

By Senator Argenziano

3-1461-04

See HB

1 A bill to be entitled
 2 An act relating to rural counties; transferring
 3 the Small County Technical Assistance Program
 4 by type two transfer from the Department of
 5 Agriculture and Consumer Services to the
 6 Department of Community Affairs; amending s.
 7 163.05, F.S.; changing references, to conform;
 8 amending s. 288.0656, F.S.; describing
 9 designees to the Rural Economic Development
 10 Initiative; updating the list of Rural Economic
 11 Development Initiative members; providing a
 12 definition; creating s. 288.06571, F.S.;
 13 providing definitions; authorizing the
 14 provision of grants to fiscally constrained
 15 counties; providing for a grant application
 16 process, a marketing process, review criteria,
 17 a review process, and a reporting requirement;
 18 providing for rulemaking; providing an
 19 effective date.

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

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

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

31 163.05 Small County Technical Assistance Program.--

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

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

5 (b) Projected revenue and expenditure trends of the
6 small counties indicate that a serious fiscal condition has
7 developed that could require a number of small counties to
8 declare financial emergencies.

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

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

15 (2) Recognizing the findings in subsection (1), the
16 Legislature declares that:

17 (a) The fiscal emergencies confronting small counties
18 require an investment that will facilitate efforts to improve
19 the productivity and efficiency of small counties' structures
20 and operating procedures.

21 (b) Current and additional revenue enhancements
22 authorized by the Legislature should be managed and
23 administered using appropriate management practices and
24 expertise.

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

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1 (4) The Department of Community Affairs ~~Commissioner~~
2 ~~of Agriculture~~ shall enter into contracts with program
3 providers who shall:

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

8 (b) Have substantial and documented experience working
9 closely with county governments in providing both educational
10 and technical assistance.

11 (c) Use existing resources, services, and information
12 that are available from state or local agencies, universities,
13 or the private sector.

14 (d) Seek and accept funding from any public or private
15 source.

16 (e) Assist small counties in developing alternative
17 revenue sources.

18 (f) Provide assistance to small counties in areas such
19 as financial management, accounting, investing, purchasing,
20 planning and budgeting, debt issuance, public management,
21 management systems, computers and information technology,
22 economic and community development, and public safety
23 management.

24 (g) Provide for an annual independent financial audit
25 of the program.

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

29 (5)(a) The Department of Community Affairs
30 ~~Commissioner of Agriculture~~ shall issue a request for
31 proposals to provide assistance to small counties. The request

1 for proposals shall be required no more frequently than every
2 third year beginning with fiscal year 2004-2005. All contracts
3 in existence on the effective date of this act between the
4 Comptroller or the Commissioner of Agriculture and any other
5 party with respect to the Small County Technical Assistance
6 Program may be accepted by the Department of Community Affairs
7 ~~Commissioner of Agriculture~~ as the party in interest and said
8 contracts shall remain in full force and effect according to
9 their terms.

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

12 (c) The Department of Community Affairs ~~Commissioner~~
13 ~~of Agriculture~~ shall consider the following factors in
14 reviewing contract proposals:

15 1. The demonstrated capacity of the provider to
16 conduct needs assessments and implement the program as
17 proposed.

18 2. The number of small counties to be served under the
19 proposal.

20 3. The cost of the program as specified in a proposed
21 budget.

22 4. The short-term and long-term benefits of the
23 assistance to small counties.

24 5. The form and extent to which existing resources,
25 services, and information that are available from state and
26 local agencies, universities, and the private sector will be
27 used by the provider under the contract.

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

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

8 Section 3. Subsections (6) and (7) of section
9 288.0656, Florida Statutes, are amended to read:

10 288.0656 Rural Economic Development Initiative.--

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

- 16 1. The Department of Community Affairs.
- 17 2. The Department of Transportation.
- 18 3. The Department of Environmental Protection.
- 19 4. The Department of Agriculture and Consumer
20 Services.
- 21 5. The Department of State.
- 22 6. The Department of Health.
- 23 7. The Department of Children and Family Services.
- 24 8. The Department of Corrections.
- 25 9. The Agency for Workforce Innovation.
- 26 10. The Department of Education.
- 27 11. The Department of Juvenile Justice.
- 28 12. The Department of Elderly Affairs.
- 29 13. The Agency for Health Care Administration.
- 30 14.12. The Fish and Wildlife Conservation Commission.
- 31 15.13. Each water management district.

- 1 ~~16.14.~~ Enterprise Florida, Inc.
2 ~~17.15.~~ Workforce Florida, Inc.
3 ~~18.16.~~ The Florida Commission on Tourism or VISIT
4 Florida.
5 ~~19.17.~~ The Florida Regional Planning Council
6 Association.
7 ~~20.18.~~ The Florida State Rural Development Council.
8 ~~21.19.~~ The Institute of Food and Agricultural Sciences
9 (IFAS).

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11 An alternate for each designee shall also be chosen, and the
12 names of the designees and alternates shall be sent to the
13 director of the Office of Tourism, Trade, and Economic
14 Development.

