

By Senator Mitchell

4-1075-01

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 priority of funding; requiring the Department
16 of Community Affairs to adopt rules; providing
17 for development of a nature-and-heritage-based
18 tourism business micro-loan program; providing
19 for establishment of a revolving loan fund;
20 providing for educational technology pilot
21 programs to be established by the Department of
22 Management Services; providing for agricultural
23 diversification pilot projects to be
24 administered by the Department of Agriculture
25 and Consumer Services; providing for review and
26 evaluation by the Office of Program Policy
27 Analysis and Government Accountability;
28 amending s. 163.3187, F.S.; providing
29 conditions for adoption of local comprehensive
30 plans for rural activity centers; amending s.
31 187.201, F.S.; modifying goals of the State

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

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

26
27 Section 1. Florida Rural Heritage Act.--
28 (1) SHORT TITLE.--This section may be cited as the
29 "Florida Rural Heritage Act."

30 (2) FINDINGS.--The Legislature finds that:
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1 (a) Fiscally and culturally strong rural communities
2 are beneficial to regional and state economies and resources;
3 are a method for reduction of future urban sprawl; encourage
4 compact, efficient urban growth patterns; and should be
5 promoted by state, regional, and local governments.

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

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

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

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

1 information technology, and social service delivery
2 components.

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

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

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

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

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

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

11 (a) "Local government" means any county or
12 municipality.

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

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

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

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

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28 The Rural Activity Center will serve and be developed as a
29 "town center," promoting compact, efficient development within
30 the Rural Activity Center, and allowing lower density
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1 development that retains rural character within the remaining
2 portions of the designated 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. The area may comprise a single rural county as
14 defined in section 288.106, Florida Statutes, a multi-county
15 area, or a sub-county area that is rural in nature and meets
16 the above land-use, demographic, economic, and definitional
17 criteria. If a sub-county area, it may comprise one or more
18 rural municipalities, as defined in section 288.106, Florida
19 Statutes, and may include unincorporated areas between or
20 surrounding the rural municipalities provided that all parts
21 of the designated area meet the above criteria.

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

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

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

12 (c) Designation of a Rural Heritage Area or Rural
13 Activity Center does not exempt the local government from the
14 process required under chapter 163, Florida Statutes, for
15 amending the comprehensive plan within the designated area.

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

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

27 (b) The objective of the community participation
28 process is to produce an integrated plan that benefits the
29 community as a whole, and to encourage residents within the
30 designated area to participate in the design and
31 implementation of the Rural Heritage Area plan, including the

1 visioning of the area's future, before prioritizing and
2 optimizing scarce resources. The planning process must be
3 collaborative and holistic and must address, at a minimum,
4 economic development including the nature-and-heritage-based
5 tourism industry, land use, affordable housing,
6 infrastructure, education, health care, public safety,
7 financial capacity, both public and private, information
8 technology, workforce development, ecological conservation,
9 social equity, the role of agriculture in the local economy if
10 applicable, and, the role of local government.

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

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

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

7 The plan must also:

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

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

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

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

27 5. Explain how projects identified in the plan forward
28 the goals of creating economic prosperity for area residents
29 and preserving the rural character and heritage of the
30 planning area. Projects may include land acquisition;
31 demolition, construction, or renovation of structures;

1 purchase of conservation easements or development rights on
2 agricultural, conservation or recreational lands; job-training
3 programs; investments in educational technologies; capacity
4 building through existing or new nonprofit organizations;
5 creation, enhancement, or marketing of nature, agricultural,
6 or heritage-based tourism or recreational facilities; or
7 improvement of the delivery of health care services to rural
8 residents.

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

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

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

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

31 a. Waiver of license and permit fees.

1 b. Waiver of delinquent taxes or fees to promote the
2 return of property to productive use.

3 c. Expedited permitting.

4 d. Prioritization of infrastructure spending within
5 the Rural Heritage Area and Rural Activity Center.

