

1 A bill to be entitled

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

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

27 exempting certain businesses from the requirement that  
 28 tax refunds be reduced in the absence of a specified  
 29 amount of local financial support; amending s.  
 30 290.004, F.S.; revising the definition of the term  
 31 "rural enterprise zone" to include rural areas of  
 32 opportunity; amending s. 290.0065, F.S.; specifying  
 33 that a rural area of opportunity shall be designated  
 34 as a rural enterprise zone; amending s. 339.63, F.S.;  
 35 conforming provisions to changes made by the act;  
 36 amending ss. 125.271, 163.3177, 163.3187, 163.3246,  
 37 211.3103, 218.67, 288.065, 288.0656, 288.1088,  
 38 288.1089, 290.0055, 339.2819, 373.4595, 380.06,  
 39 380.0651, 985.686, and 1011.76, F.S.; renaming "rural  
 40 areas of critical economic concern" as "rural areas of  
 41 opportunity"; providing an effective date.

42

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

44

45 Section 1. Subsections (1), (2), and (3) of section  
 46 212.098, Florida Statutes, are amended, subsections (5) through  
 47 (11) of that section are renumbered as subsections (6) through  
 48 (12), respectively, and new subsections (5), (13), and (14) are  
 49 added to that section, to read:

50 212.098 Rural Job Tax Credit Program.—

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

52 (a) "Eligible business" means any sole proprietorship,

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53 firm, partnership, or corporation that is located in a qualified  
54 county and is predominantly engaged in, or is headquarters for a  
55 business predominantly engaged in, activities usually provided  
56 for consideration by firms classified within the following  
57 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
58 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-  
59 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and  
60 storage); SIC 70 (hotels and other lodging places); SIC 7391  
61 (research and development); SIC 781 (motion picture production  
62 and allied services); SIC 7992 (public golf courses); SIC 7996  
63 (amusement parks); and a targeted industry eligible for the  
64 qualified target industry business tax refund under s. 288.106.  
65 A call center or similar customer service operation that  
66 services a multistate market or an international market is also  
67 an eligible business. In addition, the Department of Economic  
68 Opportunity and Enterprise Florida, Inc., may, as part of their  
69 ~~its~~ final budget requests ~~request~~ submitted pursuant to s.  
70 216.023, recommend additions to or deletions from the list of  
71 standard industrial classifications used to determine an  
72 eligible business, and the Legislature may implement such  
73 recommendations. Excluded from eligible receipts are receipts  
74 from retail sales, except such receipts for hotels and other  
75 lodging places classified in SIC 70, public golf courses in SIC  
76 7992, and amusement parks in SIC 7996. For purposes of this  
77 paragraph, the term "predominantly" means that more than 50  
78 percent of the business's gross receipts from all sources is

79 generated by those activities usually provided for consideration  
80 by firms in the specified standard industrial classification.  
81 The determination of whether the business is located in a  
82 qualified county and the tier ranking of that county must be  
83 based on the date of application for the credit under this  
84 section. Commonly owned and controlled entities are to be  
85 considered a single business entity.

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

88 (c) "Qualified area" means any area that is contained  
89 within a rural area of opportunity ~~critical economic concern~~  
90 designated under s. 288.0656, a county that has a population of  
91 fewer than 75,000 persons, or a county that has a population of  
92 125,000 or less and is contiguous to a county that has a  
93 population of less than 75,000, selected in the following  
94 manner: every third year, the Department of Economic Opportunity  
95 shall rank and tier the state's counties according to the  
96 following four factors:

97 1. Highest unemployment rate for the most recent 36-month  
98 period.

99 2. Lowest per capita income for the most recent 36-month  
100 period.

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

103 4. Average weekly manufacturing wage, based upon the most  
104 recent data available.

105        (d) ~~(b)~~ "Qualified employee" means any employee of an  
106 eligible business who performs duties in connection with the  
107 operations of the business on a regular, full-time basis for an  
108 average of at least 36 hours per week for at least 3 months  
109 within the qualified county in which the eligible business is  
110 located. The term also includes an employee leased from an  
111 employee leasing company licensed under chapter 468, if such  
112 employee has been continuously leased to the employer for an  
113 average of at least 36 hours per week for more than 6 months. An  
114 owner or partner of the eligible business is not a qualified  
115 employee. If an employee meets the qualifications specified in  
116 this paragraph but subsequently fails to work for an average of  
117 at least 36 hours per week in any one month, the employee is  
118 still considered a qualified employee if he or she meets the  
119 qualifications of this paragraph during the month immediately  
120 following.

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

128        (2) A new eligible business may apply for a tax credit  
129 under this subsection once at any time during its first year of  
130 operation. A new eligible business in a qualified area that has

131 at least 10 qualified employees on the date of application shall  
 132 receive a \$2,000 ~~\$1,000~~ tax credit for each such employee.

