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LEGISLATIVE ACTION

Senate

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House

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Senator Detert moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 163.3202, Florida
Statutes, is amended to read:

163.3202 Land development regulations.—

(1) Within 1 year after submission of its comprehensive
plan or revised comprehensive plan for review pursuant to s.
163.3191 ~~s. 163.3167(2)~~, each county and each municipality shall
adopt or amend and enforce land development regulations that are



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12 consistent with and implement their adopted comprehensive plan.

13 Section 2. Paragraph (a) of subsection (2) of section
14 288.0001, Florida Statutes, is amended to read:

15 288.0001 Economic Development Programs Evaluation.—The
16 Office of Economic and Demographic Research and the Office of
17 Program Policy Analysis and Government Accountability (OPPAGA)
18 shall develop and present to the Governor, the President of the
19 Senate, the Speaker of the House of Representatives, and the
20 chairs of the legislative appropriations committees the Economic
21 Development Programs Evaluation.

22 (2) The Office of Economic and Demographic Research and
23 OPPAGA shall provide a detailed analysis of economic development
24 programs as provided in the following schedule:

25 (a) By January 1, 2014, and every 3 years thereafter, an
26 analysis of the following:

27 1. The capital investment tax credit established under s.
28 220.191.

29 2. The qualified target industry tax refund established
30 under s. 288.106.

31 3. The brownfield redevelopment bonus refund established
32 under s. 288.107.

33 4. High-impact business performance grants established
34 under s. 288.108.

35 5. The Quick Action Closing Fund established under s.
36 288.1088.

37 6. The Innovation Incentive Program established under s.
38 288.1089.

39 7. Enterprise Zone Program incentives established under ss.
40 212.08(5) and (15), 212.096, 220.181, and 220.182.



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41 8. The New Markets Development Program established under
42 ss. 288.991-288.9922.

43 Section 3. Subsections (5) and (6) are added to section
44 288.005, Florida Statutes, to read:

45 288.005 Definitions.—As used in this chapter, the term:

46 (5) "Loan administrator" means an entity statutorily
47 eligible to receive state funds and authorized by the department
48 to make loans under a loan program.

49 (6) "Loan program" means a program established in this
50 chapter to provide appropriated funds to an eligible entity to
51 further a specific state purpose for a limited period of time
52 and with a requirement that such appropriated funds be repaid to
53 the state. The term includes a "loan fund" or "loan pilot
54 program" administered by the department under this chapter.

55 Section 4. Section 288.006, Florida Statutes, is created to
56 read:

57 288.006 General operation of loan programs.—

58 (1) The Legislature intends to promote the goals of
59 accountability and proper stewardship by recipients of loan
60 program funds. This section applies to all loan programs
61 established under this chapter.

62 (2) State funds appropriated for a loan program may be used
63 only by an eligible recipient or loan administrator, and the use
64 of such funds is restricted to the specific state purpose of the
65 loan program, subject to any compensation due to a loan
66 administrator as provided under this chapter. State funds may be
67 awarded directly by the department to an eligible recipient or
68 awarded by the department to a loan administrator. All state
69 funds, including any interest earned, remain state funds unless



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70 otherwise stated in the statutory requirements of the loan
71 program.

72 (3) (a) Upon termination of a loan program by the
73 Legislature or by statute, all appropriated funds shall revert
74 to the General Revenue Fund. The department shall pay the entity
75 for any allowable administrative expenses due to the loan
76 administrator as provided under this chapter, unless otherwise
77 required by law.

78 (b) Upon termination of a contract between the department
79 and an eligible recipient or loan administrator, all remaining
80 appropriated funds shall revert to the fund from which the
81 appropriation was made. The department shall become the
82 successor entity for any outstanding loans. Except in the case
83 of the termination of a contract for fraud or a finding that the
84 loan administrator was not meeting the terms of the program, the
85 department shall pay the entity for any allowable administrative
86 expenses due to the loan administrator as provided under this
87 chapter.

88 (c) The eligible recipient or loan administrator to which
89 this subsection applies shall execute all appropriate
90 instruments to reconcile any remaining accounts associated with
91 a terminated loan program or contract. The entity shall execute
92 all appropriate instruments to ensure that the department is
93 authorized to collect all receivables for outstanding loans,
94 including, but not limited to, assignments of promissory notes
95 and mortgages.

96 (4) An eligible recipient or loan administrator must avoid
97 any potential conflict of interest regarding the use of
98 appropriated funds for a loan program. An eligible recipient or



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99 loan administrator or a board member, employee, or agent
100 thereof, or an immediate family member of a board member,
101 employee, or agent, may not have a financial interest in an
102 entity that is awarded a loan under a loan program. A loan may
103 not be made to a person or entity if a conflict of interest
104 exists between the parties involved. As used in this subsection,
105 the term "immediate family" means a parent, spouse, child,
106 sibling, grandparent, or grandchild related by blood or
107 marriage.

108 (5) In determining eligibility for an entity applying for
109 the award of funds directly by the department or applying for
110 selection as a loan administrator for a loan program, the
111 department shall evaluate each applicant's business practices,
112 financial stability, and past performance in other state
113 programs, in addition to the loan program's statutory
114 requirements. Eligibility of an entity applying to be a
115 recipient or loan administrator may be conditionally granted or
116 denied outright if the department determines that the entity is
117 noncompliant with any law, rule, or program requirement.

118 (6) Recurring use of state funds, including revolving loans
119 or new negotiable instruments, which have been repaid to the
120 loan administrator may be made if the loan program's statutory
121 structure permits. However, any use of state funds made by a
122 loan administrator remains subject to subsections (2) and (3),
123 and compensation to a loan administrator may not exceed any
124 limitation provided by this chapter.

125 (7) The Auditor General may conduct audits as provided in
126 s. 11.45 to verify that the appropriations under each loan
127 program are expended by the eligible recipient or loan



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128 administrator as required for each program. If the Auditor
129 General determines that the appropriations are not expended as
130 required, the Auditor General shall notify the department, which
131 may pursue recovery of the funds. This section does not prevent
132 the department from pursuing recovery of the appropriated loan
133 program funds when necessary to protect the funds or when
134 authorized by law.

135 (8) The department may adopt rules under ss. 120.536(1) and
136 120.54 as necessary to carry out this section.

137 Section 5. Subsection (6) of section 288.8013, Florida
138 Statutes, is amended to read:

139 288.8013 Triumph Gulf Coast, Inc.; Recovery Fund; creation;
140 investment.-

141 (6) The Auditor General shall conduct an operational audit
142 of the Recovery Fund and Triumph Gulf Coast, Inc., annually.
143 Triumph Gulf Coast, Inc., shall provide to the Auditor General
144 any detail or supplemental data required.

145 Section 6. Subsection (3) and paragraph (a) of subsection
146 (9) of section 288.8014, Florida Statutes, are amended to read:

147 288.8014 Triumph Gulf Coast, Inc.; organization; board of
148 directors.-

149 (3) Notwithstanding s. 20.052(4)(c), each initial
150 appointment to the board of directors by the Board of Trustees
151 of the State Board of Administration shall serve for a term that
152 ends 4 years after the Legislature appropriates funds to the
153 Recovery Fund. To achieve staggered terms among the members of
154 the board, each initial appointment to the board of directors by
155 the President of the Senate and the Speaker of the House of
156 Representatives shall serve for a term that ends 5 years after



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157 the Legislature appropriates funds to the Recovery Fund.
158 Thereafter, each member of the board of directors shall serve
159 for a term of 4 years, ~~except that initially the appointments of~~
160 ~~the President of the Senate and the Speaker of the House of~~
161 ~~Representatives each shall serve a term of 2 years to achieve~~
162 ~~staggered terms among the members of the board.~~ A member is not
163 eligible for reappointment to the board, except, however, any
164 member appointed to fill a vacancy for a term of 2 years or less
165 may be reappointed for an additional term of 4 years. The
166 initial appointments to the board must be made by November 15,
167 2013. Vacancies on the board of directors shall be filled by the
168 officer who originally appointed the member. A vacancy that
169 occurs before the scheduled expiration of the term of the member
170 shall be filled for the remainder of the unexpired term.

171 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or
172 contract for all staff necessary to the proper execution of its
173 powers and duties to implement this act. The corporation is
174 required to retain:

175 1. An independent certified public accountant licensed in
176 this state pursuant to chapter 473 to inspect the records of and
177 to annually audit the expenditure of the earnings and available
178 principal disbursed by Triumph Gulf Coast, Inc.

179 2. An independent financial advisor to assist Triumph Gulf
180 Coast, Inc., in the development and implementation of a
181 strategic plan consistent with the requirements of this act.

182 3. An economic advisor who will assist in the award
183 process, including the development of priorities, allocation
184 decisions, and the application and process; will assist the
185 board in determining eligibility of award applications and the



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186 evaluation and scoring of applications; and will assist in the
187 development of award documentation.

188 4. A legal advisor with expertise in not-for-profit
189 investing and contracting and who is a member of The Florida Bar
190 to assist with contracting and carrying out the intent of this
191 act.

192 Section 7. Subsection (7) of section 288.987, Florida
193 Statutes, is amended to read:

194 288.987 Florida Defense Support Task Force.—

195 (7) The department shall contract with the task force for
196 expenditure of appropriated funds, which may be used by the task
197 force for economic and product research and development, joint
198 planning with host communities to accommodate military missions
199 and prevent base encroachment, advocacy on the state's behalf
200 with federal civilian and military officials, assistance to
201 school districts in providing a smooth transition for large
202 numbers of additional military-related students, job training
203 and placement for military spouses in communities with high
204 proportions of active duty military personnel, and promotion of
205 the state to military and related contractors and employers. The
206 task force may annually spend up to \$250,000 ~~\$200,000~~ of funds
207 appropriated to the department for the task force for staffing
208 and administrative expenses of the task force, including travel
209 and per diem costs incurred by task force members who are not
210 otherwise eligible for state reimbursement.

211 Section 8. Section 290.0411, Florida Statutes, is amended
212 to read:

213 290.0411 Legislative intent and purpose of ss. 290.0401-
214 290.048.—It is the intent of the Legislature to provide the



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215 necessary means to develop, preserve, redevelop, and revitalize
216 Florida communities exhibiting signs of decline, ~~or~~ distress, or
217 economic need by enabling local governments to undertake the
218 necessary community and economic development programs. The
219 overall objective is to create viable communities by eliminating
220 slum and blight, fortifying communities in urgent need,
221 providing decent housing and suitable living environments, and
222 expanding economic opportunities, principally for persons of low
223 or moderate income. The purpose of ss. 290.0401-290.048 is to
224 assist local governments in carrying out effective community and
225 economic development and project planning and design activities
226 to arrest and reverse community decline and restore community
227 vitality. Community and economic development and project
228 planning activities to maintain viable communities, revitalize
229 existing communities, expand economic development and employment
230 opportunities, and improve housing conditions and expand housing
231 opportunities, providing direct benefit to persons of low or
232 moderate income, are the primary purposes of ss. 290.0401-
233 290.048. The Legislature, therefore, declares that the
234 development, redevelopment, preservation, and revitalization of
235 communities in this state and all the purposes of ss. 290.0401-
236 290.048 are public purposes for which public money may be
237 borrowed, expended, loaned, pledged to guarantee loans, and
238 granted.

239 Section 9. Section 290.044, Florida Statutes, is amended to
240 read:

241 290.044 Florida Small Cities Community Development Block
242 Grant Program Fund; administration; distribution.—

243 (1) The Florida Small Cities Community Development Block



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244 Grant Program Fund is created. All revenue designated for
245 deposit in such fund shall be deposited by the appropriate
246 agency. The department shall administer this fund as a grant and
247 loan guarantee program for carrying out the purposes of ss.
248 290.0401-290.048.