6 10. Identify how activities and incentives within the
7 Rural Heritage Area or Rural Activity Center will be
8 coordinated and what administrative mechanism the local
9 government will use for the coordination and monitoring of
10 Rural Heritage Area plan implementation.

11 11. Provide a list of stakeholders participating in
12 the community planning process, consistent with the list
13 provided in paragraph (a).

14 12. Identify goals, objectives, performance measures,
15 and baseline data on conditions for evaluating the success of
16 the local government, community-based organizations, and other
17 stakeholders in implementing the Rural Heritage Area plan and
18 in improving economic prosperity and preserving rural
19 character.

20 (e) The Regional Planning Council covering the
21 geographic location of the Rural Heritage Area, or other
22 appropriate nonprofit, university-based, or for-profit
23 organizations, may assist the local government in convening
24 the community-based planning process and in preparing the
25 Rural Heritage Area plan provided that the process and
26 resulting plan meet all other requirements as described in
27 this section.

28 (f) After the preparation of a Rural Heritage Area
29 plan or the designation of an existing plan, the local
30 government must adopt the plan by ordinance. Notice for the
31 public hearing on the ordinance must be in the form

1 established in section 166.041(3)(c)2., Florida Statutes, for
2 municipalities and section 125.66(4)(b)2., Florida Statutes,
3 for counties.

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

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

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

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

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

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

13 (d) State agencies that provide funding to local
14 governments shall identify grant programs for which local
15 government cash match requirements will be waived or replaced
16 by in-kind match, which can include the creation of a
17 permanent Resource Development staff position within the local
18 government to work on accessing a variety of grants, and loan
19 programs for which repayment will be forgiven, for rural local
20 government applicants that have successfully completed the
21 Rural Heritage Area grant program community planning process.
22 Agencies shall report to the President of the Senate and the
23 Speaker of the House of Representatives by September 1, 2001,
24 on programs identified, statutory or rule changes needed, and
25 cost of implementation.

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

1 defined in section 288.106, Florida Statutes, the Rural
2 Resource Directory, which describes resources, including
3 federal resources, which are available to rural local
4 governments and how to access them. The publication must
5 include statutory provisions that enable local governments to
6 raise or direct revenues toward the goals of promoting
7 economic prosperity while preserving rural character. To the
8 extent possible, REDI shall provide, or shall work through the
9 Regional Planning Councils, the Small County Technical
10 Assistance Program, the Local Government Financial Technical
11 Assistance Program, the State University System, or other
12 relevant organizations to provide, technical assistance to all
13 rural local governments to access these resources.

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

19 (g) REDI shall work with the Florida State Rural
20 Development Council and state agencies to develop a simple,
21 uniform grant application form for use by local government
22 grant applicants. To the extent feasible, such a uniform
23 application process should incorporate the sharing of known
24 information about local governments among state government
25 agencies in order to maximize the efficiency of local
26 governments' efforts to secure available resources. The
27 uniform grant application must be adopted for use by state
28 agencies by July 1, 2002.

29 (7) GRANT PROGRAM.--

30 (a) A Rural Heritage Grant Program is created to
31 assist local governments in adopting Rural Heritage Areas,

1 completing the community-based planning process, and
2 implementing elements of the resulting Rural Heritage Area
3 plan.

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

1 Assistance Grant Program. The Division of Housing and
2 Community Development of the Department of Community Affairs
3 shall administer the grant program.

4 (c) Priority for funding under the Rural Heritage
5 Grant Program shall be given to Rural Heritage Areas in which
6 a majority of the populated portions of the area are
7 characterized by pervasive poverty, unemployment, and general
8 distress, as defined in section 290.0058, Florida Statutes.

9 (d) The Department of Community Affairs, in
10 consultation with the REDI, shall adopt rules establishing
11 grant review criteria consistent with this section. Actions
12 required by this paragraph are contingent upon funds being
13 provided to implement the Rural Heritage Grant Program.

