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CS/CS/CS/HB 1209, Engrossed 2

2023 Legislature

1
2 An act relating to rural development; amending s.
3 215.971, F.S.; requiring certain agency agreements to
4 include a provision authorizing the agency to provide
5 for the payment of specified invoices to certain
6 counties or municipalities for certain verified and
7 eligible performance; providing intent; providing
8 construction; amending s. 288.0655, F.S.; revising the
9 percentages of total infrastructure project cost which
10 the Department of Economic Opportunity may award
11 through grants from the Rural Infrastructure Fund;
12 revising authorized uses of eligible funds; deleting a
13 provision requiring that eligible projects be related
14 to specified opportunities; deleting provisions
15 allowing eligible funds to be used for broadband
16 Internet service and access; authorizing the
17 department to award grants up to a specified amount
18 for specified planning and preparation activities;
19 deleting a restriction on dual grant awards being used
20 which would exceed a specified percentage threshold;
21 revising a provision that requires that awarded funds
22 for specified surveys or other activities be matched
23 with a specified amount of local funds; providing an
24 effective date.
25

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 | Section 1. Paragraph (h) is added to subsection (1) of
29 | section 215.971, Florida Statutes, to read:

30 | 215.971 Agreements funded with federal or state
31 | assistance.—

32 | (1) An agency agreement that provides state financial
33 | assistance to a recipient or subrecipient, as those terms are
34 | defined in s. 215.97, or that provides federal financial
35 | assistance to a subrecipient, as defined by applicable United
36 | States Office of Management and Budget circulars, must include
37 | all of the following:

38 | (h) If the agency agreement provides federal or state
39 | financial assistance to a county or municipality that is a rural
40 | community or rural area of opportunity as those terms are
41 | defined in s. 288.0656(2), a provision allowing the agency to
42 | provide for the payment of invoices to the county, municipality,
43 | or rural area of opportunity as that term is defined in s.
44 | 288.0656(2), for verified and eligible performance that has been
45 | completed in accordance with the terms and conditions set forth
46 | in the agreement. This provision is included to alleviate the
47 | financial hardships that certain rural counties and
48 | municipalities encounter when administering agreements, and must
49 | be exercised by the agency when a county or municipality
50 | demonstrates financial hardship, to the extent that federal or

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51 state law, rule, or other regulation allows such payments. This
 52 paragraph may not be construed to alter or limit any other
 53 provisions of federal or state law, rule, or other regulation.

54 Section 2. Paragraphs (b), (c), and (e) of subsection (2)
 55 and subsection (3) of section 288.0655, Florida Statutes, are
 56 amended to read:

57 288.0655 Rural Infrastructure Fund.—

58 (2)

59 (b) To facilitate access of rural communities and rural
 60 areas of opportunity as defined by the Rural Economic
 61 Development Initiative to infrastructure funding programs of the
 62 Federal Government, such as those offered by the United States
 63 Department of Agriculture and the United States Department of
 64 Commerce, and state programs, including those offered by Rural
 65 Economic Development Initiative agencies, and to facilitate
 66 local government or private infrastructure funding efforts, the
 67 department may award grants for up to 75 ~~50~~ percent of the total
 68 infrastructure project cost, or up to 100 percent of the total
 69 infrastructure project cost for a project located in a rural
 70 community as defined in s. 288.0656(2) which is also located in
 71 a fiscally constrained county as defined in s. 218.67(1) or a
 72 rural area of opportunity as defined in s. 288.0656(2). ~~Eligible~~
 73 ~~projects must be related to specific job-creation or job-~~
 74 ~~retention opportunities.~~ Eligible uses of funds ~~projects~~ may
 75 ~~also~~ include improving any inadequate infrastructure that has

