

By the Committee on Commerce and Tourism

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1 A bill to be entitled
2 An act relating to the Department of Economic
3 Opportunity; amending s. 163.3202, F.S.; requiring
4 each county and municipality to adopt and enforce land
5 development regulations in accordance with the
6 submitted comprehensive plan; amending s. 288.005,
7 F.S.; defining terms; creating s. 288.006, F.S.;
8 providing requirements for loan programs relating to
9 accountability and proper stewardship of funds;
10 authorizing the Auditor General to conduct audits for
11 a specified purpose; authorizing the department to
12 adopt rules; amending s. 290.0411, F.S.; revising
13 legislative intent for purposes of the Florida Small
14 Cities Community Development Block Grant Program;
15 amending s. 290.044, F.S.; requiring the Department of
16 Economic Opportunity to adopt rules establishing a
17 competitive selection process for loan guarantees and
18 grants awarded under the block grant program; revising
19 the criteria for the award of grants; amending s.
20 290.046, F.S.; revising limits on the number of grants
21 that an applicant may apply for and receive; revising
22 the requirement that the department conduct a site
23 visit before awarding a grant; requiring the
24 department to rank applications according to criteria
25 established by rule and to distribute funds according
26 to the rankings; revising scoring factors to consider
27 in ranking applications; revising requirements for
28 public hearings; providing that the creation of a
29 citizen advisory task force is discretionary, rather

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30 than required; deleting a requirement that a local
31 government obtain consent from the department for an
32 alternative citizen participation plan; amending s.
33 290.047, F.S.; revising the maximum amount and
34 percentage of block grant funds that may be spent on
35 certain costs and expenses; amending s. 290.0475,
36 F.S.; conforming provisions to changes made by the
37 act; amending s. 290.048, F.S.; deleting a provision
38 authorizing the department to adopt and enforce strict
39 requirements concerning an applicant's written
40 description of a service area; amending s. 331.3051,
41 F.S.; requiring Space Florida to consult with the
42 Florida Tourism Industry Marketing Corporation, rather
43 than with Enterprise Florida, Inc., in developing a
44 space tourism marketing plan; authorizing Space
45 Florida to enter into an agreement with the
46 corporation, rather than with Enterprise Florida,
47 Inc., for a specified purpose; revising the research
48 and development duties of Space Florida; repealing s.
49 443.036(26), relating to the definition of the term
50 "initial skills review"; amending s. 443.091, F.S.;
51 deleting the requirement that an unemployed individual
52 take an initial skill review before he or she is
53 eligible to receive reemployment assistance benefits;
54 requiring the department to make available for such
55 individual a voluntary online assessment that
56 identifies an individual's skills, abilities, and
57 career aptitude; requiring information from such
58 assessment to be made available to certain groups;

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59 revising the requirement that the department offer
60 certain training opportunities; amending s. 443.1116,
61 F.S.; defining the term "employer sponsored training";
62 revising the requirements for a short-term
63 compensation plan to be approved by the department;
64 revising the treatment of fringe benefits in such
65 plan; requiring an employer to describe the manner in
66 which the employer will implement the plan; requiring
67 the director to approve the plan if it is consistent
68 with employer obligations under law; prohibiting the
69 department from denying short-time compensation
70 benefits to certain individuals; amending s. 443.141,
71 F.S.; providing an employer payment schedule for
72 specified years' contributions to the Unemployment
73 Compensation Trust Fund; providing applicability;
74 amending ss. 125.271, 163.3177, 163.3187, 163.3246,
75 211.3103, 212.098, 218.67, 288.018, 288.065, 288.0655,
76 288.0656, 288.1088, 288.1089, 290.0055, 339.2819,
77 339.63, 373.4595, 380.06, 380.0651, 985.686, and
78 1011.76, F.S.; renaming "rural areas of critical
79 economic concern" as "rural areas of opportunity";
80 amending ss. 215.425 and 443.1216, F.S.; conforming
81 cross-references to changes made by the act; providing
82 an effective date.

83

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

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86 Section 1. Subsection (1) of section 163.3202, Florida
87 Statutes, is amended to read:

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88 163.3202 Land development regulations.-

89 (1) Within 1 year after submission of its comprehensive
 90 plan or revised comprehensive plan for review pursuant to s.
 91 163.3191 s. ~~163.3167(2)~~, each county and each municipality shall
 92 adopt or amend and enforce land development regulations that are
 93 consistent with and implement their adopted comprehensive plan.

94 Section 2. Subsections (5) and (6) are added to section
 95 288.005, Florida Statutes, to read:

96 288.005 Definitions.-As used in this chapter, the term:

97 (5) "Loan administrator" means a statutorily eligible
 98 recipient of state funds which is authorized by the department
 99 to make loans under a loan program.

100 (6) "Loan program" means a program established in this
 101 chapter to provide appropriated funds to an eligible entity to
 102 further a specific state purpose for a limited period of time.
 103 The term includes a "loan fund" or "loan pilot program"
 104 administered by the department under this chapter.

105 Section 3. Section 288.006, Florida Statutes, is created to
 106 read:

107 288.006 General operation of loan programs.-

108 (1) The Legislature intends to promote the goals of
 109 accountability and proper stewardship by recipients of loan
 110 program funds. This section applies to all loan programs
 111 established under this chapter.

112 (2) State funds appropriated for a loan program may be used
 113 only by an eligible recipient or loan administrator, and the use
 114 of such funds is restricted to the specific state purpose of the
 115 loan program, subject to any compensation due to a recipient or
 116 loan administrator as provided under this chapter. State funds

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117 may be awarded directly by the department to an eligible
118 recipient or awarded by the department to a loan administrator.
119 All state funds, including any interest earned, remain state
120 funds unless otherwise stated in the statutory requirements of
121 the loan program.

122 (3) (a) Upon termination of a loan program by the
123 Legislature or by statute, all appropriated funds shall revert
124 to the General Revenue Fund. The department shall pay the entity
125 for any allowable administrative expenses due to the loan
126 administrator as provided under this chapter, unless otherwise
127 required by law.

128 (b) Upon termination of a contract between the department
129 and an eligible recipient or loan administrator, all remaining
130 appropriated funds shall revert to the fund from which the
131 appropriation was made. The department shall become the
132 successor entity for any outstanding loans. Except in the case
133 of the termination of a contract for fraud or a finding that the
134 recipient or loan administrator was not meeting the terms of the
135 program, the department shall pay the entity for any allowable
136 administrative expenses due to the loan administrator as
137 provided under this chapter.

138 (c) The eligible recipient or loan administrator to which
139 this subsection applies shall execute all appropriate
140 instruments to reconcile any remaining accounts associated with
141 a terminated loan program or contract. The entity shall execute
142 all appropriate instruments to ensure that the department is
143 authorized to collect all receivables for outstanding loans,
144 including, but not limited to, assignments of promissory notes
145 and mortgages.

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146 (4) An eligible recipient or loan administrator must avoid
147 any potential conflict of interest regarding the use of
148 appropriated funds for a loan program. An eligible recipient or
149 loan administrator or a board member, employee, or agent thereof
150 may not have a financial interest in an entity that is awarded a
151 loan under a loan program. A loan may not be made to a person or
152 entity if a conflict of interest exists between the parties
153 involved unless the eligible recipient or loan administrator
154 provides the department with full disclosure of the conflict of
155 interest.

156 (5) In determining eligibility for an entity applying for
157 the award of funds directly by the department or applying for
158 selection as a loan administrator for a loan program, the
159 department shall evaluate each applicant's business practices,
160 financial stability, and past performance in other state
161 programs, in addition to the loan program's statutory
162 requirements. Eligibility of an entity applying to be a
163 recipient or loan administrator may be conditionally granted or
164 denied outright if the department determines that the entity is
165 noncompliant with any law, rule, or program requirement.

166 (6) Recurring use of state funds, including revolving loans
167 or new negotiable instruments, which have been repaid to the
168 loan administrator may be made if the loan program's statutory
169 structure permits. However, any use of state funds made by a
170 loan administrator remains subject to subsections (2) and (3),
171 and compensation to a loan administrator may not exceed any
172 limitation provided by this chapter.

173 (7) The Auditor General may conduct audits as provided in
174 s. 11.45 to verify that the appropriations under each loan

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175 program are expended by the eligible recipient or loan
176 administrator as required for each program. If the Auditor
177 General determines that the appropriations are not expended as
178 required, the Auditor General shall notify the department, which
179 may pursue recovery of the funds.

180 (8) The department may adopt rules under ss. 120.536(1) and
181 120.54 as necessary to carry out this section.

182 Section 4. Section 290.0411, Florida Statutes, is amended
183 to read:

184 290.0411 Legislative intent and purpose of ss. 290.0401-
185 290.048.—It is the intent of the Legislature to provide the
186 necessary means to develop, preserve, redevelop, and revitalize
187 Florida communities exhibiting signs of decline, ~~or~~ distress, or
188 economic need by enabling local governments to undertake the
189 necessary community and economic development programs. The
190 overall objective is to create viable communities by eliminating
191 slum and blight, fortifying communities in urgent need,
192 providing decent housing and suitable living environments, and
193 expanding economic opportunities, principally for persons of low
194 or moderate income. The purpose of ss. 290.0401-290.048 is to
195 assist local governments in carrying out effective community and
196 economic development and project planning and design activities
197 to arrest and reverse community decline and restore community
198 vitality. Community and economic development and project
199 planning activities to maintain viable communities, revitalize
200 existing communities, expand economic development and employment
201 opportunities, and improve housing conditions and expand housing
202 opportunities, providing direct benefit to persons of low or
203 moderate income, are the primary purposes of ss. 290.0401-

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204 290.048. The Legislature, therefore, declares that the
205 development, redevelopment, preservation, and revitalization of
206 communities in this state and all the purposes of ss. 290.0401-
207 290.048 are public purposes for which public money may be
208 borrowed, expended, loaned, pledged to guarantee loans, and
209 granted.

210 Section 5. Section 290.044, Florida Statutes, is amended to
211 read:

212 290.044 Florida Small Cities Community Development Block
213 Grant Program Fund; administration; distribution.—

214 (1) The Florida Small Cities Community Development Block
215 Grant Program Fund is created. All revenue designated for
216 deposit in such fund shall be deposited by the appropriate
217 agency. The department shall administer this fund as a grant and
218 loan guarantee program for carrying out the purposes of ss.
219 290.0401-290.048.

220 (2) The department shall distribute such funds as loan
221 guarantees and grants to eligible local governments on the basis
222 of a competitive selection process established by rule.

