

By Senator Mitchell

4-1491-02

See HB 789

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 be administered by the Department of Community
13 Affairs, to assist local governments in
14 adopting Rural Heritage Areas; providing for
15 priority of funding; requiring the Department
16 of Community Affairs to adopt rules; providing
17 for development of a micro-loan program for
18 nature-based tourism and heritage tourism
19 businesses; providing for wireless
20 community-based network technology pilot
21 programs to be established by the State
22 Technology Office; providing for pilot projects
23 to be developed by the Department of
24 Agriculture and Consumer Services to encourage
25 diversification of agricultural products and
26 marketing; providing for review and evaluation
27 by the Office of Program Policy Analysis and
28 Government Accountability; amending s.
29 163.3187, F.S.; providing conditions for
30 adoption of local comprehensive plan amendments
31 for Rural Heritage Areas or Rural Activity

1 Centers; amending s. 187.201, F.S.; modifying
2 goals of the State Comprehensive Plan to
3 include housing for specified persons in rural
4 areas and development of nature-based tourism;
5 providing a policy of fostering integrated and
6 coordinated community-based planning efforts;
7 providing support for rural communities in
8 developing nature-based tourism and heritage
9 tourism enterprises; providing support for
10 landowners who wish their lands to remain in
11 agricultural use; amending s. 290.0055, F.S.;
12 providing a condition for designating
13 communities within the jurisdiction of a rural
14 local government as an enterprise zone;
15 amending s. 420.507, F.S.; modifying powers of
16 the Florida Housing Finance Corporation;
17 amending ss. 420.5087, 420.5088, F.S.;
18 conforming cross-references; providing that
19 specified provisions are subject to
20 appropriation or the availability of agency
21 funds; providing an 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 areas 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 character and heritage of the state's rural areas. The policy
17 should encourage and assist local governments in addressing
18 issues including adequate provision of infrastructure,
19 affordable housing, human services, safe neighborhoods,
20 agricultural profitability, educational facilities, sound land
21 uses, health care, and economic diversification and
22 development to sustain rural communities into the future.

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

30 (f) Identification of rural activity centers and of
31 strategies to promote economic prosperity while protecting

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

9 (g) Full funding for rural transportation and water
10 infrastructure needs, rural schools, health care services, and
11 information technology is an important investment by the state
12 in the overall health of its rural communities and is an
13 integral component of a state rural policy.

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

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

29 (j) In recognition that approximately one-half of all
30 visitors to this state include a nature-based experience in
31 their vacations, a state rural policy should encourage the

1 development of a nature-based tourism and heritage tourism
2 industry that meets this growing public demand, protects the
3 state's natural and cultural resources, and contributes to
4 economic prosperity, especially in the state's rural
5 communities.

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

7 (a) "Local government" means any county or
8 municipality.

9 (b) "Rural Activity Center" means an area or areas:

10 1. Designated by a local government or by local
11 governments through interlocal agreement.

12 2. Located within a Rural Heritage Area.

13 3. In which public services, including water services,
14 transportation infrastructure, schools, and recreation, are
15 already available or are scheduled to be provided in an
16 adopted 5-year schedule of capital improvements, and which
17 have historically served as commercial business centers or
18 sites of public buildings for surrounding rural residents.

19
20 The Rural Activity Center may consist of or include state
21 community redevelopment areas, brownfields, enterprise zones,
22 or Mainstreet programs, federal Empowerment Zones, Enterprise
23 Communities, Champion Communities, or Brownfield Showcase
24 Communities. The Rural Activity Center shall serve and be
25 developed as a "town center," promoting compact, efficient
26 development within the area and allowing lower-density
27 development that retains rural character within the remaining
28 portions of the designated Rural Heritage Area.

29 (c) "Rural Heritage Area" means an area or areas:

30 1. Designated by a local government or by local
31 governments through interlocal agreement.

1 2. Within which more than 50 percent of the land is in
2 agricultural, open space, recreational, or other nondeveloped
3 use.

4 3. That fit the definition of, or fall within an area
5 that fits the definition of, a rural county, rural
6 municipality, or rural community as defined in section
7 288.106, Florida Statutes.

