

By the Committees on Military and Veterans Affairs, Space, and Domestic Security; and 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. 288.0001,
7 F.S.; requiring an analysis of the New Markets
8 Development Program in the Economic Development
9 Programs Evaluation; amending s. 288.005, F.S.;
10 defining terms; creating s. 288.006, F.S.; providing
11 requirements for loan programs relating to
12 accountability and proper stewardship of funds;
13 authorizing the Auditor General to conduct audits for
14 a specified purpose; authorizing the department to
15 adopt rules; amending s. 290.0411, F.S.; revising
16 legislative intent for purposes of the Florida Small
17 Cities Community Development Block Grant Program;
18 amending s. 290.044, F.S.; requiring the Department of
19 Economic Opportunity to adopt rules establishing a
20 competitive selection process for loan guarantees and
21 grants awarded under the block grant program; revising
22 the criteria for the award of grants; amending s.
23 290.046, F.S.; revising limits on the number of grants
24 that an applicant may apply for and receive; revising
25 the requirement that the department conduct a site
26 visit before awarding a grant; requiring the
27 department to rank applications according to criteria
28 established by rule and to distribute funds according
29 to the rankings; revising scoring factors to consider

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

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

86
87 Be It Enacted by the Legislature of the State of Florida:

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

163.3202 Land development regulations.—

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

Section 2. Paragraph (a) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(a) By January 1, 2014, and every 3 years thereafter, an analysis of the following:

1. The capital investment tax credit established under s. 220.191.
2. The qualified target industry tax refund established under s. 288.106.
3. The brownfield redevelopment bonus refund established under s. 288.107.

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117 4. High-impact business performance grants established
118 under s. 288.108.

119 5. The Quick Action Closing Fund established under s.
120 288.1088.

121 6. The Innovation Incentive Program established under s.
122 288.1089.

123 7. Enterprise Zone Program incentives established under ss.
124 212.08(5) and (15), 212.096, 220.181, and 220.182.

125 8. The New Markets Development Program established under
126 ss. 288.991-288.9922.

127 Section 3. Subsections (5) and (6) are added to section
128 288.005, Florida Statutes, to read:

129 288.005 Definitions.—As used in this chapter, the term:

130 (5) "Loan administrator" means an entity statutorily
131 eligible to receive state funds and authorized by the department
132 to make loans under a loan program.

133 (6) "Loan program" means a program established in this
134 chapter to provide appropriated funds to an eligible entity to
135 further a specific state purpose for a limited period of time
136 and with a requirement that such appropriated funds be repaid to
137 the state. The term includes a "loan fund" or "loan pilot
138 program" administered by the department under this chapter.

139 Section 4. Section 288.006, Florida Statutes, is created to
140 read:

141 288.006 General operation of loan programs.—

142 (1) The Legislature intends to promote the goals of
143 accountability and proper stewardship by recipients of loan
144 program funds. This section applies to all loan programs
145 established under this chapter.

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146 (2) State funds appropriated for a loan program may be used
147 only by an eligible recipient or loan administrator, and the use
148 of such funds is restricted to the specific state purpose of the
149 loan program, subject to any compensation due to a loan
150 administrator as provided under this chapter. State funds may be
151 awarded directly by the department to an eligible recipient or
152 awarded by the department to a loan administrator. All state
153 funds, including any interest earned, remain state funds unless
154 otherwise stated in the statutory requirements of the loan
155 program.

156 (3) (a) Upon termination of a loan program by the
157 Legislature or by statute, all appropriated funds shall revert
158 to the General Revenue Fund. The department shall pay the entity
159 for any allowable administrative expenses due to the loan
160 administrator as provided under this chapter, unless otherwise
161 required by law.

162 (b) Upon termination of a contract between the department
163 and an eligible recipient or loan administrator, all remaining
164 appropriated funds shall revert to the fund from which the
165 appropriation was made. The department shall become the
166 successor entity for any outstanding loans. Except in the case
167 of the termination of a contract for fraud or a finding that the
168 loan administrator was not meeting the terms of the program, the
169 department shall pay the entity for any allowable administrative
170 expenses due to the loan administrator as provided under this
171 chapter.

172 (c) The eligible recipient or loan administrator to which
173 this subsection applies shall execute all appropriate
174 instruments to reconcile any remaining accounts associated with

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175 a terminated loan program or contract. The entity shall execute
176 all appropriate instruments to ensure that the department is
177 authorized to collect all receivables for outstanding loans,
178 including, but not limited to, assignments of promissory notes
179 and mortgages.

180 (4) An eligible recipient or loan administrator must avoid
181 any potential conflict of interest regarding the use of
182 appropriated funds for a loan program. An eligible recipient or
183 loan administrator or a board member, employee, or agent
184 thereof, or an immediate family member of a board member,
185 employee, or agent, may not have a financial interest in an
186 entity that is awarded a loan under a loan program. A loan may
187 not be made to a person or entity if a conflict of interest
188 exists between the parties involved. As used in this subsection,
189 the term "immediate family" means a parent, spouse, child,
190 sibling, grandparent, or grandchild related by blood or
191 marriage.

192 (5) In determining eligibility for an entity applying for
193 the award of funds directly by the department or applying for
194 selection as a loan administrator for a loan program, the
195 department shall evaluate each applicant's business practices,
196 financial stability, and past performance in other state
197 programs, in addition to the loan program's statutory
198 requirements. Eligibility of an entity applying to be a
199 recipient or loan administrator may be conditionally granted or
200 denied outright if the department determines that the entity is
201 noncompliant with any law, rule, or program requirement.

202 (6) Recurring use of state funds, including revolving loans
203 or new negotiable instruments, which have been repaid to the

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204 loan administrator may be made if the loan program's statutory
205 structure permits. However, any use of state funds made by a
206 loan administrator remains subject to subsections (2) and (3),
207 and compensation to a loan administrator may not exceed any
208 limitation provided by this chapter.

209 (7) The Auditor General may conduct audits as provided in
210 s. 11.45 to verify that the appropriations under each loan
211 program are expended by the eligible recipient or loan
212 administrator as required for each program. If the Auditor
213 General determines that the appropriations are not expended as
214 required, the Auditor General shall notify the department, which
215 may pursue recovery of the funds. This section does not prevent
216 the department from pursuing recovery of the appropriated loan
217 program funds when necessary to protect the funds or when
218 authorized by law.

219 (8) The department may adopt rules under ss. 120.536(1) and
220 120.54 as necessary to carry out this section.

221 Section 5. Section 290.0411, Florida Statutes, is amended
222 to read:

223 290.0411 Legislative intent and purpose of ss. 290.0401-
224 290.048.—It is the intent of the Legislature to provide the
225 necessary means to develop, preserve, redevelop, and revitalize
226 Florida communities exhibiting signs of decline, ~~or~~ distress, or
227 economic need by enabling local governments to undertake the
228 necessary community and economic development programs. The
229 overall objective is to create viable communities by eliminating
230 slum and blight, fortifying communities in urgent need,
231 providing decent housing and suitable living environments, and
232 expanding economic opportunities, principally for persons of low

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233 or moderate income. The purpose of ss. 290.0401-290.048 is to
234 assist local governments in carrying out effective community and
235 economic development and project planning and design activities
236 to arrest and reverse community decline and restore community
237 vitality. Community and economic development and project
238 planning activities to maintain viable communities, revitalize
239 existing communities, expand economic development and employment
240 opportunities, and improve housing conditions and expand housing
241 opportunities, providing direct benefit to persons of low or
242 moderate income, are the primary purposes of ss. 290.0401-
243 290.048. The Legislature, therefore, declares that the
244 development, redevelopment, preservation, and revitalization of
245 communities in this state and all the purposes of ss. 290.0401-
246 290.048 are public purposes for which public money may be
247 borrowed, expended, loaned, pledged to guarantee loans, and
248 granted.

249 Section 6. Section 290.044, Florida Statutes, is amended to
250 read:

251 290.044 Florida Small Cities Community Development Block
252 Grant Program Fund; administration; distribution.—

253 (1) The Florida Small Cities Community Development Block
254 Grant Program Fund is created. All revenue designated for
255 deposit in such fund shall be deposited by the appropriate
256 agency. The department shall administer this fund as a grant and
257 loan guarantee program for carrying out the purposes of ss.
258 290.0401-290.048.

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

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262 (3) The department shall require applicants for grants to
263 compete against each other in the following grant program
264 categories:

- 265 (a) Housing rehabilitation.
266 (b) Economic development.
267 (c) Neighborhood revitalization.
268 (d) Commercial revitalization.

269 (4)~~(3)~~ The department shall define ~~the~~ broad community
270 development objectives ~~objective~~ to be achieved by the
271 activities in each of the ~~following~~ grant program categories
272 with the use of funds from the Florida Small Cities Community
273 Development Block Grant Program Fund. Such objectives shall be
274 designed to meet at least one of the national objectives
275 provided in the Housing and Community Development Act of 1974,
276 ~~and require applicants for grants to compete against each other~~
277 ~~in these grant program categories:~~

- 278 ~~(a) Housing.~~
279 ~~(b) Economic development.~~
280 ~~(c) Neighborhood revitalization.~~
281 ~~(d) Commercial revitalization.~~
282 ~~(e) Project planning and design.~~

283 (5)~~(4)~~ The department may set aside an amount of up to 5
284 percent of the funds annually for use in any eligible local
285 government jurisdiction for which an emergency or natural
286 disaster has been declared by executive order. Such funds may
287 only be provided to a local government to fund eligible
288 emergency-related activities for which no other source of
289 federal, state, or local disaster funds is available. The
290 department may provide for such set-aside by rule. In the last

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291 quarter of the state fiscal year, any funds not allocated under
 292 the emergency-related set-aside shall be distributed to unfunded
 293 applications from the most recent funding cycle.

