

By the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; and Senator Klein

316-1954-00

1 A bill to be entitled
2 An act relating to rural development; creating
3 the Florida Rural Heritage Act; providing
4 legislative findings; providing definitions;
5 providing for the designation of a Rural
6 Heritage Area; providing for a community-based
7 planning process; specifying guidelines for
8 Rural Heritage Area plans; providing procedure
9 for adoption of a plan; providing for economic
10 incentives, reports, and technical assistance;
11 creating the Rural Heritage Grant Program to
12 assist local governments in adopting Rural
13 Heritage Areas, to be administered by the
14 Department of Community Affairs; providing for
15 development of a nature-and-heritage-based
16 tourism business micro-loan program; providing
17 for establishment of a revolving loan fund;
18 providing for educational technology pilot
19 programs to be established by the Department of
20 Management Services; providing for agricultural
21 diversification pilot projects to be
22 administered by the Department of Agriculture
23 and Consumer Services; providing for review and
24 evaluation by the Office of Program Policy
25 Analysis and Government Accountability;
26 amending s. 163.3187, F.S.; providing
27 conditions for adoption of local comprehensive
28 plans for rural activity centers; amending s.
29 187.201, F.S.; modifying goals of the State
30 Comprehensive Plan to include housing for
31 specified persons in rural areas and

1 development of nature-based tourism; providing
2 a policy of fostering integrated and
3 coordinated community planning efforts;
4 providing support for rural communities in
5 developing nature-and-heritage-based tourism
6 enterprises; providing support for landowners
7 who wish their lands to remain in agricultural
8 use; amending s. 212.096, F.S.; providing a
9 credit against sales tax for businesses located
10 in an enterprise zone within a rural county or
11 city as defined; amending s. 220.181, F.S.;
12 providing enterprise-zone jobs credits for
13 businesses within jurisdiction of a rural local
14 government; amending s. 290.0055, F.S.;
15 providing a condition for designating
16 communities within the jurisdiction of a rural
17 local government as an enterprise zone;
18 amending s. 420.507, F.S.; modifying powers of
19 the Florida Housing Finance Corporation;
20 providing an appropriation; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Florida Rural Heritage Act.--
26 (1) SHORT TITLE.--This section may be cited as the
27 "Florida Rural Heritage Act."
28 (2) FINDINGS.--The Legislature finds that:
29 (a) Fiscally and culturally strong rural communities
30 are beneficial to regional and state economies and resources;
31 are a method for reduction of future urban sprawl; encourage

1 compact, efficient urban growth patterns; and should be
2 promoted by state, regional, and local governments.

3 (b) The health and vibrancy of the state's rural areas
4 benefit their respective regions and the state; conversely,
5 the deterioration of those rural areas negatively impacts the
6 surrounding area and the state.

7 (c) In recognition of the interwoven nature of the
8 relationships among rural communities, agricultural lands,
9 open space lands, urban centers, regions, and the state, the
10 respective governments should establish a framework and work
11 in partnership with communities and the private sector to
12 revitalize rural areas.

13 (d) A state rural policy should guide the state,
14 regional agencies, local governments, and the private sector
15 in creating economic prosperity and preserving the unique
16 rural character and heritage of the state's rural areas. The
17 policy should encourage and assist local governments in
18 addressing issues including adequate provision of
19 infrastructure, affordable housing, human services, safe
20 neighborhoods, agricultural profitability, educational
21 facilities, sound land uses, health care, and economic
22 diversification and development to sustain rural communities
23 into the future.

24 (e) Successfully revitalizing and sustaining rural
25 areas depends on addressing, through an integrated and
26 coordinated community effort, a range of varied components
27 essential to a healthy rural environment, including cultural,
28 educational, recreational, economic, transportation, land use,
29 information technology, and social service delivery
30 components.

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1 (f) Identification of rural activity centers and of
2 strategies to promote economic prosperity while protecting
3 rural character are recognized as important components and
4 useful mechanisms to promote and sustain rural areas. State
5 and regional entities and local governments should provide
6 incentives to promote community-based processes to identify
7 such centers and strategies. Existing programs and incentives
8 should be integrated to the extent possible to promote sound
9 rural development and to achieve the goals of the state rural
10 policy.

11 (g) Full funding for rural transportation and water
12 infrastructure needs, rural schools, health care services, and
13 information technology are important investments by the state
14 in the overall health of its rural communities, and are
15 integral components of a state rural policy.

16 (h) Many rural local governments are hindered by
17 limited staff and capacity in their efforts to secure
18 available resources. A state rural policy should assist local
19 governments in identifying and accessing needed resources for
20 which they are eligible, and should promote creative ways to
21 maximize the efficiency of rural local governments' existing
22 staff and other resources.

23 (i) Agriculture plays an integral role in the economy,
24 ecology, and culture of the state's rural areas and of the
25 state as a whole. At the same time, the state is losing
26 agricultural lands to development at a rapid rate. A state
27 rural policy should assist state agencies and local
28 governments in creating and marketing tools for increasing the
29 profitability of agricultural land uses and other incentives
30 for conserving the state's agricultural lands.

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1 (j) In recognition that approximately one-half of all
2 visitors to this state include a nature-based experience in
3 their vacation, a state rural policy should encourage the
4 development of a nature-and-heritage-based tourism industry
5 that meets this growing public demand, protects the state's
6 natural and cultural resources, and contributes to economic
7 prosperity, especially in the state's rural communities.

8 (3) DEFINITIONS.--As used in this section, the term:

9 (a) "Local government" means any county or
10 municipality.

11 (b) "Rural Activity Center" means an area or areas
12 designated by a local government where:

13 1. The area is located within a Rural Heritage Area.

14 2. Public services such as water and wastewater,
15 transportation infrastructure, schools, and recreation are
16 already available or are scheduled to be provided in an
17 adopted 5-year schedule of capital improvements, and the area
18 has historically served as a commercial business center or
19 site of public buildings for surrounding rural residents.

20 3. The area may consist of or include state community
21 redevelopment areas, brownfields, enterprise zones, or
22 Mainstreet programs, federal Empowerment Zones, Enterprise
23 Communities, Champion Communities, or Brownfield Showcase
24 Communities.

25 4. The area of the Rural Activity Center constitutes
26 no more than 25 percent of the designated Rural Heritage Area
27 within which it exists. The Rural Activity Center will serve
28 and be developed as a "town center," promoting compact,
29 efficient development within the Rural Activity Center, and
30 allowing lower density development that retains rural
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1 character within the remaining portions of the designated
2 Rural Heritage Area.

3 (c) "Rural Heritage Area" means an area or areas
4 designated by a local government or governments through
5 interlocal agreement where:

6 1. More than 50 percent of the land within the
7 designated area is in agricultural, open space, recreational,
8 or other non-developed uses;

9 2. The designated area fits the definition of, or
10 falls within an area that fits the definition of, a rural
11 county, rural municipality, or rural community as defined in
12 section 288.106, Florida Statutes;

13 3. A majority of populated portions of the area are
14 characterized by pervasive poverty, unemployment, and general
15 distress as defined in section 290.0058, Florida Statutes;

16 4. The area may comprise a single rural county as
17 defined in section 288.106, Florida Statutes, a multi-county
18 area, or a sub-county area that is rural in nature and meets
19 the above land-use, demographic, economic, and definitional
20 criteria. If a sub-county area, it may comprise one or more
21 rural municipalities, as defined in section 288.106, Florida
22 Statutes, and may include unincorporated areas between or
23 surrounding the rural municipalities provided that all parts
24 of the designated area meet the above criteria.

25 (4) DESIGNATION OF A RURAL HERITAGE AREA.--

26 (a) A local government, or local governments through
27 interlocal agreement, may designate a geographic area or areas
28 within the applicable jurisdiction as a Rural Heritage Area
29 for the purpose of convening a community-based holistic
30 planning process to identify community problems and assets,
31 create a vision for the area's future, and formulate a

1 strategic plan for implementing asset-based solutions to the
2 problems identified.

