.
- 110 c. A copy of the building permit issued for the project.
- 111 d. A certification by the local building code inspector
112 that the project is substantially completed.
- 113 e. A sworn statement, under penalty of perjury, from the
114 general contractor licensed in this state with whom the owner
115 contracted to construct the project, which statement lists the
116 building materials used in the construction of the project and
117 the actual cost thereof, and the amount of sales tax paid on
118 these materials. If a general contractor was not used, the owner
119 shall provide this information in a sworn statement, under
120 penalty of perjury. Copies of invoices evidencing payment of
121 sales tax must be attached to the sworn statement.

122 3. An application for a refund under this paragraph must
123 be submitted to the department within 6 months after the date
124 the project is deemed to be substantially completed by the local
125 building code inspector. Within 30 working days after receipt of

126 | the application, the department shall determine if it meets the
 127 | requirements of this paragraph. A refund approved pursuant to
 128 | this paragraph shall be made within 30 days after formal
 129 | approval of the application by the department.

130 | 4. The department shall establish by rule an application
 131 | form and criteria for establishing eligibility for exemption
 132 | under this paragraph.

133 | 5. The exemption shall apply to purchases of materials on
 134 | or after July 1, 2000.

135 | Section 2. Paragraphs (c), (d), and (e) of subsection (3)
 136 | and subsection (9) of section 376.30781, Florida Statutes, are
 137 | amended to read:

138 | 376.30781 Tax credits for rehabilitation of drycleaning-
 139 | solvent-contaminated sites and brownfield sites in designated
 140 | brownfield areas; application process; rulemaking authority;
 141 | revocation authority.-

142 | (3)

143 | (c) In order to encourage completion of site
 144 | rehabilitation at contaminated sites that are being voluntarily
 145 | cleaned up and that are eligible for a tax credit under this
 146 | section, the tax credit applicant may claim an additional 25
 147 | percent of the total site rehabilitation costs, not to exceed
 148 | \$500,000, if the Department of Environmental Protection has
 149 | approved the applicant's annual site rehabilitation applications
 150 | and has issued ~~in the final year of cleanup as evidenced by the~~

151 ~~Department of Environmental Protection~~ issuing a "No Further
152 Action" order for that site. The tax credit applicant must
153 submit the claim for the additional 25 percent within 2 years of
154 receipt of the "No Further Action" order for that site.

155 (d) In order to encourage the construction of projects
156 that include housing that meet ~~meets~~ the definition of
157 affordable provided in s. 420.0004, an applicant for the tax
158 credit may claim an additional 25 percent of the total site
159 rehabilitation costs that are eligible for tax credits under
160 this section, not to exceed \$500,000. Projects with mixed uses
161 and projects that include market-rate housing are eligible for
162 the tax credit based on a pro-rata share of the square footage
163 of affordable housing compared to the overall square footage of
164 the mixed-use project or the number of affordable housing units
165 compared to market-rate housing units in a project with only
166 residential uses, provided that the developer agrees to set
167 aside at least 20 percent of the housing units for persons
168 described in s. 420.0004(9), (11), (12), or (17) or s.
169 159.603(7). To receive this additional tax credit, the applicant
170 must provide a certification letter from the Florida Housing
171 Finance Corporation, the local housing authority, or other
172 governmental agency that is a party to the use agreement
173 indicating that the construction of the affordable housing
174 portion of the project on the brownfield site has received a
175 certificate of occupancy and ~~the brownfield site~~ has a properly

176 recorded instrument that limits the use of the residential
177 portion of the property to housing and specifies the requisite
178 square footage or number of units set aside for affordable
179 housing. Notwithstanding that only one application may be
180 submitted each year for each site, an application for the
181 additional credit provided for in this paragraph shall be
182 submitted after all requirements to obtain the additional tax
183 credit have been met.