294 (6)~~(5)~~ The department shall establish a system of
 295 monitoring grants, including site visits, to ensure the proper
 296 expenditure of funds and compliance with the conditions of the
 297 recipient's contract. The department shall establish criteria
 298 for implementation of internal control, to include, but not be
 299 limited to, the following measures:

300 (a) Ensuring that subrecipient audits performed by a
 301 certified public accountant are received and responded to in a
 302 timely manner.

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

305 (c) Providing specific justification for contract
 306 amendments that takes into account any change in contracted
 307 activities and the resultant cost adjustments which shall be
 308 reflected in the amount of the grant.

309 Section 7. Section 290.046, Florida Statutes, is amended to
 310 read:

311 290.046 Applications for grants; procedures; requirements.-

312 (1) In applying for a grant under a specific program
 313 category, an applicant shall propose eligible activities that
 314 directly address the objectives ~~objective~~ of that program
 315 category.

316 (2) (a) Except for applications for economic development
 317 grants as provided in subparagraph (b)1. ~~paragraph (c),~~ an each
 318 eligible local government may submit one ~~an~~ application for a
 319 grant ~~under either the housing program category or the~~

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320 ~~neighborhood revitalization program category~~ during each
321 application ~~annual funding cycle. An applicant may not receive~~
322 ~~more than one grant in any state fiscal year from any of the~~
323 ~~following categories: housing, neighborhood revitalization, or~~
324 ~~commercial revitalization.~~

325 (b) 1. ~~An Except as provided in paragraph (c),~~ each eligible
326 local government may apply up to three times in any one annual
327 funding cycle for an economic development ~~a grant under the~~
328 ~~economic development program category~~ but may not ~~shall~~ receive
329 ~~no~~ more than one such grant per annual funding cycle. A local
330 government may have more than one open economic development
331 grant ~~Applications for grants under the economic development~~
332 ~~program category may be submitted at any time during the annual~~
333 ~~funding cycle, and such grants shall be awarded no less~~
334 ~~frequently than three times per funding cycle.~~

335 2. The department shall establish minimum criteria
336 pertaining to the number of jobs created for persons of low or
337 moderate income, the degree of private sector financial
338 commitment, and the economic feasibility of the proposed project
339 and shall establish any other criteria the department deems
340 appropriate. Assistance to a private, for-profit business may
341 not be provided from a grant award unless sufficient evidence
342 exists to demonstrate that without such public assistance the
343 creation or retention of such jobs would not occur.

344 (c) 1. A local government ~~governments~~ with an open housing
345 rehabilitation, neighborhood revitalization, or commercial
346 revitalization contract is ~~shall~~ not ~~be~~ eligible to apply for
347 another housing rehabilitation, neighborhood revitalization, or
348 commercial revitalization grant until administrative closeout of

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349 ~~its~~ their existing contract. The department shall notify a local
350 government of administrative closeout or of any outstanding
351 closeout issues within 45 days after ~~of~~ receipt of a closeout
352 package from the local government. A local government
353 ~~governments~~ with an open housing rehabilitation, neighborhood
354 revitalization, or commercial revitalization community
355 development block grant contract whose activities are on
356 schedule in accordance with the expenditure rates and
357 accomplishments described in the contract may apply for an
358 economic development grant.

359 2. A local government ~~governments~~ with an open economic
360 development community development block grant contract whose
361 activities are on schedule in accordance with the expenditure
362 rates and accomplishments described in the contract may apply
363 for a housing rehabilitation, ~~or~~ neighborhood revitalization, or
364 ~~and a~~ commercial revitalization community development block
365 grant. A local government ~~governments~~ with an open economic
366 development contract whose activities are on schedule in
367 accordance with the expenditure rates and accomplishments
368 described in the contract may receive no more than one
369 additional economic development grant in each fiscal year.

370 (d) ~~Beginning October 1, 1988,~~ The department may not ~~shall~~
371 award a ~~no~~ grant until it ~~the~~ department has conducted
372 ~~determined, based upon~~ a site visit to verify the information
373 contained in the local government's application, ~~that the~~
374 ~~proposed area matches and adheres to the written description~~
375 ~~contained within the applicant's request. If, based upon review~~
376 ~~of the application or a site visit, the department determines~~
377 ~~that any information provided in the application which affects~~

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378 ~~eligibility or scoring has been misrepresented, the applicant's~~
379 ~~request shall be rejected by the department pursuant to s.~~
380 ~~290.0475(7). Mathematical errors in applications which may be~~
381 ~~discovered and corrected by readily computing available numbers~~
382 ~~or formulas provided in the application shall not be a basis for~~
383 ~~such rejection.~~

384 (3) (a) The department shall rank each application received
385 during the application cycle according to criteria established
386 by rule. The ranking system shall include a procedure to
387 eliminate or reduce any population-related bias that places
388 exceptionally small communities at a disadvantage in the
389 competition for funds ~~Each application shall be ranked~~
390 ~~competitively based on community need and program impact.~~
391 ~~Community need shall be weighted 25 percent. Program impact~~
392 ~~shall be weighted 65 percent. Outstanding performance in equal~~
393 ~~opportunity employment and housing shall be weighted 10 percent.~~

394 (b) Funds shall be distributed according to the rankings
395 established in each application cycle. If economic development
396 funds remain available after the application cycle closes, the
397 remaining funds shall be awarded to eligible projects on a
398 first-come, first-served basis until such funds are fully
399 obligated ~~The criteria used to measure community need shall~~
400 ~~include, at a minimum, indicators of the extent of poverty in~~
401 ~~the community and the condition of physical structures. Each~~
402 ~~application, regardless of the program category for which it is~~
403 ~~being submitted, shall be scored competitively on the same~~
404 ~~community need criteria. In recognition of the benefits~~
405 ~~resulting from the receipt of grant funds, the department shall~~
406 ~~provide for the reduction of community need scores for specified~~

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407 ~~increments of grant funds provided to a local government since~~
408 ~~the state began using the most recent census data. In the year~~
409 ~~in which new census data are first used, no such reduction shall~~
410 ~~occur.~~

411 (c) The application's program impact score, equal
412 employment opportunity and fair housing score, and communitywide
413 needs score may take into consideration scoring factors,
414 including, but not limited to, unemployment, poverty levels,
415 low-income and moderate-income populations, benefits to low-
416 income and moderate-income residents, use of minority-owned and
417 woman-owned business enterprises in previous grants, health and
418 safety issues, and the condition of physical structures ~~The~~
419 ~~criteria used to measure the impact of an applicant's proposed~~
420 ~~activities shall include, at a minimum, indicators of the direct~~
421 ~~benefit received by persons of low income and persons of~~
422 ~~moderate income, the extent to which the problem identified is~~
423 ~~addressed by the proposed activities, and the extent to which~~
424 ~~resources other than the funds being applied for under this~~
425 ~~program are being used to carry out the proposed activities.~~

426 ~~(d) Applications shall be scored competitively on program~~
427 ~~impact criteria that are uniquely tailored to the community~~
428 ~~development objective established in each program category. The~~
429 ~~criteria used to measure the direct benefit to persons of low~~
430 ~~income and persons of moderate income shall represent no less~~
431 ~~than 42 percent of the points assigned to the program impact~~
432 ~~factor. For the housing and neighborhood revitalization~~
433 ~~categories, the department shall also include the following~~
434 ~~criteria in the scoring of applications:~~

435 ~~1. The proportion of very low income and low income~~

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436 ~~households served.~~

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

439 ~~(4) An applicant for a neighborhood revitalization or~~
440 ~~commercial revitalization grant shall demonstrate that its~~
441 ~~activities are to be carried out in distinct service areas which~~
442 ~~are characterized by the existence of slums or blighted~~
443 ~~conditions, or by the concentration of persons of low or~~
444 ~~moderate income.~~

445 ~~(4)(5)~~ In order to provide citizens with information
446 concerning an applicant's proposed project, the applicant shall
447 make available to the public information concerning the amounts
448 of funds available for various activities and the range of
449 activities that may be undertaken. In addition, the applicant
450 shall hold a minimum of two public hearings in the local
451 jurisdiction within which the project is to be implemented to
452 obtain the views of citizens before submitting the final
453 application to the department. The applicant shall conduct the
454 initial hearing to solicit public input concerning community
455 needs, inform the public about funding opportunities available
456 to address community needs, and discuss activities that may be
457 undertaken. Before a second public hearing is held, the
458 applicant must publish a summary of the proposed application
459 that provides citizens with an opportunity to examine the
460 contents of the application and to submit comments. The
461 applicant shall conduct a second hearing to obtain comments from
462 citizens concerning the proposed application and to modify the
463 proposed application if appropriate ~~program before an~~
464 ~~application is submitted to the department, the applicant shall:~~

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465 ~~(a) Make available to the public information concerning the~~
466 ~~amounts of funds available for various activities and the range~~
467 ~~of activities that may be undertaken.~~

468 ~~(b) Hold at least one public hearing to obtain the views of~~
469 ~~citizens on community development needs.~~

470 ~~(c) Develop and publish a summary of the proposed~~
471 ~~application that will provide citizens with an opportunity to~~
472 ~~examine its contents and submit their comments.~~

473 ~~(d) Consider any comments and views expressed by citizens~~
474 ~~on the proposed application and, if appropriate, modify the~~
475 ~~proposed application.~~

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

480 ~~(5)-(6)~~ The local government may ~~shall~~ establish a citizen
481 advisory task force composed of citizens in the jurisdiction in
482 which the proposed project is to be implemented to provide input
483 relative to all phases of the project process. ~~The local~~
484 ~~government must obtain consent from the department for any other~~
485 ~~type of citizen participation plan upon a showing that such plan~~
486 ~~is better suited to secure citizen participation for that~~
487 ~~locality.~~

488 ~~(6)-(7)~~ The department shall, before ~~prior to~~ approving an
489 application for a grant, determine that the applicant has the
490 administrative capacity to carry out the proposed activities and
491 has performed satisfactorily in carrying out past activities
492 funded by community development block grants. The evaluation of
493 past performance shall take into account procedural aspects of

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494 previous grants as well as substantive results. If the
495 department determines that any applicant has failed to
496 accomplish substantially the results it proposed in its last
497 previously funded application, it may prohibit the applicant
498 from receiving a grant or may penalize the applicant in the
499 rating of the current application. An ~~Ne~~ application for grant
500 funds may not be denied solely upon the basis of the past
501 performance of the eligible applicant.

