

FLORIDA BROWNFIELD PROGRAM



- 436 Designated Brownfield Areas*
 - Total: 266,389.49 acres
 - Largest: 14,190.37 acres (Hamilton County EZ Area)
 - Smallest 0.26 acres (Land South, North Miami, FL)

- 299 Sites with Executed BSRAs*
 - Total: 5,303.68 acres
 - Largest: 608.45 acres (Commercial/Residential Mixed Use, Fort Myers, Lee County)

- Smallest: 0.19 acres (Historic Building Reuse, Wachula, Hardee County)

- \$2.7 Billion in Projected Capital Investment

- 65,000 Confirmed and Projected New Direct/Indirect Jobs

* As of 09/29/17

Brownfield site means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3), F.S.

Brownfield area means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. 376.79(4), F.S.

BROWNFIELDS PROGRAM BENEFITS

Brownfield Area Designation

- Loan guarantees for primary lenders
 - ◆ Up to 50% on all sites
 - ◆ Up to 75% when end use is affordable housing or health care
- The following Brownfield Area benefits are available to sites with a BSRA or properties that abut a property with a BSRA.*

- Bonus refund for job creation—up to \$2,500 per job
- Sales tax refund on building materials for affordable housing
- Brownfield area benefits administered by Department of Economic Opportunity and Department of Revenue

Brownfield Site Rehabilitation Agreement (BSRA)

- All benefits of Brownfield Area
- Regulatory framework for cleanup (Chapter 62-785, F.A.C.)
- Dedicated staff—expedited technical review
- Liability protection
- Tax credits
 - ◆ Florida corporate income tax
 - ◆ Credits may be transferred one time
- Brownfield Site Rehabilitation Agreement benefits administered by DEP



BROWNFIELD PROGRAM TERMS

Responsible Person—Person responsible for Brownfield Site Rehabilitation or PRFBSR

Agreement—Brownfield Site Rehabilitation Agreement or BSRA

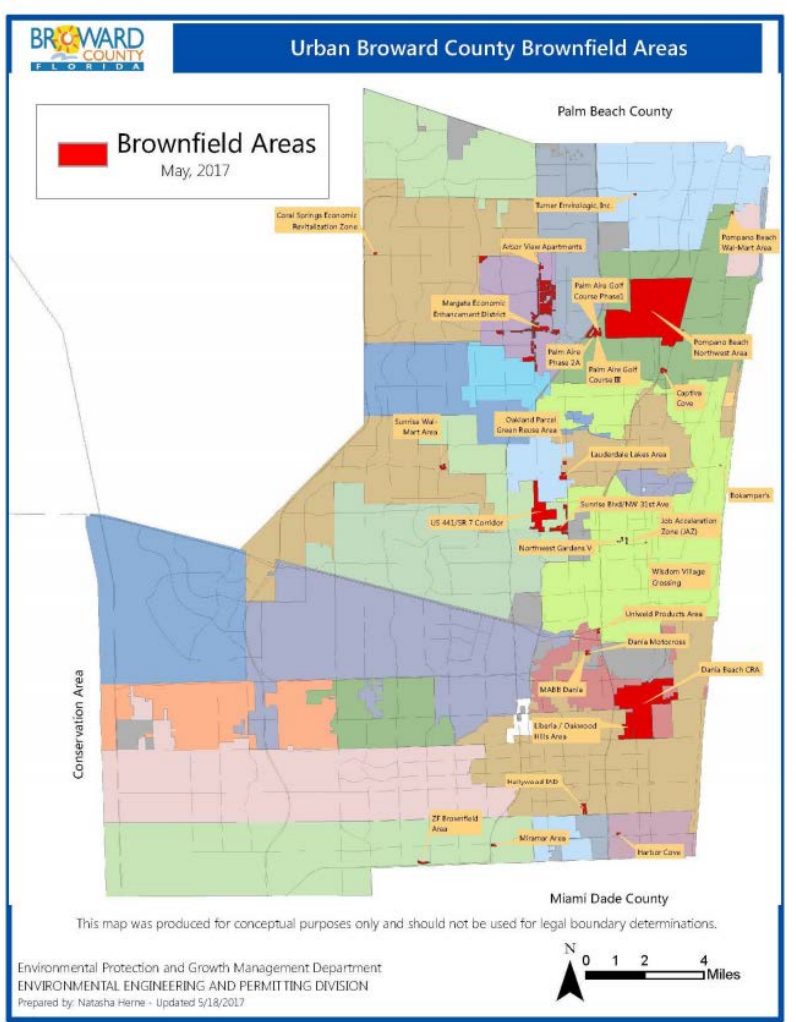
NFA—No Further Action (i.e., Site Rehabilitation Completion Order or SRCO)