14 (e) If the local government fails to implement
15 sections of the Rural Heritage Area plan funded through a
16 Rural Heritage Area implementation grant pursuant to the
17 deadlines specified in the grant agreement, the Department of
18 Community Affairs, in consultation with REDI, may seek to
19 rescind the economic and regulatory incentives granted to a
20 Rural Heritage Area or Rural Activity Center, subject to the
21 provisions of chapter 120, Florida Statutes. The action to
22 rescind may be initiated 90 days after issuing a written
23 letter of warning to the local government.

24 (8) NATURE-AND-HERITAGE-BASED TOURISM BUSINESS
25 MICRO-LOAN PROGRAM.--The statewide advisory committee on
26 nature-and-heritage-based tourism, as established in section
27 288.1224, Florida Statutes, shall work with Enterprise
28 Florida, Inc., the Office of Tourism, Trade, and Economic
29 Development, VISIT FLORIDA, the Rural Economic Development
30 Initiative, the Florida Fish and Wildlife Conservation
31 Commission, the Division of Recreation and Parks of the

1 Florida Department of Environmental Protection, and other
2 appropriate entities to develop a statewide micro-loan program
3 for the purpose of financing the creation and enhancement of
4 small businesses providing nature-based or heritage-based
5 tourism experiences. Examples include bicycle rentals, canoe
6 outfitters, and bed-and-breakfast facilities in proximity to
7 natural areas, and eco-tour operators and guides. Enterprise
8 Florida, Inc., shall administer the program as part of the
9 workplan under its contract with the Office of Tourism, Trade,
10 and Economic Development, as authorized under section 14.2015,
11 Florida Statutes, and shall provide low-interest loans of up
12 to \$20,000 to microenterprises, as defined in section
13 288.9618, Florida Statutes. Enterprise Florida, Inc., shall
14 establish with funds appropriated for this purpose a revolving
15 loan fund to finance the nature-and-heritage tourism
16 enterprise micro-loan program. Two percent of allocated funds
17 may be used for administration of the program. The above-named
18 entities shall advise Enterprise Florida, Inc., regarding
19 micro-loan program design, eligibility criteria, eligible
20 uses, and terms of the loans. The micro-loan program shall
21 begin providing loans to eligible businesses by March 1, 2002.
22 Notwithstanding the provisions of section 216.301, Florida
23 Statutes, funds appropriated for this purpose are not subject
24 to reversion.

25 (9) EDUCATIONAL TECHNOLOGY PILOT PROGRAM.--

26 (a) The Department of Management Services, in
27 consultation with the Department of Education, the regional
28 consortium service organizations, established under section
29 228.0857, Florida Statutes, and institutions of higher
30 education, shall establish two pilot projects in rural schools
31 that use wireless or other technologies to provide interactive

1 learning opportunities and Internet access, in order to
2 illustrate ways to increase access to quality educational
3 resources in the state's rural areas. At least one of the
4 pilots must include linkages to existing information
5 technology systems in the pilot area, for example, to a public
6 library, a university, or a four-year or community college,
7 county or municipal government, health care facility, or
8 private business network. The purposes of the projects are to
9 illustrate ways to increase access to quality educational
10 resources in the state's rural areas, to leverage federal
11 funds available for bridging the "digital divide," to build on
12 existing applications to create community-based networks, and
13 to foster opportunities for innovative distribution of
14 existing funds.

15 (b) The Department of Management Services shall select
16 the rural schools or districts that will participate in the
17 pilot projects in consultation with the Department of
18 Education and the Florida Distance Learning Network Advisory
19 Council, as described in section 241.003, Florida Statutes.
20 The selection process shall be based on the following
21 criteria:

22 1. Through evaluation of the school improvement plan,
23 demonstration of how the school or district will leverage
24 additional connectivity provided through the pilot project to
25 improve student achievement;

26 2. If the pilot project involves wireless technology,
27 demonstration of the school's or district's ability to
28 effectively deploy wireless technology based on existing
29 infrastructure;

