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Brownfields Designation Process

The County has established a process and procedures to assist a qualifying Brownfields project applicant to obtain designations and approvals for status as a Brownfields area pursuant to the Florida Brownfields Redevelopment Act. This designation process consists of [Individual Requested Designations](#) (page # 9) and [County Initiated Designations](#) (page # 20) of Brownfields areas.

Brownfields Preapplication Meeting

The Brownfields project applicant shall meet with County staff and other Brownfields interested agencies to discuss the Brownfields Redevelopment Project Application and compliance with the County program qualifications. Brownfields projects must meet the basic definition and intent of Brownfields redevelopment, reuse and must meet the statutory requirements of the Florida Brownfields Redevelopment Act.

County Brownfields Application

The County will provide assistance to a Brownfields project applicant who completes a [Brownfields Redevelopment Project Application](#) (**page # 23**) identifying the project site, the scope of the proposed Brownfields project, and site/project information to establish qualification for assistance under the Florida Brownfields Redevelopment Act or for County Brownfields Redevelopment Program assistance. The County may charge a fee for the application and review of a Brownfields Redevelopment Project under this policy.

Brownfields Review Actions

The County will review the Brownfields project application and consult with any federal, state and local agencies as to any Brownfields requirements that may be part of the approval process. The County will provide its review comments and schedule the appropriate agenda items with the Board of County Commissioners within 90 days of establishing that the Brownfields project has an application with sufficient information required to qualify for designation and any assistance under the Board's Brownfields Redevelopment Program.

Program Qualifications

Brownfields projects must meet the minimum requirements of the applicable designation under the Florida Brownfields Redevelopment Act. It is not the intent of the Board of County Commissioners to establish any additional requirements for qualifications other than those of the Brownfields Redevelopment Program policy and existing Brownfields laws and rules. The Florida Brownfields Redevelopment Act differentiates the requirements for sites or areas designated by individuals who request designations and have agreed to rehabilitate and redevelop Brownfields areas (Individual Requested Designation) and County initiated Brownfields designations (County Initiated Designation). Go [here](#) for a list of the criteria for areas where a person who owns or controls a potential Brownfields site is requesting the designation and has agreed to rehabilitate and redevelop the site for the qualifications that must be met. Go [here](#) for a list of the criteria for all County designated Brownfields Areas. County designated Brownfield Areas must satisfy the requirements of 376.80, (1) F.S.

Individual Initiated Designation Criteria

The rehabilitation and redevelopment of the proposed site will result in economic productivity of the area along with the creation of at least 10 new jobs, whether full time or part time, which are not associated with the implementation of the rehabilitation agreement or an agreement between the person responsible for site rehabilitation and the County, which contains the terms for the redevelopment of the Brownfields site or Brownfields area;

The redevelopment of the proposed Brownfields site is consistent with the local government comprehensive plan and is a permissible use under applicable local government and Countywide Land Development regulations;

Notice of the proposed designation of the Brownfields area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this requirement must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

The person proposing the area for designation has provided reasonable assurance to the County that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

County Initiated Designation Criteria

The following criteria must be considered in determining Brownfield area designations that are outside community redevelopment areas, enterprise zones, empowerment zones, closed military bases or EPA Brownfields pilot project areas.

- Whether the Brownfields area warrants economic development and has a reasonable potential for such activities;
- Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
- Whether the proposed area has potential to interest the private sector in participating in the rehabilitation; and
- Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical preservation purposes.

Public Meeting and Notice Requirements

The Brownfields project applicant must meet the requirements of the Florida Brownfields Redevelopment Act regarding public notification and public meetings. Notice of any meeting shall be made in advance of the meeting date and must be advertised in compliance with the Florida Brownfields Redevelopment Act. Go [here](#) for the requirements for public meetings and notice for Individual Initiated Designations. Go [here](#) for the requirements for public meetings and notice for County Initiated Designations.

