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CHAMBER ACTION

Senate

House

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4/16/2008 1:26 PM

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1 Senator Fasano moved the following **amendment**:

2  
3 **Senate Amendment (title amendment)**

4 Between line(s) 1649-1650

5 insert:

6 Section 12. Subsection (5) of section 220.191, Florida  
7 Statutes, is amended to read:

8 220.191 Capital investment tax credit.--

9 (5) Applications shall be reviewed and certified pursuant  
10 to s. 288.061. The office, upon a recommendation by Enterprise  
11 Florida, Inc., shall first certify a business as eligible to  
12 receive tax credits pursuant to this section prior to the  
13 commencement of operations of a qualifying project, and such  
14 certification shall be transmitted to the Department of Revenue.  
15 Upon receipt of the certification, the Department of Revenue  
16 shall enter into a written agreement with the qualifying business



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17 specifying, at a minimum, the method by which income generated by  
18 or arising out of the qualifying project will be determined.

19 Section 13. Subsection (2) of section 288.065, Florida  
20 Statutes, is amended to read:

21 288.065 Rural Community Development Revolving Loan Fund.--

22 (2) The program shall provide for long-term loans, loan  
23 guarantees, and loan loss reserves to units of local governments,  
24 or economic development organizations substantially underwritten  
25 by a unit of local government, within counties with populations  
26 of 75,000 or less, or any county that has a population of 120,000  
27 ~~100,000~~ or less and is contiguous to a county with a population  
28 of 75,000 or less, as determined by the most recent official  
29 estimate pursuant to s. 186.901, residing in incorporated and  
30 unincorporated areas of the county, or to units of local  
31 government, or economic development organizations substantially  
32 underwritten by a unit of local government, within a rural area  
33 of critical economic concern. Requests for loans shall be made by  
34 application to the Office of Tourism, Trade, and Economic  
35 Development. Loans shall be made pursuant to agreements  
36 specifying the terms and conditions agreed to between the  
37 applicant and the Office of Tourism, Trade, and Economic  
38 Development. The loans shall be the legal obligations of the  
39 applicant. All repayments of principal and interest shall be  
40 returned to the loan fund and made available for loans to other  
41 applicants. However, in a rural area of critical economic concern  
42 designated by the Governor, and upon approval by the Office of  
43 Tourism, Trade, and Economic Development, repayments of principal  
44 and interest may be retained by the applicant if such repayments  
45 are dedicated and matched to fund regionally based economic



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46 development organizations representing the rural area of critical  
47 economic concern.

48 Section 14. Paragraphs (b) and (e) of subsection (2) and  
49 subsection (3) of section 288.0655, Florida Statutes, are amended  
50 to read:

51 288.0655 Rural Infrastructure Fund.--

52 (2)

53 (b) To facilitate access of rural communities and rural  
54 areas of critical economic concern as defined by the Rural  
55 Economic Development Initiative to infrastructure funding  
56 programs of the Federal Government, such as those offered by the  
57 United States Department of Agriculture and the United States  
58 Department of Commerce, and state programs, including those  
59 offered by Rural Economic Development Initiative agencies, and to  
60 facilitate local government or private infrastructure funding  
61 efforts, the office may award grants for up to 30 percent of the  
62 total infrastructure project cost. If an application for funding  
63 is for a catalyst site, as defined in s. 288.0656, the office may  
64 award grants for up to 40 percent of the total infrastructure  
65 project cost. Eligible projects must be related to specific job-  
66 creation or job-retention opportunities. Eligible projects may  
67 also include improving any inadequate infrastructure that has  
68 resulted in regulatory action that prohibits economic or  
69 community growth or reducing the costs to community users of  
70 proposed infrastructure improvements that exceed such costs in  
71 comparable communities. Eligible uses of funds shall include  
72 improvements to public infrastructure for industrial or  
73 commercial sites and upgrades to or development of public tourism  
74 infrastructure. Authorized infrastructure may include the  
75 following public or public-private partnership facilities: storm



