

FOR CONSIDERATION By the Committee on Commerce and Tourism

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1 A bill to be entitled
2 An act relating to the Department of Economic
3 Opportunity; amending s. 288.005, F.S.; defining
4 terms; creating s. 288.006, F.S.; providing
5 requirements for loan programs relating to
6 accountability and proper stewardship of funds;
7 authorizing the Auditor General to conduct audits for
8 a specified purpose; authorizing the department to
9 adopt rules; amending s. 331.3051, F.S.; requiring
10 Space Florida to consult with the Florida Tourism
11 Industry Marketing Corporation, rather than with
12 Enterprise Florida, Inc., in developing a space
13 tourism marketing plan; authorizing Space Florida to
14 enter into an agreement with the corporation, rather
15 than with Enterprise Florida, Inc., for a specified
16 purpose; revising the research and development duties
17 of Space Florida; repealing s. 443.036(26), relating
18 to the definition of the term "initial skills review";
19 amending s. 443.091, F.S.; deleting the requirement
20 that an unemployed individual take an initial skill
21 review before he or she is eligible to receive
22 reemployment assistance benefits; requiring the
23 department to make available for such individual a
24 voluntary online assessment that identifies an
25 individual's skills, abilities, and career aptitude;
26 requiring information from such assessment to be made
27 available to certain groups; revising the requirement
28 that the department offer certain training
29 opportunities; amending s. 443.1116, F.S.; defining

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30 the term "employer sponsored training"; revising the
31 requirements for a short-term compensation plan to be
32 approved by the department; revising the treatment of
33 fringe benefits in such plan; requiring an employer to
34 describe the manner in which the employer will
35 implement the plan; requiring the director to approve
36 the plan if it is consistent with employer obligations
37 under law; prohibiting the department from denying
38 short-time compensation benefits to certain
39 individuals; amending s. 443.141, F.S.; providing an
40 employer payment schedule for specified years'
41 contributions to the Unemployment Compensation Trust
42 Fund; providing applicability; amending ss. 125.271,
43 163.3177, 163.3187, 163.3246, 211.3103, 212.098,
44 218.67, 288.018, 288.065, 288.0655, 288.0656,
45 288.1088, 288.1089, 290.0055, 339.2819, 339.63,
46 373.4595, 380.06, 380.0651, 985.686, and 1011.76,
47 F.S.; renaming "rural areas of critical economic
48 concern" as "rural areas of opportunity"; amending ss.
49 215.425 and 443.1216, F.S.; conforming cross-
50 references to changes made by the act; providing an
51 effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Subsections (5) and (6) are added to section
56 288.005, Florida Statutes, to read:

57 288.005 Definitions.—As used in this chapter, the term:
58 (5) "Loan administrator" means a statutorily eligible

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59 recipient of state funds which is authorized by the department
60 to make loans under a loan program.

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

66 Section 2. Section 288.006, Florida Statutes, is created to
67 read:

68 288.006 General operation of loan programs.—

69 (1) The Legislature intends to promote the goals of
70 accountability and proper stewardship by recipients of loan
71 program funds. This section applies to all loan programs
72 established under this chapter.

73 (2) State funds appropriated for a loan program may be used
74 only by an eligible recipient or loan administrator, and the use
75 of such funds is restricted to the specific state purpose of the
76 loan program, subject to any compensation due to a recipient or
77 loan administrator as provided under this chapter. State funds
78 may be awarded directly by the department to an eligible
79 recipient or awarded by the department to a loan administrator.
80 All state funds, including any interest earned, remain state
81 funds unless otherwise stated in the statutory requirements of
82 the loan program.

83 (3) (a) Upon termination of a loan program by the
84 Legislature or by statute, all appropriated funds shall revert
85 to the General Revenue Fund. The department shall pay the entity
86 for any allowable administrative expenses due to the loan
87 administrator as provided under this chapter, unless otherwise

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88 required by law.

89 (b) Upon termination of a contract between the department
90 and an eligible recipient or loan administrator, all remaining
91 appropriated funds shall revert to the fund from which the
92 appropriation was made. The department shall become the
93 successor entity for any outstanding loans. Except in the case
94 of the termination of a contract for fraud or a finding that the
95 recipient or loan administrator was not meeting the terms of the
96 program, the department shall pay the entity for any allowable
97 administrative expenses due to the loan administrator as
98 provided under this chapter.