Summary of Available Tax Credits

Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 6/30/06	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action (i.e. SRCO)	Once	25%	\$500,000
Affordable housing, health care facility or healthcare provider	Once	25%	\$500,000
Solid Waste (Removal, Transport, and Disposal)	Once	50%	\$500,000

BROWARD COUNTY EPGMD – “BEST IN CLASS” ENVIRONMENTAL REDEVELOPMENT PARTNER

- “Construction Management Guidance
- Soil Management Plan
- Construction Dewatering Plan
- Air Monitoring Plan
- Health & Safety Plan



Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One North University Drive, Suite 203, Plantation, Florida 33324
954-519-1260 • FAX 954-765-4804

EAR SECTION STANDARD OPERATING PROCEDURE FOR DEWATERING (Revision 3, Effective December 1, 2009)

INTRODUCTION

As required by Broward County Code (Code), any person(s) wishing to conduct dewatering activities at or within a one-quarter-mile radius of a contaminated¹ site must notify and receive approval from the Broward County Environmental Protection and Growth Management Department (Department) prior to implementation. The County's notification requirements for these dewatering activities are outlined in Section 27-353(4) of the Code, which states:

"Prior to any persons conducting dewatering operations at or within a one-quarter-mile radius of a contaminated site, written notification shall be given to [the Department] and shall include, at a minimum:

- Justification for the need for dewatering;
- Water treatment and disposal plans;
- Effect of the dewatering and disposal procedures on the contaminant plume;
- Monitoring program; and
- Where required and authorized by Chapter 471, F.S. [Florida Statutes] or Chapter 492, F.S., applicable portions of dewatering plans shall be signed and sealed by a registered professional engineer or a registered professional geologist."

Approval of such activities is required by Section 27-353(i) of the Code, which states:

"Dewatering operations at or within a one-quarter-mile radius of a contaminated site shall not be conducted without [Department] approval."

APPLICABILITY

This Standard Operating Procedure (SOP) and the requirements detailed herein are applicable to dewatering operations within Broward County. "Dewatering" refers to any technique that is employed to lower groundwater level. These requirements apply solely to reviews that are conducted by Broward County Environmental Assessment and Remediation (EAR) Staff for the purpose of ensuring that dewatering operations at or within one-

TAX CREDIT FUNDING MECHANISM FOR FLORIDA BROWNFIELD ENABLED PROJECTS

Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 12/31/2007	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action (i.e., SRCO)	Once	25%	\$500,000
Affordable Housing	Once	25%	\$500,000
Health Care Facility or Provider	Once	25%	\$500,000
Solid Waste	Once	50%	\$500,000

