



# Third Annual NW Florida Brownfield Redevelopment Forum Legislative Update

Presented by:

F. Joseph Ullo, Jr.



LEWIS  
LONGMAN &  
WALKER | P.A.

ATTORNEYS AT LAW

# Outline of Presentation

- 2014 Brownfields Legislation
- 2015 Legislative Session in Brief
- Results
- Current Status
- Brownfields/Contamination Bills
  - Substantive
  - Fiscal
- Questions



# *Brownfield Recent Legislation*



## **2014 Changes – Effective July 1, 2014 --**

- Clarify Brownfield Designation Criteria, s. 376.80
  - Local Government and Private Designations
  - Clarify hearing, notification and publication requirements
  - Lessens burden if area already in an encouragement zone
- Third party liability protection, s. 376.82, this includes:
  - Property Damage
    - Diminution of value, lost rents, sale, use, stigma
  - Does not apply to person who commits fraud or if you exacerbate contamination.

# 2015 Florida Legislature



- **Legislature's Hot Topics for 2015**
  - *Low Income Pool*
  - *Medicare and Medicaid*
  - *Healthcare*
  - *Amendment 1*
  - *Seminole Compact*

# 2015 Florida Legislative Session



# *Environmental Proposed Legislation*



## **SB 1302/H 0841** *Contaminated Sites*

- Would have amended section 376.30701 and 376.81, Florida Statutes by
  - Providing clarifying language and allow for additional considerations in the use of RBCA in contamination cleanup and brownfield site rehabilitation.
  - Authorizing DEP to use ACTLs without requiring institutional controls in remediating contaminated sites under section 376.30701, Florida Statutes.
  - Adjusting the definition of “background”
  - Defining “long-term natural attenuation”

# *Environmental Proposed Legislation continued*



## **SB 314/ H 0733** *Petroleum Restoration Program*

- Expands the eligibility requirements of the Abandoned Tanks Restoration Program (ATRP);
- Specifies that sites participating in the Petroleum Cleanup Participation Program (PCPP) are not eligible for the ATRP;
- Removes the provision that a property owner must provide evidence that he or she had a complete understanding of the previous ownership and use of the property prior to acquiring the property;
- Removes the exclusion eligibility for sites which are owned by a person who had knowledge of the polluting condition when title was acquired;

# *Environmental Proposed Legislation continued*



## **SB 314/ H 0733** *Petroleum Restoration Program (continued)*

- Removes the exclusion eligibility for sites which are owned by a person who had knowledge of the polluting condition when title was acquired;
- Changes the name of the “low-scored site initiative” (LSSI) to the “low-risk site initiative” (LRSI) and revises the criteria that must be met to participate in the LRSI;
- Increases the amount of money that may be encumbered from the Inland Protection Trust Fund each year to fund the LRSI from \$10 million to \$15 million, and increases the funding limit per site from \$30,000 to \$35,000;

# *Environmental Proposed Legislation*



## **SB 314/ H 0733** *Petroleum Restoration Program (continued)*

- Removes the reporting deadline for sites to participate in the PCPP;
- Decreases the number of sites that may be bundled and eligible to compete for performance based contracts under the Advanced Cleanup Program from 20 to 10; and

# ***Tax Incentives for Brownfields – Special Session 2015A***



## **HB 0033A** *Taxation*

- Increases the 2015-16 VCTC amount to \$20.3 million.
- Raises the Annual Appropriation to \$8.3 million annually thereafter.

## *Other Issues to Watch*



- *Contaminated Media Forum*
- *Rulemaking for Rule 62-780 and 62-777, Florida Administrative Code*

# Questions?



- Joseph Ullo – [Jullo@llw-law.com](mailto:Jullo@llw-law.com)
- (850) 222-5702

**THANKS!!**