223 (3) The department shall require applicants for grants to
224 compete against each other in the following grant program
225 categories:

- 226 (a) Housing rehabilitation.
227 (b) Economic development.
228 (c) Neighborhood revitalization.
229 (d) Commercial revitalization.

230 (4)~~(3)~~ The department shall define ~~the~~ broad community
231 development objectives ~~objective~~ to be achieved by the
232 activities in each of the ~~following~~ grant program categories

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233 with the use of funds from the Florida Small Cities Community
234 Development Block Grant Program Fund. Such objectives shall be
235 designed to meet at least one of the national objectives
236 provided in the Housing and Community Development Act of 1974,
237 ~~and require applicants for grants to compete against each other~~
238 ~~in these grant program categories:~~

- 239 ~~(a) Housing.~~
240 ~~(b) Economic development.~~
241 ~~(c) Neighborhood revitalization.~~
242 ~~(d) Commercial revitalization.~~
243 ~~(e) Project planning and design.~~

244 (5)~~(4)~~ The department may set aside an amount of up to 5
245 percent of the funds annually for use in any eligible local
246 government jurisdiction for which an emergency or natural
247 disaster has been declared by executive order. Such funds may
248 only be provided to a local government to fund eligible
249 emergency-related activities for which no other source of
250 federal, state, or local disaster funds is available. The
251 department may provide for such set-aside by rule. In the last
252 quarter of the state fiscal year, any funds not allocated under
253 the emergency-related set-aside shall be distributed to unfunded
254 applications from the most recent funding cycle.

255 (6)~~(5)~~ The department shall establish a system of
256 monitoring grants, including site visits, to ensure the proper
257 expenditure of funds and compliance with the conditions of the
258 recipient's contract. The department shall establish criteria
259 for implementation of internal control, to include, but not be
260 limited to, the following measures:

- 261 (a) Ensuring that subrecipient audits performed by a

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262 certified public accountant are received and responded to in a
263 timely manner.

264 (b) Establishing a uniform system of monitoring that
265 documents appropriate followup as needed.

266 (c) Providing specific justification for contract
267 amendments that takes into account any change in contracted
268 activities and the resultant cost adjustments which shall be
269 reflected in the amount of the grant.

270 Section 6. Section 290.046, Florida Statutes, is amended to
271 read:

272 290.046 Applications for grants; procedures; requirements.-

273 (1) In applying for a grant under a specific program
274 category, an applicant shall propose eligible activities that
275 directly address the objectives ~~objective~~ of that program
276 category.

277 (2) (a) Except for applications for economic development
278 grants as provided in subparagraph (b)1. ~~paragraph (c),~~ an each
279 eligible local government may submit one ~~an~~ application for a
280 grant ~~under either the housing program category or the~~
281 ~~neighborhood revitalization program category~~ during each
282 application ~~annual funding~~ cycle. ~~An applicant may not receive~~
283 ~~more than one grant in any state fiscal year from any of the~~
284 ~~following categories: housing, neighborhood revitalization, or~~
285 ~~commercial revitalization.~~

286 (b) 1. ~~An~~ Except as provided in ~~paragraph (c),~~ each eligible
287 local government may apply up to three times in any one annual
288 funding cycle for an economic development ~~a grant under the~~
289 ~~economic development program category~~ but may not ~~shall~~ receive
290 ~~no~~ more than one such grant per annual funding cycle. A local

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291 government may have more than one open economic development
292 grant ~~Applications for grants under the economic development~~
293 ~~program category may be submitted at any time during the annual~~
294 ~~funding cycle, and such grants shall be awarded no less~~
295 ~~frequently than three times per funding cycle.~~

296 2. The department shall establish minimum criteria
297 pertaining to the number of jobs created for persons of low or
298 moderate income, the degree of private sector financial
299 commitment, and the economic feasibility of the proposed project
300 and shall establish any other criteria the department deems
301 appropriate. Assistance to a private, for-profit business may
302 not be provided from a grant award unless sufficient evidence
303 exists to demonstrate that without such public assistance the
304 creation or retention of such jobs would not occur.

305 (c)1. A local government ~~governments~~ with an open housing
306 rehabilitation, neighborhood revitalization, or commercial
307 revitalization contract is shall ~~be~~ not be eligible to apply for
308 another housing rehabilitation, neighborhood revitalization, or
309 commercial revitalization grant until administrative closeout of
310 its ~~their~~ existing contract. The department shall notify a local
311 government of administrative closeout or of any outstanding
312 closeout issues within 45 days after ~~of~~ receipt of a closeout
313 package from the local government. A local government
314 ~~governments~~ with an open housing rehabilitation, neighborhood
315 revitalization, or commercial revitalization community
316 development block grant contract whose activities are on
317 schedule in accordance with the expenditure rates and
318 accomplishments described in the contract may apply for an
319 economic development grant.

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320 2. A local government ~~governments~~ with an open economic
321 development community development block grant contract whose
322 activities are on schedule in accordance with the expenditure
323 rates and accomplishments described in the contract may apply
324 for a housing rehabilitation, ~~or~~ neighborhood revitalization, ~~or~~
325 ~~and a~~ commercial revitalization community development block
326 grant. A local government ~~governments~~ with an open economic
327 development contract whose activities are on schedule in
328 accordance with the expenditure rates and accomplishments
329 described in the contract may receive no more than one
330 additional economic development grant in each fiscal year.

331 (d) ~~Beginning October 1, 1988,~~ The department may not ~~shall~~
332 award a ~~no~~ grant until it ~~the~~ department has conducted
333 ~~determined,~~ based upon a site visit to verify the information
334 contained in the local government's application, ~~that the~~
335 ~~proposed area matches and adheres to the written description~~
336 ~~contained within the applicant's request. If, based upon review~~
337 ~~of the application or a site visit, the department determines~~
338 ~~that any information provided in the application which affects~~
339 ~~eligibility or scoring has been misrepresented, the applicant's~~
340 ~~request shall be rejected by the department pursuant to s.~~
341 ~~290.0475(7). Mathematical errors in applications which may be~~
342 ~~discovered and corrected by readily computing available numbers~~
343 ~~or formulas provided in the application shall not be a basis for~~
344 ~~such rejection.~~

345 (3) (a) The department shall rank each application received
346 during the application cycle according to criteria established
347 by rule. The ranking system shall include a procedure to
348 eliminate or reduce any population-related bias that places

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349 exceptionally small communities at a disadvantage in the
350 competition for funds ~~Each application shall be ranked~~
351 ~~competitively based on community need and program impact.~~
352 ~~Community need shall be weighted 25 percent. Program impact~~
353 ~~shall be weighted 65 percent. Outstanding performance in equal~~
354 ~~opportunity employment and housing shall be weighted 10 percent.~~

355 (b) Funds shall be distributed according to the rankings
356 established in each application cycle. If economic development
357 funds remain available after the application cycle closes, the
358 remaining funds shall be awarded to eligible projects on a
359 first-come, first-served basis until such funds are fully
360 obligated ~~The criteria used to measure community need shall~~
361 ~~include, at a minimum, indicators of the extent of poverty in~~
362 ~~the community and the condition of physical structures. Each~~
363 ~~application, regardless of the program category for which it is~~
364 ~~being submitted, shall be scored competitively on the same~~
365 ~~community need criteria. In recognition of the benefits~~
366 ~~resulting from the receipt of grant funds, the department shall~~
367 ~~provide for the reduction of community need scores for specified~~
368 ~~increments of grant funds provided to a local government since~~
369 ~~the state began using the most recent census data. In the year~~
370 ~~in which new census data are first used, no such reduction shall~~
371 ~~occur.~~

372 (c) The application's program impact score, equal
373 employment opportunity and fair housing score, and communitywide
374 needs score may take into consideration scoring factors,
375 including, but not limited to, unemployment, poverty levels,
376 low-income and moderate-income populations, benefits to low-
377 income and moderate-income residents, use of minority-owned and

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378 woman-owned business enterprises in previous grants, health and
379 safety issues, and the condition of physical structures The
380 ~~criteria used to measure the impact of an applicant's proposed~~
381 ~~activities shall include, at a minimum, indicators of the direct~~
382 ~~benefit received by persons of low income and persons of~~
383 ~~moderate income, the extent to which the problem identified is~~
384 ~~addressed by the proposed activities, and the extent to which~~
385 ~~resources other than the funds being applied for under this~~
386 ~~program are being used to carry out the proposed activities.~~

387 ~~(d) Applications shall be scored competitively on program~~
388 ~~impact criteria that are uniquely tailored to the community~~
389 ~~development objective established in each program category. The~~
390 ~~criteria used to measure the direct benefit to persons of low~~
391 ~~income and persons of moderate income shall represent no less~~
392 ~~than 42 percent of the points assigned to the program impact~~
393 ~~factor. For the housing and neighborhood revitalization~~
394 ~~categories, the department shall also include the following~~
395 ~~criteria in the scoring of applications:~~

396 ~~1. The proportion of very-low-income and low-income~~
397 ~~households served.~~

398 ~~2. The degree to which improvements are related to the~~
399 ~~health and safety of the households served.~~

400 ~~(4) An applicant for a neighborhood revitalization or~~
401 ~~commercial revitalization grant shall demonstrate that its~~
402 ~~activities are to be carried out in distinct service areas which~~
403 ~~are characterized by the existence of slums or blighted~~
404 ~~conditions, or by the concentration of persons of low or~~
405 ~~moderate income.~~

406 ~~(4)-(5)~~ In order to provide citizens with information

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407 concerning an applicant's proposed project, the applicant shall
408 make available to the public information concerning the amounts
409 of funds available for various activities and the range of
410 activities that may be undertaken. In addition, the applicant
411 shall hold a minimum of two public hearings in the local
412 jurisdiction within which the project is to be implemented to
413 obtain the views of citizens before submitting the final
414 application to the department. The applicant shall conduct the
415 initial hearing to solicit public input concerning community
416 needs, inform the public about funding opportunities available
417 to address community needs, and discuss activities that may be
418 undertaken. Before a second public hearing is held, the
419 applicant must publish a summary of the proposed application
420 that provides citizens with an opportunity to examine the
421 contents of the application and to submit comments. The
422 applicant shall conduct a second hearing to obtain comments from
423 citizens concerning the proposed application and to modify the
424 proposed application if appropriate ~~program before an~~
425 ~~application is submitted to the department, the applicant shall:~~
426 ~~(a) Make available to the public information concerning the~~
427 ~~amounts of funds available for various activities and the range~~
428 ~~of activities that may be undertaken.~~
429 ~~(b) Hold at least one public hearing to obtain the views of~~
430 ~~citizens on community development needs.~~
431 ~~(c) Develop and publish a summary of the proposed~~
432 ~~application that will provide citizens with an opportunity to~~
433 ~~examine its contents and submit their comments.~~
434 ~~(d) Consider any comments and views expressed by citizens~~
435 ~~on the proposed application and, if appropriate, modify the~~