3 (b) A local government, or local governments through
4 interlocal agreement, may designate a geographic area or areas
5 within the applicable jurisdiction and within a designated
6 Rural Heritage Area as a Rural Activity Center for the purpose
7 of targeting economic development, job creation, housing,
8 transportation and other infrastructure, neighborhood
9 revitalization and preservation, the promotion of rural land
10 preservation, and the employment of land-use incentives to
11 encourage mixed-use development that will revitalize the Rural
12 Activity Center area as a functioning downtown that can serve
13 residents of surrounding rural areas.

14 (5) COMMUNITY-BASED PLANNING PROCESS.--

15 (a) As part of the designation of the Rural Heritage
16 Area and the preparation of a Rural Heritage Area plan, a
17 community participation process must be implemented in each
18 proposed Rural Heritage Area. The process must involve
19 stakeholders including, but not limited to, community-based
20 organizations; neighborhood associations; educational, health
21 care, and religious organizations; area residents, including
22 low-income residents; appropriate local government
23 representatives; local school boards; and, when appropriate,
24 institutions of higher education.

25 (b) The objective of the community participation
26 process is to produce an integrated plan that benefits the
27 community as a whole, and to encourage residents within the
28 designated area to participate in the design and
29 implementation of the Rural Heritage Area plan, including the
30 visioning of the area's future, before prioritizing and
31 optimizing scarce resources. The planning process must be

1 collaborative and holistic and must address, at a minimum,
2 economic development including the nature-and-heritage-based
3 tourism industry, land use, affordable housing,
4 infrastructure, education, health care, public safety,
5 financial capacity, both public and private, information
6 technology, workforce development, ecological conservation,
7 social equity, the role of agriculture in the local economy if
8 applicable, and, the role of local government.

9 (c) In lieu of preparing a new plan, the local
10 government may demonstrate that an existing plan or
11 combination of plans includes the factors listed in paragraph
12 (d), or amend such existing plans to include the factors
13 listed in paragraph (d), including the community-based
14 planning process. If the area constitutes or contains a
15 federally designated Empowerment Zone, Enterprise Community,
16 or Champion Community, the plan and planning process done in
17 application for that designation will serve to meet the
18 requirements of the community-based planning process, and will
19 allow the community to apply for implementation grants under
20 the Rural Heritage Grant program that are based on such plan.

21 (d) A local government seeking to designate a
22 geographic area as a Rural Heritage Area shall propose a plan
23 that describes means of promoting economic prosperity and
24 preserving the unique rural character of the area. The plan
25 must demonstrate the local government's and community's
26 commitment to comprehensively addressing the problems within
27 the Rural Heritage Area and identify activities, programs, and
28 resources that can help accomplish locally identified goals
29 such as improved educational opportunities; economic
30 diversification and development; the future of agricultural
31 land uses in the planning area; provision of infrastructure

1 needs, including information technology infrastructure;
2 prioritizing, pooling, and leveraging scarce resources; and
3 mixed-use planning for Rural Activity Centers to improve both
4 the residential and commercial quality of life in the area.

5 The plan must also:

6 1. Contain a map depicting the Rural Heritage Area or
7 areas, and Rural Activity Center if applicable, to be included
8 within the designation.

9 2. Contain interlocal agreements, as appropriate,
10 among participating local governments and any regional or
11 nonprofit organizations which express the entities' commitment
12 to collectively designating the area and to coordinated
13 implementation efforts based on the plan.

14 3. Identify any existing enterprise zones, community
15 redevelopment areas, community development districts,
16 brownfield areas, downtown redevelopment districts, safe
17 neighborhood improvement districts, historic preservation
18 districts, and empowerment zones located within the area
19 proposed for designation.

20 4. Identify a memorandum of understanding between the
21 district school board and the local government jurisdiction
22 regarding public school facilities located within the Rural
23 Heritage Area to identify how the school board will enhance
24 public school facilities and programs in the designated area.

25 5. Explain how projects identified in the plan forward
26 the goals of creating economic prosperity for area residents
27 and preserving the rural character and heritage of the
28 planning area. Projects may include land acquisition;
29 demolition, construction, or renovation of structures;
30 purchase of conservation easements or development rights on
31 agricultural, conservation or recreational lands; job-training

1 programs; investments in educational technologies; capacity
2 building through existing or new nonprofit organizations;
3 creation, enhancement, or marketing of nature, agricultural,
4 or heritage-based tourism or recreational facilities; or
5 improvement of the delivery of health care services to rural
6 residents.

7 6. Identify the geographic locations for projects
8 identified through the community participation process and
9 explain how such projects will be implemented.

10 7. Identify how the local government intends to
11 implement and enhance affordable housing programs as defined
12 in section 420.602, Florida Statutes, including economic and
13 community development programs administered by the Department
14 of Community Affairs and the Florida Housing Finance
15 Corporation within the Rural Heritage Area.

16 8. If applicable, provide guidelines for the adoption
17 of land-development regulations specific to the Rural Heritage
18 Area which provide for the use or purchase of conservation
19 easements, purchase or transfer of development rights, or the
20 use of other means available to local governments under
21 section 704.06, Florida Statutes, for the purpose of
22 preserving agricultural lands.

23 9. If applicable, identify and adopt a package of
24 financial and local government incentives which the local
25 government will offer for new development, expansion or
26 renovation of existing development, and redevelopment within
27 any designated Rural Activity Center. Examples of such
28 incentives include:

29 a. Waiver of license and permit fees.

30 b. Waiver of delinquent taxes or fees to promote the
31 return of property to productive use.

1 c. Expedited permitting.
2 d. Prioritization of infrastructure spending within
3 the Rural Heritage Area and Rural Activity Center.
4 10. Identify how activities and incentives within the
5 Rural Heritage Area or Rural Activity Center will be
6 coordinated and what administrative mechanism the local
7 government will use for the coordination and monitoring of
8 Rural Heritage Area plan implementation.
9 11. Provide a list of stakeholders participating in
10 the community planning process, consistent with the list
11 provided in paragraph (a).
12 12. Identify goals, objectives, performance measures,
13 and baseline data on conditions for evaluating the success of
14 the local government, community-based organizations, and other
15 stakeholders in implementing the Rural Heritage Area plan and
16 in improving economic prosperity and preserving rural
17 character.
18 (e) The Regional Planning Council covering the
19 geographic location of the Rural Heritage Area, or other
20 appropriate nonprofit, university-based, or for-profit
21 organizations, may assist the local government in convening
22 the community-based planning process and in preparing the
23 Rural Heritage Area plan provided that the process and
24 resulting plan meet all other requirements as described in
25 this section.
26 (f) After the preparation of a Rural Heritage Area
27 plan or the designation of an existing plan, the local
28 government must adopt the plan by ordinance. Notice for the
29 public hearing on the ordinance must be in the form
30 established in section 166.041(3)(c)2., Florida Statutes, for
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1 municipalities and section 125.66(4)(b)2., Florida Statutes,
2 for counties.

3 (g) For a local government to designate a Rural
4 Heritage Area or Rural Activity Center, it must amend its
5 comprehensive land-use plan under section 163.3187, Florida
6 Statutes, to delineate the Rural Heritage Area within the
7 future land-use element of its comprehensive plan. An
8 amendment to the local comprehensive plan to designate a Rural
9 Heritage Area or Rural Activity Center is exempt from the
10 twice-a-year amendment limitation of section 163.3187, Florida
11 Statutes.

12 (6) ECONOMIC INCENTIVES, REPORTS, TECHNICAL
13 ASSISTANCE.--

14 (a) A local government with an adopted Rural Heritage
15 Area plan or a plan employed in lieu thereof may issue revenue
16 bonds under section 163.385, Florida Statutes, and employ tax
17 increment financing under section 163.387, Florida Statutes,
18 for the purpose of financing the implementation of the plan as
19 appropriate, particularly within designated Rural Activity
20 Centers.

