

By the Committees on Appropriations; Military and Veterans Affairs, Space, and Domestic Security; and Commerce and Tourism

576-04529A-14

20141634c2

1 A bill to be entitled
2 An act relating to the Department of Economic
3 Opportunity; amending s. 163.3202, F.S.; requiring
4 each county and municipality to adopt and enforce land
5 development regulations in accordance with the
6 submitted comprehensive plan; amending s. 288.0001,
7 F.S.; requiring an analysis of the New Markets
8 Development Program in the Economic Development
9 Programs Evaluation; amending s. 288.005, F.S.;
10 defining terms; creating s. 288.006, F.S.; providing
11 requirements for loan programs relating to
12 accountability and proper stewardship of funds;
13 authorizing the Auditor General to conduct audits for
14 a specified purpose; authorizing the department to
15 adopt rules; amending s. 288.8013, F.S.; clarifying
16 that the Auditor General's annual audit of the
17 Recovery Fund and Triumph Gulf Coast, Inc., is a
18 performance audit; amending s. 288.8014, F.S.;
19 providing that terms of the initial appointments to
20 the board of directors of Triumph Gulf Coast, Inc.,
21 begin after the Legislature appropriates funds to the
22 Recovery Fund; providing initial appointment term
23 limits; providing that the audit by the retained
24 independent certified public accountant is annual;
25 amending s. 288.987, F.S.; increasing the amount of
26 funds that may be spent on staffing and administrative
27 expenses of the Florida Defense Support Task Force;
28 amending s. 290.0411, F.S.; revising legislative
29 intent for purposes of the Florida Small Cities

576-04529A-14

20141634c2

30 Community Development Block Grant Program; amending s.
31 290.044, F.S.; requiring the Department of Economic
32 Opportunity to adopt rules establishing a competitive
33 selection process for loan guarantees and grants
34 awarded under the block grant program; revising the
35 criteria for the award of grants; amending s. 290.046,
36 F.S.; revising limits on the number of grants that an
37 applicant may apply for and receive; revising the
38 requirement that the department conduct a site visit
39 before awarding a grant; requiring the department to
40 rank applications according to criteria established by
41 rule and to distribute funds according to the
42 rankings; revising scoring factors to consider in
43 ranking applications; revising requirements for public
44 hearings; providing that the creation of a citizen
45 advisory task force is discretionary, rather than
46 required; deleting a requirement that a local
47 government obtain consent from the department for an
48 alternative citizen participation plan; amending s.
49 290.047, F.S.; revising the maximum amount and
50 percentage of block grant funds that may be spent on
51 certain costs and expenses; amending s. 290.0475,
52 F.S.; conforming provisions to changes made by the
53 act; amending s. 290.048, F.S.; deleting a provision
54 authorizing the department to adopt and enforce strict
55 requirements concerning an applicant's written
56 description of a service area; amending s. 331.3051,
57 F.S.; requiring Space Florida to consult with the
58 Florida Tourism Industry Marketing Corporation, rather

576-04529A-14

20141634c2

59 than with Enterprise Florida, Inc., in developing a
60 space tourism marketing plan; authorizing Space
61 Florida to enter into an agreement with the
62 corporation, rather than with Enterprise Florida,
63 Inc., for a specified purpose; revising the research
64 and development duties of Space Florida; repealing s.
65 443.036(26), F.S., relating to the definition of the
66 term "initial skills review"; amending s. 443.091,
67 F.S.; deleting the requirement that an unemployed
68 individual take an initial skill review before he or
69 she is eligible to receive reemployment assistance
70 benefits; requiring the department to make available
71 for such individual a voluntary online assessment that
72 identifies an individual's skills, abilities, and
73 career aptitude; requiring information from such
74 assessment to be made available to certain groups;
75 revising the requirement that the department offer
76 certain training opportunities; amending s. 443.1116,
77 F.S.; defining the term "employer sponsored training";
78 revising the requirements for a short-term
79 compensation plan to be approved by the department;
80 revising the treatment of fringe benefits in such
81 plan; requiring an employer to describe the manner in
82 which the employer will implement the plan; requiring
83 the director to approve the plan if it is consistent
84 with employer obligations under law; prohibiting the
85 department from denying short-time compensation
86 benefits to certain individuals; amending s. 443.141,
87 F.S.; providing an employer payment schedule for

576-04529A-14

20141634c2

88 specified years' contributions to the Unemployment
 89 Compensation Trust Fund; providing applicability;
 90 amending s. 443.151, F.S.; requiring the department to
 91 provide an alternate means for filing claims when the
 92 approved electronic method is unavailable; amending
 93 ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103,
 94 212.098, 218.67, 288.018, 288.065, 288.0655, 288.0656,
 95 288.1088, 288.1089, 290.0055, 339.2819, 339.63,
 96 373.4595, 380.06, 380.0651, 985.686, and 1011.76,
 97 F.S.; renaming "rural areas of critical economic
 98 concern" as "rural areas of opportunity"; amending ss.
 99 215.425 and 443.1216, F.S.; conforming cross-
 100 references to changes made by the act; providing an
 101 effective date.

102
 103 Be It Enacted by the Legislature of the State of Florida:

104
 105 Section 1. Subsection (1) of section 163.3202, Florida
 106 Statutes, is amended to read:

107 163.3202 Land development regulations.—

108 (1) Within 1 year after submission of its comprehensive
 109 plan or revised comprehensive plan for review pursuant to s.
 110 163.3191 ~~s. 163.3167(2)~~, each county and each municipality shall
 111 adopt or amend and enforce land development regulations that are
 112 consistent with and implement their adopted comprehensive plan.

113 Section 2. Paragraph (a) of subsection (2) of section
 114 288.0001, Florida Statutes, is amended to read:

115 288.0001 Economic Development Programs Evaluation.—The
 116 Office of Economic and Demographic Research and the Office of

576-04529A-14

20141634c2

117 Program Policy Analysis and Government Accountability (OPPAGA)
118 shall develop and present to the Governor, the President of the
119 Senate, the Speaker of the House of Representatives, and the
120 chairs of the legislative appropriations committees the Economic
121 Development Programs Evaluation.

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

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

127 1. The capital investment tax credit established under s.
128 220.191.

129 2. The qualified target industry tax refund established
130 under s. 288.106.

131 3. The brownfield redevelopment bonus refund established
132 under s. 288.107.

133 4. High-impact business performance grants established
134 under s. 288.108.

135 5. The Quick Action Closing Fund established under s.
136 288.1088.

137 6. The Innovation Incentive Program established under s.
138 288.1089.

139 7. Enterprise Zone Program incentives established under ss.
140 212.08(5) and (15), 212.096, 220.181, and 220.182.

141 8. The New Markets Development Program established under
142 ss. 288.991-288.9922.

143 Section 3. Subsections (5) and (6) are added to section
144 288.005, Florida Statutes, to read:

145 288.005 Definitions.—As used in this chapter, the term:

576-04529A-14

20141634c2

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

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

155 Section 4. Section 288.006, Florida Statutes, is created to
156 read:

157 288.006 General operation of loan programs.—

158 (1) The Legislature intends to promote the goals of
159 accountability and proper stewardship by recipients of loan
160 program funds. This section applies to all loan programs
161 established under this chapter.

162 (2) State funds appropriated for a loan program may be used
163 only by an eligible recipient or loan administrator, and the use
164 of such funds is restricted to the specific state purpose of the
165 loan program, subject to any compensation due to a loan
166 administrator as provided under this chapter. State funds may be
167 awarded directly by the department to an eligible recipient or
168 awarded by the department to a loan administrator. All state
169 funds, including any interest earned, remain state funds unless
170 otherwise stated in the statutory requirements of the loan
171 program.

172 (3) (a) Upon termination of a loan program by the
173 Legislature or by statute, all appropriated funds shall revert
174 to the General Revenue Fund. The department shall pay the entity

576-04529A-14

20141634c2

175 for any allowable administrative expenses due to the loan
176 administrator as provided under this chapter, unless otherwise
177 required by law.

178 (b) Upon termination of a contract between the department
179 and an eligible recipient or loan administrator, all remaining
180 appropriated funds shall revert to the fund from which the
181 appropriation was made. The department shall become the
182 successor entity for any outstanding loans. Except in the case
183 of the termination of a contract for fraud or a finding that the
184 loan administrator was not meeting the terms of the program, the
185 department shall pay the entity for any allowable administrative
186 expenses due to the loan administrator as provided under this
187 chapter.

188 (c) The eligible recipient or loan administrator to which
189 this subsection applies shall execute all appropriate
190 instruments to reconcile any remaining accounts associated with
191 a terminated loan program or contract. The entity shall execute
192 all appropriate instruments to ensure that the department is
193 authorized to collect all receivables for outstanding loans,
194 including, but not limited to, assignments of promissory notes
195 and mortgages.

196 (4) An eligible recipient or loan administrator must avoid
197 any potential conflict of interest regarding the use of
198 appropriated funds for a loan program. An eligible recipient or
199 loan administrator or a board member, employee, or agent
200 thereof, or an immediate family member of a board member,
201 employee, or agent, may not have a financial interest in an
202 entity that is awarded a loan under a loan program. A loan may
203 not be made to a person or entity if a conflict of interest

576-04529A-14

20141634c2

204 exists between the parties involved. As used in this subsection,
205 the term "immediate family" means a parent, spouse, child,
206 sibling, grandparent, or grandchild related by blood or
207 marriage.

208 (5) In determining eligibility for an entity applying for
209 the award of funds directly by the department or applying for
210 selection as a loan administrator for a loan program, the
211 department shall evaluate each applicant's business practices,
212 financial stability, and past performance in other state
213 programs, in addition to the loan program's statutory
214 requirements. Eligibility of an entity applying to be a
215 recipient or loan administrator may be conditionally granted or
216 denied outright if the department determines that the entity is
217 noncompliant with any law, rule, or program requirement.

218 (6) Recurring use of state funds, including revolving loans
219 or new negotiable instruments, which have been repaid to the
220 loan administrator may be made if the loan program's statutory
221 structure permits. However, any use of state funds made by a
222 loan administrator remains subject to subsections (2) and (3),
223 and compensation to a loan administrator may not exceed any
224 limitation provided by this chapter.

225 (7) The Auditor General may conduct audits as provided in
226 s. 11.45 to verify that the appropriations under each loan
227 program are expended by the eligible recipient or loan
228 administrator as required for each program. If the Auditor
229 General determines that the appropriations are not expended as
230 required, the Auditor General shall notify the department, which
231 may pursue recovery of the funds. This section does not prevent
232 the department from pursuing recovery of the appropriated loan

576-04529A-14

20141634c2

233 program funds when necessary to protect the funds or when
234 authorized by law.

235 (8) The department may adopt rules under ss. 120.536(1) and
236 120.54 as necessary to carry out this section.

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

239 288.8013 Triumph Gulf Coast, Inc.; Recovery Fund; creation;
240 investment.—

241 (6) The Auditor General shall conduct a performance ~~an~~
242 audit of the Recovery Fund and Triumph Gulf Coast, Inc.,
243 annually. Triumph Gulf Coast, Inc., shall provide to the Auditor
244 General any detail or supplemental data required.

