

20101126e1

1  
2 A bill to be entitled  
3 An act relating to permitting; amending ss. 220.1845  
4 and 376.30781, F.S.; providing requirements for  
5 claiming certain site rehabilitation costs in  
6 applications for contaminated site rehabilitation tax  
7 credits; conforming cross-references; amending s.  
8 376.85, F.S.; revising requirements for the Department  
9 of Environmental Protection's annual report regarding  
10 site rehabilitation; amending s. 403.973, F.S.;  
11 clarifying duties of the Office of Tourism, Trade, and  
12 Economic Development to approve expedited permitting  
13 and comprehensive plan amendments; providing  
14 additional authority to the Secretary of Environmental  
15 Protection; revising criteria for businesses  
16 submitting permit applications or local comprehensive  
17 plan amendments; providing that permit applications  
18 and local comprehensive plan amendments for specified  
19 biofuel and renewable energy projects are eligible for  
20 the expedited permitting process; providing for the  
21 establishment of regional permit action teams through  
22 the execution of memoranda of agreement developed by  
23 permit applicants and the secretary; providing for the  
24 appeal of a local government's approval of an  
25 expedited permit or comprehensive plan amendment;  
26 requiring such appeals to be consolidated with  
27 challenges to state agency actions; specifying the  
28 form of the memoranda of agreement developed by the  
29 secretary; revising the deadline by which certain

20101126e1

30 final orders must be issued; specifying additional  
31 requirements for recommended orders; providing for  
32 challenges to state agency action related to expedited  
33 permitting for specified renewable energy projects;  
34 revising provisions relating to the review of sites  
35 proposed for the location of facilities eligible for  
36 the Innovation Incentive Program; providing that  
37 electrical power projects using renewable fuels are  
38 eligible for expedited review; providing legislative  
39 findings; requiring that the Department of Community  
40 Affairs and the Office of Tourism, Trade, and Economic  
41 Development, in consultation with the Florida Energy  
42 and Climate Commission, submit recommendations to the  
43 Governor and Legislature relating to the Energy  
44 Economic Zone Pilot Program; requiring coordination  
45 with the pilot communities and clean technology  
46 industries in developing certain recommendations;  
47 providing an effective date.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Present subsections (1), (2), and (3) of section  
52 220.1845, Florida Statutes, are renumbered as subsections (2),  
53 (3), and (4), respectively, and a new subsection (1) is added to  
54 that section, to read:

55 220.1845 Contaminated site rehabilitation tax credit.—

56 (1) APPLICATION FOR TAX CREDIT.—A site rehabilitation  
57 application must be received by the Division of Waste Management  
58 of the Department of Environmental Protection by January 31 of

20101126e1

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

68 Section 2. Paragraph (a) of subsection (5), paragraph (c)  
69 of subsection (6), and subsections (9) and (10) of section  
70 376.30781, Florida Statutes, are amended to read:

71 376.30781 Tax credits for rehabilitation of drycleaning-  
72 solvent-contaminated sites and brownfield sites in designated  
73 brownfield areas; application process; rulemaking authority;  
74 revocation authority.-

75 (5) To claim the credit for site rehabilitation or solid  
76 waste removal, each tax credit applicant must apply to the  
77 Department of Environmental Protection for an allocation of the  
78 \$2 million annual credit by filing a tax credit application with  
79 the Division of Waste Management on a form developed by the  
80 Department of Environmental Protection in cooperation with the  
81 Department of Revenue. The form shall include an affidavit from  
82 each tax credit applicant certifying that all information  
83 contained in the application, including all records of costs  
84 incurred and claimed in the tax credit application, are true and  
85 correct. If the application is submitted pursuant to  
86 subparagraph (3)(a)2., the form must include an affidavit signed  
87 by the real property owner stating that it is not, and has never