133 (3) An existing eligible business may apply for a tax  
 134 credit under this subsection at any time it is entitled to such  
 135 credit, except as restricted by this subsection. An existing  
 136 eligible business with fewer than 50 employees in a qualified  
 137 area that on the date of application has at least 20 percent  
 138 more qualified employees than it had 1 year before ~~prior to~~ its  
 139 date of application shall receive a \$2,000 ~~\$1,000~~ tax credit for  
 140 each such additional employee. An existing eligible business  
 141 that has 50 employees or more in a qualified area that, on the  
 142 date of application, has at least 10 more qualified employees  
 143 than it had 1 year before ~~prior to~~ its date of application shall  
 144 receive a \$2,000 ~~\$1,000~~ tax credit for each additional employee.  
 145 Any existing eligible business that received a credit under  
 146 subsection (2) may not apply for the credit under this  
 147 subsection sooner than 12 months after the application date for  
 148 the credit under subsection (2).

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

154 (13) If a new or existing eligible business takes a credit  
 155 granted under this section against its corporate income tax  
 156 liability and the credit exceeds the corporate income tax

157 liability, the eligible business may apply for an ad valorem tax  
 158 reimbursement equal to the excess amount.

159 (14) Effective January 1, 2015, a new or existing eligible  
 160 business that receives a tax credit under subsection (2) or  
 161 subsection (3) is eligible for a tax refund of up to 50 percent  
 162 of the amount of sales tax paid by the business for electricity.  
 163 The total amount of tax refunds approved pursuant to this  
 164 subsection may not exceed \$10 million during any calendar year.  
 165 The department may adopt rules to administer this subsection.

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

168 288.018 Regional Rural Development Grants Program.—

169 (1) The department shall establish a matching grant  
 170 program to provide funding to regionally based economic  
 171 development organizations representing rural counties and  
 172 communities for the purpose of building the professional  
 173 capacity of their organizations. Such matching grants may also  
 174 be used by an economic development organization to provide  
 175 technical assistance to businesses within the rural counties and  
 176 communities that it serves. The department is authorized to  
 177 approve, on an annual basis, grants to such regionally based  
 178 economic development organizations. The maximum amount an  
 179 organization may receive in any year will be \$50,000 ~~\$35,000~~, or  
 180 \$150,000 ~~\$100,000~~ in a rural area of opportunity ~~critical~~  
 181 ~~economic concern~~ recommended by the Rural Economic Development  
 182 Initiative and designated by the Governor, and must be matched

183 each year by an ~~equivalent~~ amount of nonstate resources as  
 184 determined by the department.

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

187 288.0655 Rural Infrastructure Fund.—

188 (2)

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

203 Eligible projects may also include improving any inadequate  
 204 infrastructure that has resulted in regulatory action that  
 205 prohibits economic or community growth or reducing the costs to  
 206 community users of proposed infrastructure improvements that  
 207 exceed such costs in comparable communities. Eligible uses of  
 208 funds shall include site certification costs and improvements to



209 public infrastructure for industrial or commercial sites and  
210 upgrades to or development of public tourism infrastructure.  
211 Authorized infrastructure may include the following public or  
212 public-private partnership facilities: storm water systems;  
213 telecommunications facilities; broadband facilities; roads or  
214 other remedies to transportation impediments; nature-based  
215 tourism facilities; or other physical requirements necessary to  
216 facilitate tourism, trade, and economic development activities  
217 in the community. Authorized infrastructure may also include  
218 publicly or privately owned self-powered nature-based tourism  
219 facilities, publicly owned telecommunications facilities, and  
220 broadband facilities, and additions to the distribution  
221 facilities of the existing natural gas utility as defined in s.  
222 366.04(3)(c), the existing electric utility as defined in s.  
223 366.02, or the existing water or wastewater utility as defined  
224 in s. 367.021(12), or any other existing water or wastewater  
225 facility, which owns a gas or electric distribution system or a  
226 water or wastewater system in this state where:

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

231 2. Such utilities as defined herein are willing and able  
232 to provide such service.

233 (c) To facilitate timely response and induce the location  
234 or expansion of specific job creating opportunities, the

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

249 (e) To enable local governments to access the resources  
250 available pursuant to s. 403.973(18), the department may award  
251 grants for surveys, feasibility studies, and other activities  
252 related to the identification and preclearance review of land  
253 which is suitable for preclearance review. Authorized grants  
254 under this paragraph shall not exceed \$75,000 each, except in  
255 the case of a project in a rural area of opportunity ~~critical~~  
256 ~~economic concern~~, in which case the grant shall not exceed  
257 \$300,000. Any funds awarded under this paragraph must be matched  
258 at a level of 50 percent with local funds, except that any funds  
259 awarded for a project in a rural area of opportunity ~~critical~~  
260 ~~economic concern~~ must be matched at a level of 33 percent with

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

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

270 288.106 Tax refund program for qualified target industry  
 271 businesses.—

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

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

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

285 1. Future growth.—Industry forecasts should indicate  
 286 strong expectation for future growth in both employment and

287 output, according to the most recent available data. Special  
288 consideration should be given to businesses that export goods  
289 to, or provide services in, international markets and businesses  
290 that replace domestic and international imports of goods or  
291 services.

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

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

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

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

313 defense and homeland security businesses.