Individual Requested Designation Public Notice and Meeting Requirements

The following are public notice and meeting requirements for a Brownfield site where a person who owns or controls a potential Brownfields site that is requesting the designation and has agreed to rehabilitate and redevelop the Brownfields site:

- Notice of the proposed rehabilitation of the Brownfields area must be provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation shall be afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this requirement must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area. This notice is to be provided by the applicant.
- All County designated Brownfields Areas must satisfy the requirements of 376.80 (1) F.S. If the Brownfields area is located outside of community redevelopment areas, enterprise zones, empowerment zones, closed military bases or EPA Brownfields Pilot project areas, the local government must conduct at least one public hearing in the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area, and the notice must be at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing. County staff will attend the meeting. The individual applicant will be responsible to arrange, publicize and facilitate the meeting and provide a record of the meeting as a part of the Brownfields Redevelopment Application.
- Upon substantial completion of the Brownfields Program Application, public notice and meeting requirements above, the County shall adopt a resolution to which is attached a map to clearly delineate exactly which parcels are to be included in the Brownfields area or alternatively a less-detailed map accompanied by a detailed legal description of the Brownfields area. The County shall adopt the resolution in accordance with the procedures outlined in s. 125.66 F.S., except that the notice for the public hearings on the proposed resolution must be in the form established in s. 125.66(4)(b)2 F.S.

County Initiated Designation Public Notice and Meeting Requirements

The following are public notice and meeting requirements for areas where the County is initiating the Brownfields designation:

- All County designated Brownfields Areas must satisfy the requirements of 376.80, (1) F.S. If the proposed Brownfields area is located outside of community redevelopment areas, enterprise zones, empowerment zones, closed military bases, or a designated Brownfields pilot area, the local government must conduct at least one public hearing in the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing. County staff will arrange, publicize and facilitate the meeting and provide a record of the meeting as a part of the Brownfields application.
- In the event that the proposed Brownfields area is located within redevelopment areas, enterprise zones, empowerment zones, closed military bases, or designated Brownfields pilot area, the local government is not required to conduct a public hearing within the area as described above.
- Upon substantial completion of the Brownfields Program Application and public notice and meeting requirements above the County shall adopt a resolution to which is attached a map to clearly delineate exactly which parcels are to be included in the Brownfields area or alternatively a less-detailed map accompanied by a detailed legal description of the Brownfields area. The County shall adopt the resolution in accordance with the procedures outlined in s.125.66 F.S. except that the notice for the public hearings on the proposed resolution must be in the form established in s.125.66 (4)(b)2 F.S.

Brownfields Advisory Committee Requirements

The County or persons responsible for the rehabilitation and redevelopment of Brownfields areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address the redevelopment of a specific Brownfields area. The County will recognize Brownfields advisory committees established on a project-by-project basis but may also establish or utilize existing advisory boards to meet the requirements of the Florida Brownfields Redevelopment Act. Brownfields Advisory Committees are established for the purpose of improving public participation and receive public comments on rehabilitation and redevelopment of the Brownfields area, future land use, local employment opportunities, safety, and environmental justice. Advisory committees should include residents within or adjacent to the Brownfields area, businesses operating within the Brownfields area and others as deemed appropriate. The Board of County Commissioners may temporarily act as an interim Brownfields Advisory Committee in the absence of existing advisory committees that include residents or property owners forthcoming to fulfill this requirement. The following are additional duties of Brownfields Advisory Committees:

- Review and comment on draft Brownfields Site Rehabilitation Agreements.
- Review proposed redevelopment agreement for the project and provide comments to the Board of County Commissioners, if appropriate.
- Review of executed Brownfields Site Rehabilitation Agreement for the project.
- Review and comment on site assessment report findings or the technical documents containing the proposed course of action following site assessment.

Brownfields Site Rehabilitation Agreement

The designation of a Brownfields Area by the County entitles an eligible applicant pursuant to s. 376.82(1) F.S. to negotiate a Brownfields Site Rehabilitation Agreement with the Florida Department of Environmental Protection or an approved local pollution control program. The specific requirements of the agreement are outlined in s 376.80(5) F.S. and s 376.82 F.S., and rule Chapter 62-785 Florida Administrative Code for areas where contamination exists.

