

By Senator Lawson

6-1319-05

1 A bill to be entitled

2 An act relating to rural economic development;

3 creating ss. 291.40-291.65, F.S.; providing a

4 short title; providing legislative findings;

5 providing definitions; establishing the Florida

6 Rural Economic Development Authority; providing

7 powers and duties; providing for membership of

8 its board; providing for terms of board

9 members; providing for organization of the

10 board; providing general powers of the

11 authority; providing for an executive director

12 and specifying duties; requiring an annual

13 report; providing for the use of surplus moneys

14 by the authority; providing for the combination

15 of state and federal and international programs

16 to facilitate the purpose of the authority;

17 authorizing the authority to participate in

18 federal, state, and local programs; requiring

19 the authority to provide for loan criteria by

20 rule; authorizing the authority to provide for

21 loan requirements; authorizing the authority to

22 make loans or grants, directly or as agent for

23 federal programs, for agricultural land and

24 facilities improvements and to providers and

25 producers of biomass and renewable energy

26 technology and products and equipment and

27 facilities and to animal waste treatment and

28 byproduct-conversion facilities; authorizing

29 the authority to make loans to mortgage lenders

30 and other lenders; authorizing the authority to

31 purchase mortgage loans and secured loans from

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 mortgage lenders; providing powers of the
2 authority relating to loans; providing for the
3 issuance of bonds and notes by the authority;
4 authorizing the authority to establish bond
5 reserve funds; providing remedies of
6 bondholders and holders of notes; providing
7 that bonds and notes are legal investments;
8 providing requirements with respect to funds of
9 the authority; authorizing the examination of
10 accounts by the Auditor General; requiring a
11 report; limiting the liability of members of
12 the authority; requiring the assistance of
13 state officers, agencies, and departments in
14 expediting and facilitating the authority's
15 purposes; providing for liberal construction of
16 the act; requiring disclosure of specified
17 conflicts of interest; prohibiting certain
18 participation in the event of a conflict of
19 interest; specifying conflicts of interest with
20 respect to the executive director of the
21 authority; providing an exemption from
22 competitive bidding requirements; authorizing
23 the authority to enter into specified
24 agreements; providing for liability; requiring
25 the authority to establish and develop a rural
26 development loan assistance program; providing
27 program criteria; authorizing the authority to
28 create and develop alternative agriculture
29 assistance and renewable energy programs;
30 providing for the adoption of rules with
31 respect to enforcement of provisions relative

1 to such programs; authorizing the authority to
2 bring action for enforcement; creating s.
3 159.8082, F.S.; establishing the rural economic
4 development bond pool; amending s. 159.804,
5 F.S.; providing for specific allocations of
6 state volume limitations to the rural economic
7 development pool; amending s. 159.809, F.S.;
8 specifying provisions for bond issuance reports
9 not received; providing an effective date.

10

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

12

13 Section 1. Section 291.40, Florida Statutes, is
14 created to read:

15 291.40 Short title.--Sections 291.40-291.65 may be
16 cited as the "Florida Rural Economic Development Act."

17 Section 2. Section 291.41, Florida Statutes, is
18 created to read:

19 291.41 Legislative findings.--

20 (1) The Legislature finds that the ability of
21 residents of the state to pursue rural enterprises in all
22 aspects of sustainable agriculture, including the use and
23 conversion of farm waste products into renewable energy,
24 compost, and soil amendments and including biomass energy
25 production and other natural resource-based enterprises, have
26 been detrimentally affected by causes and events beyond their
27 control or the control of the state, including
28 treaty-supported foreign competition, termination of
29 long-established federal loan and subsidy programs, and a
30 shortage of funds from private market sources at rates of
31 interest generally available under revenue bond programs to

1 non-rural industries. These conditions have detrimentally
2 affected continued agricultural operations by established
3 farmers and rural economic development in this state. The
4 ordinary operation of private enterprise has not corrected the
5 situation. Such conditions have worked to the detriment of the
6 economy and social welfare of the state and threaten to
7 destroy the basic fabric of the rural areas in this state,
8 such as the family farm and rural communities. The state's
9 farm and rural development policy should enhance opportunities
10 for people to generate farm incomes comparable to the incomes
11 in other economic sectors, to provide value-added offsets to
12 their costs, and to provide such other economic assistance as
13 is necessary and proper. The United States Congress has
14 recognized the need to provide assistance to the rural segment
15 of the national economy and has instituted programs to assist
16 farmers and agribusiness by means of tax policy as well as
17 loans, grants, technology transfers, and credit enhancement to
18 qualified state agencies. The Legislature should also
19 encourage, by all suitable means, intellectual, scientific,
20 economic, and agricultural improvement in the rural parts of
21 this state. The public good is served by a policy of
22 facilitating access to capital by farmers and agribusinesses
23 that are unable to obtain capital elsewhere. Therefore, the
24 Legislature finds that conditions exist in the state which
25 require the creation of a corporate entity that has the power
26 to issue notes, bonds, and other evidences of indebtedness and
27 to form, organize, and operate wholly-owned, not-for-profit
28 Florida corporations in order to make, acquire, or facilitate
29 loans for the acquisition or development of agricultural
30 lands, improvements, and facilities. All of the purposes
31 stated in this section are public purposes and uses for which

1 public moneys may be borrowed, expended, advanced, loaned, or
2 granted.

3 (2) The Legislature recognizes that many of the
4 programs that were approved by Congress in the Federal
5 Agricultural Improvement and Reform Act of 1996, as amended,
6 and the Farm Security and Rural Investment Act of 2002 and
7 that can supplement and enhance the authority's mission are
8 continuing to be implemented. Therefore, the authority is
9 granted broad powers to adopt rules to carry out the purposes
10 set forth in this act to maximize the benefits to the
11 residents of this state from all federal, state, local, or
12 private-initiative programs of the authority.

13 Section 3. Section 291.42, Florida Statutes, is
14 created to read:

15 291.42 Definitions.--

16 (1) As used in this act, the term:

17 (a) "Agribusiness" means the production, processing,
18 and distribution of farm products and activities related to
19 their lawful pursuits.

20 (b) "Agricultural improvements" means any
21 improvements, buildings, structures, fixtures, or equipment
22 suitable for use in farming, producing, or processing
23 agricultural products or byproducts and renewable energy
24 equipment, such as biogas turbines or internal combustion
25 engines, gasifiers, aerobic digesters, anaerobic digesters,
26 and other like technology, located on agricultural land in
27 this state. The term includes both any single-family dwelling
28 located on agricultural land which is or will be occupied by a
29 farmer and structures attached to or incidental to the use of
30 the dwelling.

1 (c) "Agricultural land" means land in this state
2 suitable for use in farming, producing, or processing
3 agricultural products, specifically including lands so
4 designated by the Land Management Advisory Council established
5 under s. 259.035.