20101126e1

88 been, the owner or operator of the drycleaning facility where  
89 the contamination exists. Approval of tax credits must be  
90 accomplished on a first-come, first-served basis based upon the  
91 date and time complete applications are received by the Division  
92 of Waste Management, subject to the limitations of subsection  
93 (14). To be eligible for a tax credit, the tax credit applicant  
94 must:

95 (a) For site rehabilitation tax credits, have entered into  
96 a voluntary cleanup agreement with the Department of  
97 Environmental Protection for a drycleaning-solvent-contaminated  
98 site or a Brownfield Site Rehabilitation Agreement, as  
99 applicable, and have paid all deductibles pursuant to s.  
100 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
101 sites, as applicable. A site rehabilitation tax credit applicant  
102 must submit only a single completed application per site for  
103 each calendar year's site rehabilitation costs. A site  
104 rehabilitation application must be received by the Division of  
105 Waste Management of the Department of Environmental Protection  
106 by January 31 of the year after the calendar year for which site  
107 rehabilitation costs are being claimed in a tax credit  
108 application. All site rehabilitation costs claimed must have  
109 been for work conducted between January 1 and December 31 of the  
110 year for which the application is being submitted. All payment  
111 requests must be received and all costs must be paid before  
112 submission of the tax credit application, but no later than  
113 January 31 of the year after the calendar year for which site  
114 rehabilitation costs are claimed.

115 (6) To obtain the tax credit certificate, the tax credit  
116 applicant must provide all pertinent information requested on

20101126e1

117 the tax credit application form, including, at a minimum, the  
118 name and address of the tax credit applicant and the address and  
119 tracking identification number of the eligible site. Along with  
120 the tax credit application form, the tax credit applicant must  
121 submit the following:

122 (c) Proof that the documentation submitted pursuant to  
123 paragraph (b) has been reviewed and verified by an independent  
124 certified public accountant in accordance with standards  
125 established by the American Institute of Certified Public  
126 Accountants. Specifically, a certified public accountant's  
127 report must be submitted and the certified public accountant  
128 must attest to the accuracy and validity of the costs claimed  
129 ~~incurred and paid during the time period covered in the~~  
130 application by conducting an independent review of the data  
131 presented by the tax credit applicant. Accuracy and validity of  
132 costs incurred and paid shall be determined after the level of  
133 effort is certified by an appropriate professional registered in  
134 this state in each contributing technical discipline. The  
135 certified public accountant's report must also attest that the  
136 costs included in the application form are not duplicated within  
137 the application, that all payment requests were received and all  
138 costs were paid before submission of the tax credit application,  
139 and, for site rehabilitation tax credits, that all costs claimed  
140 are for work conducted between January 1 and December 31 of the  
141 year for which the application is submitted. A copy of the  
142 accountant's report shall be submitted to the Department of  
143 Environmental Protection in addition to the accountant's  
144 certification form in the tax credit application; and

145 (9) On or before May 1, the Department of Environmental

20101126e1

146 Protection shall inform each tax credit applicant that is  
147 subject to the January 31 annual application deadline of the  
148 applicant's eligibility status and the amount of any tax credit  
149 due. The department shall provide each eligible tax credit  
150 applicant with a tax credit certificate that must be submitted  
151 with its tax return to the Department of Revenue to claim the  
152 tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s.~~  
153 ~~220.1845(1)(g)~~. The May 1 deadline for annual site  
154 rehabilitation tax credit certificate awards shall not apply to  
155 any tax credit application for which the department has issued a  
156 notice of deficiency pursuant to subsection (8). The department  
157 shall respond within 90 days after receiving a response from the  
158 tax credit applicant to such a notice of deficiency. Credits may  
159 not result in the payment of refunds if total credits exceed the  
160 amount of tax owed.

161 (10) For solid waste removal, new health care facility or  
162 health care provider, and affordable housing tax credit  
163 applications, the Department of Environmental Protection shall  
164 inform the applicant of the department's determination within 90  
165 days after the application is deemed complete. Each eligible tax  
166 credit applicant shall be informed of the amount of its tax  
167 credit and provided with a tax credit certificate that must be  
168 submitted with its tax return to the Department of Revenue to  
169 claim the tax credit or be transferred pursuant to s.  
170 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the  
171 payment of refunds if total credits exceed the amount of tax  
172 owed.