502 Section 8. Subsections (3) and (6) of section 290.047,
503 Florida Statutes, are amended to read:

504 290.047 Establishment of grant ceilings and maximum
505 administrative cost percentages; elimination of population bias;
506 loans in default.—

507 (3) The maximum percentage of block grant funds that can be
508 spent on administrative costs by an eligible local government
509 shall be 15 percent for the housing rehabilitation program
510 category, 8 percent for both the neighborhood and the commercial
511 revitalization program categories, and 8 percent for the
512 economic development program category. The maximum amount of
513 block grant funds that may be spent on administrative costs by
514 an eligible local government for the economic development
515 program category is \$120,000. The purpose of the ceiling is to
516 maximize the amount of block grant funds actually going toward
517 the redevelopment of the area. The department will continue to
518 encourage eligible local governments to consider ways to limit
519 the amount of block grant funds used for administrative costs,
520 consistent with the need for prudent management and
521 accountability in the use of public funds. However, this
522 subsection does ~~shall~~ not be construed, ~~however,~~ to prohibit

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523 eligible local governments from contributing their own funds or
524 making in-kind contributions to cover administrative costs which
525 exceed the prescribed ceilings, provided that all such
526 contributions come from local government resources other than
527 Community Development Block Grant funds.

528 (6) The maximum amount ~~percentage~~ of block grant funds that
529 may be spent on engineering and architectural costs by an
530 eligible local government shall be determined in accordance with
531 a method ~~schedule~~ adopted by the department by rule. Any such
532 method ~~schedule~~ so adopted shall be consistent with the schedule
533 used by the United States Farmer's Home Administration as
534 applied to projects in Florida or another comparable schedule as
535 amended.

536 Section 9. Section 290.0475, Florida Statutes, is amended
537 to read:

538 290.0475 Rejection of grant applications; penalties for
539 failure to meet application conditions.—Applications are
540 ineligible ~~received~~ for funding if ~~under all program categories~~
541 ~~shall be rejected without scoring only in the event that~~ any of
542 the following circumstances arise:

543 (1) The application is not received by the department by
544 the application deadline;—

545 (2) The proposed project does not meet one of the three
546 national objectives as contained in federal and state
547 legislation;—

548 (3) The proposed project is not an eligible activity as
549 contained in the federal legislation;—

550 (4) The application is not consistent with the local
551 government's comprehensive plan adopted pursuant to s.

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552 163.3184;~~;~~

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

556 (6) The local government is not in compliance with the
557 citizen participation requirements prescribed in ss. 104(a)(1)
558 and (2) and 106(d)(5)(c) of Title I of the Housing and Community
559 Development Act of 1984, s. 290.046(4), and department rules;
560 or

561 (7) Any information provided in the application that
562 affects eligibility or scoring is found to have been
563 misrepresented, and the information is not a mathematical error
564 which may be discovered and corrected by readily computing
565 available numbers or formulas provided in the application.

566 Section 10. Subsection (5) of section 290.048, Florida
567 Statutes, is amended to read:

568 290.048 General powers of department under ss. 290.0401-
569 290.048.—The department has all the powers necessary or
570 appropriate to carry out the purposes and provisions of the
571 program, including the power to:

572 ~~(5) Adopt and enforce strict requirements concerning an~~
573 ~~applicant's written description of a service area. Each such~~
574 ~~description shall contain maps which illustrate the location of~~
575 ~~the proposed service area. All such maps must be clearly legible~~
576 ~~and must:~~

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

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

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

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

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

584 Section 11. Subsections (5) and (8) of section 331.3051,
585 Florida Statutes, are amended to read:

586 331.3051 Duties of Space Florida.—Space Florida shall:

587 (5) Consult with the Florida Tourism Industry Marketing
588 Corporation Enterprise Florida, Inc., in developing a space
589 tourism marketing plan. Space Florida and the Florida Tourism
590 Industry Marketing Corporation Enterprise Florida, Inc., may
591 enter into a mutually beneficial agreement that provides funding
592 to the corporation Enterprise Florida, Inc., for its services to
593 implement this subsection.

594 (8) Carry out its responsibility for research and
595 development by:

596 (a) Contracting for the operations of the state's Space
597 Life Sciences Laboratory.

598 (b) Working in collaboration with one or more public or
599 private universities and other public or private entities to
600 ~~develop a proposal for a Center of Excellence for Aerospace that~~
601 ~~will~~ foster and promote the research necessary to develop
602 commercially promising, advanced, and innovative science and
603 technology and ~~will~~ transfer those discoveries to the commercial
604 sector. This may include developing a proposal to establish a
605 Center of Excellence for Aerospace.

606 (c) Supporting universities in this state that are members
607 of the Federal Aviation Administration's Center of Excellence
608 for Commercial Space Transportation to assure a safe,
609 environmentally compatible, and efficient commercial space

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610 transportation system in this state.

611 Section 12. Subsection (26) of section 443.036, Florida
612 Statutes, is repealed.

613 Section 13. Paragraph (c) of subsection (1) of section
614 443.091, Florida Statutes, is amended to read:

615 443.091 Benefit eligibility conditions.—

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

619 (c) To make continued claims for benefits, she or he is
620 reporting to the department in accordance with this paragraph
621 and department rules, ~~and participating in an initial skills~~
622 ~~review, as directed by the department.~~ Department rules may not
623 conflict with s. 443.111(1)(b), which requires that each
624 claimant continue to report regardless of any pending appeal
625 relating to her or his eligibility or disqualification for
626 benefits.

627 1. For each week of unemployment claimed, each report must,
628 at a minimum, include the name, address, and telephone number of
629 each prospective employer contacted, or the date the claimant
630 reported to a one-stop career center, pursuant to paragraph (d).

631 2. The department must offer an online assessment that
632 serves to identify an individual's skills, abilities, and career
633 aptitude. The skills assessment must be voluntary, and the
634 department must allow a claimant to choose whether to take the
635 skills assessment. The online assessment shall be made available
636 to any person seeking services from a regional workforce board
637 or a one-stop career center ~~The administrator or operator of the~~
638 ~~initial skills review shall notify the department when the~~

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639 ~~individual completes the initial skills review and report the~~
640 ~~results of the review to the regional workforce board or the~~
641 ~~one-stop career center as directed by the workforce board. The~~
642 ~~department shall prescribe a numeric score on the initial skills~~
643 ~~review that demonstrates a minimal proficiency in workforce~~
644 ~~skills.~~

645 a. If the claimant chooses to take the online assessment,
646 the outcome of the assessment must be made available to the
647 claimant, regional workforce board, and one-stop career center.
648 The department, workforce board, or one-stop career center shall
649 use the assessment ~~initial skills review~~ to develop a plan for
650 referring individuals to training and employment opportunities.
651 Aggregate data on assessment outcomes may be made available to
652 Workforce Florida, Inc., and Enterprise Florida, Inc., for use
653 in the development of policies related to education and training
654 programs that will ensure that businesses in this state have
655 access to a skilled and competent workforce ~~The failure of the~~
656 ~~individual to comply with this requirement will result in the~~
657 ~~individual being determined ineligible for benefits for the week~~
658 ~~in which the noncompliance occurred and for any subsequent week~~
659 ~~of unemployment until the requirement is satisfied. However,~~
660 ~~this requirement does not apply if the individual is exempt from~~
661 ~~the work registration requirement as set forth in paragraph (b).~~

662 b.3. Individuals ~~Any individual who falls below the minimal~~
663 ~~proficiency score prescribed by the department in subparagraph~~
664 ~~2. on the initial skills review shall be~~ informed of and ~~offered~~
665 services through the one-stop delivery system, including career
666 counseling, provision of skill match and job market information,
667 and skills upgrade and other training opportunities, and shall

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668 ~~be~~ encouraged to participate in such services ~~training~~ at no
669 cost to the individuals ~~individual in order to improve his or~~
670 ~~her workforce skills to the minimal proficiency level.~~

671 ~~4.~~ The department shall coordinate with Workforce Florida,
672 Inc., the workforce boards, and the one-stop career centers to
673 identify, develop, and use ~~utilize~~ best practices for improving
674 the skills of individuals who choose to participate in skills
675 upgrade and other training opportunities. The department may
676 contract with an entity to create the online assessment in
677 accordance with the competitive bidding requirements in s.
678 287.057. The online assessment must work seamlessly with the
679 Reemployment Assistance Claims and Benefits Information System
680 ~~and who have a minimal proficiency score below the score~~
681 ~~prescribed in subparagraph 2.~~

682 ~~5.~~ ~~The department, in coordination with Workforce Florida,~~
683 ~~Inc., the workforce boards, and the one-stop career centers,~~
684 ~~shall evaluate the use, effectiveness, and costs associated with~~
685 ~~the training prescribed in subparagraph 3. and report its~~
686 ~~findings and recommendations for training and the use of best~~
687 ~~practices to the Governor, the President of the Senate, and the~~
688 ~~Speaker of the House of Representatives by January 1, 2013.~~

689 Section 14. Subsections (1), (2), and (5) of section
690 443.1116, Florida Statutes, are amended to read:

691 443.1116 Short-time compensation.—

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

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

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697 (b) "Employer-sponsored training" means a training
698 component sponsored by an employer to improve the skills of the
699 employer's workers.