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76 | resulted in regulatory action that prohibits economic or
 77 | community growth and, reducing the costs to community users of
 78 | proposed infrastructure improvements that exceed such costs in
 79 | comparable communities, ~~and improving access to and the~~
 80 | ~~availability of broadband Internet service~~. Eligible uses of
 81 | funds ~~shall~~ include improvements to public infrastructure for
 82 | industrial or commercial sites and, upgrades to or development
 83 | of public tourism infrastructure, ~~and improvements to broadband~~
 84 | ~~Internet service and access in unserved or underserved rural~~
 85 | ~~communities. Improvements to broadband Internet service and~~
 86 | ~~access must be conducted through a partnership or partnerships~~
 87 | ~~with one or more dealers, as defined in s. 202.11(2), and the~~
 88 | ~~partnership or partnerships must be established through a~~
 89 | ~~competitive selection process that is publicly noticed.~~
 90 | Authorized infrastructure may include the following public or
 91 | public-private partnership facilities: storm water systems;
 92 | telecommunications facilities; ~~broadband facilities~~; roads or
 93 | other remedies to transportation impediments; nature-based
 94 | tourism facilities; or other physical requirements necessary to
 95 | facilitate tourism, trade, and economic development activities
 96 | in the community. Authorized infrastructure may also include
 97 | publicly or privately owned self-powered nature-based tourism
 98 | facilities, publicly owned telecommunications facilities, ~~and~~
 99 | ~~broadband facilities~~, and additions to the distribution
 100 | facilities of the existing natural gas utility as defined in s.

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101 366.04(3) (c), the existing electric utility as defined in s.
 102 366.02, or the existing water or wastewater utility as defined
 103 in s. 367.021(12), or any other existing water or wastewater
 104 facility, which owns a gas or electric distribution system or a
 105 water or wastewater system in this state when ~~where~~:

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

110 2. Such utilities as defined herein are willing and able
 111 to provide such service.

112 (c) ~~To facilitate timely response and induce the location~~
 113 ~~or expansion of specific job creating opportunities,~~ The
 114 department may award grants of up to \$300,000 for infrastructure
 115 feasibility studies, design and engineering activities, or other
 116 infrastructure planning and preparation activities. ~~Authorized~~
 117 ~~grants shall be up to \$50,000 for an employment project with a~~
 118 ~~business committed to create at least 100 jobs; up to \$150,000~~
 119 ~~for an employment project with a business committed to create at~~
 120 ~~least 300 jobs; and up to \$300,000 for a project in a rural area~~
 121 ~~of opportunity.~~ Grants awarded under this paragraph may be used
 122 in conjunction with grants awarded under paragraph (b), ~~provided~~
 123 ~~that the total amount of both grants does not exceed 30 percent~~
 124 ~~of the total project cost.~~ In evaluating applications under this
 125 paragraph, the department shall consider the extent to which the

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126 application seeks to minimize administrative and consultant
 127 expenses.

128 (e) To enable local governments to access the resources
 129 available pursuant to s. 403.973(18), the department may award
 130 grants for surveys, feasibility studies, and other activities
 131 related to the identification and preclearance review of land
 132 which is suitable for preclearance review. Authorized grants
 133 under this paragraph may not exceed \$75,000 each, except in the
 134 case of a project in a rural area of opportunity, in which case
 135 the grant may not exceed \$300,000. Any funds awarded under this
 136 paragraph must be matched at a level of 50 percent with local
 137 funds, except that any funds awarded for a project in a rural
 138 area of opportunity do not require a match of ~~must be matched at~~
 139 ~~a level of 33 percent with~~ local funds. If an application for
 140 funding is for a catalyst site, as defined in s. 288.0656, the
 141 requirement for local match may be waived pursuant to the
 142 process in s. 288.06561. In evaluating applications under this
 143 paragraph, the department shall consider the extent to which the
 144 application seeks to minimize administrative and consultant
 145 expenses.

146 (3) The department, in consultation with Enterprise
 147 Florida, Inc., the Florida Tourism Industry Marketing
 148 Corporation, the Department of Environmental Protection, and the
 149 Florida Fish and Wildlife Conservation Commission, as
 150 appropriate, shall review and certify applications pursuant to

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151 | s. 288.061. The review must ~~shall~~ include an evaluation of the
152 | economic benefit ~~of the projects~~ and ~~their~~ long-term viability.
153 | The department shall have final approval for any grant under
154 | this section.

155 | Section 3. This act shall take effect July 1, 2023.