

| AUGUST 2025 |

FLORIDA BROWNFIELDS PROGRAM

OVERVIEW: The Florida legislature unanimously passed House Bill 733 (Chapter 2025-116) during its 2025 legislative session. This bill amends Florida Statutes to revise and expand the state’s brownfield program—originally enacted in 1997—which creates financial and regulatory incentives to encourage voluntary cleanup and redevelopment of sites with actual or perceived environmental contamination. Incentives include tax credits, cleanup liability protection, lender liability protection, expedited agency reviews, and more; the passage of House Bill 733 expands access to these incentives through three key provisions.

Closure of Brownfield Sites within Larger Contaminated Sites

Florida Statutes now recognize that the rehabilitation and redevelopment of a brownfield site is complicated when multiple parties own, lease, or operate portions of a larger contaminated site. The legislation further states that it is against public interest to delay a person’s ability to obtain a No Further Action (NFA) letter when a brownfield site is part of a larger contaminated site. These revisions allow the Florida Department of Environmental Protection (FDEP) and delegated county agencies to issue an NFA, provided that the soil and groundwater contamination at or originating from the brownfield is sufficiently addressed under Florida’s Contaminated Site Cleanup Criteria (Chapter 62-780, Florida Administrative Code).

This site-within-a-site approach will allow for streamlined site rehabilitation, development, and closure at brownfield sites that were formerly agricultural fields, golf courses, or landfills that had been subdivided prior to modern-day environmental regulations.

Participation by Federally Regulated Sites

Sites regulated under federal programs are now eligible to participate in the Florida Brownfields Program if certain requirements are met. Previously, the U.S. Environmental Protection Agency (EPA) was required to issue a Memorandum of Agreement to forgo enforcement of federal corrective action. Under the revised statute, EPA retains regulatory authority and is only required to issue a letter stating that it has no objection to participation. Upon concurrence by the FDEP, the site will be eligible for participation in the program.

Participation by Local Governments

Local governments are now allowed to participate in the Florida Brownfields Program if they did not cause or contribute to the contamination of a brownfield site on or after July 1, 2025 (previously July 1, 1997). This revision opens the program to greater participation by local governments.

Other Notable Changes

- The program was expanded to include any site proposed to be rehabilitated and redeveloped, instead of restricting the program to commercial and industrial properties.
- FDEP’s deadline to inform tax credit applicants of their status and tax credit award has been modified to June 1 (previously May 1) of each calendar year.

To discuss this matter and how it may impact your projects, please contact your Langan Project Manager or:



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