184 (e) In order to encourage the redevelopment of a
185 brownfield site, as defined in the brownfield site
186 rehabilitation agreement, that is hindered by the presence of
187 solid waste, as defined in s. 403.703, costs related to solid
188 waste removal may also be claimed under this section. A tax
189 credit applicant, or multiple tax credit applicants working
190 jointly to clean up a single brownfield site, may also claim
191 costs to address the solid waste removal as defined in this
192 paragraph in accordance with department rules. Multiple tax
193 credit applicants shall be granted tax credits in the same
194 proportion as each applicant's contribution to payment of solid
195 waste removal costs. These costs are eligible for a tax credit
196 provided the applicant meets the eligibility requirements of s.
197 376.82(1) and ~~submits an affidavit stating that, after~~
198 ~~consultation with appropriate local government officials and the~~
199 ~~department, to the best of the applicant's knowledge based upon~~
200 ~~such consultation and available historical records, the~~

201 brownfield site was never operated as a permitted solid waste
 202 disposal area under chapter 62-701, Florida Administrative Code,
 203 or the predecessor rules ~~or was never operated for monetary~~
 204 ~~compensation, and the applicant submits all other documentation~~
 205 ~~and certifications required by this section.~~ In this section,
 206 where reference is made to "site rehabilitation," the department
 207 shall instead consider whether the costs claimed are for solid
 208 waste removal. Tax credit applications claiming costs pursuant
 209 to this paragraph shall not be subject to the calendar-year
 210 limitation and January 31 annual application deadline, and the
 211 department shall accept a one-time application filed subsequent
 212 to the completion by the tax credit applicant of the applicable
 213 requirements listed in this subsection. A tax credit applicant
 214 may claim 50 percent of the costs for solid waste removal, not
 215 to exceed \$500,000, after the applicant has determined solid
 216 waste removal is completed for the brownfield site. A solid
 217 waste removal tax credit application may be filed only once per
 218 brownfield site. For the purposes of this section, the term:
 219 1. "Solid waste disposal area" means a property, group of
 220 properties, portion of property or localized area at, upon, or
 221 within which solid waste is or was disposed and for which no
 222 federal, state, or local permit for such disposal had been
 223 obtained at the time of waste disposal cessation of activities
 224 ~~landfill, dump, or other area where solid waste has been~~
 225 ~~disposed.~~

226 ~~2. "Monetary compensation" means the fees that were charged~~
 227 ~~or the assessments that were levied for the disposal of solid~~
 228 ~~waste at a solid waste disposal area.~~

229 ~~2.3.~~ "Solid waste removal" means removal of solid waste
 230 from the land surface or excavation of solid waste from below
 231 the land surface and removal of the solid waste from the
 232 brownfield site. The term also includes:

233 a. Transportation of solid waste to a licensed or exempt
 234 solid waste management facility or to a temporary storage area.

235 b. Sorting or screening of solid waste prior to removal
 236 from the site.

237 c. Deposition of solid waste at a permitted or exempt solid
 238 waste management facility, whether the solid waste is disposed
 239 of or recycled.

240 (9) On or before June ~~May~~ 1, the Department of
 241 Environmental Protection shall inform each tax credit applicant
 242 that is subject to the January 31 annual application deadline of
 243 the applicant's eligibility status and the amount of any tax
 244 credit due. The department shall provide each eligible tax
 245 credit applicant with a tax credit certificate that must be
 246 submitted with its tax return to the Department of Revenue to
 247 claim the tax credit or be transferred pursuant to s.

248 220.1845(2)(g). The June ~~May~~ 1 deadline for annual site
 249 rehabilitation tax credit certificate awards shall not apply to
 250 any tax credit application for which the department has issued a

251 notice of deficiency pursuant to subsection (8). The department
252 shall respond within 90 days after receiving a response from the
253 tax credit applicant to such a notice of deficiency. Credits may
254 not result in the payment of refunds if total credits exceed the
255 amount of tax owed.

256 Section 3. Subsection (3) of section 376.313, Florida
257 Statutes, is amended to read:

258 376.313 Nonexclusiveness of remedies and individual cause
259 of action for damages under ss. 376.30-376.317.—

260 (3) Except as provided in s. 376.3078(3) and (11), nothing
261 contained in ss. 376.30-376.317 prohibits any person from
262 bringing a cause of action in a court of competent jurisdiction
263 for all damages resulting from a discharge or other condition of
264 pollution covered by ss. 376.30-376.317 and which was not
265 authorized pursuant to chapter 403. Nothing in this chapter
266 shall prohibit or diminish a party's right to contribution from
267 other parties jointly or severally liable for a prohibited
268 discharge of pollutants or hazardous substances or other
269 pollution conditions. Except as otherwise provided in subsection
270 (4) or subsection (5), in any such suit, it is not necessary for
271 such person to plead or prove negligence in any form or manner.
272 Such person need only plead and prove the fact of the prohibited
273 discharge or other pollutive condition and that it has occurred.
274 The only defenses to such cause of action shall be those
275 specified in s. 376.308 or s. 376.82.