6 (d) "Agricultural producer" means a person that
7 engages in the business of producing and marketing
8 agricultural produce in this state and includes a farmer.

9 (e) "Agricultural processor" means a person that
10 engages in the business of processing agricultural products
11 within this state, including, without limitation, agricultural
12 commodities, agricultural byproducts, biomass energy and
13 compost, organic fertilizer and soil amendment processing, and
14 any and all products made or derived from agricultural or
15 biomass stock as defined by the authority under rules adopted
16 by the authority under chapter 120.

17 (f) "Audit" means the annual audit of the accounting
18 records of the authority by the authority's certified public
19 accountants and includes any audit required of the authority
20 by the federal Single Audit Act Amendments of 1996 and similar
21 laws of this state.

22 (g) "Authority" means the Florida Rural Economic
23 Development Authority established by this act.

24 (h) "Bankhead-Jones Farm Tenant Act" means the act
25 cited as 50 Stat. 522 (1937), formerly codified as 7 U.S.C. s.
26 1000 et seq., and repealed by Pub. L. No. 87-128 (1961).

27 (i) "Bonds" means bonds issued by the authority.

28 (j) "Conservation farm equipment" means planters,
29 cultivators, and tillage equipment used for reduced-tillage or
30 no-till planting of crops, including anaerobic fermentation
31 and digester components and facilities, biomass and biogas

1 processing equipment, and animal and other solid-waste and
2 water nutrient-reduction or conservation equipment.

3 (k) "Tax-approved agricultural property" means real or
4 personal property suitable for use in farming for which an
5 exemption or reduction from ad valorem, income, excise, sales,
6 or use tax in this state is available pursuant to law.

7 (l) "FAIR Farm Act" means the Federal Agricultural
8 Improvement and Reform Act of 1996, 110 Stat. 889, et seq., as
9 amended.

10 (m) "Farm Security and Rural Investment Act" means the
11 Farm Security and Rural Investment Act of 2002, Pub. Law No.
12 107-171.

13 (n) "Farming" means the cultivation or use of land in
14 this state for the production of any and all agricultural
15 crops, including biomass and biogas, fiber crops, citrus
16 crops, poultry and ratites, eggs, milk, fruits, nuts,
17 vegetables, flowers, ferns, or other horticultural crops,
18 grazing and forage production, swine, livestock, farm-raised
19 deer, aquaculture, hydroponics, organics, silviculture, forest
20 products, or other such activities designated by the authority
21 by rule.

22 (o) "Homeland Security" means the United States
23 Department of Agriculture, this state and its agencies, and
24 other state and local responsible entities, programs, or
25 initiatives established under the United States Department of
26 Homeland Security.

27 (p) "Internal Revenue Code" means the Internal Revenue
28 Code of 1986, as amended.

29 (q) "Lending institution" means a bank, credit union,
30 trust company, mortgage company, national banking association,
31 savings and loan association, insurance company, any state or

1 federal governmental agency or instrumentality, including the
2 United States Department of Agriculture's Farm Service Agency
3 or any of its local associations, or any other financial
4 institution or entity authorized to make farm loans in this
5 state.

6 (r) "Mortgage" means a mortgage, mortgage deed, deed
7 of trust, or other instrument creating a first lien, subject
8 only to title exceptions and encumbrances acceptable to the
9 authority, including any other mortgage liens of equal
10 standing with or subordinate to the mortgage loan retained by
11 a seller or conveyed to a mortgage lender, on a fee interest
12 in agricultural land and agricultural improvements.

13 (s) "Mortgage lender" means a bank, trust company,
14 mortgage company, national banking association, savings and
15 loan association, insurance company, any state or federal
16 governmental agency or instrumentality, or any other financial
17 institution or public or private entity authorized to make
18 mortgage loans or secured loans in this state.

19 (t) "Mortgage loan" means a financial obligation
20 secured by a mortgage.

21 (u) "Note" means a bond anticipation note or other
22 obligation or evidence of indebtedness issued by the
23 authority.

24 (v) "Renewable energy" means energy produced from any
25 nondepletable source and specifically includes biogas, solar,
26 wind, hydraulic, and geothermal energy.

27 (w) "Soil and water conservation practices" has the
28 meaning described in chapter 582 and includes renewable
29 energy, solid-waste and wastewater disposal systems, including
30 biogas generating aerobic and anaerobic digestion and
31 fermentation systems, and other equipment and facilities

1 designed to process and preserve agricultural soil, water, and
2 matter, including any and all nitrogen-reduction,
3 phosphorus-reduction, and other nutrient-reduction programs
4 that affect groundwater and other water supplies in an
5 environmentally responsible manner.

6 (x) "Secured loan" means a financial obligation
7 secured by a chattel mortgage, security agreement, or other
8 instrument creating a lien on an interest in agricultural
9 property.

10 (y) "State agency" means any board, commission,
11 department, public officer, or other agency or authority of
12 the state.

13 (z) The authority may by rule define other terms
14 applicable to this act and may clarify the definitions in this
15 section to assure eligibility for funds, insurance, or
16 guarantees available under federal, state, or local laws, to
17 assure compliance with federal tax law and regulations under
18 the Internal Revenue Code and applicable state statutes, and
19 to carry out the public purposes of this act.

20 Section 4. Section 291.43, Florida Statutes, is
21 created to read:

22 291.43 Establishment of authority; powers and duties;
23 board; earnings.--

24 (1) There is created a corporation to be known as the
25 Florida Rural Economic Development Authority. The authority is
26 a body politic and corporate of the state exercising public
27 and essential governmental functions. The authority shall
28 establish programs that:

29 (a) Assist farmers, agriculture processors,
30 agriculture producers, and other agribusinesses in purchasing,
31 leasing, or otherwise acquiring agricultural land,

1 improvements, equipment, technology, including renewable or
2 energy-efficient technology equipment and facilities, and
3 agricultural property for sustainable farming.

4 (b) Provide financing to farmers for soil and water
5 conservation practices, such as groundwater and aquifer
6 remediation and preservation and renewable energy initiatives,
7 and to farmers and agribusinesses involved in the collection,
8 remediation, utilization, transportation, treatment, and
9 disposal of agricultural waste or wastewater discharged from
10 concentrated animal feeding operations or other agricultural
11 enterprises.

12 (c) Promote diversification of the rural and farm
13 economy in this state through the growth and development of
14 new crops or livestock that are not customarily grown or
15 produced in this state or that emphasize a vertical
16 integration of agricultural products produced or raised in
17 this state into a finished agricultural product or byproduct
18 for consumption or use; and promote the use of renewable
19 energy sources derived from agriculture biomass and
20 utilization of biogas, solar, and wind energy generators for
21 power and heating and cooling and the preservation of natural
22 resources.

