

1 A bill to be entitled
2 An act relating to economic development;
3 providing a short title; providing intent;
4 amending s. 163.3177, F.S.; providing
5 requirements for the future land use element of
6 a local government comprehensive plan with
7 respect to rural areas; amending s. 186.502,
8 F.S.; providing that a regional planning
9 council shall have a duty to assist local
10 governments with economic development; amending
11 s. 186.504, F.S.; providing that the ex
12 officio, nonvoting membership of each regional
13 planning council shall include a representative
14 nominated by Enterprise Florida, Inc., and the
15 Office of Tourism, Trade, and Economic
16 Development; amending s. 186.505, F.S.;
17 authorizing the use of regional planning
18 council personnel, consultants, or technical or
19 professional assistants to help local
20 governments with economic development
21 activities; amending s. 212.098, F.S.;
22 authorizing the Office of Tourism, Trade, and
23 Economic Development to recommend to the
24 Legislature additions to or deletions from the
25 list of standard industrial classifications
26 used to determine an eligible business for
27 purposes of the Rural Job Tax Credit Program;
28 amending s. 288.018, F.S.; authorizing the
29 Office of Tourism, Trade, and Economic
30 Development to approve regional rural
31 development grants on an annual basis;

1 increasing the maximum amount of each grant
2 award; increasing the total amount that may be
3 expended annually for such grants; amending s.
4 288.065, F.S.; revising the population criteria
5 for local government participation in the Rural
6 Community Development Revolving Loan Fund;
7 prescribing conditions under which repayments
8 of principal and interest under the Rural
9 Community Development Revolving Loan Fund may
10 be retained by a unit of local government;
11 creating s. 288.0655, F.S.; creating the Rural
12 Infrastructure Fund for infrastructure projects
13 in rural communities; providing for an annual
14 deposit in the Economic Development Trust Fund
15 in support of such infrastructure fund;
16 authorizing grants for infrastructure projects
17 and related studies; requiring the development
18 of guidelines; providing that funds
19 appropriated for such infrastructure fund shall
20 not be subject to reversion; amending s.
21 320.20, F.S.; requiring the deposit of a
22 certain amount of motor vehicle registration
23 funds in the Economic Development Trust Fund in
24 support of the Rural Infrastructure Fund;
25 prescribing the manner in which such funds may
26 be used in support of bonds or other debt
27 instruments; specifying that certain debts
28 related to the Rural Infrastructure Fund shall
29 not constitute a general obligation of the
30 state; prohibiting diversion of such funds;
31 amending s. 288.106, F.S., relating to the tax

1 refund program for qualified target industry
2 businesses; providing a definition; authorizing
3 the Office of Tourism, Trade, and Economic
4 Development to reduce certain employment
5 requirements for an expanding business in a
6 rural community or enterprise zone under
7 certain conditions; creating the Rural Economic
8 Development Initiative within the office and
9 providing its duties and responsibilities;
10 directing specified agencies to select a
11 representative to work with the initiative;
12 providing for the recommendation and
13 designation of rural areas of critical economic
14 concern; providing for the waiver of certain
15 criteria and rules with respect to such areas;
16 providing for the commitment of certain
17 services, resources, benefits, and staffing
18 with respect to such areas; requiring execution
19 of a memorandum of agreement as a condition to
20 designation as a rural area of critical
21 economic concern; providing for an annual
22 report; authorizing the Office of Tourism,
23 Trade, and Economic Development to accept and
24 administer moneys appropriated for grants to
25 assist rural communities to develop and
26 implement strategic economic development plans;
27 providing for review of grant applications;
28 authorizing the Department of Community Affairs
29 to establish a grant program to assist rural
30 counties in financing studies regarding the
31 establishment of municipal service taxing or

1 benefit units; providing for rules; providing
2 an appropriation; amending s. 236.081, F.S.;
3 providing an exclusion under the computation of
4 school district required local effort for
5 certain nonpayment of property taxes in a rural
6 area of critical economic concern; creating s.
7 311.20, F.S.; creating the Northwest Florida
8 Seaport Transportation and Economic Development
9 Council; providing for the membership of the
10 council; requiring the council to develop a
11 strategic regional development plan;
12 prescribing powers of the council; providing
13 for staffing of the council; amending s.
14 378.601, F.S.; exempting specified heavy mining
15 operations from requirements for
16 development-of-regional-impact review under
17 certain circumstances; directing the Florida
18 Fish and Wildlife Conservation Commission to
19 provide assistance related to promotion and
20 development of nature-based recreation;
21 providing an appropriation; specifying a
22 minimum percentage of funds to be allocated to
23 economic development under the Florida Small
24 Cities Community Development Block Grant
25 Program; creating s. 230.23027, F.S.;
26 establishing the Small School District
27 Stabilization Program; providing for a best
28 financial management practices review of
29 certain small districts; providing an effective
30 date.
31

1 Be It Enacted by the Legislature of the State of Florida:

2
3 Section 1. Short title.--This act may be cited as the
4 "Rural Economic Development Enhancement Act" or the "Backyard
5 Florida Act of 1999."

6 Section 2. Legislative intent.--

7 (1) The Legislature finds and declares that because of
8 climate, tourism, industrialization, technological advances,
9 federal and state government policies, transportation, and
10 migration, Florida's urban communities have grown rapidly over
11 the past 40 years. This growth and prosperity, however, have
12 not been shared by Florida's rural communities, although they
13 are the stewards of the vast majority of the land and natural
14 resources. Without this land and these resources, the state's
15 growth and prosperity cannot continue. In short, successful
16 rural communities are essential to the overall success of the
17 state's economy.