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

247 288.8014 Triumph Gulf Coast, Inc.; organization; board of
248 directors.—

249 (3) Notwithstanding s. 20.052(4)(c), each initial
250 appointment to the board of directors by the Board of Trustees
251 of the State Board of Administration shall serve for a term that
252 ends 4 years after the Legislature appropriates funds to the
253 Recovery Fund. To achieve staggered terms among the members of
254 the board, each initial appointment to the board of directors by
255 the President of the Senate and the Speaker of the House of
256 Representatives shall serve for a term that ends 5 years after
257 the Legislature appropriates funds to the Recovery Fund.

258 Thereafter, each member of the board of directors shall serve
259 for a term of 4 years, ~~except that initially the appointments of~~
260 ~~the President of the Senate and the Speaker of the House of~~
261 ~~Representatives each shall serve a term of 2 years to achieve~~

576-04529A-14

20141634c2

262 ~~staggered terms among the members of the board.~~ A member is not
263 eligible for reappointment to the board, except, however, any
264 member appointed to fill a vacancy for a term of 2 years or less
265 may be reappointed for an additional term of 4 years. The
266 initial appointments to the board must be made by November 15,
267 2013. Vacancies on the board of directors shall be filled by the
268 officer who originally appointed the member. A vacancy that
269 occurs before the scheduled expiration of the term of the member
270 shall be filled for the remainder of the unexpired term.

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

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

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

282 3. An economic advisor who will assist in the award
283 process, including the development of priorities, allocation
284 decisions, and the application and process; will assist the
285 board in determining eligibility of award applications and the
286 evaluation and scoring of applications; and will assist in the
287 development of award documentation.

288 4. A legal advisor with expertise in not-for-profit
289 investing and contracting and who is a member of The Florida Bar
290 to assist with contracting and carrying out the intent of this

576-04529A-14

20141634c2

291 act.

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

294 288.987 Florida Defense Support Task Force.—

295 (7) The department shall contract with the task force for
296 expenditure of appropriated funds, which may be used by the task
297 force for economic and product research and development, joint
298 planning with host communities to accommodate military missions
299 and prevent base encroachment, advocacy on the state's behalf
300 with federal civilian and military officials, assistance to
301 school districts in providing a smooth transition for large
302 numbers of additional military-related students, job training
303 and placement for military spouses in communities with high
304 proportions of active duty military personnel, and promotion of
305 the state to military and related contractors and employers. The
306 task force may annually spend up to \$250,000 ~~\$200,000~~ of funds
307 appropriated to the department for the task force for staffing
308 and administrative expenses of the task force, including travel
309 and per diem costs incurred by task force members who are not
310 otherwise eligible for state reimbursement.

311 Section 8. Section 290.0411, Florida Statutes, is amended
312 to read:

313 290.0411 Legislative intent and purpose of ss. 290.0401-
314 290.048.—It is the intent of the Legislature to provide the
315 necessary means to develop, preserve, redevelop, and revitalize
316 Florida communities exhibiting signs of decline, ~~or~~ distress, or
317 economic need by enabling local governments to undertake the
318 necessary community and economic development programs. The
319 overall objective is to create viable communities by eliminating

576-04529A-14

20141634c2

320 slum and blight, fortifying communities in urgent need,
321 providing decent housing and suitable living environments, and
322 expanding economic opportunities, principally for persons of low
323 or moderate income. The purpose of ss. 290.0401-290.048 is to
324 assist local governments in carrying out effective community and
325 economic development and project planning and design activities
326 to arrest and reverse community decline and restore community
327 vitality. Community and economic development and project
328 planning activities to maintain viable communities, revitalize
329 existing communities, expand economic development and employment
330 opportunities, and improve housing conditions and expand housing
331 opportunities, providing direct benefit to persons of low or
332 moderate income, are the primary purposes of ss. 290.0401-
333 290.048. The Legislature, therefore, declares that the
334 development, redevelopment, preservation, and revitalization of
335 communities in this state and all the purposes of ss. 290.0401-
336 290.048 are public purposes for which public money may be
337 borrowed, expended, loaned, pledged to guarantee loans, and
338 granted.

339 Section 9. Section 290.044, Florida Statutes, is amended to
340 read:

341 290.044 Florida Small Cities Community Development Block
342 Grant Program Fund; administration; distribution.—

343 (1) The Florida Small Cities Community Development Block
344 Grant Program Fund is created. All revenue designated for
345 deposit in such fund shall be deposited by the appropriate
346 agency. The department shall administer this fund as a grant and
347 loan guarantee program for carrying out the purposes of ss.
348 290.0401-290.048.

576-04529A-14

20141634c2

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

352 (3) The department shall require applicants for grants to
353 compete against each other in the following grant program
354 categories:

- 355 (a) Housing rehabilitation.
- 356 (b) Economic development.
- 357 (c) Neighborhood revitalization.
- 358 (d) Commercial revitalization.

359 (4)~~(3)~~ The department shall define ~~the~~ broad community
360 development objectives ~~objective~~ to be achieved by the
361 activities in each of the ~~following~~ grant program categories
362 with the use of funds from the Florida Small Cities Community
363 Development Block Grant Program Fund. Such objectives shall be
364 designed to meet at least one of the national objectives
365 provided in the Housing and Community Development Act of 1974~~7~~
366 ~~and require applicants for grants to compete against each other~~
367 ~~in these grant program categories:~~

- 368 ~~(a) Housing.~~
- 369 ~~(b) Economic development.~~
- 370 ~~(c) Neighborhood revitalization.~~
- 371 ~~(d) Commercial revitalization.~~
- 372 ~~(e) Project planning and design.~~

373 (5)~~(4)~~ The department may set aside an amount of up to 5
374 percent of the funds annually for use in any eligible local
375 government jurisdiction for which an emergency or natural
376 disaster has been declared by executive order. Such funds may
377 only be provided to a local government to fund eligible

576-04529A-14

20141634c2

378 emergency-related activities for which no other source of
379 federal, state, or local disaster funds is available. The
380 department may provide for such set-aside by rule. In the last
381 quarter of the state fiscal year, any funds not allocated under
382 the emergency-related set-aside shall be distributed to unfunded
383 applications from the most recent funding cycle.

384 (6)~~(5)~~ The department shall establish a system of
385 monitoring grants, including site visits, to ensure the proper
386 expenditure of funds and compliance with the conditions of the
387 recipient's contract. The department shall establish criteria
388 for implementation of internal control, to include, but not be
389 limited to, the following measures:

390 (a) Ensuring that subrecipient audits performed by a
391 certified public accountant are received and responded to in a
392 timely manner.

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

395 (c) Providing specific justification for contract
396 amendments that takes into account any change in contracted
397 activities and the resultant cost adjustments which shall be
398 reflected in the amount of the grant.

399 Section 10. Section 290.046, Florida Statutes, is amended
400 to read:

401 290.046 Applications for grants; procedures; requirements.-

402 (1) In applying for a grant under a specific program
403 category, an applicant shall propose eligible activities that
404 directly address the objectives ~~objective~~ of that program
405 category.

406 (2) (a) Except for applications for economic development

576-04529A-14

20141634c2

407 grants as provided in subparagraph (b)1. ~~paragraph (c), an~~ each
408 eligible local government may submit one ~~an~~ application for a
409 grant ~~under either the housing program category or the~~
410 ~~neighborhood revitalization program category~~ during each
411 application annual funding cycle. ~~An applicant may not receive~~
412 ~~more than one grant in any state fiscal year from any of the~~
413 ~~following categories: housing, neighborhood revitalization, or~~
414 ~~commercial revitalization.~~

415 ~~(b)1. An~~ Except as provided in paragraph (c), each eligible
416 local government may apply up to three times in any one annual
417 funding cycle for an economic development a grant ~~under the~~
418 ~~economic development program category~~ but may not ~~shall~~ receive
419 ~~no~~ more than one such grant per annual funding cycle. A local
420 government may have more than one open economic development
421 grant ~~Applications for grants under the economic development~~
422 ~~program category may be submitted at any time during the annual~~
423 ~~funding cycle, and such grants shall be awarded no less~~
424 ~~frequently than three times per funding cycle.~~

425 2. The department shall establish minimum criteria
426 pertaining to the number of jobs created for persons of low or
427 moderate income, the degree of private sector financial
428 commitment, and the economic feasibility of the proposed project
429 and shall establish any other criteria the department deems
430 appropriate. Assistance to a private, for-profit business may
431 not be provided from a grant award unless sufficient evidence
432 exists to demonstrate that without such public assistance the
433 creation or retention of such jobs would not occur.

434 ~~(c)1. A~~ A local government ~~governments~~ with an open housing
435 rehabilitation, neighborhood revitalization, or commercial

576-04529A-14

20141634c2

436 revitalization contract ~~is shall~~ not be eligible to apply for
437 another housing rehabilitation, neighborhood revitalization, or
438 commercial revitalization grant until administrative closeout of
439 ~~its their~~ existing contract. The department shall notify a local
440 government of administrative closeout or of any outstanding
441 closeout issues within 45 days after ~~of~~ receipt of a closeout
442 package from the local government. A local government
443 ~~governments~~ with an open housing rehabilitation, neighborhood
444 revitalization, or commercial revitalization community
445 development block grant contract whose activities are on
446 schedule in accordance with the expenditure rates and
447 accomplishments described in the contract may apply for an
448 economic development grant.

449 2. A local government ~~governments~~ with an open economic
450 development community development block grant contract whose
451 activities are on schedule in accordance with the expenditure
452 rates and accomplishments described in the contract may apply
453 for a housing rehabilitation, ~~or~~ neighborhood revitalization, or
454 ~~and a~~ commercial revitalization community development block
455 grant. A local government ~~governments~~ with an open economic
456 development contract whose activities are on schedule in
457 accordance with the expenditure rates and accomplishments
458 described in the contract may receive no more than one
459 additional economic development grant in each fiscal year.