173 Section 3. Section 376.85, Florida Statutes, is amended to  
174 read:

20101126e1

175           376.85 Annual report.—The Department of Environmental  
176 Protection shall prepare and submit ~~an annual report~~ to the  
177 President of the Senate and the Speaker of the House of  
178 Representatives by August 1 of each year a report that includes  
179 ~~Legislature, beginning in December 1998, which shall include,~~  
180 but is not ~~be~~ limited to, the number, size, and locations of  
181 brownfield sites: that have been remediated under the provisions  
182 of this act; that are currently under rehabilitation pursuant to  
183 a negotiated site rehabilitation agreement with the department  
184 or a delegated local program; where alternative cleanup target  
185 levels have been established pursuant to s. 376.81(1)(g)3.; and,  
186 where engineering and institutional control strategies are being  
187 employed as conditions of a “no further action order” to  
188 maintain the protections provided in s. 376.81(1)(g)1. and 2.

189           Section 4. Section 403.973, Florida Statutes, is amended to  
190 read:

191           403.973 Expedited permitting; amendments to comprehensive  
192 plans ~~plan amendments~~.—

193           (1) It is the intent of the Legislature to encourage and  
194 facilitate the location and expansion of those types of economic  
195 development projects which offer job creation and high wages,  
196 strengthen and diversify the state’s economy, and have been  
197 thoughtfully planned to take into consideration the protection  
198 of the state’s environment. It is also the intent of the  
199 Legislature to provide for an expedited permitting and  
200 comprehensive plan amendment process for such projects.

201           (2) As used in this section, the term:

202           (a) “Duly noticed” means publication in a newspaper of  
203 general circulation in the municipality or county with

20101126e1

204 jurisdiction. The notice shall appear on at least 2 separate  
205 days, one of which shall be at least 7 days before the meeting.  
206 The notice shall state the date, time, and place of the meeting  
207 scheduled to discuss or enact the memorandum of agreement, and  
208 the places within the municipality or county where such proposed  
209 memorandum of agreement may be inspected by the public. The  
210 notice must be one-eighth of a page in size and must be  
211 published in a portion of the paper other than the legal notices  
212 section. The notice shall also advise that interested parties  
213 may appear at the meeting and be heard with respect to the  
214 memorandum of agreement.

215 (b) "Jobs" means permanent, full-time equivalent positions  
216 not including construction jobs.

217 (c) "Office" means the Office of Tourism, Trade, and  
218 Economic Development.

219 (d) "Permit applications" means state permits and licenses,  
220 and at the option of a participating local government, local  
221 development permits or orders.

222 (e) "Secretary" means the Secretary of Environmental  
223 Protection or his or her designee.

224 (3) (a) The secretary ~~Governor, through the office,~~ shall  
225 direct the creation of regional permit action teams~~;~~ for the  
226 purpose of expediting review of permit applications and local  
227 comprehensive plan amendments submitted by:

- 228 1. Businesses creating at least 50 ~~100~~ jobs~~;~~ or
- 229 2. Businesses creating at least 25 ~~50~~ jobs if the project  
230 is located in an enterprise zone, or in a county having a  
231 population of fewer ~~less~~ than 75,000 or in a county having a  
232 population of fewer ~~less~~ than 100,000 which is contiguous to a



20101126e1

233 county having a population of fewer ~~less~~ than 75,000, as  
234 determined by the most recent decennial census, residing in  
235 incorporated and unincorporated areas of the county.~~7-07~~