21 (b) A local government with an adopted Rural Heritage
22 Area plan or a plan employed in lieu thereof may exercise the
23 powers granted under section 163.514, Florida Statutes, for
24 community redevelopment neighborhood improvement districts,
25 including the authority to levy special assessments as
26 appropriate, particularly within designated Rural Activity
27 Centers.

28 (c) State agencies that provide funding for
29 infrastructure, cost-reimbursement, grants, or loans to local
30 governments, including the Department of Environmental
31 Protection (Clean Water State Revolving Fund, Drinking Water

1 Revolving Loan Trust Fund, and the State of Florida Pollution
2 Control Bond Program); the Department of Community Affairs
3 (Economic Development and Housing Program, Florida Communities
4 Trust); the Florida Housing Finance Corporation; and the
5 Department of Transportation, shall report to the President of
6 the Senate and the Speaker of the House Representatives by
7 January 1, 2001, regarding statutory and rule changes
8 necessary to give Rural Heritage Areas identified by local
9 governments that have completed the community-based planning
10 process an elevated priority in infrastructure funding, loan,
11 and grant programs.

12 (d) State agencies that provide funding to local
13 governments shall identify grant programs for which local
14 government cash match requirements will be waived or replaced
15 by in-kind match, which can include the creation of a
16 permanent Resource Development staff position within the local
17 government to work on accessing a variety of grants, and loan
18 programs for which repayment will be forgiven, for rural local
19 government applicants that have successfully completed the
20 Rural Heritage Area grant program community planning process.
21 Agencies shall report to the President of the Senate and the
22 Speaker of the House of Representatives by September 1, 2000,
23 on programs identified, statutory or rule changes needed, and
24 cost of implementation.

25 (e) The Rural Economic Development Initiative (REDI),
26 as described in section 288.0656, Florida Statutes, shall work
27 with state agencies and other organizations that provide
28 loans, grants, or technical assistance of any kind to the
29 state's rural communities, to update, maintain, and distribute
30 semiannually to every rural county and city government as
31 defined in section 288.106, Florida Statutes, the Rural

1 Resource Directory, which describes resources, including
2 federal resources, which are available to rural local
3 governments and how to access them. The publication must
4 include statutory provisions that enable local governments to
5 raise or direct revenues toward the goals of promoting
6 economic prosperity while preserving rural character. To the
7 extent possible, REDI shall provide, or shall work through the
8 Regional Planning Councils, the Small County Technical
9 Assistance Program, the Local Government Financial Technical
10 Assistance Program, the State University System, or other
11 relevant organizations to provide, technical assistance to all
12 rural local governments to access these resources.

13 (f) Provision by REDI or other organizations
14 identified in paragraph (e) of technical assistance in
15 accessing available resources as described in paragraph (e) is
16 an automatic result of successful completion of the Rural
17 Heritage Area community planning process.

18 (g) REDI shall work with the Florida State Rural
19 Development Council and state agencies to develop a simple,
20 uniform grant application form for use by local government
21 grant applicants. To the extent feasible, such a uniform
22 application process should incorporate the sharing of known
23 information about local governments among state government
24 agencies in order to maximize the efficiency of local
25 governments' efforts to secure available resources. The
26 uniform grant application must be adopted for use by state
27 agencies by July 1, 2001.

28 (7) GRANT PROGRAM.--

29 (a) A Rural Heritage Grant Program is created to
30 assist local governments in adopting Rural Heritage Areas,
31 completing the community-based planning process, and

1 implementing elements of the resulting Rural Heritage Area
2 plan.
3 (b) Forty-five percent of the general revenue
4 appropriated for the Rural Heritage Grant Program must be
5 available for conducting the community-based planning process
6 and completing the Rural Heritage Area plans. Forty-nine
7 percent of the general revenue appropriated for the Rural
8 Heritage Grant Program must be available for implementing
9 projects that are identified in the local government's adopted
10 Rural Heritage Area plan or a plan employed in lieu thereof. A
11 local government may allocate grant money to special
12 districts, including community redevelopment agencies and
13 nonprofit community development organizations, to implement
14 projects consistent with an adopted Rural Heritage Area plan
15 or a plan employed in lieu thereof. Five percent of the
16 revenue must be made available for "seed money" grants of not
17 more than \$10,000 to assist local governments to begin the
18 process of identifying Rural Heritage Areas, assembling a core
19 group of community-based participants, and applying for
20 planning grants. The remaining 1 percent must be made
21 available for administrative costs incurred by the Department
22 of Community Affairs for implementing the Rural Heritage Grant
23 Program and the Urban Infill and Redevelopment Assistance
24 Grant Program. Projects that provide employment opportunities
25 to clients of the WAGES program must be given an elevated
26 priority in the scoring of competing grant applications. To
27 encourage rural-urban partnerships and regional planning,
28 grant applications may be made, and grant moneys may be used,
29 in regional or partnership projects with communities eligible
30 to participate in the Urban Infill and Redevelopment
31 Assistance Grant Program. The Division of Housing and

1 Community Development of the Department of Community Affairs
2 shall administer the grant program.

3 (c) The Department of Community Affairs, in
4 consultation with the REDI, shall adopt rules establishing
5 grant review criteria consistent with this section.

6 (d) If the local government fails to implement
7 sections of the Rural Heritage Area plan funded through a
8 Rural Heritage Area implementation grant pursuant to the
9 deadlines specified in the grant agreement, the Department of
10 Community Affairs, in consultation with REDI, may seek to
11 rescind the economic and regulatory incentives granted to a
12 Rural Heritage Area or Rural Activity Center, subject to the
13 provisions of chapter 120, Florida Statutes. The action to
14 rescind may be initiated 90 days after issuing a written
15 letter of warning to the local government.

16 (8) NATURE-AND-HERITAGE-BASED TOURISM BUSINESS
17 MICRO-LOAN PROGRAM.--The statewide advisory committee on
18 nature-and-heritage-based tourism, as established in section
19 288.1224, Florida Statutes, shall work with Enterprise
20 Florida, Inc., the Office of Tourism, Trade, and Economic
21 Development, VISIT FLORIDA, the Rural Economic Development
22 Initiative, the Florida Fish and Wildlife Conservation
23 Commission, the Division of Recreation and Parks of the
24 Florida Department of Environmental Protection, and other
25 appropriate entities to develop a statewide micro-loan program
26 for the purpose of financing the creation and enhancement of
27 small businesses providing nature-based or heritage-based
28 tourism experiences. Examples include bicycle rentals, canoe
29 outfitters, and bed-and-breakfast facilities in proximity to
30 natural areas, and eco-tour operators and guides. Enterprise
31 Florida, Inc., shall administer the program as part of the

1 workplan under its contract with the Office of Tourism, Trade,
2 and Economic Development, as authorized under section 14.2015,
3 Florida Statutes, and shall provide low-interest loans of up
4 to \$20,000 to microenterprises, as defined in section
5 288.9618, Florida Statutes. Enterprise Florida, Inc., shall
6 establish with funds appropriated for this purpose a revolving
7 loan fund to finance the nature-and-heritage tourism
8 enterprise micro-loan program. Two percent of allocated funds
9 may be used for administration of the program. The above-named
10 entities shall advise Enterprise Florida, Inc., regarding
11 micro-loan program design, eligibility criteria, eligible
12 uses, and terms of the loans. The micro-loan program shall
13 begin providing loans to eligible businesses by March 1, 2001.
14 Notwithstanding the provisions of section 216.301, Florida
15 Statutes, funds appropriated for this purpose are not subject
16 to reversion.

17 (9) EDUCATIONAL TECHNOLOGY PILOT PROGRAM.--

18 (a) The Department of Management Services, in
19 consultation with the Department of Education, the regional
20 consortium service organizations, established under section
21 228.0857, Florida Statutes, and institutions of higher
22 education, shall establish two pilot projects in rural schools
23 that use wireless or other technologies to provide interactive
24 learning opportunities and Internet access, in order to
25 illustrate ways to increase access to quality educational
26 resources in the state's rural areas. At least one of the
27 pilots must include linkages to existing information
28 technology systems in the pilot area, for example, to a public
29 library, a university, or a four-year or community college,
30 county or municipal government, health care facility, or
31 private business network. The purposes of the projects are to

1 illustrate ways to increase access to quality educational
2 resources in the state's rural areas, to leverage federal
3 funds available for bridging the "digital divide," to build on
4 existing applications to create community-based networks, and
5 to foster opportunities for innovative distribution of
6 existing funds.