314         6. Positive economic impact.—The industry is expected to  
315 have strong positive economic impacts on or benefits to the  
316 state or regional economies. Special consideration should be  
317 given to industries that facilitate the development of the state  
318 as a hub for domestic and global trade and logistics.

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

331  
332 The term does not include any business engaged in retail  
333 industry activities; any electrical utility company as defined  
334 in s. 366.02(2); any phosphate or other solid minerals  
335 severance, mining, or processing operation; any oil or gas  
336 exploration or production operation; or any business subject to  
337 regulation by the Division of Hotels and Restaurants of the  
338 Department of Business and Professional Regulation. Any business

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339 within NAICS code 5611 or 5614, office administrative services  
340 and business support services, respectively, may be considered a  
341 target industry business only after the local governing body and  
342 Enterprise Florida, Inc., make a determination that the  
343 community where the business may locate has conditions affecting  
344 the fiscal and economic viability of the local community or  
345 area, including but not limited to, factors such as low per  
346 capita income, high unemployment, high underemployment, and a  
347 lack of year-round stable employment opportunities, and such  
348 conditions may be improved by the location of such a business to  
349 the community. By January 1 of every 3rd year, beginning January  
350 1, 2011, the department, in consultation with Enterprise  
351 Florida, Inc., economic development organizations, the State  
352 University System, local governments, employee and employer  
353 organizations, market analysts, and economists, shall review  
354 and, as appropriate, revise the list of such target industries  
355 and submit the list to the Governor, the President of the  
356 Senate, and the Speaker of the House of Representatives.

357 (6) ANNUAL CLAIM FOR REFUND.—

358 (d) A tax refund may not be approved for a qualified  
359 target industry business unless the required local financial  
360 support has been paid into the account for that refund. If the  
361 local financial support provided is less than 20 percent of the  
362 approved tax refund, the tax refund must be reduced unless the  
363 qualified target industry business is located in a rural area of  
364 opportunity. In no event may the tax refund exceed an amount

365 that is equal to 5 times the amount of the local financial  
366 support received. Further, funding from local sources includes  
367 any tax abatement granted to that business under s. 196.1995 or  
368 the appraised market value of municipal or county land conveyed  
369 or provided at a discount to that business. The amount of any  
370 tax refund for such business approved under this section must be  
371 reduced by the amount of any such tax abatement granted or the  
372 value of the land granted, and the limitations in subsection (3)  
373 and paragraph (4) (e) must be reduced by the amount of any such  
374 tax abatement or the value of the land granted. A report listing  
375 all sources of the local financial support shall be provided to  
376 the department when such support is paid to the account.

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

379 290.004 Definitions relating to Florida Enterprise Zone  
380 Act.—As used in ss. 290.001-290.016:

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

390 Section 6. Subsections (6) and (7) of section 290.0065,

391 Florida Statutes, are renumbered as subsections (7) and (8),  
 392 respectively, and a new subsection (6) is added to that section  
 393 to read:

394 290.0065 State designation of enterprise zones.—

395 (6) Notwithstanding s. 290.0055, a rural area of  
 396 opportunity designated pursuant to s. 288.0656 shall be  
 397 designated as a rural enterprise zone.

398 Section 7. Paragraph (b) of subsection (5) of section  
 399 339.63, Florida Statutes, is amended to read:

400 339.63 System facilities designated; additions and  
 401 deletions.—

402 (5)

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

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

413 ~~2.~~ within a rural enterprise zone, as defined in s.  
 414 290.004(5), or within 15 miles of the boundary of a rural  
 415 enterprise zone; ~~or~~

416 ~~3. Within 15 miles of the boundary of a rural area of~~



417 ~~critical economic concern or a rural enterprise zone.~~

418 Section 8. Paragraph (a) of subsection (1) of section  
419 125.271, Florida Statutes, is amended to read:

420 125.271 Emergency medical services; county emergency  
421 medical service assessments.—

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

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

426

427 Once a county has qualified under this subsection, it always  
428 retains the qualification.

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

431 163.3177 Required and optional elements of comprehensive  
432 plan; studies and surveys.—

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

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

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

453           3. The state has a compelling interest in preserving the  
454 viability of agriculture and protecting rural agricultural  
455 communities and the state from the economic upheaval that would  
456 result from short-term or long-term adverse changes in the  
457 agricultural economy. To protect these communities and promote  
458 viable agriculture for the long term, it is essential to  
459 encourage and permit diversification of existing rural  
460 agricultural industrial centers by providing for jobs that are  
461 not solely dependent upon, but are compatible with and  
462 complement, existing agricultural industrial operations and to  
463 encourage the creation and expansion of industries that use  
464 agricultural products in innovative ways. However, the expansion  
465 and diversification of these existing centers must be  
466 accomplished in a manner that does not promote urban sprawl into  
467 surrounding agricultural and rural areas.