99 (c) The eligible recipient or loan administrator to which
100 this subsection applies shall execute all appropriate
101 instruments to reconcile any remaining accounts associated with
102 a terminated loan program or contract. The entity shall execute
103 all appropriate instruments to ensure that the department is
104 authorized to collect all receivables for outstanding loans,
105 including, but not limited to, assignments of promissory notes
106 and mortgages.

107 (4) An eligible recipient or loan administrator must avoid
108 any potential conflict of interest regarding the use of
109 appropriated funds for a loan program. An eligible recipient or
110 loan administrator or a board member, employee, or agent thereof
111 may not have a financial interest in an entity that is awarded a
112 loan under a loan program. A loan may not be made to a person or
113 entity if a conflict of interest exists between the parties
114 involved unless the eligible recipient or loan administrator
115 provides the department with full disclosure of the conflict of
116 interest.

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117 (5) In determining eligibility for an entity applying for
118 the award of funds directly by the department or applying for
119 selection as a loan administrator for a loan program, the
120 department shall evaluate each applicant's business practices,
121 financial stability, and past performance in other state
122 programs, in addition to the loan program's statutory
123 requirements. Eligibility of an entity applying to be a
124 recipient or loan administrator may be conditionally granted or
125 denied outright if the department determines that the entity is
126 noncompliant with any law, rule, or program requirement.

127 (6) Recurring use of state funds, including revolving loans
128 or new negotiable instruments, which have been repaid to the
129 loan administrator may be made if the loan program's statutory
130 structure permits. However, any use of state funds made by a
131 loan administrator remains subject to subsections (2) and (3),
132 and compensation to a loan administrator may not exceed any
133 limitation provided by this chapter.

134 (7) The Auditor General may conduct audits as provided in
135 s. 11.45 to verify that the appropriations under each loan
136 program are expended by the eligible recipient or loan
137 administrator as required for each program. If the Auditor
138 General determines that the appropriations are not expended as
139 required, the Auditor General shall notify the department, which
140 may pursue recovery of the funds.

141 (8) The department may adopt rules under ss. 120.536(1) and
142 120.54 as necessary to carry out this section.

143 Section 3. Subsection (5) and paragraph (b) of subsection
144 (8) of section 331.3051, Florida Statutes, are amended to read:
145 331.3051 Duties of Space Florida.—Space Florida shall:

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146 (5) Consult with the Florida Tourism Industry Marketing
147 Corporation ~~Enterprise Florida, Inc.~~, in developing a space
148 tourism marketing plan. Space Florida and the Florida Tourism
149 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, may
150 enter into a mutually beneficial agreement that provides funding
151 to the corporation ~~Enterprise Florida, Inc.~~ for its services to
152 implement this subsection.

153 (8) Carry out its responsibility for research and
154 development by:

155 (b) Working in collaboration with one or more public or
156 private universities and other public or private entities to
157 ~~develop a proposal for a Center of Excellence for Aerospace that~~
158 ~~will foster and~~ promote the research necessary to develop
159 commercially promising, advanced, and innovative science and
160 technology and ~~will~~ transfer those discoveries to the commercial
161 sector.

162 Section 4. Subsection (26) of section 443.036, Florida
163 Statutes, is repealed.

164 Section 5. Paragraph (c) of subsection (1) of section
165 443.091, Florida Statutes, is amended to read:

166 443.091 Benefit eligibility conditions.—

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

170 (c) To make continued claims for benefits, she or he is
171 reporting to the department in accordance with this paragraph
172 and department rules, ~~and participating in an initial skills~~
173 ~~review, as directed by the department.~~ Department rules may not
174 conflict with s. 443.111(1)(b), which requires that each

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175 claimant continue to report regardless of any pending appeal
176 relating to her or his eligibility or disqualification for
177 benefits.