7 (b) The Department of Management Services shall select
8 the rural schools or districts that will participate in the
9 pilot projects in consultation with the Department of
10 Education and the Florida Distance Learning Network Advisory
11 Council, as described in section 241.003, Florida Statutes.
12 The selection process shall be based on the following
13 criteria:

14 1. Through evaluation of the school improvement plan,
15 demonstration of how the school or district will leverage
16 additional connectivity provided through the pilot project to
17 improve student achievement;

18 2. If the pilot project involves wireless technology,
19 demonstration of the school's or district's ability to
20 effectively deploy wireless technology based on existing
21 infrastructure;

22 3. Demonstration of commitment of the leadership of
23 the school or district to use technology to improve teaching
24 and learning;

25 4. If the pilot project involves wireless technology,
26 potential cost savings or improved access resulting from the
27 use of wireless rather than traditional connectivity
28 technology;

29 5. The ability to use the technology infrastructure in
30 other local government applications within the service area;
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1 6. Demonstration of willingness and ability of the
2 community to assume ongoing costs to maintain the pilot
3 project for a minimum 5-year period. Such willingness and
4 ability may be demonstrated through intracommunity agreements
5 or other means; and

6 7. Such other criteria as determined by the agencies.

7 (c) The Department of Management Services, in
8 consultation with the Department of Education and the Florida
9 Distance Learning Network Advisory Council, shall develop
10 performance standards for the pilot projects consistent with
11 the Sunshine State Standards, as described in section 229.57,
12 Florida Statutes, and broader community-based standards as
13 appropriate, and shall evaluate the progress of the pilot
14 projects at least annually based on the performance standards.

15 (10) AGRICULTURAL CONSERVATION AND PROFITABILITY.--

16 (a) The Department of Agriculture and Consumer
17 Services, in consultation with the University of Florida and
18 the Florida Agricultural and Mechanical University, shall
19 establish four pilot projects aimed at encouraging
20 agricultural diversification throughout the state. Two of the
21 projects must introduce alternative crops, such as hot
22 peppers, amaranth, or pigeon peas, or alternative growing
23 techniques, for example, greenhouse vegetable production in
24 north Florida or early-season blueberries and peaches. At
25 least one of these two projects shall include a tobacco farm
26 that is being adversely impacted by reductions in tobacco
27 quotas. A third pilot project must introduce a value-added
28 activity or industry, such as fruit or vegetable processing or
29 packaging into a farming community as a means of increasing
30 the profitability of current farm products for local growers.
31 The fourth pilot project should focus on aquaculture, such as

1 development of the state's sturgeon industry or the
2 development or expansion of coastal shellfish enterprises. The
3 purpose of the pilot projects is to demonstrate alternative
4 crops, techniques, and industries that can enhance the
5 profitability and sustainability of agriculture in Florida.
6 The Commissioner of Agriculture shall, in consultation with
7 the Agricultural Economic Development Project Review Committee
8 as described in section 570.248, Florida Statutes, select
9 pilot projects based on evaluation criteria for agricultural
10 economic development projects delineated in section 570.247,
11 Florida Statutes. The Commissioner of Agriculture shall report
12 annually to the Agricultural Economic Development Project
13 Review Committee on the progress of the pilot projects for the
14 duration of the projects based on performance measures
15 developed for each project consistent with sections 570.244,
16 570.246, and 570.247, Florida Statutes.

17 (b) As authorized in section 403.0752, Florida
18 Statutes, and based on results of current "whole farm
19 planning" pilot projects, the Florida Department of
20 Environmental Protection shall work with willing partners to
21 streamline the permitting process for agricultural land uses.

22 (11) REVIEW AND EVALUATION.--The Office of Program
23 Policy Analysis and Government Accountability shall perform a
24 review and evaluation of the grant program and financial
25 incentives. The report must evaluate the effectiveness of the
26 designation of rural planning areas in promoting economic
27 prosperity and preserving rural character in the state's rural
28 areas. This report may be conducted in conjunction with a
29 review of the Urban Infill and Redevelopment Assistance Grant
30 Program. A report of the findings and recommendations of the
31 Office of Program Policy Analysis and Government

1 Accountability must be submitted to the President of the
2 Senate and the Speaker of the House of Representative before
3 the 2005 Regular Session of the Legislature.

4 Section 2. Paragraphs (c) and (i) of subsection (1) of
5 section 163.3187, Florida Statutes, are amended to read:

6 163.3187 Amendment of adopted comprehensive plan.--

7 (1) Amendments to comprehensive plans adopted pursuant
8 to this part may be made not more than two times during any
9 calendar year, except:

10 (c) Any local government comprehensive plan amendments
11 directly related to proposed small scale development
12 activities may be approved without regard to statutory limits
13 on the frequency of consideration of amendments to the local
14 comprehensive plan. A small scale development amendment may
15 be adopted only under the following conditions:

16 1. The proposed amendment involves a use of 10 acres
17 or fewer and:

18 a. The cumulative annual effect of the acreage for all
19 small scale development amendments adopted by the local
20 government shall not exceed:

21 (I) A maximum of 120 acres in a local government that
22 contains areas specifically designated in the local
23 comprehensive plan for urban infill, urban redevelopment, or
24 downtown revitalization as defined in s. 163.3164, urban
25 infill and redevelopment areas designated under s. 163.2517,
26 Rural Activity Centers designated under the Florida Rural
27 Heritage Act, transportation concurrency exception areas
28 approved pursuant to s. 163.3180(5), or regional activity
29 centers and urban central business districts approved pursuant
30 to s. 380.06(2)(e); however, amendments under this paragraph
31 may be applied to no more than 60 acres annually of property

1 outside the designated areas listed in this
2 sub-sub-subparagraph.

3 (II) A maximum of 80 acres in a local government that
4 does not contain any of the designated areas set forth in
5 sub-sub-subparagraph (I).

6 (III) A maximum of 120 acres in a county established
7 pursuant to s. 9, Art. VIII of the State Constitution.

8 b. The proposed amendment does not involve the same
9 property granted a change within the prior 12 months.

10 c. The proposed amendment does not involve the same
11 owner's property within 200 feet of property granted a change
12 within the prior 12 months.

13 d. The proposed amendment does not involve a text
14 change to the goals, policies, and objectives of the local
15 government's comprehensive plan, but only proposes a land use
16 change to the future land use map for a site-specific small
17 scale development activity.

18 e. The property that is the subject of the proposed
19 amendment is not located within an area of critical state
20 concern.

21 f. If the proposed amendment involves a residential
22 land use, the residential land use has a density of 10 units
23 or less per acre, except that this limitation does not apply
24 to small scale amendments described in sub-sub-subparagraph
25 a.(I) that are designated in the local comprehensive plan for
26 urban infill, urban redevelopment, or downtown revitalization
27 as defined in s. 163.3164, urban infill and redevelopment
28 areas designated under s. 163.2517, transportation concurrency
29 exception areas approved pursuant to s. 163.3180(5), ~~or~~
30 regional activity centers and urban central business districts
31

1 approved pursuant to s. 380.06(2)(e), or Rural Activity
2 Centers designated under the Florida Rural Heritage Act.

3 2.a. A local government that proposes to consider a
4 plan amendment pursuant to this paragraph is not required to
5 comply with the procedures and public notice requirements of
6 s. 163.3184(15)(c) for such plan amendments if the local
7 government complies with the provisions in s. 125.66(4)(a) for
8 a county or in s. 166.041(3)(c) for a municipality. If a
9 request for a plan amendment under this paragraph is initiated
10 by other than the local government, public notice is required.