18 (2) The Legislature further finds and declares that
19 many rural areas of the state are experiencing not only a lack
20 of growth, but severe and sustained economic distress. Median
21 household incomes are significantly less than the state's
22 median household income level. Job creation rates trail those
23 in more urbanized areas. In many cases, rural counties have
24 lost jobs, which handicaps local economies and drains wealth
25 from these communities. These and other factors, including
26 government policies, amplify and compound social, health, and
27 community problems, making job creation and economic
28 development even more difficult. Moreover, the Legislature
29 finds that traditional program and service delivery is often
30 hampered by the necessarily rigid structure of the programs
31 themselves and the lack of local resources.

1 (3) It is the intent of the Legislature to provide for
2 the most efficient and effective delivery of programs of
3 assistance and support to rural communities, including the
4 use, where appropriate, of regulatory flexibility through
5 multiagency coordination and adequate funding. Therefore, the
6 Legislature determines and declares that the provisions of
7 this act fulfill an important state interest.

8 Section 3. Paragraph (a) of subsection (6) of section
9 163.3177, Florida Statutes, 1998 Supplement, is amended to
10 read:

11 163.3177 Required and optional elements of
12 comprehensive plan; studies and surveys.--

13 (6) In addition to the requirements of subsections
14 (1)-(5), the comprehensive plan shall include the following
15 elements:

16 (a) A future land use plan element designating
17 proposed future general distribution, location, and extent of
18 the uses of land for residential uses, commercial uses,
19 industry, agriculture, recreation, conservation, education,
20 public buildings and grounds, other public facilities, and
21 other categories of the public and private uses of land. The
22 future land use plan shall include standards to be followed in
23 the control and distribution of population densities and
24 building and structure intensities. The proposed
25 distribution, location, and extent of the various categories
26 of land use shall be shown on a land use map or map series
27 which shall be supplemented by goals, policies, and measurable
28 objectives. Each land use category shall be defined in terms
29 of the types of uses included and specific standards for the
30 density or intensity of use. The future land use plan shall
31 be based upon surveys, studies, and data regarding the area,

1 including the amount of land required to accommodate
2 anticipated growth; the projected population of the area; the
3 character of undeveloped land; the availability of public
4 services; ~~and~~ the need for redevelopment, including the
5 renewal of blighted areas and the elimination of nonconforming
6 uses which are inconsistent with the character of the
7 community; and, in rural communities, the need for job
8 creation, capital investment, and economic development that
9 will strengthen and diversify the community's economy. The
10 future land use plan may designate areas for future planned
11 development use involving combinations of types of uses for
12 which special regulations may be necessary to ensure
13 development in accord with the principles and standards of the
14 comprehensive plan and this act. In addition, for rural
15 communities, the amount of land designated for future planned
16 industrial use shall be based upon surveys and studies that
17 reflect the need for job creation, capital investment, and the
18 necessity to strengthen and diversify the local economies, and
19 shall not be limited solely by the projected population of the
20 rural community.The future land use plan of a county may also
21 designate areas for possible future municipal incorporation.
22 The land use maps or map series shall generally identify and
23 depict historic district boundaries and shall designate
24 historically significant properties meriting protection. The
25 future land use element must clearly identify the land use
26 categories in which public schools are an allowable use. When
27 delineating the land use categories in which public schools
28 are an allowable use, a local government shall include in the
29 categories sufficient land proximate to residential
30 development to meet the projected needs for schools in
31 coordination with public school boards and may establish

1 differing criteria for schools of different type or size.
2 Each local government shall include lands contiguous to
3 existing school sites, to the maximum extent possible, within
4 the land use categories in which public schools are an
5 allowable use. All comprehensive plans must comply with this
6 paragraph no later than October 1, 1999, or the deadline for
7 the local government evaluation and appraisal report,
8 whichever occurs first. The failure by a local government to
9 comply with this requirement will result in the prohibition of
10 the local government's ability to amend the local
11 comprehensive plan as provided by s. 163.3187(6). An amendment
12 proposed by a local government for purposes of identifying the
13 land use categories in which public schools are an allowable
14 use is exempt from the limitation on the frequency of plan
15 amendments contained in s. 163.3187. The future land use
16 element shall include criteria which encourage the location of
17 schools proximate to urban residential areas to the extent
18 possible and shall require that the local government seek to
19 collocate public facilities, such as parks, libraries, and
20 community centers, with schools to the extent possible.

21 Section 4. Subsection (5) is added to section 186.502,
22 Florida Statutes, to read:

23 186.502 Legislative findings; public purpose.--

24 (5) The regional planning council shall have a duty to
25 assist local governments with activities designed to promote
26 and facilitate economic development in the geographic area
27 covered by the council.

28 Section 5. Subsection (4) of section 186.504, Florida
29 Statutes, is amended to read:

30 186.504 Regional planning councils; creation;
31 membership.--

1 (4) In addition to voting members appointed pursuant
2 to paragraph (2)(c), the Governor shall appoint the following
3 ex officio nonvoting members to each regional planning
4 council:

5 (a) A representative of the Department of
6 Transportation.

7 (b) A representative of the Department of
8 Environmental Protection.

9 (c) A representative nominated by Enterprise Florida,
10 Inc., and the Office of Tourism, Trade, and Economic
11 Development ~~of the Department of Commerce.~~

12 (d) A representative of the appropriate water
13 management district or districts.

14
15 The Governor may also appoint ex officio nonvoting members
16 representing appropriate metropolitan planning organizations
17 and regional water supply authorities.

18 Section 6. Subsection (25) is added to section
19 186.505, Florida Statutes, to read:

20 186.505 Regional planning councils; powers and
21 duties.--Any regional planning council created hereunder shall
22 have the following powers:

23 (25) To use personnel, consultants, or technical or
24 professional assistants of the council to help local
25 governments within the geographic area covered by the council
26 conduct economic development activities.