249 (2) The department shall distribute such funds as loan
250 guarantees and grants to eligible local governments on the basis
251 of a competitive selection process established by rule.

252 (3) The department shall require applicants for grants to
253 compete against each other in the following grant program
254 categories:

- 255 (a) Housing rehabilitation.
- 256 (b) Economic development.
- 257 (c) Neighborhood revitalization.
- 258 (d) Commercial revitalization.

259 ~~(4)(3)~~ The department shall define ~~the~~ broad community
260 development objectives ~~objective~~ to be achieved by the
261 activities in each of the ~~following~~ grant program categories
262 with the use of funds from the Florida Small Cities Community
263 Development Block Grant Program Fund. Such objectives shall be
264 designed to meet at least one of the national objectives
265 provided in the Housing and Community Development Act of 1974,
266 ~~and require applicants for grants to compete against each other~~
267 ~~in these grant program categories:~~

- 268 ~~(a) Housing.~~
- 269 ~~(b) Economic development.~~
- 270 ~~(c) Neighborhood revitalization.~~
- 271 ~~(d) Commercial revitalization.~~
- 272 ~~(e) Project planning and design.~~



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273 (5)~~(4)~~ The department may set aside an amount of up to 5
274 percent of the funds annually for use in any eligible local
275 government jurisdiction for which an emergency or natural
276 disaster has been declared by executive order. Such funds may
277 only be provided to a local government to fund eligible
278 emergency-related activities for which no other source of
279 federal, state, or local disaster funds is available. The
280 department may provide for such set-aside by rule. In the last
281 quarter of the state fiscal year, any funds not allocated under
282 the emergency-related set-aside shall be distributed to unfunded
283 applications from the most recent funding cycle.

284 (6)~~(5)~~ The department shall establish a system of
285 monitoring grants, including site visits, to ensure the proper
286 expenditure of funds and compliance with the conditions of the
287 recipient's contract. The department shall establish criteria
288 for implementation of internal control, to include, but not be
289 limited to, the following measures:

290 (a) Ensuring that subrecipient audits performed by a
291 certified public accountant are received and responded to in a
292 timely manner.

293 (b) Establishing a uniform system of monitoring that
294 documents appropriate followup as needed.

295 (c) Providing specific justification for contract
296 amendments that takes into account any change in contracted
297 activities and the resultant cost adjustments which shall be
298 reflected in the amount of the grant.

299 Section 10. Section 290.046, Florida Statutes, is amended
300 to read:

301 290.046 Applications for grants; procedures; requirements.-



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302 (1) In applying for a grant under a specific program
303 category, an applicant shall propose eligible activities that
304 directly address the objectives ~~objective~~ of that program
305 category.

306 (2) (a) Except for applications for economic development
307 grants as provided in subparagraph (b)1. ~~paragraph (c), an~~ each
308 eligible local government may submit one ~~an~~ application for a
309 grant ~~under either the housing program category or the~~
310 ~~neighborhood revitalization program category~~ during each
311 application ~~annual funding cycle. An applicant may not receive~~
312 ~~more than one grant in any state fiscal year from any of the~~
313 ~~following categories: housing, neighborhood revitalization, or~~
314 ~~commercial revitalization.~~

315 (b) 1. ~~An~~ Except as provided in ~~paragraph (c),~~ each eligible
316 local government may apply up to three times in any one annual
317 funding cycle for an economic development ~~a grant under the~~
318 ~~economic development program category~~ but may not ~~shall~~ receive
319 ~~no~~ more than one such grant per annual funding cycle. A local
320 government may have more than one open economic development
321 grant ~~Applications for grants under the economic development~~
322 ~~program category may be submitted at any time during the annual~~
323 ~~funding cycle, and such grants shall be awarded no less~~
324 ~~frequently than three times per funding cycle.~~

325 2. The department shall establish minimum criteria
326 pertaining to the number of jobs created for persons of low or
327 moderate income, the degree of private sector financial
328 commitment, and the economic feasibility of the proposed project
329 and shall establish any other criteria the department deems
330 appropriate. Assistance to a private, for-profit business may



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331 not be provided from a grant award unless sufficient evidence
332 exists to demonstrate that without such public assistance the
333 creation or retention of such jobs would not occur.

334 (c)1. A local government ~~governments~~ with an open housing
335 rehabilitation, neighborhood revitalization, or commercial
336 revitalization contract is ~~shall~~ not be eligible to apply for
337 another housing rehabilitation, neighborhood revitalization, or
338 commercial revitalization grant until administrative closeout of
339 its ~~their~~ existing contract. The department shall notify a local
340 government of administrative closeout or of any outstanding
341 closeout issues within 45 days after ~~of~~ receipt of a closeout
342 package from the local government. A local government
343 ~~governments~~ with an open housing rehabilitation, neighborhood
344 revitalization, or commercial revitalization community
345 development block grant contract whose activities are on
346 schedule in accordance with the expenditure rates and
347 accomplishments described in the contract may apply for an
348 economic development grant.

349 2. A local government ~~governments~~ with an open economic
350 development community development block grant contract whose
351 activities are on schedule in accordance with the expenditure
352 rates and accomplishments described in the contract may apply
353 for a housing rehabilitation, ~~or~~ neighborhood revitalization, or
354 ~~and~~ a commercial revitalization community development block
355 grant. A local government ~~governments~~ with an open economic
356 development contract whose activities are on schedule in
357 accordance with the expenditure rates and accomplishments
358 described in the contract may receive no more than one
359 additional economic development grant in each fiscal year.



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360 (d) ~~Beginning October 1, 1988,~~ The department may not shall
361 award a no grant until it the department has conducted
362 ~~determined,~~ based upon a site visit to verify the information
363 contained in the local government's application, ~~that the~~
364 ~~proposed area matches and adheres to the written description~~
365 ~~contained within the applicant's request. If, based upon review~~
366 ~~of the application or a site visit, the department determines~~
367 ~~that any information provided in the application which affects~~
368 ~~eligibility or scoring has been misrepresented, the applicant's~~
369 ~~request shall be rejected by the department pursuant to s.~~
370 ~~290.0475(7). Mathematical errors in applications which may be~~
371 ~~discovered and corrected by readily computing available numbers~~
372 ~~or formulas provided in the application shall not be a basis for~~
373 ~~such rejection.~~

374 (3) (a) The department shall rank each application received
375 during the application cycle according to criteria established
376 by rule. The ranking system shall include a procedure to
377 eliminate or reduce any population-related bias that places
378 exceptionally small communities at a disadvantage in the
379 competition for funds ~~Each application shall be ranked~~
380 ~~competitively based on community need and program impact.~~
381 ~~Community need shall be weighted 25 percent. Program impact~~
382 ~~shall be weighted 65 percent. Outstanding performance in equal~~
383 ~~opportunity employment and housing shall be weighted 10 percent.~~

384 (b) Funds shall be distributed according to the rankings
385 established in each application cycle. If economic development
386 funds remain available after the application cycle closes, the
387 remaining funds shall be awarded to eligible projects on a
388 first-come, first-served basis until such funds are fully



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389 ~~obligated~~ ~~The criteria used to measure community need shall~~
390 ~~include, at a minimum, indicators of the extent of poverty in~~
391 ~~the community and the condition of physical structures. Each~~
392 ~~application, regardless of the program category for which it is~~
393 ~~being submitted, shall be scored competitively on the same~~
394 ~~community need criteria. In recognition of the benefits~~
395 ~~resulting from the receipt of grant funds, the department shall~~
396 ~~provide for the reduction of community need scores for specified~~
397 ~~increments of grant funds provided to a local government since~~
398 ~~the state began using the most recent census data. In the year~~
399 ~~in which new census data are first used, no such reduction shall~~
400 ~~occur.~~

401 (c) The application's program impact score, equal
402 employment opportunity and fair housing score, and communitywide
403 needs score may take into consideration scoring factors,
404 including, but not limited to, unemployment, poverty levels,
405 low-income and moderate-income populations, benefits to low-
406 income and moderate-income residents, use of minority-owned and
407 woman-owned business enterprises in previous grants, health and
408 safety issues, and the condition of physical structures ~~The~~
409 ~~criteria used to measure the impact of an applicant's proposed~~
410 ~~activities shall include, at a minimum, indicators of the direct~~
411 ~~benefit received by persons of low income and persons of~~
412 ~~moderate income, the extent to which the problem identified is~~
413 ~~addressed by the proposed activities, and the extent to which~~
414 ~~resources other than the funds being applied for under this~~
415 ~~program are being used to carry out the proposed activities.~~

416 (d) ~~Applications shall be scored competitively on program~~
417 ~~impact criteria that are uniquely tailored to the community~~



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418 ~~development objective established in each program category. The~~
419 ~~criteria used to measure the direct benefit to persons of low~~
420 ~~income and persons of moderate income shall represent no less~~
421 ~~than 42 percent of the points assigned to the program impact~~
422 ~~factor. For the housing and neighborhood revitalization~~
423 ~~categories, the department shall also include the following~~
424 ~~criteria in the scoring of applications:~~

425 ~~1. The proportion of very-low-income and low-income~~
426 ~~households served.~~

427 ~~2. The degree to which improvements are related to the~~
428 ~~health and safety of the households served.~~

429 ~~(4) An applicant for a neighborhood revitalization or~~
430 ~~commercial revitalization grant shall demonstrate that its~~
431 ~~activities are to be carried out in distinct service areas which~~
432 ~~are characterized by the existence of slums or blighted~~
433 ~~conditions, or by the concentration of persons of low or~~
434 ~~moderate income.~~

435 (4)-(5) In order to provide citizens with information
436 concerning an applicant's proposed project, the applicant shall
437 make available to the public information concerning the amounts
438 of funds available for various activities and the range of
439 activities that may be undertaken. In addition, the applicant
440 shall hold a minimum of two public hearings in the local
441 jurisdiction within which the project is to be implemented to
442 obtain the views of citizens before submitting the final
443 application to the department. The applicant shall conduct the
444 initial hearing to solicit public input concerning community
445 needs, inform the public about funding opportunities available
446 to address community needs, and discuss activities that may be



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447 undertaken. Before a second public hearing is held, the
448 applicant must publish a summary of the proposed application
449 that provides citizens with an opportunity to examine the
450 contents of the application and to submit comments. The
451 applicant shall conduct a second hearing to obtain comments from
452 citizens concerning the proposed application and to modify the
453 proposed application if appropriate ~~program before an~~
454 ~~application is submitted to the department, the applicant shall:~~
455 ~~(a) Make available to the public information concerning the~~
456 ~~amounts of funds available for various activities and the range~~
457 ~~of activities that may be undertaken.~~
458 ~~(b) Hold at least one public hearing to obtain the views of~~
459 ~~citizens on community development needs.~~
460 ~~(c) Develop and publish a summary of the proposed~~
461 ~~application that will provide citizens with an opportunity to~~
462 ~~examine its contents and submit their comments.~~
463 ~~(d) Consider any comments and views expressed by citizens~~
464 ~~on the proposed application and, if appropriate, modify the~~
465 ~~proposed application.~~
466 ~~(e) Hold at least one public hearing in the jurisdiction~~
467 ~~within which the project is to be implemented to obtain the~~
468 ~~views of citizens on the final application prior to its~~
469 ~~submission to the department.~~
470 (5) ~~(6)~~ The local government may ~~shall~~ establish a citizen
471 advisory task force composed of citizens in the jurisdiction in
472 which the proposed project is to be implemented to provide input
473 relative to all phases of the project process. ~~The local~~
474 ~~government must obtain consent from the department for any other~~
475 ~~type of citizen participation plan upon a showing that such plan~~



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476 ~~is better suited to secure citizen participation for that~~
477 ~~locality.~~

478 (6)(7) The department shall, before ~~prior to~~ approving an
479 application for a grant, determine that the applicant has the
480 administrative capacity to carry out the proposed activities and
481 has performed satisfactorily in carrying out past activities
482 funded by community development block grants. The evaluation of
483 past performance shall take into account procedural aspects of
484 previous grants as well as substantive results. If the
485 department determines that any applicant has failed to
486 accomplish substantially the results it proposed in its last
487 previously funded application, it may prohibit the applicant
488 from receiving a grant or may penalize the applicant in the
489 rating of the current application. An ~~No~~ application for grant
490 funds may not be denied solely upon the basis of the past
491 performance of the eligible applicant.

