

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to rural areas of opportunity;
3 amending s. 212.098, F.S.; revising definitions;
4 authorizing Enterprise Florida, Inc., to make certain
5 recommendations; increasing the value of tax credits
6 for certain eligible businesses; providing an
7 additional tax credit for certain eligible businesses
8 located within a rural area of opportunity;
9 authorizing certain eligible businesses to apply for
10 an ad valorem tax reimbursement in a specified amount;
11 providing for a sales tax refund for certain eligible
12 businesses; authorizing the Department of Revenue to
13 adopt rules; amending s. 288.018, F.S.; increasing the
14 maximum amount of grant funds that regionally based
15 economic development organizations may receive from
16 the Department of Economic Opportunity; authorizing
17 the department to determine the appropriate amount of
18 nonstate resources to match such grants; amending s.
19 288.0655, F.S.; increasing the maximum percentage of
20 infrastructure project costs for which the department
21 may award grants; revising requirements for eligible
22 projects and eligible uses of funds; amending s.
23 288.106, F.S.; deleting a provision that caps the tax
24 refund amount for certain qualified target industry
25 business tax refund applicants; providing additional
26 criteria for the identification of target industries;
27 exempting certain businesses from the requirement that
28 tax refunds be reduced in the absence of a specified
29 amount of local financial support; amending s.

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290.004, F.S.; revising the definition of the term "rural enterprise zone" to include rural areas of opportunity; amending s. 290.0065, F.S.; specifying that a rural area of opportunity shall be designated as a rural enterprise zone; amending s. 339.63, F.S.; conforming provisions to changes made by the act; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 218.67, 288.065, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; providing an effective date.

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

Section 1. Subsections (1), (2), and (3) of section 212.098, Florida Statutes, are amended, subsection (1) is reordered, subsections (5) through (11) of that section are renumbered as subsections (6) through (12), respectively, and new subsections (5), (13), and (14) are added to that section, to read:

212.098 Rural Job Tax Credit Program.—

(1) As used in this section, the term:

(a) "Eligible business" means a ~~any~~ sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture,

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59 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
60 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
61 storage); SIC 70 (hotels and other lodging places); SIC 7391
62 (research and development); SIC 781 (motion picture production
63 and allied services); SIC 7992 (public golf courses); SIC 7996
64 (amusement parks); and a targeted industry eligible for the
65 qualified target industry business tax refund under s. 288.106.
66 A call center or similar customer service operation that
67 services a multistate market or an international market is also
68 an eligible business. In addition, the Department of Economic
69 Opportunity and Enterprise Florida, Inc., may, as part of their
70 ~~its~~ final budget requests ~~request~~ submitted pursuant to s.
71 216.023, recommend additions to or deletions from the list of
72 standard industrial classifications used to determine an
73 eligible business, and the Legislature may implement such
74 recommendations. Excluded from eligible receipts are receipts
75 from retail sales, except ~~such~~ receipts for hotels and other
76 lodging places classified in SIC 70, public golf courses in SIC
77 7992, and amusement parks in SIC 7996. For purposes of this
78 paragraph, the term "predominantly" means that more than 50
79 percent of the business's gross receipts from all sources is
80 generated by those activities usually provided for consideration
81 by firms in the specified standard industrial classification.
82 The determination of whether the business is located in a
83 qualified county and the tier ranking of that county must be
84 based on the date of application for the credit under this
85 section. Commonly owned and controlled entities are ~~to be~~
86 considered a single business entity.

87 (e) ~~(b)~~ "Qualified employee" means an ~~any~~ employee of an

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88 eligible business who performs duties in connection with the
 89 operations of the business on a regular, full-time basis for an
 90 average of at least 36 hours per week for at least 3 months
 91 within the qualified county in which the eligible business is
 92 located. The term also includes an employee leased from an
 93 employee leasing company licensed under chapter 468, if such
 94 employee has been continuously leased to the employer for an
 95 average of at least 36 hours per week for more than 6 months. An
 96 owner or partner of the eligible business is not a qualified
 97 employee. If an employee meets the qualifications specified in
 98 this paragraph but subsequently fails to work for an average of
 99 at least 36 hours per week in any one month, the employee is
 100 still considered a qualified employee if he or she meets the
 101 qualifications of this paragraph during the next month.

102 (d)(e) "Qualified area" means an ~~any~~ area that is contained
 103 within a rural area of opportunity ~~critical-economic concern~~
 104 designated under s. 288.0656, a county that has a population of
 105 fewer than 75,000 persons, or a county that has a population of
 106 125,000 or less and is contiguous to a county that has a
 107 population of less than 75,000, selected in the following
 108 manner: every third year, the Department of Economic Opportunity
 109 shall rank and tier the state's counties according to the
 110 following four factors:

111 1. Highest unemployment rate for the most recent 36-month
 112 period.

113 2. Lowest per capita income for the most recent 36-month
 114 period.

115 3. Highest percentage of residents whose incomes are below
 116 the poverty level, based upon the most recent data available.

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117 4. Average weekly manufacturing wage, based upon the most
118 recent data available.

119 (c)~~(d)~~ "New business" means an ~~any~~ eligible business first
120 beginning operation on a site in a qualified county and clearly
121 separate from any other commercial or business operation of the
122 business entity within a qualified county. A business entity
123 that operated an eligible business within a qualified county
124 within the 48 months before the period provided for application
125 by subsection (2) is not considered a new business.

126 (b)~~(e)~~ "Existing business" means an ~~any~~ eligible business
127 that does not meet the criteria for a new business.

128 (2) A new eligible business may apply for a tax credit
129 under this subsection once at any time during its first year of
130 operation. A new eligible business in a qualified area that has
131 at least 10 qualified employees on the date of application shall
132 receive a \$2,000 ~~\$1,000~~ tax credit for each such employee.

133 (3) An existing eligible business may apply for a tax
134 credit under this subsection at any time it is entitled to such
135 credit, except as restricted by this subsection. An existing
136 eligible business with fewer than 50 employees in a qualified
137 area which ~~that~~ on the date of application has at least 20
138 percent more qualified employees than it had 1 year before ~~prior~~
139 ~~to~~ its date of application shall receive a \$2,000 ~~\$1,000~~ tax
140 credit for each such additional employee. An existing eligible
141 business that has 50 employees or more in a qualified area which
142 ~~that~~, on the date of application, has at least 10 more qualified
143 employees than it had 1 year before ~~prior~~ ~~to~~ its date of
144 application shall receive a \$2,000 ~~\$1,000~~ tax credit for each
145 additional employee. An ~~Any~~ existing eligible business that

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146 received a credit under subsection (2) may not apply for the
147 credit under this subsection sooner than 12 months after the
148 application date for the credit under subsection (2).

149 (5) A new eligible business that receives a tax credit
150 under subsection (2) shall receive an additional \$3,000 tax
151 credit for each qualified employee if the new eligible business
152 is located within a rural area of opportunity designated
153 pursuant to s. 288.0656.

154 (13) If a new or existing eligible business takes a credit
155 granted under this section against its corporate income tax
156 liability and the credit exceeds the corporate income tax
157 liability, the eligible business may apply for an ad valorem tax
158 reimbursement equal to the excess amount.