27 Section 7. Paragraph (a) of subsection (2) of section
28 212.098, Florida Statutes, 1998 Supplement, is amended to
29 read:

30 212.098 Rural Job Tax Credit Program.--

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

1 (a) "Eligible business" means any sole proprietorship,
2 firm, partnership, or corporation that is located in a
3 qualified county and is predominantly engaged in, or is
4 headquarters for a business predominantly engaged in,
5 activities usually provided for consideration by firms
6 classified within the following standard industrial
7 classifications: SIC 01 through SIC 09 (agriculture,
8 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
9 SIC 422 (public warehousing and storage); SIC 70 (hotels and
10 other lodging places); SIC 7391 (research and development);
11 SIC 7992 (public golf courses); and SIC 7996 (amusement
12 parks). Excluded from eligible receipts are receipts from
13 retail sales, except such receipts for hotels and other
14 lodging places classified in SIC 70, public golf courses in
15 SIC 7992, and amusement parks in SIC 7996. In addition, the
16 Office of Tourism, Trade, and Economic Development may, as
17 part of its final budget request submitted pursuant to s.
18 216.023, recommend additions to or deletions from the list of
19 standard industrial classifications used to determine an
20 eligible business, and the Legislature may implement such
21 recommendations. For purposes of this paragraph, the term
22 "predominantly" means that more than 50 percent of the
23 business's gross receipts from all sources is generated by
24 those activities usually provided for consideration by firms
25 in the specified standard industrial classification. The
26 determination of whether the business is located in a
27 qualified county and the tier ranking of that county must be
28 based on the date of application for the credit under this
29 section. Commonly owned and controlled entities are to be
30 considered a single business entity.
31

1 Section 8. Subsections (1) and (3) of section 288.018,
2 Florida Statutes, are amended to read:

3 288.018 Regional Rural Development Grants Program.--

4 (1) The Office of Tourism, Trade, and Economic
5 Development shall establish a matching grant program to
6 provide funding to regionally based economic development
7 organizations representing rural counties and communities for
8 the purpose of building the professional capacity of their
9 organizations. The Office of Tourism, Trade, and Economic
10 Development is authorized to approve, on an annual basis,
11 grants to such regionally based economic development
12 organizations. The maximum amount an organization may receive
13 in any year will be \$35,000, or \$100,000 in a rural area of
14 critical economic concern recommended by the Rural Economic
15 Development Initiative and designated by the Governor, ~~\$20,000~~
16 and must be matched each year by an equivalent amount of
17 nonstate resources.

18 (3) The Office of Tourism, Trade, and Economic
19 Development may expend up to ~~\$600,000~~ \$100,000 each fiscal
20 year from funds appropriated to the Rural Community
21 Development Revolving Loan Fund for the purposes outlined in
22 this section.

23 Section 9. Subsection (2) of section 288.065, Florida
24 Statutes, is amended to read:

25 288.065 Rural Community Development Revolving Loan
26 Fund.--

27 (2) The program shall provide for long-term loans,
28 loan guarantees, and loan loss reserves to units of local
29 governments within counties with populations of 75,000 or less
30 ~~than 50,000~~, or any county that has a population of 100,000 or
31 less and is contiguous to a county with a population of 75,000

1 or less than 50,000, as determined by the most recent official
2 estimate pursuant to s. 186.901, residing in incorporated and
3 unincorporated areas of the county. Requests for loans shall
4 be made by application to the Office of Tourism, Trade, and
5 Economic Development. Loans shall be made pursuant to
6 agreements specifying the terms and conditions agreed to
7 between the local government and the Office of Tourism, Trade,
8 and Economic Development. The loans shall be the legal
9 obligations of the local government. All repayments of
10 principal and interest shall be returned to the loan fund and
11 made available for loans to other applicants. However, in a
12 rural area of critical economic concern designated by the
13 Governor, and upon approval by the Office of Tourism, Trade,
14 and Economic Development, repayments of principal and interest
15 may be retained by a unit of local government if such
16 repayments are dedicated and matched to fund regionally based
17 economic development organizations representing the rural area
18 of critical economic concern.

19 Section 10. Section 288.0655, Florida Statutes, is
20 created to read:

21 288.0655 Rural Infrastructure Fund.--

22 (1) There is created within the Office of Tourism,
23 Trade, and Economic Development the Rural Infrastructure Fund
24 to facilitate the planning, preparing, and financing of
25 infrastructure projects in rural communities which will
26 encourage job creation, capital investment, and the
27 strengthening and diversification of rural economies by
28 promoting tourism, trade, and economic development.

29 (2) On July 1, 1999, and annually thereafter, \$8
30 million shall be deposited in the Economic Development Trust

31

1 Fund, as provided in s. 320.20(5), solely for the purpose of
2 funding the Rural Infrastructure Fund.

3 (3)(a) Funds under this section shall be distributed
4 by the office through a grant program that maximizes the use
5 of federal, local, and private resources, including, but not
6 limited to, those available under the Small Cities Community
7 Development Block Grant Program.

8 (b) To facilitate access of rural communities and
9 rural areas of critical economic concern as defined by the
10 Rural Economic Development Initiative to infrastructure
11 funding programs of the Federal Government, such as those
12 offered by the U.S. Department of Agriculture and the U.S.
13 Department of Commerce, the office may award grants to
14 applicants for such federal programs for up to 30 percent of
15 the total infrastructure project cost. Eligible projects must
16 be related to specific job-creating opportunities. Eligible
17 uses of funds shall include improvements to public
18 infrastructure for industrial or commercial sites and upgrades
19 to or development of public tourism infrastructure. Authorized
20 infrastructure may include the following public or
21 public-private partnership facilities: storm water systems;
22 telecommunications facilities; roads or other remedies to
23 transportation impediments; nature-based tourism facilities;
24 or other physical requirements necessary to facilitate
25 tourism, trade, and economic development activities in the
26 community. Authorized infrastructure may also include
27 publicly-owned self-powered nature-based tourism facilities
28 and additions to the distribution facilities of the existing
29 natural gas utility as defined in s. 366.04(3)(c), the
30 existing electric utility as defined in s. 366.02, or the
31 existing water or wastewater utility as defined in s.