8
9 A Rural Heritage Area may comprise a single rural county as
10 defined in section 288.106, Florida Statutes, a multicounty
11 area, or a subcounty area that is rural in nature and meets
12 the land-use, demographic, economic, and definitional criteria
13 set forth in this paragraph. If a subcounty area, a Rural
14 Heritage Area may comprise one or more rural municipalities,
15 as defined in section 288.106, Florida Statutes, and may
16 include unincorporated areas between or surrounding the rural
17 municipalities, provided that all parts of the designated area
18 meet the criteria set forth in this paragraph.

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

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

28 (b) A local government, or local governments through
29 interlocal agreement, may designate a geographic area or areas
30 within the applicable jurisdiction and within a designated
31 Rural Heritage Area as a Rural Activity Center for the purpose

1 of targeting economic development, job creation, housing,
2 transportation and other infrastructure, neighborhood
3 revitalization and preservation, the promotion of rural land
4 preservation, and the employment of land-use incentives to
5 encourage mixed-use development that will revitalize the Rural
6 Activity Center area as a functioning downtown that can serve
7 residents of surrounding rural areas.

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

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

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

23 (b) The objective of the community-based planning
24 process is to produce an integrated plan that benefits the
25 community as a whole and to encourage residents within the
26 designated area to participate in the design and
27 implementation of the Rural Heritage Area plan, including the
28 visioning of the area's future, before prioritizing and
29 optimizing scarce resources. The planning process must be
30 collaborative and holistic and must address, at a minimum,
31 economic development including the nature-based tourism and

1 heritage tourism industry, land use, affordable housing,
2 infrastructure, education, health care, public safety, public
3 and private financial capacity, information technology,
4 workforce development, ecological conservation, social equity,
5 the role of agriculture in the local economy if applicable,
6 and the role of local government.

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

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

1 mixed-use planning for Rural Activity Centers to improve both
2 the residential and commercial quality of life in the area.

3 The plan must also:

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

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

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

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

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

1 nonprofit organizations; creation, enhancement, or marketing
2 of nature-based, agricultural, or heritage tourism or
3 recreational facilities; or improvement of the delivery of
4 health care services to rural residents.

5 6. Identify the geographic locations for projects
6 identified through the community-based planning process and
7 explain how such projects will be implemented.

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

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

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

27 a. Waiver of license and permit fees.

28 b. Waiver of delinquent taxes or fees to promote the
29 return of property to productive use.

30 c. Expedited permitting.

31

1 d. Prioritization of infrastructure spending within
2 the Rural Heritage Area and Rural Activity Center.

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

8 11. Provide a list of stakeholders participating in
9 the community-based planning process, pursuant to paragraph
10 (a).

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

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

25 (f) After the preparation of a Rural Heritage Area
26 plan or the designation of an existing plan, the local
27 government must adopt the plan by ordinance. Notice for the
28 public hearing on the ordinance must be in the form
29 established in section 166.041(3)(c)2., Florida Statutes, for
30 municipalities and section 125.66(4)(b)2., Florida Statutes,
31 for counties.

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

10 (6) ECONOMIC INCENTIVES; REPORTS; TECHNICAL
11 ASSISTANCE.--

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

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

26 (c) State agencies that provide funding for
27 infrastructure, cost reimbursement, grants, or loans to local
28 governments, including the Department of Environmental
29 Protection (Clean Water State Revolving Fund, Drinking Water
30 Revolving Loan Trust Fund, and the State of Florida Pollution
31 Control Bond Program), the Department of Community Affairs

1 (Economic Development and Housing Program and Florida
2 Communities Trust), the Florida Housing Finance Corporation,
3 and the Department of Transportation, shall report to the
4 President of the Senate and the Speaker of the House of
5 Representatives by January 1, 2003, regarding statutory and
6 rule changes necessary to give Rural Heritage Areas identified
7 by local governments that have completed the community-based
8 planning process an elevated priority in infrastructure
9 funding, loan, and grant programs.

10 (d) State agencies that provide funding to local
11 governments shall identify grant programs for which local
12 government cash match requirements will be waived or replaced
13 by in-kind match, which can include the creation of a
14 permanent resource development staff position within the local
15 government to work on accessing a variety of grants, and loan
16 programs for which repayment will be forgiven, for rural local
17 government applicants that have successfully completed the
18 Rural Heritage Area grant program community-based planning
19 process. Agencies shall report to the President of the Senate
20 and the Speaker of the House of Representatives by September
21 1, 2002, on programs identified, statutory or rule changes
22 needed, and cost of implementation.