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

29 (c) The REDI representatives shall work with REDI in
30 the review and evaluation of statutes and rules for adverse
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1 impact on rural communities and the development of alternative
2 proposals to mitigate that impact.

3 (d) Each REDI representative shall be responsible for
4 ensuring that each district office or facility of his or her
5 agency is informed about the Rural Economic Development
6 Initiative and for providing assistance throughout the agency
7 in the implementation of REDI activities.

8 (7)(a) REDI may recommend to the Governor up to three
9 rural areas of critical economic concern. A rural area of
10 critical economic concern must be a rural community, or a
11 region composed of such, that has been adversely affected by
12 an extraordinary economic event or a natural disaster or that
13 presents a unique economic development opportunity of regional
14 impact that will create more than 1,000 jobs over a 5-year
15 period. The Governor may by executive order designate up to
16 three rural areas of critical economic concern which will
17 establish these areas as priority assignments for REDI as well
18 as to allow the Governor, acting through REDI, to waive
19 criteria, requirements, or similar provisions of any economic
20 development incentive. Such incentives shall include, but not
21 be limited to: the Qualified Target Industry Tax Refund
22 Program under s. 288.106, the Quick Response Training Program
23 under s. 288.047, the Quick Response Training Program for
24 participants in the welfare transition program under s.
25 288.047(8), transportation projects under s. 288.063, the
26 brownfield redevelopment bonus refund under s. 288.107, and
27 the rural job tax credit program under ss. 212.098 and
28 220.1895. Designation as a rural area of critical economic
29 concern under this subsection shall be contingent upon the
30 execution of a memorandum of agreement among the Office of
31 Tourism, Trade, and Economic Development; the governing body

1 of the county; and the governing bodies of any municipalities
2 to be included within a rural area of critical economic
3 concern. Such agreement shall specify the terms and conditions
4 of the designation, including, but not limited to, the duties
5 and responsibilities of the county and any participating
6 municipalities to take actions designed to facilitate the
7 retention and expansion of existing businesses in the area, as
8 well as the recruitment of new businesses to the area.

9 (b) The term "fiscally constrained county" means a
10 county designated as a rural area of critical economic concern
11 for which the value of a mill in the county is no more than \$3
12 million based on the property valuations and tax data annually
13 published by the Department of Revenue under s. 195.052. It is
14 the intent of the Legislature that a fiscally constrained
15 county for which the value of a mill in the county is at least
16 \$1 million, and which receives benefits from the state,
17 demonstrate progress toward ending its status as a fiscally
18 constrained county and, as appropriate, provide increasing
19 amounts of local financial support, commensurate with such
20 progress, as match for state benefits.

21 Section 4. Section 288.06571, Florida Statutes, is
22 created to read:

23 288.06571 Fiscally constrained county grants.--

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

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

27 (b) "Department" means the Department of Community
28 Affairs.

29 (2) The department may accept and administer moneys
30 appropriated to it for providing grants to assist fiscally
31 constrained counties with government services or

1 infrastructure development, including, but not limited to, for
2 use as matching funds for larger grants that would improve
3 government services or promote infrastructure development or
4 for use as seed funding for long-term projects.

5 (3) The department, in consultation with the Rural
6 Economic Development Initiative, shall establish a competitive
7 grant application process for fiscally constrained counties.
8 The process must not be burdensome to any applicant and the
9 Rural Economic Development Initiative shall provide, or
10 facilitate the provision of, technical and administrative
11 assistance to any applicant that requests assistance in
12 completing an application or grantee that requests such
13 assistance with respect to grant-related activities. Although
14 this grant program is competitive in nature, it is the intent
15 of the Legislature that the program promote full participation
16 of eligible applicants.

17 (4) The Rural Economic Development Initiative shall
18 directly and aggressively inform, through various
19 communications media, fiscally constrained counties about the
20 grant program and the availability of funds.

21 (5) The department, in consultation with the Rural
22 Economic Development Initiative, shall establish criteria for
23 reviewing grant applications. These criteria must include, but
24 are not limited to, the need for a grant and the degree of
25 participation and commitment by the local community in the
26 proposed grant-funded activity.

27 (6) The department and the Rural Economic Development
28 Initiative shall review grant applications. The department, in
29 consultation with the Rural Economic Development Initiative,
30 shall approve grant award amounts and award grants as soon as
31 practicable after such review.

1 (7) At least annually and upon completion of
2 grant-funded activities, a fiscally constrained county
3 receiving a grant must provide the department a written report
4 describing the status of grant-funded activities, the
5 cumulative benefit to the county of those activities, the
6 nature and amount of local or other financial support used for
7 those activities, and the progress made toward ending the
8 county's status as a fiscally constrained county. The
9 department shall transmit a copy of the report to the Rural
10 Economic Development Initiative.

11 (8) The department may adopt rules pursuant to ss.
12 120.536(1) and 120.54 to implement the provisions of this
13 section conferring duties upon it.

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

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