23 (d) Assist in financing operating expenses and
24 cash-flow requirements of farming and conservation practices.

25 (e) Assist qualified producers, processors, and
26 manufacturers of agriculture products, equipment, and
27 technology, and support organizations within the state with
28 financing research and development and other capital
29 requirements or operating expenses.

30 (2) The powers of the authority are vested in and
31 exercised by a board of 10 members. The Chief Financial

1 Officer of the state shall serve as a non-voting, ex officio
2 member of the board. Of the remaining members, three members
3 shall be appointed by the President of the Senate, three
4 members shall be appointed by the Speaker of the House of
5 Representatives, and three members shall be appointed by the
6 Governor.

7 (3) Except for the appointment of initial members of
8 the board, the members of the board shall be appointed for
9 terms of 3 years. One of the initial board members appointed
10 by the President of the Senate, the Speaker of the House of
11 Representatives, and the Governor shall be appointed for a
12 1-year term, one for a 2-year term, and one for a 3-year term.
13 Following the initial appointment of members to the board,
14 each subsequent appointee shall be appointed for a 3-year term
15 following the expiration of his or her predecessor's term and
16 must be confirmed by the serving members. A person appointed
17 to fill a vacancy shall serve only for the unexpired portion
18 of the term. A member is eligible for reappointment. An
19 appointed member may be removed from office by the board for
20 misfeasance, malfeasance, willful neglect of duty, or other
21 just cause, after notice and hearing before the Florida
22 Commission on Ethics, unless the notice and hearing is
23 expressly waived in writing. An appointed member of the
24 authority may also serve as a member of any other authority,
25 association, or enterprise, public or private.

26 (4) The members shall elect a chair and a vice chair
27 annually and other officers as necessary. The executive
28 director of the authority shall serve as secretary to the
29 board. Meetings of the board shall be held at the call of the
30 chair or upon the request of two members and may be held
31 telephonically as provided in the by-laws of the authority.

1 Any meeting at which official acts are to be taken or at which
2 the public business of the authority is to be transacted or
3 discussed must be open and notice must be given to the public.

4 (5) Five voting members of the board constitute a
5 quorum, and the affirmative vote of a majority of the voting
6 members is necessary for any substantive action taken by the
7 board. The majority may not include any member who has a
8 conflict of interest. A statement by a member that he or she
9 has a conflict of interest is conclusive for this purpose. A
10 vacancy in the membership does not impair the right of a
11 quorum to exercise all rights and perform all duties of the
12 board.

13 (6) The members of the board shall receive per diem
14 and travel expenses as provided in s. 112.061 while in
15 performance of their duties.

16 (7) The members of the board shall give bond as
17 required by law for public officers.

18 (8) The net earnings of the authority, beyond that
19 necessary for retirement of its notes, bonds, or other
20 obligations or to implement the authorized public purposes and
21 programs, may not inure to the benefit of any person other
22 than the state. Upon termination of the existence of the
23 authority, title to all property owned by the authority,
24 including any net earnings, shall vest in the state.

25 Section 5. Section 291.44, Florida Statutes, is
26 created to read:

27 291.44 General powers.--The authority has all of the
28 general powers needed to carry out its purposes and duties and
29 to exercise its specific powers, including, but not limited
30 to, the power to:

31

1 (1) Issue its tax-exempt bonds, including private
2 activity bonds, conduit bonds, or other similar bonding
3 vehicles, but none that pledge the full faith and credit of
4 the state, and taxable negotiable bonds and notes as provided
5 in this act in order to finance the programs described in this
6 act and as adopted by rule under this act.

7 (2) Sue and be sued in its own name.

8 (3) Have and alter a corporate seal.

9 (4) Make and alter bylaws for its management and
10 programs.

11 (5) Make and execute agreements, contracts, and other
12 instruments, with any public or private entity, including any
13 federal, state, or local governmental agency or
14 instrumentality, such as the Farm Service Agency. The
15 authority may enter into contracts with any firm of attorneys
16 and other professional advisors, including independent
17 certified public accountants, to prepare an annual report on
18 behalf of the authority. The authority may enter into
19 contracts with insurance companies, mortgage lenders, mortgage
20 brokers, banks, consultants, or others for the origination and
21 servicing of any financing instrument, mortgage, or secured
22 loan issued by or on behalf of the authority. All political
23 subdivisions, including federal, state, and local agencies,
24 may enter into contracts and otherwise cooperate with the
25 authority.

26 (6) Lease, purchase, accept a gift or donation of, or
27 otherwise acquire, use, own, hold, improve, or otherwise deal
28 in or with, real or personal property, or sell, convey,
29 mortgage, pledge, lease, exchange, or otherwise dispose of any
30 assets, loans, and equity interests acquired in the financing
31 of projects funded by the authority, or any other property or

1 interest in property, as the board considers necessary in
2 transacting the business of the authority.

3 (7) Procure insurance against any loss in connection
4 with its operations or property interests, including pool
5 insurance on any group of mortgages or secured loans.

6 (8) Fix and collect fees and charges for its services.

7 (9) Subject to an agreement with bondholders or note
8 holders, invest or deposit moneys in a manner determined by
9 the authority, notwithstanding chapters 215 and 216.

10 (10) Accept appropriations, gifts, grants, loans, or
11 other aid from public or private persons or entities. A record
12 of all gifts or grants, stating the type, amount, and donor,
13 must be clearly set out in the authority's annual report along
14 with the record of other receipts.

15 (11) Provide public and private entities with
16 technical assistance, education, counseling, and grants to
17 assist the authority in fulfilling the authority's purposes.

18 (12) Participate with other local, state, or federal
19 agencies or instrumentalities, and international agencies, in
20 research and development programs of the United States
21 Department of Agriculture, United States Department of Energy,
22 and the Environmental Protection Agency, such as the AgSTAR
23 Program and the United States Department of Energy's Renewable
24 Energy Laboratory, to encourage the use of biogas capture and
25 utilization at animal feeding operations that manage manures,
26 conduct studies of technological needs of the farmer and other
27 agricultural producers and processors, and gather, compile,
28 and exchange with similar authorities and agencies in other
29 states data useful to facilitate decisionmaking.

30 (13) Contract with private accountants, architects,
31 attorneys, economists, engineers, housing construction and

1 finance experts, and other advisors or enter into contracts
2 for such services with local, state, federal, or international
3 governmental agencies.

4 (14) Execute contracts, agreements, leases, and other
5 instruments with any person, partnership, corporation, limited
6 liability company, limited agricultural association, or trust,
7 including any federal, state, or local governmental agency,
8 and take actions necessary to accomplish any purpose for which
9 the authority was organized or to exercise any power expressly
10 granted to the authority.