460 (d) ~~Beginning October 1, 1988,~~ The department may not ~~shall~~
461 award a ~~no~~ grant until it ~~the department~~ has conducted
462 ~~determined, based upon~~ a site visit to verify the information
463 contained in the local government's application, ~~that the~~
464 ~~proposed area matches and adheres to the written description~~

576-04529A-14

20141634c2

465 ~~contained within the applicant's request. If, based upon review~~
466 ~~of the application or a site visit, the department determines~~
467 ~~that any information provided in the application which affects~~
468 ~~eligibility or scoring has been misrepresented, the applicant's~~
469 ~~request shall be rejected by the department pursuant to s.~~
470 ~~290.0475(7). Mathematical errors in applications which may be~~
471 ~~discovered and corrected by readily computing available numbers~~
472 ~~or formulas provided in the application shall not be a basis for~~
473 ~~such rejection.~~

474 (3) (a) The department shall rank each application received
475 during the application cycle according to criteria established
476 by rule. The ranking system shall include a procedure to
477 eliminate or reduce any population-related bias that places
478 exceptionally small communities at a disadvantage in the
479 competition for funds ~~Each application shall be ranked~~
480 ~~competitively based on community need and program impact.~~
481 ~~Community need shall be weighted 25 percent. Program impact~~
482 ~~shall be weighted 65 percent. Outstanding performance in equal~~
483 ~~opportunity employment and housing shall be weighted 10 percent.~~

484 (b) Funds shall be distributed according to the rankings
485 established in each application cycle. If economic development
486 funds remain available after the application cycle closes, the
487 remaining funds shall be awarded to eligible projects on a
488 first-come, first-served basis until such funds are fully
489 obligated ~~The criteria used to measure community need shall~~
490 ~~include, at a minimum, indicators of the extent of poverty in~~
491 ~~the community and the condition of physical structures. Each~~
492 ~~application, regardless of the program category for which it is~~
493 ~~being submitted, shall be scored competitively on the same~~

576-04529A-14

20141634c2

494 ~~community need criteria. In recognition of the benefits~~
495 ~~resulting from the receipt of grant funds, the department shall~~
496 ~~provide for the reduction of community need scores for specified~~
497 ~~increments of grant funds provided to a local government since~~
498 ~~the state began using the most recent census data. In the year~~
499 ~~in which new census data are first used, no such reduction shall~~
500 ~~occur.~~

501 (c) The application's program impact score, equal
502 employment opportunity and fair housing score, and communitywide
503 needs score may take into consideration scoring factors,
504 including, but not limited to, unemployment, poverty levels,
505 low-income and moderate-income populations, benefits to low-
506 income and moderate-income residents, use of minority-owned and
507 woman-owned business enterprises in previous grants, health and
508 safety issues, and the condition of physical structures ~~The~~
509 ~~criteria used to measure the impact of an applicant's proposed~~
510 ~~activities shall include, at a minimum, indicators of the direct~~
511 ~~benefit received by persons of low income and persons of~~
512 ~~moderate income, the extent to which the problem identified is~~
513 ~~addressed by the proposed activities, and the extent to which~~
514 ~~resources other than the funds being applied for under this~~
515 ~~program are being used to carry out the proposed activities.~~

516 ~~(d) Applications shall be scored competitively on program~~
517 ~~impact criteria that are uniquely tailored to the community~~
518 ~~development objective established in each program category. The~~
519 ~~criteria used to measure the direct benefit to persons of low~~
520 ~~income and persons of moderate income shall represent no less~~
521 ~~than 42 percent of the points assigned to the program impact~~
522 ~~factor. For the housing and neighborhood revitalization~~

576-04529A-14

20141634c2

523 ~~categories, the department shall also include the following~~
524 ~~criteria in the scoring of applications:~~

525 ~~1. The proportion of very-low-income and low-income~~
526 ~~households served.~~

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

529 ~~(4) An applicant for a neighborhood revitalization or~~
530 ~~commercial revitalization grant shall demonstrate that its~~
531 ~~activities are to be carried out in distinct service areas which~~
532 ~~are characterized by the existence of slums or blighted~~
533 ~~conditions, or by the concentration of persons of low or~~
534 ~~moderate income.~~

535 ~~(4)-(5)~~ In order to provide citizens with information
536 concerning an applicant's proposed project, the applicant shall
537 make available to the public information concerning the amounts
538 of funds available for various activities and the range of
539 activities that may be undertaken. In addition, the applicant
540 shall hold a minimum of two public hearings in the local
541 jurisdiction within which the project is to be implemented to
542 obtain the views of citizens before submitting the final
543 application to the department. The applicant shall conduct the
544 initial hearing to solicit public input concerning community
545 needs, inform the public about funding opportunities available
546 to address community needs, and discuss activities that may be
547 undertaken. Before a second public hearing is held, the
548 applicant must publish a summary of the proposed application
549 that provides citizens with an opportunity to examine the
550 contents of the application and to submit comments. The
551 applicant shall conduct a second hearing to obtain comments from

576-04529A-14

20141634c2

552 citizens concerning the proposed application and to modify the
553 proposed application if appropriate ~~program before an~~
554 ~~application is submitted to the department, the applicant shall:~~

555 ~~(a) Make available to the public information concerning the~~
556 ~~amounts of funds available for various activities and the range~~
557 ~~of activities that may be undertaken.~~

558 ~~(b) Hold at least one public hearing to obtain the views of~~
559 ~~citizens on community development needs.~~

560 ~~(c) Develop and publish a summary of the proposed~~
561 ~~application that will provide citizens with an opportunity to~~
562 ~~examine its contents and submit their comments.~~

563 ~~(d) Consider any comments and views expressed by citizens~~
564 ~~on the proposed application and, if appropriate, modify the~~
565 ~~proposed application.~~

566 ~~(e) Hold at least one public hearing in the jurisdiction~~
567 ~~within which the project is to be implemented to obtain the~~
568 ~~views of citizens on the final application prior to its~~
569 ~~submission to the department.~~

570 (5)~~(6)~~ The local government may ~~shall~~ establish a citizen
571 advisory task force composed of citizens in the jurisdiction in
572 which the proposed project is to be implemented to provide input
573 relative to all phases of the project process. ~~The local~~
574 ~~government must obtain consent from the department for any other~~
575 ~~type of citizen participation plan upon a showing that such plan~~
576 ~~is better suited to secure citizen participation for that~~
577 ~~locality.~~

578 (6)~~(7)~~ The department shall, before ~~prior to~~ approving an
579 application for a grant, determine that the applicant has the
580 administrative capacity to carry out the proposed activities and

576-04529A-14

20141634c2

581 has performed satisfactorily in carrying out past activities
582 funded by community development block grants. The evaluation of
583 past performance shall take into account procedural aspects of
584 previous grants as well as substantive results. If the
585 department determines that any applicant has failed to
586 accomplish substantially the results it proposed in its last
587 previously funded application, it may prohibit the applicant
588 from receiving a grant or may penalize the applicant in the
589 rating of the current application. An ~~No~~ application for grant
590 funds may not be denied solely upon the basis of the past
591 performance of the eligible applicant.

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

594 290.047 Establishment of grant ceilings and maximum
595 administrative cost percentages; elimination of population bias;
596 loans in default.—

597 (3) The maximum percentage of block grant funds that can be
598 spent on administrative costs by an eligible local government
599 shall be 15 percent for the housing rehabilitation program
600 category, 8 percent for both the neighborhood and the commercial
601 revitalization program categories, and 8 percent for the
602 economic development program category. The maximum amount of
603 block grant funds that may be spent on administrative costs by
604 an eligible local government for the economic development
605 program category is \$120,000. The purpose of the ceiling is to
606 maximize the amount of block grant funds actually going toward
607 the redevelopment of the area. The department will continue to
608 encourage eligible local governments to consider ways to limit
609 the amount of block grant funds used for administrative costs,

576-04529A-14

20141634c2

610 consistent with the need for prudent management and
611 accountability in the use of public funds. However, this
612 subsection does ~~shall not be construed, however, to~~ prohibit
613 eligible local governments from contributing their own funds or
614 making in-kind contributions to cover administrative costs which
615 exceed the prescribed ceilings, provided that all such
616 contributions come from local government resources other than
617 Community Development Block Grant funds.

618 (6) The maximum amount ~~percentage~~ of block grant funds that
619 may be spent on engineering and architectural costs by an
620 eligible local government shall be determined in accordance with
621 a method ~~schedule~~ adopted by the department by rule. Any such
622 method ~~schedule~~ so adopted shall be consistent with the schedule
623 used by the United States Farmer's Home Administration as
624 applied to projects in Florida or another comparable schedule as
625 amended.

626 Section 12. Section 290.0475, Florida Statutes, is amended
627 to read:

628 290.0475 Rejection of grant applications; penalties for
629 failure to meet application conditions.—Applications are
630 ineligible ~~received~~ for funding if ~~under all program categories~~
631 ~~shall be rejected without scoring only in the event that~~ any of
632 the following circumstances arise:

633 (1) The application is not received by the department by
634 the application deadline;—

635 (2) The proposed project does not meet one of the three
636 national objectives as contained in federal and state
637 legislation;—

638 (3) The proposed project is not an eligible activity as

576-04529A-14

20141634c2

639 contained in the federal legislation;~~;~~

640 (4) The application is not consistent with the local
641 government's comprehensive plan adopted pursuant to s.
642 163.3184;~~;~~

643 (5) The applicant has an open community development block
644 grant, except as provided in s. 290.046(2)(b) and (c) and
645 department rules; 290.046(2)(e).

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

651 (7) Any information provided in the application that
652 affects eligibility or scoring is found to have been
653 misrepresented, and the information is not a mathematical error
654 which may be discovered and corrected by readily computing
655 available numbers or formulas provided in the application.

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

658 290.048 General powers of department under ss. 290.0401-
659 290.048.-The department has all the powers necessary or
660 appropriate to carry out the purposes and provisions of the
661 program, including the power to:

662 ~~(5) Adopt and enforce strict requirements concerning an~~
663 ~~applicant's written description of a service area. Each such~~
664 ~~description shall contain maps which illustrate the location of~~
665 ~~the proposed service area. All such maps must be clearly legible~~
666 ~~and must:~~

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

576-04529A-14

20141634c2

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

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

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

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

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

676 331.3051 Duties of Space Florida.—Space Florida shall:

677 (5) Consult with the Florida Tourism Industry Marketing
678 Corporation ~~Enterprise Florida, Inc.~~, in developing a space
679 tourism marketing plan. Space Florida and the Florida Tourism
680 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, may
681 enter into a mutually beneficial agreement that provides funding
682 to the corporation ~~Enterprise Florida, Inc.~~, for its services to
683 implement this subsection.

684 (8) Carry out its responsibility for research and
685 development by:

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

688 (b) Working in collaboration with one or more public or
689 private universities and other public or private entities to
690 ~~develop a proposal for a Center of Excellence for Aerospace that~~
691 ~~will~~ foster and promote the research necessary to develop
692 commercially promising, advanced, and innovative science and
693 technology and ~~will~~ transfer those discoveries to the commercial
694 sector. This may include developing a proposal to establish a
695 Center of Excellence for Aerospace.

696 (c) Supporting universities in this state that are members

576-04529A-14

20141634c2

697 of the Federal Aviation Administration's Center of Excellence
698 for Commercial Space Transportation to assure a safe,
699 environmentally compatible, and efficient commercial space
700 transportation system in this state.

701 Section 15. Subsection (26) of section 443.036, Florida
702 Statutes, is repealed.

703 Section 16. Paragraph (c) of subsection (1) of section
704 443.091, Florida Statutes, is amended to read:

705 443.091 Benefit eligibility conditions.—

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

709 (c) To make continued claims for benefits, she or he is
710 reporting to the department in accordance with this paragraph
711 and department rules, ~~and participating in an initial skills~~
712 ~~review, as directed by the department.~~ Department rules may not
713 conflict with s. 443.111(1)(b), which requires that each
714 claimant continue to report regardless of any pending appeal
715 relating to her or his eligibility or disqualification for
716 benefits.