159 (14) Effective January 1, 2015, a new or existing eligible
160 business that receives a tax credit under subsection (2) or
161 subsection (3) is eligible for a tax refund of up to 50 percent
162 of the amount of sales tax paid by the business for electricity.
163 The total amount of tax refunds approved pursuant to this
164 subsection may not exceed \$5 million during any calendar year.
165 The department may adopt rules to administer this subsection.

166 Section 2. Subsection (1) of section 288.018, Florida
167 Statutes, is amended to read:

168 288.018 Regional Rural Development Grants Program.—

169 (1) The department shall establish a matching grant program
170 to provide funding to regionally based economic development
171 organizations representing rural counties and communities for
172 the purpose of building the professional capacity of their
173 organizations. Such matching grants may also be used by an
174 economic development organization to provide technical

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175 assistance to businesses within the rural counties and
176 communities that it serves. The department is authorized to
177 approve, on an annual basis, grants to such regionally based
178 economic development organizations. The maximum amount an
179 organization may receive in any year is \$50,000 ~~will be \$35,000,~~
180 or \$150,000 ~~\$100,000~~ in a rural area of opportunity ~~critical~~
181 ~~economic concern~~ recommended by the Rural Economic Development
182 Initiative and designated by the Governor, and must be matched
183 each year by ~~an equivalent amount of~~ nonstate resources as
184 determined by the department.

185 Section 3. Paragraphs (b), (c), and (e) of subsection (2)
186 of section 288.0655, Florida Statutes, are amended to read:

187 288.0655 Rural Infrastructure Fund.—

188 (2)

189 (b) To facilitate access of rural communities and rural
190 areas of opportunity ~~critical economic concern~~ as defined by the
191 Rural Economic Development Initiative to infrastructure funding
192 programs of the Federal Government, such as those offered by the
193 United States Department of Agriculture and the United States
194 Department of Commerce, and state programs, including those
195 offered by Rural Economic Development Initiative agencies, and
196 to facilitate local government or private infrastructure funding
197 efforts, the department may award grants for up to 40 ~~30~~ percent
198 of the total infrastructure project cost. If an application for
199 funding is for a catalyst site, as defined in s. 288.0656, the
200 department may award grants for up to 50 ~~40~~ percent of the total
201 infrastructure project cost. ~~Eligible projects must be related~~
202 ~~to specific job creation or job retention opportunities.~~
203 Eligible projects may also include improving any inadequate

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204 infrastructure that has resulted in regulatory action that
205 prohibits economic or community growth or reducing the costs to
206 community users of proposed infrastructure improvements that
207 exceed such costs in comparable communities. Eligible uses of
208 funds must ~~shall~~ include site certification costs and
209 improvements to public infrastructure for industrial or
210 commercial sites and upgrades to or development of public
211 tourism infrastructure. Authorized infrastructure may include
212 the following public or public-private partnership facilities:
213 storm water systems; telecommunications facilities; broadband
214 facilities; roads or other remedies to transportation
215 impediments; nature-based tourism facilities; or other physical
216 requirements necessary to facilitate tourism, trade, and
217 economic development activities in the community. Authorized
218 infrastructure may also include publicly or privately owned
219 self-powered nature-based tourism facilities, publicly owned
220 telecommunications facilities, and broadband facilities, and
221 additions to the distribution facilities of the existing natural
222 gas utility as defined in s. 366.04(3)(c), the existing electric
223 utility as defined in s. 366.02, or the existing water or
224 wastewater utility as defined in s. 367.021(12), or any other
225 existing water or wastewater facility that, ~~which~~ owns a gas or
226 electric distribution system or a water or wastewater system in
227 this state where:

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

232 2. Such utilities as defined herein are willing and able to

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233 provide such service.

234 (c) To facilitate timely response and induce the location
235 or expansion of specific job creating opportunities, the
236 department may award grants for infrastructure feasibility
237 studies, design and engineering activities, or other
238 infrastructure planning and preparation activities. Authorized
239 grants shall be up to \$50,000 for an employment project with a
240 business committed to create at least 100 jobs; up to \$150,000
241 for an employment project with a business committed to create at
242 least 300 jobs; and up to \$300,000 for a project in a rural area
243 of opportunity ~~critical economic concern~~. Grants awarded under
244 this paragraph may be used in conjunction with grants awarded
245 under paragraph (b) ~~if, provided that~~ the total amount of both
246 grants does not exceed 40 ~~30~~ percent of the total project cost.
247 In evaluating applications under this paragraph, the department
248 shall consider the extent to which the application seeks to
249 minimize administrative and consultant expenses.

250 (e) To enable local governments to access the resources
251 available pursuant to s. 403.973(18), the department may award
252 grants for surveys, feasibility studies, and other activities
253 related to the identification and preclearance review of land
254 that ~~which~~ is suitable for preclearance review. Authorized
255 grants under this paragraph may ~~shall~~ not exceed \$75,000 each,
256 except for ~~in the case of~~ a project in a rural area of
257 opportunity ~~critical economic concern~~, in which case the grant
258 may ~~shall~~ not exceed \$300,000. Any funds awarded under this
259 paragraph must be matched at a level of 50 percent with local
260 funds, except that any funds awarded for a project in a rural
261 area of opportunity ~~critical economic concern~~ must be matched at

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262 a level of 33 percent with local funds. If an application for
263 funding is for a catalyst site, as defined in s. 288.0656, the
264 requirement for local match may be waived pursuant to the
265 process in s. 288.06561. In evaluating applications under this
266 paragraph, the department shall consider the extent to which the
267 application seeks to minimize administrative and consultant
268 expenses.

269 Section 4. Paragraphs (k) and (q) of subsection (2) and
270 paragraph (d) of subsection (6) of section 288.106, Florida
271 Statutes, are amended to read:

272 288.106 Tax refund program for qualified target industry
273 businesses.—

274 (2) DEFINITIONS.—As used in this section:

275 (k) "Local financial support exemption option" means the
276 option to exercise an exemption from the local financial support
277 requirement available to any applicant whose project is located
278 in a brownfield area, a rural city, or a rural community. ~~Any~~
279 ~~applicant that exercises this option is not eligible for more~~
280 ~~than 80 percent of the total tax refunds allowed such applicant~~
281 ~~under this section.~~

282 (q) "Target industry business" means a corporate
283 headquarters business or any business that is engaged in one of
284 the target industries identified pursuant to the following
285 criteria developed by the department in consultation with
286 Enterprise Florida, Inc.:

287 1. Future growth.—Industry forecasts should indicate strong
288 expectation for future growth in both employment and output,
289 according to the most recent available data. Special
290 consideration should be given to businesses that export goods

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291 to, or provide services in, international markets and businesses
292 that replace domestic and international imports of goods or
293 services.

294 2. Stability.—The industry should not be subject to
295 periodic layoffs, whether due to seasonality or sensitivity to
296 volatile economic variables such as weather. The industry should
297 also be relatively resistant to recession, so that the demand
298 for products of the ~~this~~ industry is not typically subject to
299 decline during an economic downturn.

300 3. High wage.—The industry should pay relatively high wages
301 compared to statewide or area averages.

302 4. Market and resource independent.—The location of
303 industry businesses should not be dependent on Florida markets
304 or resources as indicated by industry analysis, except for
305 businesses in the renewable energy industry.