468           (b) As used in this subsection, the term "rural

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

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

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

490 163.3187 Process for adoption of small-scale comprehensive  
 491 plan amendment.—

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

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495 such designation, the 10-acre limit listed in subsection (1)  
496 shall be increased by 100 percent to 20 acres. The local  
497 government approving the small scale plan amendment shall  
498 certify to the Office of Tourism, Trade, and Economic  
499 Development that the plan amendment furthers the economic  
500 objectives set forth in the executive order issued under s.  
501 288.0656(7), and the property subject to the plan amendment  
502 shall undergo public review to ensure that all concurrency  
503 requirements and federal, state, and local environmental permit  
504 requirements are met.

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

507 163.3246 Local government comprehensive planning  
508 certification program.—

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

520 (a) The boundary of the certification area.

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

529 Section 12. Paragraph (a) of subsection (6) of section  
 530 211.3103, Florida Statutes, is amended to read:

531 211.3103 Levy of tax on severance of phosphate rock; rate,  
 532 basis, and distribution of tax.—

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

538 1. To the credit of the Conservation and Recreation Lands  
 539 Trust Fund, 25.5 percent.

540 2. To the credit of the General Revenue Fund of the state,  
 541 35.7 percent.

542 3. For payment to counties in proportion to the number of  
 543 tons of phosphate rock produced from a phosphate rock matrix  
 544 located within such political boundary, 12.8 percent. The  
 545 department shall distribute this portion of the proceeds  
 546 annually based on production information reported by the

547 producers on the annual returns for the taxable year. Any such  
 548 proceeds received by a county shall be used only for phosphate-  
 549 related expenses.

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

562 5. To the credit of the Nonmandatory Land Reclamation  
 563 Trust Fund, 6.2 percent.

564 6. To the credit of the Phosphate Research Trust Fund in  
 565 the Division of Universities of the Department of Education, 6.2  
 566 percent.

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

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

570 218.67 Distribution for fiscally constrained counties.—

571 (1) Each county that is entirely within a rural area of  
 572 opportunity ~~critical economic concern~~ as designated by the

573 Governor pursuant to s. 288.0656 or each county for which the  
 574 value of a mill will raise no more than \$5 million in revenue,  
 575 based on the taxable value certified pursuant to s.  
 576 1011.62(4)(a)1.a., from the previous July 1, shall be considered  
 577 a fiscally constrained county.

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

580 288.065 Rural Community Development Revolving Loan Fund.—

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

594 (c) All repayments of principal and interest shall be  
 595 returned to the loan fund and made available for loans to other  
 596 applicants. However, in a rural area of opportunity ~~critical~~  
 597 ~~economic concern~~ designated by the Governor, and upon approval  
 598 by the department, repayments of principal and interest may be

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599 retained by the applicant if such repayments are dedicated and  
600 matched to fund regionally based economic development  
601 organizations representing the rural area of opportunity  
602 ~~critical economic concern~~.

603 Section 15. Paragraphs (a), (b), and (d) of subsection (2)  
604 and subsection (7) of section 288.0656, Florida Statutes, are  
605 amended to read:

606 288.0656 Rural Economic Development Initiative.—

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

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

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

621 (d) "Rural area of opportunity ~~critical economic concern~~"  
622 means a rural community, or a region composed of rural  
623 communities, designated by the Governor, that has been adversely  
624 affected by an extraordinary economic event, severe or chronic



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625 | distress, or a natural disaster or that presents a unique  
626 | economic development opportunity of regional impact.

627 |       (7) (a) REDI may recommend to the Governor up to three  
628 | rural areas of opportunity ~~critical economic concern~~. The  
629 | Governor may by executive order designate up to three rural  
630 | areas of opportunity ~~critical economic concern~~ which will  
631 | establish these areas as priority assignments for REDI as well  
632 | as to allow the Governor, acting through REDI, to waive  
633 | criteria, requirements, or similar provisions of any economic  
634 | development incentive. Such incentives shall include, but not be  
635 | limited to, ~~the~~ Qualified Target Industry Tax Refund Program  
636 | under s. 288.106, the Quick Response Training Program under s.  
637 | 288.047, the Quick Response Training Program for participants in  
638 | the welfare transition program under s. 288.047(8),  
639 | transportation projects under s. 339.2821, the brownfield  
640 | redevelopment bonus refund under s. 288.107, and the rural job  
641 | tax credit program under ss. 212.098 and 220.1895.

642 |       (b) Designation as a rural area of opportunity ~~critical~~  
643 | ~~economic concern~~ under this subsection is ~~shall be~~ contingent  
644 | upon the execution of a memorandum of agreement among the  
645 | department; the governing body of the county; and the governing  
646 | bodies of any municipalities to be included within a rural area  
647 | of opportunity ~~critical economic concern~~. Such agreement shall  
648 | specify the terms and conditions of the designation, including,  
649 | but not limited to, the duties and responsibilities of the  
650 | county and any participating municipalities to take actions

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651 designed to facilitate the retention and expansion of existing  
652 businesses in the area, as well as the recruitment of new  
653 businesses to the area.

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

663 Section 16. Paragraph (a) of subsection (3) of section  
664 288.1088, Florida Statutes, is amended to read:

665 288.1088 Quick Action Closing Fund.—

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

- 671 1. Based on extraordinary circumstances;
- 672 2. In order to mitigate the impact of the conclusion of  
673 the space shuttle program; or
- 674 3. In rural areas of opportunity ~~critical-economic~~ ~~concern~~  
675 if the project would significantly benefit the local or regional  
676 economy.