276 Section 4. Subsection (1) of section 376.78, Florida
 277 Statutes, is amended to read:

278 376.78 Legislative intent.—The Legislature finds and
 279 declares the following:

280 (1) The reduction of public health and environmental
 281 hazards on existing ~~commercial and industrial~~ sites is vital to
 282 their use and reuse as sources of employment, housing,
 283 recreation, and open space areas. The reuse of industrial land
 284 is an important component of sound land use policy for
 285 productive urban purposes which will help prevent the premature
 286 development of farmland, open space areas, and natural areas,
 287 and reduce public costs for installing new water, sewer, and
 288 highway infrastructure.

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

291 376.80 Brownfield program administration process.—

292 (1) The following general procedures apply to brownfield
 293 designations:

294 (a) The local government with jurisdiction over a proposed
 295 brownfield area shall designate such area pursuant to this
 296 section.

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

298 1. The jurisdictional local government, the designation
 299 criteria under paragraph (2) (a) apply, except if the local
 300 government proposes to designate as a brownfield area a

301 specified redevelopment area as provided in paragraph (2) (b).

302 2. Any person, ~~other than a governmental entity,~~
 303 including, but not limited to, individuals, corporations,
 304 partnerships, trusts, limited liability companies, community-
 305 based organizations, or not-for-profit corporations, the
 306 designation criteria under paragraph (2) (c) apply.

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

309 1. Notification to department following adoption.—A local
 310 government with jurisdiction over the brownfield area must
 311 notify the department, and, if applicable, the local pollution
 312 control program under s. 403.182, of its decision to designate a
 313 brownfield area for rehabilitation for the purposes of ss.
 314 376.77-376.86. The notification must include a resolution
 315 adopted by the local government body. The local government shall
 316 notify the department, and, if applicable, the local pollution
 317 control program under s. 403.182, of the designation within 30
 318 days after adoption of the resolution.

319 2. Resolution adoption.—The brownfield area designation
 320 must be carried out by a resolution adopted by the
 321 jurisdictional local government, which includes a map adequate
 322 to clearly delineate exactly which parcels are to be included in
 323 the brownfield area or alternatively a less-detailed map
 324 accompanied by a detailed legal description of the brownfield
 325 area. For municipalities, the governing body shall adopt the

326 resolution in accordance with the procedures outlined in s.
327 166.041, except that the notices ~~procedures~~ for the public
328 hearings on the proposed resolution must be in the form
329 established in s. 166.041(3)(c) 2. For counties, the governing
330 body shall adopt the resolution in accordance with the
331 procedures outlined in s. 125.66, except that the notices
332 ~~procedures~~ for the public hearings on the proposed resolution
333 shall be in the form established in s. 125.66(4)(b).

334 3. Right to be removed from proposed brownfield area.—If a
335 property owner within the area proposed for designation by the
336 local government requests in writing to have his or her property
337 removed from the proposed designation, the local government
338 shall grant the request.

339 4. Notice and public hearing requirements for designation
340 of a proposed brownfield area outside a redevelopment area or by
341 a nongovernmental entity. Compliance with the following
342 provisions is required before designation of a proposed
343 brownfield area under paragraph (2)(a) or paragraph (2)(c):

344 a. At least one of the required public hearings shall be
345 conducted as closely as is reasonably practicable to the area to
346 be designated to provide an opportunity for public input on the
347 size of the area, the objectives for rehabilitation, job
348 opportunities and economic developments anticipated,
349 neighborhood residents' considerations, and other relevant local
350 concerns.

351 b. Notice of a public hearing must be made in a newspaper
352 of general circulation in the area, must be made in ethnic
353 newspapers or local community bulletins, must be posted in the
354 affected area, and must be announced at a scheduled meeting of
355 the local governing body before the actual public hearing.