306 5. Industrial base diversification and strengthening.—The
307 industry should contribute toward expanding or diversifying the
308 state's or area's economic base, as indicated by analysis of
309 employment and output shares compared to national and regional
310 trends. Special consideration should be given to industries that
311 strengthen regional economies by adding value to basic products
312 or building regional industrial clusters as indicated by
313 industry analysis. Special consideration should also be given to
314 the development of strong industrial clusters that include
315 defense and homeland security businesses.

316 6. Positive economic impact.—The industry is expected to
317 have strong positive economic impacts on or benefits to the
318 state or regional economies. Special consideration should be
319 given to industries that facilitate the development of the state

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320 as a hub for domestic and global trade and logistics.

321 7. Rural areas of opportunity.—By July 1, 2014, for
322 existing rural areas of opportunity, and thereafter for both new
323 and existing rural areas of opportunity upon designation or
324 redesignation of such rural areas of opportunity by the
325 Governor, the regionally based economic development organization
326 representing the rural area of opportunity shall, in
327 consultation with Enterprise Florida, Inc., and the department,
328 develop target industries specific to the rural area of
329 opportunity but may not develop any industry specifically
330 prohibited by this chapter. A business in a rural area of
331 opportunity may apply to the department for a waiver of the
332 target industry requirement.

333
334 The term does not include a ~~any~~ business engaged in retail
335 industry activities; an ~~any~~ electrical utility company as
336 defined in s. 366.02(2); a ~~any~~ phosphate or other solid minerals
337 severance, mining, or processing operation; an ~~any~~ oil or gas
338 exploration or production operation; or a ~~any~~ business subject
339 to regulation by the Division of Hotels and Restaurants of the
340 Department of Business and Professional Regulation. Any business
341 within NAICS code 5611 or 5614, office administrative services
342 and business support services, respectively, may be considered a
343 target industry business only after the local governing body and
344 Enterprise Florida, Inc., determine ~~make a determination~~ that
345 the community where the business may locate has conditions
346 affecting the fiscal and economic viability of the local
347 community or area, including but not limited to, factors such as
348 low per capita income, high unemployment, high underemployment,

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349 and a lack of year-round stable employment opportunities, and
350 such conditions may be improved by the location of such a
351 business to the community. By January 1 of every 3rd year,
352 beginning January 1, 2011, the department, in consultation with
353 Enterprise Florida, Inc., economic development organizations,
354 the State University System, local governments, employee and
355 employer organizations, market analysts, and economists, shall
356 review and, as appropriate, revise the list of such target
357 industries and submit the list to the Governor, the President of
358 the Senate, and the Speaker of the House of Representatives.

359 (6) ANNUAL CLAIM FOR REFUND.—

360 (d) A tax refund may not be approved for a qualified target
361 industry business unless the required local financial support
362 has been paid into the account for that refund. If the local
363 financial support provided is less than 20 percent of the
364 approved tax refund, the tax refund must be reduced unless the
365 qualified target industry business is located in a rural area of
366 opportunity. ~~In no event may~~ The tax refund may not exceed an
367 amount that is equal to 5 times the amount of ~~the~~ local
368 financial support received. Further, funding from local sources
369 includes any tax abatement granted to that business under s.
370 196.1995 or the appraised market value of municipal or county
371 land conveyed or provided at a discount to that business. The
372 amount of any tax refund for such business approved under this
373 section must be reduced by the amount of ~~any such~~ tax abatement
374 granted or the value of the land granted, and the limitations in
375 subsection (3) and paragraph (4)(e) must be reduced by the
376 amount of ~~any~~ such tax abatement or the value of the land
377 granted. A report listing all sources of the local financial

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378 support shall be provided to the department when such support is
379 paid to the account.

380 Section 5. Subsection (5) of section 290.004, Florida
381 Statutes, is amended to read:

382 290.004 Definitions relating to Florida Enterprise Zone
383 Act.—As used in ss. 290.001-290.016:

384 (5) "Rural enterprise zone" means a rural area of
385 opportunity designated pursuant to s. 288.0656 or an enterprise
386 zone that is nominated by a county having a population of 75,000
387 or fewer, or a county having a population of 100,000 or fewer
388 which is contiguous to a county having a population of 75,000 or
389 fewer, or by a municipality in such a county, or by such a
390 county and one or more municipalities. An enterprise zone
391 designated in accordance with s. 290.0065(5) (b) is considered to
392 be a rural enterprise zone.

393 Section 6. Subsections (6) and (7) of section 290.0065,
394 Florida Statutes, are renumbered as subsections (7) and (8),
395 respectively, and a new subsection (6) is added to that section,
396 to read:

397 290.0065 State designation of enterprise zones.—

398 (6) Notwithstanding s. 290.0055, a rural area of
399 opportunity designated pursuant to s. 288.0656 shall be
400 designated as a rural enterprise zone.

401 Section 7. Paragraph (b) of subsection (5) of section
402 339.63, Florida Statutes, is amended to read:

403 339.63 System facilities designated; additions and
404 deletions.—

405 (5)

406 (b) A facility designated part of the Strategic Intermodal

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407 System pursuant to paragraph (a) that is within the jurisdiction
 408 of a local government that maintains a transportation
 409 concurrency system shall receive a waiver of transportation
 410 concurrency requirements applicable to Strategic Intermodal
 411 System facilities in order to accommodate any development at the
 412 facility which occurs pursuant to a building permit issued on or
 413 before December 31, 2017, but only if such facility is located:

414 ~~1. Within an area designated pursuant to s. 288.0656(7) as~~
 415 ~~a rural area of critical economic concern;~~

416 ~~2.~~ within a rural enterprise zone, as defined in s.
 417 290.004, or within 15 miles of the boundary of a rural
 418 enterprise zone s. 290.004(5); or

419 ~~3. Within 15 miles of the boundary of a rural area of~~
 420 ~~critical economic concern or a rural enterprise zone.~~

421 Section 8. Paragraph (a) of subsection (1) of section
 422 125.271, Florida Statutes, is amended to read:

423 125.271 Emergency medical services; county emergency
 424 medical service assessments.—

425 (1) As used in this section, the term "county" means:

426 (a) A county that is within a rural area of opportunity
 427 ~~critical economic concern~~ as designated by the Governor pursuant
 428 to s. 288.0656;

429
 430 Once a county has qualified under this subsection, it always
 431 retains the qualification.

432 Section 9. Paragraphs (a), (b), and (e) of subsection (7)
 433 of section 163.3177, Florida Statutes, are amended to read:

434 163.3177 Required and optional elements of comprehensive
 435 plan; studies and surveys.—

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436 (7) (a) The Legislature finds that:

437 1. There are a number of rural agricultural industrial
438 centers in the state that process, produce, or aid in the
439 production or distribution of a variety of agriculturally based
440 products, including, but not limited to, fruits, vegetables,
441 timber, and other crops, and juices, paper, and building
442 materials. Rural agricultural industrial centers have a
443 significant amount of existing associated infrastructure that is
444 used for processing, producing, or distributing agricultural
445 products.