VOLUNTARY CLEANUP TAX CREDITS AWARDED TO LOCAL GOVERNMENT ENTITIES

**Florida Voluntary Cleanup Tax Credit Awards
Local Government Entities Only
As of August 2016**

Government Entity	Total Amount Awarded
City of Orlando	\$2,598,605.87
Fort Pierce Redevelopment Agency	\$1,597,140.19
Jacksonville Electric Authority	\$1,489,181.49
Tampa Port Authority	\$1,114,363.62
City of Clearwater	\$1,005,914.69
City of Gainesville	\$769,323.47
City of Pompano Beach	\$664,588.70
Pinellas County	\$610,648.88
Escambia County Board of County Commissioners	\$554,872.02
City of Tampa	\$550,075.86
City of Daytona Beach	\$504,323.36
City of Doral	\$500,000.00
City of Tallahassee	\$367,717.41
City of St. Petersburg	\$263,281.55
City of Winter Garden	\$218,587.47
Seminole County School Board	\$196,387.71
Delray Beach Community Redevelopment Agency	\$143,537.73
City of Casselberry	\$113,587.67
City of Pahokee	\$83,292.24
Collier County Community Redevelopment Agency	\$80,938.13
Community Redevelopment Agency for the City of Plant City	\$26,887.67
City of North Miami Beach	\$13,996.27
City of St. Petersburg Beach	\$6,054.07
Total Amount Awarded	\$13,473,306.07

- 109 tax credit certificates in the total amount of \$13,473,306.07 awarded to local government entities.
- 23 local government entities have been awarded tax credit certificates since the program began in 1999.
- Of these 23 local government entities, 14 are cities; 4 are community redevelopment agencies; 3 are classified as other entities (Jacksonville Electric Authority, Seminole County School Board, and Tampa Port Authority); and 2 are counties.
- The local government entities that have been awarded the largest number of tax credit certificates are as follows:
 - City of Orlando (13)
 - Jacksonville Electric Authority (12)
 - City of Clearwater (10)
 - City of Daytona Beach (10)
 - Escambia County (9)
- The local government entities that have been awarded the highest total awards over time are as follows:
 - City of Orlando (\$2,598,605.87)
 - Fort Pierce Redevelopment Agency (\$1,597,140.19)
 - Jacksonville Electric Authority (\$1,489,181.49)
 - Tampa Port Authority (\$1,114,363.62)
 - City of Clearwater (\$1,005,914.69)

**FLORIDA BROWNFIELD PROGRAM LIABILITY PROTECTION FOR
PROPERTY OWNERS & RESPONSIBLE PARTIES**
§ 376.82(2), FLORIDA STATUTES

(a) Any person, including his or her successors and assigns, who executes and implements to successful completion a brownfield site rehabilitation agreement, is relieved of:

1. Further liability for remediation of the contaminated site or sites to the state and to third parties.
2. Liability in contribution to any other party who has or may incur cleanup liability for the contaminated site or sites.
3. Liability for claims of property damages, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of real property or improvements; or stigma to real property or improvements caused by contamination addressed by a brownfield site rehabilitation agreement. Notwithstanding any other provision of this chapter, this subparagraph applies to causes of action accruing on or after July 1, 2014. This subparagraph does not apply to a person who discharges contaminants on property subject to a brownfield site rehabilitation agreement, who commits fraud in demonstrating site conditions or completing site rehabilitation of a property subject to a brownfield site rehabilitation agreement, or who exacerbates contamination of a property subject to a brownfield site rehabilitation agreement in violation of applicable laws which causes property damages.

BROWNFIELD LIABILITY PROTECTION FOR LENDERS

§ 376.82(4)(B), FLORIDA STATUTES

- (a) Lenders, including those serving as a trustee, personal representative, or in any other fiduciary capacity, in connection with a loan, are entitled to the liability protection established in subsection (2) if they have not caused or contributed to a release of a contaminant at the brownfield site.
- (b) Lenders who hold indicia of ownership of a parcel within a brownfield area primarily to protect a security interest or who own a parcel within a brownfield area as a result of foreclosure or a deed in lieu of foreclosure of a security interest and who seek to sell, transfer, or otherwise divest the parcel via sale at the earliest practicable time are not liable for the release or discharge of a contaminant from the parcel; for the failure of the person responsible for brownfield site rehabilitation to comply with the brownfield site rehabilitation agreement; or for future site rehabilitation activities required pursuant to a reopener provision established in subsection (3) where the lender has not divested the borrower of, or otherwise engaged in, decisionmaking control of the site rehabilitation or site operations or undertaken management activities beyond those required to protect its financial interest while making a good faith effort to sell the site as soon as practicable and when an act or omission of the lender has not otherwise caused or contributed to a release of a contaminant at the brownfield site.
- (c) The economic incentives that were granted to a person responsible for site rehabilitation by state or local governments shall not accrue to a lender who obtains ownership of the brownfield site by one of the methods described in this subsection. The economic incentives are abated during the lender's ownership, but they may be transferred and reinstated upon the sale of the brownfield site.