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1 3. Demonstration of commitment of the leadership of
2 the school or district to use technology to improve teaching
3 and learning;

4 4. If the pilot project involves wireless technology,
5 potential cost savings or improved access resulting from the
6 use of wireless rather than traditional connectivity
7 technology;

8 5. The ability to use the technology infrastructure in
9 other local government applications within the service area;

10 6. Demonstration of willingness and ability of the
11 community to assume ongoing costs to maintain the pilot
12 project for a minimum 5-year period. Such willingness and
13 ability may be demonstrated through intracommunity agreements
14 or other means; and

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

16 (c) The Department of Management Services, in
17 consultation with the Department of Education and the Florida
18 Distance Learning Network Advisory Council, shall develop
19 performance standards for the pilot projects consistent with
20 the Sunshine State Standards, as described in section 229.57,
21 Florida Statutes, and broader community-based standards as
22 appropriate, and shall evaluate the progress of the pilot
23 projects at least annually based on the performance standards.

24 (10) AGRICULTURAL CONSERVATION AND PROFITABILITY.--

25 (a) The Department of Agriculture and Consumer
26 Services, in consultation with the University of Florida and
27 the Florida Agricultural and Mechanical University, shall
28 establish four pilot projects aimed at encouraging
29 agricultural diversification throughout the state. Two of the
30 projects must introduce alternative crops, such as hot
31 peppers, amaranth, or pigeon peas, or alternative growing

1 techniques, for example, greenhouse vegetable production in
2 north Florida or early-season blueberries and peaches. At
3 least one of these two projects shall include a tobacco farm
4 that is being adversely impacted by reductions in tobacco
5 quotas. A third pilot project must introduce a value-added
6 activity or industry, such as fruit or vegetable processing or
7 packaging into a farming community as a means of increasing
8 the profitability of current farm products for local growers.
9 The fourth pilot project should focus on aquaculture, such as
10 development of the state's sturgeon industry or the
11 development or expansion of coastal shellfish enterprises. The
12 purpose of the pilot projects is to demonstrate alternative
13 crops, techniques, and industries that can enhance the
14 profitability and sustainability of agriculture in Florida.
15 The Commissioner of Agriculture shall, in consultation with
16 the Agricultural Economic Development Project Review Committee
17 as described in section 570.248, Florida Statutes, select
18 pilot projects based on evaluation criteria for agricultural
19 economic development projects delineated in section 570.247,
20 Florida Statutes. The Commissioner of Agriculture shall report
21 annually to the Agricultural Economic Development Project
22 Review Committee on the progress of the pilot projects for the
23 duration of the projects based on performance measures
24 developed for each project consistent with sections 570.244,
25 570.246, and 570.247, Florida Statutes.

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

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1 (11) REVIEW AND EVALUATION.--The Office of Program
2 Policy Analysis and Government Accountability shall perform a
3 review and evaluation of the grant program and financial
4 incentives and the educational technology pilot program. The
5 report must evaluate the effectiveness of the designation of
6 rural planning areas in promoting economic prosperity and
7 preserving rural character in the state's rural areas. This
8 report may be conducted in conjunction with a review of the
9 Urban Infill and Redevelopment Assistance Grant Program. A
10 report of the findings and recommendations of the Office of
11 Program Policy Analysis and Government Accountability must be
12 submitted to the President of the Senate and the Speaker of
13 the House of Representative before the 2005 Regular Session of
14 the Legislature.

15 Section 2. Paragraph (i) of subsection (1) of section
16 163.3187, Florida Statutes, is amended to read:

17 163.3187 Amendment of adopted comprehensive plan.--

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

21 (i) A comprehensive plan amendment for the purpose of
22 designating an urban infill and redevelopment area under s.
23 163.2517 or a Rural Heritage Area or Rural Activity Center
24 under the Florida Rural Heritage Act may be approved without
25 regard to the statutory limits on the frequency of amendments
26 to the comprehensive plan.

