

**STORAGE NAME:** h1281.nrep.doc  
**DATE:** February 8, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION  
ANALYSIS**

**BILL #:** HB 1281  
**RELATING TO:** Brownfield Redevelopment  
**SPONSOR(S):** Representative(s) Allen

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION
- (2) FISCAL POLICY & RESOURCES
- (3) FISCAL RESPONSIBILITY COUNCIL
- (4)
- (5)

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I. SUMMARY:

HB 1281 eliminates a local participation requirement for qualified targeted business participation in brownfields redevelopment bonus refunds and reduces from 80 percent to 50 percent the required threshold average annual pay requirement for participation in brownfields redevelopment bonus refunds.

HB 1281 shall take effect upon becoming a law.

**SUBSTANTIVE ANALYSIS:**

**A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:**

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

**B. PRESENT SITUATION:**

The Legislature created the Brownfields Redevelopment Program in 1997. Brownfield sites are abandoned, idled, or underused industrial and commercial properties where expansion or development is complicated by actual or perceived environmental contamination. The Brownfields Redevelopment Program was intended to achieve the following goals:

- o reduce public health and environmental hazards on existing commercial and industrial sites;
- o help prevent the premature development of farmland, open space areas, and natural areas;
- o reduce public costs for installing new water, sewer, and highway infrastructure;
- o encourage responsible persons to implement cleanup plans without the use of taxpayer funds;
- o rehabilitate sites through clear, predictable remediation standards based on the actual risk that contaminated sites pose to the environment and public health;
- o address environmental and health consequences of hazardous sites on minority and poverty populations;
- o provide for public participation in program development; and
- o create jobs, reduce blight through economic revitalization in local communities, and increase capital investment and the local tax base.

According to Office of Program Policy Analysis and Government Accountability (OPPAGA) the program is a voluntary cleanup program in that cleanup actions are initiated by landowners and developers rather than by government regulatory actions. While the program provides various financial and regulatory incentives and assistance, landowners and developers are responsible for ensuring that the contamination at the site has been properly remediated. Under the program, local governments designate parcels to be included in a brownfield area. Local governments must also form advisory committees as a means to obtain public participation in designating brownfield areas. Currently, local governments have designated 45 brownfield areas in Florida encompassing 66,959 acres.

At the state level, three entities are involved in carrying out activities related to redeveloping brownfields: the Department of Environmental Protection, the Governor's Office of Tourism, Trade, and Economic Development (OTTED), and Enterprise Florida, Inc. (EFI). OTTED is responsible for administering many of the brownfield incentives. One of these incentives is Brownfield Redevelopment Bonus Refunds.

**Brownfield Redevelopment Bonus Refunds**

An eligible business redeveloping a site in a brownfield area may receive refunds of \$2,500 per job created at the designated site on various state and local taxes. No more than 25% of the total refund approved may be taken in any single fiscal year. In order to be eligible for this refund, a business must be a firm that has already been approved by OTTED to be eligible to receive tax refunds under s. 288.106, F.S., or meet other criteria, such as demonstrating a fixed capital investment of at least \$2 million in mixed-use business activities, and which pays wages that are at least 80% of the average of private sector wages in the county in which the business is located; and creates at least 10 new Florida full-time jobs, excluding construction and site remediation jobs. In order to receive the bonus incentive, a company must first apply to EFI. EFI staff assists companies in completing the applications and reports their recommendations regarding the application to OTTED. OTTED then makes the final decision on awarding the incentive. Local participation from counties, cities, and other private sector sources are required to provide 20% of the approved bonus refunds for qualified businesses. As of November 2001, brownfields redevelopment bonus refunds have been distributed to four firms that reported creating a total of 1,298 jobs. As of November 2001, OTTED had approved bonus refunds totaling \$2,588,750 of which \$60,942 had been paid to the brownfield redevelopers. According to OTTED staff, the bonus refund is usually paid to a business over a five to six-year period. However, a business does not receive the bonus refund in a given year if its wages or number of jobs fall below the 80% and 10 thresholds.

**C. EFFECT OF PROPOSED CHANGES:**

HB 1281 provisions do the following:

- o Eliminates a local participation requirement for qualified targeted business participation in brownfields redevelopment bonus refunds; and,
- o Reduces from 80 percent to 50 percent the required threshold private sector average annual pay requirement for participation in brownfields redevelopment bonus refunds.

The expected result of HB 1281 is to provide greater incentive to small business and developers to participate in redevelopment activities on designated brownfield sites.

**D. SECTION-BY-SECTION ANALYSIS:**

Section 1: Amends s. 288.106, F.S., to exempt local financial support for qualified business participation in brownfields redevelopment bonus refunds. Reduces from 80 percent to 50 percent the required threshold private sector average annual pay requirement for participation in brownfields redevelopment bonus refunds.

Section2: Amends s. 288.107, F.S., Reduces from 80 percent to 50 percent the required threshold private sector average annual pay requirement for participation in brownfields redevelopment bonus refunds.

Section 3: The bill shall take effect upon becoming a law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

There is an indeterminate savings to local governments by eliminating the local government participation which is 20% in bonus refunds.

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The proposed bill will provide greater economic incentive for the private sector to redevelop brownfield contamination sites.

D. FISCAL COMMENTS:

N/A

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties and municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

According to OPPAGA, OTTED staff and developers believe the program's incentives are insufficient to encourage developers to clean up and redevelop brownfield sites. They noted that in order to qualify for the bonus refund, a business must create at least 10 full-time, permanent jobs that pay at least 80% of the average wage in the county where the business is located. This requirement precludes the bonus refunds' use by smaller businesses that create many jobs in distressed areas. Changing this requirement to allow firms that employ fewer than 10 persons to receive incentives could make the program attractive to more developers.

Staff has contacted OTTED regarding the potential fiscal impacts of the bill and has yet to receive any information. OTTED has tentatively reviewed the bill and may have some future concerns regarding the bill.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

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Noah C. McKinnon III

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Wayne Kiger