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

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

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

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

713 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
714 wishing to participate in the short-time compensation program
715 must submit a signed, written, short-time plan to the Department
716 of Economic Opportunity for approval. The director or his or her
717 designee shall approve the plan if:

718 (a) The plan applies to and identifies each specific
719 affected unit;

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

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

725 (d) The plan includes a certified statement by the employer

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726 that the aggregate reduction in work hours is in lieu of
727 ~~temporary~~ layoffs that would affect at least 10 percent of the
728 employees in the affected unit and that would have resulted in
729 an equivalent reduction in work hours;

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

732 (f) The plan is approved in writing by the collective
733 bargaining agent for each collective bargaining agreement
734 covering any individual in the affected unit;

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

738 (h) The plan certifies that, if the employer provides
739 fringe benefits to any employee whose workweek is reduced under
740 the program, the fringe benefits will continue to be provided to
741 the employee participating in the short-time compensation
742 program under the same terms and conditions as though the
743 workweek of such employee had not been reduced or to the same
744 extent as other employees not participating in the short-time
745 compensation program ~~the manner in which the employer will treat~~
746 ~~fringe benefits of the individuals in the affected unit if the~~
747 ~~hours of the individuals are reduced to less than their normal~~
748 ~~weekly hours of work.~~ As used in this paragraph, the term
749 "fringe benefits" includes, but is not limited to, health
750 insurance, retirement benefits under defined benefit pension
751 plans as defined in subsection 35 of s. 1002 of the Employee
752 Retirement Income Security Act of 1974, 29 U.S.C., contributions
753 under a defined contribution plan as defined in s. 414(i) of the
754 Internal Revenue Code, paid vacation and holidays, and sick

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755 leave; ~~-~~

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

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

765 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
766 BENEFITS.—

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

771 1. The individual is employed as a member of an affected
772 unit in an approved plan that was approved before the week and
773 is in effect for the week;

774 2. The individual is able to work and is available for
775 additional hours of work or for full-time work with the short-
776 time employer; and

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

780 (b) The department may not deny short-time compensation
781 benefits to an individual who is otherwise eligible for these
782 benefits for any week by reason of the application of any
783 provision of this chapter relating to availability for work,

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784 active search for work, or refusal to apply for or accept work
 785 from other than the short-time compensation employer of that
 786 individual.

787 (c) The department may not deny short-time compensation
 788 benefits to an individual who is otherwise eligible for these
 789 benefits for any week because such individual is participating
 790 in an employer-sponsored training or a training under the
 791 Workforce Investment Act to improve job skills when the training
 792 is approved by the department.

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

799 Section 15. Paragraph (f) of subsection (1) of section
 800 443.141, Florida Statutes, is amended to read:

801 443.141 Collection of contributions and reimbursements.—

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

804 (f) ~~Payments for 2012, 2013, and 2014 contributions.~~—For an
 805 annual administrative fee not to exceed \$5, a contributing
 806 employer may pay its quarterly contributions due for wages paid
 807 in the first three quarters of each year ~~of 2012, 2013, and 2014~~
 808 in equal installments if those contributions are paid as
 809 follows:

810 1. For contributions due for wages paid in the first
 811 quarter of each year, one-fourth of the contributions due must
 812 be paid on or before April 30, one-fourth must be paid on or

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813 before July 31, one-fourth must be paid on or before October 31,
814 and one-fourth must be paid on or before December 31.

815 2. In addition to the payments specified in subparagraph
816 1., for contributions due for wages paid in the second quarter
817 of each year, one-third of the contributions due must be paid on
818 or before July 31, one-third must be paid on or before October
819 31, and one-third must be paid on or before December 31.

820 3. In addition to the payments specified in subparagraphs
821 1. and 2., for contributions due for wages paid in the third
822 quarter of each year, one-half of the contributions due must be
823 paid on or before October 31, and one-half must be paid on or
824 before December 31.

825 4. The annual administrative fee assessed for electing to
826 pay under the installment method shall be collected at the time
827 the employer makes the first installment payment each year. The
828 fee shall be segregated from the payment and deposited into the
829 Operating Trust Fund of the Department of Revenue.

830 5. Interest does not accrue on any contribution that
831 becomes due for wages paid in the first three quarters of each
832 year if the employer pays the contribution in accordance with
833 subparagraphs 1.-4. Interest and fees continue to accrue on
834 prior delinquent contributions and commence accruing on all
835 contributions due for wages paid in the first three quarters of
836 each year which are not paid in accordance with subparagraphs
837 1.-3. Penalties may be assessed in accordance with this chapter.
838 The contributions due for wages paid in the fourth quarter ~~of~~
839 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are
840 due and payable in accordance with this chapter.

841 Section 16. Paragraph (a) of subsection (1) of section

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842 125.271, Florida Statutes, is amended to read:

843 125.271 Emergency medical services; county emergency
844 medical service assessments.—

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

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

849

850 Once a county has qualified under this subsection, it always
851 retains the qualification.

852 Section 17. Paragraphs (a), (b), and (e) of subsection (7)
853 of section 163.3177, Florida Statutes, are amended to read:

854 163.3177 Required and optional elements of comprehensive
855 plan; studies and surveys.—

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

857 1. There are a number of rural agricultural industrial
858 centers in the state that process, produce, or aid in the
859 production or distribution of a variety of agriculturally based
860 products, including, but not limited to, fruits, vegetables,
861 timber, and other crops, and juices, paper, and building
862 materials. Rural agricultural industrial centers have a
863 significant amount of existing associated infrastructure that is
864 used for processing, producing, or distributing agricultural
865 products.

866 2. Such rural agricultural industrial centers are often
867 located within or near communities in which the economy is
868 largely dependent upon agriculture and agriculturally based
869 products. The centers significantly enhance the economy of such
870 communities. However, these agriculturally based communities are

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871 often socioeconomically challenged and designated as rural areas
872 of opportunity ~~critical economic concern~~. If such rural
873 agricultural industrial centers are lost and not replaced with
874 other job-creating enterprises, the agriculturally based
875 communities will lose a substantial amount of their economies.

876 3. The state has a compelling interest in preserving the
877 viability of agriculture and protecting rural agricultural
878 communities and the state from the economic upheaval that would
879 result from short-term or long-term adverse changes in the
880 agricultural economy. To protect these communities and promote
881 viable agriculture for the long term, it is essential to
882 encourage and permit diversification of existing rural
883 agricultural industrial centers by providing for jobs that are
884 not solely dependent upon, but are compatible with and
885 complement, existing agricultural industrial operations and to
886 encourage the creation and expansion of industries that use
887 agricultural products in innovative ways. However, the expansion
888 and diversification of these existing centers must be
889 accomplished in a manner that does not promote urban sprawl into
890 surrounding agricultural and rural areas.

891 (b) As used in this subsection, the term "rural
892 agricultural industrial center" means a developed parcel of land
893 in an unincorporated area on which there exists an operating
894 agricultural industrial facility or facilities that employ at
895 least 200 full-time employees in the aggregate and process and
896 prepare for transport a farm product, as defined in s. 163.3162,
897 or any biomass material that could be used, directly or
898 indirectly, for the production of fuel, renewable energy,
899 bioenergy, or alternative fuel as defined by law. The center may

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900 also include land contiguous to the facility site which is not
901 used for the cultivation of crops, but on which other existing
902 activities essential to the operation of such facility or
903 facilities are located or conducted. The parcel of land must be
904 located within, or within 10 miles of, a rural area of
905 opportunity ~~critical economic concern~~.

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

911 Section 18. Subsection (3) of section 163.3187, Florida
912 Statutes, is amended to read:

913 163.3187 Process for adoption of small-scale comprehensive
914 plan amendment.—

915 (3) If the small scale development amendment involves a
916 site within a rural area of opportunity ~~critical economic~~
917 ~~concern~~ as defined under s. 288.0656(2)(d) for the duration of
918 such designation, the 10-acre limit listed in subsection (1)
919 shall be increased by 100 percent to 20 acres. The local
920 government approving the small scale plan amendment shall
921 certify to the Office of Tourism, Trade, and Economic
922 Development that the plan amendment furthers the economic
923 objectives set forth in the executive order issued under s.
924 288.0656(7), and the property subject to the plan amendment
925 shall undergo public review to ensure that all concurrency
926 requirements and federal, state, and local environmental permit
927 requirements are met.

928 Section 19. Subsection (10) of section 163.3246, Florida

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929 Statutes, is amended to read:

930 163.3246 Local government comprehensive planning
931 certification program.—

932 (10) Notwithstanding subsections (2), (4), (5), (6), and
933 (7), any municipality designated as a rural area of opportunity
934 ~~critical economic concern~~ pursuant to s. 288.0656 which is
935 located within a county eligible to levy the Small County Surtax
936 under s. 212.055(3) shall be considered certified during the
937 effectiveness of the designation of rural area of opportunity
938 ~~critical economic concern~~. The state land planning agency shall
939 provide a written notice of certification to the local
940 government of the certified area, which shall be considered
941 final agency action subject to challenge under s. 120.569. The
942 notice of certification shall include the following components:

943 (a) The boundary of the certification area.

944 (b) A requirement that the local government submit ~~either~~
945 an annual or biennial monitoring report to the state land
946 planning agency according to the schedule provided in the
947 written notice. The monitoring report shall, at a minimum,
948 include the number of amendments to the comprehensive plan
949 adopted by the local government, the number of plan amendments
950 challenged by an affected person, and the disposition of those
951 challenges.

952 Section 20. Paragraph (a) of subsection (6) of section
953 211.3103, Florida Statutes, is amended to read:

954 211.3103 Levy of tax on severance of phosphate rock; rate,
955 basis, and distribution of tax.—

956 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the
957 proceeds of all taxes, interest, and penalties imposed under

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958 this section are exempt from the general revenue service charge
959 provided in s. 215.20, and such proceeds shall be paid into the
960 State Treasury as follows:

961 1. To the credit of the Conservation and Recreation Lands
962 Trust Fund, 25.5 percent.

963 2. To the credit of the General Revenue Fund of the state,
964 35.7 percent.