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

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

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

16 (g) REDI shall work with the Florida State Rural
17 Development Council and state agencies to develop a simple,
18 uniform grant application form for use by local government
19 grant applicants. To the extent feasible, such a uniform
20 application process should incorporate the sharing of known
21 information about local governments among state government
22 agencies in order to maximize the efficiency of local
23 governments' efforts to secure available resources. The
24 uniform grant application must be adopted for use by state
25 agencies by July 1, 2003.

26 (7) GRANT PROGRAM.--

27 (a) A Rural Heritage Grant Program is created to
28 assist local governments in adopting Rural Heritage Areas,
29 completing the community-based planning process, and
30 implementing elements of the resulting Rural Heritage Area
31 plan.

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

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

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

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

21 (8) MICRO-LOAN PROGRAM FOR NATURE-BASED TOURISM AND
22 HERITAGE TOURISM BUSINESSES.--The statewide advisory committee
23 on nature-based tourism and heritage tourism, as established
24 in s. 288.1224, Florida Statutes, shall work with Enterprise
25 Florida, Inc., the Office of Tourism, Trade, and Economic
26 Development, VISIT FLORIDA, the Rural Economic Development
27 Initiative, the Florida Fish and Wildlife Conservation
28 Commission, the Division of Recreation and Parks of the
29 Department of Environmental Protection, and other appropriate
30 entities to develop a statewide micro-loan program for the
31 purpose of financing the creation and enhancement of small

1 businesses providing nature-based tourism or heritage tourism
2 experiences. Examples include eco-tour operators and guides
3 and bicycle rentals, canoe outfitters, and bed-and-breakfast
4 facilities in proximity to natural areas. No later than
5 November 1, 2002, this group shall submit a report to the
6 President of the Senate and the Speaker of the House of
7 Representatives that provides the mission and structure of the
8 micro-loan program, guidelines for administering the program,
9 and criteria for and any limitations on loan recipient
10 eligibility and use of loan funds.

11 (9) WIRELESS COMMUNITY-BASED NETWORK PILOT PROGRAM.--

12 (a) The State Technology Office, in consultation with
13 the Departments of Education, Health, and Community Affairs,
14 the State Library, local governments, the regional consortium
15 service organizations established under section 228.0857,
16 Florida Statutes, and institutions of higher education, shall
17 develop recommendations regarding the establishment of two
18 pilot projects in rural communities that use wireless or other
19 technologies. The purposes of the projects are to illustrate
20 ways to increase access to quality educational, health care,
21 and other resources in the state's rural areas; to leverage
22 federal funds available for bridging the "digital divide"; to
23 build on existing applications to create community-based
24 networks; and to foster opportunities for innovative
25 distribution of existing funds. The pilot projects must
26 include linkages to existing information technology systems in
27 the pilot area; for example, to a public library, a
28 university, or a 4-year or community college, county or
29 municipal government, health-care facility, or private
30 business network.

31

1 (b) The State Technology Office shall select the rural
2 communities that will participate in the pilot project in
3 consultation with the Departments of Education, Health, and
4 Community Affairs and the State Library. The selection process
5 must be based on the following criteria:

6 1. Through evaluation of the school improvement plan,
7 demonstration of how the school or district will leverage
8 additional connectivity provided through the pilot project to
9 improve student achievement.

10 2. If the pilot project involves wireless technology,
11 demonstration of the school's or district's ability to
12 effectively deploy wireless technology based on existing
13 infrastructure.

14 3. Demonstration of commitment of the leadership of
15 the school or district to use technology to improve teaching
16 and learning.

17 4. If the pilot project involves wireless technology,
18 potential cost savings or improved access resulting from the
19 use of wireless rather than traditional connectivity
20 technology.

21 5. The ability to use the technology infrastructure in
22 other local government applications within the service area.

23 6. Demonstration of willingness and ability of the
24 community to assume ongoing costs to maintain the pilot
25 project for a minimum of 5 years. Such willingness and ability
26 may be demonstrated through intracommunity agreements or other
27 means.