492 Section 11. Subsections (3) and (6) of section 290.047,
493 Florida Statutes, are amended to read:

494 290.047 Establishment of grant ceilings and maximum
495 administrative cost percentages; elimination of population bias;
496 loans in default.—

497 (3) The maximum percentage of block grant funds that can be
498 spent on administrative costs by an eligible local government
499 shall be 15 percent for the housing rehabilitation program
500 category, 8 percent for both the neighborhood and the commercial
501 revitalization program categories, and 8 percent for the
502 economic development program category. The maximum amount of
503 block grant funds that may be spent on administrative costs by
504 an eligible local government for the economic development



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505 program category is \$120,000. The purpose of the ceiling is to
506 maximize the amount of block grant funds actually going toward
507 the redevelopment of the area. The department will continue to
508 encourage eligible local governments to consider ways to limit
509 the amount of block grant funds used for administrative costs,
510 consistent with the need for prudent management and
511 accountability in the use of public funds. However, this
512 subsection does ~~shall not be construed, however,~~ to prohibit
513 eligible local governments from contributing their own funds or
514 making in-kind contributions to cover administrative costs which
515 exceed the prescribed ceilings, provided that all such
516 contributions come from local government resources other than
517 Community Development Block Grant funds.

518 (6) The maximum amount ~~percentage~~ of block grant funds that
519 may be spent on engineering and architectural costs by an
520 eligible local government shall be determined in accordance with
521 a method ~~schedule~~ adopted by the department by rule. Any such
522 method ~~schedule~~ so adopted shall be consistent with the schedule
523 used by the United States Farmer's Home Administration as
524 applied to projects in Florida or another comparable schedule as
525 amended.

526 Section 12. Section 290.0475, Florida Statutes, is amended
527 to read:

528 290.0475 Rejection of grant applications; penalties for
529 failure to meet application conditions.—Applications are
530 ineligible ~~received~~ for funding if ~~under all program categories~~
531 ~~shall be rejected without scoring only in the event that~~ any of
532 the following circumstances arise:

533 (1) The application is not received by the department by



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534 the application deadline;~~;~~

535 (2) The proposed project does not meet one of the three
536 national objectives as contained in federal and state
537 legislation;~~;~~

538 (3) The proposed project is not an eligible activity as
539 contained in the federal legislation;~~;~~

540 (4) The application is not consistent with the local
541 government's comprehensive plan adopted pursuant to s.
542 163.3184;~~;~~

543 (5) The applicant has an open community development block
544 grant, except as provided in s. 290.046(2)(b) and (c) and
545 department rules; ~~290.046(2)(c).~~

546 (6) The local government is not in compliance with the
547 citizen participation requirements prescribed in ss. 104(a)(1)
548 and (2) and 106(d)(5)(c) of Title I of the Housing and Community
549 Development Act of 1974, s. 290.046(4), 1984 and department
550 rules; ~~or;~~

551 (7) Any information provided in the application that
552 affects eligibility or scoring is found to have been
553 misrepresented, and the information is not a mathematical error
554 which may be discovered and corrected by readily computing
555 available numbers or formulas provided in the application.

556 Section 13. Subsection (5) of section 290.048, Florida
557 Statutes, is amended to read:

558 290.048 General powers of department under ss. 290.0401-
559 290.048.—The department has all the powers necessary or
560 appropriate to carry out the purposes and provisions of the
561 program, including the power to:

562 ~~(5) Adopt and enforce strict requirements concerning an~~



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563 ~~applicant's written description of a service area. Each such~~
564 ~~description shall contain maps which illustrate the location of~~
565 ~~the proposed service area. All such maps must be clearly legible~~
566 ~~and must:~~

567 ~~(a) Contain a scale which is clearly marked on the map.~~

568 ~~(b) Show the boundaries of the locality.~~

569 ~~(c) Show the boundaries of the service area where the~~
570 ~~activities will be concentrated.~~

571 ~~(d) Display the location of all proposed area activities.~~

572 ~~(e) Include the names of streets, route numbers, or easily~~
573 ~~identifiable landmarks where all service activities are located.~~

574 Section 14. Subsections (5) and (8) of section 331.3051,
575 Florida Statutes, are amended to read:

576 331.3051 Duties of Space Florida.—Space Florida shall:

577 (5) Consult with the Florida Tourism Industry Marketing
578 Corporation Enterprise Florida, Inc., in developing a space
579 tourism marketing plan. Space Florida and the Florida Tourism
580 Industry Marketing Corporation Enterprise Florida, Inc., may
581 enter into a mutually beneficial agreement that provides funding
582 to the corporation Enterprise Florida, Inc. for its services to
583 implement this subsection.

584 (8) Carry out its responsibility for research and
585 development by:

586 (a) Contracting for the operations of the state's Space
587 Life Sciences Laboratory.

588 (b) Working in collaboration with one or more public or
589 private universities and other public or private entities to
590 ~~develop a proposal for a Center of Excellence for Aerospace that~~
591 ~~will~~ foster and promote the research necessary to develop



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592 commercially promising, advanced, and innovative science and
593 technology and ~~will~~ transfer those discoveries to the commercial
594 sector. This may include developing a proposal to establish a
595 Center of Excellence for Aerospace.

596 (c) Supporting universities in this state that are members
597 of the Federal Aviation Administration's Center of Excellence
598 for Commercial Space Transportation to assure a safe,
599 environmentally compatible, and efficient commercial space
600 transportation system in this state.

601 Section 15. Subsection (26) of section 443.036, Florida
602 Statutes, is repealed.

603 Section 16. Paragraph (c) of subsection (1) of section
604 443.091, Florida Statutes, is amended to read:

605 443.091 Benefit eligibility conditions.—

606 (1) An unemployed individual is eligible to receive
607 benefits for any week only if the Department of Economic
608 Opportunity finds that:

609 (c) To make continued claims for benefits, she or he is
610 reporting to the department in accordance with this paragraph
611 and department rules, ~~and participating in an initial skills~~
612 ~~review, as directed by the department.~~ Department rules may not
613 conflict with s. 443.111(1)(b), which requires that each
614 claimant continue to report regardless of any pending appeal
615 relating to her or his eligibility or disqualification for
616 benefits.

617 1. For each week of unemployment claimed, each report must,
618 at a minimum, include the name, address, and telephone number of
619 each prospective employer contacted, or the date the claimant
620 reported to a one-stop career center, pursuant to paragraph (d).



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621 2. The department must offer an online assessment that
622 serves to identify an individual's skills, abilities, and career
623 aptitude. The skills assessment must be voluntary, and the
624 department must allow a claimant to choose whether to take the
625 skills assessment. The online assessment shall be made available
626 to any person seeking services from a regional workforce board
627 or a one-stop career center ~~The administrator or operator of the~~
628 ~~initial skills review shall notify the department when the~~
629 ~~individual completes the initial skills review and report the~~
630 ~~results of the review to the regional workforce board or the~~
631 ~~one-stop career center as directed by the workforce board. The~~
632 ~~department shall prescribe a numeric score on the initial skills~~
633 ~~review that demonstrates a minimal proficiency in workforce~~
634 ~~skills.~~

635 a. If the claimant chooses to take the online assessment,
636 the outcome of the assessment must be made available to the
637 claimant, regional workforce board, and one-stop career center.
638 The department, workforce board, or one-stop career center shall
639 use the assessment ~~initial skills review~~ to develop a plan for
640 referring individuals to training and employment opportunities.
641 Aggregate data on assessment outcomes may be made available to
642 Workforce Florida, Inc., and Enterprise Florida, Inc., for use
643 in the development of policies related to education and training
644 programs that will ensure that businesses in this state have
645 access to a skilled and competent workforce ~~The failure of the~~
646 ~~individual to comply with this requirement will result in the~~
647 ~~individual being determined ineligible for benefits for the week~~
648 ~~in which the noncompliance occurred and for any subsequent week~~
649 ~~of unemployment until the requirement is satisfied. However,~~



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650 ~~this requirement does not apply if the individual is exempt from~~
651 ~~the work registration requirement as set forth in paragraph (b).~~

652 ~~b.3. Individuals Any individual who falls below the minimal~~
653 ~~proficiency score prescribed by the department in subparagraph~~
654 ~~2. on the initial skills review shall be informed of and offered~~
655 ~~services through the one-stop delivery system, including career~~
656 ~~counseling, provision of skill match and job market information,~~
657 ~~and skills upgrade and other training opportunities, and shall~~
658 ~~be encouraged to participate in such services training at no~~
659 ~~cost to the individuals individual in order to improve his or~~
660 ~~her workforce skills to the minimal proficiency level.~~

661 ~~4. The department shall coordinate with Workforce Florida,~~
662 ~~Inc., the workforce boards, and the one-stop career centers to~~
663 ~~identify, develop, and use utilize best practices for improving~~
664 ~~the skills of individuals who choose to participate in skills~~
665 ~~upgrade and other training opportunities. The department may~~
666 ~~contract with an entity to create the online assessment in~~
667 ~~accordance with the competitive bidding requirements in s.~~
668 ~~287.057. The online assessment must work seamlessly with the~~
669 ~~Reemployment Assistance Claims and Benefits Information System~~
670 ~~and who have a minimal proficiency score below the score~~
671 ~~prescribed in subparagraph 2.~~

672 ~~5. The department, in coordination with Workforce Florida,~~
673 ~~Inc., the workforce boards, and the one-stop career centers,~~
674 ~~shall evaluate the use, effectiveness, and costs associated with~~
675 ~~the training prescribed in subparagraph 3. and report its~~
676 ~~findings and recommendations for training and the use of best~~
677 ~~practices to the Governor, the President of the Senate, and the~~
678 ~~Speaker of the House of Representatives by January 1, 2013.~~



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679 Section 17. Subsections (1), (2), and (5) of section
680 443.1116, Florida Statutes, are amended to read:

681 443.1116 Short-time compensation.—

682 (1) DEFINITIONS.—As used in this section, the term:

683 (a) "Affected unit" means a specified plant, department,
684 shift, or other definable unit of two or more employees
685 designated by the employer to participate in a short-time
686 compensation plan.

687 (b) "Employer-sponsored training" means a training
688 component sponsored by an employer to improve the skills of the
689 employer's workers.

690 (c)~~(b)~~ "Normal weekly hours of work" means the number of
691 hours in a week that an individual would regularly work for the
692 short-time compensation employer, not to exceed 40 hours,
693 excluding overtime.

694 (d)~~(e)~~ "Short-time compensation benefits" means benefits
695 payable to individuals in an affected unit under an approved
696 short-time compensation plan.

697 (e)~~(d)~~ "Short-time compensation employer" means an employer
698 with a short-time compensation plan in effect.