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76 water systems; telecommunications facilities; broadband; roads or  
77 other remedies to transportation impediments; nature-based  
78 tourism facilities; or other physical requirements necessary to  
79 facilitate tourism, trade, and economic development activities in  
80 the community. Authorized infrastructure may also include  
81 publicly or privately owned self-powered nature-based tourism  
82 facilities; telecommunications; broadband; and additions to the  
83 distribution facilities of the existing natural gas utility as  
84 defined in s. 366.04(3)(c), the existing electric utility as  
85 defined in s. 366.02, or the existing water or wastewater utility  
86 as defined in s. 367.021(12), or any other existing water or  
87 wastewater facility, which owns a gas or electric distribution  
88 system or a water or wastewater system in this state where:

89 1. A contribution-in-aid of construction is required to  
90 serve public or public-private partnership facilities under the  
91 tariffs of any natural gas, electric, water, or wastewater  
92 utility as defined herein; and

93 2. Such utilities as defined herein are willing and able to  
94 provide such service.

95 (e) To enable local governments to access the resources  
96 available pursuant to s. 403.973(19), the office may award grants  
97 for surveys, feasibility studies, and other activities related to  
98 the identification and preclearance review of land which is  
99 suitable for preclearance review. Authorized grants under this  
100 paragraph shall not exceed \$75,000 each, except in the case of a  
101 project in a rural area of critical economic concern, in which  
102 case the grant shall not exceed \$300,000. Any funds awarded under  
103 this paragraph must be matched at a level of 50 percent with  
104 local funds, except that any funds awarded for a project in a  
105 rural area of critical economic concern must be matched at a



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106 | level of 33 percent with local funds. If an application for  
107 | funding is for a catalyst site, as defined in s. 288.0656, the  
108 | requirement for local match may be waived. In evaluating  
109 | applications under this paragraph, the office shall consider the  
110 | extent to which the application seeks to minimize administrative  
111 | and consultant expenses.

112 |         (3) The office, in consultation with Enterprise Florida,  
113 | Inc., VISIT Florida, the Department of Environmental Protection,  
114 | and the Florida Fish and Wildlife Conservation Commission, as  
115 | appropriate, shall review and certify applications pursuant to s.  
116 | 288.061. The review shall include an evaluation of ~~and evaluate~~  
117 | the economic benefit of the projects and their long-term  
118 | viability. The office shall have final approval for any grant  
119 | under this section ~~and must make a grant decision within 30 days~~  
120 | ~~of receiving a completed application.~~

121 |         Section 15. Section 288.0656, Florida Statutes, is amended  
122 | to read:

123 |         288.0656 Rural Economic Development Initiative.--

124 |         (1) (a) Recognizing that rural communities and regions  
125 | continue to face extraordinary challenges in their efforts to  
126 | achieve significant improvements to their economies, specifically  
127 | in terms of personal income, job creation, average wages, and  
128 | strong tax bases, it is the intent of the Legislature to  
129 | encourage and facilitate the location and expansion in such rural  
130 | communities of major economic development projects of significant  
131 | scale.

132 |         (b) The Rural Economic Development Initiative, known as  
133 | "REDI," is created within the Office of Tourism, Trade, and  
134 | Economic Development, and the participation of state and regional  
135 | agencies in this initiative is authorized.



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136 (2) As used in this section, the term:

137 (a) "Catalyst project" means a business locating or  
138 expanding in a rural area of critical economic concern that will  
139 serve as an economic growth opportunity of regional significance  
140 for the growth of a regional target industry cluster. The project  
141 will provide capital investment of significant scale which will  
142 affect the entire region and the development of high-wage and  
143 high-skill jobs.

144 (b) "Catalyst site" means a parcel or parcel of lands  
145 within a rural area of critical economic concern that has been  
146 prioritized as a geographic site for economic development through  
147 partnerships with state, regional, and local organizations. The  
148 site must be reviewed by REDI, and approved by the Office of  
149 Tourism, Trade, and Economic Development for purposes of locating  
150 a catalyst project.