965 3. For payment to counties in proportion to the number of
966 tons of phosphate rock produced from a phosphate rock matrix
967 located within such political boundary, 12.8 percent. The
968 department shall distribute this portion of the proceeds
969 annually based on production information reported by the
970 producers on the annual returns for the taxable year. Any such
971 proceeds received by a county shall be used only for phosphate-
972 related expenses.

973 4. For payment to counties that have been designated as a
974 rural area of opportunity ~~critical economic concern~~ pursuant to
975 s. 288.0656 in proportion to the number of tons of phosphate
976 rock produced from a phosphate rock matrix located within such
977 political boundary, 10.0 percent. The department shall
978 distribute this portion of the proceeds annually based on
979 production information reported by the producers on the annual
980 returns for the taxable year. Payments under this subparagraph
981 shall be made to the counties unless the Legislature by special
982 act creates a local authority to promote and direct the economic
983 development of the county. If such authority exists, payments
984 shall be made to that authority.

985 5. To the credit of the Nonmandatory Land Reclamation Trust
986 Fund, 6.2 percent.

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987 6. To the credit of the Phosphate Research Trust Fund in
988 the Division of Universities of the Department of Education, 6.2
989 percent.

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

991 Section 21. Paragraph (c) of subsection (1) of section
992 212.098, Florida Statutes, is amended to read:

993 212.098 Rural Job Tax Credit Program.—

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

995 (c) "Qualified area" means any area that is contained
996 within a rural area of opportunity ~~critical-economic concern~~
997 designated under s. 288.0656, a county that has a population of
998 fewer than 75,000 persons, or a county that has a population of
999 125,000 or less and is contiguous to a county that has a
1000 population of less than 75,000, selected in the following
1001 manner: every third year, the Department of Economic Opportunity
1002 shall rank and tier the state's counties according to the
1003 following four factors:

1004 1. Highest unemployment rate for the most recent 36-month
1005 period.

1006 2. Lowest per capita income for the most recent 36-month
1007 period.

1008 3. Highest percentage of residents whose incomes are below
1009 the poverty level, based upon the most recent data available.

1010 4. Average weekly manufacturing wage, based upon the most
1011 recent data available.

1012 Section 22. Subsection (1) of section 218.67, Florida
1013 Statutes, is amended to read:

1014 218.67 Distribution for fiscally constrained counties.—

1015 (1) Each county that is entirely within a rural area of

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1016 opportunity ~~critical economic concern~~ as designated by the
1017 Governor pursuant to s. 288.0656 or each county for which the
1018 value of a mill will raise no more than \$5 million in revenue,
1019 based on the taxable value certified pursuant to s.
1020 1011.62(4)(a)1.a., from the previous July 1, shall be considered
1021 a fiscally constrained county.

1022 Section 23. Subsection (1) of section 288.018, Florida
1023 Statutes, is amended to read:

1024 288.018 Regional Rural Development Grants Program.—

1025 (1) The department shall establish a matching grant program
1026 to provide funding to regionally based economic development
1027 organizations representing rural counties and communities for
1028 the purpose of building the professional capacity of their
1029 organizations. Such matching grants may also be used by an
1030 economic development organization to provide technical
1031 assistance to businesses within the rural counties and
1032 communities that it serves. The department is authorized to
1033 approve, on an annual basis, grants to such regionally based
1034 economic development organizations. The maximum amount an
1035 organization may receive in any year will be \$35,000, or
1036 \$100,000 in a rural area of opportunity ~~critical economic~~
1037 ~~concern~~ recommended by the Rural Economic Development Initiative
1038 and designated by the Governor, and must be matched each year by
1039 an equivalent amount of nonstate resources.

1040 Section 24. Paragraphs (a) and (c) of subsection (2) of
1041 section 288.065, Florida Statutes, are amended to read:

1042 288.065 Rural Community Development Revolving Loan Fund.—

1043 (2)(a) The program shall provide for long-term loans, loan
1044 guarantees, and loan loss reserves to units of local

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1045 governments, or economic development organizations substantially
1046 underwritten by a unit of local government, within counties with
1047 populations of 75,000 or fewer, or within any county with a
1048 population of 125,000 or fewer which is contiguous to a county
1049 with a population of 75,000 or fewer, based on the most recent
1050 official population estimate as determined under s. 186.901,
1051 including those residing in incorporated areas and those
1052 residing in unincorporated areas of the county, or to units of
1053 local government, or economic development organizations
1054 substantially underwritten by a unit of local government, within
1055 a rural area of opportunity ~~critical economic concern~~.

1056 (c) All repayments of principal and interest shall be
1057 returned to the loan fund and made available for loans to other
1058 applicants. However, in a rural area of opportunity ~~critical~~
1059 ~~economic concern~~ designated by the Governor, and upon approval
1060 by the department, repayments of principal and interest may be
1061 retained by the applicant if such repayments are dedicated and
1062 matched to fund regionally based economic development
1063 organizations representing the rural area of opportunity
1064 ~~critical economic concern~~.

1065 Section 25. Paragraphs (b), (c), and (e) of subsection (2)
1066 of section 288.0655, Florida Statutes, are amended to read:

1067 288.0655 Rural Infrastructure Fund.—

1068 (2)

1069 (b) To facilitate access of rural communities and rural
1070 areas of opportunity ~~critical economic concern~~ as defined by the
1071 Rural Economic Development Initiative to infrastructure funding
1072 programs of the Federal Government, such as those offered by the
1073 United States Department of Agriculture and the United States

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1074 Department of Commerce, and state programs, including those
1075 offered by Rural Economic Development Initiative agencies, and
1076 to facilitate local government or private infrastructure funding
1077 efforts, the department may award grants for up to 30 percent of
1078 the total infrastructure project cost. If an application for
1079 funding is for a catalyst site, as defined in s. 288.0656, the
1080 department may award grants for up to 40 percent of the total
1081 infrastructure project cost. Eligible projects must be related
1082 to specific job-creation or job-retention opportunities.
1083 Eligible projects may also include improving any inadequate
1084 infrastructure that has resulted in regulatory action that
1085 prohibits economic or community growth or reducing the costs to
1086 community users of proposed infrastructure improvements that
1087 exceed such costs in comparable communities. Eligible uses of
1088 funds shall include improvements to public infrastructure for
1089 industrial or commercial sites and upgrades to or development of
1090 public tourism infrastructure. Authorized infrastructure may
1091 include the following public or public-private partnership
1092 facilities: storm water systems; telecommunications facilities;
1093 broadband facilities; roads or other remedies to transportation
1094 impediments; nature-based tourism facilities; or other physical
1095 requirements necessary to facilitate tourism, trade, and
1096 economic development activities in the community. Authorized
1097 infrastructure may also include publicly or privately owned
1098 self-powered nature-based tourism facilities, publicly owned
1099 telecommunications facilities, and broadband facilities, and
1100 additions to the distribution facilities of the existing natural
1101 gas utility as defined in s. 366.04(3)(c), the existing electric
1102 utility as defined in s. 366.02, or the existing water or

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1103 wastewater utility as defined in s. 367.021(12), or any other
1104 existing water or wastewater facility, which owns a gas or
1105 electric distribution system or a water or wastewater system in
1106 this state where:

1107 1. A contribution-in-aid of construction is required to
1108 serve public or public-private partnership facilities under the
1109 tariffs of any natural gas, electric, water, or wastewater
1110 utility as defined herein; and

1111 2. Such utilities as defined herein are willing and able to
1112 provide such service.

1113 (c) To facilitate timely response and induce the location
1114 or expansion of specific job creating opportunities, the
1115 department may award grants for infrastructure feasibility
1116 studies, design and engineering activities, or other
1117 infrastructure planning and preparation activities. Authorized
1118 grants shall be up to \$50,000 for an employment project with a
1119 business committed to create at least 100 jobs; up to \$150,000
1120 for an employment project with a business committed to create at
1121 least 300 jobs; and up to \$300,000 for a project in a rural area
1122 of opportunity ~~critical economic concern~~. Grants awarded under
1123 this paragraph may be used in conjunction with grants awarded
1124 under paragraph (b), provided that the total amount of both
1125 grants does not exceed 30 percent of the total project cost. In
1126 evaluating applications under this paragraph, the department
1127 shall consider the extent to which the application seeks to
1128 minimize administrative and consultant expenses.

1129 (e) To enable local governments to access the resources
1130 available pursuant to s. 403.973(18), the department may award
1131 grants for surveys, feasibility studies, and other activities

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1132 related to the identification and preclearance review of land
 1133 which is suitable for preclearance review. Authorized grants
 1134 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
 1135 in the case of a project in a rural area of opportunity ~~critical~~
 1136 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed
 1137 \$300,000. Any funds awarded under this paragraph must be matched
 1138 at a level of 50 percent with local funds, except that any funds
 1139 awarded for a project in a rural area of opportunity ~~critical~~
 1140 ~~economic concern~~ must be matched at a level of 33 percent with
 1141 local funds. If an application for funding is for a catalyst
 1142 site, as defined in s. 288.0656, the requirement for local match
 1143 may be waived pursuant to the process in s. 288.06561. In
 1144 evaluating applications under this paragraph, the department
 1145 shall consider the extent to which the application seeks to
 1146 minimize administrative and consultant expenses.

1147 Section 26. Paragraphs (a), (b), and (d) of subsection (2)
 1148 and subsection (7) of section 288.0656, Florida Statutes, are
 1149 amended to read:

1150 288.0656 Rural Economic Development Initiative.—

1151 (2) As used in this section, the term:

1152 (a) "Catalyst project" means a business locating or
 1153 expanding in a rural area of opportunity ~~critical economic~~
 1154 ~~concern~~ to serve as an economic generator of regional
 1155 significance for the growth of a regional target industry
 1156 cluster. The project must provide capital investment on a scale
 1157 significant enough to affect the entire region and result in the
 1158 development of high-wage and high-skill jobs.

1159 (b) "Catalyst site" means a parcel or parcels of land
 1160 within a rural area of opportunity ~~critical economic concern~~

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1161 that has been prioritized as a geographic site for economic
1162 development through partnerships with state, regional, and local
1163 organizations. The site must be reviewed by REDI and approved by
1164 the department for the purposes of locating a catalyst project.