1 367.021(12), or any other existing water or wastewater
2 utility, which owns a gas or electric distribution system or a
3 water or wastewater system in this state where:

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

8 2. Such utilities as defined herein are willing and
9 able to provide such service.

10 (c) To facilitate timely response and induce the
11 location or expansion of specific job creating opportunities,
12 the office may award grants for infrastructure feasibility
13 studies, design and engineering activities, or other
14 infrastructure planning and preparation activities. Authorized
15 grants shall be up to \$50,000 for an employment project with a
16 business committed to create at least 100 jobs, up to \$150,000
17 for an employment project with a business committed to create
18 at least 300 jobs, and up to \$300,000 for a project in a rural
19 area of critical economic concern. Grants awarded under this
20 paragraph may be used in conjunction with grants awarded under
21 paragraph (b), provided that the total amount of both grants
22 does not exceed 30 percent of the total project cost. In
23 evaluating applications under this paragraph, the office shall
24 consider the extent to which the application seeks to minimize
25 administrative and consultant expenses.

26 (d) By September 1, 1999, the office shall pursue
27 execution of a memorandum of agreement with the U.S.
28 Department of Agriculture under which state funds available
29 through the Rural Infrastructure Fund may be advanced, in
30 excess of the prescribed state share, for a project that has
31 received from the department a preliminary determination of

1 eligibility for federal financial support. State funds in
2 excess of the prescribed state share which are advanced
3 pursuant to this paragraph and the memorandum of agreement
4 shall be reimbursed when funds are awarded under an
5 application for federal funding.

6 (e) To enable local governments to access the
7 resources available pursuant to s. 403.973(16), the office may
8 award grants for surveys, feasibility studies, and other
9 activities related to the identification and preclearance
10 review of land which is suitable for preclearance review.
11 Authorized grants under this paragraph shall not exceed
12 \$75,000 each, except in the case of a project in a rural area
13 of critical economic concern, in which case the grant shall
14 not exceed \$300,000. Any funds awarded under this paragraph
15 must be matched at a level of 50 percent with local funds,
16 except that any funds awarded for a project in a rural area of
17 critical economic concern must be matched at a level of 33
18 percent with local funds. In evaluating applications under
19 this paragraph, the office shall consider the extent to which
20 the application seeks to minimize administrative and
21 consultant expenses.

22 (4) The office, in consultation with Enterprise
23 Florida, Inc., VISIT Florida, the Department of Environmental
24 Protection, and the Florida Fish and Wildlife Conservation
25 Commission, as appropriate, shall review applications and
26 evaluate the economic benefit of the projects and their
27 long-term viability. The office shall have final approval for
28 any grant under this section and must make a grant decision
29 within 30 days of receiving a completed application.

30 (5) By September 1, 1999, the office shall, in
31 consultation with the organizations listed in subsection (4),

1 and other organizations, develop guidelines and criteria
2 governing submission of applications for funding, review and
3 evaluation of such applications, and approval of funding under
4 this section. The office shall consider factors including, but
5 not limited to, the project's potential for enhanced job
6 creation or increased capital investment, the demonstration of
7 local public and private commitment, the location of the
8 project in an enterprise zone, the location of the project in
9 a community development corporation service area as defined in
10 s. 290.035(2), the location of the project in a county
11 designated under s. 212.097, the unemployment rate of the
12 surrounding area, and the poverty rate of the community.

13 (6) Notwithstanding the provisions of s. 216.301,
14 funds appropriated for the purposes of this section shall not
15 be subject to reversion.

16 Section 11. Present subsection (5) of section 320.20,
17 Florida Statutes, is redesignated as subsection (6) and a new
18 subsection (5) is added to that section to read:

19 320.20 Disposition of license tax moneys.--The revenue
20 derived from the registration of motor vehicles, including any
21 delinquent fees and excluding those revenues collected and
22 distributed under the provisions of s. 320.081, must be
23 distributed monthly, as collected, as follows:

24 (5) Notwithstanding any other provision of law except
25 subsections (1), (2), (3), and (4), on July 1, 1999, and
26 annually thereafter, \$8 million shall be deposited in the
27 Economic Development Trust Fund under s. 288.095, solely for
28 the purposes of funding the Rural Infrastructure Fund under s.
29 288.0655. Such revenues may be assigned, pledged, or set aside
30 as a trust for the payment of principal or interest on bonds,
31 grant anticipation notes, variable rate demand obligations,

1 including, but not limited to, tax exempt commercial paper and
2 derivative instruments, or any other form of indebtedness, or
3 used to purchase credit support to permit such borrowings,
4 issued by a governing body under s. 163.01(7)(d), or
5 appropriate local government having jurisdiction thereof, or
6 collectively by interlocal agreement among any applicable
7 government; however, such debt shall not constitute a general
8 obligation of the State of Florida. The state does hereby
9 covenant with holders of such revenue bonds or other
10 instruments of indebtedness issued hereunder that it will not
11 repeal or impair or amend in any manner that will materially
12 and adversely affect the rights of such holders so long as
13 bonds authorized by this subsection are outstanding. Any
14 revenues which are not pledged to the repayment of bonds as
15 authorized by this subsection may be utilized for purposes
16 authorized under the Rural Infrastructure Fund. The Office of
17 Tourism, Trade, and Economic Development shall approve
18 distribution of funds for rural infrastructure related to
19 tourism, trade, and economic development. The office and the
20 Department of Transportation are authorized to perform such
21 acts as are required to facilitate and implement the
22 provisions of this subsection. To better enable the counties
23 and the Office of Tourism, Trade, and Economic Development to
24 cooperate to their mutual advantage, the governing body of
25 each government may exercise powers provided to municipalities
26 or counties in s. 163.01(7)(d). The use of funds provided
27 under this subsection is limited to eligible projects listed
28 in s. 288.0655. Unexpended proceeds derived from a project
29 completed with the use of program funds, beyond operating
30 costs and debt service, shall be restricted to further capital
31 improvements consistent with tourism, trade, and economic

1 development infrastructure purposes and for no other purpose.
2 Use of such unexpended proceeds for purposes other than
3 tourism, trade, and economic development infrastructure is
4 prohibited. Any funds deposited in the Economic Development
5 Trust Fund for the purposes of the Rural Infrastructure Fund
6 under s. 288.0655 shall not be diverted to any other purpose.
7 Any such diversion shall trigger immediate repayment to the
8 Economic Development Trust Fund from the Working Capital Trust
9 Fund.