236 (b) On a case-by-case basis and at the request of a county  
237 or municipal government, the office may certify as eligible for  
238 expedited review a project not meeting the minimum job creation  
239 thresholds but creating a minimum of 10 jobs. The recommendation  
240 from the governing body of the county or municipality in which  
241 the project may be located is required in order for the office  
242 to certify that any project is eligible for expedited review  
243 under this paragraph. When considering projects that do not meet  
244 the minimum job creation thresholds but that are recommended by  
245 the governing body in which the project may be located, the  
246 office shall consider economic impact factors that include, but  
247 are not limited to:

248 1. The proposed wage and skill levels relative to those  
249 existing in the area in which the project may be located;

250 2. The project's potential to diversify and strengthen the  
251 area's economy;

252 3. The amount of capital investment; and

253 4. The number of jobs that will be made available for  
254 persons served by the welfare transition program.

255 (c) At the request of a county or municipal government, the  
256 office or a Quick Permitting County may certify projects located  
257 in counties where the ratio of new jobs per participant in the  
258 welfare transition program, as determined by Workforce Florida,  
259 Inc., is less than one or otherwise critical, as eligible for  
260 the expedited permitting process. Such projects must meet the  
261 numerical job creation criteria of this subsection, but the jobs

20101126e1

262 created by the project do not have to be high-wage jobs that  
263 diversify the state's economy.

264 (d) Projects located in a designated brownfield area are  
265 eligible for the expedited permitting process.

266 (e) Projects that are part of the state-of-the-art  
267 biomedical research institution and campus to be established in  
268 this state by the grantee under s. 288.955 are eligible for the  
269 expedited permitting process, if the projects are designated as  
270 part of the institution or campus by the board of county  
271 commissioners of the county in which the institution and campus  
272 are established.

273 (f) Projects resulting in the production of biofuels  
274 cultivated on lands that are 1,000 acres or more or the  
275 construction of a biofuel or biodiesel processing facility or a  
276 facility generating renewable energy as defined in s.  
277 366.91(2)(d) are eligible for the expedited permitting process.

278 (4) The regional teams shall be established through the  
279 execution of memoranda of agreement developed by the applicant  
280 and secretary, with input solicited from ~~between~~ the office and  
281 the respective heads of ~~the Department of Environmental~~  
282 ~~Protection,~~ the Department of Community Affairs, the Department  
283 of Transportation and its district offices, the Department of  
284 Agriculture and Consumer Services, the Fish and Wildlife  
285 Conservation Commission, appropriate regional planning councils,  
286 appropriate water management districts, and voluntarily  
287 participating municipalities and counties. The memoranda of  
288 agreement should also accommodate participation in this  
289 expedited process by other local governments and federal  
290 agencies as circumstances warrant.

20101126e1

291 (5) In order to facilitate local government's option to  
292 participate in this expedited review process, the secretary  
293 ~~office~~ shall, in cooperation with local governments and  
294 participating state agencies, create a standard form memorandum  
295 of agreement. A local government shall hold a duly noticed  
296 public workshop to review and explain to the public the  
297 expedited permitting process and the terms and conditions of the  
298 standard form memorandum of agreement.

299 (6) The local government shall hold a duly noticed public  
300 hearing to execute a memorandum of agreement for each qualified  
301 project. Notwithstanding any other provision of law, and at the  
302 option of the local government, the workshop provided for in  
303 subsection (5) may be conducted on the same date as the public  
304 hearing held under this subsection. The memorandum of agreement  
305 that a local government signs shall include a provision  
306 identifying necessary local government procedures and time  
307 limits that will be modified to allow for the local government  
308 decision on the project within 90 days. The memorandum of  
309 agreement applies to projects, on a case-by-case basis, that  
310 qualify for special review and approval as specified in this  
311 section. The memorandum of agreement must make it clear that  
312 this expedited permitting and review process does not modify,  
313 qualify, or otherwise alter existing local government  
314 nonprocedural standards for permit applications, unless  
315 expressly authorized by law.