446 2. Such rural agricultural industrial centers are often
447 located within or near communities in which the economy is
448 largely dependent upon agriculture and agriculturally based
449 products. The centers significantly enhance the economy of such
450 communities. However, these agriculturally based communities are
451 often socioeconomically challenged and designated as rural areas
452 of opportunity ~~critical economic concern~~. If such rural
453 agricultural industrial centers are lost and not replaced with
454 other job-creating enterprises, the agriculturally based
455 communities will lose a substantial amount of their economies.

456 3. The state has a compelling interest in preserving the
457 viability of agriculture and protecting rural agricultural
458 communities and the state from the economic upheaval that would
459 result from short-term or long-term adverse changes in the
460 agricultural economy. To protect these communities and promote
461 viable agriculture for the long term, it is essential to
462 encourage and permit diversification of existing rural
463 agricultural industrial centers by providing for jobs that are
464 not solely dependent upon, but are compatible with and

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465 complement, existing agricultural industrial operations and to
 466 encourage the creation and expansion of industries that use
 467 agricultural products in innovative ways. However, the expansion
 468 and diversification of these existing centers must be
 469 accomplished in a manner that does not promote urban sprawl into
 470 surrounding agricultural and rural areas.

471 (b) As used in this subsection, the term "rural
 472 agricultural industrial center" means a developed parcel of land
 473 in an unincorporated area on which there exists an operating
 474 agricultural industrial facility or facilities that employ at
 475 least 200 full-time employees in the aggregate and process and
 476 prepare for transport a farm product, as defined in s. 163.3162,
 477 or any biomass material that could be used, directly or
 478 indirectly, for the production of fuel, renewable energy,
 479 bioenergy, or alternative fuel as defined by law. The center may
 480 also include land contiguous to the facility site which is not
 481 used for the cultivation of crops, but on which other existing
 482 activities essential to the operation of such facility or
 483 facilities are located or conducted. The parcel of land must be
 484 located within, or within 10 miles of, a rural area of
 485 opportunity ~~critical economic concern~~.

486 (e) ~~Nothing in~~ This subsection does not ~~shall be construed~~
 487 ~~to~~ confer the status of rural area of opportunity ~~critical~~
 488 ~~economic concern~~, or any of the rights or benefits derived from
 489 such status, on any land area not otherwise designated as such
 490 pursuant to s. 288.0656(7).

491 Section 10. Subsection (3) of section 163.3187, Florida
 492 Statutes, is amended to read:

493 163.3187 Process for adoption of small-scale comprehensive

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494 plan amendment.—

495 (3) If the small scale development amendment involves a
 496 site within a rural area of opportunity ~~critical-economic~~
 497 ~~concern~~ as defined under s. 288.0656(2)(~~d~~) for the duration of
 498 such designation, the 10-acre limit listed in subsection (1)
 499 shall be increased by 100 percent to 20 acres. The local
 500 government approving the small scale plan amendment shall
 501 certify to the Office of Tourism, Trade, and Economic
 502 Development that the plan amendment furthers the economic
 503 objectives set forth in the executive order issued under s.
 504 288.0656(7), and the property subject to the plan amendment
 505 shall undergo public review to ensure that all concurrency
 506 requirements and federal, state, and local environmental permit
 507 requirements are met.

508 Section 11. Subsection (10) of section 163.3246, Florida
 509 Statutes, is amended to read:

510 163.3246 Local government comprehensive planning
 511 certification program.—

512 (10) Notwithstanding subsections (2), (4), (5), (6), and
 513 (7), any municipality designated as a rural area of opportunity
 514 ~~critical-economic-concern~~ pursuant to s. 288.0656 which is
 515 located within a county eligible to levy the Small County Surtax
 516 under s. 212.055(3) is ~~shall be~~ considered certified during the
 517 effectiveness of the designation of rural area of opportunity
 518 ~~critical-economic-concern~~. The state land planning agency shall
 519 provide a written notice of certification to the local
 520 government of the certified area, which shall be considered
 521 final agency action subject to challenge under s. 120.569. The
 522 notice of certification must ~~shall~~ include the following

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523 components:

524 (a) The boundary of the certification area.

525 (b) A requirement that the local government submit ~~either~~
526 an annual or biennial monitoring report to the state land
527 planning agency according to the schedule provided in the
528 written notice. The monitoring report must ~~shall~~, at a minimum,
529 include the number of amendments to the comprehensive plan
530 adopted by the local government, the number of plan amendments
531 challenged by an affected person, and the disposition of those
532 challenges.

533 Section 12. Paragraph (a) of subsection (6) of section
534 211.3103, Florida Statutes, is amended to read:

535 211.3103 Levy of tax on severance of phosphate rock; rate,
536 basis, and distribution of tax.—

537 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the
538 proceeds of all taxes, interest, and penalties imposed under
539 this section are exempt from the general revenue service charge
540 provided in s. 215.20, and such proceeds shall be paid into the
541 State Treasury as follows:

542 1. To the credit of the Conservation and Recreation Lands
543 Trust Fund, 25.5 percent.

544 2. To the credit of the General Revenue Fund of the state,
545 35.7 percent.

546 3. For payment to counties in proportion to the number of
547 tons of phosphate rock produced from a phosphate rock matrix
548 located within such political boundary, 12.8 percent. The
549 department shall distribute this portion of the proceeds
550 annually based on production information reported by the
551 producers on the annual returns for the taxable year. Any such

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552 proceeds received by a county shall be used only for phosphate-
553 related expenses.

554 4. For payment to counties that have been designated as a
555 rural area of opportunity ~~critical economic concern~~ pursuant to
556 s. 288.0656 in proportion to the number of tons of phosphate
557 rock produced from a phosphate rock matrix located within such
558 political boundary, 10.0 percent. The department shall
559 distribute this portion of the proceeds annually based on
560 production information reported by the producers on the annual
561 returns for the taxable year. Payments under this subparagraph
562 shall be made to the counties unless the Legislature by special
563 act creates a local authority to promote and direct the economic
564 development of the county. If such authority exists, payments
565 shall be made to that authority.

566 5. To the credit of the Nonmandatory Land Reclamation Trust
567 Fund, 6.2 percent.

568 6. To the credit of the Phosphate Research Trust Fund in
569 the Division of Universities of the Department of Education, 6.2
570 percent.

571 7. To the credit of the Minerals Trust Fund, 3.6 percent.

572 Section 13. Subsection (1) of section 218.67, Florida
573 Statutes, is amended to read:

574 218.67 Distribution for fiscally constrained counties.—

575 (1) Each county that is entirely within a rural area of
576 opportunity ~~critical economic concern~~ as designated by the
577 Governor pursuant to s. 288.0656 or each county for which the
578 value of a mill will raise no more than \$5 million in revenue,
579 based on the taxable value certified pursuant to s.
580 1011.62(4)(a)1.a., from the previous July 1, is ~~shall be~~

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581 considered a fiscally constrained county.

582 Section 14. Paragraphs (a) and (c) of subsection (2) of
583 section 288.065, Florida Statutes, are amended to read:

584 288.065 Rural Community Development Revolving Loan Fund.—

585 (2) (a) The program shall provide for long-term loans, loan
586 guarantees, and loan loss reserves to units of local
587 governments, or economic development organizations substantially
588 underwritten by a unit of local government, within counties that
589 have ~~with~~ populations of 75,000 or fewer, or within a ~~any~~ county
590 that has ~~with~~ a population of 125,000 or fewer which is
591 contiguous to a county with a population of 75,000 or fewer,
592 based on the most recent official population estimate as
593 determined under s. 186.901, including those residing in
594 incorporated areas and those residing in unincorporated areas of
595 the county, or to units of local government, or economic
596 development organizations substantially underwritten by a unit
597 of local government, within a rural area of opportunity ~~critical~~
598 ~~economic concern~~.