10 Section 12. Paragraph (t) is added to subsection (2)
11 of section 288.106, Florida Statutes, 1998 Supplement, and
12 paragraph (b) of subsection (4) of that section is amended, to
13 read:

14 288.106 Tax refund program for qualified target
15 industry businesses.--

16 (2) DEFINITIONS.--As used in this section:

17 (t) "Rural community" means:

18 1. A county with a population of 75,000 or less.

19 2. A county with a population of 100,000 or less that
20 is contiguous to a county with a population of 75,000 or less.

21 3. A municipality within a county described in
22 subparagraph 1. or subparagraph 2.

23
24 For purposes of this paragraph, population shall be determined
25 in accordance with the most recent official estimate pursuant
26 to s. 186.901.

27 (4) APPLICATION AND APPROVAL PROCESS.--

28 (b) To qualify for review by the office, the
29 application of a target industry business must, at a minimum,
30 establish the following to the satisfaction of the office:
31

1 1. The jobs proposed to be provided under the
2 application, pursuant to subparagraph (a)4., must pay an
3 estimated annual average wage equaling at least 115 percent of
4 the average private sector wage in the area where the business
5 is to be located or the statewide private sector average wage.
6 The office may waive this average wage requirement at the
7 request of the local governing body recommending the project
8 and Enterprise Florida, Inc. The wage requirement may only be
9 waived for a project located in a brownfield area designated
10 under s. 376.80 or in a rural city or county or in an
11 enterprise zone and only when the merits of the individual
12 project or the specific circumstances in the community in
13 relationship to the project warrant such action. If the local
14 governing body and Enterprise Florida, Inc., make such a
15 recommendation, it must be transmitted in writing and the
16 specific justification for the waiver recommendation must be
17 explained. If the director elects to waive the wage
18 requirement, the waiver must be stated in writing and the
19 reasons for granting the waiver must be explained.

20 2. The target industry business's project must result
21 in the creation of at least 10 jobs at such project and, if an
22 expansion of an existing business, must result in a net
23 increase in employment of not less than 10 percent at such
24 business. However, at the request of the local governing body
25 recommending the project and Enterprise Florida, Inc., the
26 office may approve an expansion of an existing business under
27 this section in a rural community or an enterprise zone that
28 results in a net increase in employment of less than 10
29 percent if the merits of the individual project or the
30 specific circumstances in the community in relation to the
31 project warrant this action. If the local governing body and

1 Enterprise Florida, Inc., make such a recommendation, it must
2 be transmitted in writing and the specific justification for
3 the request must be explained. If the director elects to
4 accept such request, this decision must be stated in writing
5 and the reasons for granting the request must be explained.

6 3. The business activity or product for the
7 applicant's project is within an industry or industries that
8 have been identified by the office to be high-value-added
9 industries that contribute to the area and to the economic
10 growth of the state and that produce a higher standard of
11 living for citizens of this state in the new global economy or
12 that can be shown to make an equivalent contribution to the
13 area and state's economic progress. The director must approve
14 requests to waive the wage requirement for brownfield areas
15 designated under s. 376.80 unless it is demonstrated that such
16 action is not in the public interest.

17 Section 13. Rural Economic Development Initiative.--

18 (1) The Rural Economic Development Initiative, known
19 as "REDI," is created within the Office of Tourism, Trade, and
20 Economic Development, and the participation of state and
21 regional agencies in this initiative is authorized.

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

23 (a) "Economic distress" means conditions affecting the
24 fiscal and economic viability of a rural community, including
25 such factors as low per capita income, low per capita taxable
26 values, high unemployment, high underemployment, low weekly
27 earned wages compared to the state average, low housing values
28 compared to the state average, high percentages of the
29 population receiving public assistance, high poverty levels
30 compared to the state average, and a lack of year-round stable
31 employment opportunities.

- 1 (b) "Rural community" means:
- 2 1. A county with a population of 75,000 or less.
- 3 2. A county with a population of 100,000 or less that
4 is contiguous to a county with a population of 75,000 or less.
- 5 3. A municipality within a county described in
6 subparagraph 1. or subparagraph 2.
- 7 4. An unincorporated federal enterprise community or
8 an incorporated rural city with a population of 25,000 or less
9 and an employment base focused on traditional agricultural or
10 resource-based industries, located in a county not defined as
11 rural, which has at least three or more of the economic
12 distress factors identified in paragraph (2)(a) and verified
13 by the Office of Tourism, Trade, and Economic Development.
- 14
- 15 For purposes of this paragraph, population shall be determined
16 in accordance with the most recent official estimate pursuant
17 to section 186.901, Florida Statutes.
- 18 (3) REDI shall be responsible for coordinating and
19 focusing the efforts and resources of state and regional
20 agencies on the problems which affect the fiscal, economic,
21 and community viability of Florida's economically distressed
22 rural communities, working with local governments,
23 community-based organizations, and private organizations that
24 have an interest in the growth and development of these
25 communities to find ways to balance environmental and growth
26 management issues with local needs.
- 27 (4) REDI shall review and evaluate the impact of
28 statutes and rules on rural communities and shall work to
29 minimize any adverse impact.
- 30 (5) REDI shall facilitate better access to state
31 resources by promoting direct access and referrals to

1 appropriate state and regional agencies and statewide
2 organizations. REDI may undertake outreach, capacity-building,
3 and other advocacy efforts to improve conditions in rural
4 communities. These activities may include sponsorship of
5 conferences and achievement awards.