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

29 (c) The State Technology Office, in consultation with
30 the Departments of Education, Health, and Community Affairs,
31 the State Library, and local governments, shall include in its

1 report performance standards for the pilot project consistent
2 with the Sunshine State Standards, as described in section
3 229.57, Florida Statutes, and broader community-based
4 standards as appropriate, and shall evaluate the progress of
5 the pilot project at least annually based on the performance
6 standards.

7 (d) The State Technology Office shall report its
8 recommendations to the President of the Senate, the Speaker of
9 the House of Representatives, and the Governor by November 1,
10 2002. Recommendations shall address the implementation and
11 funding of the pilot programs.

12 (10) AGRICULTURAL CONSERVATION AND PROFITABILITY.--

13 (a) The Department of Agriculture and Consumer
14 Services, in consultation with the University of Florida and
15 the Florida Agricultural and Mechanical University, shall
16 establish three pilot projects aimed at encouraging the
17 diversification of agricultural production and marketing
18 throughout the state. Each project must do at least one of the
19 following: introduce alternative crops, such as hot peppers,
20 amaranth, or pigeon peas, or alternative growing techniques,
21 such as greenhouse vegetable production in North Florida or
22 early-season blueberries and peaches; or introduce a
23 value-added activity or industry, such as fruit or vegetable
24 processing or packaging, into a farming community as a means
25 of increasing the profitability of current farm products for
26 local growers. At least one of these projects must include a
27 tobacco farm that is being adversely impacted by reductions in
28 tobacco quotas. The purpose of the pilot projects is to
29 demonstrate alternative crops, techniques, and industries that
30 can enhance the profitability and sustainability of
31 agriculture in the state. The Commissioner of Agriculture

1 shall, in consultation with the Agricultural Economic
2 Development Project Review Committee as described in section
3 570.248, Florida Statutes, select the pilot project based on
4 evaluation criteria for agricultural economic development
5 projects delineated in section 570.247, Florida Statutes. The
6 Commissioner of Agriculture shall report annually to the
7 Agricultural Economic Development Project Review Committee on
8 the progress of the pilot project for the duration of the
9 project based on performance measures developed for the
10 project consistent with sections 570.244, 570.246, and
11 570.247, Florida Statutes.

12 (b) The Commissioner of Agriculture shall issue a
13 report on the progress of the pilot programs to the President
14 of the Senate, the Speaker of the House of Representatives,
15 and the Governor by December 15, 2002.

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

21 (11) REVIEW AND EVALUATION.--The Office of Program
22 Policy Analysis and Government Accountability shall perform a
23 review and evaluation of the grant program and financial
24 incentives and the wireless community-based network pilot
25 program. The report must evaluate the effectiveness of the
26 designation of rural planning areas in promoting economic
27 prosperity and preserving 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 Representatives before
3 the 2006 Regular Session of the Legislature.

4 Section 2. Paragraph (i) of subsection (1) of section
5 163.3187, Florida Statutes, is 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 (i) A comprehensive plan amendment for the purpose of
11 designating an urban infill and redevelopment area under s.
12 163.2517 or a Rural Heritage Area or Rural Activity Center
13 under the Florida Rural Heritage Act may be approved without
14 regard to the statutory limits on the frequency of amendments
15 to the comprehensive plan.

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

19 187.201 State Comprehensive Plan adopted.--The
20 Legislature hereby adopts as the State Comprehensive Plan the
21 following specific goals and policies:

22 (5) HOUSING.--

23 (a) Goal.--The public and private sectors shall
24 increase the affordability and availability of housing for
25 low-income and moderate-income persons, including citizens in
26 rural areas, while at the same time encouraging
27 self-sufficiency of the individual and assuring environmental
28 and structural quality and cost-effective operations.

29 (b) Policies.--

30
31

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

4 2. Diminish the use of institutions to house persons
5 by promoting deinstitutionalization to the maximum extent
6 possible.

7 3. Increase the supply of safe, affordable, and
8 sanitary housing for low-income and moderate-income persons
9 and elderly persons by alleviating housing shortages,
10 recycling older houses and redeveloping residential
11 neighborhoods, identifying housing needs, providing incentives
12 to the private sector to build affordable housing, encouraging
13 public-private partnerships to maximize the creation of
14 affordable housing, and encouraging research into low-cost
15 housing construction techniques, considering life-cycle
16 operating costs.