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

721 2. The department must offer an online assessment that
722 serves to identify an individual's skills, abilities, and career
723 aptitude. The skills assessment must be voluntary, and the
724 department must allow a claimant to choose whether to take the
725 skills assessment. The online assessment shall be made available

576-04529A-14

20141634c2

726 to any person seeking services from a regional workforce board
727 or a one-stop career center ~~The administrator or operator of the~~
728 ~~initial skills review shall notify the department when the~~
729 ~~individual completes the initial skills review and report the~~
730 ~~results of the review to the regional workforce board or the~~
731 ~~one-stop career center as directed by the workforce board. The~~
732 ~~department shall prescribe a numeric score on the initial skills~~
733 ~~review that demonstrates a minimal proficiency in workforce~~
734 ~~skills.~~

735 a. If the claimant chooses to take the online assessment,
736 the outcome of the assessment must be made available to the
737 claimant, regional workforce board, and one-stop career center.
738 The department, workforce board, or one-stop career center shall
739 use the assessment ~~initial skills review~~ to develop a plan for
740 referring individuals to training and employment opportunities.
741 Aggregate data on assessment outcomes may be made available to
742 Workforce Florida, Inc., and Enterprise Florida, Inc., for use
743 in the development of policies related to education and training
744 programs that will ensure that businesses in this state have
745 access to a skilled and competent workforce ~~The failure of the~~
746 ~~individual to comply with this requirement will result in the~~
747 ~~individual being determined ineligible for benefits for the week~~
748 ~~in which the noncompliance occurred and for any subsequent week~~
749 ~~of unemployment until the requirement is satisfied. However,~~
750 ~~this requirement does not apply if the individual is exempt from~~
751 ~~the work registration requirement as set forth in paragraph (b).~~

752 b.3. Individuals ~~Any individual who falls below the minimal~~
753 ~~proficiency score prescribed by the department in subparagraph~~
754 ~~2. on the initial skills review shall be~~ informed of and offered

576-04529A-14

20141634c2

755 services through the one-stop delivery system, including career
756 counseling, provision of skill match and job market information,
757 and skills upgrade and other training opportunities, and shall
758 be encouraged to participate in such services training at no
759 cost to the individuals ~~individual in order to improve his or~~
760 ~~her workforce skills to the minimal proficiency level.~~

761 4. The department shall coordinate with Workforce Florida,
762 Inc., the workforce boards, and the one-stop career centers to
763 identify, develop, and use ~~utilize~~ best practices for improving
764 the skills of individuals who choose to participate in skills
765 upgrade and other training opportunities. The department may
766 contract with an entity to create the online assessment in
767 accordance with the competitive bidding requirements in s.
768 287.057. The online assessment must work seamlessly with the
769 Reemployment Assistance Claims and Benefits Information System
770 ~~and who have a minimal proficiency score below the score~~
771 ~~prescribed in subparagraph 2.~~

772 5. ~~The department, in coordination with Workforce Florida,~~
773 ~~Inc., the workforce boards, and the one-stop career centers,~~
774 ~~shall evaluate the use, effectiveness, and costs associated with~~
775 ~~the training prescribed in subparagraph 3. and report its~~
776 ~~findings and recommendations for training and the use of best~~
777 ~~practices to the Governor, the President of the Senate, and the~~
778 ~~Speaker of the House of Representatives by January 1, 2013.~~

779 Section 17. Subsections (1), (2), and (5) of section
780 443.1116, Florida Statutes, are amended to read:

781 443.1116 Short-time compensation.—

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

783 (a) "Affected unit" means a specified plant, department,

576-04529A-14

20141634c2

784 shift, or other definable unit of two or more employees
785 designated by the employer to participate in a short-time
786 compensation plan.

787 (b) "Employer-sponsored training" means a training
788 component sponsored by an employer to improve the skills of the
789 employer's workers.

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

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

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

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

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

808 (a) The plan applies to and identifies each specific
809 affected unit;

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

812 (c) The normal weekly hours of work for individuals in the

576-04529A-14

20141634c2

813 affected unit are reduced by at least 10 percent and by not more
814 than 40 percent;

815 (d) The plan includes a certified statement by the employer
816 that the aggregate reduction in work hours is in lieu of
817 ~~temporary~~ layoffs that would affect at least 10 percent of the
818 employees in the affected unit and that would have resulted in
819 an equivalent reduction in work hours;

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

822 (f) The plan is approved in writing by the collective
823 bargaining agent for each collective bargaining agreement
824 covering any individual in the affected unit;

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

828 (h) The plan certifies that, if the employer provides
829 fringe benefits to any employee whose workweek is reduced under
830 the program, the fringe benefits will continue to be provided to
831 the employee participating in the short-time compensation
832 program under the same terms and conditions as though the
833 workweek of such employee had not been reduced or to the same
834 extent as other employees not participating in the short-time
835 compensation program ~~the manner in which the employer will treat~~
836 ~~fringe benefits of the individuals in the affected unit if the~~
837 ~~hours of the individuals are reduced to less than their normal~~
838 ~~weekly hours of work.~~ As used in this paragraph, the term
839 "fringe benefits" includes, but is not limited to, health
840 insurance, retirement benefits under defined benefit pension
841 plans as defined in subsection 35 of s. 1002 of the Employee

576-04529A-14

20141634c2

842 Retirement Income Security Act of 1974, 29 U.S.C., contributions
843 under a defined contribution plan as defined in s. 414(i) of the
844 Internal Revenue Code, paid vacation and holidays, and sick
845 leave;~~;~~

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

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

855 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
856 BENEFITS.—

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

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

864 2. The individual is able to work and is available for
865 additional hours of work or for full-time work with the short-
866 time employer; and

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

870 (b) The department may not deny short-time compensation

576-04529A-14

20141634c2

871 benefits to an individual who is otherwise eligible for these
872 benefits for any week by reason of the application of any
873 provision of this chapter relating to availability for work,
874 active search for work, or refusal to apply for or accept work
875 from other than the short-time compensation employer of that
876 individual.

877 (c) The department may not deny short-time compensation
878 benefits to an individual who is otherwise eligible for these
879 benefits for any week because such individual is participating
880 in an employer-sponsored training or a training under the
881 Workforce Investment Act to improve job skills when the training
882 is approved by the department.

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

889 Section 18. Paragraph (f) of subsection (1) of section
890 443.141, Florida Statutes, is amended to read:

891 443.141 Collection of contributions and reimbursements.—

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

894 (f) ~~Payments for 2012, 2013, and 2014 contributions.~~—For an
895 annual administrative fee not to exceed \$5, a contributing
896 employer may pay its quarterly contributions due for wages paid
897 in the first three quarters of each year ~~of 2012, 2013, and 2014~~
898 in equal installments if those contributions are paid as
899 follows:

576-04529A-14

20141634c2

900 1. For contributions due for wages paid in the first
901 quarter of each year, one-fourth of the contributions due must
902 be paid on or before April 30, one-fourth must be paid on or
903 before July 31, one-fourth must be paid on or before October 31,
904 and one-fourth must be paid on or before December 31.

905 2. In addition to the payments specified in subparagraph
906 1., for contributions due for wages paid in the second quarter
907 of each year, one-third of the contributions due must be paid on
908 or before July 31, one-third must be paid on or before October
909 31, and one-third must be paid on or before December 31.

910 3. In addition to the payments specified in subparagraphs
911 1. and 2., for contributions due for wages paid in the third
912 quarter of each year, one-half of the contributions due must be
913 paid on or before October 31, and one-half must be paid on or
914 before December 31.

915 4. The annual administrative fee assessed for electing to
916 pay under the installment method shall be collected at the time
917 the employer makes the first installment payment each year. The
918 fee shall be segregated from the payment and deposited into the
919 Operating Trust Fund of the Department of Revenue.

920 5. Interest does not accrue on any contribution that
921 becomes due for wages paid in the first three quarters of each
922 year if the employer pays the contribution in accordance with
923 subparagraphs 1.-4. Interest and fees continue to accrue on
924 prior delinquent contributions and commence accruing on all
925 contributions due for wages paid in the first three quarters of
926 each year which are not paid in accordance with subparagraphs
927 1.-3. Penalties may be assessed in accordance with this chapter.
928 The contributions due for wages paid in the fourth quarter ~~of~~

576-04529A-14

20141634c2

929 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are
930 due and payable in accordance with this chapter.

931 Section 19. Paragraph (a) of subsection (2) of section
932 443.151, Florida Statutes, is amended to read:

933 443.151 Procedure concerning claims.—

934 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
935 CLAIMANTS AND EMPLOYERS.—

936 (a) *In general.*—Initial and continued claims for benefits
937 must be made by approved electronic or alternate means and in
938 accordance with rules adopted by the Department of Economic
939 Opportunity. The department shall provide alternative means,
940 such as by telephone, for filing initial and continued claims if
941 the department determines access to the approved electronic
942 means is or will be unavailable and also must provide public
943 notice of such unavailability. The department must notify
944 claimants and employers regarding monetary and nonmonetary
945 determinations of eligibility. Investigations of issues raised
946 in connection with a claimant which may affect a claimant's
947 eligibility for benefits or charges to an employer's employment
948 record shall be conducted by the department through written,
949 telephonic, or electronic means as prescribed by rule.

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

952 125.271 Emergency medical services; county emergency
953 medical service assessments.—

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

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

576-04529A-14

20141634c2

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

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

964

965 Once a county has qualified under this subsection, it always
966 retains the qualification.

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

969 163.3177 Required and optional elements of comprehensive
970 plan; studies and surveys.—

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

972 1. There are a number of rural agricultural industrial
973 centers in the state that process, produce, or aid in the
974 production or distribution of a variety of agriculturally based
975 products, including, but not limited to, fruits, vegetables,
976 timber, and other crops, and juices, paper, and building
977 materials. Rural agricultural industrial centers have a
978 significant amount of existing associated infrastructure that is
979 used for processing, producing, or distributing agricultural
980 products.

981 2. Such rural agricultural industrial centers are often
982 located within or near communities in which the economy is
983 largely dependent upon agriculture and agriculturally based
984 products. The centers significantly enhance the economy of such
985 communities. However, these agriculturally based communities are
986 often socioeconomically challenged and designated as rural areas

576-04529A-14

20141634c2

987 of opportunity ~~critical economic concern~~. If such rural
988 agricultural industrial centers are lost and not replaced with
989 other job-creating enterprises, the agriculturally based
990 communities will lose a substantial amount of their economies.

991 3. The state has a compelling interest in preserving the
992 viability of agriculture and protecting rural agricultural
993 communities and the state from the economic upheaval that would
994 result from short-term or long-term adverse changes in the
995 agricultural economy. To protect these communities and promote
996 viable agriculture for the long term, it is essential to
997 encourage and permit diversification of existing rural
998 agricultural industrial centers by providing for jobs that are
999 not solely dependent upon, but are compatible with and
1000 complement, existing agricultural industrial operations and to
1001 encourage the creation and expansion of industries that use
1002 agricultural products in innovative ways. However, the expansion
1003 and diversification of these existing centers must be
1004 accomplished in a manner that does not promote urban sprawl into
1005 surrounding agricultural and rural areas.