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

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1 187.201 State Comprehensive Plan adopted.--The
2 Legislature hereby adopts as the State Comprehensive Plan the
3 following specific goals and policies:

4 (5) HOUSING.--

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

11 (b) Policies.--

12 1. Eliminate public policies which result in housing
13 discrimination, and develop policies which encourage housing
14 opportunities for all Florida's citizens.

15 2. Diminish the use of institutions to house persons
16 by promoting deinstitutionalization to the maximum extent
17 possible.

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

28 4. Reduce the cost of housing construction by
29 eliminating unnecessary regulatory practices which add to the
30 cost of housing.

31

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

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

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

16 (b) Policies.--

17 1. Conserve forests, wetlands, fish, marine life, and
18 wildlife to maintain their environmental, economic, aesthetic,
19 and recreational values.

20 2. Acquire, retain, manage, and inventory public lands
21 to provide recreation, conservation, and related public
22 benefits.

23 3. Prohibit the destruction of endangered species and
24 protect their habitats.

25 4. Establish an integrated regulatory program to
26 assure the survival of endangered and threatened species
27 within the state.

28 5. Promote the use of agricultural practices which are
29 compatible with the protection of wildlife and natural
30 systems.

31

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

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

8 8. Promote restoration of the Everglades system and of
9 the hydrological and ecological functions of degraded or
10 substantially disrupted surface waters.

11 9. Develop and implement a comprehensive planning,
12 management, and acquisition program to ensure the integrity of
13 Florida's river systems.

14 10. Emphasize the acquisition and maintenance of
15 ecologically intact systems in all land and water planning,
16 management, and regulation.

17 11. Expand state and local efforts to provide
18 recreational opportunities to urban areas, including the
19 development of activity-based parks.

20 12. Protect and expand park systems throughout the
21 state.

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

27 (16) LAND USE.--

28 (a) Goal.--In recognition of the importance of
29 preserving the natural resources and enhancing the quality of
30 life of the state, development shall be directed to those
31 areas which have in place, or have agreements to provide, the

1 land and water resources, fiscal abilities, and service
2 capacity to accommodate growth in an environmentally
3 acceptable manner.

4 (b) Policies.--

5 1. Promote state programs, investments, and
6 development and redevelopment activities which encourage
7 efficient development and occur in areas which will have the
8 capacity to service new population and commerce.

9 2. Develop a system of incentives and disincentives
10 which encourages a separation of urban and rural land uses
11 while protecting water supplies, resource development, and
12 fish and wildlife habitats.

13 3. Enhance the livability and character of urban areas
14 through the encouragement of an attractive and functional mix
15 of living, working, shopping, and recreational activities.

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

26 ~~5.4.~~ Develop a system of intergovernmental negotiation
27 for siting locally unpopular public and private land uses
28 which considers the area of population served, the impact on
29 land development patterns or important natural resources, and
30 the cost-effectiveness of service delivery.

31

1 ~~6.5.~~ Encourage and assist local governments in
2 establishing comprehensive impact-review procedures to
3 evaluate the effects of significant development activities in
4 their jurisdictions.

5 ~~7.6.~~ Consider, in land use planning and regulation,
6 the impact of land use on water quality and quantity; the
7 availability of land, water, and other natural resources to
8 meet demands; and the potential for flooding.

9 ~~8.7.~~ Provide educational programs and research to meet
10 state, regional, and local planning and growth-management
11 needs.

12 (22) THE ECONOMY.--

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

17 (b) Policies.--

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

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

27 3. Maintain, as one of the state's primary economic
28 assets, the environment, including clean air and water,
29 beaches, forests, historic landmarks, and agricultural and
30 natural resources, and support rural communities in developing
31 nature-and-heritage-based tourism enterprises consistent with

1 conservation of these natural resources in order to provide
2 economic benefit to those living in closest proximity to those
3 assets.

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

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

10 6. Promote economic development for Florida residents
11 through partnerships among education, business, industry,
12 agriculture, and the arts.