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436 ~~proposed application.~~

437 ~~(e) Hold at least one public hearing in the jurisdiction~~
438 ~~within which the project is to be implemented to obtain the~~
439 ~~views of citizens on the final application prior to its~~
440 ~~submission to the department.~~

441 ~~(5)~~(6) The local government ~~may~~ shall establish a citizen
442 advisory task force composed of citizens in the jurisdiction in
443 which the proposed project is to be implemented to provide input
444 relative to all phases of the project process. ~~The local~~
445 ~~government must obtain consent from the department for any other~~
446 ~~type of citizen participation plan upon a showing that such plan~~
447 ~~is better suited to secure citizen participation for that~~
448 ~~locality.~~

449 ~~(6)~~(7) The department shall, before ~~prior to~~ approving an
450 application for a grant, determine that the applicant has the
451 administrative capacity to carry out the proposed activities and
452 has performed satisfactorily in carrying out past activities
453 funded by community development block grants. The evaluation of
454 past performance shall take into account procedural aspects of
455 previous grants as well as substantive results. If the
456 department determines that any applicant has failed to
457 accomplish substantially the results it proposed in its last
458 previously funded application, it may prohibit the applicant
459 from receiving a grant or may penalize the applicant in the
460 rating of the current application. An ~~No~~ application for grant
461 funds may not be denied solely upon the basis of the past
462 performance of the eligible applicant.

463 Section 7. Subsections (3) and (6) of section 290.047,
464 Florida Statutes, are amended to read:

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465 290.047 Establishment of grant ceilings and maximum
466 administrative cost percentages; elimination of population bias;
467 loans in default.-

468 (3) The maximum percentage of block grant funds that can be
469 spent on administrative costs by an eligible local government
470 shall be 15 percent for the housing rehabilitation program
471 category, 8 percent for both the neighborhood and the commercial
472 revitalization program categories, and 8 percent for the
473 economic development program category. The maximum amount of
474 block grant funds that may be spent on administrative costs by
475 an eligible local government for the economic development
476 program category is \$120,000. The purpose of the ceiling is to
477 maximize the amount of block grant funds actually going toward
478 the redevelopment of the area. The department will continue to
479 encourage eligible local governments to consider ways to limit
480 the amount of block grant funds used for administrative costs,
481 consistent with the need for prudent management and
482 accountability in the use of public funds. However, this
483 subsection does ~~shall not be construed, however, to~~ prohibit
484 eligible local governments from contributing their own funds or
485 making in-kind contributions to cover administrative costs which
486 exceed the prescribed ceilings, provided that all such
487 contributions come from local government resources other than
488 Community Development Block Grant funds.

489 (6) The maximum amount ~~percentage~~ of block grant funds that
490 may be spent on engineering and architectural costs by an
491 eligible local government shall be determined in accordance with
492 a method ~~schedule~~ adopted by the department by rule. Any such
493 method ~~schedule~~ so adopted shall be consistent with the schedule

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494 used by the United States Farmer's Home Administration as
495 applied to projects in Florida or another comparable schedule as
496 amended.

497 Section 8. Section 290.0475, Florida Statutes, is amended
498 to read:

499 290.0475 Rejection of grant applications; penalties for
500 failure to meet application conditions.—Applications are
501 ineligible received for funding if ~~under all program categories~~
502 ~~shall be rejected without scoring only in the event that~~ any of
503 the following circumstances arise:

504 (1) The application is not received by the department by
505 the application deadline;~~—~~

506 (2) The proposed project does not meet one of the three
507 national objectives as contained in federal and state
508 legislation;~~—~~

509 (3) The proposed project is not an eligible activity as
510 contained in the federal legislation;~~—~~

511 (4) The application is not consistent with the local
512 government's comprehensive plan adopted pursuant to s.
513 163.3184;~~—~~

514 (5) The applicant has an open community development block
515 grant, except as provided in s. 290.046(2)(b) and (c) and
516 department rules; ~~290.046(2)(e).~~

517 (6) The local government is not in compliance with the
518 citizen participation requirements prescribed in ss. 104(a)(1)
519 and (2) and 106(d)(5)(c) of Title I of the Housing and Community
520 Development Act of 1984, s. 290.046(4), and department rules;
521 or—

522 (7) Any information provided in the application that

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523 affects eligibility or scoring is found to have been
524 misrepresented, and the information is not a mathematical error
525 which may be discovered and corrected by readily computing
526 available numbers or formulas provided in the application.

527 Section 9. Subsection (5) of section 290.048, Florida
528 Statutes, is amended to read:

529 290.048 General powers of department under ss. 290.0401-
530 290.048.—The department has all the powers necessary or
531 appropriate to carry out the purposes and provisions of the
532 program, including the power to:

533 ~~(5) Adopt and enforce strict requirements concerning an~~
534 ~~applicant's written description of a service area. Each such~~
535 ~~description shall contain maps which illustrate the location of~~
536 ~~the proposed service area. All such maps must be clearly legible~~
537 ~~and must:~~

538 ~~(a) Contain a scale which is clearly marked on the map.~~

539 ~~(b) Show the boundaries of the locality.~~

540 ~~(c) Show the boundaries of the service area where the~~
541 ~~activities will be concentrated.~~

542 ~~(d) Display the location of all proposed area activities.~~

543 ~~(e) Include the names of streets, route numbers, or easily~~
544 ~~identifiable landmarks where all service activities are located.~~

545 Section 10. Subsection (5) and paragraph (b) of subsection
546 (8) of section 331.3051, Florida Statutes, are amended to read:

547 331.3051 Duties of Space Florida.—Space Florida shall:

548 (5) Consult with the Florida Tourism Industry Marketing
549 Corporation ~~Enterprise Florida, Inc.~~, in developing a space
550 tourism marketing plan. Space Florida and the Florida Tourism
551 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, may

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552 enter into a mutually beneficial agreement that provides funding
553 to the corporation ~~Enterprise Florida, Inc.~~, for its services to
554 implement this subsection.

555 (8) Carry out its responsibility for research and
556 development by:

557 (b) Working in collaboration with one or more public or
558 private universities and other public or private entities to
559 ~~develop a proposal for a Center of Excellence for Aerospace that~~
560 ~~will foster and~~ promote the research necessary to develop
561 commercially promising, advanced, and innovative science and
562 technology and ~~will~~ transfer those discoveries to the commercial
563 sector.

564 Section 11. Subsection (26) of section 443.036, Florida
565 Statutes, is repealed.

566 Section 12. Paragraph (c) of subsection (1) of section
567 443.091, Florida Statutes, is amended to read:

568 443.091 Benefit eligibility conditions.—

569 (1) An unemployed individual is eligible to receive
570 benefits for any week only if the Department of Economic
571 Opportunity finds that:

572 (c) To make continued claims for benefits, she or he is
573 reporting to the department in accordance with this paragraph
574 and department rules, ~~and participating in an initial skills~~
575 ~~review, as directed by the department.~~ Department rules may not
576 conflict with s. 443.111(1)(b), which requires that each
577 claimant continue to report regardless of any pending appeal
578 relating to her or his eligibility or disqualification for
579 benefits.

580 1. For each week of unemployment claimed, each report must,

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581 at a minimum, include the name, address, and telephone number of
582 each prospective employer contacted, or the date the claimant
583 reported to a one-stop career center, pursuant to paragraph (d).

584 2. The department must offer an online assessment that
585 serves to identify an individual's skills, abilities, and career
586 aptitude. The skills assessment must be voluntary, and the
587 department must allow a claimant to choose whether to take the
588 skills assessment. The online assessment shall be made available
589 to any person seeking services from a regional workforce board
590 or a one-stop career center ~~The administrator or operator of the~~
591 ~~initial skills review shall notify the department when the~~
592 ~~individual completes the initial skills review and report the~~
593 ~~results of the review to the regional workforce board or the~~
594 ~~one-stop career center as directed by the workforce board. The~~
595 ~~department shall prescribe a numeric score on the initial skills~~
596 ~~review that demonstrates a minimal proficiency in workforce~~
597 ~~skills.~~

598 a. If the claimant chooses to take the online assessment,
599 the outcome of the assessment must be made available to the
600 claimant, regional workforce board, and one-stop career center.
601 The department, workforce board, or one-stop career center shall
602 use the assessment ~~initial skills review~~ to develop a plan for
603 referring individuals to training and employment opportunities.
604 Aggregate data on assessment outcomes may be made available to
605 Workforce Florida, Inc., and Enterprise Florida, Inc., for use
606 in the development of policies related to education and training
607 programs that will ensure that businesses in this state have
608 access to a skilled and competent workforce ~~The failure of the~~
609 ~~individual to comply with this requirement will result in the~~

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610 ~~individual being determined ineligible for benefits for the week~~
611 ~~in which the noncompliance occurred and for any subsequent week~~
612 ~~of unemployment until the requirement is satisfied. However,~~
613 ~~this requirement does not apply if the individual is exempt from~~
614 ~~the work registration requirement as set forth in paragraph (b).~~

615 b.3. Individuals ~~Any individual who falls below the minimal~~
616 ~~proficiency score prescribed by the department in subparagraph~~
617 ~~2. on the initial skills review shall be informed of and offered~~
618 ~~services through the one-stop delivery system, including career~~
619 ~~counseling, provision of skill match and job market information,~~
620 ~~and skills upgrade and other training opportunities, and shall~~
621 ~~be encouraged to participate in such services training at no~~
622 ~~cost to the individuals individual in order to improve his or~~
623 ~~her workforce skills to the minimal proficiency level.~~

624 4. ~~The department shall coordinate with Workforce Florida,~~
625 ~~Inc., the workforce boards, and the one-stop career centers to~~
626 ~~identify, develop, and use utilize best practices for improving~~
627 ~~the skills of individuals who choose to participate in skills~~
628 ~~upgrade and other training opportunities. The department may~~
629 ~~contract with an entity to create the online assessment in~~
630 ~~accordance with the competitive bidding requirements in s.~~
631 ~~287.057. The online assessment must work seamlessly with the~~
632 ~~Reemployment Assistance Claims and Benefits Information System~~
633 ~~and who have a minimal proficiency score below the score~~
634 ~~prescribed in subparagraph 2.~~

635 ~~5. The department, in coordination with Workforce Florida,~~
636 ~~Inc., the workforce boards, and the one-stop career centers,~~
637 ~~shall evaluate the use, effectiveness, and costs associated with~~
638 ~~the training prescribed in subparagraph 3. and report its~~

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639 ~~findings and recommendations for training and the use of best~~
640 ~~practices to the Governor, the President of the Senate, and the~~
641 ~~Speaker of the House of Representatives by January 1, 2013.~~

642 Section 13. Subsections (1), (2), and (5) of section
643 443.1116, Florida Statutes, are amended to read:

644 443.1116 Short-time compensation.—

645 (1) DEFINITIONS.—As used in this section, the term:

646 (a) "Affected unit" means a specified plant, department,
647 shift, or other definable unit of two or more employees
648 designated by the employer to participate in a short-time
649 compensation plan.