17 4. Reduce the cost of housing construction by
18 eliminating unnecessary regulatory practices which add to the
19 cost of housing.

20 5. Provide incentives and encourage research to
21 increase the supply of safe, affordable, and sanitary housing
22 for low-income, very-low-income, and moderate-income residents
23 of rural areas, as defined in s. 420.602. Such incentives and
24 research must take into account the importance of development
25 that preserves the rural character of the area and must seek
26 to mitigate the increased per-unit cost of small housing
27 projects appropriate to rural areas over the per-unit cost for
28 larger developments.

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

30 (a) Goal.--Florida shall protect and acquire unique
31 natural habitats and ecological systems, such as wetlands,

1 tropical hardwood hammocks, palm hammocks, and virgin longleaf
2 pine forests, and restore degraded natural systems to a
3 functional condition.

4 (b) Policies.--

5 1. Conserve forests, wetlands, fish, marine life, and
6 wildlife to maintain their environmental, economic, aesthetic,
7 and recreational values.

8 2. Acquire, retain, manage, and inventory public lands
9 to provide recreation, conservation, and related public
10 benefits.

11 3. Prohibit the destruction of endangered species and
12 protect their habitats.

13 4. Establish an integrated regulatory program to
14 assure the survival of endangered and threatened species
15 within the state.

16 5. Promote the use of agricultural practices which are
17 compatible with the protection of wildlife and natural
18 systems.

19 6. Encourage multiple use of forest resources, where
20 appropriate, to provide for timber production, recreation,
21 wildlife habitat, watershed protection, erosion control, and
22 maintenance of water quality.

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

26 8. Promote restoration of the Everglades system and of
27 the hydrological and ecological functions of degraded or
28 substantially disrupted surface waters.

29 9. Develop and implement a comprehensive planning,
30 management, and acquisition program to ensure the integrity of
31 Florida's river systems.

1 10. Emphasize the acquisition and maintenance of
2 ecologically intact systems in all land and water planning,
3 management, and regulation.

4 11. Expand state and local efforts to provide
5 recreational opportunities to urban areas, including the
6 development of activity-based parks.

7 12. Protect and expand park systems throughout the
8 state.

9 13. Encourage the use of public and private financial
10 and other resources for the development of recreational and
11 nature-based tourism opportunities at the state and local
12 levels when consistent with natural-system conservation
13 principles and practices.

14 (16) LAND USE.--

15 (a) Goal.--In recognition of the importance of
16 preserving the natural resources and enhancing the quality of
17 life of the state, development shall be directed to those
18 areas which have in place, or have agreements to provide, the
19 land and water resources, fiscal abilities, and service
20 capacity to accommodate growth in an environmentally
21 acceptable manner.

22 (b) Policies.--

23 1. Promote state programs, investments, and
24 development and redevelopment activities which encourage
25 efficient development and occur in areas which will have the
26 capacity to service new population and commerce.

27 2. Develop a system of incentives and disincentives
28 which encourages a separation of urban and rural land uses
29 while protecting water supplies, resource development, and
30 fish and wildlife habitats.

31

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

4 4. Recognize the interwoven nature of the
5 relationships among rural communities, agricultural lands,
6 open space lands, urban centers, regions, and the state, and
7 the importance of fiscally and culturally strong rural
8 communities to state and regional economies and resources;
9 promote state and local programs that foster integrated and
10 coordinated community-based planning efforts; and pursue land
11 use, educational, recreational, economic, transportation,
12 housing, information technology, and social service delivery
13 initiatives in the context of community planning goals.

14 ~~5.4.~~ Develop a system of intergovernmental negotiation
15 for siting locally unpopular public and private land uses
16 which considers the area of population served, the impact on
17 land development patterns or important natural resources, and
18 the cost-effectiveness of service delivery.

19 ~~6.5.~~ Encourage and assist local governments in
20 establishing comprehensive impact-review procedures to
21 evaluate the effects of significant development activities in
22 their jurisdictions.

23 ~~7.6.~~ Consider, in land use planning and regulation,
24 the impact of land use on water quality and quantity; the
25 availability of land, water, and other natural resources to
26 meet demands; and the potential for flooding.

27 ~~8.7.~~ Provide educational programs and research to meet
28 state, regional, and local planning and growth-management
29 needs.

