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A bill to be entitled

An act relating to rural counties; transferring the Small County Technical Assistance Program by type two transfer from the Department of Agriculture and Consumer Services to the Department of Community Affairs; amending s. 163.05, F.S.; changing references, to conform; amending s. 288.0656; describing designees to the Rural Economic Development Initiative; updating the list of Rural Economic Development Initiative members; providing a definition; creating s. 288.06571, F.S.; providing definitions; authorizing the provision of grants to fiscally constrained counties; providing for a grant application process, a marketing process, review criteria, a review process, and a reporting requirement; providing for rulemaking; providing an effective date.

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

Section 1. The Small County Technical Assistance Program, as authorized and governed by s. 163.05, Florida Statutes, is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Agriculture and Consumer Services to the Department of Community Affairs.

Section 2. Section 163.05, Florida Statutes, is amended to read:

163.05 Small County Technical Assistance Program.--

(1) Among small counties, the Legislature finds that:

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28 (a) The percentage of the population of small counties
29 residing in the unincorporated areas is relatively high based on
30 the United States Decennial Census of 2000.

31 (b) Projected revenue and expenditure trends of the small
32 counties indicate that a serious fiscal condition has developed
33 that could require a number of small counties to declare
34 financial emergencies.

35 (c) Fiscal shortfalls persist even though 12 of the small
36 counties levied the maximum ad valorem millage authorized in
37 their jurisdictions in 2001 and an additional 15 small counties
38 levied between 8 and 10 mills.

39 (d) State and federal mandates will continue to place
40 additional funding demands on small counties.

41 (2) Recognizing the findings in subsection (1), the
42 Legislature declares that:

43 (a) The fiscal emergencies confronting small counties
44 require an investment that will facilitate efforts to improve
45 the productivity and efficiency of small counties' structures
46 and operating procedures.

47 (b) Current and additional revenue enhancements authorized
48 by the Legislature should be managed and administered using
49 appropriate management practices and expertise.

50 (3) The purpose of this section is to provide technical
51 assistance to small counties to enable them to implement
52 workable solutions to financial and administrative problems. As
53 used in this section, "small county" means a county that has a
54 population of 75,000 or less.

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55 (4) The Department of Community Affairs ~~Commissioner of~~
 56 ~~Agriculture~~ shall enter into contracts with program providers
 57 who shall:

58 (a) Be a foundation that meets the requirements for
 59 nonprofit status under s. 501(c)(3) of the Internal Revenue Code
 60 with a governing board which includes in its membership county
 61 commissioners and professional staff of the county.

62 (b) Have substantial and documented experience working
 63 closely with county governments in providing both educational
 64 and technical assistance.

65 (c) Use existing resources, services, and information that
 66 are available from state or local agencies, universities, or the
 67 private sector.

68 (d) Seek and accept funding from any public or private
 69 source.

70 (e) Assist small counties in developing alternative
 71 revenue sources.

72 (f) Provide assistance to small counties in areas such as
 73 financial management, accounting, investing, purchasing,
 74 planning and budgeting, debt issuance, public management,
 75 management systems, computers and information technology,
 76 economic and community development, and public safety
 77 management.

78 (g) Provide for an annual independent financial audit of
 79 the program.

80 (h) In each county served, conduct a needs assessment upon
 81 which the assistance provided for that county will be designed.

82 (5)(a) The Department of Community Affairs ~~Commissioner of~~
 83 ~~Agriculture~~ shall issue a request for proposals to provide

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84 assistance to small counties. The request for proposals shall be
 85 required no more frequently than every third year beginning with
 86 fiscal year 2004-2005. All contracts in existence on the
 87 effective date of this act between the Comptroller or the
 88 Commissioner of Agriculture and any other party with respect to
 89 the Small County Technical Assistance Program may be accepted by
 90 the Department of Community Affairs ~~Commissioner of Agriculture~~
 91 as the party in interest and said contracts shall remain in full
 92 force and effect according to their terms.

93 (b) The Department of Community Affairs ~~Commissioner of~~
 94 ~~Agriculture~~ shall review each contract proposal submitted.

95 (c) The Department of Community Affairs ~~Commissioner of~~
 96 ~~Agriculture~~ shall consider the following factors in reviewing
 97 contract proposals:

98 1. The demonstrated capacity of the provider to conduct
 99 needs assessments and implement the program as proposed.