650 (b) "Employer-sponsored training" means a training
651 component sponsored by an employer to improve the skills of the
652 employer's workers.

653 (c)~~(b)~~ "Normal weekly hours of work" means the number of
654 hours in a week that an individual would regularly work for the
655 short-time compensation employer, not to exceed 40 hours,
656 excluding overtime.

657 (d)~~(e)~~ "Short-time compensation benefits" means benefits
658 payable to individuals in an affected unit under an approved
659 short-time compensation plan.

660 (e)~~(d)~~ "Short-time compensation employer" means an employer
661 with a short-time compensation plan in effect.

662 (f)~~(e)~~ "Short-time compensation plan" or "plan" means an
663 employer's written plan for reducing unemployment under which an
664 affected unit shares the work remaining after its normal weekly
665 hours of work are reduced.

666 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
667 wishing to participate in the short-time compensation program

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668 must submit a signed, written, short-time plan to the Department
669 of Economic Opportunity for approval. The director or his or her
670 designee shall approve the plan if:

671 (a) The plan applies to and identifies each specific
672 affected unit;

673 (b) The individuals in the affected unit are identified by
674 name and social security number;

675 (c) The normal weekly hours of work for individuals in the
676 affected unit are reduced by at least 10 percent and by not more
677 than 40 percent;

678 (d) The plan includes a certified statement by the employer
679 that the aggregate reduction in work hours is in lieu of
680 ~~temporary~~ layoffs that would affect at least 10 percent of the
681 employees in the affected unit and that would have resulted in
682 an equivalent reduction in work hours;

683 (e) The plan applies to at least 10 percent of the
684 employees in the affected unit;

685 (f) The plan is approved in writing by the collective
686 bargaining agent for each collective bargaining agreement
687 covering any individual in the affected unit;

688 (g) The plan does not serve as a subsidy to seasonal
689 employers during the off-season or as a subsidy to employers who
690 traditionally use part-time employees; ~~and~~

691 (h) The plan certifies that, if the employer provides
692 fringe benefits to any employee whose workweek is reduced under
693 the program, the fringe benefits will continue to be provided to
694 the employee participating in the short-time compensation
695 program under the same terms and conditions as though the
696 workweek of such employee had not been reduced or to the same

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697 ~~extent as other employees not participating in the short-time~~
 698 ~~compensation program the manner in which the employer will treat~~
 699 ~~fringe benefits of the individuals in the affected unit if the~~
 700 ~~hours of the individuals are reduced to less than their normal~~
 701 ~~weekly hours of work.~~ As used in this paragraph, the term
 702 "fringe benefits" includes, but is not limited to, health
 703 insurance, retirement benefits under defined benefit pension
 704 plans as defined in subsection 35 of s. 1002 of the Employee
 705 Retirement Income Security Act of 1974, 29 U.S.C., contributions
 706 under a defined contribution plan as defined in s. 414(i) of the
 707 Internal Revenue Code, paid vacation and holidays, and sick
 708 leave;:-

709 (i) The plan describes the manner in which the requirements
 710 of this subsection will be implemented, including a plan for
 711 giving notice, if feasible, to an employee whose workweek is to
 712 be reduced, together with an estimate of the number of layoffs
 713 that would have occurred absent the ability to participate in
 714 short-time compensation; and

715 (j) The terms of the employer's written plan and
 716 implementation are consistent with employer obligations under
 717 applicable federal laws and laws of this state.

718 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
 719 BENEFITS.—

720 (a) Except as provided in this subsection, an individual is
 721 eligible to receive short-time compensation benefits for any
 722 week only if she or he complies with this chapter and the
 723 Department of Economic Opportunity finds that:

724 1. The individual is employed as a member of an affected
 725 unit in an approved plan that was approved before the week and

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726 is in effect for the week;

727 2. The individual is able to work and is available for
728 additional hours of work or for full-time work with the short-
729 time employer; and

730 3. The normal weekly hours of work of the individual are
731 reduced by at least 10 percent but not by more than 40 percent,
732 with a corresponding reduction in wages.

733 (b) The department may not deny short-time compensation
734 benefits to an individual who is otherwise eligible for these
735 benefits for any week by reason of the application of any
736 provision of this chapter relating to availability for work,
737 active search for work, or refusal to apply for or accept work
738 from other than the short-time compensation employer of that
739 individual.

740 (c) The department may not deny short-time compensation
741 benefits to an individual who is otherwise eligible for these
742 benefits for any week because such individual is participating
743 in an employer-sponsored training or a training under the
744 Workforce Investment Act to improve job skills when the training
745 is approved by the department.

746 (d)~~(e)~~ Notwithstanding any other provision of this chapter,
747 an individual is deemed unemployed in any week for which
748 compensation is payable to her or him, as an employee in an
749 affected unit, for less than her or his normal weekly hours of
750 work in accordance with an approved short-time compensation plan
751 in effect for the week.

752 Section 14. Paragraph (f) of subsection (1) of section
753 443.141, Florida Statutes, is amended to read:

754 443.141 Collection of contributions and reimbursements.—

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755 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
756 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

757 (f) *Payments for ~~2012, 2013, and 2014~~ contributions.*—For an
758 annual administrative fee not to exceed \$5, a contributing
759 employer may pay its quarterly contributions due for wages paid
760 in the first three quarters of each year ~~of 2012, 2013, and 2014~~
761 in equal installments if those contributions are paid as
762 follows:

763 1. For contributions due for wages paid in the first
764 quarter of each year, one-fourth of the contributions due must
765 be paid on or before April 30, one-fourth must be paid on or
766 before July 31, one-fourth must be paid on or before October 31,
767 and one-fourth must be paid on or before December 31.

768 2. In addition to the payments specified in subparagraph
769 1., for contributions due for wages paid in the second quarter
770 of each year, one-third of the contributions due must be paid on
771 or before July 31, one-third must be paid on or before October
772 31, and one-third must be paid on or before December 31.

773 3. In addition to the payments specified in subparagraphs
774 1. and 2., for contributions due for wages paid in the third
775 quarter of each year, one-half of the contributions due must be
776 paid on or before October 31, and one-half must be paid on or
777 before December 31.

778 4. The annual administrative fee assessed for electing to
779 pay under the installment method shall be collected at the time
780 the employer makes the first installment payment each year. The
781 fee shall be segregated from the payment and deposited into the
782 Operating Trust Fund of the Department of Revenue.

783 5. Interest does not accrue on any contribution that

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784 becomes due for wages paid in the first three quarters of each
785 year if the employer pays the contribution in accordance with
786 subparagraphs 1.-4. Interest and fees continue to accrue on
787 prior delinquent contributions and commence accruing on all
788 contributions due for wages paid in the first three quarters of
789 each year which are not paid in accordance with subparagraphs
790 1.-3. Penalties may be assessed in accordance with this chapter.
791 The contributions due for wages paid in the fourth quarter ~~of~~
792 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are
793 due and payable in accordance with this chapter.

794 Section 15. Paragraph (a) of subsection (1) of section
795 125.271, Florida Statutes, is amended to read:

796 125.271 Emergency medical services; county emergency
797 medical service assessments.-

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

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

802

803 Once a county has qualified under this subsection, it always
804 retains the qualification.

805 Section 16. Paragraphs (a), (b), and (e) of subsection (7)
806 of section 163.3177, Florida Statutes, are amended to read:

807 163.3177 Required and optional elements of comprehensive
808 plan; studies and surveys.-

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

810 1. There are a number of rural agricultural industrial
811 centers in the state that process, produce, or aid in the
812 production or distribution of a variety of agriculturally based

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813 products, including, but not limited to, fruits, vegetables,
814 timber, and other crops, and juices, paper, and building
815 materials. Rural agricultural industrial centers have a
816 significant amount of existing associated infrastructure that is
817 used for processing, producing, or distributing agricultural
818 products.

819 2. Such rural agricultural industrial centers are often
820 located within or near communities in which the economy is
821 largely dependent upon agriculture and agriculturally based
822 products. The centers significantly enhance the economy of such
823 communities. However, these agriculturally based communities are
824 often socioeconomically challenged and designated as rural areas
825 of opportunity ~~critical economic concern~~. If such rural
826 agricultural industrial centers are lost and not replaced with
827 other job-creating enterprises, the agriculturally based
828 communities will lose a substantial amount of their economies.

829 3. The state has a compelling interest in preserving the
830 viability of agriculture and protecting rural agricultural
831 communities and the state from the economic upheaval that would
832 result from short-term or long-term adverse changes in the
833 agricultural economy. To protect these communities and promote
834 viable agriculture for the long term, it is essential to
835 encourage and permit diversification of existing rural
836 agricultural industrial centers by providing for jobs that are
837 not solely dependent upon, but are compatible with and
838 complement, existing agricultural industrial operations and to
839 encourage the creation and expansion of industries that use
840 agricultural products in innovative ways. However, the expansion
841 and diversification of these existing centers must be

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842 accomplished in a manner that does not promote urban sprawl into
843 surrounding agricultural and rural areas.

844 (b) As used in this subsection, the term "rural
845 agricultural industrial center" means a developed parcel of land
846 in an unincorporated area on which there exists an operating
847 agricultural industrial facility or facilities that employ at
848 least 200 full-time employees in the aggregate and process and
849 prepare for transport a farm product, as defined in s. 163.3162,
850 or any biomass material that could be used, directly or
851 indirectly, for the production of fuel, renewable energy,
852 bioenergy, or alternative fuel as defined by law. The center may
853 also include land contiguous to the facility site which is not
854 used for the cultivation of crops, but on which other existing
855 activities essential to the operation of such facility or
856 facilities are located or conducted. The parcel of land must be
857 located within, or within 10 miles of, a rural area of
858 opportunity critical economic concern.