1165 (d) "Rural area of opportunity ~~critical economic concern~~"
1166 means a rural community, or a region composed of rural
1167 communities, designated by the Governor, which ~~that~~ has been
1168 adversely affected by an extraordinary economic event, severe or
1169 chronic distress, or a natural disaster or that presents a
1170 unique economic development opportunity of regional impact.

1171 (7) (a) REDI may recommend to the Governor up to three rural
1172 areas of opportunity ~~critical economic concern~~. The Governor may
1173 by executive order designate up to three rural areas of
1174 opportunity ~~critical economic concern~~ which will establish these
1175 areas as priority assignments for REDI as well as to allow the
1176 Governor, acting through REDI, to waive criteria, requirements,
1177 or similar provisions of any economic development incentive.
1178 Such incentives shall include, but are not ~~be~~ limited to, the
1179 Qualified Target Industry Tax Refund Program under s. 288.106,
1180 the Quick Response Training Program under s. 288.047, the Quick
1181 Response Training Program for participants in the welfare
1182 transition program under s. 288.047(8), transportation projects
1183 under s. 339.2821, the brownfield redevelopment bonus refund
1184 under s. 288.107, and the rural job tax credit program under ss.
1185 212.098 and 220.1895.

1186 (b) Designation as a rural area of opportunity ~~critical~~
1187 ~~economic concern~~ under this subsection shall be contingent upon
1188 the execution of a memorandum of agreement among the department;
1189 the governing body of the county; and the governing bodies of

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1190 any municipalities to be included within a rural area of
1191 opportunity ~~critical economic concern~~. Such agreement shall
1192 specify the terms and conditions of the designation, including,
1193 but not limited to, the duties and responsibilities of the
1194 county and any participating municipalities to take actions
1195 designed to facilitate the retention and expansion of existing
1196 businesses in the area, as well as the recruitment of new
1197 businesses to the area.

1198 (c) Each rural area of opportunity ~~critical economic~~
1199 ~~concern~~ may designate catalyst projects, provided that each
1200 catalyst project is specifically recommended by REDI, identified
1201 as a catalyst project by Enterprise Florida, Inc., and confirmed
1202 as a catalyst project by the department. All state agencies and
1203 departments shall use all available tools and resources to the
1204 extent permissible by law to promote the creation and
1205 development of each catalyst project and the development of
1206 catalyst sites.

1207 Section 27. Paragraph (a) of subsection (3) of section
1208 288.1088, Florida Statutes, is amended to read:

1209 288.1088 Quick Action Closing Fund.—

1210 (3) (a) The department and Enterprise Florida, Inc., shall
1211 jointly review applications pursuant to s. 288.061 and determine
1212 the eligibility of each project consistent with the criteria in
1213 subsection (2). Waiver of these criteria may be considered under
1214 the following criteria:

- 1215 1. Based on extraordinary circumstances;
- 1216 2. In order to mitigate the impact of the conclusion of the
1217 space shuttle program; or
- 1218 3. In rural areas of opportunity ~~critical economic concern~~

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1219 if the project would significantly benefit the local or regional
1220 economy.

1221 Section 28. Paragraphs (b), (c), and (d) of subsection (4)
1222 of section 288.1089, Florida Statutes, are amended to read:

1223 288.1089 Innovation Incentive Program.—

1224 (4) To qualify for review by the department, the applicant
1225 must, at a minimum, establish the following to the satisfaction
1226 of the department:

1227 (b) A research and development project must:

1228 1. Serve as a catalyst for an emerging or evolving
1229 technology cluster.

1230 2. Demonstrate a plan for significant higher education
1231 collaboration.

1232 3. Provide the state, at a minimum, a cumulative break-even
1233 economic benefit within a 20-year period.

1234 4. Be provided with a one-to-one match from the local
1235 community. The match requirement may be reduced or waived in
1236 rural areas of opportunity ~~critical economic concern~~ or reduced
1237 in rural areas, brownfield areas, and enterprise zones.

1238 (c) An innovation business project in this state, other
1239 than a research and development project, must:

1240 1.a. Result in the creation of at least 1,000 direct, new
1241 jobs at the business; or

1242 b. Result in the creation of at least 500 direct, new jobs
1243 if the project is located in a rural area, a brownfield area, or
1244 an enterprise zone.

1245 2. Have an activity or product that is within an industry
1246 that is designated as a target industry business under s.
1247 288.106 or a designated sector under s. 288.108.

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1248 3.a. Have a cumulative investment of at least \$500 million
1249 within a 5-year period; or

1250 b. Have a cumulative investment that exceeds \$250 million
1251 within a 10-year period if the project is located in a rural
1252 area, brownfield area, or an enterprise zone.

1253 4. Be provided with a one-to-one match from the local
1254 community. The match requirement may be reduced or waived in
1255 rural areas of opportunity ~~critical economic concern~~ or reduced
1256 in rural areas, brownfield areas, and enterprise zones.

1257 (d) For an alternative and renewable energy project in this
1258 state, the project must:

1259 1. Demonstrate a plan for significant collaboration with an
1260 institution of higher education;

1261 2. Provide the state, at a minimum, a cumulative break-even
1262 economic benefit within a 20-year period;

1263 3. Include matching funds provided by the applicant or
1264 other available sources. The match requirement may be reduced or
1265 waived in rural areas of opportunity ~~critical economic concern~~
1266 or reduced in rural areas, brownfield areas, and enterprise
1267 zones;

1268 4. Be located in this state; and

1269 5. Provide at least 35 direct, new jobs that pay an
1270 estimated annual average wage that equals at least 130 percent
1271 of the average private sector wage.

1272 Section 29. Paragraph (d) of subsection (6) of section
1273 290.0055, Florida Statutes, is amended to read:

1274 290.0055 Local nominating procedure.—

1275 (6)

1276 (d)1. The governing body of a jurisdiction which has

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1277 nominated an application for an enterprise zone that is at least
1278 15 square miles and less than 20 square miles and includes a
1279 portion of the state designated as a rural area of opportunity
1280 ~~critical economic concern~~ under s. 288.0656(7) may apply to the
1281 department to expand the boundary of the existing enterprise
1282 zone by not more than 3 square miles.

1283 2. The governing body of a jurisdiction which has nominated
1284 an application for an enterprise zone that is at least 20 square
1285 miles and includes a portion of the state designated as a rural
1286 area of opportunity ~~critical economic concern~~ under s.
1287 288.0656(7) may apply to the department to expand the boundary
1288 of the existing enterprise zone by not more than 5 square miles.

1289 3. An application to expand the boundary of an enterprise
1290 zone under this paragraph must be submitted by December 31,
1291 2013.

1292 4. Notwithstanding the area limitations specified in
1293 subsection (4), the department may approve the request for a
1294 boundary amendment if the area continues to satisfy the
1295 remaining requirements of this section.

1296 5. The department shall establish the initial effective
1297 date of an enterprise zone designated under this paragraph.

1298 Section 30. Paragraph (c) of subsection (4) of section
1299 339.2819, Florida Statutes, is amended to read:

1300 339.2819 Transportation Regional Incentive Program.—

1301 (4)

1302 (c) The department shall give priority to projects that:

1303 1. Provide connectivity to the Strategic Intermodal System
1304 developed under s. 339.64.

1305 2. Support economic development and the movement of goods

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1306 in rural areas of opportunity ~~critical economic concern~~
1307 designated under s. 288.0656(7).

1308 3. Are subject to a local ordinance that establishes
1309 corridor management techniques, including access management
1310 strategies, right-of-way acquisition and protection measures,
1311 appropriate land use strategies, zoning, and setback
1312 requirements for adjacent land uses.

1313 4. Improve connectivity between military installations and
1314 the Strategic Highway Network or the Strategic Rail Corridor
1315 Network.

1316
1317 The department shall also consider the extent to which local
1318 matching funds are available to be committed to the project.

1319 Section 31. Paragraph (b) of subsection (5) of section
1320 339.63, Florida Statutes, is amended to read:

1321 339.63 System facilities designated; additions and
1322 deletions.-

1323 (5)

1324 (b) A facility designated part of the Strategic Intermodal
1325 System pursuant to paragraph (a) that is within the jurisdiction
1326 of a local government that maintains a transportation
1327 concurrency system shall receive a waiver of transportation
1328 concurrency requirements applicable to Strategic Intermodal
1329 System facilities in order to accommodate any development at the
1330 facility which occurs pursuant to a building permit issued on or
1331 before December 31, 2017, but only if such facility is located:

1332 1. Within an area designated pursuant to s. 288.0656(7) as
1333 a rural area of opportunity ~~critical economic concern~~;

1334 2. Within a rural enterprise zone as defined in s.

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1335 290.004(5); or

1336 3. Within 15 miles of the boundary of a rural area of
1337 opportunity ~~critical economic concern~~ or a rural enterprise
1338 zone.

1339 Section 32. Paragraph (c) of subsection (3) of section
1340 373.4595, Florida Statutes, is amended to read:

1341 373.4595 Northern Everglades and Estuaries Protection
1342 Program.—

1343 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
1344 protection program for Lake Okeechobee that achieves phosphorus
1345 load reductions for Lake Okeechobee shall be immediately
1346 implemented as specified in this subsection. The program shall
1347 address the reduction of phosphorus loading to the lake from
1348 both internal and external sources. Phosphorus load reductions
1349 shall be achieved through a phased program of implementation.
1350 Initial implementation actions shall be technology-based, based
1351 upon a consideration of both the availability of appropriate
1352 technology and the cost of such technology, and shall include
1353 phosphorus reduction measures at both the source and the
1354 regional level. The initial phase of phosphorus load reductions
1355 shall be based upon the district's Technical Publication 81-2
1356 and the district's WOD program, with subsequent phases of
1357 phosphorus load reductions based upon the total maximum daily
1358 loads established in accordance with s. 403.067. In the
1359 development and administration of the Lake Okeechobee Watershed
1360 Protection Program, the coordinating agencies shall maximize
1361 opportunities provided by federal cost-sharing programs and
1362 opportunities for partnerships with the private sector.