100 2. The number of small counties to be served under the
 101 proposal.

102 3. The cost of the program as specified in a proposed
 103 budget.

104 4. The short-term and long-term benefits of the assistance
 105 to small counties.

106 5. The form and extent to which existing resources,
 107 services, and information that are available from state and
 108 local agencies, universities, and the private sector will be
 109 used by the provider under the contract.

110 (6) A decision of the Department of Community Affairs
 111 ~~Commissioner of Agriculture~~ to award a contract under this
 112 section is final and shall be in writing.

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113 (7) The Department of Community Affairs ~~Commissioner of~~
 114 ~~Agriculture~~ shall provide fiscal oversight to ensure that funds
 115 expended for the program are used in accordance with the
 116 contracts entered into pursuant to subsection (4) and shall
 117 conduct a performance review of the program as may be necessary
 118 to ensure that the goals and objectives of the program are being
 119 met.

120 Section 3. Subsections (6) and (7) of section 288.0656,
 121 Florida Statutes, are amended to read:

122 288.0656 Rural Economic Development Initiative.--

123 (6)(a) By August 1 of each year, the head of each of the
 124 following agencies and organizations shall designate a high-
 125 level staff person who directly reports to the head of ~~from~~
 126 ~~within~~ the agency or organization to serve as the REDI
 127 representative for the agency or organization:

- 128 1. The Department of Community Affairs.
- 129 2. The Department of Transportation.
- 130 3. The Department of Environmental Protection.
- 131 4. The Department of Agriculture and Consumer Services.
- 132 5. The Department of State.
- 133 6. The Department of Health.
- 134 7. The Department of Children and Family Services.
- 135 8. The Department of Corrections.
- 136 9. The Agency for Workforce Innovation.
- 137 10. The Department of Education.
- 138 11. The Department of Juvenile Justice.
- 139 12. The Department of Elder Affairs.
- 140 13. The Agency for Health Care Administration.
- 141 14.12. The Fish and Wildlife Conservation Commission.

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- 142 ~~15.13.~~ Each water management district.
- 143 ~~16.14.~~ Enterprise Florida, Inc.
- 144 ~~17.15.~~ Workforce Florida, Inc.
- 145 ~~18.16.~~ The Florida Commission on Tourism or VISIT Florida.
- 146 ~~19.17.~~ The Florida Regional Planning Council Association.
- 147 ~~20.18.~~ The Florida State Rural Development Council.
- 148 ~~21.19.~~ The Institute of Food and Agricultural Sciences
- 149 (IFAS).

150

151 An alternate for each designee shall also be chosen, and the
 152 names of the designees and alternates shall be sent to the
 153 director of the Office of Tourism, Trade, and Economic
 154 Development.

155 (b) Each REDI representative must have comprehensive
 156 knowledge of his or her agency's functions, both regulatory and
 157 service in nature, and of the state's economic goals, policies,
 158 and programs. This person shall be the primary point of contact
 159 for his or her agency with REDI on issues and projects relating
 160 to economically distressed rural communities and with regard to
 161 expediting project review, shall ensure a prompt effective
 162 response to problems arising with regard to rural issues, and
 163 shall work closely with the other REDI representatives in the
 164 identification of opportunities for preferential awards of
 165 program funds and allowances and waiver of program requirements
 166 when necessary to encourage and facilitate long-term private
 167 capital investment and job creation.

168 (c) The REDI representatives shall work with REDI in the
 169 review and evaluation of statutes and rules for adverse impact

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170 on rural communities and the development of alternative
 171 proposals to mitigate that impact.

172 (d) Each REDI representative shall be responsible for
 173 ensuring that each district office or facility of his or her
 174 agency is informed about the Rural Economic Development
 175 Initiative and for providing assistance throughout the agency in
 176 the implementation of REDI activities.