599 (c) All repayments of principal and interest shall be
600 returned to the loan fund and made available for loans to other
601 applicants. However, in a rural area of opportunity ~~critical~~
602 ~~economic concern~~ designated by the Governor, and upon approval
603 by the department, repayments of principal and interest may be
604 retained by the applicant if such repayments are dedicated and
605 matched to fund regionally based economic development
606 organizations representing the rural area of opportunity
607 ~~critical economic concern~~.

608 Section 15. Paragraphs (a), (b), and (d) of subsection (2)
609 and subsection (7) of section 288.0656, Florida Statutes, are

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610 amended to read:

611 288.0656 Rural Economic Development Initiative.-

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

613 (a) "Catalyst project" means a business locating or
614 expanding in a rural area of opportunity ~~critical economic~~
615 ~~concern~~ to serve as an economic generator of regional
616 significance for the growth of a regional target industry
617 cluster. The project must provide capital investment on a scale
618 significant enough to affect the entire region and result in the
619 development of high-wage and high-skill jobs.

620 (b) "Catalyst site" means a parcel or parcels of land
621 within a rural area of opportunity ~~critical economic concern~~
622 that has been prioritized as a geographic site for economic
623 development through partnerships with state, regional, and local
624 organizations. The site must be reviewed by REDI and approved by
625 the department for the purposes of locating a catalyst project.

626 (d) "Rural area of opportunity ~~critical economic concern~~"
627 means a rural community, or a region composed of rural
628 communities, designated by the Governor, that has been adversely
629 affected by an extraordinary economic event, severe or chronic
630 distress, or a natural disaster or that presents a unique
631 economic development opportunity of regional impact.

632 (7) (a) REDI may recommend to the Governor up to three rural
633 areas of opportunity ~~critical economic concern~~. The Governor may
634 by executive order designate up to three rural areas of
635 opportunity ~~critical economic concern~~ which will establish these
636 areas as priority assignments for REDI as well as to allow the
637 Governor, acting through REDI, to waive criteria, requirements,
638 or similar provisions of any economic development incentive.

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639 Such incentives shall include, but are not ~~be~~ limited to, ~~the~~
640 Qualified Target Industry Tax Refund Program under s. 288.106,
641 the Quick Response Training Program under s. 288.047, the Quick
642 Response Training Program for participants in the welfare
643 transition program under s. 288.047(8), transportation projects
644 under s. 339.2821, the brownfield redevelopment bonus refund
645 under s. 288.107, and the rural job tax credit program under ss.
646 212.098 and 220.1895.

647 (b) Designation as a rural area of opportunity ~~critical~~
648 ~~economic concern~~ under this subsection is ~~shall be~~ contingent
649 upon the execution of a memorandum of agreement among the
650 department; the governing body of the county; and the governing
651 bodies of any municipalities to be included within a rural area
652 of opportunity ~~critical economic concern~~. Such agreement shall
653 specify the terms and conditions of the designation, including,
654 but not limited to, the duties and responsibilities of the
655 county and any participating municipalities to take actions
656 designed to facilitate the retention and expansion of existing
657 businesses in the area, as well as the recruitment of new
658 businesses to the area.

659 (c) Each rural area of opportunity ~~critical economic~~
660 ~~concern~~ may designate catalyst projects if, ~~provided that~~ each
661 catalyst project is specifically recommended by REDI, identified
662 as a catalyst project by Enterprise Florida, Inc., and confirmed
663 as a catalyst project by the department. All state agencies and
664 departments shall use all available tools and resources to the
665 extent permissible by law to promote the creation and
666 development of each catalyst project and the development of
667 catalyst sites.

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668 Section 16. Paragraph (a) of subsection (3) of section
669 288.1088, Florida Statutes, is amended to read:

670 288.1088 Quick Action Closing Fund.—

671 (3) (a) The department and Enterprise Florida, Inc., shall
672 jointly review applications pursuant to s. 288.061 and determine
673 the eligibility of each project consistent with the criteria in
674 subsection (2). Waiver of these criteria may be considered under
675 the following criteria:

676 1. Based on extraordinary circumstances;

677 2. In order to mitigate the impact of the conclusion of the
678 space shuttle program; or

679 3. In rural areas of opportunity ~~critical economic concern~~
680 if the project would significantly benefit the local or regional
681 economy.

682 Section 17. Paragraphs (b), (c), and (d) of subsection (4)
683 of section 288.1089, Florida Statutes, are amended to read:

684 288.1089 Innovation Incentive Program.—

685 (4) To qualify for review by the department, the applicant
686 must, at a minimum, establish the following to the satisfaction
687 of the department:

688 (b) A research and development project must:

689 1. Serve as a catalyst for an emerging or evolving
690 technology cluster.

691 2. Demonstrate a plan for significant higher education
692 collaboration.

693 3. Provide the state, at a minimum, a cumulative break-even
694 economic benefit within a 20-year period.

695 4. Be provided with a one-to-one match from the local
696 community. The match requirement may be reduced or waived in

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697 rural areas of opportunity ~~critical economic concern~~ or reduced
698 in rural areas, brownfield areas, and enterprise zones.

699 (c) An innovation business project in this state, other
700 than a research and development project, must:

701 1.a. Result in the creation of at least 1,000 direct, new
702 jobs at the business; or

703 b. Result in the creation of at least 500 direct, new jobs
704 if the project is located in a rural area, a brownfield area, or
705 an enterprise zone.

706 2. Have an activity or product that is within an industry
707 that is designated as a target industry business under s.
708 288.106 or a designated sector under s. 288.108.

709 3.a. Have a cumulative investment of at least \$500 million
710 within a 5-year period; or

711 b. Have a cumulative investment that exceeds \$250 million
712 within a 10-year period if the project is located in a rural
713 area, brownfield area, or an enterprise zone.

714 4. Be provided with a one-to-one match from the local
715 community. The match requirement may be reduced or waived in
716 rural areas of opportunity ~~critical economic concern~~ or reduced
717 in rural areas, brownfield areas, and enterprise zones.

718 (d) For an alternative and renewable energy project in this
719 state, the project must:

720 1. Demonstrate a plan for significant collaboration with an
721 institution of higher education;

722 2. Provide the state, at a minimum, a cumulative break-even
723 economic benefit within a 20-year period;

724 3. Include matching funds provided by the applicant or
725 other available sources. The match requirement may be reduced or

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726 waived in rural areas of opportunity ~~critical economic concern~~
727 or reduced in rural areas, brownfield areas, and enterprise
728 zones;

729 4. Be located in this state; and

730 5. Provide at least 35 direct, new jobs that pay an
731 estimated annual average wage that equals at least 130 percent
732 of the average private sector wage.