316 ~~(7) At the option of the participating local government,~~  
317 Appeals of local government comprehensive plan approvals ~~its~~  
318 ~~final approval~~ for a project shall ~~may~~ be pursuant to the  
319 summary hearing provisions of s. 120.574, pursuant to subsection

20101126e1

320 (14), and consolidated with the challenge of any applicable  
321 state agency actions ~~or pursuant to other appellate processes~~  
322 ~~available to the local government. The local government's~~  
323 ~~decision to enter into a summary hearing must be made as~~  
324 ~~provided in s. 120.574 or in the memorandum of agreement.~~

325 (8) Each memorandum of agreement shall include a process  
326 for final agency action on permit applications and local  
327 comprehensive plan amendment approvals within 90 days after  
328 receipt of a completed application, unless the applicant agrees  
329 to a longer time period or the secretary ~~office~~ determines that  
330 unforeseen or uncontrollable circumstances preclude final agency  
331 action within the 90-day timeframe. Permit applications governed  
332 by federally delegated or approved permitting programs whose  
333 requirements would prohibit or be inconsistent with the 90-day  
334 timeframe are exempt from this provision, but must be processed  
335 by the agency with federally delegated or approved program  
336 responsibility as expeditiously as possible.

337 (9) The secretary ~~office~~ shall inform the Legislature by  
338 October 1 of each year which agencies have not entered into or  
339 implemented an agreement and identify any barriers to achieving  
340 success of the program.

341 (10) The memoranda of agreement may provide for the waiver  
342 or modification of procedural rules prescribing forms, fees,  
343 procedures, or time limits for the review or processing of  
344 permit applications under the jurisdiction of those agencies  
345 that are party to the memoranda of agreement. Notwithstanding  
346 any other provision of law to the contrary, a memorandum of  
347 agreement must to the extent feasible provide for proceedings  
348 and hearings otherwise held separately by the parties to the

20101126e1

349 memorandum of agreement to be combined into one proceeding or  
350 held jointly and at one location. Such waivers or modifications  
351 shall not be available for permit applications governed by  
352 federally delegated or approved permitting programs, the  
353 requirements of which would prohibit, or be inconsistent with,  
354 such a waiver or modification.

355 (11) The standard form for memoranda of agreement shall  
356 include guidelines to be used in working with state, regional,  
357 and local permitting authorities. Guidelines may include, but  
358 are not limited to, the following:

359 (a) A central contact point for filing permit applications  
360 and local comprehensive plan amendments and for obtaining  
361 information on permit and local comprehensive plan amendment  
362 requirements;

363 (b) Identification of the individual or individuals within  
364 each respective agency who will be responsible for processing  
365 the expedited permit application or local comprehensive plan  
366 amendment for that agency;

367 (c) A mandatory preapplication review process to reduce  
368 permitting conflicts by providing guidance to applicants  
369 regarding the permits needed from each agency and governmental  
370 entity, site planning and development, site suitability and  
371 limitations, facility design, and steps the applicant can take  
372 to ensure expeditious permit application and local comprehensive  
373 plan amendment review. As a part of this process, the first  
374 interagency meeting to discuss a project shall be held within 14  
375 days after the secretary's ~~office's~~ determination that the  
376 project is eligible for expedited review. Subsequent interagency  
377 meetings may be scheduled to accommodate the needs of

20101126e1

378 participating local governments that are unable to meet public  
379 notice requirements for executing a memorandum of agreement  
380 within this timeframe. This accommodation may not exceed 45 days  
381 from the secretary's ~~office's~~ determination that the project is  
382 eligible for expedited review;

383 (d) The preparation of a single coordinated project  
384 description form and checklist and an agreement by state and  
385 regional agencies to reduce the burden on an applicant to  
386 provide duplicate information to multiple agencies;

387 (e) Establishment of a process for the adoption and review  
388 of any comprehensive plan amendment needed by any certified  
389 project within 90 days after the submission of an application  
390 for a comprehensive plan amendment. However, the memorandum of  
391 agreement may not prevent affected persons as defined in s.  
392 163.3184 from appealing or participating in this expedited plan  
393 amendment process and any review or appeals of decisions made  
394 under this paragraph; and

395 (f) Additional incentives for an applicant who proposes a  
396 project that provides a net ecosystem benefit.