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

679 288.1089 Innovation Incentive Program.—

680 (4) To qualify for review by the department, the applicant  
 681 must, at a minimum, establish the following to the satisfaction  
 682 of the department:

683 (b) A research and development project must:

684 1. Serve as a catalyst for an emerging or evolving  
 685 technology cluster.

686 2. Demonstrate a plan for significant higher education  
 687 collaboration.

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

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

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

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

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

701 2. Have an activity or product that is within an industry  
 702 that is designated as a target industry business under s.

703 288.106 or a designated sector under s. 288.108.

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

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

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

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

715 1. Demonstrate a plan for significant collaboration with  
716 an institution of higher education;

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

719 3. Include matching funds provided by the applicant or  
720 other available sources. The match requirement may be reduced or  
721 waived in rural areas of opportunity ~~critical economic concern~~  
722 or reduced in rural areas, brownfield areas, and enterprise  
723 zones;

724 4. Be located in this state; and

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

728 Section 18. Paragraph (d) of subsection (6) of section

729 290.0055, Florida Statutes, is amended to read:

730 290.0055 Local nominating procedure.-

731 (6)

732 (d)1. The governing body of a jurisdiction which has  
733 nominated an application for an enterprise zone that is at least  
734 15 square miles and less than 20 square miles and includes a  
735 portion of the state designated as a rural area of opportunity  
736 ~~critical economic concern~~ under s. 288.0656(7) may apply to the  
737 department to expand the boundary of the existing enterprise  
738 zone by not more than 3 square miles.

739 2. The governing body of a jurisdiction which has  
740 nominated an application for an enterprise zone that is at least  
741 20 square miles and includes a portion of the state designated  
742 as a rural area of opportunity ~~critical economic concern~~ under  
743 s. 288.0656(7) may apply to the department to expand the  
744 boundary of the existing enterprise zone by not more than 5  
745 square miles.

746 3. An application to expand the boundary of an enterprise  
747 zone under this paragraph must be submitted by December 31,  
748 2013.

749 4. Notwithstanding the area limitations specified in  
750 subsection (4), the department may approve the request for a  
751 boundary amendment if the area continues to satisfy the  
752 remaining requirements of this section.

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

755 Section 19. Paragraph (c) of subsection (4) of section  
 756 339.2819, Florida Statutes, is amended to read:  
 757 339.2819 Transportation Regional Incentive Program.—  
 758 (4)  
 759 (c) The department shall give priority to projects that:  
 760 1. Provide connectivity to the Strategic Intermodal System  
 761 developed under s. 339.64.  
 762 2. Support economic development and the movement of goods  
 763 in rural areas of opportunity ~~critical economic concern~~  
 764 designated under s. 288.0656(7).  
 765 3. Are subject to a local ordinance that establishes  
 766 corridor management techniques, including access management  
 767 strategies, right-of-way acquisition and protection measures,  
 768 appropriate land use strategies, zoning, and setback  
 769 requirements for adjacent land uses.  
 770 4. Improve connectivity between military installations and  
 771 the Strategic Highway Network or the Strategic Rail Corridor  
 772 Network.

773  
 774 The department shall also consider the extent to which local  
 775 matching funds are available to be committed to the project.

776 Section 20. Paragraph (c) of subsection (3) of section  
 777 373.4595, Florida Statutes, is amended to read:  
 778 373.4595 Northern Everglades and Estuaries Protection  
 779 Program.—  
 780 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A

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

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

800 (c) Lake Okeechobee Watershed Phosphorus Control Program.—  
801 The Lake Okeechobee Watershed Phosphorus Control Program is  
802 designed to be a multifaceted approach to reducing phosphorus  
803 loads by improving the management of phosphorus sources within  
804 the Lake Okeechobee watershed through implementation of  
805 regulations and best management practices, development and  
806 implementation of improved best management practices,

807 improvement and restoration of the hydrologic function of  
808 natural and managed systems, and utilization of alternative  
809 technologies for nutrient reduction. The coordinating agencies  
810 shall facilitate the application of federal programs that offer  
811 opportunities for water quality treatment, including  
812 preservation, restoration, or creation of wetlands on  
813 agricultural lands.

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

828 a. As provided in s. 403.067(7)(c), the Department of  
829 Agriculture and Consumer Services, in consultation with the  
830 department, the district, and affected parties, shall initiate  
831 rule development for interim measures, best management  
832 practices, conservation plans, nutrient management plans, or



833 other measures necessary for Lake Okeechobee watershed total  
834 maximum daily load reduction. The rule shall include thresholds  
835 for requiring conservation and nutrient management plans and  
836 criteria for the contents of such plans. Development of  
837 agricultural nonpoint source best management practices shall  
838 initially focus on those priority basins listed in subparagraph  
839 (b)1. The Department of Agriculture and Consumer Services, in  
840 consultation with the department, the district, and affected  
841 parties, shall conduct an ongoing program for improvement of  
842 existing and development of new interim measures or best  
843 management practices for the purpose of adoption of such  
844 practices by rule. The Department of Agriculture and Consumer  
845 Services shall work with the University of Florida's Institute  
846 of Food and Agriculture Sciences to review and, where  
847 appropriate, develop revised nutrient application rates for all  
848 agricultural soil amendments in the watershed.