151 (c) ~~(a)~~ "Economic distress" means conditions affecting the  
152 fiscal and economic viability of a rural community, including  
153 such factors as low per capita income, low per capita taxable  
154 values, high unemployment, high underemployment, low weekly  
155 earned wages compared to the state average, low housing values  
156 compared to the state average, high percentages of the population  
157 receiving public assistance, high poverty levels compared to the  
158 state average, and a lack of year-round stable employment  
159 opportunities.

160 (d) "Rural area of critical economic concern" means a rural  
161 community, or a region composed of rural communities, designated  
162 by the Governor, that has been adversely affected by an  
163 extraordinary economic event, severe or chronic distress, or a  
164 natural disaster or that presents a unique economic development  
165 opportunity of regional impact.



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166        (e)~~(b)~~ "Rural community" means:  
167            1. A county with a population of 75,000 or less.  
168            2. A county with a population of 120,000 ~~100,000~~ or less  
169 that is contiguous to a county with a population of 75,000 or  
170 less.  
171            3. A municipality within a county described in subparagraph  
172 1. or subparagraph 2.  
173            4. An unincorporated federal enterprise community or an  
174 incorporated rural city with a population of 25,000 or less and  
175 an employment base focused on traditional agricultural or  
176 resource-based industries, located in a county not defined as  
177 rural, which has at least three or more of the economic distress  
178 factors identified in paragraph (a) and verified by the Office of  
179 Tourism, Trade, and Economic Development.  
180  
181 For purposes of this paragraph, population shall be determined in  
182 accordance with the most recent official estimate pursuant to s.  
183 186.901.  
184            (3) REDI shall be responsible for coordinating and focusing  
185 the efforts and resources of state and regional agencies on the  
186 problems which affect the fiscal, economic, and community  
187 viability of Florida's economically distressed rural communities,  
188 working with local governments, community-based organizations,  
189 and private organizations that have an interest in the growth and  
190 development of these communities to find ways to balance  
191 environmental and growth management issues with local needs.  
192            (4) REDI shall review and evaluate the impact of statutes  
193 and rules on rural communities and shall work to minimize any  
194 adverse impact and undertake outreach and capacity building  
195 efforts.



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196 (5) REDI shall facilitate better access to state resources  
197 by promoting direct access and referrals to appropriate state and  
198 regional agencies and statewide organizations. REDI may undertake  
199 outreach, capacity-building, and other advocacy efforts to  
200 improve conditions in rural communities. These activities may  
201 include sponsorship of conferences and achievement awards.

202 (6) (a) By August 1 of each year, the head of each of the  
203 following agencies and organizations shall designate a high-level  
204 staff person from within the agency or organization to serve as  
205 the REDI representative for the agency or organization:

- 206 1. The Department of Community Affairs.
- 207 2. The Department of Transportation.
- 208 3. The Department of Environmental Protection.
- 209 4. The Department of Agriculture and Consumer Services.
- 210 5. The Department of State.
- 211 6. The Department of Health.
- 212 7. The Department of Children and Family Services.
- 213 8. The Department of Corrections.
- 214 9. The Agency for Workforce Innovation.
- 215 10. The Department of Education.
- 216 11. The Department of Juvenile Justice.
- 217 12. The Fish and Wildlife Conservation Commission.
- 218 13. Each water management district.
- 219 14. Enterprise Florida, Inc.
- 220 15. Workforce Florida, Inc.
- 221 16. The Florida Commission on Tourism or VISIT Florida.
- 222 17. The Florida Regional Planning Council Association.
- 223 18. The Agency for Health Care Administration ~~Florida State~~  
224 ~~Rural Development Council.~~
- 225 19. The Institute of Food and Agricultural Sciences (IFAS).





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227 An alternate for each designee shall also be chosen, and the  
228 names of the designees and alternates shall be sent to the  
229 director of the Office of Tourism, Trade, and Economic  
230 Development.

231 (b) Each REDI representative must have comprehensive  
232 knowledge of his or her agency's functions, both regulatory and  
233 service in nature, and of the state's economic goals, policies,  
234 and programs. This person shall be the primary point of contact  
235 for his or her agency with REDI on issues and projects relating  
236 to economically distressed rural communities and with regard to  
237 expediting project review, shall ensure a prompt effective  
238 response to problems arising with regard to rural issues, and  
239 shall work closely with the other REDI representatives in the  
240 identification of opportunities for preferential awards of  
241 program funds and allowances and waiver of program requirements  
242 when necessary to encourage and facilitate long-term private  
243 capital investment and job creation.