11 (15) Form, organize, and operate wholly-owned Florida
12 not-for-profit corporations to facilitate the lending
13 functions contemplated by this act.

14 (16) Adopt rules under chapter 120 relating to
15 programs under the jurisdiction of the authority, including
16 the Farm Service Agency's Preferred Lender Program, its
17 Certified Lender Program, its Standard Eligible Lender
18 Program, and Small Business Administration lending programs
19 for which farmers and other agribusiness enterprises may be
20 eligible, and all beginning farmer loan programs, agricultural
21 loan assistance programs, and renewable energy and alternative
22 agricultural assistance programs.

23 Section 6. Section 291.45, Florida Statutes, is
24 created to read:

25 291.45 Executive director.--

26 (1) The board shall appoint the executive director of
27 the authority, who serves at the pleasure of the authority.
28 The executive director must be selected for his or her
29 administrative ability and knowledge in the fields of
30 agriculture and finance, without regard to political
31 affiliation.

1 (2) The executive director may not, directly or
2 indirectly, exert influence to induce any other officer or
3 employee of the state to adopt a political view or to favor a
4 political candidate for office.

5 (3) The executive director shall advise the authority
6 on matters relating to farmers, agricultural land and
7 property, agribusinesses and producers, and renewable energy
8 resources and water quality resources, including the financing
9 of such resources; carry out all directives from the
10 authority; and hire and supervise the authority's staff, which
11 shall include a general counsel to advise and assist the
12 executive director in carrying out the purposes of this act,
13 pursuant to the direction of the board.

14 (4) The executive director, as secretary of the
15 authority, is custodian of all books, documents, minute books,
16 seals, and papers filed with the authority. The executive
17 director may authorize duplication of all minutes and other
18 records and documents of the authority and shall give
19 certificates under the seal of the authority that the copies
20 are true copies and that all persons dealing with the
21 authority may rely upon the certificates.

22 (5) The executive director and authority staff shall
23 be considered state employees for all purposes including state
24 retirement and other benefit programs and the carryover of
25 prior rights if such employee is a transferee from another
26 state agency, except that the executive director and general
27 counsel are exempt from part. II of chapter 110.

28 Section 7. Section 291.46, Florida Statutes, is
29 created to read:

30 291.46 Annual report.--
31

1 (1) The authority annually shall submit to the
2 Governor, the Chief Financial Officer, the President of the
3 Senate, and the Speaker of the House of Representatives, not
4 later than February 15, a complete and economically designed
5 and reproduced report that sets forth:

6 (a) The operations and accomplishments of the
7 authority.

8 (b) The authority's receipts and expenditures during
9 the fiscal year, in accordance with the classifications it
10 establishes for its operating and capital accounts.

11 (c) The authority's assets and liabilities at the end
12 of its fiscal year and the status of reserve, special, and
13 other funds.

14 (d) A schedule of the authority's bonds and notes
15 outstanding at the end of its fiscal year, together with a
16 statement of the amounts redeemed and issued during its fiscal
17 year.

18 (e) A statement of the authority's proposed and
19 projected activities.

20 (f) Recommendations to the Legislature, as the
21 authority considers necessary or desirable.

22 (g) An analysis of the financing needs of farmers,
23 agriculture processors, agriculture producers, and other
24 agribusiness interests in the state, as well as of
25 agribusiness projects funded by the authority.

26 (2) The annual report, together with the authority's
27 audited annual statements of financial condition for the
28 period prepared by the authority's certified public
29 accountants, including, specifically, their review and
30 comments on the authority's activities described in paragraphs
31 (1)(b), (c), and (d), must identify performance goals of the

1 authority and must clearly indicate the extent of progress
2 during the reporting period in attaining the goals. If
3 possible, results must be expressed in terms of total number
4 and amount of loans and the acres of agricultural land
5 benefitted by the authority's activities, in the authority's
6 assistance in the establishment of new or alternative
7 agricultural crops, innovative technology, renewable energy
8 and related equipment and facilities, and value-added programs
9 for farmers and agribusinesses in the state.

10 Section 8. Section 291.47, Florida Statutes, is
11 created to read:

12 291.47 Surplus moneys.--Moneys declared by the
13 authority to be surplus moneys that are not required to
14 service bonds and notes, to pay administrative expenses of the
15 authority, or to accumulate necessary operating or loss
16 reserves must be used by the authority to provide loans,
17 grants, subsidies, and other services or assistance to
18 farmers, agriculture processors, agriculture producers, or
19 other agribusinesses through any of the programs authorized in
20 this act.

21 Section 9. Section 291.48, Florida Statutes, is
22 created to read:

23 291.48 Combination programs.--Programs authorized
24 under this act may be combined with any other programs in this
25 state authorized by law or authorized under any federal
26 program or programs of any other state in order to facilitate
27 the acquisition and ownership of agricultural land, property,
28 tools, equipment, and other tangible and intangible assets by
29 farmers or agribusinesses to facilitate the implementation of:

30 (1) Soil and water conservation practices;
31

1 (2) New and alternative agricultural crops and
2 processes;

3 (3) An agricultural renewable energy program;

4 (4) A program to provide a self-sufficient power,
5 heat, and cooling system for agriculture and rural communities
6 and residents; and

7 (5) The technology transfer between the United States
8 Department of Agriculture, the University of Florida-IFAS, the
9 Florida Agricultural and Mechanical University, this state,
10 and other public bodies and private enterprises.

11 Section 10. Section 291.49, Florida Statutes, is
12 created to read:

13 291.49 Loans to mortgage lenders or other lenders.--

14 (1) The authority may make loans to mortgage lenders
15 or other lenders on terms and conditions that it determines
16 are reasonably related to protecting the security of the
17 authority's investment and to administering this act. Mortgage
18 lenders may borrow from the authority under this section and
19 the rules of the authority.

20 (2) The authority shall require as a condition of each
21 loan to a mortgage lender that the mortgage lender, within a
22 reasonable period after receipt of the loan proceeds as the
23 authority prescribes by rule, enter into written commitments
24 to make and, within a reasonable period thereafter as the
25 authority prescribes by rule, disburse the loan proceeds in
26 new mortgage or secured loans to farmers, agricultural
27 processors, agricultural producers, or other renewable energy
28 or agribusinesses in an aggregate principal amount of not less
29 than the amount of the loan. New mortgages or secured loans
30 must have such terms and conditions as the authority
31

1 prescribes by rules and as are reasonably related to
2 implementing the purposes of this act.