30 (22) THE ECONOMY.--

31

1 (a) Goal.--Florida shall promote an economic climate
2 which provides economic stability, maximizes job
3 opportunities, and increases per capita income for its
4 residents.

5 (b) Policies.--

6 1. Attract new job-producing industries, corporate
7 headquarters, distribution and service centers, regional
8 offices, and research and development facilities to provide
9 quality employment for the residents of Florida.

10 2. Promote entrepreneurship and small and
11 minority-owned business startup by providing technical and
12 information resources, facilitating capital formation, and
13 removing regulatory restraints which are unnecessary for the
14 protection of consumers and society.

15 3. Maintain, as one of the state's primary economic
16 assets, the environment, including clean air and water,
17 beaches, forests, historic landmarks, and agricultural and
18 natural resources, and support rural communities in developing
19 nature-based tourism and heritage tourism enterprises
20 consistent with conservation of these natural resources in
21 order to provide economic benefit to those living in closest
22 proximity to those assets.

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

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

29 6. Promote economic development for Florida residents
30 through partnerships among education, business, industry,
31 agriculture, and the arts.

1 7. Provide increased opportunities for training
2 Florida's workforce to provide skilled employees for new and
3 expanding business.

4 8. Promote economic self-sufficiency through training
5 and educational programs which result in productive
6 employment.

7 9. Promote cooperative employment arrangements between
8 private employers and public sector employment efforts to
9 provide productive, permanent employment opportunities for
10 public assistance recipients through provisions of education
11 opportunities, tax incentives, and employment training.

12 10. Provide for nondiscriminatory employment
13 opportunities.

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

16 12. Encourage the development of a business climate
17 that provides opportunities for the growth and expansion of
18 existing state industries, particularly those industries which
19 are compatible with Florida's environment.

20 13. Promote coordination among Florida's ports to
21 increase their utilization.

22 14. Encourage the full utilization by businesses of
23 the economic development enhancement programs implemented by
24 the Legislature for the purpose of extensively involving
25 private businesses in the development and expansion of
26 permanent job opportunities, especially for the economically
27 disadvantaged, through the utilization of enterprise zones,
28 community development corporations, and other programs
29 designed to enhance economic and employment opportunities.

30 (23) AGRICULTURE.--

31

1 (a) Goal.--Florida shall maintain and strive to expand
2 its food, agriculture, ornamental horticulture, aquaculture,
3 forestry, and related industries in order to be a healthy and
4 competitive force in the national and international
5 marketplace.

6 (b) Policies.--

7 1. Ensure that goals and policies contained in state
8 and regional plans are not interpreted to permanently restrict
9 the conversion of agricultural lands to other uses, while
10 creating and providing economically viable options for those
11 landowners who wish their lands to remain in agricultural
12 uses.

13 2. Encourage diversification within the agriculture
14 industry, especially to reduce the vulnerability of
15 communities that are largely reliant upon agriculture for
16 either income or employment.

17 3. Promote and increase international agricultural
18 marketing opportunities for all Florida agricultural
19 producers.

20 4. Stimulate research, development, and application of
21 agricultural technology to promote and enhance the
22 conservation, production, and marketing techniques available
23 to the agriculture industry.

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

27 6. Promote entrepreneurship in the agricultural sector
28 by providing technical and informational services.

29 7. Stimulate continued productivity through investment
30 in education and research.

31

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

3 9. Conserve soil resources to maintain the economic
4 value of land for agricultural pursuits and to prevent
5 sedimentation in state waters.

6 10. Promote the vitality of Florida's agricultural
7 industry through continued funding of basic research,
8 extension, inspection, and analysis services and of programs
9 providing for marketing and technical assistance and the
10 control and eradication of diseases and infestations.

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

14 12. Ensure that coordinated state planning of road,
15 rail, and waterborne transportation systems provides adequate
16 facilities for the economical transport of agricultural
17 products and supplies between producing areas and markets.

18 13. Eliminate the discharge of inadequately treated
19 wastewater and stormwater runoff into waters of the state.

20 (24) TOURISM.--

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

25 (b) Policies.--

26 1. Promote statewide tourism and support promotional
27 efforts in those parts of the state that desire to attract
28 visitors.

29 2. Acquire and manage public lands to offer visitors
30 and residents increased outdoor experiences.