6 (6)(a) No later than August 1, 1999, the head of each
7 of the following agencies and organizations shall designate a
8 high-level staff person from within the agency or organization
9 to serve as the REDI representative for the agency or
10 organization:

- 11 1. The Department of Community Affairs.
- 12 2. The Department of Transportation.
- 13 3. The Department of Environmental Protection.
- 14 4. The Department of Agriculture and Consumer
15 Services.
- 16 5. The Department of State.
- 17 6. The Department of Health.
- 18 7. The Department of Children and Family Services.
- 19 8. The Department of Corrections.
- 20 9. The Department of Labor and Employment Security.
- 21 10. The Department of Education.
- 22 11. The Fish and Wildlife Conservation Commission.
- 23 12. Each water management district.
- 24 13. Enterprise Florida, Inc.
- 25 14. The Florida Commission on Tourism or VISIT
26 Florida.
- 27 15. The Florida Regional Planning Council Association.
- 28 16. The Florida State Rural Development Council.
- 29 17. The Institute of Food and Agricultural Sciences
30 (IFAS).

31

1 An alternate for each designee shall also be chosen, and the
2 names of the designees and alternates shall be sent to the
3 director of the Office of Tourism, Trade, and Economic
4 Development.

5 (b) Each REDI representative must have comprehensive
6 knowledge of his or her agency's functions, both regulatory
7 and service in nature, and of the state's economic goals,
8 policies, and programs. This person shall be the primary point
9 of contact for his or her agency with REDI on issues and
10 projects relating to economically distressed rural communities
11 and with regard to expediting project review, shall ensure a
12 prompt effective response to problems arising with regard to
13 rural issues, and shall work closely with the other REDI
14 representatives in the identification of opportunities for
15 preferential awards of program funds and allowances and waiver
16 of program requirements when necessary to encourage and
17 facilitate long-term private capital investment and job
18 creation.

19 (c) The REDI representatives shall work with REDI in
20 the review and evaluation of statutes and rules for adverse
21 impact on rural communities and the development of alternative
22 proposals to mitigate that impact.

23 (d) Each REDI representative shall be responsible for
24 ensuring that each district office or facility of his or her
25 agency is informed about the Rural Economic Development
26 Initiative and for providing assistance throughout the agency
27 in the implementation of REDI activities.

28 (7) REDI may recommend to the Governor up to three
29 rural areas of critical economic concern. A rural area of
30 critical economic concern must be a rural community, or a
31 region composed of such, that has been adversely affected by

1 an extraordinary economic event or a natural disaster or that
2 presents a unique economic development opportunity of regional
3 impact that will create more than 1,000 jobs over a 5-year
4 period. The Governor may by executive order designate up to
5 three rural areas of critical economic concern which will
6 establish these areas as priority assignments for REDI as well
7 as to allow the Governor, acting through REDI, to:

8 (a) Waive criteria, requirements, or similar
9 provisions of any economic development incentive. Such
10 incentives shall include, but not be limited to: the Qualified
11 Target Industry Tax Refund Program under section 288.106,
12 Florida Statutes, the Quick Response Training Program under
13 section 288.047, Florida Statutes, the WAGES Quick Response
14 Training Program under section 288.047(10), Florida Statutes,
15 transportation projects under section 288.063, Florida
16 Statutes, the brownfield redevelopment bonus refund under
17 section 288.107, Florida Statutes, and the rural job tax
18 credit program under sections 212.098 and 220.1895, Florida
19 Statutes.

20 (b) Waive agency rules to empower the agency to commit
21 and coordinate their resources, staff, or assistance to these
22 rural communities, as well as to suspend procedural
23 requirements of law that do not compromise the public's
24 health, safety, or welfare.

25 (c) Provide rapid response assistance, training
26 services, and educational opportunities for employees; develop
27 training programs; and pay tuition or training expenses for
28 employees from resources coordinated by the Workforce
29 Development Board.

30 (d) Commit the resources or benefits of the Rural
31 Community Development Revolving Loan Fund under section

1 288.065, Florida Statutes, the Regional Rural Grants Program
2 under section 288.018, Florida Statutes, the rural job tax
3 credit program under sections 212.098 and 220.1895, Florida
4 Statutes, and the federal Community Development Block Grant
5 Program.

6 (e) Direct the assignment of staffing and resources
7 from Enterprise Florida, Inc.

8
9 Designation as a rural area of critical economic concern under
10 this subsection shall be contingent upon the execution of a
11 memorandum of agreement among the Office of Tourism, Trade,
12 and Economic Development, the governing body of the county,
13 and the governing bodies of any municipalities to be included
14 within a rural area of critical economic concern. Such
15 agreement shall specify the terms and conditions of the
16 designation, including, but not limited to, the duties and
17 responsibilities of the county and any participating
18 municipalities to take actions designed to facilitate the
19 retention and expansion of existing businesses in the area, as
20 well as the recruitment of new businesses to the area.

21 (8) REDI shall submit a report to the Governor, the
22 President of the Senate, and the Speaker of the House of
23 Representatives each year on or before February 1 on all REDI
24 activities. This report shall include a status report on all
25 projects currently being coordinated through REDI, the number
26 of preferential awards and allowances made pursuant to this
27 section, the dollar amount of such awards, and the names of
28 the recipients. The report shall also include a description of
29 all waivers of program requirements granted. The report shall
30 also include information as to the economic impact of the
31 projects coordinated by REDI.

1 Section 14. Florida rural economic development
2 strategy grants.--

3 (1) As used in this section, the term "rural
4 community" means:

5 (a) A county with a population of 75,000 or less.

6 (b) A county with a population of 100,000 or less that
7 is contiguous to a county with a population of 75,000 or less.

8 (c) A municipality within a county described in
9 paragraph (a) or paragraph (b).

10
11 For purposes of this subsection, population shall be
12 determined in accordance with the most recent official
13 estimate pursuant to section 186.901, Florida Statutes.