3 Section 11. Section 291.50, Florida Statutes, is
4 created to read:

5 291.50 Purchase of loans.--

6 (1) The authority may purchase and make advance
7 commitments to purchase mortgages or secured loans from
8 mortgage lenders at prices and upon terms and conditions that
9 it determines. The total purchase price for all mortgage or
10 secured loans that the authority commits to purchasing from a
11 mortgage lender at any one time may not exceed the total of
12 the unpaid principal balances of the mortgage or secured loans
13 purchased. Mortgage lenders are authorized to sell mortgage or
14 secured loans to the authority under this section and the
15 rules of the authority.

16 (2) The authority shall require as a condition of
17 purchase of mortgage or secured loans from mortgage lenders
18 that the mortgage lenders certify that the mortgage or secured
19 loans purchased are loans made to farmers, agricultural
20 processors, agricultural producers, or other agribusinesses.
21 Mortgages or secured loans made by mortgage lenders must have
22 such terms and conditions as the authority prescribes by rule.
23 The authority may commit to purchasing mortgages or secured
24 loans from mortgage lenders in advance of the time the loans
25 are made by mortgage lenders. The authority shall require as a
26 condition of a commitment that mortgage lenders certify in
27 writing that all mortgages or secured loans represented by the
28 commitment will be made to farmers, agricultural processors,
29 agricultural producers, or other agribusinesses, and that the
30 mortgage lender will comply with other requirements of the
31 authority.

1 Section 12. Section 291.51, Florida Statutes, is
2 created to read:

3 291.51 Powers relating to loans.--Subject to any
4 agreement with bondholders or noteholders, the authority may
5 renegotiate a mortgage or secured loan or a loan to a mortgage
6 lender in default, waive a default, or consent to the
7 modification of the terms of a mortgage or secured loan or a
8 loan to a mortgage lender, forgive or forbear all or part of a
9 mortgage or secured loan or a loan to a mortgage lender, and
10 commence, prosecute, and enforce a judgment in any action,
11 including, but not limited to, a foreclosure action, to
12 protect or enforce any right conferred upon it by law,
13 mortgage, or secured loan agreement, contract, or other
14 agreement and, in connection with any action, may bid for and
15 purchase the property or acquire or take possession of it,
16 complete, administer, and pay the principal of, and interest
17 on, any obligations incurred in connection with the property,
18 and may dispose of or otherwise deal with the property in a
19 manner the authority considers advisable to protect its
20 interests.

21 Section 13. Section 291.52, Florida Statutes, is
22 created to read:

23 291.52 Bonds and notes.--

24 (1) The authority may issue its negotiable bonds and
25 notes, whether tax-exempt or taxable, in principal amounts
26 that, in the opinion of the authority, are necessary to
27 provide sufficient funds for achievement of its corporate
28 purposes, the payment of interest on its bonds and notes, the
29 establishment of reserves to secure its bonds and notes, and
30 all other expenditures of the authority incident to and
31 necessary or convenient to carrying out its purposes and

1 powers. The bonds and notes are investment securities and
2 negotiable instruments within the meaning of and for all
3 purposes of the Uniform Commercial Code.

4 (2) Bonds and notes are payable solely from the
5 moneys, assets, or revenues of the authority and as provided
6 in the agreement with bondholders or noteholders pledging any
7 particular moneys, assets, or revenues. Bonds or notes are not
8 an obligation of this state or any political subdivision of
9 this state other than the authority within the meaning of any
10 constitutional or statutory debt limitations, but are special
11 obligations of the authority payable solely from the sources
12 provided in this act, and the authority may not pledge the
13 credit or taxing power of this state or any political
14 subdivision of this state other than the authority, or make
15 its debts payable out of any moneys except those of the
16 authority.

17 (3) Bonds and notes must be authorized by a resolution
18 of the authority. A resolution authorizing the issuance of
19 bonds or notes may, however, delegate to an officer of the
20 authority the power to negotiate and fix the details of an
21 issue of bonds or notes by an appropriate certificate of the
22 authorized officer.

23 (4) In addition to any notice required under the
24 Internal Revenue Code for federally tax-exempt bonds, the
25 authority shall publish a notice of intention to issue bonds
26 or notes in a newspaper of general circulation published in
27 the state. The notice must include a statement of the maximum
28 amount of bonds or notes proposed to be issued and, in
29 general, what net revenues will be pledged to pay the bonds or
30 notes and interest thereon. An action may not be brought
31 questioning the legality of the bonds or notes or the power of

1 the authority to issue the bonds or notes or as to the
2 legality of any proceedings in connection with the
3 authorization or issuance of the bonds or notes more than 60
4 days after the date of publication of the notice.

5 (5) Bonds and notes issued by the authority for
6 purposes of financing a loan program for farmers, agricultural
7 processors, agricultural producers, or other renewable-energy
8 businesses or agribusinesses are exempt from all taxation by
9 the state, including income taxes, documentary stamp taxes,
10 and intangible taxes, and interest earned on the bonds and
11 notes is deductible in determining net income for purposes of
12 the corporate income tax under chapter 220.

13 Section 14. Section 291.53, Florida Statutes, is
14 created to read:

15 291.53 Reserve funds and appropriations.--The
16 authority may create and establish one or more special funds,
17 each to be known as a bond reserve fund, and shall pay into
18 each bond reserve fund any moneys appropriated and made
19 available by the state for the purpose of the fund, any
20 proceeds of sale of notes or bonds to the extent provided in
21 the resolutions of the authority authorizing their issuance,
22 and any other moneys that are available to the authority for
23 the purpose of the fund from any other sources. Moneys held in
24 a bond reserve fund, except as otherwise provided in this act,
25 must be used as required solely for the payment of the
26 principal of bonds secured in whole or in part by the fund or
27 of the sinking fund payments with respect to the bonds, the
28 purchase or redemption of the bonds, the payment of interest
29 on the bonds, or the payments of any redemption premium
30 required to be paid when the bonds are redeemed prior to
31 maturity.

1 Section 15. Section 291.54, Florida Statutes, is
2 created to read:

3 291.54 Remedies of bondholders and noteholders.--

4 (1) If the authority defaults in the payment of
5 principal or interest on an issue of bonds or notes at
6 maturity or upon call for redemption and the default continues
7 for a period of 30 days, or if the authority fails or refuses
8 to comply with this act or defaults in an agreement made with
9 the holders of an issue of bonds or notes, the holders of 25
10 percent of the aggregate principal amount of bonds or notes of
11 the issue then outstanding, by instrument filed in the office
12 of the clerk of the county in which the principal office of
13 the authority is located and proved or acknowledged in the
14 same manner as a deed to be recorded, may appoint a trustee to
15 represent the holders of the bonds or notes for the purposes
16 provided in this section.

17 (2) The authority or any trustee appointed under the
18 indenture under which the bonds are issued may, and upon
19 written request of the holders of 25 percent of the aggregate
20 principal amount of the issue of bonds or notes then
21 outstanding, shall:

22 (a) Enforce all rights of the bondholders or
23 noteholders, including the right to require the authority to
24 carry out its agreements with the holders and to perform its
25 duties under this act.