244 (c) The REDI representatives shall work with REDI in the  
245 review and evaluation of statutes and rules for adverse impact on  
246 rural communities and the development of alternative proposals to  
247 mitigate that impact.

248 (d) Each REDI representative shall be responsible for  
249 ensuring that each district office or facility of his or her  
250 agency is informed about the Rural Economic Development  
251 Initiative and for providing assistance throughout the agency in  
252 the implementation of REDI activities.

253 (7) (a) REDI may recommend to the Governor up to three rural  
254 areas of critical economic concern. ~~A rural area of critical~~  
255 ~~economic concern must be a rural community, or a region composed~~



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256 ~~of such, that has been adversely affected by an extraordinary~~  
257 ~~economic event or a natural disaster or that presents a unique~~  
258 ~~economic development opportunity of regional impact that will~~  
259 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor  
260 may by executive order designate up to three rural areas of  
261 critical economic concern which will establish these areas as  
262 priority assignments for REDI as well as to allow the Governor,  
263 acting through REDI, to waive criteria, requirements, or similar  
264 provisions of any economic development incentive. Such incentives  
265 shall include, but not be limited to: the Qualified Target  
266 Industry Tax Refund Program under s. 288.106, the Quick Response  
267 Training Program under s. 288.047, the Quick Response Training  
268 Program for participants in the welfare transition program under  
269 s. 288.047(8), transportation projects under s. 288.063, the  
270 brownfield redevelopment bonus refund under s. 288.107, and the  
271 rural job tax credit program under ss. 212.098 and 220.1895.

272 (b) Designation as a rural area of critical economic  
273 concern under this subsection shall be contingent upon the  
274 execution of a memorandum of agreement among the Office of  
275 Tourism, Trade, and Economic Development; the governing body of  
276 the county; and the governing bodies of any municipalities to be  
277 included within a rural area of critical economic concern. Such  
278 agreement shall specify the terms and conditions of the  
279 designation, including, but not limited to, the duties and  
280 responsibilities of the county and any participating  
281 municipalities to take actions designed to facilitate the  
282 retention and expansion of existing businesses in the area, as  
283 well as the recruitment of new businesses to the area.

284 (c) Each rural area of critical economic concern may  
285 designate catalyst projects, provided that each catalyst project



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286 is specifically recommended by REDI, identified as a catalyst  
287 project by Enterprise Florida, Inc., and confirmed as a catalyst  
288 project by the Office of Tourism, Trade, and Economic  
289 Development. All state agencies and departments shall use all  
290 available tools and resources to the extent permissible by law to  
291 promote the creation and development of each catalyst project and  
292 the development of catalyst sites.

293 (8) REDI shall assist local governments within rural areas  
294 of critical economic concern with comprehensive planning needs  
295 with efforts that further the provisions of this section. Such  
296 assistance shall reflect a multidisciplinary approach among all  
297 agencies and shall include economic development and planning  
298 objectives.

299 (a) A local government may request assistance in the  
300 preparation of comprehensive plan amendments, pursuant to part II  
301 of chapter 163, that will stimulate economic activity.

302 1. The local government must contact the Office of Tourism,  
303 Trade, and Economic Development to request assistance.

304 2. REDI representatives shall meet with the local  
305 government within 15 days after such request to develop the scope  
306 of assistance that will be provided to assist the development,  
307 transmittal, and adoption of the proposed comprehensive plan  
308 amendment.

309 3. As part of the assistance provided, REDI representatives  
310 shall also identify other needed local and developer actions for  
311 approval of the project and recommend a timeline for the local  
312 government and developer that will minimize project delays.

313 (b) In addition, REDI shall solicit requests each year for  
314 assistance from local governments within a rural area of critical  
315 economic concern to update the future land use element and other



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316 associated elements of the local government's comprehensive plan  
317 to better position the community to respond to economic  
318 development potential within the county or municipality. REDI  
319 shall provide direct assistance to such local governments to  
320 update their comprehensive plans pursuant to this paragraph. At  
321 least one comprehensive planning technical assistance effort  
322 shall be selected each year.