699 (f)~~(e)~~ "Short-time compensation plan" or "plan" means an
700 employer's written plan for reducing unemployment under which an
701 affected unit shares the work remaining after its normal weekly
702 hours of work are reduced.

703 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
704 wishing to participate in the short-time compensation program
705 must submit a signed, written, short-time plan to the Department
706 of Economic Opportunity for approval. The director or his or her
707 designee shall approve the plan if:



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708 (a) The plan applies to and identifies each specific
709 affected unit;

710 (b) The individuals in the affected unit are identified by
711 name and social security number;

712 (c) The normal weekly hours of work for individuals in the
713 affected unit are reduced by at least 10 percent and by not more
714 than 40 percent;

715 (d) The plan includes a certified statement by the employer
716 that the aggregate reduction in work hours is in lieu of
717 ~~temporary~~ layoffs that would affect at least 10 percent of the
718 employees in the affected unit and that would have resulted in
719 an equivalent reduction in work hours;

720 (e) The plan applies to at least 10 percent of the
721 employees in the affected unit;

722 (f) The plan is approved in writing by the collective
723 bargaining agent for each collective bargaining agreement
724 covering any individual in the affected unit;

725 (g) The plan does not serve as a subsidy to seasonal
726 employers during the off-season or as a subsidy to employers who
727 traditionally use part-time employees; ~~and~~

728 (h) The plan certifies that, if the employer provides
729 fringe benefits to any employee whose workweek is reduced under
730 the program, the fringe benefits will continue to be provided to
731 the employee participating in the short-time compensation
732 program under the same terms and conditions as though the
733 workweek of such employee had not been reduced or to the same
734 extent as other employees not participating in the short-time
735 compensation program ~~the manner in which the employer will treat~~
736 ~~fringe benefits of the individuals in the affected unit if the~~



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737 ~~hours of the individuals are reduced to less than their normal~~
738 ~~weekly hours of work.~~ As used in this paragraph, the term
739 "fringe benefits" includes, but is not limited to, health
740 insurance, retirement benefits under defined benefit pension
741 plans as defined in subsection 35 of s. 1002 of the Employee
742 Retirement Income Security Act of 1974, 29 U.S.C., contributions
743 under a defined contribution plan as defined in s. 414(i) of the
744 Internal Revenue Code, paid vacation and holidays, and sick
745 leave;:-

746 (i) The plan describes the manner in which the requirements
747 of this subsection will be implemented, including a plan for
748 giving notice, if feasible, to an employee whose workweek is to
749 be reduced, together with an estimate of the number of layoffs
750 that would have occurred absent the ability to participate in
751 short-time compensation; and

752 (j) The terms of the employer's written plan and
753 implementation are consistent with employer obligations under
754 applicable federal laws and laws of this state.

755 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
756 BENEFITS.-

757 (a) Except as provided in this subsection, an individual is
758 eligible to receive short-time compensation benefits for any
759 week only if she or he complies with this chapter and the
760 Department of Economic Opportunity finds that:

761 1. The individual is employed as a member of an affected
762 unit in an approved plan that was approved before the week and
763 is in effect for the week;

764 2. The individual is able to work and is available for
765 additional hours of work or for full-time work with the short-



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766 time employer; and

767 3. The normal weekly hours of work of the individual are
768 reduced by at least 10 percent but not by more than 40 percent,
769 with a corresponding reduction in wages.

770 (b) The department may not deny short-time compensation
771 benefits to an individual who is otherwise eligible for these
772 benefits for any week by reason of the application of any
773 provision of this chapter relating to availability for work,
774 active search for work, or refusal to apply for or accept work
775 from other than the short-time compensation employer of that
776 individual.

777 (c) The department may not deny short-time compensation
778 benefits to an individual who is otherwise eligible for these
779 benefits for any week because such individual is participating
780 in an employer-sponsored training or a training under the
781 Workforce Investment Act to improve job skills when the training
782 is approved by the department.

783 (d) ~~(e)~~ Notwithstanding any other provision of this chapter,
784 an individual is deemed unemployed in any week for which
785 compensation is payable to her or him, as an employee in an
786 affected unit, for less than her or his normal weekly hours of
787 work in accordance with an approved short-time compensation plan
788 in effect for the week.

789 Section 18. Paragraph (f) of subsection (1) of section
790 443.141, Florida Statutes, is amended to read:

791 443.141 Collection of contributions and reimbursements.—

792 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
793 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

794 (f) *Payments for 2012, 2013, and 2014 contributions.*—For an



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795 annual administrative fee not to exceed \$5, a contributing
796 employer may pay its quarterly contributions due for wages paid
797 in the first three quarters of each year ~~of 2012, 2013, and 2014~~
798 in equal installments if those contributions are paid as
799 follows:

800 1. For contributions due for wages paid in the first
801 quarter of each year, one-fourth of the contributions due must
802 be paid on or before April 30, one-fourth must be paid on or
803 before July 31, one-fourth must be paid on or before October 31,
804 and one-fourth must be paid on or before December 31.

805 2. In addition to the payments specified in subparagraph
806 1., for contributions due for wages paid in the second quarter
807 of each year, one-third of the contributions due must be paid on
808 or before July 31, one-third must be paid on or before October
809 31, and one-third must be paid on or before December 31.

810 3. In addition to the payments specified in subparagraphs
811 1. and 2., for contributions due for wages paid in the third
812 quarter of each year, one-half of the contributions due must be
813 paid on or before October 31, and one-half must be paid on or
814 before December 31.

815 4. The annual administrative fee assessed for electing to
816 pay under the installment method shall be collected at the time
817 the employer makes the first installment payment each year. The
818 fee shall be segregated from the payment and deposited into the
819 Operating Trust Fund of the Department of Revenue.

820 5. Interest does not accrue on any contribution that
821 becomes due for wages paid in the first three quarters of each
822 year if the employer pays the contribution in accordance with
823 subparagraphs 1.-4. Interest and fees continue to accrue on



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824 prior delinquent contributions and commence accruing on all
825 contributions due for wages paid in the first three quarters of
826 each year which are not paid in accordance with subparagraphs
827 1.-3. Penalties may be assessed in accordance with this chapter.
828 The contributions due for wages paid in the fourth quarter ~~of~~
829 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are
830 due and payable in accordance with this chapter.

831 Section 19. Paragraph (a) of subsection (2) of section
832 443.151, Florida Statutes, is amended to read:

833 443.151 Procedure concerning claims.—

834 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
835 CLAIMANTS AND EMPLOYERS.—

836 (a) *In general.*—Initial and continued claims for benefits
837 must be made by approved electronic or alternate means and in
838 accordance with rules adopted by the Department of Economic
839 Opportunity. The department shall provide alternative means,
840 such as by telephone, for filing initial and continued claims if
841 the department determines access to the approved electronic
842 means is or will be unavailable and also must provide public
843 notice of such unavailability. The department must notify
844 claimants and employers regarding monetary and nonmonetary
845 determinations of eligibility. Investigations of issues raised
846 in connection with a claimant which may affect a claimant's
847 eligibility for benefits or charges to an employer's employment
848 record shall be conducted by the department through written,
849 telephonic, or electronic means as prescribed by rule.

850 Section 20. Subsection (1) of section 125.271, Florida
851 Statutes, is amended to read:

852 125.271 Emergency medical services; county emergency



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853 medical service assessments.-

854 (1) As used in this section, the term "county" means:

855 (a) A county that is within a rural area of opportunity
856 ~~critical economic concern~~ as designated by the Governor pursuant
857 to s. 288.0656;

858 (b) A small county having a population of 75,000 or fewer
859 on the effective date of this act which has levied at least 10
860 mills of ad valorem tax for the previous fiscal year; or

861 (c) A county that adopted an ordinance authorizing the
862 imposition of an assessment for emergency medical services prior
863 to January 1, 2002.

864

865 Once a county has qualified under this subsection, it always
866 retains the qualification.

867 Section 21. Paragraphs (a), (b), and (e) of subsection (7)
868 of section 163.3177, Florida Statutes, are amended to read:

869 163.3177 Required and optional elements of comprehensive
870 plan; studies and surveys.-

871 (7) (a) The Legislature finds that:

872 1. There are a number of rural agricultural industrial
873 centers in the state that process, produce, or aid in the
874 production or distribution of a variety of agriculturally based
875 products, including, but not limited to, fruits, vegetables,
876 timber, and other crops, and juices, paper, and building
877 materials. Rural agricultural industrial centers have a
878 significant amount of existing associated infrastructure that is
879 used for processing, producing, or distributing agricultural
880 products.

881 2. Such rural agricultural industrial centers are often



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882 located within or near communities in which the economy is
883 largely dependent upon agriculture and agriculturally based
884 products. The centers significantly enhance the economy of such
885 communities. However, these agriculturally based communities are
886 often socioeconomically challenged and designated as rural areas
887 of opportunity ~~critical economic concern~~. If such rural
888 agricultural industrial centers are lost and not replaced with
889 other job-creating enterprises, the agriculturally based
890 communities will lose a substantial amount of their economies.

891 3. The state has a compelling interest in preserving the
892 viability of agriculture and protecting rural agricultural
893 communities and the state from the economic upheaval that would
894 result from short-term or long-term adverse changes in the
895 agricultural economy. To protect these communities and promote
896 viable agriculture for the long term, it is essential to
897 encourage and permit diversification of existing rural
898 agricultural industrial centers by providing for jobs that are
899 not solely dependent upon, but are compatible with and
900 complement, existing agricultural industrial operations and to
901 encourage the creation and expansion of industries that use
902 agricultural products in innovative ways. However, the expansion
903 and diversification of these existing centers must be
904 accomplished in a manner that does not promote urban sprawl into
905 surrounding agricultural and rural areas.

906 (b) As used in this subsection, the term "rural
907 agricultural industrial center" means a developed parcel of land
908 in an unincorporated area on which there exists an operating
909 agricultural industrial facility or facilities that employ at
910 least 200 full-time employees in the aggregate and process and



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911 prepare for transport a farm product, as defined in s. 163.3162,
912 or any biomass material that could be used, directly or
913 indirectly, for the production of fuel, renewable energy,
914 bioenergy, or alternative fuel as defined by law. The center may
915 also include land contiguous to the facility site which is not
916 used for the cultivation of crops, but on which other existing
917 activities essential to the operation of such facility or
918 facilities are located or conducted. The parcel of land must be
919 located within, or within 10 miles of, a rural area of
920 opportunity critical economic concern.

921 (e) ~~Nothing in~~ This subsection does not ~~shall be construed~~
922 ~~to~~ confer the status of rural area of opportunity critical
923 ~~economic concern~~, or any of the rights or benefits derived from
924 such status, on any land area not otherwise designated as such
925 pursuant to s. 288.0656(7).

926 Section 22. Subsection (3) of section 163.3187, Florida
927 Statutes, is amended to read:

928 163.3187 Process for adoption of small-scale comprehensive
929 plan amendment.—

930 (3) If the small scale development amendment involves a
931 site within a rural area of opportunity critical economic
932 ~~concern~~ as defined under s. 288.0656(2) (d) for the duration of
933 such designation, the 10-acre limit listed in subsection (1)
934 shall be increased by 100 percent to 20 acres. The local
935 government approving the small scale plan amendment shall
936 certify to the Office of Tourism, Trade, and Economic
937 Development that the plan amendment furthers the economic
938 objectives set forth in the executive order issued under s.
939 288.0656(7), and the property subject to the plan amendment



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940 shall undergo public review to ensure that all concurrency
941 requirements and federal, state, and local environmental permit
942 requirements are met.