849 b. Where agricultural nonpoint source best management  
850 practices or interim measures have been adopted by rule of the  
851 Department of Agriculture and Consumer Services, the owner or  
852 operator of an agricultural nonpoint source addressed by such  
853 rule shall either implement interim measures or best management  
854 practices or demonstrate compliance with the district's WOD  
855 program by conducting monitoring prescribed by the department or  
856 the district. Owners or operators of agricultural nonpoint  
857 sources who implement interim measures or best management  
858 practices adopted by rule of the Department of Agriculture and

859 Consumer Services shall be subject to the provisions of s.  
860 403.067(7). The Department of Agriculture and Consumer Services,  
861 in cooperation with the department and the district, shall  
862 provide technical and financial assistance for implementation of  
863 agricultural best management practices, subject to the  
864 availability of funds.

865 c. The district or department shall conduct monitoring at  
866 representative sites to verify the effectiveness of agricultural  
867 nonpoint source best management practices.

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

876 2. Nonagricultural nonpoint source best management  
877 practices, developed in accordance with s. 403.067 and designed  
878 to achieve the objectives of the Lake Okeechobee Watershed  
879 Protection Program, shall be implemented on an expedited basis.  
880 The department and the district shall develop an interagency  
881 agreement pursuant to ss. 373.046 and 373.406(5) that assures  
882 the development of best management practices that complement  
883 existing regulatory programs and specifies how those best  
884 management practices are implemented and verified. The

885 interagency agreement shall address measures to be taken by the  
886 department and the district during any best management practice  
887 reevaluation performed pursuant to sub-subparagraph d.

888 a. The department and the district are directed to work  
889 with the University of Florida's Institute of Food and  
890 Agricultural Sciences to develop appropriate nutrient  
891 application rates for all nonagricultural soil amendments in the  
892 watershed. As provided in s. 403.067(7)(c), the department, in  
893 consultation with the district and affected parties, shall  
894 develop interim measures, best management practices, or other  
895 measures necessary for Lake Okeechobee watershed total maximum  
896 daily load reduction. Development of nonagricultural nonpoint  
897 source best management practices shall initially focus on those  
898 priority basins listed in subparagraph (b)1. The department, the  
899 district, and affected parties shall conduct an ongoing program  
900 for improvement of existing and development of new interim  
901 measures or best management practices. The district shall adopt  
902 technology-based standards under the district's WOD program for  
903 nonagricultural nonpoint sources of phosphorus. Nothing in this  
904 sub-subparagraph shall affect the authority of the department or  
905 the district to adopt basin-specific criteria under this part to  
906 prevent harm to the water resources of the district.

907 b. Where nonagricultural nonpoint source best management  
908 practices or interim measures have been developed by the  
909 department and adopted by the district, the owner or operator of  
910 a nonagricultural nonpoint source shall implement interim

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911 measures or best management practices and be subject to the  
912 provisions of s. 403.067(7). The department and district shall  
913 provide technical and financial assistance for implementation of  
914 nonagricultural nonpoint source best management practices,  
915 subject to the availability of funds.

916 c. The district or the department shall conduct monitoring  
917 at representative sites to verify the effectiveness of  
918 nonagricultural nonpoint source best management practices.

919 d. Where water quality problems are detected for  
920 nonagricultural nonpoint sources despite the appropriate  
921 implementation of adopted best management practices, the  
922 department and the district shall institute a reevaluation of  
923 the best management practices.

924 3. The provisions of subparagraphs 1. and 2. shall not  
925 preclude the department or the district from requiring  
926 compliance with water quality standards or with current best  
927 management practices requirements set forth in any applicable  
928 regulatory program authorized by law for the purpose of  
929 protecting water quality. Additionally, subparagraphs 1. and 2.  
930 are applicable only to the extent that they do not conflict with  
931 any rules promulgated by the department that are necessary to  
932 maintain a federally delegated or approved program.

933 4. Projects that reduce the phosphorus load originating  
934 from domestic wastewater systems within the Lake Okeechobee  
935 watershed shall be given funding priority in the department's  
936 revolving loan program under s. 403.1835. The department shall

937 coordinate and provide assistance to those local governments  
 938 seeking financial assistance for such priority projects.