177 (7)(a) REDI may recommend to the Governor up to three
 178 rural areas of critical economic concern. A rural area of
 179 critical economic concern must be a rural community, or a region
 180 composed of such, that has been adversely affected by an
 181 extraordinary economic event or a natural disaster or that
 182 presents a unique economic development opportunity of regional
 183 impact that will create more than 1,000 jobs over a 5-year
 184 period. The Governor may by executive order designate up to
 185 three rural areas of critical economic concern which will
 186 establish these areas as priority assignments for REDI as well
 187 as to allow the Governor, acting through REDI, to waive
 188 criteria, requirements, or similar provisions of any economic
 189 development incentive. Such incentives shall include, but not be
 190 limited to: the Qualified Target Industry Tax Refund Program
 191 under s. 288.106, the Quick Response Training Program under s.
 192 288.047, the Quick Response Training Program for participants in
 193 the welfare transition program under s. 288.047(8),
 194 transportation projects under s. 288.063, the brownfield
 195 redevelopment bonus refund under s. 288.107, and the rural job
 196 tax credit program under ss. 212.098 and 220.1895. Designation
 197 as a rural area of critical economic concern under this
 198 subsection shall be contingent upon the execution of a

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199 memorandum of agreement among the Office of Tourism, Trade, and
 200 Economic Development; the governing body of the county; and the
 201 governing bodies of any municipalities to be included within a
 202 rural area of critical economic concern. Such agreement shall
 203 specify the terms and conditions of the designation, including,
 204 but not limited to, the duties and responsibilities of the
 205 county and any participating municipalities to take actions
 206 designed to facilitate the retention and expansion of existing
 207 businesses in the area, as well as the recruitment of new
 208 businesses to the area.

209 (b) The term "fiscally constrained county" means a county
 210 designated as a rural area of critical economic concern for
 211 which the value of a mill in the county is no more than \$3
 212 million based on the property valuations and tax data annually
 213 published by the Department of Revenue under s. 195.052. It is
 214 the intent of the Legislature that a fiscally constrained county
 215 for which the value of a mill in the county is at least \$1
 216 million, and which receives benefits from the state, demonstrate
 217 progress toward ending its status as a fiscally constrained
 218 county and, as appropriate, provide increasing amounts of local
 219 financial support, commensurate with such progress, as match for
 220 state benefits.

221 Section 4. Section 288.06571, Florida Statutes, is created
 222 to read:

223 288.06571 Fiscally constrained county grants.--

224 (1) Definitions.--As used in this section, the term:

225 (a) "Fiscally constrained county" has the same meaning
 226 ascribed in s. 288.0656.

227 (b) "Department" means the Department of Community

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228 Affairs.

229 (2) The department may accept and administer moneys
230 appropriated to it for providing grants to assist fiscally
231 constrained counties with government services or infrastructure
232 development, including, but not limited to, for use as matching
233 funds for larger grants that would improve government services
234 or promote infrastructure development or for use as seed funding
235 for long-term projects.

236 (3) The department, in consultation with the Rural
237 Economic Development Initiative, shall establish a competitive
238 grant application process for fiscally constrained counties. The
239 process must not be burdensome to any applicant and the Rural
240 Economic Development Initiative shall provide, or facilitate the
241 provision of, technical and administrative assistance to any
242 applicant that requests assistance in completing an application
243 or grantee that requests such assistance with respect to grant-
244 related activities. Although this grant program is competitive
245 in nature, it is the intent of the Legislature that the program
246 promote full participation of eligible applicants.

247 (4) The Rural Economic Development Initiative shall
248 directly and aggressively inform, through various communications
249 media, fiscally constrained counties about the grant program and
250 the availability of funds.

251 (5) The department, in consultation with the Rural
252 Economic Development Initiative, shall establish criteria for
253 reviewing grant applications. These criteria must include, but
254 are not limited to, the need for a grant and the degree of
255 participation and commitment by the local community in the
256 proposed grant-funded activity.

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257 (6) The department and the Rural Economic Development
 258 Initiative shall review grant applications. The department, in
 259 consultation with the Rural Economic Development Initiative,
 260 shall approve grant award amounts and award grants as soon as
 261 practicable after such review.

262 (7) At least annually and upon completion of grant-funded
 263 activities, a fiscally constrained county receiving a grant must
 264 provide the department a written report describing the status of
 265 grant-funded activities, the cumulative benefit to the county of
 266 those activities, the nature and amount of local or other
 267 financial support used for those activities, and the progress
 268 made toward ending the county's status as a fiscally constrained
 269 county. The department shall transmit a copy of the report to
 270 the Rural Economic Development Initiative.

271 (8) The department may adopt rules pursuant to ss.
 272 120.536(1) and 120.54 to implement the provisions of this
 273 section conferring duties upon it.

274 Section 5. This act shall take effect July 1, 2004.