397 (12) The applicant, the regional permit action team, and  
398 participating local governments may agree to incorporate into a  
399 single document the permits, licenses, and approvals that are  
400 obtained through the expedited permit process. This consolidated  
401 permit is subject to the summary hearing provisions set forth in  
402 subsection (14).

403 (13) Notwithstanding any other provisions of law:

404 (a) Local comprehensive plan amendments for projects  
405 qualified under this section are exempt from the twice-a-year  
406 limits provision in s. 163.3187; and

20101126e1

407 (b) Projects qualified under this section are not subject  
408 to interstate highway level-of-service standards adopted by the  
409 Department of Transportation for concurrency purposes. The  
410 memorandum of agreement specified in subsection (5) must include  
411 a process by which the applicant will be assessed a fair share  
412 of the cost of mitigating the project's significant traffic  
413 impacts, as defined in chapter 380 and related rules. The  
414 agreement must also specify whether the significant traffic  
415 impacts on the interstate system will be mitigated through the  
416 implementation of a project or payment of funds to the  
417 Department of Transportation. Where funds are paid, the  
418 Department of Transportation must include in the 5-year work  
419 program transportation projects or project phases, in an amount  
420 equal to the funds received, to mitigate the traffic impacts  
421 associated with the proposed project.

422 (14) (a) Challenges to state agency action in the expedited  
423 permitting process for projects processed under this section are  
424 subject to the summary hearing provisions of s. 120.574, except  
425 that the administrative law judge's decision, as provided in s.  
426 120.574(2) (f), shall be in the form of a recommended order and  
427 shall not constitute the final action of the state agency. In  
428 those proceedings where the action of only one agency of the  
429 state, other than the Department of Environmental Protection, is  
430 challenged, the agency of the state shall issue the final order  
431 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative  
432 law judge's recommended order. The recommended order shall  
433 inform the parties of their right to file exceptions or  
434 responses to the recommended order in accordance with the Rules  
435 of Administrative Procedure. In those proceedings where the

20101126e1

436 actions of more than one agency of the state are challenged, the  
437 Governor shall issue the final order within 45 ~~10~~ working days  
438 after ~~of~~ receipt of the administrative law judge's recommended  
439 order. The recommended order shall inform the parties of their  
440 right to file exceptions or responses to the recommended order  
441 in accordance with the Rules of Administrative Procedure. This  
442 paragraph does not apply to the issuance of department licenses  
443 required under any federally delegated or approved permit  
444 program. In such instances, the department shall enter the final  
445 order. The participating agencies of the state may opt at the  
446 preliminary hearing conference to allow the administrative law  
447 judge's decision to constitute the final agency action. If a  
448 participating local government agrees to participate in the  
449 summary hearing provisions of s. 120.574 for purposes of review  
450 of local government comprehensive plan amendments, s.  
451 163.3184(9) and (10) apply.

452 (b) Projects identified in paragraph (3)(f) or challenges  
453 to state agency action in the expedited permitting process for  
454 establishment of a state-of-the-art biomedical research  
455 institution and campus in this state by the grantee under s.  
456 288.955 are subject to the same requirements as challenges  
457 brought under paragraph (a), except that, notwithstanding s.  
458 120.574, summary proceedings must be conducted within 30 days  
459 after a party files the motion for summary hearing, regardless  
460 of whether the parties agree to the summary proceeding.

461 (15) The office, working with the agencies providing  
462 cooperative assistance and input regarding ~~participating in~~ the  
463 memoranda of agreement, shall review sites proposed for the  
464 location of facilities eligible for the Innovation Incentive



20101126e1

465 Program under s. 288.1089. Within 20 days after the request for  
466 the review by the office, the agencies shall provide to the  
467 office a statement as to each site's necessary permits under  
468 local, state, and federal law and an identification of  
469 significant permitting issues, which if unresolved, may result  
470 in the denial of an agency permit or approval or any significant  
471 delay caused by the permitting process.