1006 (b) As used in this subsection, the term "rural
1007 agricultural industrial center" means a developed parcel of land
1008 in an unincorporated area on which there exists an operating
1009 agricultural industrial facility or facilities that employ at
1010 least 200 full-time employees in the aggregate and process and
1011 prepare for transport a farm product, as defined in s. 163.3162,
1012 or any biomass material that could be used, directly or
1013 indirectly, for the production of fuel, renewable energy,
1014 bioenergy, or alternative fuel as defined by law. The center may
1015 also include land contiguous to the facility site which is not

576-04529A-14

20141634c2

1016 used for the cultivation of crops, but on which other existing
1017 activities essential to the operation of such facility or
1018 facilities are located or conducted. The parcel of land must be
1019 located within, or within 10 miles of, a rural area of
1020 opportunity ~~critical economic concern~~.

1021 (e) ~~Nothing in~~ This subsection does not ~~shall be construed~~
1022 ~~to~~ confer the status of rural area of opportunity ~~critical~~
1023 ~~economic concern~~, or any of the rights or benefits derived from
1024 such status, on any land area not otherwise designated as such
1025 pursuant to s. 288.0656(7).

1026 Section 22. Subsection (3) of section 163.3187, Florida
1027 Statutes, is amended to read:

1028 163.3187 Process for adoption of small-scale comprehensive
1029 plan amendment.—

1030 (3) If the small scale development amendment involves a
1031 site within a rural area of opportunity ~~critical economic~~
1032 ~~concern~~ as defined under s. 288.0656(2)(d) for the duration of
1033 such designation, the 10-acre limit listed in subsection (1)
1034 shall be increased by 100 percent to 20 acres. The local
1035 government approving the small scale plan amendment shall
1036 certify to the Office of Tourism, Trade, and Economic
1037 Development that the plan amendment furthers the economic
1038 objectives set forth in the executive order issued under s.
1039 288.0656(7), and the property subject to the plan amendment
1040 shall undergo public review to ensure that all concurrency
1041 requirements and federal, state, and local environmental permit
1042 requirements are met.

1043 Section 23. Subsection (10) of section 163.3246, Florida
1044 Statutes, is amended to read:

576-04529A-14

20141634c2

1045 163.3246 Local government comprehensive planning
1046 certification program.—

1047 (10) Notwithstanding subsections (2), (4), (5), (6), and
1048 (7), any municipality designated as a rural area of opportunity
1049 ~~critical economic concern~~ pursuant to s. 288.0656 which is
1050 located within a county eligible to levy the Small County Surtax
1051 under s. 212.055(3) shall be considered certified during the
1052 effectiveness of the designation of rural area of opportunity
1053 ~~critical economic concern~~. The state land planning agency shall
1054 provide a written notice of certification to the local
1055 government of the certified area, which shall be considered
1056 final agency action subject to challenge under s. 120.569. The
1057 notice of certification shall include the following components:

1058 (a) The boundary of the certification area.

1059 (b) A requirement that the local government submit ~~either~~
1060 an annual or biennial monitoring report to the state land
1061 planning agency according to the schedule provided in the
1062 written notice. The monitoring report shall, at a minimum,
1063 include the number of amendments to the comprehensive plan
1064 adopted by the local government, the number of plan amendments
1065 challenged by an affected person, and the disposition of those
1066 challenges.

1067 Section 24. Paragraph (a) of subsection (6) of section
1068 211.3103, Florida Statutes, is amended to read:

1069 211.3103 Levy of tax on severance of phosphate rock; rate,
1070 basis, and distribution of tax.—

1071 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the
1072 proceeds of all taxes, interest, and penalties imposed under
1073 this section are exempt from the general revenue service charge

576-04529A-14

20141634c2

1074 provided in s. 215.20, and such proceeds shall be paid into the
1075 State Treasury as follows:

1076 1. To the credit of the Conservation and Recreation Lands
1077 Trust Fund, 25.5 percent.

1078 2. To the credit of the General Revenue Fund of the state,
1079 35.7 percent.

1080 3. For payment to counties in proportion to the number of
1081 tons of phosphate rock produced from a phosphate rock matrix
1082 located within such political boundary, 12.8 percent. The
1083 department shall distribute this portion of the proceeds
1084 annually based on production information reported by the
1085 producers on the annual returns for the taxable year. Any such
1086 proceeds received by a county shall be used only for phosphate-
1087 related expenses.

1088 4. For payment to counties that have been designated as a
1089 rural area of opportunity ~~critical economic concern~~ pursuant to
1090 s. 288.0656 in proportion to the number of tons of phosphate
1091 rock produced from a phosphate rock matrix located within such
1092 political boundary, 10.0 percent. The department shall
1093 distribute this portion of the proceeds annually based on
1094 production information reported by the producers on the annual
1095 returns for the taxable year. Payments under this subparagraph
1096 shall be made to the counties unless the Legislature by special
1097 act creates a local authority to promote and direct the economic
1098 development of the county. If such authority exists, payments
1099 shall be made to that authority.

1100 5. To the credit of the Nonmandatory Land Reclamation Trust
1101 Fund, 6.2 percent.

1102 6. To the credit of the Phosphate Research Trust Fund in

576-04529A-14

20141634c2

1103 the Division of Universities of the Department of Education, 6.2
1104 percent.

1105 7. To the credit of the Minerals Trust Fund, 3.6 percent.

1106 Section 25. Paragraph (c) of subsection (1) of section
1107 212.098, Florida Statutes, is amended to read:

1108 212.098 Rural Job Tax Credit Program.—

1109 (1) As used in this section, the term:

1110 (c) "Qualified area" means any area that is contained
1111 within a rural area of opportunity ~~critical-economic concern~~
1112 designated under s. 288.0656, a county that has a population of
1113 fewer than 75,000 persons, or a county that has a population of
1114 125,000 or less and is contiguous to a county that has a
1115 population of less than 75,000, selected in the following
1116 manner: every third year, the Department of Economic Opportunity
1117 shall rank and tier the state's counties according to the
1118 following four factors:

1119 1. Highest unemployment rate for the most recent 36-month
1120 period.

1121 2. Lowest per capita income for the most recent 36-month
1122 period.

1123 3. Highest percentage of residents whose incomes are below
1124 the poverty level, based upon the most recent data available.

1125 4. Average weekly manufacturing wage, based upon the most
1126 recent data available.

1127 Section 26. Subsection (1) of section 218.67, Florida
1128 Statutes, is amended to read:

1129 218.67 Distribution for fiscally constrained counties.—

1130 (1) Each county that is entirely within a rural area of
1131 opportunity ~~critical-economic concern~~ as designated by the

576-04529A-14

20141634c2

1132 Governor pursuant to s. 288.0656 or each county for which the
1133 value of a mill will raise no more than \$5 million in revenue,
1134 based on the taxable value certified pursuant to s.
1135 1011.62(4)(a)1.a., from the previous July 1, shall be considered
1136 a fiscally constrained county.

1137 Section 27. Subsection (1) of section 288.018, Florida
1138 Statutes, is amended to read:

1139 288.018 Regional Rural Development Grants Program.—

1140 (1) The department shall establish a matching grant program
1141 to provide funding to regionally based economic development
1142 organizations representing rural counties and communities for
1143 the purpose of building the professional capacity of their
1144 organizations. Such matching grants may also be used by an
1145 economic development organization to provide technical
1146 assistance to businesses within the rural counties and
1147 communities that it serves. The department is authorized to
1148 approve, on an annual basis, grants to such regionally based
1149 economic development organizations. The maximum amount an
1150 organization may receive in any year will be \$35,000, or
1151 \$100,000 in a rural area of opportunity ~~critical economic~~
1152 ~~concern~~ recommended by the Rural Economic Development Initiative
1153 and designated by the Governor, and must be matched each year by
1154 an equivalent amount of nonstate resources.

1155 Section 28. Paragraphs (a) and (c) of subsection (2) of
1156 section 288.065, Florida Statutes, are amended to read:

1157 288.065 Rural Community Development Revolving Loan Fund.—

1158 (2) (a) The program shall provide for long-term loans, loan
1159 guarantees, and loan loss reserves to units of local
1160 governments, or economic development organizations substantially

576-04529A-14

20141634c2

1161 underwritten by a unit of local government, within counties with
1162 populations of 75,000 or fewer, or within any county with a
1163 population of 125,000 or fewer which is contiguous to a county
1164 with a population of 75,000 or fewer, based on the most recent
1165 official population estimate as determined under s. 186.901,
1166 including those residing in incorporated areas and those
1167 residing in unincorporated areas of the county, or to units of
1168 local government, or economic development organizations
1169 substantially underwritten by a unit of local government, within
1170 a rural area of opportunity ~~critical economic concern~~.

1171 (c) All repayments of principal and interest shall be
1172 returned to the loan fund and made available for loans to other
1173 applicants. However, in a rural area of opportunity ~~critical~~
1174 ~~economic concern~~ designated by the Governor, and upon approval
1175 by the department, repayments of principal and interest may be
1176 retained by the applicant if such repayments are dedicated and
1177 matched to fund regionally based economic development
1178 organizations representing the rural area of opportunity
1179 ~~critical economic concern~~.

1180 Section 29. Paragraphs (b), (c), and (e) of subsection (2)
1181 of section 288.0655, Florida Statutes, are amended to read:

1182 288.0655 Rural Infrastructure Fund.—

1183 (2)

1184 (b) To facilitate access of rural communities and rural
1185 areas of opportunity ~~critical economic concern~~ as defined by the
1186 Rural Economic Development Initiative to infrastructure funding
1187 programs of the Federal Government, such as those offered by the
1188 United States Department of Agriculture and the United States
1189 Department of Commerce, and state programs, including those

576-04529A-14

20141634c2

1190 offered by Rural Economic Development Initiative agencies, and
1191 to facilitate local government or private infrastructure funding
1192 efforts, the department may award grants for up to 30 percent of
1193 the total infrastructure project cost. If an application for
1194 funding is for a catalyst site, as defined in s. 288.0656, the
1195 department may award grants for up to 40 percent of the total
1196 infrastructure project cost. Eligible projects must be related
1197 to specific job-creation or job-retention opportunities.
1198 Eligible projects may also include improving any inadequate
1199 infrastructure that has resulted in regulatory action that
1200 prohibits economic or community growth or reducing the costs to
1201 community users of proposed infrastructure improvements that
1202 exceed such costs in comparable communities. Eligible uses of
1203 funds shall include improvements to public infrastructure for
1204 industrial or commercial sites and upgrades to or development of
1205 public tourism infrastructure. Authorized infrastructure may
1206 include the following public or public-private partnership
1207 facilities: storm water systems; telecommunications facilities;
1208 broadband facilities; roads or other remedies to transportation
1209 impediments; nature-based tourism facilities; or other physical
1210 requirements necessary to facilitate tourism, trade, and
1211 economic development activities in the community. Authorized
1212 infrastructure may also include publicly or privately owned
1213 self-powered nature-based tourism facilities, publicly owned
1214 telecommunications facilities, and broadband facilities, and
1215 additions to the distribution facilities of the existing natural
1216 gas utility as defined in s. 366.04(3)(c), the existing electric
1217 utility as defined in s. 366.02, or the existing water or
1218 wastewater utility as defined in s. 367.021(12), or any other

576-04529A-14

20141634c2

1219 existing water or wastewater facility, which owns a gas or
1220 electric distribution system or a water or wastewater system in
1221 this state where:

1222 1. A contribution-in-aid of construction is required to
1223 serve public or public-private partnership facilities under the
1224 tariffs of any natural gas, electric, water, or wastewater
1225 utility as defined herein; and

1226 2. Such utilities as defined herein are willing and able to
1227 provide such service.