356 (2) (a) Local government-proposed brownfield area
357 designation outside specified redevelopment areas.—If a local
358 government proposes to designate a brownfield area that is
359 outside a community redevelopment area, enterprise zone,
360 empowerment zone, closed military base, or designated brownfield
361 pilot project area, the local government shall provide notice,
362 adopt the resolution, and conduct public hearings pursuant to
363 paragraph (1) (c). At a public hearing to designate the proposed
364 area as a brownfield area, as defined in s. 376.79, the local
365 government must consider:

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

368 2. Whether the proposed area to be designated represents a
369 reasonably focused approach and is not overly large in
370 geographic coverage;

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

373 4. Whether the area contains sites or parts of sites
374 suitable for limited recreational open space, cultural, or
375 historical preservation purposes.

376 (b) Local government-proposed brownfield area designation
377 within specified redevelopment areas.—Paragraph (a) does not
378 apply to a proposed brownfield area if the local government
379 proposes to designate the brownfield area inside a community
380 redevelopment area, enterprise zone, empowerment zone, closed
381 military base, or designated brownfield pilot project area and
382 the local government complies with paragraph (1)(c).

383 (c) Brownfield area designation proposed by specified
384 persons ~~other than a governmental entity~~.—For designation of a
385 brownfield area that is proposed by a person under this
386 subsection ~~other than the local government~~, the local government
387 with jurisdiction over the proposed brownfield area shall
388 provide notice and adopt a resolution to designate the
389 brownfield area pursuant to paragraph (1)(c) if, at the public
390 hearing to adopt the resolution, the person establishes all of
391 the following with respect to the proposed brownfield area:

392 1. A person who owns or controls a potential brownfield
393 site is requesting the designation and has agreed to
394 rehabilitate and redevelop the brownfield site.

395 2. The rehabilitation and redevelopment of the proposed
396 brownfield site will result in economic productivity of the
397 area, along with the creation of at least 5 new permanent jobs
398 at the brownfield site that are full-time equivalent positions
399 not associated with the implementation of the brownfield site
400 rehabilitation agreement and that are not associated with

401 redevelopment project demolition or construction activities
402 pursuant to the redevelopment of the proposed brownfield site or
403 area. However, the job creation requirement does not apply to
404 the rehabilitation and redevelopment of a brownfield site that
405 will provide affordable housing as defined in s. 420.0004 or the
406 creation of recreational areas, conservation areas, or parks.

407 3. The redevelopment of the proposed brownfield site is
408 consistent with the local comprehensive plan and is a
409 permissible use under the applicable local land development
410 regulations.

411 4. Notice of the proposed rehabilitation of the brownfield
412 area has been provided to neighbors and nearby residents of the
413 proposed area to be designated pursuant to paragraph (1)(c), and
414 the person proposing the area for designation has afforded to
415 those receiving notice the opportunity for comments and
416 suggestions about rehabilitation. Notice pursuant to this
417 subparagraph must be posted in the affected area.

418 5. The person proposing the area for designation has
419 provided reasonable assurance that he or she has sufficient
420 financial resources to implement and complete the rehabilitation
421 agreement and redevelopment of the brownfield site.

422 (d) Negotiation of brownfield site rehabilitation
423 agreement.—The designation of a brownfield area ~~and the~~
424 ~~identification of a person responsible for brownfield site~~
425 ~~rehabilitation~~ simply entitles a ~~the identified~~ person to

426 negotiate a brownfield site rehabilitation agreement with the
427 department or approved local pollution control program.

428 Section 6. Paragraph (b) of subsection (1) and paragraphs
429 (a) and (d) of subsection (2) of section 376.82, Florida
430 Statutes, are amended to read:

431 376.82 Eligibility criteria and liability protection.—

432 (1) Eligibility.—Any person who has not caused or
433 contributed to the contamination of a brownfield site on or
434 after July 1, 1997, is eligible to participate in the brownfield
435 program established in ss. 376.77-376.85, subject to the
436 following:

437 (b) Persons who have not caused or contributed to the
438 contamination of a brownfield site on or after July 1, 1997, and
439 who, prior to the department's approval of a brownfield site
440 rehabilitation agreement, are subject to ongoing corrective
441 action or enforcement under state authority established in this
442 chapter or chapter 403, including those persons subject to a
443 pending consent order with the state, are eligible for
444 participation in a brownfield site rehabilitation agreement if:

445 1. The proposed brownfield site is currently idle or
446 underutilized as a result of the contamination, and
447 participation in the brownfield program will immediately, after
448 cleanup or sooner, result in increased economic productivity at
449 the site, including at a minimum the creation of 10 new
450 permanent jobs, whether full-time or part-time, which are not

451 associated with implementation of the brownfield site
452 rehabilitation agreement. However, the job creation requirement
453 does not apply to the rehabilitation and redevelopment of a
454 brownfield site that will provide affordable housing as defined
455 in s. 420.0004 or create recreational areas, conservation areas,
456 or parks, or be maintained for cultural or historical
457 preservation purposes; and

458 2. The person is complying in good faith with the terms of
459 an existing consent order or department-approved corrective
460 action plan, or responding in good faith to an enforcement
461 action, as evidenced by a determination issued by the department
462 or an approved local pollution control program.

463 (c) Potential brownfield sites owned by the state or a
464 local government which contain contamination for which a
465 governmental entity is potentially responsible and which are
466 already designated as federal brownfield pilot projects or have
467 filed an application for designation to the United States
468 Environmental Protection Agency are eligible for participation
469 in a brownfield site rehabilitation agreement.

470 (d) After July 1, 1997, petroleum and drycleaning
471 contamination sites shall not receive both restoration funding
472 assistance available for the discharge under this chapter and
473 any state assistance available under s. 288.107. Nothing in this
474 act shall affect the cleanup criteria, priority ranking, and
475 other rights and obligations inherent in petroleum contamination

476 and drycleaning contamination site rehabilitation under ss.
477 376.30-376.317, or the availability of economic incentives
478 otherwise provided for by law.

479 (2) Liability protection.—

480 (a) Any person, ~~including his or her successors and~~
481 ~~assigns~~, who executes and implements to successful completion a
482 brownfield site rehabilitation agreement, his or her successors
483 and assigns, and any subsequent property owner of the brownfield
484 site, is relieved of:

485 1. Further liability for remediation of the contaminated
486 site or sites to the state and to third parties.

487 2. Liability in contribution to any other party who has or
488 may incur cleanup liability for the contaminated site or sites.

489 3. Liability for claims of property damages, including,
490 but not limited to, diminished value of real property or
491 improvements; lost or delayed rent, sale, or use of real
492 property or improvements; or stigma to real property or
493 improvements caused by contamination addressed by a brownfield
494 site rehabilitation agreement. Notwithstanding any other
495 provision of this chapter, this subparagraph applies to causes
496 of action accruing on or after July 1, 2014. This subparagraph
497 does not apply to a person who discharges contaminants on
498 property subject to a brownfield site rehabilitation agreement,
499 who commits fraud in demonstrating site conditions or completing
500 site rehabilitation of a property subject to a brownfield site

501 rehabilitation agreement, or who exacerbates contamination of a
502 property subject to a brownfield site rehabilitation agreement
503 in violation of applicable laws which causes property damages.

504 4. Statutory causes of action arising under s. 376.313(3).

505 (b) This section does not limit the right of a third party
506 other than the state to pursue an action for damages to persons
507 for bodily harm; however, such an action may not compel site
508 rehabilitation in excess of that required in the approved
509 brownfield site rehabilitation agreement or otherwise required
510 by the department or approved local pollution control program.

511 (c) This section does not ~~shall not~~ affect the ability or
512 authority to seek contribution from any person who may have
513 liability with respect to the contaminated site and who did not
514 receive cleanup liability protection under this act.

515 (d) The liability protection provided under this section
516 shall become effective upon execution of a brownfield site
517 rehabilitation agreement and shall remain effective as to any
518 person responsible for brownfield site rehabilitation, provided
519 each ~~the~~ person responsible for brownfield site rehabilitation
520 complies with the terms of the site rehabilitation agreement,
521 and as to any subsequent property owner of the brownfield site,
522 such owner maintains compliance, as applicable, with any
523 institutional controls or engineering controls required for site
524 rehabilitation. Any statute of limitations that would bar the
525 department from pursuing relief in accordance with its existing

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526 | authority is tolled from the time the agreement is executed
527 | until site rehabilitation is completed or immunity is revoked
528 | pursuant to s. 376.80(8).

529 | Section 7. This act shall take effect July 1, 2020.