943 Section 23. Subsection (10) of section 163.3246, Florida
944 Statutes, is amended to read:

945 163.3246 Local government comprehensive planning
946 certification program.-

947 (10) Notwithstanding subsections (2), (4), (5), (6), and
948 (7), any municipality designated as a rural area of opportunity
949 ~~critical economic concern~~ pursuant to s. 288.0656 which is
950 located within a county eligible to levy the Small County Surtax
951 under s. 212.055(3) shall be considered certified during the
952 effectiveness of the designation of rural area of opportunity
953 ~~critical economic concern~~. The state land planning agency shall
954 provide a written notice of certification to the local
955 government of the certified area, which shall be considered
956 final agency action subject to challenge under s. 120.569. The
957 notice of certification shall include the following components:

958 (a) The boundary of the certification area.

959 (b) A requirement that the local government submit ~~either~~
960 an annual or biennial monitoring report to the state land
961 planning agency according to the schedule provided in the
962 written notice. The monitoring report shall, at a minimum,
963 include the number of amendments to the comprehensive plan
964 adopted by the local government, the number of plan amendments
965 challenged by an affected person, and the disposition of those
966 challenges.

967 Section 24. Paragraph (a) of subsection (6) of section
968 211.3103, Florida Statutes, is amended to read:



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969 211.3103 Levy of tax on severance of phosphate rock; rate,
970 basis, and distribution of tax.—

971 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the
972 proceeds of all taxes, interest, and penalties imposed under
973 this section are exempt from the general revenue service charge
974 provided in s. 215.20, and such proceeds shall be paid into the
975 State Treasury as follows:

976 1. To the credit of the Conservation and Recreation Lands
977 Trust Fund, 25.5 percent.

978 2. To the credit of the General Revenue Fund of the state,
979 35.7 percent.

980 3. For payment to counties in proportion to the number of
981 tons of phosphate rock produced from a phosphate rock matrix
982 located within such political boundary, 12.8 percent. The
983 department shall distribute this portion of the proceeds
984 annually based on production information reported by the
985 producers on the annual returns for the taxable year. Any such
986 proceeds received by a county shall be used only for phosphate-
987 related expenses.

988 4. For payment to counties that have been designated as a
989 rural area of opportunity ~~critical economic concern~~ pursuant to
990 s. 288.0656 in proportion to the number of tons of phosphate
991 rock produced from a phosphate rock matrix located within such
992 political boundary, 10.0 percent. The department shall
993 distribute this portion of the proceeds annually based on
994 production information reported by the producers on the annual
995 returns for the taxable year. Payments under this subparagraph
996 shall be made to the counties unless the Legislature by special
997 act creates a local authority to promote and direct the economic



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998 development of the county. If such authority exists, payments
999 shall be made to that authority.

1000 5. To the credit of the Nonmandatory Land Reclamation Trust
1001 Fund, 6.2 percent.

1002 6. To the credit of the Phosphate Research Trust Fund in
1003 the Division of Universities of the Department of Education, 6.2
1004 percent.

1005 7. To the credit of the Minerals Trust Fund, 3.6 percent.

1006 Section 25. Paragraph (c) of subsection (1) of section
1007 212.098, Florida Statutes, is amended to read:

1008 212.098 Rural Job Tax Credit Program.—

1009 (1) As used in this section, the term:

1010 (c) "Qualified area" means any area that is contained
1011 within a rural area of opportunity ~~critical economic concern~~
1012 designated under s. 288.0656, a county that has a population of
1013 fewer than 75,000 persons, or a county that has a population of
1014 125,000 or less and is contiguous to a county that has a
1015 population of less than 75,000, selected in the following
1016 manner: every third year, the Department of Economic Opportunity
1017 shall rank and tier the state's counties according to the
1018 following four factors:

1019 1. Highest unemployment rate for the most recent 36-month
1020 period.

1021 2. Lowest per capita income for the most recent 36-month
1022 period.

1023 3. Highest percentage of residents whose incomes are below
1024 the poverty level, based upon the most recent data available.

1025 4. Average weekly manufacturing wage, based upon the most
1026 recent data available.



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1027 Section 26. Subsection (1) of section 218.67, Florida
1028 Statutes, is amended to read:

1029 218.67 Distribution for fiscally constrained counties.—

1030 (1) Each county that is entirely within a rural area of
1031 opportunity ~~critical economic concern~~ as designated by the
1032 Governor pursuant to s. 288.0656 or each county for which the
1033 value of a mill will raise no more than \$5 million in revenue,
1034 based on the taxable value certified pursuant to s.
1035 1011.62(4)(a)1.a., from the previous July 1, shall be considered
1036 a fiscally constrained county.

1037 Section 27. Subsection (1) of section 288.018, Florida
1038 Statutes, is amended to read:

1039 288.018 Regional Rural Development Grants Program.—

1040 (1) The department shall establish a matching grant program
1041 to provide funding to regionally based economic development
1042 organizations representing rural counties and communities for
1043 the purpose of building the professional capacity of their
1044 organizations. Such matching grants may also be used by an
1045 economic development organization to provide technical
1046 assistance to businesses within the rural counties and
1047 communities that it serves. The department is authorized to
1048 approve, on an annual basis, grants to such regionally based
1049 economic development organizations. The maximum amount an
1050 organization may receive in any year will be \$35,000, or
1051 \$100,000 in a rural area of opportunity ~~critical economic~~
1052 ~~concern~~ recommended by the Rural Economic Development Initiative
1053 and designated by the Governor, and must be matched each year by
1054 an equivalent amount of nonstate resources.

1055 Section 28. Paragraphs (a) and (c) of subsection (2) of



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1056 section 288.065, Florida Statutes, are amended to read:

1057 288.065 Rural Community Development Revolving Loan Fund.—

1058 (2) (a) The program shall provide for long-term loans, loan
1059 guarantees, and loan loss reserves to units of local
1060 governments, or economic development organizations substantially
1061 underwritten by a unit of local government, within counties with
1062 populations of 75,000 or fewer, or within any county with a
1063 population of 125,000 or fewer which is contiguous to a county
1064 with a population of 75,000 or fewer, based on the most recent
1065 official population estimate as determined under s. 186.901,
1066 including those residing in incorporated areas and those
1067 residing in unincorporated areas of the county, or to units of
1068 local government, or economic development organizations
1069 substantially underwritten by a unit of local government, within
1070 a rural area of opportunity ~~critical economic concern~~.

1071 (c) All repayments of principal and interest shall be
1072 returned to the loan fund and made available for loans to other
1073 applicants. However, in a rural area of opportunity ~~critical~~
1074 ~~economic concern~~ designated by the Governor, and upon approval
1075 by the department, repayments of principal and interest may be
1076 retained by the applicant if such repayments are dedicated and
1077 matched to fund regionally based economic development
1078 organizations representing the rural area of opportunity
1079 ~~critical economic concern~~.

1080 Section 29. Paragraphs (b), (c), and (e) of subsection (2)
1081 of section 288.0655, Florida Statutes, are amended to read:

1082 288.0655 Rural Infrastructure Fund.—

1083 (2)

1084 (b) To facilitate access of rural communities and rural



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1085 areas of opportunity ~~critical economic concern~~ as defined by the
1086 Rural Economic Development Initiative to infrastructure funding
1087 programs of the Federal Government, such as those offered by the
1088 United States Department of Agriculture and the United States
1089 Department of Commerce, and state programs, including those
1090 offered by Rural Economic Development Initiative agencies, and
1091 to facilitate local government or private infrastructure funding
1092 efforts, the department may award grants for up to 30 percent of
1093 the total infrastructure project cost. If an application for
1094 funding is for a catalyst site, as defined in s. 288.0656, the
1095 department may award grants for up to 40 percent of the total
1096 infrastructure project cost. Eligible projects must be related
1097 to specific job-creation or job-retention opportunities.
1098 Eligible projects may also include improving any inadequate
1099 infrastructure that has resulted in regulatory action that
1100 prohibits economic or community growth or reducing the costs to
1101 community users of proposed infrastructure improvements that
1102 exceed such costs in comparable communities. Eligible uses of
1103 funds shall include improvements to public infrastructure for
1104 industrial or commercial sites and upgrades to or development of
1105 public tourism infrastructure. Authorized infrastructure may
1106 include the following public or public-private partnership
1107 facilities: storm water systems; telecommunications facilities;
1108 broadband facilities; roads or other remedies to transportation
1109 impediments; nature-based tourism facilities; or other physical
1110 requirements necessary to facilitate tourism, trade, and
1111 economic development activities in the community. Authorized
1112 infrastructure may also include publicly or privately owned
1113 self-powered nature-based tourism facilities, publicly owned



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1114 telecommunications facilities, and broadband facilities, and
1115 additions to the distribution facilities of the existing natural
1116 gas utility as defined in s. 366.04(3)(c), the existing electric
1117 utility as defined in s. 366.02, or the existing water or
1118 wastewater utility as defined in s. 367.021(12), or any other
1119 existing water or wastewater facility, which owns a gas or
1120 electric distribution system or a water or wastewater system in
1121 this state where:

1122 1. A contribution-in-aid of construction is required to
1123 serve public or public-private partnership facilities under the
1124 tariffs of any natural gas, electric, water, or wastewater
1125 utility as defined herein; and

1126 2. Such utilities as defined herein are willing and able to
1127 provide such service.

1128 (c) To facilitate timely response and induce the location
1129 or expansion of specific job creating opportunities, the
1130 department may award grants for infrastructure feasibility
1131 studies, design and engineering activities, or other
1132 infrastructure planning and preparation activities. Authorized
1133 grants shall be up to \$50,000 for an employment project with a
1134 business committed to create at least 100 jobs; up to \$150,000
1135 for an employment project with a business committed to create at
1136 least 300 jobs; and up to \$300,000 for a project in a rural area
1137 of opportunity ~~critical economic concern~~. Grants awarded under
1138 this paragraph may be used in conjunction with grants awarded
1139 under paragraph (b), provided that the total amount of both
1140 grants does not exceed 30 percent of the total project cost. In
1141 evaluating applications under this paragraph, the department
1142 shall consider the extent to which the application seeks to



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1143 minimize administrative and consultant expenses.

1144 (e) To enable local governments to access the resources
1145 available pursuant to s. 403.973(18), the department may award
1146 grants for surveys, feasibility studies, and other activities
1147 related to the identification and preclearance review of land
1148 which is suitable for preclearance review. Authorized grants
1149 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
1150 in the case of a project in a rural area of opportunity ~~critical~~
1151 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed
1152 \$300,000. Any funds awarded under this paragraph must be matched
1153 at a level of 50 percent with local funds, except that any funds
1154 awarded for a project in a rural area of opportunity ~~critical~~
1155 ~~economic concern~~ must be matched at a level of 33 percent with
1156 local funds. If an application for funding is for a catalyst
1157 site, as defined in s. 288.0656, the requirement for local match
1158 may be waived pursuant to the process in s. 288.06561. In
1159 evaluating applications under this paragraph, the department
1160 shall consider the extent to which the application seeks to
1161 minimize administrative and consultant expenses.

1162 Section 30. Paragraphs (a), (b), and (d) of subsection (2)
1163 and subsection (7) of section 288.0656, Florida Statutes, are
1164 amended to read:

1165 288.0656 Rural Economic Development Initiative.—

1166 (2) As used in this section, the term:

1167 (a) "Catalyst project" means a business locating or
1168 expanding in a rural area of opportunity ~~critical economic~~
1169 ~~concern~~ to serve as an economic generator of regional
1170 significance for the growth of a regional target industry
1171 cluster. The project must provide capital investment on a scale



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1172 significant enough to affect the entire region and result in the
1173 development of high-wage and high-skill jobs.