Board of County Commissioners' Actions

County staff shall prepare agenda items, hearing materials, maps and resolutions for the Board of County Commissioners' consideration as a part of the request for a Brownfields Redevelopment Project designation or for assistance related to a Brownfields Redevelopment Project. County staff shall assist applicants with the review of Brownfields Redevelopment Applications and will facilitate the following activities in a timely manner:

- County Staff shall notify the Florida Department of Environmental Protection (FDEP) of its decision to designate a Brownfields area for the rehabilitation for the purposes of s. 376.77-376.85, F.S. and provide legible copies of resolutions and maps to the FDEP Southwest District Brownfields Coordinator. Board actions for a Brownfields designation under the Florida Brownfields Redevelopment Act shall be filed with the FDEP in compliance with the Florida Brownfields Redevelopment Act. In instances where a person responsible for Brownfields site rehabilitation has been identified, the County will notify FDEP of the identity of that person.
- If the proposed Brownfields area is located outside of community redevelopment areas, enterprise zones, empowerment zones, closed military bases, or a designated Brownfields pilot area, the local government must conduct at least one public hearing in the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must at least 16 square inches in size, must be in ethnic newspapers or local bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing. County staff will arrange, publicize and facilitate the meeting and provide a record of the meeting as a part of the Brownfields application;
- The County shall adopt a resolution to which is attached a map to clearly delineate exactly which parcels are to be included in the Brownfields area or alternatively a less-detailed map accompanied by a detailed legal description of the Brownfields area. The County shall adopt the resolution in accordance with the procedures outlined in s. 125.66, F.S., except that the notice for the public hearings on the proposed resolution must be in the form established in s. 125.66(4)(b)2, F.S.;
- The County or persons responsible for the rehabilitation and redevelopment of Brownfields areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address the redevelopment of a specific Brownfields area; and
- The County may prepare and file project applications for federal and state assistance in conjunction with pending and approved Brownfields Redevelopment Projects, which intend to use the Board's programs.

Brownfields Incentives

The following constitute the recognized incentives available for Brownfields Redevelopment Program Projects under the Pinellas County Brownfields Redevelopment Program:

Administrative Incentives

The County will sponsor a program for Brownfields designation to establish national, state and local eligibility for an area as a qualified Brownfields.

The County may utilize the Interdepartmental Brownfields Task Force to facilitate projects on an as needed basis. This task force will serve as a quick response team as authorized by the County Administrator to facilitate and expedite the Brownfields designation application and redevelopment processes.

Regulatory Incentives

County staff assistance will be provided to qualify Brownfields areas and sites to assist in meeting FDEP regulatory requirements for local governments pertaining to the Florida Brownfields Redevelopment Act.

A County staff recommendation to the Board of County Commissioners concerning a Board action for Brownfields Redevelopment Project will be made within a target of 90 days from a complete Brownfields Project Application.

The County may enact institutional controls such as those related to restrictive zoning and land use on property use or access to eliminate or minimize exposure to contaminants and to assist in the risk-based corrective actions necessary for the project.

Technical Assistance Incentives

The County will facilitate technical assistance pertaining to approval of Brownfields projects by working closely with the FDEP's Brownfields Redevelopment Program and other agencies as required.

County staff will provide a County staff-assisted, priority-expedited process to obtain County permits for a qualified Brownfields project.

The Interdepartmental Brownfields Task Force will serve as a quick response team when authorized by the County Administrator to facilitate and expedite the Brownfields designation application and redevelopment processes.

Financial Incentives

County staff will take actions and assist applicants to obtain grants, loans, and other assistance for qualified Brownfields projects.

Funding of Phase I and Phase II Environmental Assessments and other eligible activities for qualifying Brownfields properties may be made available under grants and loans provided by federal, state or other Brownfields or related redevelopment programs.

County assistance with education and outreach to government, private business and citizens to address the economic barriers to Brownfields redevelopment, including property rights, environmental justice and health-related aspects of Brownfields reuse and redevelopment may be made available under grants and loans provided by federal, state or other Brownfields or related redevelopment programs.

County assistance will be provided to assist applicants with the identification of available Brownfields incentives through federal, state and local sources including but not limited to:

- The State Voluntary Cleanup Tax Credit
- The Brownfields Job Bonus Refund
- Sales Tax Credit on Building Materials
- State Brownfields Loan Guarantee Program
- Federal Brownfields Tax Incentive

County Staff will provide assistance to qualified applicants to facilitate applications for Brownfields Incentives by providing required documentation including verification letters, County documentation and other requirements of Incentive Programs required to be performed by the local government.

This County policy and program may enable business and property owners to qualify for federal, state and local tax treatments and financial programs.