26 (b) Bring suit upon the bonds or notes.

27 (c) By legal action, require the authority to account
28 as if it were the trustee of an express trust for the holders.

29 (d) By legal action, enjoin any acts or things that
30 are unlawful or in violation of the rights of the holders.

31

1 (e) Declare all the bonds or notes due and payable
2 and, if all defaults are made good and with the consent of the
3 holders of 25 percent of the aggregate principal amount of the
4 issue of bonds or notes then outstanding, annul the
5 declaration and its consequences.

6 (3) The trustee has powers necessary for the exercise
7 of functions specifically set forth in or incident to the
8 general representation of bondholders or noteholders in the
9 enforcement and protection of their rights.

10 (4) Before declaring the principal of bonds or notes
11 due and payable, the trustee shall first give 30 days' notice
12 in writing to the Governor, to the Chief Financial Officer, to
13 the Attorney General, and to the authority.

14 (5) The circuit court has jurisdiction of any action
15 by the trustee on behalf of bondholders or noteholders. The
16 venue of the action shall be in the county in which the
17 principal office of the authority is located.

18 (6) The bondholders or noteholders may, to the extent
19 provided in the resolution to which the bonds or notes were
20 issued or in its agreement with the authority, enforce any of
21 the remedies in paragraphs (2)(a)-(e) or the remedies provided
22 in such proceedings or agreements for and on their own behalf.

23 Section 16. Section 291.55, Florida Statutes, is
24 created to read:

25 291.55 Agreement of the state.--The state pledges and
26 agrees with the holders of any bonds or notes that the state
27 will not limit or alter the rights vested in the authority to
28 fulfill the terms of agreements made with the holders of such
29 bonds or notes or in any way impair the rights and remedies of
30 the holders until the bonds or notes, together with the
31 interest thereon, plus interest on unpaid installments of

1 interest, and all costs and expenses in connection with an
2 action by or on behalf of the holders, are fully met and
3 discharged. The authority may include this pledge and
4 agreement of the state in any agreement with the holders of
5 bonds or notes.

6 Section 17. Section 291.56, Florida Statutes, is
7 created to read:

8 291.56 Bonds and notes as legal investments.--Bonds
9 and notes are securities in which public officers, state
10 departments and agencies, political subdivisions, pension and
11 retirement funds, insurance companies and other persons
12 carrying on an insurance business, banks, trust companies,
13 savings and loan associations, investment companies, credit
14 unions and other persons carrying on a banking business,
15 administrators, executors, guardians, conservators, trustees
16 and other fiduciaries, and other persons authorized to invest
17 in bonds or other obligations of this state may legally invest
18 funds, including capital in their control or belonging to
19 them. The bonds and notes are also securities that may be
20 deposited with and received by public officers, state
21 departments and agencies, and political subdivisions for any
22 purpose for which the deposit of bonds or other obligations of
23 this state is authorized.

24 Section 18. Section 291.57, Florida Statutes, is
25 created to read:

26 291.57 Moneys of the authority.--

27 (1) Moneys of the authority, except as otherwise
28 provided in this act, must be paid to the authority and
29 deposited in a bank or other financial institution designated
30 by the authority. The money may be withdrawn on the order of
31 the person authorized by the authority. Deposits must be

1 secured in the manner determined by the authority. The
2 authority's certified public accountants and the Auditor
3 General shall annually examine the accounts and books of the
4 authority, including its receipts, disbursements, contracts,
5 leases, sinking funds, investments, and any other records and
6 papers relating to its financial standing.

7 (2) The authority may contract with holders of its
8 bonds or notes as to the custody, collection, security,
9 investment, and payment of moneys of the authority, of moneys
10 held in trust or otherwise for the payment of bonds or notes,
11 and to carry out the contract. Moneys held in trust or
12 otherwise for the payment of bonds or notes or in any way to
13 secure bonds or notes and deposits of the moneys may be
14 secured in the same manner as moneys of the authority, and
15 banks and trust companies may give security for the deposits.

16 (3) Subject to the provisions of any contract with
17 bondholders or noteholders, the authority shall prescribe a
18 system of accounts.

19 (4) The authority shall submit to the Governor, the
20 Chief Financial Officer, the President of the Senate, and the
21 Speaker of the House of Representatives, and the Auditor
22 General, within 30 days after its receipt by the authority, a
23 copy of the report of every external examination of the books
24 and accounts of the authority other than copies of the reports
25 of examinations made by the Auditor General.

26 Section 19. Section 291.58, Florida Statutes, is
27 created to read:

28 291.58 Limitation of liability.--Members of the
29 authority and persons acting in its behalf, while acting
30 within the scope of their employment or agency, are not
31 subject to personal liability resulting from carrying out the

1 powers and duties given to the authority under this act, and
2 the authority may carry insurance or other indemnification for
3 any actions arising out of such duties.

4 Section 20. Section 291.59, Florida Statutes, is
5 created to read:

6 291.59 Assistance by state officers, agencies and
7 departments.--States officers, departments, and agencies shall
8 provide services to the authority within their respective
9 functions as requested by the authority.

10 Section 21. Section 291.60, Florida Statutes, is
11 created to read:

12 291.60 Liberal Interpretation.--This act, being
13 necessary for the welfare of this state and its inhabitants,
14 shall be liberally construed to effect its purposes.

15 Section 22. Section 291.61, Florida Statutes, is
16 created to read:

17 291.61 Conflicts of interest.--

18 (1) If a member or employee other than the executive
19 director of the authority has an interest, either direct of
20 indirect, in a contract to which the authority is a party or
21 in a mortgage lender or other lender requesting a loan from or
22 offering to sell mortgage or secured loans to the authority,
23 the interest must be disclosed to the authority in writing and
24 must be set forth in the minutes of the authority. The member
25 or employee having the interest may not participate in an
26 action by the authority with respect to such contract or
27 mortgage lender or other lender.

28 (2) This section does not limit the right of a member,
29 officer, or employee of the authority to acquire an interest
30 in bonds or notes or limit the right of a member or employee
31 other than the executive director to have an interest in a

1 bank, insurance company, or other financial institution in
2 which the funds of the authority are deposited or which is
3 acting as trustee or paying agent under a trust indenture to
4 which the authority is a party. Moreover, this section, except
5 as to the disclosures required by subsection (1), does not
6 preclude an insurance company or financial institution in
7 which an authority board member or employee, other than the
8 executive director, has an interest from placing insurance,
9 funding bonds, or acquiring or selling notes, mortgages, or
10 other obligations of the authority.