11 b. The local government shall send copies of the
12 notice and amendment to the state land planning agency, the
13 regional planning council, and any other person or entity
14 requesting a copy. This information shall also include a
15 statement identifying any property subject to the amendment
16 that is located within a coastal high hazard area as
17 identified in the local comprehensive plan.

18 3. Small scale development amendments adopted pursuant
19 to this paragraph require only one public hearing before the
20 governing board, which shall be an adoption hearing as
21 described in s. 163.3184(7), and are not subject to the
22 requirements of s. 163.3184(3)-(6) unless the local government
23 elects to have them subject to those requirements.

24 (i) A comprehensive plan amendment for the purpose of
25 designating an urban infill and redevelopment area under s.
26 163.2517, or a Rural Heritage Area or Rural Activity Center
27 under the Florida Rural Heritage Act, may be approved without
28 regard to the statutory limits on the frequency of amendments
29 to the comprehensive plan.

30
31

1 Section 3. Subsections (5), (10), (16), (22), (23),
2 and (24) of section 187.201, Florida Statutes, are amended to
3 read:

4 187.201 State Comprehensive Plan adopted.--The
5 Legislature hereby adopts as the State Comprehensive Plan the
6 following specific goals and policies:

7 (5) HOUSING.--

8 (a) Goal.--The public and private sectors shall
9 increase the affordability and availability of housing for
10 low-income and moderate-income persons, including citizens in
11 rural areas, while at the same time encouraging
12 self-sufficiency of the individual and assuring environmental
13 and structural quality and cost-effective operations.

14 (b) Policies.--

15 1. Eliminate public policies which result in housing
16 discrimination, and develop policies which encourage housing
17 opportunities for all Florida's citizens.

18 2. Diminish the use of institutions to house persons
19 by promoting deinstitutionalization to the maximum extent
20 possible.

21 3. Increase the supply of safe, affordable, and
22 sanitary housing for low-income and moderate-income persons
23 and elderly persons by alleviating housing shortages,
24 recycling older houses and redeveloping residential
25 neighborhoods, identifying housing needs, providing incentives
26 to the private sector to build affordable housing, encouraging
27 public-private partnerships to maximize the creation of
28 affordable housing, and encouraging research into low-cost
29 housing construction techniques, considering life-cycle
30 operating costs.

31

1 4. Reduce the cost of housing construction by
2 eliminating unnecessary regulatory practices which add to the
3 cost of housing.

4 5. Provide incentives and encourage research to
5 increase the supply of safe, affordable, and sanitary housing
6 for low, very low, and moderate income residents of rural
7 areas, as defined in s. 420.602. Such incentives and research
8 must take into account the importance of development that
9 preserves the rural character of the area, and seek to
10 mitigate the increased per-unit cost of small housing projects
11 appropriate to rural areas over the per-unit cost for larger
12 developments.

13 (10) NATURAL SYSTEMS AND RECREATIONAL LANDS.--

14 (a) Goal.--Florida shall protect and acquire unique
15 natural habitats and ecological systems, such as wetlands,
16 tropical hardwood hammocks, palm hammocks, and virgin longleaf
17 pine forests, and restore degraded natural systems to a
18 functional condition.

19 (b) Policies.--

20 1. Conserve forests, wetlands, fish, marine life, and
21 wildlife to maintain their environmental, economic, aesthetic,
22 and recreational values.

23 2. Acquire, retain, manage, and inventory public lands
24 to provide recreation, conservation, and related public
25 benefits.

26 3. Prohibit the destruction of endangered species and
27 protect their habitats.

28 4. Establish an integrated regulatory program to
29 assure the survival of endangered and threatened species
30 within the state.

31

1 5. Promote the use of agricultural practices which are
2 compatible with the protection of wildlife and natural
3 systems.

4 6. Encourage multiple use of forest resources, where
5 appropriate, to provide for timber production, recreation,
6 wildlife habitat, watershed protection, erosion control, and
7 maintenance of water quality.

8 7. Protect and restore the ecological functions of
9 wetlands systems to ensure their long-term environmental,
10 economic, and recreational value.

11 8. Promote restoration of the Everglades system and of
12 the hydrological and ecological functions of degraded or
13 substantially disrupted surface waters.

14 9. Develop and implement a comprehensive planning,
15 management, and acquisition program to ensure the integrity of
16 Florida's river systems.

17 10. Emphasize the acquisition and maintenance of
18 ecologically intact systems in all land and water planning,
19 management, and regulation.

20 11. Expand state and local efforts to provide
21 recreational opportunities to urban areas, including the
22 development of activity-based parks.

23 12. Protect and expand park systems throughout the
24 state.

25 13. Encourage the use of public and private financial
26 and other resources for the development of recreational and
27 nature-based tourism opportunities at the state and local
28 levels when consistent with natural-system conservation
29 principles and practices.

30 (16) LAND USE.--

31

1 (a) Goal.--In recognition of the importance of
2 preserving the natural resources and enhancing the quality of
3 life of the state, development shall be directed to those
4 areas which have in place, or have agreements to provide, the
5 land and water resources, fiscal abilities, and service
6 capacity to accommodate growth in an environmentally
7 acceptable manner.

8 (b) Policies.--

9 1. Promote state programs, investments, and
10 development and redevelopment activities which encourage
11 efficient development and occur in areas which will have the
12 capacity to service new population and commerce.

13 2. Develop a system of incentives and disincentives
14 which encourages a separation of urban and rural land uses
15 while protecting water supplies, resource development, and
16 fish and wildlife habitats.

17 3. Enhance the livability and character of urban areas
18 through the encouragement of an attractive and functional mix
19 of living, working, shopping, and recreational activities.

20 4. Recognize the interwoven nature of the
21 relationships among rural communities, agricultural lands,
22 open space lands, urban centers, regions, and the state, and
23 the importance of fiscally and culturally strong rural
24 communities to state and regional economies and resources.
25 Promote state and local programs that foster integrated and
26 coordinated community-planning efforts. Pursue land use,
27 educational, recreational, economic, transportation, housing,
28 information technology, and social service delivery
29 initiatives in the context of community planning goals.

30 ~~5.4.~~ Develop a system of intergovernmental negotiation
31 for siting locally unpopular public and private land uses

1 which considers the area of population served, the impact on
2 land development patterns or important natural resources, and
3 the cost-effectiveness of service delivery.

4 ~~6.5.~~ Encourage and assist local governments in
5 establishing comprehensive impact-review procedures to
6 evaluate the effects of significant development activities in
7 their jurisdictions.

8 ~~7.6.~~ Consider, in land use planning and regulation,
9 the impact of land use on water quality and quantity; the
10 availability of land, water, and other natural resources to
11 meet demands; and the potential for flooding.

12 ~~8.7.~~ Provide educational programs and research to meet
13 state, regional, and local planning and growth-management
14 needs.

15 (22) THE ECONOMY.--

16 (a) Goal.--Florida shall promote an economic climate
17 which provides economic stability, maximizes job
18 opportunities, and increases per capita income for its
19 residents.

20 (b) Policies.--

21 1. Attract new job-producing industries, corporate
22 headquarters, distribution and service centers, regional
23 offices, and research and development facilities to provide
24 quality employment for the residents of Florida.

25 2. Promote entrepreneurship and small and
26 minority-owned business startup by providing technical and
27 information resources, facilitating capital formation, and
28 removing regulatory restraints which are unnecessary for the
29 protection of consumers and society.

30 3. Maintain, as one of the state's primary economic
31 assets, the environment, including clean air and water,

1 beaches, forests, historic landmarks, and agricultural and
2 natural resources, and support rural communities in developing
3 nature-and-heritage-based tourism enterprises consistent with
4 conservation of these natural resources in order to provide
5 economic benefit to those living in closest proximity to those
6 assets.

7 4. Strengthen Florida's position in the world economy
8 through attracting foreign investment and promoting
9 international banking and trade.

10 5. Build on the state's attractiveness to make it a
11 leader in the visual and performing arts and in all phases of
12 film, television, and recording production.

13 6. Promote economic development for Florida residents
14 through partnerships among education, business, industry,
15 agriculture, and the arts.