31

1 3. Promote awareness of historic places and cultural
2 and historical activities.

3 4. Develop a nature-based tourism and heritage tourism
4 industry that meets growing public demand, protects the
5 state's natural and cultural resources, and contributes to
6 economic prosperity, especially in the state's rural
7 communities.

8 Section 4. Subsection (4) of section 290.0055, Florida
9 Statutes, is amended to read:

10 290.0055 Local nominating procedure.--

11 (4) An area nominated by a county or municipality, or
12 a county and one or more municipalities together, for
13 designation as an enterprise zone shall be eligible for
14 designation under s. 290.0065 only if it meets the following
15 criteria:

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

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

21 2. For communities having a total population of
22 150,000 persons or more, the selected area shall not exceed 20
23 square miles.

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

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

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

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

7 7. For communities within the jurisdiction of a rural
8 county or city as defined in s. 288.106, the selected area
9 shall not exceed 15 square miles, regardless of total
10 population.

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

18 (d) The selected area suffers from pervasive poverty,
19 unemployment, and general distress, as described and measured
20 pursuant to s. 290.0058.

21 Section 5. Present subsections (13) through (39) of
22 section 420.507, Florida Statutes, are renumbered as
23 subsections (14) through (40), respectively, a new subsection
24 (13) is added to that section, and present subsection (24) of
25 that section is amended, to read:

26 420.507 Powers of the corporation.--The corporation
27 shall have all the powers necessary or convenient to carry out
28 and effectuate the purposes and provisions of this part,
29 including the following powers which are in addition to all
30 other powers granted by other provisions of this part:

31

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

4 ~~(25)(24)~~ To do any and all things necessary or
5 convenient to carry out the purposes of, and exercise the
6 powers given and granted in, this part and the state's rural
7 policy under the Florida Rural Heritage Act.

8 Section 6. Paragraphs (a) and (f) of subsection (6) of
9 section 420.5087, Florida Statutes, are amended to read:

10 420.5087 State Apartment Incentive Loan
11 Program.--There is hereby created the State Apartment
12 Incentive Loan Program for the purpose of providing first,
13 second, or other subordinated mortgage loans or loan
14 guarantees to sponsors, including for-profit, nonprofit, and
15 public entities, to provide housing affordable to
16 very-low-income persons.

17 (6) On all state apartment incentive loans, except
18 loans made to housing communities for the elderly to provide
19 for lifesafety, building preservation, health, sanitation, or
20 security-related repairs or improvements, the following
21 provisions shall apply:

22 (a) The corporation shall establish two interest rates
23 in accordance with s. 420.507~~(23)(22)~~(a)1. and 2.

24 (f) The review committee established by corporation
25 rule pursuant to this subsection shall make recommendations to
26 the board of directors of the corporation regarding program
27 participation under the State Apartment Incentive Loan
28 Program. The corporation board shall make the final ranking
29 and the decisions regarding which applicants shall become
30 program participants based on the scores received in the
31 competitive ranking, further review of applications, and the

1 recommendations of the review committee. The corporation
2 board shall approve or reject applications for loans and shall
3 determine the tentative loan amount available to each
4 applicant selected for participation in the program. The
5 actual loan amount shall be determined pursuant to rule
6 adopted pursuant to s. 420.507(23)(~~22~~)(f).

7 Section 7. Subsections (1), (2), and (4) of section
8 420.5088, Florida Statutes, are amended to read:

9 420.5088 Florida Homeownership Assistance
10 Program.--There is created the Florida Homeownership
11 Assistance Program for the purpose of assisting low-income
12 persons in purchasing a home by reducing the cost of the home
13 with below-market construction financing, by reducing the
14 amount of down payment and closing costs paid by the borrower
15 to a maximum of 5 percent of the purchase price, or by
16 reducing the monthly payment to an affordable amount for the
17 purchaser. Loans shall be made available at an interest rate
18 that does not exceed 3 percent. The balance of any loan is due
19 at closing if the property is sold or transferred.

20 (1) For loans made available pursuant to s.
21 420.507(24)(~~23~~)(a)1. or 2.:

22 (a) The corporation may underwrite and make those
23 mortgage loans through the program to persons or families who
24 have incomes that do not exceed 80 percent of the state or
25 local median income, whichever is greater, adjusted for family
26 size.