13 7. Provide increased opportunities for training
14 Florida's workforce to provide skilled employees for new and
15 expanding business.

16 8. Promote economic self-sufficiency through training
17 and educational programs which result in productive
18 employment.

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

24 10. Provide for nondiscriminatory employment
25 opportunities.

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

28 12. Encourage the development of a business climate
29 that provides opportunities for the growth and expansion of
30 existing state industries, particularly those industries which
31 are compatible with Florida's environment.

1 13. Promote coordination among Florida's ports to
2 increase their utilization.

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

11 (23) AGRICULTURE.--

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

17 (b) Policies.--

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

24 2. Encourage diversification within the agriculture
25 industry, especially to reduce the vulnerability of
26 communities that are largely reliant upon agriculture for
27 either income or employment.

28 3. Promote and increase international agricultural
29 marketing opportunities for all Florida agricultural
30 producers.

31

1 4. Stimulate research, development, and application of
2 agricultural technology to promote and enhance the
3 conservation, production, and marketing techniques available
4 to the agriculture industry.

5 5. Encourage conservation, wastewater recycling, and
6 other appropriate measures to assure adequate water resources
7 to meet agricultural and other beneficial needs.

8 6. Promote entrepreneurship in the agricultural sector
9 by providing technical and informational services.

10 7. Stimulate continued productivity through investment
11 in education and research.

12 8. Encourage development of biological pest controls
13 to further the reduction in reliance on chemical controls.

14 9. Conserve soil resources to maintain the economic
15 value of land for agricultural pursuits and to prevent
16 sedimentation in state waters.

17 10. Promote the vitality of Florida's agricultural
18 industry through continued funding of basic research,
19 extension, inspection, and analysis services and of programs
20 providing for marketing and technical assistance and the
21 control and eradication of diseases and infestations.

22 11. Continue to promote the use of lands for
23 agricultural purposes by maintaining preferential property tax
24 treatment through the greenbelt law.

25 12. Ensure that coordinated state planning of road,
26 rail, and waterborne transportation systems provides adequate
27 facilities for the economical transport of agricultural
28 products and supplies between producing areas and markets.

29 13. Eliminate the discharge of inadequately treated
30 wastewater and stormwater runoff into waters of the state.

31 (24) TOURISM.--

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

5 (b) Policies.--

6 1. Promote statewide tourism and support promotional
7 efforts in those parts of the state that desire to attract
8 visitors.

9 2. Acquire and manage public lands to offer visitors
10 and residents increased outdoor experiences.

11 3. Promote awareness of historic places and cultural
12 and historical activities.

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

18 Section 4. Paragraph (b) of subsection (2) of section
19 212.096, Florida Statutes, is amended to read:

20 212.096 Sales, rental, storage, use tax; enterprise
21 zone jobs credit against sales tax.--

22 (2)

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

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

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

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

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

14
15 For purposes of this paragraph, monthly wages shall be
16 computed as one-twelfth of the expected annual wages paid to
17 such employee. The amount paid as wages to a new employee is
18 the compensation paid to such employee that is subject to
19 unemployment tax. The credit shall be allowed for up to 12
20 consecutive months, beginning with the first tax return due
21 pursuant to s. 212.11 after approval by the department.

22 Section 5. Paragraph (a) of subsection (1) of section
23 220.181, Florida Statutes, is amended to read:

24 220.181 Enterprise zone jobs credit.--

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

29 1. Ten percent of the actual monthly wages paid in
30 this state to each new employee whose wages do not exceed
31 \$1,500 a month. If no less than 20 percent of the employees of

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

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

17 3. Fifteen percent of the first \$1,500 of actual
18 monthly wages paid in this state for each new employee who is
19 a welfare transition program participant.

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

22 290.0055 Local nominating procedure.--

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

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

31

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

3 2. For communities having a total population of
4 150,000 persons or more, the selected area shall not exceed 20
5 square miles.

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

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

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

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

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

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

29 (d) The selected area suffers from pervasive poverty,
30 unemployment, and general distress, as described and measured
31 pursuant to s. 290.0058.