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

864 Section 17. Subsection (3) of section 163.3187, Florida
865 Statutes, is amended to read:

866 163.3187 Process for adoption of small-scale comprehensive
867 plan amendment.—

868 (3) If the small scale development amendment involves a
869 site within a rural area of opportunity critical economic
870 ~~concern~~ as defined under s. 288.0656(2) (d) for the duration of

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871 such designation, the 10-acre limit listed in subsection (1)
872 shall be increased by 100 percent to 20 acres. The local
873 government approving the small scale plan amendment shall
874 certify to the Office of Tourism, Trade, and Economic
875 Development that the plan amendment furthers the economic
876 objectives set forth in the executive order issued under s.
877 288.0656(7), and the property subject to the plan amendment
878 shall undergo public review to ensure that all concurrency
879 requirements and federal, state, and local environmental permit
880 requirements are met.

881 Section 18. Subsection (10) of section 163.3246, Florida
882 Statutes, is amended to read:

883 163.3246 Local government comprehensive planning
884 certification program.—

885 (10) Notwithstanding subsections (2), (4), (5), (6), and
886 (7), any municipality designated as a rural area of opportunity
887 ~~critical economic concern~~ pursuant to s. 288.0656 which is
888 located within a county eligible to levy the Small County Surtax
889 under s. 212.055(3) shall be considered certified during the
890 effectiveness of the designation of rural area of opportunity
891 ~~critical economic concern~~. The state land planning agency shall
892 provide a written notice of certification to the local
893 government of the certified area, which shall be considered
894 final agency action subject to challenge under s. 120.569. The
895 notice of certification shall include the following components:

896 (a) The boundary of the certification area.

897 (b) A requirement that the local government submit ~~either~~
898 an annual or biennial monitoring report to the state land
899 planning agency according to the schedule provided in the

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900 written notice. The monitoring report shall, at a minimum,
901 include the number of amendments to the comprehensive plan
902 adopted by the local government, the number of plan amendments
903 challenged by an affected person, and the disposition of those
904 challenges.

905 Section 19. Paragraph (a) of subsection (6) of section
906 211.3103, Florida Statutes, is amended to read:

907 211.3103 Levy of tax on severance of phosphate rock; rate,
908 basis, and distribution of tax.—

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

914 1. To the credit of the Conservation and Recreation Lands
915 Trust Fund, 25.5 percent.

916 2. To the credit of the General Revenue Fund of the state,
917 35.7 percent.

918 3. For payment to counties in proportion to the number of
919 tons of phosphate rock produced from a phosphate rock matrix
920 located within such political boundary, 12.8 percent. The
921 department shall distribute this portion of the proceeds
922 annually based on production information reported by the
923 producers on the annual returns for the taxable year. Any such
924 proceeds received by a county shall be used only for phosphate-
925 related expenses.

926 4. For payment to counties that have been designated as a
927 rural area of opportunity ~~critical economic concern~~ pursuant to
928 s. 288.0656 in proportion to the number of tons of phosphate

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929 rock produced from a phosphate rock matrix located within such
 930 political boundary, 10.0 percent. The department shall
 931 distribute this portion of the proceeds annually based on
 932 production information reported by the producers on the annual
 933 returns for the taxable year. Payments under this subparagraph
 934 shall be made to the counties unless the Legislature by special
 935 act creates a local authority to promote and direct the economic
 936 development of the county. If such authority exists, payments
 937 shall be made to that authority.

938 5. To the credit of the Nonmandatory Land Reclamation Trust
 939 Fund, 6.2 percent.

940 6. To the credit of the Phosphate Research Trust Fund in
 941 the Division of Universities of the Department of Education, 6.2
 942 percent.

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

944 Section 20. Paragraph (c) of subsection (1) of section
 945 212.098, Florida Statutes, is amended to read:

946 212.098 Rural Job Tax Credit Program.—

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

948 (c) "Qualified area" means any area that is contained
 949 within a rural area of opportunity ~~critical-economic-concern~~
 950 designated under s. 288.0656, a county that has a population of
 951 fewer than 75,000 persons, or a county that has a population of
 952 125,000 or less and is contiguous to a county that has a
 953 population of less than 75,000, selected in the following
 954 manner: every third year, the Department of Economic Opportunity
 955 shall rank and tier the state's counties according to the
 956 following four factors:

957 1. Highest unemployment rate for the most recent 36-month

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958 period.

959 2. Lowest per capita income for the most recent 36-month
960 period.

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

963 4. Average weekly manufacturing wage, based upon the most
964 recent data available.

965 Section 21. Subsection (1) of section 218.67, Florida
966 Statutes, is amended to read:

967 218.67 Distribution for fiscally constrained counties.—

968 (1) Each county that is entirely within a rural area of
969 opportunity ~~critical economic concern~~ as designated by the
970 Governor pursuant to s. 288.0656 or each county for which the
971 value of a mill will raise no more than \$5 million in revenue,
972 based on the taxable value certified pursuant to s.
973 1011.62(4)(a)1.a., from the previous July 1, shall be considered
974 a fiscally constrained county.

975 Section 22. Subsection (1) of section 288.018, Florida
976 Statutes, is amended to read:

977 288.018 Regional Rural Development Grants Program.—

978 (1) The department shall establish a matching grant program
979 to provide funding to regionally based economic development
980 organizations representing rural counties and communities for
981 the purpose of building the professional capacity of their
982 organizations. Such matching grants may also be used by an
983 economic development organization to provide technical
984 assistance to businesses within the rural counties and
985 communities that it serves. The department is authorized to
986 approve, on an annual basis, grants to such regionally based

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987 economic development organizations. The maximum amount an
988 organization may receive in any year will be \$35,000, or
989 \$100,000 in a rural area of opportunity ~~critical-economic~~
990 ~~concern~~ recommended by the Rural Economic Development Initiative
991 and designated by the Governor, and must be matched each year by
992 an equivalent amount of nonstate resources.

993 Section 23. Paragraphs (a) and (c) of subsection (2) of
994 section 288.065, Florida Statutes, are amended to read:

995 288.065 Rural Community Development Revolving Loan Fund.—

996 (2) (a) The program shall provide for long-term loans, loan
997 guarantees, and loan loss reserves to units of local
998 governments, or economic development organizations substantially
999 underwritten by a unit of local government, within counties with
1000 populations of 75,000 or fewer, or within any county with a
1001 population of 125,000 or fewer which is contiguous to a county
1002 with a population of 75,000 or fewer, based on the most recent
1003 official population estimate as determined under s. 186.901,
1004 including those residing in incorporated areas and those
1005 residing in unincorporated areas of the county, or to units of
1006 local government, or economic development organizations
1007 substantially underwritten by a unit of local government, within
1008 a rural area of opportunity ~~critical-economic concern~~.

1009 (c) All repayments of principal and interest shall be
1010 returned to the loan fund and made available for loans to other
1011 applicants. However, in a rural area of opportunity ~~critical~~
1012 ~~economic concern~~ designated by the Governor, and upon approval
1013 by the department, repayments of principal and interest may be
1014 retained by the applicant if such repayments are dedicated and
1015 matched to fund regionally based economic development

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1016 organizations representing the rural area of opportunity
1017 ~~critical economic concern~~.

1018 Section 24. Paragraphs (b), (c), and (e) of subsection (2)
1019 of section 288.0655, Florida Statutes, are amended to read:

1020 288.0655 Rural Infrastructure Fund.—

1021 (2)

1022 (b) To facilitate access of rural communities and rural
1023 areas of opportunity ~~critical economic concern~~ as defined by the
1024 Rural Economic Development Initiative to infrastructure funding
1025 programs of the Federal Government, such as those offered by the
1026 United States Department of Agriculture and the United States
1027 Department of Commerce, and state programs, including those
1028 offered by Rural Economic Development Initiative agencies, and
1029 to facilitate local government or private infrastructure funding
1030 efforts, the department may award grants for up to 30 percent of
1031 the total infrastructure project cost. If an application for
1032 funding is for a catalyst site, as defined in s. 288.0656, the
1033 department may award grants for up to 40 percent of the total
1034 infrastructure project cost. Eligible projects must be related
1035 to specific job-creation or job-retention opportunities.
1036 Eligible projects may also include improving any inadequate
1037 infrastructure that has resulted in regulatory action that
1038 prohibits economic or community growth or reducing the costs to
1039 community users of proposed infrastructure improvements that
1040 exceed such costs in comparable communities. Eligible uses of
1041 funds shall include improvements to public infrastructure for
1042 industrial or commercial sites and upgrades to or development of
1043 public tourism infrastructure. Authorized infrastructure may
1044 include the following public or public-private partnership

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1045 facilities: storm water systems; telecommunications facilities;
1046 broadband facilities; roads or other remedies to transportation
1047 impediments; nature-based tourism facilities; or other physical
1048 requirements necessary to facilitate tourism, trade, and
1049 economic development activities in the community. Authorized
1050 infrastructure may also include publicly or privately owned
1051 self-powered nature-based tourism facilities, publicly owned
1052 telecommunications facilities, and broadband facilities, and
1053 additions to the distribution facilities of the existing natural
1054 gas utility as defined in s. 366.04(3)(c), the existing electric
1055 utility as defined in s. 366.02, or the existing water or
1056 wastewater utility as defined in s. 367.021(12), or any other
1057 existing water or wastewater facility, which owns a gas or
1058 electric distribution system or a water or wastewater system in
1059 this state where:

1060 1. A contribution-in-aid of construction is required to
1061 serve public or public-private partnership facilities under the
1062 tariffs of any natural gas, electric, water, or wastewater
1063 utility as defined herein; and

1064 2. Such utilities as defined herein are willing and able to
1065 provide such service.

1066 (c) To facilitate timely response and induce the location
1067 or expansion of specific job creating opportunities, the
1068 department may award grants for infrastructure feasibility
1069 studies, design and engineering activities, or other
1070 infrastructure planning and preparation activities. Authorized
1071 grants shall be up to \$50,000 for an employment project with a
1072 business committed to create at least 100 jobs; up to \$150,000
1073 for an employment project with a business committed to create at

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1074 least 300 jobs; and up to \$300,000 for a project in a rural area
1075 of opportunity ~~critical economic concern~~. Grants awarded under
1076 this paragraph may be used in conjunction with grants awarded
1077 under paragraph (b), provided that the total amount of both
1078 grants does not exceed 30 percent of the total project cost. In
1079 evaluating applications under this paragraph, the department
1080 shall consider the extent to which the application seeks to
1081 minimize administrative and consultant expenses.