1174 (b) "Catalyst site" means a parcel or parcels of land
1175 within a rural area of opportunity ~~critical economic concern~~
1176 that has been prioritized as a geographic site for economic
1177 development through partnerships with state, regional, and local
1178 organizations. The site must be reviewed by REDI and approved by
1179 the department for the purposes of locating a catalyst project.

1180 (d) "Rural area of opportunity ~~critical economic concern~~"
1181 means a rural community, or a region composed of rural
1182 communities, designated by the Governor, which ~~that~~ has been
1183 adversely affected by an extraordinary economic event, severe or
1184 chronic distress, or a natural disaster or that presents a
1185 unique economic development opportunity of regional impact.

1186 (7) (a) REDI may recommend to the Governor up to three rural
1187 areas of opportunity ~~critical economic concern~~. The Governor may
1188 by executive order designate up to three rural areas of
1189 opportunity ~~critical economic concern~~ which will establish these
1190 areas as priority assignments for REDI as well as to allow the
1191 Governor, acting through REDI, to waive criteria, requirements,
1192 or similar provisions of any economic development incentive.
1193 Such incentives shall include, but are not ~~be~~ limited to, + the
1194 Qualified Target Industry Tax Refund Program under s. 288.106,
1195 the Quick Response Training Program under s. 288.047, the Quick
1196 Response Training Program for participants in the welfare
1197 transition program under s. 288.047(8), transportation projects
1198 under s. 339.2821, the brownfield redevelopment bonus refund
1199 under s. 288.107, and the rural job tax credit program under ss.
1200 212.098 and 220.1895.



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1201 (b) Designation as a rural area of opportunity critical
1202 ~~economic concern~~ under this subsection shall be contingent upon
1203 the execution of a memorandum of agreement among the department;
1204 the governing body of the county; and the governing bodies of
1205 any municipalities to be included within a rural area of
1206 opportunity critical ~~economic concern~~. Such agreement shall
1207 specify the terms and conditions of the designation, including,
1208 but not limited to, the duties and responsibilities of the
1209 county and any participating municipalities to take actions
1210 designed to facilitate the retention and expansion of existing
1211 businesses in the area, as well as the recruitment of new
1212 businesses to the area.

1213 (c) Each rural area of opportunity critical ~~economic~~
1214 ~~concern~~ may designate catalyst projects, provided that each
1215 catalyst project is specifically recommended by REDI, identified
1216 as a catalyst project by Enterprise Florida, Inc., and confirmed
1217 as a catalyst project by the department. All state agencies and
1218 departments shall use all available tools and resources to the
1219 extent permissible by law to promote the creation and
1220 development of each catalyst project and the development of
1221 catalyst sites.

1222 Section 31. Paragraph (a) of subsection (3) of section
1223 288.1088, Florida Statutes, is amended to read:

1224 288.1088 Quick Action Closing Fund.—

1225 (3) (a) The department and Enterprise Florida, Inc., shall
1226 jointly review applications pursuant to s. 288.061 and determine
1227 the eligibility of each project consistent with the criteria in
1228 subsection (2). Waiver of these criteria may be considered under
1229 the following criteria:



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- 1230 1. Based on extraordinary circumstances;
1231 2. In order to mitigate the impact of the conclusion of the
1232 space shuttle program; or
1233 3. In rural areas of opportunity ~~critical economic concern~~
1234 if the project would significantly benefit the local or regional
1235 economy.

1236 Section 32. Paragraphs (b), (c), and (d) of subsection (4)
1237 of section 288.1089, Florida Statutes, are amended to read:

1238 288.1089 Innovation Incentive Program.—

1239 (4) To qualify for review by the department, the applicant
1240 must, at a minimum, establish the following to the satisfaction
1241 of the department:

1242 (b) A research and development project must:

- 1243 1. Serve as a catalyst for an emerging or evolving
1244 technology cluster.
1245 2. Demonstrate a plan for significant higher education
1246 collaboration.
1247 3. Provide the state, at a minimum, a cumulative break-even
1248 economic benefit within a 20-year period.
1249 4. Be provided with a one-to-one match from the local
1250 community. The match requirement may be reduced or waived in
1251 rural areas of opportunity ~~critical economic concern~~ or reduced
1252 in rural areas, brownfield areas, and enterprise zones.

1253 (c) An innovation business project in this state, other
1254 than a research and development project, must:

- 1255 1.a. Result in the creation of at least 1,000 direct, new
1256 jobs at the business; or
1257 b. Result in the creation of at least 500 direct, new jobs
1258 if the project is located in a rural area, a brownfield area, or



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1259 an enterprise zone.

1260 2. Have an activity or product that is within an industry
1261 that is designated as a target industry business under s.
1262 288.106 or a designated sector under s. 288.108.

1263 3.a. Have a cumulative investment of at least \$500 million
1264 within a 5-year period; or

1265 b. Have a cumulative investment that exceeds \$250 million
1266 within a 10-year period if the project is located in a rural
1267 area, brownfield area, or an enterprise zone.

1268 4. Be provided with a one-to-one match from the local
1269 community. The match requirement may be reduced or waived in
1270 rural areas of opportunity ~~critical economic concern~~ or reduced
1271 in rural areas, brownfield areas, and enterprise zones.

1272 (d) For an alternative and renewable energy project in this
1273 state, the project must:

1274 1. Demonstrate a plan for significant collaboration with an
1275 institution of higher education;

1276 2. Provide the state, at a minimum, a cumulative break-even
1277 economic benefit within a 20-year period;

1278 3. Include matching funds provided by the applicant or
1279 other available sources. The match requirement may be reduced or
1280 waived in rural areas of opportunity ~~critical economic concern~~
1281 or reduced in rural areas, brownfield areas, and enterprise
1282 zones;

1283 4. Be located in this state; and

1284 5. Provide at least 35 direct, new jobs that pay an
1285 estimated annual average wage that equals at least 130 percent
1286 of the average private sector wage.

1287 Section 33. Paragraph (d) of subsection (6) of section



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1288 290.0055, Florida Statutes, is amended to read:
1289 290.0055 Local nominating procedure.—
1290 (6)
1291 (d)1. The governing body of a jurisdiction which has
1292 nominated an application for an enterprise zone that is at least
1293 15 square miles and less than 20 square miles and includes a
1294 portion of the state designated as a rural area of opportunity
1295 ~~critical economic concern~~ under s. 288.0656(7) may apply to the
1296 department to expand the boundary of the existing enterprise
1297 zone by not more than 3 square miles.
1298 2. The governing body of a jurisdiction which has nominated
1299 an application for an enterprise zone that is at least 20 square
1300 miles and includes a portion of the state designated as a rural
1301 area of opportunity ~~critical economic concern~~ under s.
1302 288.0656(7) may apply to the department to expand the boundary
1303 of the existing enterprise zone by not more than 5 square miles.
1304 3. An application to expand the boundary of an enterprise
1305 zone under this paragraph must be submitted by December 31,
1306 2013.
1307 4. Notwithstanding the area limitations specified in
1308 subsection (4), the department may approve the request for a
1309 boundary amendment if the area continues to satisfy the
1310 remaining requirements of this section.
1311 5. The department shall establish the initial effective
1312 date of an enterprise zone designated under this paragraph.
1313 Section 34. Paragraph (c) of subsection (4) of section
1314 339.2819, Florida Statutes, is amended to read:
1315 339.2819 Transportation Regional Incentive Program.—
1316 (4)



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1317 (c) The department shall give priority to projects that:
1318 1. Provide connectivity to the Strategic Intermodal System
1319 developed under s. 339.64.
1320 2. Support economic development and the movement of goods
1321 in rural areas of opportunity ~~critical economic concern~~
1322 designated under s. 288.0656(7).
1323 3. Are subject to a local ordinance that establishes
1324 corridor management techniques, including access management
1325 strategies, right-of-way acquisition and protection measures,
1326 appropriate land use strategies, zoning, and setback
1327 requirements for adjacent land uses.
1328 4. Improve connectivity between military installations and
1329 the Strategic Highway Network or the Strategic Rail Corridor
1330 Network.
1331
1332 The department shall also consider the extent to which local
1333 matching funds are available to be committed to the project.
1334 Section 35. Paragraph (b) of subsection (5) of section
1335 339.63, Florida Statutes, is amended to read:
1336 339.63 System facilities designated; additions and
1337 deletions.—
1338 (5)
1339 (b) A facility designated part of the Strategic Intermodal
1340 System pursuant to paragraph (a) that is within the jurisdiction
1341 of a local government that maintains a transportation
1342 concurrency system shall receive a waiver of transportation
1343 concurrency requirements applicable to Strategic Intermodal
1344 System facilities in order to accommodate any development at the
1345 facility which occurs pursuant to a building permit issued on or



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1346 before December 31, 2017, but only if such facility is located:

1347 1. Within an area designated pursuant to s. 288.0656(7) as
1348 a rural area of opportunity ~~critical economic concern~~;

1349 2. Within a rural enterprise zone as defined in s.
1350 290.004(5); or

1351 3. Within 15 miles of the boundary of a rural area of
1352 opportunity ~~critical economic concern~~ or a rural enterprise
1353 zone.

1354 Section 36. Paragraph (c) of subsection (3) of section
1355 373.4595, Florida Statutes, is amended to read:

1356 373.4595 Northern Everglades and Estuaries Protection
1357 Program.—

1358 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
1359 protection program for Lake Okeechobee that achieves phosphorus
1360 load reductions for Lake Okeechobee shall be immediately
1361 implemented as specified in this subsection. The program shall
1362 address the reduction of phosphorus loading to the lake from
1363 both internal and external sources. Phosphorus load reductions
1364 shall be achieved through a phased program of implementation.
1365 Initial implementation actions shall be technology-based, based
1366 upon a consideration of both the availability of appropriate
1367 technology and the cost of such technology, and shall include
1368 phosphorus reduction measures at both the source and the
1369 regional level. The initial phase of phosphorus load reductions
1370 shall be based upon the district's Technical Publication 81-2
1371 and the district's WOD program, with subsequent phases of
1372 phosphorus load reductions based upon the total maximum daily
1373 loads established in accordance with s. 403.067. In the
1374 development and administration of the Lake Okeechobee Watershed



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1375 Protection Program, the coordinating agencies shall maximize
1376 opportunities provided by federal cost-sharing programs and
1377 opportunities for partnerships with the private sector.

1378 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—

1379 The Lake Okeechobee Watershed Phosphorus Control Program is
1380 designed to be a multifaceted approach to reducing phosphorus
1381 loads by improving the management of phosphorus sources within
1382 the Lake Okeechobee watershed through implementation of
1383 regulations and best management practices, development and
1384 implementation of improved best management practices,
1385 improvement and restoration of the hydrologic function of
1386 natural and managed systems, and utilization of alternative
1387 technologies for nutrient reduction. The coordinating agencies
1388 shall facilitate the application of federal programs that offer
1389 opportunities for water quality treatment, including
1390 preservation, restoration, or creation of wetlands on
1391 agricultural lands.

1392 1. Agricultural nonpoint source best management practices,
1393 developed in accordance with s. 403.067 and designed to achieve
1394 the objectives of the Lake Okeechobee Watershed Protection
1395 Program, shall be implemented on an expedited basis. The
1396 coordinating agencies shall develop an interagency agreement
1397 pursuant to ss. 373.046 and 373.406(5) that assures the
1398 development of best management practices that complement
1399 existing regulatory programs and specifies how those best
1400 management practices are implemented and verified. The
1401 interagency agreement shall address measures to be taken by the
1402 coordinating agencies during any best management practice
1403 reevaluation performed pursuant to sub-subparagraph d. The



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1404 department shall use best professional judgment in making the
1405 initial determination of best management practice effectiveness.