1 Section 7. Section 420.507, Florida Statutes, is
2 amended to read:

3 420.507 Powers of the corporation.--The corporation
4 shall have all the powers necessary or convenient to carry out
5 and effectuate the purposes and provisions of this part,
6 including the following powers which are in addition to all
7 other powers granted by other provisions of this part:

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

13 (2) To undertake and carry out studies and analyses of
14 housing needs within the state and ways of meeting those
15 needs.

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

23 (4) To provide for the collection and payment of fees
24 and charges, regardless of method of payment, in connection
25 with its loans, commitments, and servicing, including, but not
26 limited to, reimbursement of costs of financing by the
27 corporation, service charges and insurance premiums as the
28 corporation shall determine to be reasonable and as shall be
29 approved by the corporation. The fees and charges may be paid
30 directly by the borrower to the insurer, lender, or servicing
31

1 agent or may be deducted from the interest collected by such
2 insurer, lender, or servicing agent.

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

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

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

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

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

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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.

31

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(8)-(10). 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 (38)~~(37)~~ To provide by rule, in connection with any
18 corporation competitive program, for the reservation of future
19 allocation or funding to provide a remedy for a litigant which
20 is ultimately successful in its litigation regarding a
21 competitive application, and to establish a date certain by
22 which, if litigation is not resolved, the successful litigant
23 will be funded from a subsequent year's available allocation
24 or funding.

25 (39)~~(38)~~ To designate private activity allocation for
26 tax-exempt bonds received by the corporation pursuant to part
27 VI of chapter 159 between single-family and multifamily
28 projects.

29 Section 8. The sum of \$5 million is appropriated from
30 the General Revenue Fund for implementation of the Florida
31 Rural Heritage Act as follows: \$2,550,000 to the Department of

1 Community Affairs to fund the Rural Heritage Grant Program; \$1
2 million to the Office of Tourism, Trade, and Economic
3 Development to create a revolving loan fund to finance the
4 Nature-and-Heritage-Based Tourism Enterprise Micro-loan
5 Program; \$800,000 to the Department of Agriculture to
6 implement the agricultural diversification pilot projects;
7 \$600,000 to the Department of Management Services to implement
8 the education technology pilot projects; and \$50,000 to the
9 Rural Economic Development Initiative to fund the update of
10 the Rural Resource Directory and the provision of technical
11 assistance required by this act during the 2001-2002 fiscal
12 year.

13 Section 9. This act shall take effect July 1, 2001.

14 *****

15 SENATE SUMMARY

16
17 Creates the Florida Rural Heritage Act. Provides
18 legislative intent. Provides definitions. Provides for
19 the designation of a Rural Heritage Area and a
20 community-based planning process. Specifies guidelines
21 for Rural Heritage Area plans. Provides procedures for
22 adoption of a plan. Provides economic incentives,
23 reports, and technical assistance. Creates the Rural
24 Heritage Grant Program to assist local governments in
25 adopting Rural Heritage Areas to be administered by the
26 Department of Community Affairs. Provides for development
27 of a nature-and-heritage-based tourism business
28 micro-loan program. Provides for the establishment of a
29 revolving loan program. Provides for establishment of
30 educational technology pilot programs by the Department
31 of Management Services. Provides for agricultural
diversification pilot projects to be administered by the
Department of Agriculture and Consumer Services. Provides
for review and evaluation by the Office of Program Policy
Analysis and Government Accountability. Provides
conditions for the adoption of local comprehensive plans
for rural activity centers. Modifies goals of the State
Comprehensive Plan. Provides a credit against sales tax
for businesses located in an enterprise zone within a
rural county or city as defined. Provides enterprise zone
jobs credit for businesses within the jurisdiction of a
rural local government. Provides conditions under which
communities within the jurisdiction of a rural local
government may be designated as an enterprise zone.
Modifies powers of the Florida Housing Finance
Corporation. Provides appropriations.