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

182 2. The department must offer an online assessment that
183 serves to identify an individual's skills, abilities, and career
184 aptitude. The skills assessment must be voluntary, and the
185 department must allow a claimant to choose whether to take the
186 skills assessment. The online assessment shall be made available
187 to any person seeking services from a regional workforce board
188 or a one-stop career center ~~The administrator or operator of the~~
189 ~~initial skills review shall notify the department when the~~
190 ~~individual completes the initial skills review and report the~~
191 ~~results of the review to the regional workforce board or the~~
192 ~~one-stop career center as directed by the workforce board. The~~
193 ~~department shall prescribe a numeric score on the initial skills~~
194 ~~review that demonstrates a minimal proficiency in workforce~~
195 ~~skills.~~

196 a. If the claimant chooses to take the online assessment,
197 the outcome of the assessment must be made available to the
198 claimant, regional workforce board, and one-stop career center.
199 The department, workforce board, or one-stop career center shall
200 use the assessment ~~initial skills review~~ to develop a plan for
201 referring individuals to training and employment opportunities.
202 Aggregate data on assessment outcomes may be made available to
203 Workforce Florida, Inc., and Enterprise Florida, Inc., for use

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204 in the development of policies related to education and training
205 programs that will ensure that businesses in this state have
206 access to a skilled and competent workforce ~~The failure of the~~
207 ~~individual to comply with this requirement will result in the~~
208 ~~individual being determined ineligible for benefits for the week~~
209 ~~in which the noncompliance occurred and for any subsequent week~~
210 ~~of unemployment until the requirement is satisfied. However,~~
211 ~~this requirement does not apply if the individual is exempt from~~
212 ~~the work registration requirement as set forth in paragraph (b).~~

213 b.3. Individuals ~~Any individual who falls below the minimal~~
214 ~~proficiency score prescribed by the department in subparagraph~~
215 ~~2. on the initial skills review shall be informed of and offered~~
216 services through the one-stop delivery system, including career
217 counseling, provision of skill match and job market information,
218 and skills upgrade and other training opportunities, and shall
219 be encouraged to participate in such services training ~~at no~~
220 ~~cost to the individuals individual in order to improve his or~~
221 ~~her workforce skills to the minimal proficiency level.~~

222 ~~4.~~ The department shall coordinate with Workforce Florida,
223 Inc., the workforce boards, and the one-stop career centers to
224 identify, develop, and use ~~utilize~~ best practices for improving
225 the skills of individuals who choose to participate in skills
226 upgrade and other training opportunities. The department may
227 contract with an entity to create the online assessment in
228 accordance with the competitive bidding requirements in s.
229 287.057. The online assessment must work seamlessly with the
230 Reemployment Assistance Claims and Benefits Information System
231 ~~and who have a minimal proficiency score below the score~~
232 ~~prescribed in subparagraph 2.~~

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233 ~~5. The department, in coordination with Workforce Florida,~~
234 ~~Inc., the workforce boards, and the one stop career centers,~~
235 ~~shall evaluate the use, effectiveness, and costs associated with~~
236 ~~the training prescribed in subparagraph 3. and report its~~
237 ~~findings and recommendations for training and the use of best~~
238 ~~practices to the Governor, the President of the Senate, and the~~
239 ~~Speaker of the House of Representatives by January 1, 2013.~~

240 Section 6. Subsections (1), (2), and (5) of section
241 443.1116, Florida Statutes, are amended to read:

242 443.1116 Short-time compensation.—

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

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

248 **(b) "Employer-sponsored training" means a training**
249 **component sponsored by an employer to improve the skills of the**
250 **employer's workers.**

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

255 **(d)** ~~(e)~~ "Short-time compensation benefits" means benefits
256 payable to individuals in an affected unit under an approved
257 short-time compensation plan.

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

260 **(f)** ~~(e)~~ "Short-time compensation plan" or "plan" means an
261 employer's written plan for reducing unemployment under which an

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262 affected unit shares the work remaining after its normal weekly
263 hours of work are reduced.

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

269 (a) The plan applies to and identifies each specific
270 affected unit;

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

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

276 (d) The plan includes a certified statement by the employer
277 that the aggregate reduction in work hours is in lieu of
278 ~~temporary~~ layoffs that would affect at least 10 percent of the
279 employees in the affected unit and that would have resulted in
280 an equivalent reduction in work hours;

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

283 (f) The plan is approved in writing by the collective
284 bargaining agent for each collective bargaining agreement
285 covering any individual in the affected unit;

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

289 (h) The plan certifies that, if the employer provides
290 fringe benefits to any employee whose workweek is reduced under

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291 the program, the fringe benefits will continue to be provided to
292 the employee participating in the short-time compensation
293 program under the same terms and conditions as though the
294 workweek of such employee had not been reduced or to the same
295 extent as other employees not participating in the short-time
296 compensation program ~~the manner in which the employer will treat~~
297 ~~fringe benefits of the individuals in the affected unit if the~~
298 ~~hours of the individuals are reduced to less than their normal~~
299 ~~weekly hours of work.~~ As used in this paragraph, the term
300 "fringe benefits" includes, but is not limited to, health
301 insurance, retirement benefits under defined benefit pension
302 plans as defined in subsection 35 of s. 1002 of the Employee
303 Retirement Income Security Act of 1974, 29 U.S.C., contributions
304 under a defined contribution plan as defined in s. 414(i) of the
305 Internal Revenue Code, paid vacation and holidays, and sick
306 leave;-