11 (3) The executive director may not have an interest in
12 a bank or other financial institution in which the funds of
13 the authority are deposited or which is acting as trustee or
14 paying agent under a trust indenture to which the authority is
15 a party. The executive director may not receive, in addition
16 to fixed salary or compensation, any money or valuable thing,
17 either directly or indirectly or through any substantial
18 interest in any other corporation or business unit, for
19 negotiating, procuring, recommending, or aiding in any
20 purchase or sale of property or loan made by the authority,
21 nor may the executive director have a pecuniary interest,
22 either as principal, co-principal, agent, or beneficiary,
23 either directly or indirectly or through any substantial
24 interest, in any other corporation or business unit that is
25 involved with the authority, in any purchase, sale, or loan.

26 Section 23. Section 291.62, Florida Statutes, is
27 created to read:

28 291.62 Exemption from competitive bid laws.--The
29 authority and all contracts made by it in carrying out its
30 public and essential governmental functions are exempt from
31

1 the laws of the state which provide for competitive bids in
2 connection with such contracts.

3 Section 24. Section 291.63, Florida Statutes, is
4 created to read:

5 291.63 Trust assets.--The authority shall apply to the
6 United States Secretary of Agriculture, or any other proper
7 federal official, pursuant and subject to the provisions of
8 Pub. L. No. 499, 64 Stat. 152 (1950) formerly codified 40
9 U.S.C. 440 et seq. (1976), for the transfer of the trust
10 assets held by the United States in trust for the Florida
11 Rural Rehabilitation Corporation, now dissolved.

12 Section 25. Section 291.64, Florida Statutes, is
13 created to read:

14 291.64 Agreements.--The authority may enter into
15 agreements with the United States Secretary of Agriculture
16 pursuant to Pub. L. No. 499 s. 2(f) (1950), upon terms and
17 conditions and for periods of time as mutually agreeable,
18 authorizing the authority to accept, administer, expend, and
19 use in this state all or any part of the trust assets or other
20 funds in this state which have been appropriated for use in
21 carrying out the purposes of the Bankhead-Jones Farm Tenant
22 Act and to do all things necessary to effectuate and carry out
23 the purposes of those agreements.

24 Section 26. Section 291.65, Florida Statutes, is
25 created to read:

26 291.65 Liability.--The United States, the authority,
27 and the United States Secretary of Agriculture shall be held
28 free from liability by virtue of the transfer of assets to the
29 Florida Rural Economic Development Authority as specified in
30 this act.

31

1 Section 27. Section 159.8082, Florida Statutes, is
2 created to read:

3 159.8082 Rural economic development bond pool.--

4 (1) There is established the rural economic
5 development bond pool. The rural economic development bond
6 pool is available solely to provide written confirmations for
7 private activity bonds to the Florida Rural Economic
8 Development Authority to finance rural economic development as
9 described in ss. 291.40-291.65. Allocations from this pool
10 must be awarded for statewide use pursuant to the procedures
11 specified in s. 159.805, except that s. 159.805(2) and (3) do
12 not apply. In issuing written confirmations of allocations for
13 rural economic development projects, the division must use the
14 rural economic development bond pool. If allocation is not
15 available from the rural economic development bond pool, the
16 division must issue written confirmations of allocations for
17 rural economic development projects under s. 159.806 or s.
18 159.807, in that order. For the purposes of determining
19 priority within a regional allocation pool or the state
20 allocation pool, notices of intent to issue bonds for rural
21 economic development projects to be issued from a regional
22 allocation pool or the state allocation pool are considered to
23 have been received by the division at the time it is
24 determined by the division that the rural economic development
25 bond pool is unavailable to issue confirmation for such a
26 rural development project.

27 (2) A written confirmation issued by the director
28 under this section has no effect unless the bonds to which the
29 confirmation applies have been issued by the Florida Rural
30 Economic Development Authority and written notice of such
31 issuance has been provided to the director on or before

1 November 15, unless a carryforward has been granted for the
2 allocation.

3 Section 28. Section 159.804, Florida Statutes, is
4 amended to read:

5 159.804 Allocation of state volume limitation.--The
6 division shall annually determine the amount of private
7 activity bonds permitted to be issued in this state under the
8 Code and shall make such information available upon request to
9 any person or agency. The total amount of private activity
10 bonds authorized to be issued in this state pursuant to the
11 Code shall be initially allocated as follows on January 1 of
12 each year:

13 (1)(a) On January 1, 1993, the first \$75 million of
14 the state volume limitation shall be allocated to the
15 manufacturing facility pool established pursuant to s.
16 159.8081. This allocation shall be increased in subsequent
17 years in increments of \$7.5 million as follows: On January 1
18 of each year, if at least 75 percent of the preceding year's
19 allocation under this subsection was used to issue bonds by
20 November 15 of that year, the allocation to the pool for the
21 current year must equal the sum of the amount that was
22 allocated to the pool in the preceding year plus an additional
23 \$7.5 million. If, however, 75 percent of the preceding year's
24 allocation was not used to issue bonds by November 15, the
25 allocation to the pool for the current year must be the same
26 amount as that allocated to the pool in the preceding year.

27 (b) On January 1, 2005, the next \$25 million of the
28 state volume limitation shall be allocated to the rural
29 economic development bond pool established under s. 159.8082.
30 This allocation shall be increased in subsequent years in
31 increments of \$5 million as follows: on January 1 of each

1 year, if at least 75 percent of the preceding year's
2 allocation under this subsection was used to issue bonds by
3 November 15 of that year, the allocation to the pool for the
4 current year must equal the sum of the amount that was
5 allocated to the pool in the preceding year plus an additional
6 \$5 million; if, however, 75 percent of the preceding year's
7 allocation was not used to issue bonds by November 15, the
8 allocation to the pool for the current year must be the same
9 amount as that allocated to the pool in the preceding year.

10 ~~(c)(b)~~ If on January 1 of any year, under federal law,
11 bonds for manufacturing facilities or rural economic
12 development no longer require or are eligible for an
13 allocation pursuant to s. 146 of the Code, or if a separate
14 volume cap is established for rural economic development bonds
15 under federal law, the allocation of the state volume
16 limitation in the manufacturing facility pool or rural
17 economic development pool, or both if applicable, shall be
18 divided among the remaining pools in the following manner: 50
19 percent to be shared by the 17 regions for use in the manner
20 prescribed in subsection (2); 25 percent for use by the
21 Florida Housing Finance Corporation in the manner prescribed
22 in subsection (3); 5 percent for use in the state allocation
23 pool in the manner prescribed in subsection (4); and 20
24 percent for use in the Florida First Business allocation pool
25 in the manner prescribed in subsection (5).

26 ~~(d)(e)~~ If the state volume limitation imposed on
27 private activity bonds under s. 146 of the Code is decreased,
28 the amount allocated to the manufacturing facility pool shall
29 be decreased in proportion to the percentage the state volume
30 limitation is decreased.