939         5. Projects that make use of private lands, or lands held  
 940 in trust for Indian tribes, to reduce nutrient loadings or  
 941 concentrations within a basin by one or more of the following  
 942 methods: restoring the natural hydrology of the basin, restoring  
 943 wildlife habitat or impacted wetlands, reducing peak flows after  
 944 storm events, increasing aquifer recharge, or protecting range  
 945 and timberland from conversion to development, are eligible for  
 946 grants available under this section from the coordinating  
 947 agencies. For projects of otherwise equal priority, special  
 948 funding priority will be given to those projects that make best  
 949 use of the methods outlined above that involve public-private  
 950 partnerships or that obtain federal match money. Preference  
 951 ranking above the special funding priority will be given to  
 952 projects located in a rural area of opportunity ~~critical~~  
 953 ~~economic concern~~ designated by the Governor. Grant applications  
 954 may be submitted by any person or tribal entity, and eligible  
 955 projects may include, but are not limited to, the purchase of  
 956 conservation and flowage easements, hydrologic restoration of  
 957 wetlands, creating treatment wetlands, development of a  
 958 management plan for natural resources, and financial support to  
 959 implement a management plan.

960         6.a. The department shall require all entities disposing  
 961 of domestic wastewater residuals within the Lake Okeechobee  
 962 watershed and the remaining areas of Okeechobee, Glades, and

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

980 b. Private and government-owned utilities within Monroe,  
981 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
982 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
983 dispose of wastewater residual sludge from utility operations  
984 and septic removal by land spreading in the Lake Okeechobee  
985 watershed may use a line item on local sewer rates to cover  
986 wastewater residual treatment and disposal if such disposal and  
987 treatment is done by approved alternative treatment methodology  
988 at a facility located within the areas designated by the

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989 Governor as rural areas of opportunity ~~critical economic concern~~  
990 pursuant to s. 288.0656. This additional line item is an  
991 environmental protection disposal fee above the present sewer  
992 rate and shall not be considered a part of the present sewer  
993 rate to customers, notwithstanding provisions to the contrary in  
994 chapter 367. The fee shall be established by the county  
995 commission or its designated assignee in the county in which the  
996 alternative method treatment facility is located. The fee shall  
997 be calculated to be no higher than that necessary to recover the  
998 facility's prudent cost of providing the service. Upon request  
999 by an affected county commission, the Florida Public Service  
1000 Commission will provide assistance in establishing the fee.  
1001 Further, for utilities and utility authorities that use the  
1002 additional line item environmental protection disposal fee, such  
1003 fee shall not be considered a rate increase under the rules of  
1004 the Public Service Commission and shall be exempt from such  
1005 rules. Utilities using the provisions of this section may  
1006 immediately include in their sewer invoicing the new  
1007 environmental protection disposal fee. Proceeds from this  
1008 environmental protection disposal fee shall be used for  
1009 treatment and disposal of wastewater residuals, including any  
1010 treatment technology that helps reduce the volume of residuals  
1011 that require final disposal, but such proceeds shall not be used  
1012 for transportation or shipment costs for disposal or any costs  
1013 relating to the land application of residuals in the Lake  
1014 Okeechobee watershed.

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1015 c. No less frequently than once every 3 years, the Florida  
1016 Public Service Commission or the county commission through the  
1017 services of an independent auditor shall perform a financial  
1018 audit of all facilities receiving compensation from an  
1019 environmental protection disposal fee. The Florida Public  
1020 Service Commission or the county commission through the services  
1021 of an independent auditor shall also perform an audit of the  
1022 methodology used in establishing the environmental protection  
1023 disposal fee. The Florida Public Service Commission or the  
1024 county commission shall, within 120 days after completion of an  
1025 audit, file the audit report with the President of the Senate  
1026 and the Speaker of the House of Representatives and shall  
1027 provide copies to the county commissions of the counties set  
1028 forth in sub-subparagraph b. The books and records of any  
1029 facilities receiving compensation from an environmental  
1030 protection disposal fee shall be open to the Florida Public  
1031 Service Commission and the Auditor General for review upon  
1032 request.

1033 7. The Department of Health shall require all entities  
1034 disposing of septage within the Lake Okeechobee watershed to  
1035 develop and submit to that agency an agricultural use plan that  
1036 limits applications based upon phosphorus loading. By July 1,  
1037 2005, phosphorus concentrations originating from these  
1038 application sites shall not exceed the limits established in the  
1039 district's WOD program.

1040 8. The Department of Agriculture and Consumer Services



1041 shall initiate rulemaking requiring entities within the Lake  
1042 Okeechobee watershed which land-apply animal manure to develop  
1043 resource management system level conservation plans, according  
1044 to United States Department of Agriculture criteria, which limit  
1045 such application. Such rules may include criteria and thresholds  
1046 for the requirement to develop a conservation or nutrient  
1047 management plan, requirements for plan approval, and  
1048 recordkeeping requirements.

1049 9. The district, the department, or the Department of  
1050 Agriculture and Consumer Services, as appropriate, shall  
1051 implement those alternative nutrient reduction technologies  
1052 determined to be feasible pursuant to subparagraph (d)6.