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

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

316 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
317 BENEFITS.-

318 (a) Except as provided in this subsection, an individual is
319 eligible to receive short-time compensation benefits for any

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320 week only if she or he complies with this chapter and the
321 Department of Economic Opportunity finds that:

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

325 2. The individual is able to work and is available for
326 additional hours of work or for full-time work with the short-
327 time employer; and

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

331 (b) The department may not deny short-time compensation
332 benefits to an individual who is otherwise eligible for these
333 benefits for any week by reason of the application of any
334 provision of this chapter relating to availability for work,
335 active search for work, or refusal to apply for or accept work
336 from other than the short-time compensation employer of that
337 individual.

338 (c) The department may not deny short-time compensation
339 benefits to an individual who is otherwise eligible for these
340 benefits for any week because such individual is participating
341 in an employer-sponsored training or a training under the
342 Workforce Investment Act to improve job skills when the training
343 is approved by the department.

344 (d) ~~(e)~~ Notwithstanding any other provision of this chapter,
345 an individual is deemed unemployed in any week for which
346 compensation is payable to her or him, as an employee in an
347 affected unit, for less than her or his normal weekly hours of
348 work in accordance with an approved short-time compensation plan

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349 in effect for the week.

350 Section 7. Paragraph (f) of subsection (1) of section
351 443.141, Florida Statutes, is amended to read:

352 443.141 Collection of contributions and reimbursements.—

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

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

361 1. For contributions due for wages paid in the first
362 quarter of each year, one-fourth of the contributions due must
363 be paid on or before April 30, one-fourth must be paid on or
364 before July 31, one-fourth must be paid on or before October 31,
365 and one-fourth must be paid on or before December 31.

366 2. In addition to the payments specified in subparagraph
367 1., for contributions due for wages paid in the second quarter
368 of each year, one-third of the contributions due must be paid on
369 or before July 31, one-third must be paid on or before October
370 31, and one-third must be paid on or before December 31.

371 3. In addition to the payments specified in subparagraphs
372 1. and 2., for contributions due for wages paid in the third
373 quarter of each year, one-half of the contributions due must be
374 paid on or before October 31, and one-half must be paid on or
375 before December 31.

376 4. The annual administrative fee assessed for electing to
377 pay under the installment method shall be collected at the time

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378 the employer makes the first installment payment each year. The
379 fee shall be segregated from the payment and deposited into the
380 Operating Trust Fund of the Department of Revenue.

381 5. Interest does not accrue on any contribution that
382 becomes due for wages paid in the first three quarters of each
383 year if the employer pays the contribution in accordance with
384 subparagraphs 1.-4. Interest and fees continue to accrue on
385 prior delinquent contributions and commence accruing on all
386 contributions due for wages paid in the first three quarters of
387 each year which are not paid in accordance with subparagraphs
388 1.-3. Penalties may be assessed in accordance with this chapter.
389 The contributions due for wages paid in the fourth quarter ~~of~~
390 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are
391 due and payable in accordance with this chapter.

392 Section 8. Paragraph (a) of subsection (1) of section
393 125.271, Florida Statutes, is amended to read:

394 125.271 Emergency medical services; county emergency
395 medical service assessments.-

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

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

400
401 Once a county has qualified under this subsection, it always
402 retains the qualification.

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

405 163.3177 Required and optional elements of comprehensive
406 plan; studies and surveys.-

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

408 1. There are a number of rural agricultural industrial
409 centers in the state that process, produce, or aid in the
410 production or distribution of a variety of agriculturally based
411 products, including, but not limited to, fruits, vegetables,
412 timber, and other crops, and juices, paper, and building
413 materials. Rural agricultural industrial centers have a
414 significant amount of existing associated infrastructure that is
415 used for processing, producing, or distributing agricultural
416 products.