1363 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—

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1364 The Lake Okeechobee Watershed Phosphorus Control Program is
1365 designed to be a multifaceted approach to reducing phosphorus
1366 loads by improving the management of phosphorus sources within
1367 the Lake Okeechobee watershed through implementation of
1368 regulations and best management practices, development and
1369 implementation of improved best management practices,
1370 improvement and restoration of the hydrologic function of
1371 natural and managed systems, and utilization of alternative
1372 technologies for nutrient reduction. The coordinating agencies
1373 shall facilitate the application of federal programs that offer
1374 opportunities for water quality treatment, including
1375 preservation, restoration, or creation of wetlands on
1376 agricultural lands.

1377 1. Agricultural nonpoint source best management practices,
1378 developed in accordance with s. 403.067 and designed to achieve
1379 the objectives of the Lake Okeechobee Watershed Protection
1380 Program, shall be implemented on an expedited basis. The
1381 coordinating agencies shall develop an interagency agreement
1382 pursuant to ss. 373.046 and 373.406(5) that assures the
1383 development of best management practices that complement
1384 existing regulatory programs and specifies how those best
1385 management practices are implemented and verified. The
1386 interagency agreement shall address measures to be taken by the
1387 coordinating agencies during any best management practice
1388 reevaluation performed pursuant to sub-subparagraph d. The
1389 department shall use best professional judgment in making the
1390 initial determination of best management practice effectiveness.

1391 a. As provided in s. 403.067(7)(c), the Department of
1392 Agriculture and Consumer Services, in consultation with the

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1393 department, the district, and affected parties, shall initiate
1394 rule development for interim measures, best management
1395 practices, conservation plans, nutrient management plans, or
1396 other measures necessary for Lake Okeechobee watershed total
1397 maximum daily load reduction. The rule shall include thresholds
1398 for requiring conservation and nutrient management plans and
1399 criteria for the contents of such plans. Development of
1400 agricultural nonpoint source best management practices shall
1401 initially focus on those priority basins listed in subparagraph
1402 (b)1. The Department of Agriculture and Consumer Services, in
1403 consultation with the department, the district, and affected
1404 parties, shall conduct an ongoing program for improvement of
1405 existing and development of new interim measures or best
1406 management practices for the purpose of adoption of such
1407 practices by rule. The Department of Agriculture and Consumer
1408 Services shall work with the University of Florida's Institute
1409 of Food and Agriculture Sciences to review and, where
1410 appropriate, develop revised nutrient application rates for all
1411 agricultural soil amendments in the watershed.

1412 b. Where agricultural nonpoint source best management
1413 practices or interim measures have been adopted by rule of the
1414 Department of Agriculture and Consumer Services, the owner or
1415 operator of an agricultural nonpoint source addressed by such
1416 rule shall either implement interim measures or best management
1417 practices or demonstrate compliance with the district's WOD
1418 program by conducting monitoring prescribed by the department or
1419 the district. Owners or operators of agricultural nonpoint
1420 sources who implement interim measures or best management
1421 practices adopted by rule of the Department of Agriculture and

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1422 Consumer Services shall be subject to the provisions of s.
1423 403.067(7). The Department of Agriculture and Consumer Services,
1424 in cooperation with the department and the district, shall
1425 provide technical and financial assistance for implementation of
1426 agricultural best management practices, subject to the
1427 availability of funds.

1428 c. The district or department shall conduct monitoring at
1429 representative sites to verify the effectiveness of agricultural
1430 nonpoint source best management practices.

1431 d. Where water quality problems are detected for
1432 agricultural nonpoint sources despite the appropriate
1433 implementation of adopted best management practices, the
1434 Department of Agriculture and Consumer Services, in consultation
1435 with the other coordinating agencies and affected parties, shall
1436 institute a reevaluation of the best management practices and
1437 make appropriate changes to the rule adopting best management
1438 practices.

1439 2. Nonagricultural nonpoint source best management
1440 practices, developed in accordance with s. 403.067 and designed
1441 to achieve the objectives of the Lake Okeechobee Watershed
1442 Protection Program, shall be implemented on an expedited basis.
1443 The department and the district shall develop an interagency
1444 agreement pursuant to ss. 373.046 and 373.406(5) that assures
1445 the development of best management practices that complement
1446 existing regulatory programs and specifies how those best
1447 management practices are implemented and verified. The
1448 interagency agreement shall address measures to be taken by the
1449 department and the district during any best management practice
1450 reevaluation performed pursuant to sub-subparagraph d.

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1451 a. The department and the district are directed to work
1452 with the University of Florida's Institute of Food and
1453 Agricultural Sciences to develop appropriate nutrient
1454 application rates for all nonagricultural soil amendments in the
1455 watershed. As provided in s. 403.067(7)(c), the department, in
1456 consultation with the district and affected parties, shall
1457 develop interim measures, best management practices, or other
1458 measures necessary for Lake Okeechobee watershed total maximum
1459 daily load reduction. Development of nonagricultural nonpoint
1460 source best management practices shall initially focus on those
1461 priority basins listed in subparagraph (b)1. The department, the
1462 district, and affected parties shall conduct an ongoing program
1463 for improvement of existing and development of new interim
1464 measures or best management practices. The district shall adopt
1465 technology-based standards under the district's WOD program for
1466 nonagricultural nonpoint sources of phosphorus. Nothing in this
1467 sub-subparagraph shall affect the authority of the department or
1468 the district to adopt basin-specific criteria under this part to
1469 prevent harm to the water resources of the district.

1470 b. Where nonagricultural nonpoint source best management
1471 practices or interim measures have been developed by the
1472 department and adopted by the district, the owner or operator of
1473 a nonagricultural nonpoint source shall implement interim
1474 measures or best management practices and be subject to the
1475 provisions of s. 403.067(7). The department and district shall
1476 provide technical and financial assistance for implementation of
1477 nonagricultural nonpoint source best management practices,
1478 subject to the availability of funds.

1479 c. The district or the department shall conduct monitoring

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1480 at representative sites to verify the effectiveness of
1481 nonagricultural nonpoint source best management practices.

1482 d. Where water quality problems are detected for
1483 nonagricultural nonpoint sources despite the appropriate
1484 implementation of adopted best management practices, the
1485 department and the district shall institute a reevaluation of
1486 the best management practices.

1487 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not
1488 preclude the department or the district from requiring
1489 compliance with water quality standards or with current best
1490 management practices requirements set forth in any applicable
1491 regulatory program authorized by law for the purpose of
1492 protecting water quality. Additionally, subparagraphs 1. and 2.
1493 are applicable only to the extent that they do not conflict with
1494 any rules adopted ~~promulgated~~ by the department that are
1495 necessary to maintain a federally delegated or approved program.

1496 4. Projects that reduce the phosphorus load originating
1497 from domestic wastewater systems within the Lake Okeechobee
1498 watershed shall be given funding priority in the department's
1499 revolving loan program under s. 403.1835. The department shall
1500 coordinate and provide assistance to those local governments
1501 seeking financial assistance for such priority projects.

1502 5. Projects that make use of private lands, or lands held
1503 in trust for Indian tribes, to reduce nutrient loadings or
1504 concentrations within a basin by one or more of the following
1505 methods: restoring the natural hydrology of the basin, restoring
1506 wildlife habitat or impacted wetlands, reducing peak flows after
1507 storm events, increasing aquifer recharge, or protecting range
1508 and timberland from conversion to development, are eligible for

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1509 grants available under this section from the coordinating
1510 agencies. For projects of otherwise equal priority, special
1511 funding priority will be given to those projects that make best
1512 use of the methods outlined above that involve public-private
1513 partnerships or that obtain federal match money. Preference
1514 ranking above the special funding priority will be given to
1515 projects located in a rural area of opportunity ~~critical~~
1516 ~~economic concern~~ designated by the Governor. Grant applications
1517 may be submitted by any person or tribal entity, and eligible
1518 projects may include, but are not limited to, the purchase of
1519 conservation and flowage easements, hydrologic restoration of
1520 wetlands, creating treatment wetlands, development of a
1521 management plan for natural resources, and financial support to
1522 implement a management plan.

1523 6.a. The department shall require all entities disposing of
1524 domestic wastewater residuals within the Lake Okeechobee
1525 watershed and the remaining areas of Okeechobee, Glades, and
1526 Hendry Counties to develop and submit to the department an
1527 agricultural use plan that limits applications based upon
1528 phosphorus loading. By July 1, 2005, phosphorus concentrations
1529 originating from these application sites may ~~shall~~ not exceed
1530 the limits established in the district's WOD program. After
1531 December 31, 2007, the department may not authorize the disposal
1532 of domestic wastewater residuals within the Lake Okeechobee
1533 watershed unless the applicant can affirmatively demonstrate
1534 that the phosphorus in the residuals will not add to phosphorus
1535 loadings in Lake Okeechobee or its tributaries. This
1536 demonstration shall be based on achieving a net balance between
1537 phosphorus imports relative to exports on the permitted

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1538 application site. Exports shall include only phosphorus removed
1539 from the Lake Okeechobee watershed through products generated on
1540 the permitted application site. This prohibition does not apply
1541 to Class AA residuals that are marketed and distributed as
1542 fertilizer products in accordance with department rule.