1406 a. As provided in s. 403.067(7)(c), the Department of
1407 Agriculture and Consumer Services, in consultation with the
1408 department, the district, and affected parties, shall initiate
1409 rule development for interim measures, best management
1410 practices, conservation plans, nutrient management plans, or
1411 other measures necessary for Lake Okeechobee watershed total
1412 maximum daily load reduction. The rule shall include thresholds
1413 for requiring conservation and nutrient management plans and
1414 criteria for the contents of such plans. Development of
1415 agricultural nonpoint source best management practices shall
1416 initially focus on those priority basins listed in subparagraph
1417 (b)1. The Department of Agriculture and Consumer Services, in
1418 consultation with the department, the district, and affected
1419 parties, shall conduct an ongoing program for improvement of
1420 existing and development of new interim measures or best
1421 management practices for the purpose of adoption of such
1422 practices by rule. The Department of Agriculture and Consumer
1423 Services shall work with the University of Florida's Institute
1424 of Food and Agriculture Sciences to review and, where
1425 appropriate, develop revised nutrient application rates for all
1426 agricultural soil amendments in the watershed.

1427 b. Where agricultural nonpoint source best management
1428 practices or interim measures have been adopted by rule of the
1429 Department of Agriculture and Consumer Services, the owner or
1430 operator of an agricultural nonpoint source addressed by such
1431 rule shall either implement interim measures or best management
1432 practices or demonstrate compliance with the district's WOD



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1433 program by conducting monitoring prescribed by the department or
1434 the district. Owners or operators of agricultural nonpoint
1435 sources who implement interim measures or best management
1436 practices adopted by rule of the Department of Agriculture and
1437 Consumer Services shall be subject to the provisions of s.
1438 403.067(7). The Department of Agriculture and Consumer Services,
1439 in cooperation with the department and the district, shall
1440 provide technical and financial assistance for implementation of
1441 agricultural best management practices, subject to the
1442 availability of funds.

1443 c. The district or department shall conduct monitoring at
1444 representative sites to verify the effectiveness of agricultural
1445 nonpoint source best management practices.

1446 d. Where water quality problems are detected for
1447 agricultural nonpoint sources despite the appropriate
1448 implementation of adopted best management practices, the
1449 Department of Agriculture and Consumer Services, in consultation
1450 with the other coordinating agencies and affected parties, shall
1451 institute a reevaluation of the best management practices and
1452 make appropriate changes to the rule adopting best management
1453 practices.

1454 2. Nonagricultural nonpoint source best management
1455 practices, developed in accordance with s. 403.067 and designed
1456 to achieve the objectives of the Lake Okeechobee Watershed
1457 Protection Program, shall be implemented on an expedited basis.
1458 The department and the district shall develop an interagency
1459 agreement pursuant to ss. 373.046 and 373.406(5) that assures
1460 the development of best management practices that complement
1461 existing regulatory programs and specifies how those best



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1462 management practices are implemented and verified. The
1463 interagency agreement shall address measures to be taken by the
1464 department and the district during any best management practice
1465 reevaluation performed pursuant to sub-subparagraph d.

1466 a. The department and the district are directed to work
1467 with the University of Florida's Institute of Food and
1468 Agricultural Sciences to develop appropriate nutrient
1469 application rates for all nonagricultural soil amendments in the
1470 watershed. As provided in s. 403.067(7)(c), the department, in
1471 consultation with the district and affected parties, shall
1472 develop interim measures, best management practices, or other
1473 measures necessary for Lake Okeechobee watershed total maximum
1474 daily load reduction. Development of nonagricultural nonpoint
1475 source best management practices shall initially focus on those
1476 priority basins listed in subparagraph (b)1. The department, the
1477 district, and affected parties shall conduct an ongoing program
1478 for improvement of existing and development of new interim
1479 measures or best management practices. The district shall adopt
1480 technology-based standards under the district's WOD program for
1481 nonagricultural nonpoint sources of phosphorus. Nothing in this
1482 sub-subparagraph shall affect the authority of the department or
1483 the district to adopt basin-specific criteria under this part to
1484 prevent harm to the water resources of the district.

1485 b. Where nonagricultural nonpoint source best management
1486 practices or interim measures have been developed by the
1487 department and adopted by the district, the owner or operator of
1488 a nonagricultural nonpoint source shall implement interim
1489 measures or best management practices and be subject to the
1490 provisions of s. 403.067(7). The department and district shall



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1491 provide technical and financial assistance for implementation of
1492 nonagricultural nonpoint source best management practices,
1493 subject to the availability of funds.

1494 c. The district or the department shall conduct monitoring
1495 at representative sites to verify the effectiveness of
1496 nonagricultural nonpoint source best management practices.

1497 d. Where water quality problems are detected for
1498 nonagricultural nonpoint sources despite the appropriate
1499 implementation of adopted best management practices, the
1500 department and the district shall institute a reevaluation of
1501 the best management practices.

1502 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not
1503 preclude the department or the district from requiring
1504 compliance with water quality standards or with current best
1505 management practices requirements set forth in any applicable
1506 regulatory program authorized by law for the purpose of
1507 protecting water quality. Additionally, subparagraphs 1. and 2.
1508 are applicable only to the extent that they do not conflict with
1509 any rules adopted ~~promulgated~~ by the department that are
1510 necessary to maintain a federally delegated or approved program.

1511 4. Projects that reduce the phosphorus load originating
1512 from domestic wastewater systems within the Lake Okeechobee
1513 watershed shall be given funding priority in the department's
1514 revolving loan program under s. 403.1835. The department shall
1515 coordinate and provide assistance to those local governments
1516 seeking financial assistance for such priority projects.

1517 5. Projects that make use of private lands, or lands held
1518 in trust for Indian tribes, to reduce nutrient loadings or
1519 concentrations within a basin by one or more of the following



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1520 methods: restoring the natural hydrology of the basin, restoring
1521 wildlife habitat or impacted wetlands, reducing peak flows after
1522 storm events, increasing aquifer recharge, or protecting range
1523 and timberland from conversion to development, are eligible for
1524 grants available under this section from the coordinating
1525 agencies. For projects of otherwise equal priority, special
1526 funding priority will be given to those projects that make best
1527 use of the methods outlined above that involve public-private
1528 partnerships or that obtain federal match money. Preference
1529 ranking above the special funding priority will be given to
1530 projects located in a rural area of opportunity ~~critical~~
1531 ~~economic concern~~ designated by the Governor. Grant applications
1532 may be submitted by any person or tribal entity, and eligible
1533 projects may include, but are not limited to, the purchase of
1534 conservation and flowage easements, hydrologic restoration of
1535 wetlands, creating treatment wetlands, development of a
1536 management plan for natural resources, and financial support to
1537 implement a management plan.

1538 6.a. The department shall require all entities disposing of
1539 domestic wastewater residuals within the Lake Okeechobee
1540 watershed and the remaining areas of Okeechobee, Glades, and
1541 Hendry Counties to develop and submit to the department an
1542 agricultural use plan that limits applications based upon
1543 phosphorus loading. By July 1, 2005, phosphorus concentrations
1544 originating from these application sites may ~~shall~~ not exceed
1545 the limits established in the district's WOD program. After
1546 December 31, 2007, the department may not authorize the disposal
1547 of domestic wastewater residuals within the Lake Okeechobee
1548 watershed unless the applicant can affirmatively demonstrate



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1549 that the phosphorus in the residuals will not add to phosphorus
1550 loadings in Lake Okeechobee or its tributaries. This
1551 demonstration shall be based on achieving a net balance between
1552 phosphorus imports relative to exports on the permitted
1553 application site. Exports shall include only phosphorus removed
1554 from the Lake Okeechobee watershed through products generated on
1555 the permitted application site. This prohibition does not apply
1556 to Class AA residuals that are marketed and distributed as
1557 fertilizer products in accordance with department rule.

1558 b. Private and government-owned utilities within Monroe,
1559 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1560 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1561 dispose of wastewater residual sludge from utility operations
1562 and septic removal by land spreading in the Lake Okeechobee
1563 watershed may use a line item on local sewer rates to cover
1564 wastewater residual treatment and disposal if such disposal and
1565 treatment is done by approved alternative treatment methodology
1566 at a facility located within the areas designated by the
1567 Governor as rural areas of opportunity ~~critical economic concern~~
1568 pursuant to s. 288.0656. This additional line item is an
1569 environmental protection disposal fee above the present sewer
1570 rate and may ~~shall~~ not be considered a part of the present sewer
1571 rate to customers, notwithstanding provisions to the contrary in
1572 chapter 367. The fee shall be established by the county
1573 commission or its designated assignee in the county in which the
1574 alternative method treatment facility is located. The fee shall
1575 be calculated to be no higher than that necessary to recover the
1576 facility's prudent cost of providing the service. Upon request
1577 by an affected county commission, the Florida Public Service



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1578 Commission will provide assistance in establishing the fee.
1579 Further, for utilities and utility authorities that use the
1580 additional line item environmental protection disposal fee, such
1581 fee may ~~shall~~ not be considered a rate increase under the rules
1582 of the Public Service Commission and shall be exempt from such
1583 rules. Utilities using the provisions of this section may
1584 immediately include in their sewer invoicing the new
1585 environmental protection disposal fee. Proceeds from this
1586 environmental protection disposal fee shall be used for
1587 treatment and disposal of wastewater residuals, including any
1588 treatment technology that helps reduce the volume of residuals
1589 that require final disposal, but such proceeds may ~~shall~~ not be
1590 used for transportation or shipment costs for disposal or any
1591 costs relating to the land application of residuals in the Lake
1592 Okeechobee watershed.

1593 c. No less frequently than once every 3 years, the Florida
1594 Public Service Commission or the county commission through the
1595 services of an independent auditor shall perform a financial
1596 audit of all facilities receiving compensation from an
1597 environmental protection disposal fee. The Florida Public
1598 Service Commission or the county commission through the services
1599 of an independent auditor shall also perform an audit of the
1600 methodology used in establishing the environmental protection
1601 disposal fee. The Florida Public Service Commission or the
1602 county commission shall, within 120 days after completion of an
1603 audit, file the audit report with the President of the Senate
1604 and the Speaker of the House of Representatives and shall
1605 provide copies to the county commissions of the counties set
1606 forth in sub-subparagraph b. The books and records of any



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1607 facilities receiving compensation from an environmental
1608 protection disposal fee shall be open to the Florida Public
1609 Service Commission and the Auditor General for review upon
1610 request.

1611 7. The Department of Health shall require all entities
1612 disposing of septage within the Lake Okeechobee watershed to
1613 develop and submit to that agency an agricultural use plan that
1614 limits applications based upon phosphorus loading. By July 1,
1615 2005, phosphorus concentrations originating from these
1616 application sites may ~~shall~~ not exceed the limits established in
1617 the district's WOD program.

1618 8. The Department of Agriculture and Consumer Services
1619 shall initiate rulemaking requiring entities within the Lake
1620 Okeechobee watershed which land-apply animal manure to develop
1621 resource management system level conservation plans, according
1622 to United States Department of Agriculture criteria, which limit
1623 such application. Such rules may include criteria and thresholds
1624 for the requirement to develop a conservation or nutrient
1625 management plan, requirements for plan approval, and
1626 recordkeeping requirements.

1627 9. The district, the department, or the Department of
1628 Agriculture and Consumer Services, as appropriate, shall
1629 implement those alternative nutrient reduction technologies
1630 determined to be feasible pursuant to subparagraph (d)6.