1053 Section 21. Paragraph (e) of subsection (2) and paragraph  
1054 (b) of subsection (26) of section 380.06, Florida Statutes, are  
1055 amended to read:

1056 380.06 Developments of regional impact.—

1057 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1058 (e) With respect to residential, hotel, motel, office, and  
1059 retail developments, the applicable guidelines and standards  
1060 shall be increased by 50 percent in urban central business  
1061 districts and regional activity centers of jurisdictions whose  
1062 local comprehensive plans are in compliance with part II of  
1063 chapter 163. With respect to multiuse developments, the  
1064 applicable individual use guidelines and standards for  
1065 residential, hotel, motel, office, and retail developments and  
1066 multiuse guidelines and standards shall be increased by 100

1067 percent in urban central business districts and regional  
 1068 activity centers of jurisdictions whose local comprehensive  
 1069 plans are in compliance with part II of chapter 163, if one land  
 1070 use of the multiuse development is residential and amounts to  
 1071 not less than 35 percent of the jurisdiction's applicable  
 1072 residential threshold. With respect to resort or convention  
 1073 hotel developments, the applicable guidelines and standards  
 1074 shall be increased by 150 percent in urban central business  
 1075 districts and regional activity centers of jurisdictions whose  
 1076 local comprehensive plans are in compliance with part II of  
 1077 chapter 163 and where the increase is specifically for a  
 1078 proposed resort or convention hotel located in a county with a  
 1079 population greater than 500,000 and the local government  
 1080 specifically designates that the proposed resort or convention  
 1081 hotel development will serve an existing convention center of  
 1082 more than 250,000 gross square feet built before ~~prior to~~ July  
 1083 1, 1992. The applicable guidelines and standards shall be  
 1084 increased by 150 percent for development in any area designated  
 1085 by the Governor as a rural area of opportunity ~~critical economic~~  
 1086 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the  
 1087 designation.

1088 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1089 (b) Upon receipt of written confirmation from the state  
 1090 land planning agency that any required mitigation applicable to  
 1091 completed development has occurred, an industrial development of  
 1092 regional impact located within the coastal high-hazard area of a

1093 rural area of opportunity ~~county of economic concern~~ which was  
 1094 approved before ~~prior to~~ the adoption of the local government's  
 1095 comprehensive plan required under s. 163.3167 and which plan's  
 1096 future land use map and zoning designates the land use for the  
 1097 development of regional impact as commercial may be unilaterally  
 1098 abandoned without the need to proceed through the process  
 1099 described in paragraph (a) if the developer or owner provides a  
 1100 notice of abandonment to the local government and records such  
 1101 notice with the applicable clerk of court. Abandonment shall be  
 1102 deemed to have occurred upon the recording of the notice. All  
 1103 development following abandonment shall be fully consistent with  
 1104 the current comprehensive plan and applicable zoning.

1105 Section 22. Paragraph (g) of subsection (3) of section  
 1106 380.0651, Florida Statutes, is amended to read:

1107 380.0651 Statewide guidelines and standards.—

1108 (3) The following statewide guidelines and standards shall  
 1109 be applied in the manner described in s. 380.06(2) to determine  
 1110 whether the following developments shall be required to undergo  
 1111 development-of-regional-impact review:

1112 (g) Residential development.—No rule may be adopted  
 1113 concerning residential developments which treats a residential  
 1114 development in one county as being located in a less populated  
 1115 adjacent county unless more than 25 percent of the development  
 1116 is located within 2 ~~or less~~ miles or less of the less populated  
 1117 adjacent county. The residential thresholds of adjacent counties  
 1118 with less population and a lower threshold shall not be

1119 controlling on any development wholly located within areas  
 1120 designated as rural areas of opportunity ~~critical economic~~  
 1121 ~~concern~~.

1122 Section 23. Paragraph (b) of subsection (2) of section  
 1123 985.686, Florida Statutes, is amended to read:

1124 985.686 Shared county and state responsibility for  
 1125 juvenile detention.—

1126 (2) As used in this section, the term:

1127 (b) "Fiscally constrained county" means a county within a  
 1128 rural area of opportunity ~~critical economic concern~~ as  
 1129 designated by the Governor pursuant to s. 288.0656 or each  
 1130 county for which the value of a mill will raise no more than \$5  
 1131 million in revenue, based on the certified school taxable value  
 1132 certified pursuant to s. 1011.62(4)(a)1.a., from the previous  
 1133 July 1.

1134 Section 24. Subsection (2) of section 1011.76, Florida  
 1135 Statutes, is amended to read:

1136 1011.76 Small School District Stabilization Program.—

1137 (2) In order to participate in this program, a school  
 1138 district must be located in a rural area of opportunity ~~critical~~  
 1139 ~~economic concern~~ designated by the Executive Office of the  
 1140 Governor, and the district school board must submit a resolution  
 1141 to the Department of Economic Opportunity requesting  
 1142 participation in the program. A rural area of opportunity  
 1143 ~~critical economic concern~~ must be a rural community, or a region  
 1144 composed of such, that has been adversely affected by an

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1145 extraordinary economic event or a natural disaster or that  
1146 presents a unique economic development concern or opportunity of  
1147 regional impact. The resolution must be accompanied by ~~with~~  
1148 documentation of the economic conditions in the community and~~r~~  
1149 provide information indicating the negative impact of these  
1150 conditions on the school district's financial stability, and the  
1151 school district must participate in a best financial management  
1152 practices review to determine potential efficiencies that could  
1153 be implemented to reduce program costs in the district.

1154 Section 25. This act shall take effect July 1, 2014.