1082 (e) To enable local governments to access the resources
1083 available pursuant to s. 403.973(18), the department may award
1084 grants for surveys, feasibility studies, and other activities
1085 related to the identification and preclearance review of land
1086 which is suitable for preclearance review. Authorized grants
1087 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
1088 in the case of a project in a rural area of opportunity ~~critical~~
1089 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed
1090 \$300,000. Any funds awarded under this paragraph must be matched
1091 at a level of 50 percent with local funds, except that any funds
1092 awarded for a project in a rural area of opportunity ~~critical~~
1093 ~~economic concern~~ must be matched at a level of 33 percent with
1094 local funds. If an application for funding is for a catalyst
1095 site, as defined in s. 288.0656, the requirement for local match
1096 may be waived pursuant to the process in s. 288.06561. In
1097 evaluating applications under this paragraph, the department
1098 shall consider the extent to which the application seeks to
1099 minimize administrative and consultant expenses.

1100 Section 25. Paragraphs (a), (b), and (d) of subsection (2)
1101 and subsection (7) of section 288.0656, Florida Statutes, are
1102 amended to read:

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1103 288.0656 Rural Economic Development Initiative.-

1104 (2) As used in this section, the term:

1105 (a) "Catalyst project" means a business locating or
 1106 expanding in a rural area of opportunity ~~critical economic~~
 1107 ~~concern~~ to serve as an economic generator of regional
 1108 significance for the growth of a regional target industry
 1109 cluster. The project must provide capital investment on a scale
 1110 significant enough to affect the entire region and result in the
 1111 development of high-wage and high-skill jobs.

1112 (b) "Catalyst site" means a parcel or parcels of land
 1113 within a rural area of opportunity ~~critical economic concern~~
 1114 that has been prioritized as a geographic site for economic
 1115 development through partnerships with state, regional, and local
 1116 organizations. The site must be reviewed by REDI and approved by
 1117 the department for the purposes of locating a catalyst project.

1118 (d) "Rural area of opportunity ~~critical economic concern~~"
 1119 means a rural community, or a region composed of rural
 1120 communities, designated by the Governor, which ~~that~~ has been
 1121 adversely affected by an extraordinary economic event, severe or
 1122 chronic distress, or a natural disaster or that presents a
 1123 unique economic development opportunity of regional impact.

1124 (7) (a) REDI may recommend to the Governor up to three rural
 1125 areas of opportunity ~~critical economic concern~~. The Governor may
 1126 by executive order designate up to three rural areas of
 1127 opportunity ~~critical economic concern~~ which will establish these
 1128 areas as priority assignments for REDI as well as to allow the
 1129 Governor, acting through REDI, to waive criteria, requirements,
 1130 or similar provisions of any economic development incentive.
 1131 Such incentives shall include, but are not ~~be~~ limited to, + the

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1132 Qualified Target Industry Tax Refund Program under s. 288.106,
1133 the Quick Response Training Program under s. 288.047, the Quick
1134 Response Training Program for participants in the welfare
1135 transition program under s. 288.047(8), transportation projects
1136 under s. 339.2821, the brownfield redevelopment bonus refund
1137 under s. 288.107, and the rural job tax credit program under ss.
1138 212.098 and 220.1895.

1139 (b) Designation as a rural area of opportunity ~~critical~~
1140 ~~economic concern~~ under this subsection shall be contingent upon
1141 the execution of a memorandum of agreement among the department;
1142 the governing body of the county; and the governing bodies of
1143 any municipalities to be included within a rural area of
1144 opportunity ~~critical economic concern~~. Such agreement shall
1145 specify the terms and conditions of the designation, including,
1146 but not limited to, the duties and responsibilities of the
1147 county and any participating municipalities to take actions
1148 designed to facilitate the retention and expansion of existing
1149 businesses in the area, as well as the recruitment of new
1150 businesses to the area.

1151 (c) Each rural area of opportunity ~~critical economic~~
1152 ~~concern~~ may designate catalyst projects, provided that each
1153 catalyst project is specifically recommended by REDI, identified
1154 as a catalyst project by Enterprise Florida, Inc., and confirmed
1155 as a catalyst project by the department. All state agencies and
1156 departments shall use all available tools and resources to the
1157 extent permissible by law to promote the creation and
1158 development of each catalyst project and the development of
1159 catalyst sites.

1160 Section 26. Paragraph (a) of subsection (3) of section

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1161 288.1088, Florida Statutes, is amended to read:

1162 288.1088 Quick Action Closing Fund.—

1163 (3) (a) The department and Enterprise Florida, Inc., shall
 1164 jointly review applications pursuant to s. 288.061 and determine
 1165 the eligibility of each project consistent with the criteria in
 1166 subsection (2). Waiver of these criteria may be considered under
 1167 the following criteria:

1168 1. Based on extraordinary circumstances;

1169 2. In order to mitigate the impact of the conclusion of the
 1170 space shuttle program; or

1171 3. In rural areas of opportunity ~~critical economic concern~~
 1172 if the project would significantly benefit the local or regional
 1173 economy.

1174 Section 27. Paragraphs (b), (c), and (d) of subsection (4)
 1175 of section 288.1089, Florida Statutes, are amended to read:

1176 288.1089 Innovation Incentive Program.—

1177 (4) To qualify for review by the department, the applicant
 1178 must, at a minimum, establish the following to the satisfaction
 1179 of the department:

1180 (b) A research and development project must:

1181 1. Serve as a catalyst for an emerging or evolving
 1182 technology cluster.

1183 2. Demonstrate a plan for significant higher education
 1184 collaboration.

1185 3. Provide the state, at a minimum, a cumulative break-even
 1186 economic benefit within a 20-year period.

1187 4. Be provided with a one-to-one match from the local
 1188 community. The match requirement may be reduced or waived in
 1189 rural areas of opportunity ~~critical economic concern~~ or reduced

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1190 in rural areas, brownfield areas, and enterprise zones.

1191 (c) An innovation business project in this state, other
1192 than a research and development project, must:

1193 1.a. Result in the creation of at least 1,000 direct, new
1194 jobs at the business; or

1195 b. Result in the creation of at least 500 direct, new jobs
1196 if the project is located in a rural area, a brownfield area, or
1197 an enterprise zone.

1198 2. Have an activity or product that is within an industry
1199 that is designated as a target industry business under s.
1200 288.106 or a designated sector under s. 288.108.

1201 3.a. Have a cumulative investment of at least \$500 million
1202 within a 5-year period; or

1203 b. Have a cumulative investment that exceeds \$250 million
1204 within a 10-year period if the project is located in a rural
1205 area, brownfield area, or an enterprise zone.

1206 4. Be provided with a one-to-one match from the local
1207 community. The match requirement may be reduced or waived in
1208 rural areas of opportunity ~~critical economic concern~~ or reduced
1209 in rural areas, brownfield areas, and enterprise zones.

1210 (d) For an alternative and renewable energy project in this
1211 state, the project must:

1212 1. Demonstrate a plan for significant collaboration with an
1213 institution of higher education;

1214 2. Provide the state, at a minimum, a cumulative break-even
1215 economic benefit within a 20-year period;

1216 3. Include matching funds provided by the applicant or
1217 other available sources. The match requirement may be reduced or
1218 waived in rural areas of opportunity ~~critical economic concern~~

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1219 or reduced in rural areas, brownfield areas, and enterprise
1220 zones;

1221 4. Be located in this state; and

1222 5. Provide at least 35 direct, new jobs that pay an
1223 estimated annual average wage that equals at least 130 percent
1224 of the average private sector wage.

1225 Section 28. Paragraph (d) of subsection (6) of section
1226 290.0055, Florida Statutes, is amended to read:

1227 290.0055 Local nominating procedure.—

1228 (6)

1229 (d)1. The governing body of a jurisdiction which has
1230 nominated an application for an enterprise zone that is at least
1231 15 square miles and less than 20 square miles and includes a
1232 portion of the state designated as a rural area of opportunity
1233 ~~critical-economic-concern~~ under s. 288.0656(7) may apply to the
1234 department to expand the boundary of the existing enterprise
1235 zone by not more than 3 square miles.

1236 2. The governing body of a jurisdiction which has nominated
1237 an application for an enterprise zone that is at least 20 square
1238 miles and includes a portion of the state designated as a rural
1239 area of opportunity ~~critical-economic-concern~~ under s.
1240 288.0656(7) may apply to the department to expand the boundary
1241 of the existing enterprise zone by not more than 5 square miles.

1242 3. An application to expand the boundary of an enterprise
1243 zone under this paragraph must be submitted by December 31,
1244 2013.

1245 4. Notwithstanding the area limitations specified in
1246 subsection (4), the department may approve the request for a
1247 boundary amendment if the area continues to satisfy the

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1248 remaining requirements of this section.

1249 5. The department shall establish the initial effective
1250 date of an enterprise zone designated under this paragraph.

1251 Section 29. Paragraph (c) of subsection (4) of section
1252 339.2819, Florida Statutes, is amended to read:

1253 339.2819 Transportation Regional Incentive Program.—

1254 (4)

1255 (c) The department shall give priority to projects that:

1256 1. Provide connectivity to the Strategic Intermodal System
1257 developed under s. 339.64.

1258 2. Support economic development and the movement of goods
1259 in rural areas of opportunity ~~critical economic concern~~
1260 designated under s. 288.0656(7).

1261 3. Are subject to a local ordinance that establishes
1262 corridor management techniques, including access management
1263 strategies, right-of-way acquisition and protection measures,
1264 appropriate land use strategies, zoning, and setback
1265 requirements for adjacent land uses.

1266 4. Improve connectivity between military installations and
1267 the Strategic Highway Network or the Strategic Rail Corridor
1268 Network.

1269

1270 The department shall also consider the extent to which local
1271 matching funds are available to be committed to the project.

1272 Section 30. Paragraph (b) of subsection (5) of section
1273 339.63, Florida Statutes, is amended to read:

1274 339.63 System facilities designated; additions and
1275 deletions.—

1276 (5)

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1277 (b) A facility designated part of the Strategic Intermodal
1278 System pursuant to paragraph (a) that is within the jurisdiction
1279 of a local government that maintains a transportation
1280 concurrency system shall receive a waiver of transportation
1281 concurrency requirements applicable to Strategic Intermodal
1282 System facilities in order to accommodate any development at the
1283 facility which occurs pursuant to a building permit issued on or
1284 before December 31, 2017, but only if such facility is located:

1285 1. Within an area designated pursuant to s. 288.0656(7) as
1286 a rural area of opportunity ~~critical economic concern~~;

1287 2. Within a rural enterprise zone as defined in s.
1288 290.004(5); or

1289 3. Within 15 miles of the boundary of a rural area of
1290 opportunity ~~critical economic concern~~ or a rural enterprise
1291 zone.