733 Section 18. Paragraph (d) of subsection (6) of section
734 290.0055, Florida Statutes, is amended to read:

735 290.0055 Local nominating procedure.—

736 (6)

737 (d)1. The governing body of a jurisdiction which has
738 nominated an application for an enterprise zone that is at least
739 15 square miles and less than 20 square miles and includes a
740 portion of the state designated as a rural area of opportunity
741 ~~critical economic concern~~ under s. 288.0656(7) may apply to the
742 department to expand the boundary of the existing enterprise
743 zone by up to ~~not more than~~ 3 square miles.

744 2. The governing body of a jurisdiction which has nominated
745 an application for an enterprise zone that is at least 20 square
746 miles and includes a portion of the state designated as a rural
747 area of opportunity ~~critical economic concern~~ under s.
748 288.0656(7) may apply to the department to expand the boundary
749 of the existing enterprise zone by up to ~~not more than~~ 5 square
750 miles.

751 3. An application to expand the boundary of an enterprise
752 zone under this paragraph must be submitted by December 31,
753 2013.

754 4. Notwithstanding the area limitations specified in

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755 subsection (4), the department may approve the request for a
756 boundary amendment if the area continues to satisfy the
757 remaining requirements of this section.

758 5. The department shall establish the initial effective
759 date of an enterprise zone designated under this paragraph.

760 Section 19. Paragraph (c) of subsection (4) of section
761 339.2819, Florida Statutes, is amended to read:

762 339.2819 Transportation Regional Incentive Program.—

763 (4)

764 (c) The department shall give priority to projects that:

765 1. Provide connectivity to the Strategic Intermodal System
766 developed under s. 339.64.

767 2. Support economic development and the movement of goods
768 in rural areas of opportunity ~~critical economic concern~~
769 designated under s. 288.0656(7).

770 3. Are subject to a local ordinance that establishes
771 corridor management techniques, including access management
772 strategies, right-of-way acquisition and protection measures,
773 appropriate land use strategies, zoning, and setback
774 requirements for adjacent land uses.

775 4. Improve connectivity between military installations and
776 the Strategic Highway Network or the Strategic Rail Corridor
777 Network.

778
779 The department shall also consider the extent to which local
780 matching funds are available to be committed to the project.

781 Section 20. Paragraph (c) of subsection (3) of section
782 373.4595, Florida Statutes, is amended to read:

783 373.4595 Northern Everglades and Estuaries Protection

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784 Program.—

785 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
786 protection program for Lake Okeechobee that achieves phosphorus
787 load reductions for Lake Okeechobee shall be immediately
788 implemented as specified in this subsection. The program shall
789 address the reduction of phosphorus loading to the lake from
790 both internal and external sources. Phosphorus load reductions
791 shall be achieved through a phased program of implementation.
792 Initial implementation actions shall be technology-based, based
793 upon a consideration of both the availability of appropriate
794 technology and the cost of such technology, and shall include
795 phosphorus reduction measures at both the source and the
796 regional level. The initial phase of phosphorus load reductions
797 shall be based upon the district's Technical Publication 81-2
798 and the district's WOD program, with subsequent phases of
799 phosphorus load reductions based upon the total maximum daily
800 loads established in accordance with s. 403.067. In the
801 development and administration of the Lake Okeechobee Watershed
802 Protection Program, the coordinating agencies shall maximize
803 opportunities provided by federal cost-sharing programs and
804 opportunities for partnerships with the private sector.

805 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—
806 The Lake Okeechobee Watershed Phosphorus Control Program is
807 designed to be a multifaceted approach to reducing phosphorus
808 loads by improving the management of phosphorus sources within
809 the Lake Okeechobee watershed through implementation of
810 regulations and best management practices, development and
811 implementation of improved best management practices,
812 improvement and restoration of the hydrologic function of

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813 natural and managed systems, and utilization of alternative
814 technologies for nutrient reduction. The coordinating agencies
815 shall facilitate the application of federal programs that offer
816 opportunities for water quality treatment, including
817 preservation, restoration, or creation of wetlands on
818 agricultural lands.

819 1. Agricultural nonpoint source best management practices,
820 developed in accordance with s. 403.067 and designed to achieve
821 the objectives of the Lake Okeechobee Watershed Protection
822 Program, shall be implemented on an expedited basis. The
823 coordinating agencies shall develop an interagency agreement
824 pursuant to ss. 373.046 and 373.406(5) which ~~that~~ assures the
825 development of best management practices that complement
826 existing regulatory programs and specifies how those best
827 management practices are implemented and verified. The
828 interagency agreement shall address measures to be taken by the
829 coordinating agencies during any best management practice
830 reevaluation performed pursuant to sub-subparagraph d. The
831 department shall use best professional judgment in making the
832 initial determination of best management practice effectiveness.

833 a. As provided in s. 403.067(7)(c), the Department of
834 Agriculture and Consumer Services, in consultation with the
835 department, the district, and affected parties, shall initiate
836 rule development for interim measures, best management
837 practices, conservation plans, nutrient management plans, or
838 other measures necessary for Lake Okeechobee watershed total
839 maximum daily load reduction. The rule must ~~shall~~ include
840 thresholds for requiring conservation and nutrient management
841 plans and criteria for the contents of such plans. Development

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842 of agricultural nonpoint source best management practices shall
843 initially focus on those priority basins listed in subparagraph
844 (b)1. The Department of Agriculture and Consumer Services, in
845 consultation with the department, the district, and affected
846 parties, shall conduct an ongoing program for improvement of
847 existing and development of new interim measures or best
848 management practices for the purpose of adoption of such
849 practices by rule. The Department of Agriculture and Consumer
850 Services shall work with the University of Florida's Institute
851 of Food and Agriculture Sciences to review and, where
852 appropriate, develop revised nutrient application rates for all
853 agricultural soil amendments in the watershed.

854 b. Where agricultural nonpoint source best management
855 practices or interim measures have been adopted by rule of the
856 Department of Agriculture and Consumer Services, the owner or
857 operator of an agricultural nonpoint source addressed by such
858 rule shall ~~either~~ implement interim measures or best management
859 practices or demonstrate compliance with the district's WOD
860 program by conducting monitoring prescribed by the department or
861 the district. Owners or operators of agricultural nonpoint
862 sources who implement interim measures or best management
863 practices adopted by rule are ~~of the Department of Agriculture~~
864 ~~and Consumer Services shall be subject to the provisions of s.~~
865 403.067(7). The Department of Agriculture and Consumer Services,
866 in cooperation with the department and the district, shall
867 provide technical and financial assistance for implementing
868 ~~implementation of~~ agricultural best management practices,
869 subject to the availability of funds.

870 c. The district or department shall conduct monitoring at

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871 representative sites to verify the effectiveness of agricultural
872 nonpoint source best management practices.

873 d. Where water quality problems are detected for
874 agricultural nonpoint sources despite the appropriate
875 implementation of adopted best management practices, the
876 Department of Agriculture and Consumer Services, in consultation
877 with the other coordinating agencies and affected parties, shall
878 institute a reevaluation of the best management practices and
879 make appropriate changes to the rule adopting best management
880 practices.