1228 (c) To facilitate timely response and induce the location
1229 or expansion of specific job creating opportunities, the
1230 department may award grants for infrastructure feasibility
1231 studies, design and engineering activities, or other
1232 infrastructure planning and preparation activities. Authorized
1233 grants shall be up to \$50,000 for an employment project with a
1234 business committed to create at least 100 jobs; up to \$150,000
1235 for an employment project with a business committed to create at
1236 least 300 jobs; and up to \$300,000 for a project in a rural area
1237 of opportunity ~~critical economic concern~~. Grants awarded under
1238 this paragraph may be used in conjunction with grants awarded
1239 under paragraph (b), provided that the total amount of both
1240 grants does not exceed 30 percent of the total project cost. In
1241 evaluating applications under this paragraph, the department
1242 shall consider the extent to which the application seeks to
1243 minimize administrative and consultant expenses.

1244 (e) To enable local governments to access the resources
1245 available pursuant to s. 403.973(18), the department may award
1246 grants for surveys, feasibility studies, and other activities
1247 related to the identification and preclearance review of land

576-04529A-14

20141634c2

1248 which is suitable for preclearance review. Authorized grants
1249 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
1250 in the case of a project in a rural area of opportunity critical
1251 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed
1252 \$300,000. Any funds awarded under this paragraph must be matched
1253 at a level of 50 percent with local funds, except that any funds
1254 awarded for a project in a rural area of opportunity critical
1255 ~~economic concern~~ must be matched at a level of 33 percent with
1256 local funds. If an application for funding is for a catalyst
1257 site, as defined in s. 288.0656, the requirement for local match
1258 may be waived pursuant to the process in s. 288.06561. In
1259 evaluating applications under this paragraph, the department
1260 shall consider the extent to which the application seeks to
1261 minimize administrative and consultant expenses.

1262 Section 30. Paragraphs (a), (b), and (d) of subsection (2)
1263 and subsection (7) of section 288.0656, Florida Statutes, are
1264 amended to read:

1265 288.0656 Rural Economic Development Initiative.—

1266 (2) As used in this section, the term:

1267 (a) "Catalyst project" means a business locating or
1268 expanding in a rural area of opportunity critical ~~economic~~
1269 ~~concern~~ to serve as an economic generator of regional
1270 significance for the growth of a regional target industry
1271 cluster. The project must provide capital investment on a scale
1272 significant enough to affect the entire region and result in the
1273 development of high-wage and high-skill jobs.

1274 (b) "Catalyst site" means a parcel or parcels of land
1275 within a rural area of opportunity critical ~~economic concern~~
1276 that has been prioritized as a geographic site for economic

576-04529A-14

20141634c2

1277 development through partnerships with state, regional, and local
1278 organizations. The site must be reviewed by REDI and approved by
1279 the department for the purposes of locating a catalyst project.

1280 (d) "Rural area of opportunity ~~critical economic concern~~"
1281 means a rural community, or a region composed of rural
1282 communities, designated by the Governor, which ~~that~~ has been
1283 adversely affected by an extraordinary economic event, severe or
1284 chronic distress, or a natural disaster or that presents a
1285 unique economic development opportunity of regional impact.

1286 (7) (a) REDI may recommend to the Governor up to three rural
1287 areas of opportunity ~~critical economic concern~~. The Governor may
1288 by executive order designate up to three rural areas of
1289 opportunity ~~critical economic concern~~ which will establish these
1290 areas as priority assignments for REDI as well as to allow the
1291 Governor, acting through REDI, to waive criteria, requirements,
1292 or similar provisions of any economic development incentive.
1293 Such incentives shall include, but are not ~~be~~ limited to, + the
1294 Qualified Target Industry Tax Refund Program under s. 288.106,
1295 the Quick Response Training Program under s. 288.047, the Quick
1296 Response Training Program for participants in the welfare
1297 transition program under s. 288.047(8), transportation projects
1298 under s. 339.2821, the brownfield redevelopment bonus refund
1299 under s. 288.107, and the rural job tax credit program under ss.
1300 212.098 and 220.1895.

1301 (b) Designation as a rural area of opportunity ~~critical~~
1302 ~~economic concern~~ under this subsection shall be contingent upon
1303 the execution of a memorandum of agreement among the department;
1304 the governing body of the county; and the governing bodies of
1305 any municipalities to be included within a rural area of

576-04529A-14

20141634c2

1306 opportunity ~~critical economic concern~~. Such agreement shall
1307 specify the terms and conditions of the designation, including,
1308 but not limited to, the duties and responsibilities of the
1309 county and any participating municipalities to take actions
1310 designed to facilitate the retention and expansion of existing
1311 businesses in the area, as well as the recruitment of new
1312 businesses to the area.

1313 (c) Each rural area of opportunity ~~critical economic~~
1314 ~~concern~~ may designate catalyst projects, provided that each
1315 catalyst project is specifically recommended by REDI, identified
1316 as a catalyst project by Enterprise Florida, Inc., and confirmed
1317 as a catalyst project by the department. All state agencies and
1318 departments shall use all available tools and resources to the
1319 extent permissible by law to promote the creation and
1320 development of each catalyst project and the development of
1321 catalyst sites.

1322 Section 31. Paragraph (a) of subsection (3) of section
1323 288.1088, Florida Statutes, is amended to read:

1324 288.1088 Quick Action Closing Fund.—

1325 (3) (a) The department and Enterprise Florida, Inc., shall
1326 jointly review applications pursuant to s. 288.061 and determine
1327 the eligibility of each project consistent with the criteria in
1328 subsection (2). Waiver of these criteria may be considered under
1329 the following criteria:

1330 1. Based on extraordinary circumstances;

1331 2. In order to mitigate the impact of the conclusion of the
1332 space shuttle program; or

1333 3. In rural areas of opportunity ~~critical economic concern~~
1334 if the project would significantly benefit the local or regional

576-04529A-14

20141634c2

1335 economy.

1336 Section 32. Paragraphs (b), (c), and (d) of subsection (4)
1337 of section 288.1089, Florida Statutes, are amended to read:

1338 288.1089 Innovation Incentive Program.—

1339 (4) To qualify for review by the department, the applicant
1340 must, at a minimum, establish the following to the satisfaction
1341 of the department:

1342 (b) A research and development project must:

1343 1. Serve as a catalyst for an emerging or evolving
1344 technology cluster.

1345 2. Demonstrate a plan for significant higher education
1346 collaboration.

1347 3. Provide the state, at a minimum, a cumulative break-even
1348 economic benefit within a 20-year period.

1349 4. Be provided with a one-to-one match from the local
1350 community. The match requirement may be reduced or waived in
1351 rural areas of opportunity ~~critical economic concern~~ or reduced
1352 in rural areas, brownfield areas, and enterprise zones.

1353 (c) An innovation business project in this state, other
1354 than a research and development project, must:

1355 1.a. Result in the creation of at least 1,000 direct, new
1356 jobs at the business; or

1357 b. Result in the creation of at least 500 direct, new jobs
1358 if the project is located in a rural area, a brownfield area, or
1359 an enterprise zone.

1360 2. Have an activity or product that is within an industry
1361 that is designated as a target industry business under s.

1362 288.106 or a designated sector under s. 288.108.

1363 3.a. Have a cumulative investment of at least \$500 million

576-04529A-14

20141634c2

1364 within a 5-year period; or

1365 b. Have a cumulative investment that exceeds \$250 million
1366 within a 10-year period if the project is located in a rural
1367 area, brownfield area, or an enterprise zone.

1368 4. Be provided with a one-to-one match from the local
1369 community. The match requirement may be reduced or waived in
1370 rural areas of opportunity ~~critical economic concern~~ or reduced
1371 in rural areas, brownfield areas, and enterprise zones.

1372 (d) For an alternative and renewable energy project in this
1373 state, the project must:

1374 1. Demonstrate a plan for significant collaboration with an
1375 institution of higher education;

1376 2. Provide the state, at a minimum, a cumulative break-even
1377 economic benefit within a 20-year period;

1378 3. Include matching funds provided by the applicant or
1379 other available sources. The match requirement may be reduced or
1380 waived in rural areas of opportunity ~~critical economic concern~~
1381 or reduced in rural areas, brownfield areas, and enterprise
1382 zones;

1383 4. Be located in this state; and

1384 5. Provide at least 35 direct, new jobs that pay an
1385 estimated annual average wage that equals at least 130 percent
1386 of the average private sector wage.

1387 Section 33. Paragraph (d) of subsection (6) of section
1388 290.0055, Florida Statutes, is amended to read:

1389 290.0055 Local nominating procedure.—

1390 (6)

1391 (d)1. The governing body of a jurisdiction which has
1392 nominated an application for an enterprise zone that is at least

576-04529A-14

20141634c2

1393 15 square miles and less than 20 square miles and includes a
 1394 portion of the state designated as a rural area of opportunity
 1395 ~~critical-economic-concern~~ under s. 288.0656(7) may apply to the
 1396 department to expand the boundary of the existing enterprise
 1397 zone by not more than 3 square miles.

1398 2. The governing body of a jurisdiction which has nominated
 1399 an application for an enterprise zone that is at least 20 square
 1400 miles and includes a portion of the state designated as a rural
 1401 area of opportunity ~~critical-economic-concern~~ under s.
 1402 288.0656(7) may apply to the department to expand the boundary
 1403 of the existing enterprise zone by not more than 5 square miles.

1404 3. An application to expand the boundary of an enterprise
 1405 zone under this paragraph must be submitted by December 31,
 1406 2013.

1407 4. Notwithstanding the area limitations specified in
 1408 subsection (4), the department may approve the request for a
 1409 boundary amendment if the area continues to satisfy the
 1410 remaining requirements of this section.

1411 5. The department shall establish the initial effective
 1412 date of an enterprise zone designated under this paragraph.

1413 Section 34. Paragraph (c) of subsection (4) of section
 1414 339.2819, Florida Statutes, is amended to read:

1415 339.2819 Transportation Regional Incentive Program.—

1416 (4)

1417 (c) The department shall give priority to projects that:

1418 1. Provide connectivity to the Strategic Intermodal System
 1419 developed under s. 339.64.

1420 2. Support economic development and the movement of goods
 1421 in rural areas of opportunity ~~critical-economic-concern~~

576-04529A-14

20141634c2

1422 designated under s. 288.0656(7).

1423 3. Are subject to a local ordinance that establishes
1424 corridor management techniques, including access management
1425 strategies, right-of-way acquisition and protection measures,
1426 appropriate land use strategies, zoning, and setback
1427 requirements for adjacent land uses.

1428 4. Improve connectivity between military installations and
1429 the Strategic Highway Network or the Strategic Rail Corridor
1430 Network.

1431
1432 The department shall also consider the extent to which local
1433 matching funds are available to be committed to the project.