323 (c) REDI shall develop and annually update a technical  
324 assistance manual based upon experiences learned in providing  
325 direct assistance under this subsection.

326 (9)-(8) REDI shall submit a report to the Governor, the  
327 President of the Senate, and the Speaker of the House of  
328 Representatives each year on or before September ~~February~~ 1 on  
329 all REDI activities for the prior fiscal year. This report shall  
330 include a status report on all projects currently being  
331 coordinated through REDI, the number of preferential awards and  
332 allowances made pursuant to this section, the dollar amount of  
333 such awards, and the names of the recipients. The report shall  
334 also include a description of all waivers of program requirements  
335 granted. The report shall also include information as to the  
336 economic impact of the projects coordinated by REDI.

337 Section 16. Subsection (1) of section 288.0657, Florida  
338 Statutes, is amended to read:

339 288.0657 Florida rural economic development strategy  
340 grants.--

341 (1) As used in this section, the term "rural community"  
342 means:

343 (a) A county with a population of 75,000 or less.



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344 (b) A county with a population of 120,000 ~~100,000~~ or less  
345 that is contiguous to a county with a population of 75,000 or  
346 less.

347 (c) A municipality within a county described in paragraph  
348 (a) or paragraph (b).

349

350 For purposes of this subsection, population shall be determined  
351 in accordance with the most recent official estimate pursuant to  
352 s. 186.901.

353 Section 17. In order to carry out the additional rural  
354 economic development responsibilities in this act, one full-time  
355 equivalent position and the recurring sum of \$60,000 for  
356 associated salaries and benefits is appropriated from the General  
357 Revenue Fund to the Office of Tourism, Trade, and Economic  
358 Development.

359 Section 18. Subsection (2) of section 257.193, Florida  
360 Statutes, is amended to read:

361 257.193 Community Libraries in Caring Program.--

362 (2) The purpose of the Community Libraries in Caring  
363 Program is to assist libraries in rural communities, as defined  
364 in s. 288.0656 ~~(2)(b)~~ and subject to the provisions of s.  
365 288.06561, to strengthen their collections and services, improve  
366 literacy in their communities, and improve the economic viability  
367 of their communities.

368 Section 19. Section 288.019, Florida Statutes, is amended  
369 to read:

370 288.019 Rural considerations in grant review and evaluation  
371 processes.--Notwithstanding any other law, and to the fullest  
372 extent possible, the member agencies and organizations of the  
373 Rural Economic Development Initiative (REDI) as defined in s.



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374 288.0656(6)(a) shall review all grant and loan application  
375 evaluation criteria to ensure the fullest access for rural  
376 counties as defined in s. 288.0656~~(2)(b)~~ to resources available  
377 throughout the state.

378 (1) Each REDI agency and organization shall review all  
379 evaluation and scoring procedures and develop modifications to  
380 those procedures which minimize the impact of a project within a  
381 rural area.

382 (2) Evaluation criteria and scoring procedures must provide  
383 for an appropriate ranking based on the proportionate impact that  
384 projects have on a rural area when compared with similar project  
385 impacts on an urban area.

386 (3) Evaluation criteria and scoring procedures must  
387 recognize the disparity of available fiscal resources for an  
388 equal level of financial support from an urban county and a rural  
389 county.

390 (a) The evaluation criteria should weight contribution in  
391 proportion to the amount of funding available at the local level.

392 (b) In-kind match should be allowed and applied as  
393 financial match when a county is experiencing financial distress  
394 through elevated unemployment at a rate in excess of the state's  
395 average by 5 percentage points or because of the loss of its ad  
396 valorem base.

397 (4) For existing programs, the modified evaluation criteria  
398 and scoring procedure must be delivered to the Office of Tourism,  
399 Trade, and Economic Development for distribution to the REDI  
400 agencies and organizations. The REDI agencies and organizations  
401 shall review and make comments. Future rules, programs,  
402 evaluation criteria, and scoring processes must be brought before



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403 a REDI meeting for review, discussion, and recommendation to  
404 allow rural counties fuller access to the state's resources.