417 2. Such rural agricultural industrial centers are often
418 located within or near communities in which the economy is
419 largely dependent upon agriculture and agriculturally based
420 products. The centers significantly enhance the economy of such
421 communities. However, these agriculturally based communities are
422 often socioeconomically challenged and designated as rural areas
423 of opportunity ~~critical economic concern~~. If such rural
424 agricultural industrial centers are lost and not replaced with
425 other job-creating enterprises, the agriculturally based
426 communities will lose a substantial amount of their economies.

427 3. The state has a compelling interest in preserving the
428 viability of agriculture and protecting rural agricultural
429 communities and the state from the economic upheaval that would
430 result from short-term or long-term adverse changes in the
431 agricultural economy. To protect these communities and promote
432 viable agriculture for the long term, it is essential to
433 encourage and permit diversification of existing rural
434 agricultural industrial centers by providing for jobs that are
435 not solely dependent upon, but are compatible with and

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436 complement, existing agricultural industrial operations and to
437 encourage the creation and expansion of industries that use
438 agricultural products in innovative ways. However, the expansion
439 and diversification of these existing centers must be
440 accomplished in a manner that does not promote urban sprawl into
441 surrounding agricultural and rural areas.

442 (b) As used in this subsection, the term "rural
443 agricultural industrial center" means a developed parcel of land
444 in an unincorporated area on which there exists an operating
445 agricultural industrial facility or facilities that employ at
446 least 200 full-time employees in the aggregate and process and
447 prepare for transport a farm product, as defined in s. 163.3162,
448 or any biomass material that could be used, directly or
449 indirectly, for the production of fuel, renewable energy,
450 bioenergy, or alternative fuel as defined by law. The center may
451 also include land contiguous to the facility site which is not
452 used for the cultivation of crops, but on which other existing
453 activities essential to the operation of such facility or
454 facilities are located or conducted. The parcel of land must be
455 located within, or within 10 miles of, a rural area of
456 opportunity ~~critical economic concern~~.

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

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

464 163.3187 Process for adoption of small-scale comprehensive

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465 plan amendment.—

466 (3) If the small scale development amendment involves a
467 site within a rural area of opportunity ~~critical-economic~~
468 ~~concern~~ as defined under s. 288.0656(2)(d) for the duration of
469 such designation, the 10-acre limit listed in subsection (1)
470 shall be increased by 100 percent to 20 acres. The local
471 government approving the small scale plan amendment shall
472 certify to the Office of Tourism, Trade, and Economic
473 Development that the plan amendment furthers the economic
474 objectives set forth in the executive order issued under s.
475 288.0656(7), and the property subject to the plan amendment
476 shall undergo public review to ensure that all concurrency
477 requirements and federal, state, and local environmental permit
478 requirements are met.

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

481 163.3246 Local government comprehensive planning
482 certification program.—

483 (10) Notwithstanding subsections (2), (4), (5), (6), and
484 (7), any municipality designated as a rural area of opportunity
485 ~~critical-economic-concern~~ pursuant to s. 288.0656 which is
486 located within a county eligible to levy the Small County Surtax
487 under s. 212.055(3) shall be considered certified during the
488 effectiveness of the designation of rural area of opportunity
489 ~~critical-economic-concern~~. The state land planning agency shall
490 provide a written notice of certification to the local
491 government of the certified area, which shall be considered
492 final agency action subject to challenge under s. 120.569. The
493 notice of certification shall include the following components:

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494 (a) The boundary of the certification area.

495 (b) A requirement that the local government submit ~~either~~
496 an annual or biennial monitoring report to the state land
497 planning agency according to the schedule provided in the
498 written notice. The monitoring report shall, at a minimum,
499 include the number of amendments to the comprehensive plan
500 adopted by the local government, the number of plan amendments
501 challenged by an affected person, and the disposition of those
502 challenges.

503 Section 12. Paragraph (a) of subsection (6) of section
504 211.3103, Florida Statutes, is amended to read:

505 211.3103 Levy of tax on severance of phosphate rock; rate,
506 basis, and distribution of tax.—

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

512 1. To the credit of the Conservation and Recreation Lands
513 Trust Fund, 25.5 percent.

514 2. To the credit of the General Revenue Fund of the state,
515 35.7 percent.

516 3. For payment to counties in proportion to the number of
517 tons of phosphate rock produced from a phosphate rock matrix
518 located within such political boundary, 12.8 percent. The
519 department shall distribute this portion of the proceeds
520 annually based on production information reported by the
521 producers on the annual returns for the taxable year. Any such
522 proceeds received by a county shall be used only for phosphate-

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523 related expenses.