1434 Section 35. Paragraph (b) of subsection (5) of section
1435 339.63, Florida Statutes, is amended to read:

1436 339.63 System facilities designated; additions and
1437 deletions.—

1438 (5)

1439 (b) A facility designated part of the Strategic Intermodal
1440 System pursuant to paragraph (a) that is within the jurisdiction
1441 of a local government that maintains a transportation
1442 concurrency system shall receive a waiver of transportation
1443 concurrency requirements applicable to Strategic Intermodal
1444 System facilities in order to accommodate any development at the
1445 facility which occurs pursuant to a building permit issued on or
1446 before December 31, 2017, but only if such facility is located:

1447 1. Within an area designated pursuant to s. 288.0656(7) as
1448 a rural area of opportunity ~~critical economic concern~~;

1449 2. Within a rural enterprise zone as defined in s.
1450 290.004(5); or

576-04529A-14

20141634c2

1451 3. Within 15 miles of the boundary of a rural area of
1452 opportunity ~~critical economic concern~~ or a rural enterprise
1453 zone.

1454 Section 36. Paragraph (c) of subsection (3) of section
1455 373.4595, Florida Statutes, is amended to read:

1456 373.4595 Northern Everglades and Estuaries Protection
1457 Program.—

1458 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
1459 protection program for Lake Okeechobee that achieves phosphorus
1460 load reductions for Lake Okeechobee shall be immediately
1461 implemented as specified in this subsection. The program shall
1462 address the reduction of phosphorus loading to the lake from
1463 both internal and external sources. Phosphorus load reductions
1464 shall be achieved through a phased program of implementation.
1465 Initial implementation actions shall be technology-based, based
1466 upon a consideration of both the availability of appropriate
1467 technology and the cost of such technology, and shall include
1468 phosphorus reduction measures at both the source and the
1469 regional level. The initial phase of phosphorus load reductions
1470 shall be based upon the district's Technical Publication 81-2
1471 and the district's WOD program, with subsequent phases of
1472 phosphorus load reductions based upon the total maximum daily
1473 loads established in accordance with s. 403.067. In the
1474 development and administration of the Lake Okeechobee Watershed
1475 Protection Program, the coordinating agencies shall maximize
1476 opportunities provided by federal cost-sharing programs and
1477 opportunities for partnerships with the private sector.

1478 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—
1479 The Lake Okeechobee Watershed Phosphorus Control Program is

576-04529A-14

20141634c2

1480 designed to be a multifaceted approach to reducing phosphorus
1481 loads by improving the management of phosphorus sources within
1482 the Lake Okeechobee watershed through implementation of
1483 regulations and best management practices, development and
1484 implementation of improved best management practices,
1485 improvement and restoration of the hydrologic function of
1486 natural and managed systems, and utilization of alternative
1487 technologies for nutrient reduction. The coordinating agencies
1488 shall facilitate the application of federal programs that offer
1489 opportunities for water quality treatment, including
1490 preservation, restoration, or creation of wetlands on
1491 agricultural lands.

1492 1. Agricultural nonpoint source best management practices,
1493 developed in accordance with s. 403.067 and designed to achieve
1494 the objectives of the Lake Okeechobee Watershed Protection
1495 Program, shall be implemented on an expedited basis. The
1496 coordinating agencies shall develop an interagency agreement
1497 pursuant to ss. 373.046 and 373.406(5) that assures the
1498 development of best management practices that complement
1499 existing regulatory programs and specifies how those best
1500 management practices are implemented and verified. The
1501 interagency agreement shall address measures to be taken by the
1502 coordinating agencies during any best management practice
1503 reevaluation performed pursuant to sub-subparagraph d. The
1504 department shall use best professional judgment in making the
1505 initial determination of best management practice effectiveness.

1506 a. As provided in s. 403.067(7)(c), the Department of
1507 Agriculture and Consumer Services, in consultation with the
1508 department, the district, and affected parties, shall initiate

576-04529A-14

20141634c2

1509 rule development for interim measures, best management
1510 practices, conservation plans, nutrient management plans, or
1511 other measures necessary for Lake Okeechobee watershed total
1512 maximum daily load reduction. The rule shall include thresholds
1513 for requiring conservation and nutrient management plans and
1514 criteria for the contents of such plans. Development of
1515 agricultural nonpoint source best management practices shall
1516 initially focus on those priority basins listed in subparagraph
1517 (b)1. The Department of Agriculture and Consumer Services, in
1518 consultation with the department, the district, and affected
1519 parties, shall conduct an ongoing program for improvement of
1520 existing and development of new interim measures or best
1521 management practices for the purpose of adoption of such
1522 practices by rule. The Department of Agriculture and Consumer
1523 Services shall work with the University of Florida's Institute
1524 of Food and Agriculture Sciences to review and, where
1525 appropriate, develop revised nutrient application rates for all
1526 agricultural soil amendments in the watershed.

1527 b. Where agricultural nonpoint source best management
1528 practices or interim measures have been adopted by rule of the
1529 Department of Agriculture and Consumer Services, the owner or
1530 operator of an agricultural nonpoint source addressed by such
1531 rule shall either implement interim measures or best management
1532 practices or demonstrate compliance with the district's WOD
1533 program by conducting monitoring prescribed by the department or
1534 the district. Owners or operators of agricultural nonpoint
1535 sources who implement interim measures or best management
1536 practices adopted by rule of the Department of Agriculture and
1537 Consumer Services shall be subject to the provisions of s.

576-04529A-14

20141634c2

1538 403.067(7). The Department of Agriculture and Consumer Services,
1539 in cooperation with the department and the district, shall
1540 provide technical and financial assistance for implementation of
1541 agricultural best management practices, subject to the
1542 availability of funds.

1543 c. The district or department shall conduct monitoring at
1544 representative sites to verify the effectiveness of agricultural
1545 nonpoint source best management practices.

1546 d. Where water quality problems are detected for
1547 agricultural nonpoint sources despite the appropriate
1548 implementation of adopted best management practices, the
1549 Department of Agriculture and Consumer Services, in consultation
1550 with the other coordinating agencies and affected parties, shall
1551 institute a reevaluation of the best management practices and
1552 make appropriate changes to the rule adopting best management
1553 practices.

1554 2. Nonagricultural nonpoint source best management
1555 practices, developed in accordance with s. 403.067 and designed
1556 to achieve the objectives of the Lake Okeechobee Watershed
1557 Protection Program, shall be implemented on an expedited basis.
1558 The department and the district shall develop an interagency
1559 agreement pursuant to ss. 373.046 and 373.406(5) that assures
1560 the development of best management practices that complement
1561 existing regulatory programs and specifies how those best
1562 management practices are implemented and verified. The
1563 interagency agreement shall address measures to be taken by the
1564 department and the district during any best management practice
1565 reevaluation performed pursuant to sub-subparagraph d.

1566 a. The department and the district are directed to work

576-04529A-14

20141634c2

1567 with the University of Florida's Institute of Food and
1568 Agricultural Sciences to develop appropriate nutrient
1569 application rates for all nonagricultural soil amendments in the
1570 watershed. As provided in s. 403.067(7)(c), the department, in
1571 consultation with the district and affected parties, shall
1572 develop interim measures, best management practices, or other
1573 measures necessary for Lake Okeechobee watershed total maximum
1574 daily load reduction. Development of nonagricultural nonpoint
1575 source best management practices shall initially focus on those
1576 priority basins listed in subparagraph (b)1. The department, the
1577 district, and affected parties shall conduct an ongoing program
1578 for improvement of existing and development of new interim
1579 measures or best management practices. The district shall adopt
1580 technology-based standards under the district's WOD program for
1581 nonagricultural nonpoint sources of phosphorus. Nothing in this
1582 sub-subparagraph shall affect the authority of the department or
1583 the district to adopt basin-specific criteria under this part to
1584 prevent harm to the water resources of the district.

1585 b. Where nonagricultural nonpoint source best management
1586 practices or interim measures have been developed by the
1587 department and adopted by the district, the owner or operator of
1588 a nonagricultural nonpoint source shall implement interim
1589 measures or best management practices and be subject to the
1590 provisions of s. 403.067(7). The department and district shall
1591 provide technical and financial assistance for implementation of
1592 nonagricultural nonpoint source best management practices,
1593 subject to the availability of funds.

1594 c. The district or the department shall conduct monitoring
1595 at representative sites to verify the effectiveness of

576-04529A-14

20141634c2

1596 nonagricultural nonpoint source best management practices.

1597 d. Where water quality problems are detected for
1598 nonagricultural nonpoint sources despite the appropriate
1599 implementation of adopted best management practices, the
1600 department and the district shall institute a reevaluation of
1601 the best management practices.

1602 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not
1603 preclude the department or the district from requiring
1604 compliance with water quality standards or with current best
1605 management practices requirements set forth in any applicable
1606 regulatory program authorized by law for the purpose of
1607 protecting water quality. Additionally, subparagraphs 1. and 2.
1608 are applicable only to the extent that they do not conflict with
1609 any rules adopted ~~promulgated~~ by the department that are
1610 necessary to maintain a federally delegated or approved program.

1611 4. Projects that reduce the phosphorus load originating
1612 from domestic wastewater systems within the Lake Okeechobee
1613 watershed shall be given funding priority in the department's
1614 revolving loan program under s. 403.1835. The department shall
1615 coordinate and provide assistance to those local governments
1616 seeking financial assistance for such priority projects.

1617 5. Projects that make use of private lands, or lands held
1618 in trust for Indian tribes, to reduce nutrient loadings or
1619 concentrations within a basin by one or more of the following
1620 methods: restoring the natural hydrology of the basin, restoring
1621 wildlife habitat or impacted wetlands, reducing peak flows after
1622 storm events, increasing aquifer recharge, or protecting range
1623 and timberland from conversion to development, are eligible for
1624 grants available under this section from the coordinating

576-04529A-14

20141634c2

1625 agencies. For projects of otherwise equal priority, special
1626 funding priority will be given to those projects that make best
1627 use of the methods outlined above that involve public-private
1628 partnerships or that obtain federal match money. Preference
1629 ranking above the special funding priority will be given to
1630 projects located in a rural area of opportunity ~~critical~~
1631 ~~economic concern~~ designated by the Governor. Grant applications
1632 may be submitted by any person or tribal entity, and eligible
1633 projects may include, but are not limited to, the purchase of
1634 conservation and flowage easements, hydrologic restoration of
1635 wetlands, creating treatment wetlands, development of a
1636 management plan for natural resources, and financial support to
1637 implement a management plan.

1638 6.a. The department shall require all entities disposing of
1639 domestic wastewater residuals within the Lake Okeechobee
1640 watershed and the remaining areas of Okeechobee, Glades, and
1641 Hendry Counties to develop and submit to the department an
1642 agricultural use plan that limits applications based upon
1643 phosphorus loading. By July 1, 2005, phosphorus concentrations
1644 originating from these application sites may ~~shall~~ not exceed
1645 the limits established in the district's WOD program. After
1646 December 31, 2007, the department may not authorize the disposal
1647 of domestic wastewater residuals within the Lake Okeechobee
1648 watershed unless the applicant can affirmatively demonstrate
1649 that the phosphorus in the residuals will not add to phosphorus
1650 loadings in Lake Okeechobee or its tributaries. This
1651 demonstration shall be based on achieving a net balance between
1652 phosphorus imports relative to exports on the permitted
1653 application site. Exports shall include only phosphorus removed

576-04529A-14

20141634c2

1654 from the Lake Okeechobee watershed through products generated on
1655 the permitted application site. This prohibition does not apply
1656 to Class AA residuals that are marketed and distributed as
1657 fertilizer products in accordance with department rule.