472 (16) This expedited permitting process shall not modify,  
473 qualify, or otherwise alter existing agency nonprocedural  
474 standards for permit applications or local comprehensive plan  
475 amendments, unless expressly authorized by law. If it is  
476 determined that the applicant is not eligible to use this  
477 process, the applicant may apply for permitting of the project  
478 through the normal permitting processes.

479 (17) The office shall be responsible for certifying a  
480 business as eligible for undergoing expedited review under this  
481 section. Enterprise Florida, Inc., a county or municipal  
482 government, or the Rural Economic Development Initiative may  
483 recommend to the Office of Tourism, Trade, and Economic  
484 Development that a project meeting the minimum job creation  
485 threshold undergo expedited review.

486 (18) The office, working with the Rural Economic  
487 Development Initiative and the agencies participating in the  
488 memoranda of agreement, shall provide technical assistance in  
489 preparing permit applications and local comprehensive plan  
490 amendments for counties having a population of less than 75,000  
491 residents, or counties having fewer than 100,000 residents which  
492 are contiguous to counties having fewer than 75,000 residents.  
493 Additional assistance may include, but not be limited to,

20101126e1

494 guidance in land development regulations and permitting  
495 processes, working cooperatively with state, regional, and local  
496 entities to identify areas within these counties which may be  
497 suitable or adaptable for preclearance review of specified types  
498 of land uses and other activities requiring permits.

499 (19) The following projects are ineligible for review under  
500 this part:

501 (a) A project funded and operated by a local government, as  
502 defined in s. 377.709, and located within that government's  
503 jurisdiction.

504 (b) A project, the primary purpose of which is to:

505 1. Effect the final disposal of solid waste, biomedical  
506 waste, or hazardous waste in this state.

507 2. Produce electrical power, unless the production of  
508 electricity is incidental and not the primary function of the  
509 project or the electrical power is derived from a fuel source  
510 for renewable energy as defined in s. 366.91(2)(d).

511 3. Extract natural resources.

512 4. Produce oil.

513 5. Construct, maintain, or operate an oil, petroleum,  
514 natural gas, or sewage pipeline.

515 Section 5. (1) The Legislature finds that the ability of  
516 the pilot communities designated under the Energy Economic Zone  
517 Pilot Program pursuant to s. 377.809, Florida Statutes, to  
518 provide incentives is essential to these communities attracting  
519 clean technology industries and investments to the state and  
520 establishing the base information necessary to assess whether to  
521 revise state policies and expand the pilot program to other  
522 communities.

20101126e1

523 (2) By February 1, 2011, the Department of Community  
524 Affairs and the Office of Tourism, Trade, and Economic  
525 Development, in consultation with the Florida Energy and Climate  
526 Commission, shall submit recommendations to the Governor, the  
527 President of the Senate, and the Speaker of the House of  
528 Representatives of appropriate incentives and statutory  
529 revisions necessary to provide the pilot communities with the  
530 tools for accomplishing the goals of the pilot program. In  
531 developing their recommendations, the Department of Community  
532 Affairs and the Office of Tourism, Trade, and Economic  
533 Development, at a minimum, shall consider:

534 (a) Fiscal and regulatory incentives.

535 (b) A jobs tax credit and corporate property tax credit  
536 pursuant to chapter 220, Florida Statutes.

537 (c) Refunds and exemptions from the sales and use tax in  
538 chapter 212, Florida Statutes, for job creation, building  
539 materials, business property, and products used for clean  
540 technology businesses and investments within the designated  
541 energy economic zones.

542 (3) The Department of Community Affairs and the Office of  
543 Tourism, Trade, and Economic Development shall also coordinate  
544 with the pilot communities and clean technology industries in  
545 identifying incentives and strategies that will help attract  
546 emerging clean technology industries and investments to the  
547 state.

548 Section 6. This act shall take effect upon becoming a law.