1292 Section 31. Paragraph (c) of subsection (3) of section
1293 373.4595, Florida Statutes, is amended to read:

1294 373.4595 Northern Everglades and Estuaries Protection
1295 Program.—

1296 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
1297 protection program for Lake Okeechobee that achieves phosphorus
1298 load reductions for Lake Okeechobee shall be immediately
1299 implemented as specified in this subsection. The program shall
1300 address the reduction of phosphorus loading to the lake from
1301 both internal and external sources. Phosphorus load reductions
1302 shall be achieved through a phased program of implementation.
1303 Initial implementation actions shall be technology-based, based
1304 upon a consideration of both the availability of appropriate
1305 technology and the cost of such technology, and shall include

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1306 phosphorus reduction measures at both the source and the
1307 regional level. The initial phase of phosphorus load reductions
1308 shall be based upon the district's Technical Publication 81-2
1309 and the district's WOD program, with subsequent phases of
1310 phosphorus load reductions based upon the total maximum daily
1311 loads established in accordance with s. 403.067. In the
1312 development and administration of the Lake Okeechobee Watershed
1313 Protection Program, the coordinating agencies shall maximize
1314 opportunities provided by federal cost-sharing programs and
1315 opportunities for partnerships with the private sector.

1316 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—
1317 The Lake Okeechobee Watershed Phosphorus Control Program is
1318 designed to be a multifaceted approach to reducing phosphorus
1319 loads by improving the management of phosphorus sources within
1320 the Lake Okeechobee watershed through implementation of
1321 regulations and best management practices, development and
1322 implementation of improved best management practices,
1323 improvement and restoration of the hydrologic function of
1324 natural and managed systems, and utilization of alternative
1325 technologies for nutrient reduction. The coordinating agencies
1326 shall facilitate the application of federal programs that offer
1327 opportunities for water quality treatment, including
1328 preservation, restoration, or creation of wetlands on
1329 agricultural lands.

1330 1. Agricultural nonpoint source best management practices,
1331 developed in accordance with s. 403.067 and designed to achieve
1332 the objectives of the Lake Okeechobee Watershed Protection
1333 Program, shall be implemented on an expedited basis. The
1334 coordinating agencies shall develop an interagency agreement

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1335 pursuant to ss. 373.046 and 373.406(5) that assures the
1336 development of best management practices that complement
1337 existing regulatory programs and specifies how those best
1338 management practices are implemented and verified. The
1339 interagency agreement shall address measures to be taken by the
1340 coordinating agencies during any best management practice
1341 reevaluation performed pursuant to sub-subparagraph d. The
1342 department shall use best professional judgment in making the
1343 initial determination of best management practice effectiveness.

1344 a. As provided in s. 403.067(7)(c), the Department of
1345 Agriculture and Consumer Services, in consultation with the
1346 department, the district, and affected parties, shall initiate
1347 rule development for interim measures, best management
1348 practices, conservation plans, nutrient management plans, or
1349 other measures necessary for Lake Okeechobee watershed total
1350 maximum daily load reduction. The rule shall include thresholds
1351 for requiring conservation and nutrient management plans and
1352 criteria for the contents of such plans. Development of
1353 agricultural nonpoint source best management practices shall
1354 initially focus on those priority basins listed in subparagraph
1355 (b)1. The Department of Agriculture and Consumer Services, in
1356 consultation with the department, the district, and affected
1357 parties, shall conduct an ongoing program for improvement of
1358 existing and development of new interim measures or best
1359 management practices for the purpose of adoption of such
1360 practices by rule. The Department of Agriculture and Consumer
1361 Services shall work with the University of Florida's Institute
1362 of Food and Agriculture Sciences to review and, where
1363 appropriate, develop revised nutrient application rates for all

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1364 agricultural soil amendments in the watershed.

1365 b. Where agricultural nonpoint source best management
1366 practices or interim measures have been adopted by rule of the
1367 Department of Agriculture and Consumer Services, the owner or
1368 operator of an agricultural nonpoint source addressed by such
1369 rule shall either implement interim measures or best management
1370 practices or demonstrate compliance with the district's WOD
1371 program by conducting monitoring prescribed by the department or
1372 the district. Owners or operators of agricultural nonpoint
1373 sources who implement interim measures or best management
1374 practices adopted by rule of the Department of Agriculture and
1375 Consumer Services shall be subject to the provisions of s.
1376 403.067(7). The Department of Agriculture and Consumer Services,
1377 in cooperation with the department and the district, shall
1378 provide technical and financial assistance for implementation of
1379 agricultural best management practices, subject to the
1380 availability of funds.

1381 c. The district or department shall conduct monitoring at
1382 representative sites to verify the effectiveness of agricultural
1383 nonpoint source best management practices.

1384 d. Where water quality problems are detected for
1385 agricultural nonpoint sources despite the appropriate
1386 implementation of adopted best management practices, the
1387 Department of Agriculture and Consumer Services, in consultation
1388 with the other coordinating agencies and affected parties, shall
1389 institute a reevaluation of the best management practices and
1390 make appropriate changes to the rule adopting best management
1391 practices.

1392 2. Nonagricultural nonpoint source best management

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1393 practices, developed in accordance with s. 403.067 and designed
1394 to achieve the objectives of the Lake Okeechobee Watershed
1395 Protection Program, shall be implemented on an expedited basis.
1396 The department and the district shall develop an interagency
1397 agreement pursuant to ss. 373.046 and 373.406(5) that assures
1398 the development of best management practices that complement
1399 existing regulatory programs and specifies how those best
1400 management practices are implemented and verified. The
1401 interagency agreement shall address measures to be taken by the
1402 department and the district during any best management practice
1403 reevaluation performed pursuant to sub-subparagraph d.

1404 a. The department and the district are directed to work
1405 with the University of Florida's Institute of Food and
1406 Agricultural Sciences to develop appropriate nutrient
1407 application rates for all nonagricultural soil amendments in the
1408 watershed. As provided in s. 403.067(7)(c), the department, in
1409 consultation with the district and affected parties, shall
1410 develop interim measures, best management practices, or other
1411 measures necessary for Lake Okeechobee watershed total maximum
1412 daily load reduction. Development of nonagricultural nonpoint
1413 source best management practices shall initially focus on those
1414 priority basins listed in subparagraph (b)1. The department, the
1415 district, and affected parties shall conduct an ongoing program
1416 for improvement of existing and development of new interim
1417 measures or best management practices. The district shall adopt
1418 technology-based standards under the district's WOD program for
1419 nonagricultural nonpoint sources of phosphorus. Nothing in this
1420 sub-subparagraph shall affect the authority of the department or
1421 the district to adopt basin-specific criteria under this part to

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1422 prevent harm to the water resources of the district.

1423 b. Where nonagricultural nonpoint source best management
1424 practices or interim measures have been developed by the
1425 department and adopted by the district, the owner or operator of
1426 a nonagricultural nonpoint source shall implement interim
1427 measures or best management practices and be subject to the
1428 provisions of s. 403.067(7). The department and district shall
1429 provide technical and financial assistance for implementation of
1430 nonagricultural nonpoint source best management practices,
1431 subject to the availability of funds.

1432 c. The district or the department shall conduct monitoring
1433 at representative sites to verify the effectiveness of
1434 nonagricultural nonpoint source best management practices.

1435 d. Where water quality problems are detected for
1436 nonagricultural nonpoint sources despite the appropriate
1437 implementation of adopted best management practices, the
1438 department and the district shall institute a reevaluation of
1439 the best management practices.

1440 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not
1441 preclude the department or the district from requiring
1442 compliance with water quality standards or with current best
1443 management practices requirements set forth in any applicable
1444 regulatory program authorized by law for the purpose of
1445 protecting water quality. Additionally, subparagraphs 1. and 2.
1446 are applicable only to the extent that they do not conflict with
1447 any rules adopted ~~promulgated~~ by the department that are
1448 necessary to maintain a federally delegated or approved program.

1449 4. Projects that reduce the phosphorus load originating
1450 from domestic wastewater systems within the Lake Okeechobee

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1451 watershed shall be given funding priority in the department's
1452 revolving loan program under s. 403.1835. The department shall
1453 coordinate and provide assistance to those local governments
1454 seeking financial assistance for such priority projects.

1455 5. Projects that make use of private lands, or lands held
1456 in trust for Indian tribes, to reduce nutrient loadings or
1457 concentrations within a basin by one or more of the following
1458 methods: restoring the natural hydrology of the basin, restoring
1459 wildlife habitat or impacted wetlands, reducing peak flows after
1460 storm events, increasing aquifer recharge, or protecting range
1461 and timberland from conversion to development, are eligible for
1462 grants available under this section from the coordinating
1463 agencies. For projects of otherwise equal priority, special
1464 funding priority will be given to those projects that make best
1465 use of the methods outlined above that involve public-private
1466 partnerships or that obtain federal match money. Preference
1467 ranking above the special funding priority will be given to
1468 projects located in a rural area of opportunity ~~critical~~
1469 ~~economic concern~~ designated by the Governor. Grant applications
1470 may be submitted by any person or tribal entity, and eligible
1471 projects may include, but are not limited to, the purchase of
1472 conservation and flowage easements, hydrologic restoration of
1473 wetlands, creating treatment wetlands, development of a
1474 management plan for natural resources, and financial support to
1475 implement a management plan.

1476 6.a. The department shall require all entities disposing of
1477 domestic wastewater residuals within the Lake Okeechobee
1478 watershed and the remaining areas of Okeechobee, Glades, and
1479 Hendry Counties to develop and submit to the department an

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1480 agricultural use plan that limits applications based upon
1481 phosphorus loading. By July 1, 2005, phosphorus concentrations
1482 originating from these application sites may ~~shall~~ not exceed
1483 the limits established in the district's WOD program. After
1484 December 31, 2007, the department may not authorize the disposal
1485 of domestic wastewater residuals within the Lake Okeechobee
1486 watershed unless the applicant can affirmatively demonstrate
1487 that the phosphorus in the residuals will not add to phosphorus
1488 loadings in Lake Okeechobee or its tributaries. This
1489 demonstration shall be based on achieving a net balance between
1490 phosphorus imports relative to exports on the permitted
1491 application site. Exports shall include only phosphorus removed
1492 from the Lake Okeechobee watershed through products generated on
1493 the permitted application site. This prohibition does not apply
1494 to Class AA residuals that are marketed and distributed as
1495 fertilizer products in accordance with department rule.