1658 b. Private and government-owned utilities within Monroe,
1659 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1660 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1661 dispose of wastewater residual sludge from utility operations
1662 and septic removal by land spreading in the Lake Okeechobee
1663 watershed may use a line item on local sewer rates to cover
1664 wastewater residual treatment and disposal if such disposal and
1665 treatment is done by approved alternative treatment methodology
1666 at a facility located within the areas designated by the
1667 Governor as rural areas of opportunity ~~critical economic concern~~
1668 pursuant to s. 288.0656. This additional line item is an
1669 environmental protection disposal fee above the present sewer
1670 rate and may ~~shall~~ not be considered a part of the present sewer
1671 rate to customers, notwithstanding provisions to the contrary in
1672 chapter 367. The fee shall be established by the county
1673 commission or its designated assignee in the county in which the
1674 alternative method treatment facility is located. The fee shall
1675 be calculated to be no higher than that necessary to recover the
1676 facility's prudent cost of providing the service. Upon request
1677 by an affected county commission, the Florida Public Service
1678 Commission will provide assistance in establishing the fee.
1679 Further, for utilities and utility authorities that use the
1680 additional line item environmental protection disposal fee, such
1681 fee may ~~shall~~ not be considered a rate increase under the rules
1682 of the Public Service Commission and shall be exempt from such

576-04529A-14

20141634c2

1683 rules. Utilities using the provisions of this section may
1684 immediately include in their sewer invoicing the new
1685 environmental protection disposal fee. Proceeds from this
1686 environmental protection disposal fee shall be used for
1687 treatment and disposal of wastewater residuals, including any
1688 treatment technology that helps reduce the volume of residuals
1689 that require final disposal, but such proceeds may ~~shall~~ not be
1690 used for transportation or shipment costs for disposal or any
1691 costs relating to the land application of residuals in the Lake
1692 Okeechobee watershed.

1693 c. No less frequently than once every 3 years, the Florida
1694 Public Service Commission or the county commission through the
1695 services of an independent auditor shall perform a financial
1696 audit of all facilities receiving compensation from an
1697 environmental protection disposal fee. The Florida Public
1698 Service Commission or the county commission through the services
1699 of an independent auditor shall also perform an audit of the
1700 methodology used in establishing the environmental protection
1701 disposal fee. The Florida Public Service Commission or the
1702 county commission shall, within 120 days after completion of an
1703 audit, file the audit report with the President of the Senate
1704 and the Speaker of the House of Representatives and shall
1705 provide copies to the county commissions of the counties set
1706 forth in sub-subparagraph b. The books and records of any
1707 facilities receiving compensation from an environmental
1708 protection disposal fee shall be open to the Florida Public
1709 Service Commission and the Auditor General for review upon
1710 request.

1711 7. The Department of Health shall require all entities

576-04529A-14

20141634c2

1712 disposing of septage within the Lake Okeechobee watershed to
1713 develop and submit to that agency an agricultural use plan that
1714 limits applications based upon phosphorus loading. By July 1,
1715 2005, phosphorus concentrations originating from these
1716 application sites may ~~shall~~ not exceed the limits established in
1717 the district's WOD program.

1718 8. The Department of Agriculture and Consumer Services
1719 shall initiate rulemaking requiring entities within the Lake
1720 Okeechobee watershed which land-apply animal manure to develop
1721 resource management system level conservation plans, according
1722 to United States Department of Agriculture criteria, which limit
1723 such application. Such rules may include criteria and thresholds
1724 for the requirement to develop a conservation or nutrient
1725 management plan, requirements for plan approval, and
1726 recordkeeping requirements.

1727 9. The district, the department, or the Department of
1728 Agriculture and Consumer Services, as appropriate, shall
1729 implement those alternative nutrient reduction technologies
1730 determined to be feasible pursuant to subparagraph (d)6.

1731 Section 37. Paragraph (e) of subsection (2) and paragraph
1732 (b) of subsection (26) of section 380.06, Florida Statutes, are
1733 amended to read:

1734 380.06 Developments of regional impact.—

1735 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1736 (e) With respect to residential, hotel, motel, office, and
1737 retail developments, the applicable guidelines and standards
1738 shall be increased by 50 percent in urban central business
1739 districts and regional activity centers of jurisdictions whose
1740 local comprehensive plans are in compliance with part II of

576-04529A-14

20141634c2

1741 chapter 163. With respect to multiuse developments, the
1742 applicable individual use guidelines and standards for
1743 residential, hotel, motel, office, and retail developments and
1744 multiuse guidelines and standards shall be increased by 100
1745 percent in urban central business districts and regional
1746 activity centers of jurisdictions whose local comprehensive
1747 plans are in compliance with part II of chapter 163, if one land
1748 use of the multiuse development is residential and amounts to
1749 not less than 35 percent of the jurisdiction's applicable
1750 residential threshold. With respect to resort or convention
1751 hotel developments, the applicable guidelines and standards
1752 shall be increased by 150 percent in urban central business
1753 districts and regional activity centers of jurisdictions whose
1754 local comprehensive plans are in compliance with part II of
1755 chapter 163 and where the increase is specifically for a
1756 proposed resort or convention hotel located in a county with a
1757 population greater than 500,000 and the local government
1758 specifically designates that the proposed resort or convention
1759 hotel development will serve an existing convention center of
1760 more than 250,000 gross square feet built before ~~prior to~~ July
1761 1, 1992. The applicable guidelines and standards shall be
1762 increased by 150 percent for development in any area designated
1763 by the Governor as a rural area of opportunity ~~critical economic~~
1764 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the
1765 designation.

1766 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1767 (b) Upon receipt of written confirmation from the state
1768 land planning agency that any required mitigation applicable to
1769 completed development has occurred, an industrial development of

576-04529A-14

20141634c2

1770 regional impact located within the coastal high-hazard area of a
 1771 rural area of opportunity ~~county of economic concern~~ which was
 1772 approved before ~~prior to~~ the adoption of the local government's
 1773 comprehensive plan required under s. 163.3167 and which plan's
 1774 future land use map and zoning designates the land use for the
 1775 development of regional impact as commercial may be unilaterally
 1776 abandoned without the need to proceed through the process
 1777 described in paragraph (a) if the developer or owner provides a
 1778 notice of abandonment to the local government and records such
 1779 notice with the applicable clerk of court. Abandonment shall be
 1780 deemed to have occurred upon the recording of the notice. All
 1781 development following abandonment shall be fully consistent with
 1782 the current comprehensive plan and applicable zoning.

1783 Section 38. Paragraph (g) of subsection (3) of section
 1784 380.0651, Florida Statutes, is amended to read:

1785 380.0651 Statewide guidelines and standards.—

1786 (3) The following statewide guidelines and standards shall
 1787 be applied in the manner described in s. 380.06(2) to determine
 1788 whether the following developments shall be required to undergo
 1789 development-of-regional-impact review:

1790 (g) *Residential development.*—~~A~~ ~~No~~ rule may not be adopted
 1791 concerning residential developments which treats a residential
 1792 development in one county as being located in a less populated
 1793 adjacent county unless more than 25 percent of the development
 1794 is located within 2 ~~or less~~ miles or less of the less populated
 1795 adjacent county. The residential thresholds of adjacent counties
 1796 with less population and a lower threshold may ~~shall~~ not be
 1797 controlling on any development wholly located within areas
 1798 designated as rural areas of opportunity ~~critical economic~~

576-04529A-14

20141634c2

1799 ~~concern.~~

1800 Section 39. Paragraph (b) of subsection (2) of section
1801 985.686, Florida Statutes, is amended to read:

1802 985.686 Shared county and state responsibility for juvenile
1803 detention.—

1804 (2) As used in this section, the term:

1805 (b) "Fiscally constrained county" means a county within a
1806 rural area of opportunity ~~critical economic concern~~ as
1807 designated by the Governor pursuant to s. 288.0656 or each
1808 county for which the value of a mill will raise no more than \$5
1809 million in revenue, based on the certified school taxable value
1810 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
1811 July 1.

1812 Section 40. Subsection (2) of section 1011.76, Florida
1813 Statutes, is amended to read:

1814 1011.76 Small School District Stabilization Program.—

1815 (2) In order to participate in this program, a school
1816 district must be located in a rural area of opportunity ~~critical~~
1817 ~~economic concern~~ designated by the Executive Office of the
1818 Governor, and the district school board must submit a resolution
1819 to the Department of Economic Opportunity requesting
1820 participation in the program. A rural area of opportunity
1821 ~~critical economic concern~~ must be a rural community, or a region
1822 composed of such, that has been adversely affected by an
1823 extraordinary economic event or a natural disaster or that
1824 presents a unique economic development concern or opportunity of
1825 regional impact. The resolution must be accompanied by ~~with~~
1826 documentation of the economic conditions in the community and
1827 provide information indicating the negative impact of these

576-04529A-14

20141634c2

1828 conditions on the school district's financial stability, and the
1829 school district must participate in a best financial management
1830 practices review to determine potential efficiencies that could
1831 be implemented to reduce program costs in the district.

1832 Section 41. Paragraph (a) of subsection (4) of section
1833 215.425, Florida Statutes, is amended to read:

1834 215.425 Extra compensation claims prohibited; bonuses;
1835 severance pay.—

1836 (4) (a) On or after July 1, 2011, a unit of government that
1837 enters into a contract or employment agreement, or renewal or
1838 renegotiation of an existing contract or employment agreement,
1839 that contains a provision for severance pay with an officer,
1840 agent, employee, or contractor must include the following
1841 provisions in the contract:

1842 1. A requirement that severance pay provided may not exceed
1843 an amount greater than 20 weeks of compensation.

1844 2. A prohibition of provision of severance pay when the
1845 officer, agent, employee, or contractor has been fired for
1846 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the
1847 unit of government.

1848 Section 42. Paragraph (f) of subsection (13) of section
1849 443.1216, Florida Statutes, is amended to read:

1850 443.1216 Employment.—Employment, as defined in s. 443.036,
1851 is subject to this chapter under the following conditions:

1852 (13) The following are exempt from coverage under this
1853 chapter:

1854 (f) Service performed in the employ of a public employer as
1855 defined in s. 443.036, except as provided in subsection (2), and
1856 service performed in the employ of an instrumentality of a

576-04529A-14

20141634c2

1857 public employer as described in s. 443.036(35)(b) or (c) ~~or~~
1858 ~~443.036(36)(b) or (c)~~, to the extent that the instrumentality is
1859 immune under the United States Constitution from the tax imposed
1860 by s. 3301 of the Internal Revenue Code for that service.
1861 Section 43. This act shall take effect July 1, 2014.