31

1 (2)(a) Fifty percent of the state volume limitation
2 remaining after the allocations ~~allocation~~ made pursuant to
3 subsection (1) shall be allocated among the regions
4 established in paragraph (b) for use by all agencies whose
5 boundaries are coterminous with or contained within each
6 region. The volume limitation for each regional allocation
7 pool must be an amount that bears the same ratio to 50 percent
8 of the state volume limitation remaining after the allocations
9 ~~allocation~~ made pursuant to subsection (1) for such calendar
10 year as the population of the region bears to the population
11 of the entire state.

12 (b) The following regions are established for the
13 purposes of this allocation:

14 1. Region 1 consisting of Bay, Escambia, Holmes,
15 Okaloosa, Santa Rosa, Walton, and Washington Counties.

16 2. Region 2 consisting of Calhoun, Franklin, Gadsden,
17 Gulf, Jackson, Jefferson, Leon, Liberty, and Wakulla Counties.

18 3. Region 3 consisting of Alachua, Bradford, Columbia,
19 Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee,
20 Taylor, and Union Counties.

21 4. Region 4 consisting of Baker, Clay, Flagler,
22 Nassau, Putnam, and St. Johns Counties.

23 5. Region 5 consisting of Citrus, Hernando, Levy,
24 Marion, Pasco, and Sumter Counties.

25 6. Region 6 consisting of Lake, Osceola, and Seminole
26 Counties.

27 7. Region 7 consisting of DeSoto, Hardee, Highlands,
28 Manatee, Okeechobee, and Polk Counties.

29 8. Region 8 consisting of Charlotte, Collier, Glades,
30 Hendry, Lee, Monroe, and Sarasota Counties.

31

1 9. Region 9 consisting of Indian River, Martin, and
2 St. Lucie Counties.

3 10. Region 10 consisting of Broward County.

4 11. Region 11 consisting of Dade County.

5 12. Region 12 consisting of Duval County.

6 13. Region 13 consisting of Hillsborough County.

7 14. Region 14 consisting of Orange County.

8 15. Region 15 consisting of Palm Beach County.

9 16. Region 16 consisting of Pinellas County.

10 17. Region 17 consisting of Brevard and Volusia
11 Counties.

12 (3)(a) Twenty-five percent of the state volume
13 limitation remaining after the allocations ~~allocation~~ made
14 pursuant to subsection (1) shall be allocated to the Florida
15 Housing Finance Agency Corporation ~~Agency Corporation~~ for use in connection with
16 the issuance of housing bonds of that corporation or its
17 assigns.

18 (b) The Florida Housing Finance Agency Corporation ~~Agency Corporation~~
19 need not apply to the division for an allocation of its volume
20 limitation granted under paragraph (a) for bonds it issues
21 prior to July 1 of any year and is not subject to the fee
22 required under s. 159.811. However, for bonds it intends to
23 issue between July 1 and September 29 of any year, utilizing
24 the allocation granted under paragraph (a), the Florida
25 Housing Finance Agency Corporation ~~Agency Corporation~~ must submit a notice of
26 intent to issue to the division not later than June 30 of such
27 year, and a written confirmation of allocation shall be
28 granted if a sufficient amount of that allocation is
29 available.

30 (c) The Florida Housing Finance Agency Corporation ~~Agency Corporation~~, in
31 its discretion, may, prior to July 1 of each year, assign any

1 | portion of the Florida Housing Finance ~~Agency Corporation~~
2 | allocation to any agency for the issuance of housing bonds,
3 | taking into consideration the ability of the agency to timely
4 | issue such bonds, the need and public purpose to be served by
5 | the issue, and the ability of the agency to comply with the
6 | requirements of federal and state law. Such an assignment is
7 | not effective until receipt by the division of notification of
8 | the assignment. A separate allocation from the division is
9 | not needed for bonds issued prior to July 1 utilizing such an
10 | assignment. An agency that intends to utilize such an
11 | assignment to issue housing bonds between July 1 and September
12 | 29 of any year must submit a notice of intent to issue to the
13 | division for the amount of such assignment not later than June
14 | 30, and a written confirmation of allocation shall be granted
15 | if a sufficient amount of the allocation under paragraph (a)
16 | is available. Any amounts representing assignments of which
17 | the division had been notified by the Florida Housing Finance
18 | ~~Agency Corporation~~ but for which an issuance report or notice
19 | of intent to issue pursuant to this subsection has not been
20 | received by the division by June 30 of any year shall be
21 | reallocated to the state allocation pool on July 1 of that
22 | year.

23 | (4) Five percent of the state volume limitation
24 | remaining after the allocations ~~allocation~~ made pursuant to
25 | subsection (1) shall be allocated to the state allocation
26 | pool, for use as provided in s. 159.807.

27 | (5) Twenty percent of the state volume limitation
28 | remaining after the allocations ~~allocation~~ made pursuant to
29 | subsection (1) shall be allocated to the Florida First
30 | Business allocation pool, to be used as provided in s.
31 | 159.8083.

1 Section 29. Subsections (3) and (4) of section
2 159.809, Florida Statutes, are amended to read:

3 159.809 Recapture of unused amounts.--

4 (3) On October 1 of each year, any portion of the
5 allocation made to the Florida First Business allocation pool
6 pursuant to s. 159.804(5) or subsection (1) or subsection (2),
7 which is eligible for carryforward pursuant to s. 146(f) of
8 the Code but which has not been certified for carryforward by
9 the Office of Tourism, Trade, and Economic Development, after
10 allocating an amount equal to the amount allocated to the
11 Florida rural economic development pool under s. 159.804(1),
12 shall be returned pro rata to the Florida First Business
13 allocation pool.

14 (4) On November 16 of each year, any portion of the
15 initial allocation, made pursuant to s. 159.804(1), s.
16 159.804(5), or subsection (1) or, ~~or~~ subsection (2), ~~or~~
17 ~~subsection (3)~~, other than as provided in s. 159.8083, for
18 which an issuance report for bonds utilizing such an
19 allocation has not been received by the division prior to that
20 date shall be added to the state allocation pool.

21 Section 30. This act shall take effect upon becoming a
22 law.

SENATE SUMMARY

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Creates the "Florida Rural Economic Development Act."
Establishes the Florida Rural Economic Development
Authority. Authorizes loans and grants for the
improvement of agricultural land and facilities, for
providers and producers of biomass and renewable energy
technology and products and equipment and facilities, and
for animal waste treatment and byproduct-conversion
facilities. Provides for the issuance of bonds. Limits
legal liability. Authorizes a rural development loan
assistance program. Establishes the rural economic
development pool. Provides for specific allocations of
state volume limitations to the pool. Specifies
requirements for bond issuance reports that are not
received. (See bill for details.)