1496 b. Private and government-owned utilities within Monroe,
1497 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1498 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1499 dispose of wastewater residual sludge from utility operations
1500 and septic removal by land spreading in the Lake Okeechobee
1501 watershed may use a line item on local sewer rates to cover
1502 wastewater residual treatment and disposal if such disposal and
1503 treatment is done by approved alternative treatment methodology
1504 at a facility located within the areas designated by the
1505 Governor as rural areas of opportunity ~~critical economic concern~~
1506 pursuant to s. 288.0656. This additional line item is an
1507 environmental protection disposal fee above the present sewer
1508 rate and may ~~shall~~ not be considered a part of the present sewer

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1509 rate to customers, notwithstanding provisions to the contrary in
1510 chapter 367. The fee shall be established by the county
1511 commission or its designated assignee in the county in which the
1512 alternative method treatment facility is located. The fee shall
1513 be calculated to be no higher than that necessary to recover the
1514 facility's prudent cost of providing the service. Upon request
1515 by an affected county commission, the Florida Public Service
1516 Commission will provide assistance in establishing the fee.
1517 Further, for utilities and utility authorities that use the
1518 additional line item environmental protection disposal fee, such
1519 fee may ~~shall~~ not be considered a rate increase under the rules
1520 of the Public Service Commission and shall be exempt from such
1521 rules. Utilities using the provisions of this section may
1522 immediately include in their sewer invoicing the new
1523 environmental protection disposal fee. Proceeds from this
1524 environmental protection disposal fee shall be used for
1525 treatment and disposal of wastewater residuals, including any
1526 treatment technology that helps reduce the volume of residuals
1527 that require final disposal, but such proceeds may ~~shall~~ not be
1528 used for transportation or shipment costs for disposal or any
1529 costs relating to the land application of residuals in the Lake
1530 Okeechobee watershed.

1531 c. No less frequently than once every 3 years, the Florida
1532 Public Service Commission or the county commission through the
1533 services of an independent auditor shall perform a financial
1534 audit of all facilities receiving compensation from an
1535 environmental protection disposal fee. The Florida Public
1536 Service Commission or the county commission through the services
1537 of an independent auditor shall also perform an audit of the

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1538 methodology used in establishing the environmental protection
1539 disposal fee. The Florida Public Service Commission or the
1540 county commission shall, within 120 days after completion of an
1541 audit, file the audit report with the President of the Senate
1542 and the Speaker of the House of Representatives and shall
1543 provide copies to the county commissions of the counties set
1544 forth in sub-subparagraph b. The books and records of any
1545 facilities receiving compensation from an environmental
1546 protection disposal fee shall be open to the Florida Public
1547 Service Commission and the Auditor General for review upon
1548 request.

1549 7. The Department of Health shall require all entities
1550 disposing of septage within the Lake Okeechobee watershed to
1551 develop and submit to that agency an agricultural use plan that
1552 limits applications based upon phosphorus loading. By July 1,
1553 2005, phosphorus concentrations originating from these
1554 application sites may ~~shall~~ not exceed the limits established in
1555 the district's WOD program.

1556 8. The Department of Agriculture and Consumer Services
1557 shall initiate rulemaking requiring entities within the Lake
1558 Okeechobee watershed which land-apply animal manure to develop
1559 resource management system level conservation plans, according
1560 to United States Department of Agriculture criteria, which limit
1561 such application. Such rules may include criteria and thresholds
1562 for the requirement to develop a conservation or nutrient
1563 management plan, requirements for plan approval, and
1564 recordkeeping requirements.

1565 9. The district, the department, or the Department of
1566 Agriculture and Consumer Services, as appropriate, shall

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1567 implement those alternative nutrient reduction technologies
1568 determined to be feasible pursuant to subparagraph (d)6.

1569 Section 32. Paragraph (e) of subsection (2) and paragraph
1570 (b) of subsection (26) of section 380.06, Florida Statutes, are
1571 amended to read:

1572 380.06 Developments of regional impact.—

1573 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1574 (e) With respect to residential, hotel, motel, office, and
1575 retail developments, the applicable guidelines and standards
1576 shall be increased by 50 percent in urban central business
1577 districts and regional activity centers of jurisdictions whose
1578 local comprehensive plans are in compliance with part II of
1579 chapter 163. With respect to multiuse developments, the
1580 applicable individual use guidelines and standards for
1581 residential, hotel, motel, office, and retail developments and
1582 multiuse guidelines and standards shall be increased by 100
1583 percent in urban central business districts and regional
1584 activity centers of jurisdictions whose local comprehensive
1585 plans are in compliance with part II of chapter 163, if one land
1586 use of the multiuse development is residential and amounts to
1587 not less than 35 percent of the jurisdiction's applicable
1588 residential threshold. With respect to resort or convention
1589 hotel developments, the applicable guidelines and standards
1590 shall be increased by 150 percent in urban central business
1591 districts and regional activity centers of jurisdictions whose
1592 local comprehensive plans are in compliance with part II of
1593 chapter 163 and where the increase is specifically for a
1594 proposed resort or convention hotel located in a county with a
1595 population greater than 500,000 and the local government

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1596 specifically designates that the proposed resort or convention
 1597 hotel development will serve an existing convention center of
 1598 more than 250,000 gross square feet built before ~~prior to~~ July
 1599 1, 1992. The applicable guidelines and standards shall be
 1600 increased by 150 percent for development in any area designated
 1601 by the Governor as a rural area of opportunity ~~critical economic~~
 1602 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the
 1603 designation.

1604 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1605 (b) Upon receipt of written confirmation from the state
 1606 land planning agency that any required mitigation applicable to
 1607 completed development has occurred, an industrial development of
 1608 regional impact located within the coastal high-hazard area of a
 1609 rural area of opportunity ~~county of economic concern~~ which was
 1610 approved before ~~prior to~~ the adoption of the local government's
 1611 comprehensive plan required under s. 163.3167 and which plan's
 1612 future land use map and zoning designates the land use for the
 1613 development of regional impact as commercial may be unilaterally
 1614 abandoned without the need to proceed through the process
 1615 described in paragraph (a) if the developer or owner provides a
 1616 notice of abandonment to the local government and records such
 1617 notice with the applicable clerk of court. Abandonment shall be
 1618 deemed to have occurred upon the recording of the notice. All
 1619 development following abandonment shall be fully consistent with
 1620 the current comprehensive plan and applicable zoning.

1621 Section 33. Paragraph (g) of subsection (3) of section
 1622 380.0651, Florida Statutes, is amended to read:

1623 380.0651 Statewide guidelines and standards.—

1624 (3) The following statewide guidelines and standards shall

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1625 be applied in the manner described in s. 380.06(2) to determine
1626 whether the following developments shall be required to undergo
1627 development-of-regional-impact review:

1628 (g) *Residential development.*—A ~~No~~ rule may not be adopted
1629 concerning residential developments which treats a residential
1630 development in one county as being located in a less populated
1631 adjacent county unless more than 25 percent of the development
1632 is located within 2 ~~or less~~ miles or less of the less populated
1633 adjacent county. The residential thresholds of adjacent counties
1634 with less population and a lower threshold may ~~shall~~ not be
1635 controlling on any development wholly located within areas
1636 designated as rural areas of opportunity ~~critical economic~~
1637 ~~concern~~.

1638 Section 34. Paragraph (b) of subsection (2) of section
1639 985.686, Florida Statutes, is amended to read:

1640 985.686 Shared county and state responsibility for juvenile
1641 detention.—

1642 (2) As used in this section, the term:

1643 (b) "Fiscally constrained county" means a county within a
1644 rural area of opportunity ~~critical economic concern~~ as
1645 designated by the Governor pursuant to s. 288.0656 or each
1646 county for which the value of a mill will raise no more than \$5
1647 million in revenue, based on the certified school taxable value
1648 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
1649 July 1.

1650 Section 35. Subsection (2) of section 1011.76, Florida
1651 Statutes, is amended to read:

1652 1011.76 Small School District Stabilization Program.—

1653 (2) In order to participate in this program, a school

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1654 district must be located in a rural area of opportunity ~~critical~~
1655 ~~economic concern~~ designated by the Executive Office of the
1656 Governor, and the district school board must submit a resolution
1657 to the Department of Economic Opportunity requesting
1658 participation in the program. A rural area of opportunity
1659 ~~critical economic concern~~ must be a rural community, or a region
1660 composed of such, that has been adversely affected by an
1661 extraordinary economic event or a natural disaster or that
1662 presents a unique economic development concern or opportunity of
1663 regional impact. The resolution must be accompanied by ~~with~~
1664 documentation of the economic conditions in the community and~~r~~
1665 provide information indicating the negative impact of these
1666 conditions on the school district's financial stability, and the
1667 school district must participate in a best financial management
1668 practices review to determine potential efficiencies that could
1669 be implemented to reduce program costs in the district.

1670 Section 36. Paragraph (a) of subsection (4) of section
1671 215.425, Florida Statutes, is amended to read:

1672 215.425 Extra compensation claims prohibited; bonuses;
1673 severance pay.—

1674 (4) (a) On or after July 1, 2011, a unit of government that
1675 enters into a contract or employment agreement, or renewal or
1676 renegotiation of an existing contract or employment agreement,
1677 that contains a provision for severance pay with an officer,
1678 agent, employee, or contractor must include the following
1679 provisions in the contract:

1680 1. A requirement that severance pay provided may not exceed
1681 an amount greater than 20 weeks of compensation.

1682 2. A prohibition of provision of severance pay when the

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1683 officer, agent, employee, or contractor has been fired for
1684 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the
1685 unit of government.

1686 Section 37. Paragraph (f) of subsection (13) of section
1687 443.1216, Florida Statutes, is amended to read:

1688 443.1216 Employment.—Employment, as defined in s. 443.036,
1689 is subject to this chapter under the following conditions:

1690 (13) The following are exempt from coverage under this
1691 chapter:

1692 (f) Service performed in the employ of a public employer as
1693 defined in s. 443.036, except as provided in subsection (2), and
1694 service performed in the employ of an instrumentality of a
1695 public employer as described in s. 443.036(35)(b) or (c) ~~s.~~
1696 ~~443.036(36)(b) or (c)~~, to the extent that the instrumentality is
1697 immune under the United States Constitution from the tax imposed
1698 by s. 3301 of the Internal Revenue Code for that service.

1699 Section 38. This act shall take effect July 1, 2014.