14 (2) The Office of Tourism, Trade, and Economic
15 Development may accept and administer moneys appropriated to
16 the office for providing grants to assist rural communities to
17 develop and implement strategic economic development plans.

18 (3) A rural community, an economic development
19 organization in a rural area, or a regional organization
20 representing at least one rural community or such economic
21 development organizations may apply for such grants.

22 (4) Enterprise Florida, Inc., and VISIT Florida, shall
23 establish criteria for reviewing grant applications. These
24 criteria shall include, but are not limited to, the degree of
25 participation and commitment by the local community and the
26 application's consistency with local comprehensive plans or
27 the application's proposal to ensure such consistency. The
28 International Trade and Economic Development Board of
29 Enterprise Florida, Inc., and VISIT Florida, shall review each
30 application for a grant and shall submit annually to the
31 office for approval a list of all applications that are

1 recommended by the board and VISIT Florida, arranged in order
2 of priority. The office may approve grants only to the extent
3 that funds are appropriated for such grants by the
4 Legislature.

5 Section 15. Establishment of municipal service taxing
6 or benefit units; grants to rural counties.--

7 (1) As used in this section, the term "rural county"
8 means a county with a population of 75,000 or fewer persons,
9 determined pursuant to section 186.901, Florida Statutes.

10 (2) Subject to legislative appropriation, the
11 Department of Community Affairs shall establish a grant
12 program to assist any rural county in making a determination
13 whether to establish a municipal service taxing or benefit
14 unit as authorized by section 125.01, Florida Statutes. Under
15 this program, any rural county that is considering the
16 establishment of a municipal service taxing or benefit unit
17 and that wishes to conduct a study to determine the necessity
18 for and advisability of establishing such a unit may apply to
19 the department for a grant to assist in financing the study.
20 If the application is approved by the department, the
21 department may award a grant to the county in an amount equal
22 to 75 percent of the cost of the study, if the county agrees
23 to finance 25 percent of the cost of the study itself. A copy
24 of the study shall be submitted to the department within 30
25 days after it is completed.

26 (3) The department shall establish an application form
27 and application procedures and requirements by rule pursuant
28 to chapter 120, Florida Statutes.

29 Section 16. There is appropriated from the General
30 Revenue Fund to the Department of Community Affairs for Fiscal
31 Year 1999-2000 the sum of \$1 million to carry out the purposes

1 of a grant program for rural county municipal service taxing
2 or benefit unit feasibility studies.

3 Section 17. Paragraph (d) of subsection (4) of section
4 236.081, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 236.081 Funds for operation of schools.--If the annual
7 allocation from the Florida Education Finance Program to each
8 district for operation of schools is not determined in the
9 annual appropriations act or the substantive bill implementing
10 the annual appropriations act, it shall be determined as
11 follows:

12 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
13 EFFORT.--The Legislature shall prescribe the aggregate
14 required local effort for all school districts collectively as
15 an item in the General Appropriations Act for each fiscal
16 year. The amount that each district shall provide annually
17 toward the cost of the Florida Education Finance Program for
18 kindergarten through grade 12 programs shall be calculated as
19 follows:

20 (d) Exclusions ~~Exclusion~~.--

21 1. In those instances in which:

22 a.1. There is litigation either attacking the
23 authority of the property appraiser to include certain
24 property on the tax assessment roll as taxable property or
25 contesting the assessed value of certain property on the tax
26 assessment roll, and

27 b.2. The assessed value of the property in contest
28 involves more than 6 percent of the total nonexempt assessment
29 roll,
30
31

1 the assessed value of the property in contest shall be
2 excluded from the taxable value for school purposes for
3 purposes of computing the district required local effort.

4 2. In those instances in which there is a nonpayment
5 of property taxes in a community designated as a rural area of
6 critical economic concern that exceeds 6 percent of the total
7 nonexempt assessment roll, the assessed value of the property
8 that is the subject of the nonpayment shall be excluded from
9 the taxable value for school purposes for purposes of
10 computing the district required local effort.

11 Section 18. Section 311.20, Florida Statutes, is
12 created to read:

13 311.20 Northwest Florida Seaport Transportation and
14 Economic Development Council.--

15 (1) There is created the Northwest Florida Seaport
16 Transportation and Economic Development Council as a
17 corporation not for profit to be incorporated under the
18 provisions of chapter 617. The purpose of the council is to
19 enhance economic development in the northwest Florida region
20 by creating jobs and increasing cargo flow and port revenues
21 at the three ports located in the region and the regional
22 communities.

23 (2)(a) The council shall consist of the following
24 members: the port director or designee of the port of Panama
25 City; the port director or designee of the port of Pensacola;
26 the port director or designee of the port of Port St. Joe; the
27 director or designee of the Office of Tourism, Trade, and
28 Economic Development; and a representative from Enterprise
29 Florida, Inc. In addition, the members of the council may
30 appoint up to four ex officio nonvoting members to the
31 council.

1 (b) Members of the council shall serve without
2 compensation but are entitled to receive reimbursement for per
3 diem and travel expenses as provided in s. 112.061.

4 (3) The council shall develop a comprehensive
5 strategic regional development plan that includes, but is not
6 limited to, the following:

7 (a) A marketing strategy for development at the three
8 ports and their respective communities;

9 (b) A review of multi-modal transportation
10 requirements for the region; and

11 (c) An identification of specific transportation and
12 economic development projects that create jobs and increase
13 cargo flow and port revenues at the three ports and the
14 regional communities. Subject to specific appropriation by the
15 Legislature, the council may grant funds for the development
16 of such projects.

17 (4) The council shall have all the powers necessary
18 and convenient to carry out and effectuate the purposes and
19 provisions of this section, including, but not limited to, the
20 power to:

21 (a) Solicit, receive, hold, invest, and administer any
22 grant, payment, or gift of funds or property.