BROWNFIELDS & PROPERTY VALUES

- “Estimating the Impacts of Brownfield Remediation on Housing Property Values,” Nicholas Institute for Environmental Policy Solutions at Duke University, Working Paper EE 12-08, August 2012.
 - “The analysis finds evidence of large increases in property values accompanying cleanup, ranging from 5.1% to 12.8%”
- “Using Spatial Regression to Estimate Property Tax Discounts from Proximity to Brownfields: A Tool for Local Policy-Making,” Journal of Environmental Assessment and Management (University of Cincinnati), January 2013
 - Assesses the discount in property values due to proximity to brownfields
 - Study included 6,800 properties within 2,000 feet of a brownfield
 - Concludes that City of Cincinnati can recapture \$2,262,569 in annual revenue “that could presumably be recovered following brownfield cleanup.”
- “The Effect of Voluntary Brownfield Programs Program on Nearby Property Values: Evidence from Illinois,” Institute for Environmental Science and Policy, University of Illinois, August 2012
 - “Sales prices increase by about 1 percent when a brownfield located 0.25 miles away is certified. Overall, the program has increased the average value of all properties within 1.5 miles of certified sites by about 2 percent. The results provide some evidence of larger effects, of about 4 – 5 percent.”

COMPARABLE PROJECT (SCALED UP)

- FORMER PEOPLES GAS SITE
 - WEST DIXIE HIGHWAY, NORTH MIAMI BEACH
 - MANUFACTURED COAL GAS
 - CLEANUP IN \$8 - \$10 MILLION RANGE
 - GROUND WATER REMEDIATION - DECADES
 - BROWNFIELD DESIGNATION/BSRA
 - 2,300 RESIDENTIAL UNITS
 - 2.5 MILLION FEET COMMERCIAL SPACE



INDUSTRY NEWS › COMMERCIAL REAL ESTATE

Formerly contaminated site in Miami-Dade sells to developer for \$21M

Jan 23, 2017, 3:00pm EST Updated Jan 23, 2017, 4:31pm EST

INDUSTRIES & TAGS Commercial Real Estate, Construction

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Brian Bandell
Senior Reporter
South Florida
Business Journal



A development site in North Miami Beach that underwent remediation to rid it of contamination has sold for \$21.14 million.

Attorneys **Kerry E. Rosenthal**, **Eduardo Rasco**, **Heather A. Scott** and **Melissa Grotsman**, all of Rosenthal Rosenthal Rasco, said they represented the seller in the deal for the 17.8-acre site at 15780 W. Dixie Highway. It was sold by Moore 77 LLC, managed by **Vitali Rosenthal**, to New North Equities, managed by **Hector Mendez** in Aventura and **Gabriel Boano** in Bay Harbor Islands. The buyer received a \$9.15 million mortgage from New Wave Loans Residential.

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QUESTIONS/ANSWERS



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Special Emphasis on Cleanup and Reuse of Former Fueling Stations, Landfills, Automobile Dealerships, Golf Courses, and Agricultural Sites

- Environmental Due Diligence
- Environmental Liability Analysis and Protection
- Hiring & Management of Qualified Environmental Consultants
- Brownfield Grants
- Brownfield Tax Incentives
- Brownfield Loan Guarantees
- Assistance with Securing Acquisition Financing & Placing Environmental Insurance
- Negotiation of Voluntary Cleanup Agreements & Covenants Not-to-Sue
- Integration of Cleanup and Construction Requirements
- Regulatory Approvals to Build on Contaminated Development Sites