405 Section 20. Section 288.06561, Florida Statutes, is amended  
406 to read:

407 288.06561 Reduction or waiver of financial match  
408 requirements.--Notwithstanding any other law, the member agencies  
409 and organizations of the Rural Economic Development Initiative  
410 (REDI), as defined in s. 288.0656(6) (a), shall review the  
411 financial match requirements for projects in rural areas as  
412 defined in s. 288.0656~~(2) (b)~~.

413 (1) Each agency and organization shall develop a proposal  
414 to waive or reduce the match requirement for rural areas.

415 (2) Agencies and organizations shall ensure that all  
416 proposals are submitted to the Office of Tourism, Trade, and  
417 Economic Development for review by the REDI agencies.

418 (3) These proposals shall be delivered to the Office of  
419 Tourism, Trade, and Economic Development for distribution to the  
420 REDI agencies and organizations. A meeting of REDI agencies and  
421 organizations must be called within 30 days after receipt of such  
422 proposals for REDI comment and recommendations on each proposal.

423 (4) Waivers and reductions must be requested by the county  
424 or community, and such county or community must have three or  
425 more of the factors identified in s. 288.0656(2) (a).

426 (5) Any other funds available to the project may be used  
427 for financial match of federal programs when there is fiscal  
428 hardship, and the match requirements may not be waived or  
429 reduced.

430 (6) When match requirements are not reduced or eliminated,  
431 donations of land, though usually not recognized as an in-kind  
432 match, may be permitted.



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433 (7) To the fullest extent possible, agencies and  
434 organizations shall expedite the rule adoption and amendment  
435 process if necessary to incorporate the reduction in match by  
436 rural areas in fiscal distress.

437 (8) REDI shall include in its annual report an evaluation  
438 on the status of changes to rules, number of awards made with  
439 waivers, and recommendations for future changes.

440 Section 22. Paragraph (d) of subsection (15) of section  
441 627.6699, Florida Statutes, is amended to read:

442 627.6699 Employee Health Care Access Act.--

443 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

444 (d) Eligibility.--

445 1. Any small employer that is actively engaged in business,  
446 has its principal place of business in this state, employs up to  
447 25 eligible employees on business days during the preceding  
448 calendar year, employs at least 2 employees on the first day of  
449 the plan year, and has had no prior coverage for the last 6  
450 months may participate.

451 2. Any municipality, county, school district, or hospital  
452 employer located in a rural community as defined in s.  
453 288.0656 ~~(2) (b)~~ may participate.

454 3. Nursing home employers may participate.

455 4. Each dependent of a person eligible for coverage is also  
456 eligible to participate.

457 Any employer participating in the program must do so until the  
458 end of the term for which the carrier providing the coverage is  
459 obligated to provide such coverage to the program. Coverage for a  
460 small employer group that ceases to meet the eligibility  
461 requirements of this section may be terminated at the end of the  
462 policy period for which the necessary premiums have been paid.





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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On line(s) 56, after the semicolon  
insert:

amending s. 220.191, F.S.; requiring applications for capital investment tax credits to be reviewed under a specified provision; amending s. 288.063, F.S.; requiring that adoption of criteria by which certain transportation projects are to be specified and identified be done in accordance with a specified provision; amending s. 288.065, F.S.; revising Rural Community Development Revolving Loan Fund program requirements; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; providing for waiver of the local matching requirement; expanding eligible facilities for authorized infrastructure projects; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing certain additional review and action requirements for REDI relating to rural communities; revising representation on REDI; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and



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493 requirements for such assistance; revising certain  
494 reporting requirements for REDI; amending s. 288.0657,  
495 F.S.; revising the definition for a rural community;  
496 providing two full-time equivalent position and an  
497 appropriation for the Office of Tourism, Trade, and  
498 Economic Development; amending ss. 257.193, 288.019,  
499 288.06561, and 627.6699, F.S.; conforming cross-  
500 references;