16 7. Provide increased opportunities for training
17 Florida's workforce to provide skilled employees for new and
18 expanding business.

19 8. Promote economic self-sufficiency through training
20 and educational programs which result in productive
21 employment.

22 9. Promote cooperative employment arrangements between
23 private employers and public sector employment efforts to
24 provide productive, permanent employment opportunities for
25 public assistance recipients through provisions of education
26 opportunities, tax incentives, and employment training.

27 10. Provide for nondiscriminatory employment
28 opportunities.

29 11. Provide quality child day care for public
30 assistance families and others who need it in order to work.

31

1 12. Encourage the development of a business climate
2 that provides opportunities for the growth and expansion of
3 existing state industries, particularly those industries which
4 are compatible with Florida's environment.

5 13. Promote coordination among Florida's ports to
6 increase their utilization.

7 14. Encourage the full utilization by businesses of
8 the economic development enhancement programs implemented by
9 the Legislature for the purpose of extensively involving
10 private businesses in the development and expansion of
11 permanent job opportunities, especially for the economically
12 disadvantaged, through the utilization of enterprise zones,
13 community development corporations, and other programs
14 designed to enhance economic and employment opportunities.

15 (23) AGRICULTURE.--

16 (a) Goal.--Florida shall maintain and strive to expand
17 its food, agriculture, ornamental horticulture, aquaculture,
18 forestry, and related industries in order to be a healthy and
19 competitive force in the national and international
20 marketplace.

21 (b) Policies.--

22 1. Ensure that goals and policies contained in state
23 and regional plans are not interpreted to permanently restrict
24 the conversion of agricultural lands to other uses, while
25 creating and providing economically viable options for those
26 landowners who wish their lands to remain in agricultural
27 uses.

28 2. Encourage diversification within the agriculture
29 industry, especially to reduce the vulnerability of
30 communities that are largely reliant upon agriculture for
31 either income or employment.

- 1 3. Promote and increase international agricultural
2 marketing opportunities for all Florida agricultural
3 producers.
- 4 4. Stimulate research, development, and application of
5 agricultural technology to promote and enhance the
6 conservation, production, and marketing techniques available
7 to the agriculture industry.
- 8 5. Encourage conservation, wastewater recycling, and
9 other appropriate measures to assure adequate water resources
10 to meet agricultural and other beneficial needs.
- 11 6. Promote entrepreneurship in the agricultural sector
12 by providing technical and informational services.
- 13 7. Stimulate continued productivity through investment
14 in education and research.
- 15 8. Encourage development of biological pest controls
16 to further the reduction in reliance on chemical controls.
- 17 9. Conserve soil resources to maintain the economic
18 value of land for agricultural pursuits and to prevent
19 sedimentation in state waters.
- 20 10. Promote the vitality of Florida's agricultural
21 industry through continued funding of basic research,
22 extension, inspection, and analysis services and of programs
23 providing for marketing and technical assistance and the
24 control and eradication of diseases and infestations.
- 25 11. Continue to promote the use of lands for
26 agricultural purposes by maintaining preferential property tax
27 treatment through the greenbelt law.
- 28 12. Ensure that coordinated state planning of road,
29 rail, and waterborne transportation systems provides adequate
30 facilities for the economical transport of agricultural
31 products and supplies between producing areas and markets.

1 13. Eliminate the discharge of inadequately treated
2 wastewater and stormwater runoff into waters of the state.

3 (24) TOURISM.--

4 (a) Goal.--Florida will attract at least 55 million
5 tourists annually by 1995 and shall support efforts by all
6 areas of the state wishing to develop or expand
7 tourist-related economies.

8 (b) Policies.--

9 1. Promote statewide tourism and support promotional
10 efforts in those parts of the state that desire to attract
11 visitors.

12 2. Acquire and manage public lands to offer visitors
13 and residents increased outdoor experiences.

14 3. Promote awareness of historic places and cultural
15 and historical activities.

16 4. Develop a nature-and-heritage-based tourism
17 industry that meets growing public demand, protects the
18 state's natural and cultural resources, and contributes to
19 economic prosperity, especially in the state's rural
20 communities.

21 Section 4. Paragraph (b) of subsection (2) of section
22 212.096, Florida Statutes, is amended to read:

23 212.096 Sales, rental, storage, use tax; enterprise
24 zone jobs credit against sales tax.--

25 (2)

26 (b) The credit shall be computed as follows:

27 1. Ten percent of the monthly wages paid in this state
28 to each new employee whose wages do not exceed \$1,500 a month.
29 If no less than 20 percent of the employees of the business
30 are residents of an enterprise zone, excluding temporary and
31 part-time employees, the credit shall be computed as 15

1 percent of the monthly wages paid in this state to each new
2 employee. If the business is located in an enterprise zone
3 within the jurisdiction of a rural county or city as defined
4 in s. 288.106, the credit must be computed as 15 percent of
5 the actual monthly wages paid in this state to each new
6 employee for a period of up to 12 consecutive months,
7 regardless of the percentage of employees of the business
8 residing in the enterprise zone, provided that the employees
9 are residents of the county within which the rural enterprise
10 zone is located;

11 2. Five percent of the first \$1,500 of actual monthly
12 wages paid in this state for each new employee whose wages
13 exceed \$1,500 a month; or

14 3. Fifteen percent of the first \$1,500 of actual
15 monthly wages paid in this state for each new employee who is
16 a WAGES Program participant pursuant to chapter 414.

17

18 For purposes of this paragraph, monthly wages shall be
19 computed as one-twelfth of the expected annual wages paid to
20 such employee. The amount paid as wages to a new employee is
21 the compensation paid to such employee that is subject to
22 unemployment tax. The credit shall be allowed for up to 12
23 consecutive months, beginning with the first tax return due
24 pursuant to s. 212.11 after approval by the department.

25 Section 5. Paragraph (a) of subsection (1) of section
26 220.181, Florida Statutes, is amended to read:

27 220.181 Enterprise zone jobs credit.--

28 (1)(a) Beginning July 1, 1995, there shall be allowed
29 a credit against the tax imposed by this chapter to any
30 business located in an enterprise zone which employs one or
31 more new employees. The credit shall be computed as follows:

1 1. Ten percent of the actual monthly wages paid in
2 this state to each new employee whose wages do not exceed
3 \$1,500 a month. If no less than 20 percent of the employees of
4 the business are residents of an enterprise zone, excluding
5 temporary and part-time employees, the credit shall be
6 computed as 15 percent of the actual monthly wages paid in
7 this state to each new employee, for a period of up to 12
8 consecutive months. If the business is located in an
9 enterprise zone within the jurisdiction of a rural county or
10 city as defined in s. 288.106, the credit must be computed as
11 15 percent of the actual monthly wages paid in this state to
12 each new employee, for a period of up to 12 consecutive
13 months, regardless of the percentage of employees of the
14 business residing in the enterprise zone, provided the
15 employees are residents of the county within which the rural
16 enterprise zone is located;

17 2. Five percent of the first \$1,500 of actual monthly
18 wages paid in this state for each new employee whose wages
19 exceed \$1,500 a month; or

20 3. Fifteen percent of the first \$1,500 of actual
21 monthly wages paid in this state for each new employee who is
22 a WAGES Program participant pursuant to chapter 414.

23 Section 6. Subsection (4) of section 290.0055, Florida
24 Statutes, is amended to read:

25 290.0055 Local nominating procedure.--

26 (4) An area nominated by a county or municipality, or
27 a county and one or more municipalities together, for
28 designation as an enterprise zone shall be eligible for
29 designation under s. 290.0065 only if it meets the following
30 criteria:

31

1 (a) The selected area does not exceed 20 square miles.
2 The selected area must have a continuous boundary, or consist
3 of not more than three noncontiguous parcels.

4 (b)1. The selected area does not exceed the following
5 mileage limitation:

6 2. For communities having a total population of
7 150,000 persons or more, the selected area shall not exceed 20
8 square miles.