27 (b) Loans shall be made available for the term of the
28 first mortgage.

29 (c) Loans are limited to the lesser of 25 percent of
30 the purchase price of the home or the amount necessary to
31 enable the purchaser to meet credit underwriting criteria.

1 (2) For loans made pursuant to s.
2 420.507~~(24)~~~~(23)~~(a)3.:

3 (a) Availability is limited to nonprofit sponsors or
4 developers who are selected for program participation pursuant
5 to this subsection.

6 (b) Preference must be given to community development
7 corporations as defined in s. 290.033 and to community-based
8 organizations as defined in s. 420.503.

9 (c) Priority must be given to projects that have
10 received state assistance in funding project predevelopment
11 costs.

12 (d) The benefits of making such loans shall be
13 contractually provided to the persons or families purchasing
14 homes financed under this subsection.

15 (e) At least 30 percent of the units in a project
16 financed pursuant to this subsection must be sold to persons
17 or families who have incomes that do not exceed 80 percent of
18 the state or local median income, whichever amount is greater,
19 adjusted for family size; and at least another 30 percent of
20 the units in a project financed pursuant to this subsection
21 must be sold to persons or families who have incomes that do
22 not exceed 50 percent of the state or local median income,
23 whichever amount is greater, adjusted for family size.

24 (f) The maximum loan amount may not exceed 33 percent
25 of the total project cost.

26 (g) A person who purchases a home in a project
27 financed under this subsection is eligible for a loan
28 authorized by s. 420.507~~(24)~~~~(23)~~(a)1. or 2. in an aggregate
29 amount not exceeding the construction loan made pursuant to
30 this subsection. The home purchaser must meet all the
31

1 requirements for loan recipients established pursuant to the
2 applicable loan program.

3 (h) The corporation shall provide, by rule, for the
4 establishment of a review committee composed of corporation
5 staff and shall establish, by rule, a scoring system for
6 evaluating and ranking applications submitted for construction
7 loans under this subsection, including, but not limited to,
8 the following criteria:

9 1. The affordability of the housing proposed to be
10 built.

11 2. The direct benefits of the assistance to the
12 persons who will reside in the proposed housing.

13 3. The demonstrated capacity of the applicant to carry
14 out the proposal, including the experience of the development
15 team.

16 4. The economic feasibility of the proposal.

17 5. The extent to which the applicant demonstrates
18 potential cost savings by combining the benefits of different
19 governmental programs and private initiatives, including the
20 local government contributions and local government
21 comprehensive planning and activities that promote affordable
22 housing.

23 6. The use of the least amount of program loan funds
24 compared to overall project cost.

25 7. The provision of homeownership counseling.

26 8. The applicant's agreement to exceed the
27 requirements of paragraph (e).

28 9. The commitment of first mortgage financing for the
29 balance of the construction loan and for the permanent loans
30 to the purchasers of the housing.

31

1 10. The applicant's ability to proceed with
2 construction.

3 11. The targeting objectives of the corporation which
4 will ensure an equitable distribution of loans between rural
5 and urban areas.

6 12. The extent to which the proposal will further the
7 purposes of this program.

8 (i) The corporation may reject any and all
9 applications.

10 (j) The review committee established by corporation
11 rule pursuant to this subsection shall make recommendations to
12 the corporation board regarding program participation under
13 this subsection. The corporation board shall make the final
14 ranking for participation based on the scores received in the
15 ranking, further review of the applications, and the
16 recommendations of the review committee. The corporation board
17 shall approve or reject applicants for loans and shall
18 determine the tentative loan amount available to each program
19 participant. The final loan amount shall be determined
20 pursuant to rule adopted under s. 420.507(24)(~~23~~)(h).

21 (4) During the first 9 months of fund availability:

22 (a) Sixty percent of the program funds shall be
23 reserved for use by borrowers pursuant to s.
24 420.507(24)(~~23~~)(a)1.;

25 (b) Twenty percent of the program funds shall be
26 reserved for use by borrowers pursuant to s.
27 420.507(24)(~~23~~)(a)2.; and

28 (c) Twenty percent of the program funds shall be
29 reserved for use by borrowers pursuant to s.
30 420.507(24)(~~23~~)(a)3.

31