23 (b) Purchase, receive, hold, lease, or otherwise
24 acquire, and to sell, convey, transfer, lease, or otherwise
25 dispose of, real property and personal property together with
26 such rights and privileges as may be incidental and
27 appurtenant thereto and the use thereof.

28 (c) Make and enter into contracts and other
29 instruments with public or private sector entities for the
30 purpose of exercising or performing its powers and functions.

31

1 (5) The council may appoint an executive director, and
2 the executive director may employ such staff as may be
3 authorized by the council. The compensation of the executive
4 director and staff shall be set by the council.

5 Section 19. Subsection (5) of section 378.601, Florida
6 Statutes, is amended to read:

7 378.601 Heavy minerals.--

8 (5) Any heavy mineral mining operation which annually
9 mines less than 500 acres and whose proposed consumption of
10 water is 3 million gallons per day or less shall not be
11 required to undergo development of regional impact review
12 pursuant to s. 380.06, provided permits and plan approvals
13 pursuant to either this section and part IV of chapter 373, or
14 s. 378.901, are issued. This subsection applies only in the
15 following circumstances:

16 (a) Mining is conducted in counties where the operator
17 has conducted heavy mineral mining activities prior to March
18 1, 1997; and

19 (b) The operator of the heavy mineral mining operation
20 has executed a developer agreement pursuant to s. 380.032 or
21 has received a development order under s. 380.06(15)as of
22 March 1, 1997. Lands mined pursuant to this section need not
23 be the subject of the developer agreement or development
24 order.

25 Section 20. The Florida Fish and Wildlife Conservation
26 Commission is directed to assist the Florida Commission on
27 Tourism; the Florida Tourism Industry Marketing Corporation,
28 doing business as VISIT Florida; convention and visitor
29 bureaus; tourist development councils; economic development
30 organizations; and local governments through the provision of
31 marketing advice, technical expertise, promotional support,

1 and product development related to nature-based recreation and
2 sustainable use of natural resources. In carrying out this
3 responsibility, the Florida Fish and Wildlife Conservation
4 Commission shall focus its efforts on fostering nature-based
5 recreation in rural communities and regions encompassing rural
6 communities. As used in this section, the term "nature-based
7 recreation" means leisure activities related to the state's
8 lands, waters, and fish and wildlife resources, including, but
9 not limited to, wildlife viewing, fishing, hiking, canoeing,
10 kayaking, camping, hunting, backpacking, and nature
11 photography. For the purposes of this section, there is
12 appropriated from the General Revenue Fund, for Fiscal Year
13 1999-2000, the sum of \$277,143 to the Florida Fish and
14 Wildlife Conservation Commission.

15 Section 21. Notwithstanding the provisions of section
16 290.044(4), Florida Statutes, regarding the distribution of
17 funds to categories under the Florida Small Cities Community
18 Development Block Grant Program, in no case shall the
19 percentage of funds for the economic development category be
20 less than 40 percent.

21 Section 22. Section 230.23027, Florida Statutes, is
22 created to read:

23 230.23027 Small School District Stabilization
24 Program.--

25 (1) There is created the Small School District
26 Stabilization Program to assist school districts in rural
27 communities that document economic conditions or other
28 significant community influences that negatively impact the
29 school district. The purpose of the program is to provide
30 technical assistance and financial support to maintain the
31 stability of the educational program in the school district. A

1 rural community means a county with a population of 75,000 or
2 less; or a county with a population of 100,000 or less that is
3 contiguous to a county with a population of 75,000 or less.

4 (2) In order to participate in this program, a school
5 district must be located in a rural area of critical economic
6 concern designated by the Executive Office of the Governor,
7 and the school board must submit a resolution to the Office of
8 Tourism, Trade, and Economic Development requesting
9 participation in the program. A rural area of critical
10 economic concern must be a rural community, or a region
11 composed of such, that has been adversely affected by an
12 extraordinary economic event or a natural disaster or that
13 presents a unique economic development concern or opportunity
14 of regional impact. The resolution must be accompanied with
15 documentation of the economic conditions in the community,
16 provide information indicating the negative impact of these
17 conditions on the school district's financial stability, and
18 the school district must participate in a best financial
19 management practices review to determine potential
20 efficiencies that could be implemented to reduce program costs
21 in the district.

22 (3) The Office of Tourism, Trade, and Economic
23 Development, in consultation with the Department of Education,
24 shall review the resolution and other information required by
25 subsection (2) and determine whether the school district is
26 eligible to participate in the program. Factors influencing
27 the office's determination may include, but are not limited
28 to, reductions in the county tax roll resulting from business
29 closures or other causes, or a reduction in student enrollment
30 due to business closures or impacts in the local economy.

31

1 (4) Effective July 1, 2000, and thereafter, when the
2 Office of Tourism, Trade, and Economic Development authorizes
3 a school district to participate in the program, the
4 Legislature may give priority to that district for a best
5 financial management practices review in the school district,
6 as authorized in s. 11.515, to the extent that funding is
7 provided annually for such purpose in the General
8 Appropriations Act. The scope of the review shall be as set
9 forth in s. 11.515.

10 (5) Effective July 1, 2000, and thereafter, the
11 Department of Education may award the school district a
12 stabilization grant intended to protect the district from
13 continued financial reductions. The amount of the grant will
14 be determined by the Department of Education and may be
15 equivalent to the amount of the decline in revenues projected
16 for the next fiscal year. In addition, the Office of Tourism,
17 Trade, and Economic Development may implement a rural economic
18 development initiative to identify the economic factors that
19 are negatively impacting the community and may consult with
20 Enterprise Florida, Inc., in developing a plan to assist the
21 county with its economic transition. The grant will be
22 available to the school district for a period of up to 5 years
23 to the extent that funding is provided for such purpose in the
24 General Appropriations Act.

25 (6) Based on the availability of funds the Office of
26 Tourism, Trade, and Economic Development or the Department of
27 Education may enter into contracts or issue grants necessary
28 to implement the program.

29 Section 23. This act shall take effect July 1, 1999.

30
31