

By Senator Rodriguez

37-00293A-18

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1                                   A bill to be entitled  
2       An act relating to the Small Business Roadway  
3       Construction Mitigation Grant Program; creating s.  
4       339.28154, F.S.; providing legislative findings;  
5       requiring the Department of Transportation to create a  
6       Small Business Roadway Construction Mitigation Grant  
7       Program; defining the terms "construction mitigation  
8       zone" and "qualified business"; requiring the program  
9       to disburse grants using funds allocated to the  
10      department by the Legislature to certain qualified  
11      businesses for the purpose of maintaining the  
12      businesses during a construction project of the  
13      department; providing restrictions on the amount of  
14      each grant; providing application requirements;  
15      providing eligibility criteria; requiring the  
16      department to make a report and to submit the report  
17      to the Legislature by a specified date; requiring the  
18      department to initiate rulemaking by a specified date;  
19      providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23       Section 1. Section 339.28154, Florida Statutes, is created  
24 to read:

25       339.28154 Small Business Roadway Construction Mitigation  
26 Grant Program.—

27       (1) The Legislature finds that it is in the best interest  
28 of the state to support small businesses that are negatively  
29 impacted by state construction projects and to mitigate the

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30 negative impacts on such businesses. While the benefit of  
31 construction and development by the state ultimately helps small  
32 business growth, small businesses may experience in the short-  
33 term decreased revenue that may decrease economic activity,  
34 state revenue, and employment.

35 (2) The department shall create a Small Business Roadway  
36 Construction Mitigation Grant Program to provide support for  
37 small businesses that are impacted by state construction  
38 projects.

39 (3) As used in this section, the term:

40 (a) "Construction mitigation zone" means a geographic area  
41 with a high concentration of qualified businesses which is  
42 designated by the department as being impacted by a construction  
43 project of the department.

44 (b) "Qualified business" means an entity that:

- 45 1. Is engaged in a for-profit business enterprise;
- 46 2. Employs up to 40 full-time or part-time employees; and
- 47 3. Is located in a construction mitigation zone.

48 (4) (a) The Small Business Roadway Construction Mitigation  
49 Grant Program shall disburse grants using funds allocated to the  
50 department by the Legislature to any qualified business located  
51 in a construction mitigation zone which is affected by a  
52 construction project of the department for the purpose of  
53 maintaining the business during the construction.

54 (b) The grant to each qualified business may not exceed the  
55 decline in profits demonstrated by the business or \$15,000 per  
56 calendar year, whichever is less.

57 (c) A qualified business may apply for a construction  
58 mitigation grant only for a construction project lasting 90 days

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59 or more. The qualified business must demonstrate in its  
60 application a significant decline in revenue, including  
61 timelines connecting the loss of revenue to the project, in a  
62 format and manner prescribed by the department.

63 (5) The department shall determine the eligibility of a  
64 qualified business for a construction mitigation grant on a  
65 case-by-case basis using all of the following criteria:

66 (a) Construction duration.

67 (b) Proximity to construction.

68 (c) Severity of traffic disruption.

69 (d) Lack of access to parking.

70 (e) Lack of access for pedestrian traffic.

71 (f) Any other criteria that the department determines to be  
72 relevant.

73 (6) The department shall make a report detailing best  
74 practices and methods to reduce the negative impacts of  
75 construction projects on qualified businesses in construction  
76 mitigation zones. By January 31, 2019, the department shall  
77 submit the report, including a list of recommendations, to the  
78 President of the Senate and the Speaker of the House of  
79 Representatives.

80 (7) By August 31, 2018, the department shall initiate  
81 rulemaking to implement this section.

82 Section 2. This act shall take effect July 1, 2018.