881 2. Nonagricultural nonpoint source best management
882 practices, developed in accordance with s. 403.067 and designed
883 to achieve the objectives of the Lake Okeechobee Watershed
884 Protection Program, shall be implemented on an expedited basis.
885 The department and the district shall develop an interagency
886 agreement pursuant to ss. 373.046 and 373.406(5) that assures
887 the development of best management practices that complement
888 existing regulatory programs and specifies how those best
889 management practices are implemented and verified. The
890 interagency agreement must ~~shall~~ address measures to be taken by
891 the department and the district during any best management
892 practice reevaluation performed pursuant to sub-subparagraph d.

893 a. The department and the district shall ~~are directed to~~
894 work with the University of Florida's Institute of Food and
895 Agricultural Sciences to develop appropriate nutrient
896 application rates for all nonagricultural soil amendments in the
897 watershed. As provided in s. 403.067(7)(c), the department, in
898 consultation with the district and affected parties, shall
899 develop interim measures, best management practices, or other

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900 measures necessary for Lake Okeechobee watershed total maximum
901 daily load reduction. Development of nonagricultural nonpoint
902 source best management practices shall initially focus on those
903 priority basins listed in subparagraph (b)1. The department, the
904 district, and affected parties shall conduct an ongoing program
905 for improvement of existing and development of new interim
906 measures or best management practices. The district shall adopt
907 technology-based standards under the district's WOD program for
908 nonagricultural nonpoint sources of phosphorus. ~~Nothing in~~ This
909 sub-subparagraph does not shall affect the authority of the
910 department or the district to adopt basin-specific criteria
911 under this part to prevent harm to the water resources of the
912 district.

913 b. Where nonagricultural nonpoint source best management
914 practices or interim measures have been developed by the
915 department and adopted by the district, the owner or operator of
916 a nonagricultural nonpoint source shall implement interim
917 measures or best management practices and be subject to ~~the~~
918 ~~provisions of~~ s. 403.067(7). The department and district shall
919 provide technical and financial assistance for implementation of
920 nonagricultural nonpoint source best management practices,
921 subject to the availability of funds.

922 c. The district or the department shall conduct monitoring
923 at representative sites to verify the effectiveness of
924 nonagricultural nonpoint source best management practices.

925 d. Where water quality problems are detected for
926 nonagricultural nonpoint sources despite the appropriate
927 implementation of adopted best management practices, the
928 department and the district shall institute a reevaluation of

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929 the best management practices.

930 3. ~~The provisions of~~ Subparagraphs 1. and 2. do ~~shall~~ not
931 preclude the department or the district from requiring
932 compliance with water quality standards or with current best
933 management practices requirements set forth in any applicable
934 regulatory program authorized by law for the purpose of
935 protecting water quality. ~~Additionally,~~ Subparagraphs 1. and 2.
936 are also applicable only to the extent that they do not conflict
937 with any rules adopted ~~promulgated~~ by the department which ~~that~~
938 are necessary to maintain a federally delegated or approved
939 program.

940 4. Projects that reduce the phosphorus load originating
941 from domestic wastewater systems within the Lake Okeechobee
942 watershed shall be given funding priority in the department's
943 revolving loan program under s. 403.1835. The department shall
944 coordinate and provide assistance to those local governments
945 seeking financial assistance for such priority projects.

946 5. Projects that make use of private lands, or lands held
947 in trust for Indian tribes, to reduce nutrient loadings or
948 concentrations within a basin by one or more of the following
949 methods: restoring the natural hydrology of the basin, restoring
950 wildlife habitat or impacted wetlands, reducing peak flows after
951 storm events, increasing aquifer recharge, or protecting range
952 and timberland from conversion to development, are eligible for
953 grants available under this section from the coordinating
954 agencies. For projects of otherwise equal priority, special
955 funding priority shall ~~will~~ be given to those projects that make
956 best use of the methods outlined above which ~~that~~ involve
957 public-private partnerships or which ~~that~~ obtain federal match

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958 money. Preference ranking above the special funding priority
959 shall ~~will~~ be given to projects located in a rural area of
960 opportunity ~~critical economic concern~~ designated by the
961 Governor. Grant applications may be submitted by any person or
962 tribal entity, and eligible projects may include, but are not
963 limited to, the purchase of conservation and flowage easements,
964 hydrologic restoration of wetlands, creating treatment wetlands,
965 development of a management plan for natural resources, and
966 financial support to implement a management plan.

967 6.a. The department shall require all entities disposing of
968 domestic wastewater residuals within the Lake Okeechobee
969 watershed and the remaining areas of Okeechobee, Glades, and
970 Hendry Counties to develop and submit to the department an
971 agricultural use plan that limits applications based upon
972 phosphorus loading. By July 1, 2005, phosphorus concentrations
973 originating from these application sites may ~~shall~~ not exceed
974 the limits established in the district's WOD program. After
975 December 31, 2007, the department may not authorize the disposal
976 of domestic wastewater residuals within the Lake Okeechobee
977 watershed unless the applicant can affirmatively demonstrate
978 that the phosphorus in the residuals does ~~will~~ not add to
979 phosphorus loadings in Lake Okeechobee or its tributaries. This
980 demonstration shall be based on achieving a net balance between
981 phosphorus imports relative to exports on the permitted
982 application site. Exports must ~~shall~~ include only phosphorus
983 removed from the Lake Okeechobee watershed through products
984 generated on the permitted application site. This prohibition
985 does not apply to Class AA residuals that are marketed and
986 distributed as fertilizer products in accordance with department

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987 rule.

988 b. Private and government-owned utilities within Monroe,
989 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
990 River, Okeechobee, Highlands, Hendry, and Glades Counties which
991 ~~that~~ dispose of wastewater residual sludge from utility
992 operations and septic removal by land spreading in the Lake
993 Okeechobee watershed may use a line item on local sewer rates to
994 cover wastewater residual treatment and disposal if such
995 disposal and treatment is done by approved alternative treatment
996 methodology at a facility located within the areas designated by
997 the Governor as rural areas of opportunity ~~critical economic~~
998 ~~concern~~ pursuant to s. 288.0656. This additional line item is an
999 environmental protection disposal fee above the present sewer
1000 rate and is ~~shall~~ not be considered a part of the present sewer
1001 rate to customers, notwithstanding ~~provisions to the contrary in~~
1002 chapter 367. The fee shall be established by the county
1003 commission or its designated assignee in the county in which the
1004 alternative method treatment facility is located. The fee shall
1005 be calculated to be no higher than that necessary to recover the
1006 facility's prudent cost of providing the service. Upon request
1007 by an affected county commission, the Florida Public Service
1008 Commission shall ~~will~~ provide assistance in establishing the
1009 fee. Further, for utilities and utility authorities that use the
1010 additional line item environmental protection disposal fee, such
1011 fee is ~~shall~~ not be considered a rate increase under the rules
1012 of the Public Service Commission and is ~~shall be~~ exempt from
1013 such rules. Utilities using the provisions of this section may
1014 immediately include in their sewer invoicing the new
1015 environmental protection disposal fee. Proceeds from the ~~this~~

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1016 environmental protection disposal fee shall be used for
1017 treatment and disposal of wastewater residuals, including any
1018 treatment technology that helps reduce the volume of residuals
1019 that require final disposal, but may ~~such proceeds shall~~ not be
1020 used for transportation or shipment costs for disposal or ~~any~~
1021 costs relating to the land application of residuals in the Lake
1022 Okeechobee watershed.