1631 Section 37. Paragraph (e) of subsection (2) and paragraph
1632 (b) of subsection (26) of section 380.06, Florida Statutes, are
1633 amended to read:

1634 380.06 Developments of regional impact.—

1635 (2) STATEWIDE GUIDELINES AND STANDARDS.—



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1636 (e) With respect to residential, hotel, motel, office, and
1637 retail developments, the applicable guidelines and standards
1638 shall be increased by 50 percent in urban central business
1639 districts and regional activity centers of jurisdictions whose
1640 local comprehensive plans are in compliance with part II of
1641 chapter 163. With respect to multiuse developments, the
1642 applicable individual use guidelines and standards for
1643 residential, hotel, motel, office, and retail developments and
1644 multiuse guidelines and standards shall be increased by 100
1645 percent in urban central business districts and regional
1646 activity centers of jurisdictions whose local comprehensive
1647 plans are in compliance with part II of chapter 163, if one land
1648 use of the multiuse development is residential and amounts to
1649 not less than 35 percent of the jurisdiction's applicable
1650 residential threshold. With respect to resort or convention
1651 hotel developments, the applicable guidelines and standards
1652 shall be increased by 150 percent in urban central business
1653 districts and regional activity centers of jurisdictions whose
1654 local comprehensive plans are in compliance with part II of
1655 chapter 163 and where the increase is specifically for a
1656 proposed resort or convention hotel located in a county with a
1657 population greater than 500,000 and the local government
1658 specifically designates that the proposed resort or convention
1659 hotel development will serve an existing convention center of
1660 more than 250,000 gross square feet built before ~~prior to~~ July
1661 1, 1992. The applicable guidelines and standards shall be
1662 increased by 150 percent for development in any area designated
1663 by the Governor as a rural area of opportunity ~~critical economic~~
1664 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the



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1665 designation.

1666 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1667 (b) Upon receipt of written confirmation from the state
1668 land planning agency that any required mitigation applicable to
1669 completed development has occurred, an industrial development of
1670 regional impact located within the coastal high-hazard area of a
1671 rural area of opportunity ~~county of economic concern~~ which was
1672 approved before ~~prior to~~ the adoption of the local government's
1673 comprehensive plan required under s. 163.3167 and which plan's
1674 future land use map and zoning designates the land use for the
1675 development of regional impact as commercial may be unilaterally
1676 abandoned without the need to proceed through the process
1677 described in paragraph (a) if the developer or owner provides a
1678 notice of abandonment to the local government and records such
1679 notice with the applicable clerk of court. Abandonment shall be
1680 deemed to have occurred upon the recording of the notice. All
1681 development following abandonment shall be fully consistent with
1682 the current comprehensive plan and applicable zoning.

1683 Section 38. Paragraph (g) of subsection (3) of section
1684 380.0651, Florida Statutes, is amended to read:

1685 380.0651 Statewide guidelines and standards.—

1686 (3) The following statewide guidelines and standards shall
1687 be applied in the manner described in s. 380.06(2) to determine
1688 whether the following developments shall be required to undergo
1689 development-of-regional-impact review:

1690 (g) *Residential development.*—A ~~No~~ rule may not be adopted
1691 concerning residential developments which treats a residential
1692 development in one county as being located in a less populated
1693 adjacent county unless more than 25 percent of the development



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1694 is located within 2 ~~or less~~ miles or less of the less populated
1695 adjacent county. The residential thresholds of adjacent counties
1696 with less population and a lower threshold may ~~shall~~ not be
1697 controlling on any development wholly located within areas
1698 designated as rural areas of opportunity ~~critical economic~~
1699 ~~concern~~.

1700 Section 39. Paragraph (b) of subsection (2) of section
1701 985.686, Florida Statutes, is amended to read:

1702 985.686 Shared county and state responsibility for juvenile
1703 detention.—

1704 (2) As used in this section, the term:

1705 (b) "Fiscally constrained county" means a county within a
1706 rural area of opportunity ~~critical economic concern~~ as
1707 designated by the Governor pursuant to s. 288.0656 or each
1708 county for which the value of a mill will raise no more than \$5
1709 million in revenue, based on the certified school taxable value
1710 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
1711 July 1.

1712 Section 40. Subsection (2) of section 1011.76, Florida
1713 Statutes, is amended to read:

1714 1011.76 Small School District Stabilization Program.—

1715 (2) In order to participate in this program, a school
1716 district must be located in a rural area of opportunity ~~critical~~
1717 ~~economic concern~~ designated by the Executive Office of the
1718 Governor, and the district school board must submit a resolution
1719 to the Department of Economic Opportunity requesting
1720 participation in the program. A rural area of opportunity
1721 ~~critical economic concern~~ must be a rural community, or a region
1722 composed of such, that has been adversely affected by an



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1723 extraordinary economic event or a natural disaster or that
1724 presents a unique economic development concern or opportunity of
1725 regional impact. The resolution must be accompanied by ~~with~~
1726 documentation of the economic conditions in the community and,
1727 provide information indicating the negative impact of these
1728 conditions on the school district's financial stability, and the
1729 school district must participate in a best financial management
1730 practices review to determine potential efficiencies that could
1731 be implemented to reduce program costs in the district.

1732 Section 41. Paragraph (a) of subsection (4) of section
1733 215.425, Florida Statutes, is amended to read:

1734 215.425 Extra compensation claims prohibited; bonuses;
1735 severance pay.—

1736 (4) (a) On or after July 1, 2011, a unit of government that
1737 enters into a contract or employment agreement, or renewal or
1738 renegotiation of an existing contract or employment agreement,
1739 that contains a provision for severance pay with an officer,
1740 agent, employee, or contractor must include the following
1741 provisions in the contract:

1742 1. A requirement that severance pay provided may not exceed
1743 an amount greater than 20 weeks of compensation.

1744 2. A prohibition of provision of severance pay when the
1745 officer, agent, employee, or contractor has been fired for
1746 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the
1747 unit of government.

1748 Section 42. Paragraph (f) of subsection (13) of section
1749 443.1216, Florida Statutes, is amended to read:

1750 443.1216 Employment.—Employment, as defined in s. 443.036,
1751 is subject to this chapter under the following conditions:



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1752 (13) The following are exempt from coverage under this
1753 chapter:

1754 (f) Service performed in the employ of a public employer as
1755 defined in s. 443.036, except as provided in subsection (2), and
1756 service performed in the employ of an instrumentality of a
1757 public employer as described in s. 443.036(35) (b) or (c) ~~s.~~
1758 ~~443.036(36) (b) or (c)~~, to the extent that the instrumentality is
1759 immune under the United States Constitution from the tax imposed
1760 by s. 3301 of the Internal Revenue Code for that service.

1761 Section 43. This act shall take effect July 1, 2014.

1762 ===== T I T L E A M E N D M E N T =====

1763 And the title is amended as follows:

1764 Delete everything before the enacting clause
1765 and insert:

1766 A bill to be entitled
1767 An act relating to economic development; amending s.
1768 163.3202, F.S.; requiring each county and municipality
1769 to adopt and enforce land development regulations in
1770 accordance with the submitted comprehensive plan;
1771 amending s. 288.0001, F.S.; requiring an analysis of
1772 the New Markets Development Program in the Economic
1773 Development Programs Evaluation; amending s. 288.005,
1774 F.S.; defining terms; creating s. 288.006, F.S.;
1775 providing requirements for loan programs relating to
1776 accountability and proper stewardship of funds;
1777 authorizing the Auditor General to conduct audits for
1778 a specified purpose; authorizing the department to
1779 adopt rules; amending s. 288.8013, F.S.; clarifying
1780 that the Auditor General's annual audit of the



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1781 Recovery Fund and Triumph Gulf Coast, Inc., is a
1782 performance audit; amending s. 288.8014, F.S.;

1783 providing that terms of the initial appointments to
1784 the board of directors of Triumph Gulf Coast, Inc.,
1785 begin after the Legislature appropriates funds to the
1786 Recovery Fund; providing initial appointment term
1787 limits; providing that the audit by the retained
1788 independent certified public accountant is annual;

1789 amending s. 288.987, F.S.; increasing the amount of
1790 funds that may be spent on staffing and administrative
1791 expenses of the Florida Defense Support Task Force;

1792 amending s. 290.0411, F.S.; revising legislative
1793 intent for purposes of the Florida Small Cities
1794 Community Development Block Grant Program; amending s.
1795 290.044, F.S.; requiring the Department of Economic
1796 Opportunity to adopt rules establishing a competitive
1797 selection process for loan guarantees and grants
1798 awarded under the block grant program; revising the
1799 criteria for the award of grants; amending s. 290.046,
1800 F.S.; revising limits on the number of grants that an
1801 applicant may apply for and receive; revising the
1802 requirement that the department conduct a site visit
1803 before awarding a grant; requiring the department to
1804 rank applications according to criteria established by
1805 rule and to distribute funds according to the
1806 rankings; revising scoring factors to consider in
1807 ranking applications; revising requirements for public
1808 hearings; providing that the creation of a citizen
1809 advisory task force is discretionary, rather than



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1810 required; deleting a requirement that a local
1811 government obtain consent from the department for an
1812 alternative citizen participation plan; amending s.
1813 290.047, F.S.; revising the maximum amount and
1814 percentage of block grant funds that may be spent on
1815 certain costs and expenses; amending s. 290.0475,
1816 F.S.; conforming provisions to changes made by the
1817 act; amending s. 290.048, F.S.; deleting a provision
1818 authorizing the department to adopt and enforce strict
1819 requirements concerning an applicant's written
1820 description of a service area; amending s. 331.3051,
1821 F.S.; requiring Space Florida to consult with the
1822 Florida Tourism Industry Marketing Corporation, rather
1823 than with Enterprise Florida, Inc., in developing a
1824 space tourism marketing plan; authorizing Space
1825 Florida to enter into an agreement with the
1826 corporation, rather than with Enterprise Florida,
1827 Inc., for a specified purpose; revising the research
1828 and development duties of Space Florida; repealing s.
1829 443.036(26), F.S., relating to the definition of the
1830 term "initial skills review"; amending s. 443.091,
1831 F.S.; deleting the requirement that an unemployed
1832 individual take an initial skill review before he or
1833 she is eligible to receive reemployment assistance
1834 benefits; requiring the department to make available
1835 for such individual a voluntary online assessment that
1836 identifies an individual's skills, abilities, and
1837 career aptitude; requiring information from such
1838 assessment to be made available to certain groups;



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1839 revising the requirement that the department offer
1840 certain training opportunities; amending s. 443.1116,
1841 F.S.; defining the term "employer sponsored training";
1842 revising the requirements for a short-term
1843 compensation plan to be approved by the department;
1844 revising the treatment of fringe benefits in such
1845 plan; requiring an employer to describe the manner in
1846 which the employer will implement the plan; requiring
1847 the director to approve the plan if it is consistent
1848 with employer obligations under law; prohibiting the
1849 department from denying short-time compensation
1850 benefits to certain individuals; amending s. 443.141,
1851 F.S.; providing an employer payment schedule for
1852 specified years' contributions to the Unemployment
1853 Compensation Trust Fund; providing applicability;
1854 amending s. 443.151, F.S.; requiring the department to
1855 provide an alternate means for filing claims when the
1856 approved electronic method is unavailable; amending
1857 ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103,
1858 212.098, 218.67, 288.018, 288.065, 288.0655, 288.0656,
1859 288.1088, 288.1089, 290.0055, 339.2819, 339.63,
1860 373.4595, 380.06, 380.0651, 985.686, and 1011.76,
1861 F.S.; renaming "rural areas of critical economic
1862 concern" as "rural areas of opportunity"; amending ss.
1863 215.425 and 443.1216, F.S.; conforming cross-
1864 references to changes made by the act; providing an
1865 effective date.