1543 b. Private and government-owned utilities within Monroe,
1544 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1545 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1546 dispose of wastewater residual sludge from utility operations
1547 and septic removal by land spreading in the Lake Okeechobee
1548 watershed may use a line item on local sewer rates to cover
1549 wastewater residual treatment and disposal if such disposal and
1550 treatment is done by approved alternative treatment methodology
1551 at a facility located within the areas designated by the
1552 Governor as rural areas of opportunity ~~critical economic concern~~
1553 pursuant to s. 288.0656. This additional line item is an
1554 environmental protection disposal fee above the present sewer
1555 rate and may ~~shall~~ not be considered a part of the present sewer
1556 rate to customers, notwithstanding provisions to the contrary in
1557 chapter 367. The fee shall be established by the county
1558 commission or its designated assignee in the county in which the
1559 alternative method treatment facility is located. The fee shall
1560 be calculated to be no higher than that necessary to recover the
1561 facility's prudent cost of providing the service. Upon request
1562 by an affected county commission, the Florida Public Service
1563 Commission will provide assistance in establishing the fee.
1564 Further, for utilities and utility authorities that use the
1565 additional line item environmental protection disposal fee, such
1566 fee may ~~shall~~ not be considered a rate increase under the rules

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1567 of the Public Service Commission and shall be exempt from such
1568 rules. Utilities using the provisions of this section may
1569 immediately include in their sewer invoicing the new
1570 environmental protection disposal fee. Proceeds from this
1571 environmental protection disposal fee shall be used for
1572 treatment and disposal of wastewater residuals, including any
1573 treatment technology that helps reduce the volume of residuals
1574 that require final disposal, but such proceeds may ~~shall~~ not be
1575 used for transportation or shipment costs for disposal or any
1576 costs relating to the land application of residuals in the Lake
1577 Okeechobee watershed.

1578 c. No less frequently than once every 3 years, the Florida
1579 Public Service Commission or the county commission through the
1580 services of an independent auditor shall perform a financial
1581 audit of all facilities receiving compensation from an
1582 environmental protection disposal fee. The Florida Public
1583 Service Commission or the county commission through the services
1584 of an independent auditor shall also perform an audit of the
1585 methodology used in establishing the environmental protection
1586 disposal fee. The Florida Public Service Commission or the
1587 county commission shall, within 120 days after completion of an
1588 audit, file the audit report with the President of the Senate
1589 and the Speaker of the House of Representatives and shall
1590 provide copies to the county commissions of the counties set
1591 forth in sub-subparagraph b. The books and records of any
1592 facilities receiving compensation from an environmental
1593 protection disposal fee shall be open to the Florida Public
1594 Service Commission and the Auditor General for review upon
1595 request.

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1596 7. The Department of Health shall require all entities
1597 disposing of septage within the Lake Okeechobee watershed to
1598 develop and submit to that agency an agricultural use plan that
1599 limits applications based upon phosphorus loading. By July 1,
1600 2005, phosphorus concentrations originating from these
1601 application sites may ~~shall~~ not exceed the limits established in
1602 the district's WOD program.

1603 8. The Department of Agriculture and Consumer Services
1604 shall initiate rulemaking requiring entities within the Lake
1605 Okeechobee watershed which land-apply animal manure to develop
1606 resource management system level conservation plans, according
1607 to United States Department of Agriculture criteria, which limit
1608 such application. Such rules may include criteria and thresholds
1609 for the requirement to develop a conservation or nutrient
1610 management plan, requirements for plan approval, and
1611 recordkeeping requirements.

1612 9. The district, the department, or the Department of
1613 Agriculture and Consumer Services, as appropriate, shall
1614 implement those alternative nutrient reduction technologies
1615 determined to be feasible pursuant to subparagraph (d)6.

1616 Section 33. Paragraph (e) of subsection (2) and paragraph
1617 (b) of subsection (26) of section 380.06, Florida Statutes, are
1618 amended to read:

1619 380.06 Developments of regional impact.—

1620 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1621 (e) With respect to residential, hotel, motel, office, and
1622 retail developments, the applicable guidelines and standards
1623 shall be increased by 50 percent in urban central business
1624 districts and regional activity centers of jurisdictions whose

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1625 local comprehensive plans are in compliance with part II of
1626 chapter 163. With respect to multiuse developments, the
1627 applicable individual use guidelines and standards for
1628 residential, hotel, motel, office, and retail developments and
1629 multiuse guidelines and standards shall be increased by 100
1630 percent in urban central business districts and regional
1631 activity centers of jurisdictions whose local comprehensive
1632 plans are in compliance with part II of chapter 163, if one land
1633 use of the multiuse development is residential and amounts to
1634 not less than 35 percent of the jurisdiction's applicable
1635 residential threshold. With respect to resort or convention
1636 hotel developments, the applicable guidelines and standards
1637 shall be increased by 150 percent in urban central business
1638 districts and regional activity centers of jurisdictions whose
1639 local comprehensive plans are in compliance with part II of
1640 chapter 163 and where the increase is specifically for a
1641 proposed resort or convention hotel located in a county with a
1642 population greater than 500,000 and the local government
1643 specifically designates that the proposed resort or convention
1644 hotel development will serve an existing convention center of
1645 more than 250,000 gross square feet built before ~~prior to~~ July
1646 1, 1992. The applicable guidelines and standards shall be
1647 increased by 150 percent for development in any area designated
1648 by the Governor as a rural area of opportunity ~~critical economic~~
1649 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the
1650 designation.

1651 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1652 (b) Upon receipt of written confirmation from the state
1653 land planning agency that any required mitigation applicable to

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1654 completed development has occurred, an industrial development of
1655 regional impact located within the coastal high-hazard area of a
1656 rural area of opportunity ~~county of economic concern~~ which was
1657 approved before ~~prior to~~ the adoption of the local government's
1658 comprehensive plan required under s. 163.3167 and which plan's
1659 future land use map and zoning designates the land use for the
1660 development of regional impact as commercial may be unilaterally
1661 abandoned without the need to proceed through the process
1662 described in paragraph (a) if the developer or owner provides a
1663 notice of abandonment to the local government and records such
1664 notice with the applicable clerk of court. Abandonment shall be
1665 deemed to have occurred upon the recording of the notice. All
1666 development following abandonment shall be fully consistent with
1667 the current comprehensive plan and applicable zoning.

1668 Section 34. Paragraph (g) of subsection (3) of section
1669 380.0651, Florida Statutes, is amended to read:

1670 380.0651 Statewide guidelines and standards.—

1671 (3) The following statewide guidelines and standards shall
1672 be applied in the manner described in s. 380.06(2) to determine
1673 whether the following developments shall be required to undergo
1674 development-of-regional-impact review:

1675 (g) *Residential development.*—A ~~No~~ rule may not be adopted
1676 concerning residential developments which treats a residential
1677 development in one county as being located in a less populated
1678 adjacent county unless more than 25 percent of the development
1679 is located within 2 ~~or less~~ miles or less of the less populated
1680 adjacent county. The residential thresholds of adjacent counties
1681 with less population and a lower threshold may ~~shall~~ not be
1682 controlling on any development wholly located within areas

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1683 designated as rural areas of opportunity ~~critical economic~~
1684 ~~concern~~.

1685 Section 35. Paragraph (b) of subsection (2) of section
1686 985.686, Florida Statutes, is amended to read:

1687 985.686 Shared county and state responsibility for juvenile
1688 detention.—

1689 (2) As used in this section, the term:

1690 (b) "Fiscally constrained county" means a county within a
1691 rural area of opportunity ~~critical economic concern~~ as
1692 designated by the Governor pursuant to s. 288.0656 or each
1693 county for which the value of a mill will raise no more than \$5
1694 million in revenue, based on the certified school taxable value
1695 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
1696 July 1.

1697 Section 36. Subsection (2) of section 1011.76, Florida
1698 Statutes, is amended to read:

1699 1011.76 Small School District Stabilization Program.—

1700 (2) In order to participate in this program, a school
1701 district must be located in a rural area of opportunity ~~critical~~
1702 ~~economic concern~~ designated by the Executive Office of the
1703 Governor, and the district school board must submit a resolution
1704 to the Department of Economic Opportunity requesting
1705 participation in the program. A rural area of opportunity
1706 ~~critical economic concern~~ must be a rural community, or a region
1707 composed of such, that has been adversely affected by an
1708 extraordinary economic event or a natural disaster or that
1709 presents a unique economic development concern or opportunity of
1710 regional impact. The resolution must be accompanied by ~~with~~
1711 documentation of the economic conditions in the community and ~~7~~

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1712 provide information indicating the negative impact of these
1713 conditions on the school district's financial stability, and the
1714 school district must participate in a best financial management
1715 practices review to determine potential efficiencies that could
1716 be implemented to reduce program costs in the district.

1717 Section 37. Paragraph (a) of subsection (4) of section
1718 215.425, Florida Statutes, is amended to read:

1719 215.425 Extra compensation claims prohibited; bonuses;
1720 severance pay.—

1721 (4) (a) On or after July 1, 2011, a unit of government that
1722 enters into a contract or employment agreement, or renewal or
1723 renegotiation of an existing contract or employment agreement,
1724 that contains a provision for severance pay with an officer,
1725 agent, employee, or contractor must include the following
1726 provisions in the contract:

1727 1. A requirement that severance pay provided may not exceed
1728 an amount greater than 20 weeks of compensation.

1729 2. A prohibition of provision of severance pay when the
1730 officer, agent, employee, or contractor has been fired for
1731 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the
1732 unit of government.

1733 Section 38. Paragraph (f) of subsection (13) of section
1734 443.1216, Florida Statutes, is amended to read:

1735 443.1216 Employment.—Employment, as defined in s. 443.036,
1736 is subject to this chapter under the following conditions:

1737 (13) The following are exempt from coverage under this
1738 chapter:

1739 (f) Service performed in the employ of a public employer as
1740 defined in s. 443.036, except as provided in subsection (2), and

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1741 service performed in the employ of an instrumentality of a
1742 public employer as described in s. 443.036(35)(b) or (c) ~~s.~~
1743 ~~443.036(36)(b) or (c)~~, to the extent that the instrumentality is
1744 immune under the United States Constitution from the tax imposed
1745 by s. 3301 of the Internal Revenue Code for that service.

1746 Section 39. This act shall take effect July 1, 2014.