1023 c. At least ~~No less frequently than~~ once every 3 years, the
1024 Florida Public Service Commission or the county commission
1025 through the services of an independent auditor shall perform a
1026 financial audit of all facilities receiving compensation from an
1027 environmental protection disposal fee. The Florida Public
1028 Service Commission or the county commission through the services
1029 of an independent auditor shall also perform an audit of the
1030 methodology used in establishing the environmental protection
1031 disposal fee. The Florida Public Service Commission or the
1032 county commission shall, within 120 days after completion of an
1033 audit, file the audit report with the President of the Senate
1034 and the Speaker of the House of Representatives and ~~shall~~
1035 provide copies to the county commissions of the counties listed
1036 ~~set forth~~ in sub-subparagraph b. The books and records of ~~any~~
1037 facilities receiving compensation from an environmental
1038 protection disposal fee must ~~shall~~ be open to the Florida Public
1039 Service Commission and the Auditor General for review upon
1040 request.

1041 7. The Department of Health shall require all entities
1042 disposing of septage within the Lake Okeechobee watershed to
1043 develop and submit to that agency an agricultural use plan that
1044 limits applications based upon phosphorus loading. By July 1,

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1045 2005, phosphorus concentrations originating from these
1046 application sites may ~~shall~~ not exceed the limits established in
1047 the district's WOD program.

1048 8. The Department of Agriculture and Consumer Services
1049 shall initiate rulemaking requiring entities within the Lake
1050 Okeechobee watershed which land-apply animal manure to develop
1051 resource management system level conservation plans, according
1052 to United States Department of Agriculture criteria, which limit
1053 such application. Such rules may include criteria and thresholds
1054 for the requirement to develop a conservation or nutrient
1055 management plan, requirements for plan approval, and
1056 recordkeeping requirements.

1057 9. The district, the department, or the Department of
1058 Agriculture and Consumer Services, as appropriate, shall
1059 implement those alternative nutrient reduction technologies
1060 determined to be feasible pursuant to subparagraph (d)6.

1061 Section 21. Paragraph (e) of subsection (2) and paragraph
1062 (b) of subsection (26) of section 380.06, Florida Statutes, are
1063 amended to read:

1064 380.06 Developments of regional impact.—

1065 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1066 (e) With respect to residential, hotel, motel, office, and
1067 retail developments, the applicable guidelines and standards
1068 shall be increased by 50 percent in urban central business
1069 districts and regional activity centers of jurisdictions whose
1070 local comprehensive plans are in compliance with part II of
1071 chapter 163. With respect to multiuse developments, the
1072 applicable individual use guidelines and standards for
1073 residential, hotel, motel, office, and retail developments and

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1074 multiuse guidelines and standards shall be increased by 100
1075 percent in urban central business districts and regional
1076 activity centers of jurisdictions whose local comprehensive
1077 plans are in compliance with part II of chapter 163, if one land
1078 use of the multiuse development is residential and amounts to at
1079 least ~~not less than~~ 35 percent of the jurisdiction's applicable
1080 residential threshold. With respect to resort or convention
1081 hotel developments, the applicable guidelines and standards
1082 shall be increased by 150 percent in urban central business
1083 districts and regional activity centers of jurisdictions whose
1084 local comprehensive plans are in compliance with part II of
1085 chapter 163 and where the increase is specifically for a
1086 proposed resort or convention hotel located in a county with a
1087 population greater than 500,000 and the local government
1088 specifically designates that the proposed resort or convention
1089 hotel development will serve an existing convention center of
1090 more than 250,000 gross square feet built before ~~prior to~~ July
1091 1, 1992. The applicable guidelines and standards shall be
1092 increased by 150 percent for development in any area designated
1093 by the Governor as a rural area of opportunity ~~critical economic~~
1094 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the
1095 designation.

1096 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1097 (b) Upon receipt of written confirmation from the state
1098 land planning agency that any required mitigation applicable to
1099 completed development has occurred, an industrial development of
1100 regional impact located within the coastal high-hazard area of a
1101 rural area of opportunity ~~county of economic concern~~ which was
1102 approved before ~~prior to~~ the adoption of the local government's

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1103 comprehensive plan required under s. 163.3167 and which plan's
 1104 future land use map and zoning designates the land use for the
 1105 development of regional impact as commercial may be unilaterally
 1106 abandoned without the need to proceed through the process
 1107 described in paragraph (a) if the developer or owner provides a
 1108 notice of abandonment to the local government and records such
 1109 notice with the applicable clerk of court. Abandonment shall be
 1110 deemed to have occurred upon the recording of the notice. All
 1111 development following abandonment shall be fully consistent with
 1112 the current comprehensive plan and applicable zoning.

1113 Section 22. Paragraph (g) of subsection (3) of section
 1114 380.0651, Florida Statutes, is amended to read:

1115 380.0651 Statewide guidelines and standards.—

1116 (3) The following statewide guidelines and standards shall
 1117 be applied in the manner described in s. 380.06(2) to determine
 1118 whether the following developments shall be required to undergo
 1119 development-of-regional-impact review:

1120 (g) *Residential development.*—No rule may be adopted
 1121 concerning residential developments which treats a residential
 1122 development in one county as being located in a less populated
 1123 adjacent county unless more than 25 percent of the development
 1124 is located within 2 ~~or less~~ miles of the less populated adjacent
 1125 county. The residential thresholds of adjacent counties with
 1126 less population and a lower threshold may ~~shall~~ not be
 1127 controlling on any development wholly located within areas
 1128 designated as rural areas of opportunity ~~critical economic~~
 1129 ~~concern~~.

1130 Section 23. Paragraph (b) of subsection (2) of section
 1131 985.686, Florida Statutes, is amended to read:

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1132 985.686 Shared county and state responsibility for juvenile
1133 detention.—

1134 (2) As used in this section, the term:

1135 (b) "Fiscally constrained county" means a county within a
1136 rural area of opportunity ~~critical economic concern~~ as
1137 designated by the Governor pursuant to s. 288.0656 or each
1138 county for which the value of a mill will raise no more than \$5
1139 million in revenue, based on the certified school taxable value
1140 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
1141 July 1.

1142 Section 24. Subsection (2) of section 1011.76, Florida
1143 Statutes, is amended to read:

1144 1011.76 Small School District Stabilization Program.—

1145 (2) In order to participate in this program, a school
1146 district must be located in a rural area of opportunity ~~critical~~
1147 ~~economic concern~~ designated by the Executive Office of the
1148 Governor, and the district school board must submit a resolution
1149 to the Department of Economic Opportunity requesting
1150 participation in the program. A rural area of opportunity
1151 ~~critical economic concern~~ must be a rural community, or a region
1152 composed of such, which ~~that~~ has been adversely affected by an
1153 extraordinary economic event or a natural disaster or which ~~that~~
1154 presents a unique economic development concern or opportunity of
1155 regional impact. The resolution must be accompanied by ~~with~~
1156 documentation of the economic conditions in the community and,
1157 provide information indicating the negative impact of these
1158 conditions on the school district's financial stability, and the
1159 school district must participate in a best financial management
1160 practices review to determine potential efficiencies that could

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1161 be implemented to reduce program costs in the district.

1162 Section 25. This act shall take effect July 1, 2014.