9 3. For communities having a total population of 50,000
10 persons or more but less than 150,000 persons, the selected
11 area shall not exceed 10 square miles.

12 4. For communities having a total population of 20,000
13 persons or more but less than 50,000 persons, the selected
14 area shall not exceed 5 square miles.

15 5. For communities having a total population of 7,500
16 persons or more but less than 20,000 persons, the selected
17 area shall not exceed 3 square miles.

18 6. For communities having a total population of less
19 than 7,500 persons, the selected area shall not exceed 3
20 square miles.

21 7. For communities within the jurisdiction of a rural
22 county or city as defined in s. 288.106, the selected area
23 must not exceed 15 square miles, regardless of total
24 population.

25 (c) The selected area does not include any portion of
26 a central business district, as that term is used for purposes
27 of the most recent Census of Retail Trade, unless the poverty
28 rate for each census geographic block group in the district is
29 not less than 30 percent. This paragraph does not apply to any
30 area nominated in a county that has a population which is less
31 than 50,000.

1 (d) The selected area suffers from pervasive poverty,
2 unemployment, and general distress, as described and measured
3 pursuant to s. 290.0058.

4 Section 7. Section 420.507, Florida Statutes, is
5 amended to read:

6 420.507 Powers of the corporation.--The corporation
7 shall have all the powers necessary or convenient to carry out
8 and effectuate the purposes and provisions of this part,
9 including the following powers which are in addition to all
10 other powers granted by other provisions of this part:

11 (1) To sue and be sued, to have a seal, to alter the
12 same at pleasure and to authorize the use of a facsimile
13 thereof, and to make and execute contracts and other
14 instruments necessary or convenient to the exercise of the
15 powers of the corporation.

16 (2) To undertake and carry out studies and analyses of
17 housing needs within the state and ways of meeting those
18 needs.

19 (3) To participate in federal housing assistance and
20 federal community development, insurance, and guarantee
21 programs and to agree and comply with any conditions attached
22 to federal financial assistance, including, without
23 limitation, the waiver of exemption from federal income
24 taxation on interest payable on its bonds, unless expressly
25 prohibited by this act.

26 (4) To provide for the collection and payment of fees
27 and charges, regardless of method of payment, in connection
28 with its loans, commitments, and servicing, including, but not
29 limited to, reimbursement of costs of financing by the
30 corporation, service charges and insurance premiums as the
31 corporation shall determine to be reasonable and as shall be

1 approved by the corporation. The fees and charges may be paid
2 directly by the borrower to the insurer, lender, or servicing
3 agent or may be deducted from the interest collected by such
4 insurer, lender, or servicing agent.

5 (5) To acquire real and personal property or any
6 interest therein when such acquisition is necessary or
7 appropriate to protect any loan or to participate in any
8 program in which the corporation has an interest; to sell,
9 transfer, and convey any such property to a buyer without
10 regard to the provisions of chapters 253 and 270; and, in the
11 event that such sale, transfer, or conveyance cannot be
12 effected with reasonable promptness or at a reasonable price,
13 to lease such property for occupancy.

14 (6) To borrow money through the issuance of bonds or
15 from the Federal Home Loan Bank or Rural Housing Services of
16 the United States Department of Agriculture for the purposes
17 provided in this part, to provide for and secure the payment
18 thereof, and to provide for the rights of the holders thereof.

19 (7) To purchase bonds of the corporation out of any
20 funds or moneys of the corporation available therefor and to
21 hold, cancel, or resell such bonds.

22 (8) To invest any funds held in reserves or sinking
23 funds, or any funds not required for immediate disbursement,
24 in such investments as may be authorized for trust funds under
25 s. 215.47 and in any authorized investments, provided such
26 investments will be made on behalf of the corporation by the
27 State Board of Administration or by another trustee appointed
28 for that purpose.

29 (9) To set standards for residential housing financed
30 by the corporation under this chapter and to provide for
31 inspections to determine compliance with those standards.

1 (10) To contract for and to accept gifts, grants,
2 loans, or other aid from the United States Government or any
3 person or corporation.

4 (11) To insure and procure insurance against any loss
5 in connection with any bonds of the corporation and the
6 corporation's operations or property, including without
7 limitation:

8 (a) The repayment of any loans to mortgage lenders or
9 mortgage loans.

10 (b) Any project.

11 (c) Any bonds of the corporation, in such amounts and
12 from such insurers, including the Federal Government, as it
13 may deem necessary or desirable, and to pay any premiums
14 therefor.

15 (12) To make rules necessary to carry out the purposes
16 of this part and to exercise any power granted in this part
17 pursuant to the provisions of chapter 120.

18 (13) To adopt rules necessary to carry out the
19 purposes of the state's rural policy under the Florida Rural
20 Heritage Act.

21 ~~(14)~~(13) To engage the services of private consultants
22 on a contract basis for rendering professional and technical
23 assistance and advice.

24 ~~(15)~~(14) To make additional conditions respecting the
25 grant of loans or mortgage loans pursuant to this part,
26 including, without limitation, the regulation of eligible
27 persons and the admission of tenants and other occupants or
28 users of projects and residential housing, and to enter into
29 regulatory and other agreements and contracts under the
30 provisions of this part.

31

1 (16)~~(15)~~ To institute any action or proceeding against
2 any eligible person or sponsor receiving a loan or owning any
3 residential housing financed under the provisions of this part
4 in any court of competent jurisdiction to enforce the
5 provisions of this part or the terms and provisions of any
6 agreement or contract between the corporation and such person
7 and, in connection with any such action or proceeding, to
8 apply for and accept the appointment, by a court of competent
9 jurisdiction, of a receiver to take over, manage, operate, and
10 maintain such residential housing.

11 (17)~~(16)~~ To procure or require the procurement of a
12 policy or policies of group life insurance or disability
13 insurance, or both, to insure repayment of mortgage loans for
14 residential housing in the event of the death or disability of
15 the eligible person or persons liable therefor, and to pay any
16 premiums therefor.

17 (18)~~(17)~~ To renegotiate any mortgage loan or any
18 purchase agreement with a borrower in default; to waive any
19 default or consent to the modification of the terms of any
20 mortgage loan or any purchase agreement; and to commence,
21 prosecute, and enforce a judgment in any action or proceeding
22 to protect or enforce any right conferred upon it by law,
23 mortgage loan, loan agreement or purchase agreement, contract,
24 or other agreement, including without limitation foreclosure
25 of the security interest on the property securing such a
26 mortgage loan; provided that any such action or proceeding
27 shall be brought in the name of the entity servicing the
28 mortgage loan on behalf of the corporation and not in the name
29 of the corporation, and in connection with any such
30 proceeding, to bid for and purchase the property or acquire or
31 take possession thereof and, in such event, complete,

1 administer, pay the principal of and interest on any
2 obligations incurred in connection with the property and
3 dispose of and otherwise deal with the property in such manner
4 as the corporation may deem advisable to protect its interests
5 therein.

6 (19)~~(18)~~ To make and execute contracts for the
7 administration, servicing, or collection of any mortgage loan
8 or loan agreement or purchase agreement with a mortgage lender
9 or servicing agent for the duration of the loan or agreement
10 and pay the reasonable value of services rendered to the
11 corporation pursuant to such contracts. The fees and charges
12 for such services may be paid directly by the borrower to the
13 lender or servicing agent or may be deducted from the interest
14 collected by such lender or servicing agent.

15 (20)~~(19)~~ To fix, revise from time to time, charge, and
16 collect fees and other charges in connection with the making
17 of mortgage loans, the purchasing of mortgage loans, and any
18 other services rendered by the corporation.

19 (21)~~(20)~~ To make and execute agreements, contracts,
20 and other instruments necessary or convenient in the exercise
21 of the powers and functions of the corporation under this
22 part, including contracts with any person, firm, corporation,
23 local government, or other entity; and all local governments
24 established under the laws of the state are hereby authorized
25 to enter into and do all things necessary to perform such
26 contracts and otherwise cooperate with the corporation to
27 facilitate the accomplishment of the purposes of this part.

