

CS/HB 641

2011

1 A bill to be entitled

2 An act relating to the contaminated site rehabilitation
3 tax credit; amending s. 220.1845, F.S.; increasing the
4 annual tax credit cap; amending s. 376.30781, F.S.;
5 conforming references; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Paragraph (f) of subsection (2) of section
10 220.1845, Florida Statutes, is amended to read:

11 220.1845 Contaminated site rehabilitation tax credit.—

12 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

13 (f) The total amount of the tax credits which may be
14 granted under this section is \$5 ~~\$2~~ million annually.

15 Section 2. Subsections (4), (5), and (11) of section
16 376.30781, Florida Statutes, are amended to read:

17 376.30781 Tax credits for rehabilitation of drycleaning-
18 solvent-contaminated sites and brownfield sites in designated
19 brownfield areas; application process; rulemaking authority;
20 revocation authority.—

21 (4) The Department of Environmental Protection is
22 responsible for allocating the tax credits provided for in s.
23 220.1845, which may not exceed a total of \$5 ~~\$2~~ million in tax
24 credits annually.

25 (5) To claim the credit for site rehabilitation or solid
26 waste removal, each tax credit applicant must apply to the
27 Department of Environmental Protection for an allocation of the
28 \$5 ~~\$2~~ million annual credit by filing a tax credit application

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29 with the Division of Waste Management on a form developed by the
30 Department of Environmental Protection in cooperation with the
31 Department of Revenue. The form shall include an affidavit from
32 each tax credit applicant certifying that all information
33 contained in the application, including all records of costs
34 incurred and claimed in the tax credit application, are true and
35 correct. If the application is submitted pursuant to
36 subparagraph (3)(a)2., the form must include an affidavit signed
37 by the real property owner stating that it is not, and has never
38 been, the owner or operator of the drycleaning facility where
39 the contamination exists. Approval of tax credits must be
40 accomplished on a first-come, first-served basis based upon the
41 date and time complete applications are received by the Division
42 of Waste Management, subject to the limitations of subsection
43 (14). To be eligible for a tax credit, the tax credit applicant
44 must:

45 (a) For site rehabilitation tax credits, have entered into
46 a voluntary cleanup agreement with the Department of
47 Environmental Protection for a drycleaning-solvent-contaminated
48 site or a Brownfield Site Rehabilitation Agreement, as
49 applicable, and have paid all deductibles pursuant to s.
50 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
51 sites, as applicable. A site rehabilitation tax credit applicant
52 must submit only a single completed application per site for
53 each calendar year's site rehabilitation costs. A site
54 rehabilitation application must be received by the Division of
55 Waste Management of the Department of Environmental Protection
56 by January 31 of the year after the calendar year for which site

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57 rehabilitation costs are being claimed in a tax credit
58 application. All site rehabilitation costs claimed must have
59 been for work conducted between January 1 and December 31 of the
60 year for which the application is being submitted. All payment
61 requests must have been received and all costs must have been
62 paid prior to submittal of the tax credit application, but no
63 later than January 31 of the year after the calendar year for
64 which site rehabilitation costs are being claimed.

65 (b) For solid waste removal tax credits, have entered into
66 a brownfield site rehabilitation agreement with the Department
67 of Environmental Protection. A solid waste removal tax credit
68 applicant must submit only a single complete application per
69 brownfield site, as defined in the brownfield site
70 rehabilitation agreement, for solid waste removal costs. A solid
71 waste removal tax credit application must be received by the
72 Division of Waste Management of the Department of Environmental
73 Protection subsequent to the completion of the requirements
74 listed in paragraph (3)(e).

75 (11) If a tax credit applicant does not receive a tax
76 credit allocation due to an exhaustion of the \$5 ~~2~~ million
77 annual tax credit authorization, such application will then be
78 included in the same first-come, first-served order in the next
79 year's annual tax credit allocation, if any, based on the prior
80 year application.

81 Section 3. This act shall take effect July 1, 2011.