28 (22)~~(21)~~ Review all reverse mortgage provisions
29 proposed to be used by an individual lender or a consortium to
30 determine that such provisions are consistent with the
31 purposes and intent of this act. If the corporation finds

1 that the provisions are consistent, it shall approve those
2 provisions. If the corporation finds that the provisions are
3 inconsistent, it shall state its objections and give the
4 parties an opportunity to amend the provisions to overcome
5 such objections. In approving these provisions, the
6 corporation must determine:

7 (a) That the mortgagee is either licensed pursuant to
8 ss. 494.006-494.0077 or specifically exempt from ss.
9 494.006-494.0077.

10 (b) That the mortgagee has sufficient resources to
11 finance such mortgages.

12 (23)~~(22)~~ To develop and administer the State Apartment
13 Incentive Loan Program. In developing and administering that
14 program, the corporation may:

15 (a) Make first, second, and other subordinated
16 mortgage loans including variable or fixed rate loans subject
17 to contingent interest. The corporation shall make loans
18 exceeding 25 percent of project cost available only to
19 nonprofit organizations and public bodies which are able to
20 secure grants, donations of land, or contributions from other
21 sources and to projects meeting the criteria of subparagraph
22 1. Mortgage loans shall be made available at the following
23 rates of interest:

24 1. Zero to 3 percent interest for sponsors of projects
25 that maintain an 80 percent occupancy of residents qualifying
26 as farmworkers as defined in s. 420.306(7) over the life of
27 the loan.

28 2. Three to 9 percent interest for sponsors of
29 projects targeted at populations other than farmworkers.

30 (b) Geographically and demographically target the
31 utilization of loans.

1 (c) Underwrite credit, and reject projects which do
2 not meet the established standards of the corporation.

3 (d) Negotiate with governing bodies within the state
4 after a loan has been awarded to obtain local government
5 contributions.

6 (e) Inspect any records of a sponsor at any time
7 during the life of the loan or the agreed period for
8 maintaining the provisions of s. 420.5087.

9 (f) Establish, by rule, the procedure for evaluating,
10 scoring, and competitively ranking all applications based on
11 the criteria set forth in s. 420.5087(6)(c); determining
12 actual loan amounts; making and servicing loans; and
13 exercising the powers authorized in this subsection.

14 (g) Establish a loan loss insurance reserve to be used
15 to protect the outstanding program investment in case of a
16 default, deed in lieu of foreclosure, or foreclosure of a
17 program loan.

18 (24)~~(23)~~ To develop and administer the Florida
19 Homeownership Assistance Program. In developing and
20 administering the program, the corporation may:

21 (a)1. Make subordinated loans to eligible borrowers
22 for down payments or closing costs related to the purchase of
23 the borrower's primary residence.

24 2. Make permanent loans to eligible borrowers related
25 to the purchase of the borrower's primary residence.

26 3. Make subordinated loans to nonprofit sponsors or
27 developers of housing for construction financing of housing to
28 be offered for sale to eligible borrowers as a primary
29 residence at an affordable price.

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1 (b) Establish a loan loss insurance reserve to
2 supplement existing sources of mortgage insurance with
3 appropriated funds.

4 (c) Geographically and demographically target the
5 utilization of loans.

6 (d) Defer repayment of loans for the term of the first
7 mortgage.

8 (e) Establish flexible terms for loans with an
9 interest rate not to exceed 3 percent per annum and which are
10 nonamortizing for the term of the first mortgage.

11 (f) Require repayment of loans upon sale, transfer,
12 refinancing, or rental of secured property.

13 (g) Accelerate a loan for monetary default, for
14 failure to provide the benefits of the loans to eligible
15 borrowers, or for violation of any other restriction placed
16 upon the loan.

17 (h) Adopt rules for the program and exercise the
18 powers authorized in this subsection.

19 ~~(25)~~~~(24)~~ To do any and all things necessary or
20 convenient to carry out the purposes of, and exercise the
21 powers given and granted in, this part and the state rural
22 policy under the Florida Rural Heritage Act.

23 ~~(26)~~~~(25)~~ To develop and administer the Florida
24 Affordable Housing Guarantee Program. In developing and
25 administering the program, the corporation may:

26 (a) Develop criteria for determining the priority for
27 expending the moneys in the State Housing Trust Fund.

28 (b) Select affordable housing debt to be guaranteed or
29 additionally secured by amounts on deposit in the Affordable
30 Housing Guarantee Fund.

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1 (c) Adopt rules for the program and exercise the
2 powers authorized in this subsection.

3 (27)~~(26)~~ To develop and administer the Predevelopment
4 Loan Program. In developing and administering the program, the
5 corporation may make loans and grants as provided in ss.
6 420.521-420.529.

7 (28)~~(27)~~ Notwithstanding the provisions of chapter 282
8 and part I of chapter 287, to establish guidelines for and to
9 implement the purchase and procurement of materials and
10 services for use by the corporation.

11 (29)~~(28)~~ To expend amounts advanced from the State
12 Housing Trust Fund for the purposes of this part.

13 (30)~~(29)~~ To own real and personal property for the
14 purposes of this part, to mortgage such property, and to sell
15 the property without regard to the provisions of chapters 253
16 and 270.

17 (31)~~(30)~~ To prepare and submit to the secretary of the
18 department a budget request for purposes of the corporation,
19 which request shall, notwithstanding the provisions of chapter
20 216 and in accordance with s. 216.351, contain a request for
21 operational expenditures and separate requests for other
22 authorized corporation programs. The request shall not be
23 required to contain information on the number of employees,
24 salaries, or any classification thereof, and the approved
25 operating budget therefor need not comply with s.
26 216.181(7)-(9). The secretary is authorized to include within
27 the department's budget request the corporation's budget
28 request in the form as authorized by this section.

29 (32)~~(31)~~ Notwithstanding the provisions of s. 216.301,
30 to retain any unused operational expenditure appropriation for
31 other lawful purposes of the corporation.

1 ~~(33)~~~~(32)~~ To pay pensions and establish pension plans,
2 pension trusts, and benefit and incentive plans for any and
3 all of its current or former employees and agents.

4 ~~(34)~~~~(33)~~ To receive federal funding in connection with
5 the corporation's programs directly from the Federal
6 Government.

7 ~~(35)~~~~(34)~~ To establish the corporation's fiscal year.

8 ~~(36)~~~~(35)~~ To preclude from further participation in any
9 of the corporation's programs, for a period of up to 2 years,
10 any applicant or affiliate of an applicant which has made a
11 material misrepresentation or engaged in fraudulent actions in
12 connection with any application for a corporation program.

13 ~~(37)~~~~(36)~~ To provide for the development of
14 infrastructure improvements and rehabilitation primarily in
15 connection with residential housing consistent with the
16 applicable local government comprehensive plan.

17 Section 8. The sum of \$10 million is appropriated from
18 the General Revenue Fund for implementation of the Florida
19 Rural Heritage Act as follows: \$7,550,000 to the Department of
20 Community Affairs to fund the Rural Heritage Grant Program; \$1
21 million to the Office of Tourism, Trade, and Economic
22 Development to create a revolving loan fund to finance the
23 Nature-and-Heritage-Based Tourism Enterprise Micro-loan
24 Program; \$800,000 to the Department of Agriculture to
25 implement the agricultural diversification pilot projects;
26 \$600,000 to the Department of Management Services to implement
27 the education technology pilot projects; and \$50,000 to the
28 Rural Economic Development Initiative to fund the update of
29 the Rural Resource Directory and the provision of technical
30 assistance required by this act during the 2000-2001 fiscal
31 year.

1 Section 9. This act shall take effect July 1, 2000.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 CS/SB 1934

6

Qualifies that an area that potentially qualifies to receive a Rural Heritage Designation must fit the definition of a rural county, rural city or rural community as defined in s. 288.106, F.S.

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Refines the evaluation criteria for the implementation of a Rural Heritage Area implementation plan.

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10 Clarifies the scope of the OPPAGA review of the Rural Heritage Program.

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