524 4. For payment to counties that have been designated as a
525 rural area of opportunity ~~critical economic concern~~ pursuant to
526 s. 288.0656 in proportion to the number of tons of phosphate
527 rock produced from a phosphate rock matrix located within such
528 political boundary, 10.0 percent. The department shall
529 distribute this portion of the proceeds annually based on
530 production information reported by the producers on the annual
531 returns for the taxable year. Payments under this subparagraph
532 shall be made to the counties unless the Legislature by special
533 act creates a local authority to promote and direct the economic
534 development of the county. If such authority exists, payments
535 shall be made to that authority.

536 5. To the credit of the Nonmandatory Land Reclamation Trust
537 Fund, 6.2 percent.

538 6. To the credit of the Phosphate Research Trust Fund in
539 the Division of Universities of the Department of Education, 6.2
540 percent.

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

542 Section 13. Paragraph (c) of subsection (1) of section
543 212.098, Florida Statutes, is amended to read:

544 212.098 Rural Job Tax Credit Program.—

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

546 (c) "Qualified area" means any area that is contained
547 within a rural area of opportunity ~~critical economic concern~~
548 designated under s. 288.0656, a county that has a population of
549 fewer than 75,000 persons, or a county that has a population of
550 125,000 or less and is contiguous to a county that has a
551 population of less than 75,000, selected in the following

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552 manner: every third year, the Department of Economic Opportunity
553 shall rank and tier the state's counties according to the
554 following four factors:

555 1. Highest unemployment rate for the most recent 36-month
556 period.

557 2. Lowest per capita income for the most recent 36-month
558 period.

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

561 4. Average weekly manufacturing wage, based upon the most
562 recent data available.

563 Section 14. Subsection (1) of section 218.67, Florida
564 Statutes, is amended to read:

565 218.67 Distribution for fiscally constrained counties.—

566 (1) Each county that is entirely within a rural area of
567 opportunity ~~critical economic concern~~ as designated by the
568 Governor pursuant to s. 288.0656 or each county for which the
569 value of a mill will raise no more than \$5 million in revenue,
570 based on the taxable value certified pursuant to s.
571 1011.62(4)(a)1.a., from the previous July 1, shall be considered
572 a fiscally constrained county.

573 Section 15. Subsection (1) of section 288.018, Florida
574 Statutes, is amended to read:

575 288.018 Regional Rural Development Grants Program.—

576 (1) The department shall establish a matching grant program
577 to provide funding to regionally based economic development
578 organizations representing rural counties and communities for
579 the purpose of building the professional capacity of their
580 organizations. Such matching grants may also be used by an

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581 economic development organization to provide technical
582 assistance to businesses within the rural counties and
583 communities that it serves. The department is authorized to
584 approve, on an annual basis, grants to such regionally based
585 economic development organizations. The maximum amount an
586 organization may receive in any year will be \$35,000, or
587 \$100,000 in a rural area of opportunity ~~critical economic~~
588 ~~concern~~ recommended by the Rural Economic Development Initiative
589 and designated by the Governor, and must be matched each year by
590 an equivalent amount of nonstate resources.

591 Section 16. Paragraphs (a) and (c) of subsection (2) of
592 section 288.065, Florida Statutes, are amended to read:

593 288.065 Rural Community Development Revolving Loan Fund.—

594 (2) (a) The program shall provide for long-term loans, loan
595 guarantees, and loan loss reserves to units of local
596 governments, or economic development organizations substantially
597 underwritten by a unit of local government, within counties with
598 populations of 75,000 or fewer, or within any county with a
599 population of 125,000 or fewer which is contiguous to a county
600 with a population of 75,000 or fewer, based on the most recent
601 official population estimate as determined under s. 186.901,
602 including those residing in incorporated areas and those
603 residing in unincorporated areas of the county, or to units of
604 local government, or economic development organizations
605 substantially underwritten by a unit of local government, within
606 a rural area of opportunity ~~critical economic concern~~.

607 (c) All repayments of principal and interest shall be
608 returned to the loan fund and made available for loans to other
609 applicants. However, in a rural area of opportunity ~~critical~~

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610 ~~economic concern~~ designated by the Governor, and upon approval
611 by the department, repayments of principal and interest may be
612 retained by the applicant if such repayments are dedicated and
613 matched to fund regionally based economic development
614 organizations representing the rural area of opportunity
615 ~~critical economic concern~~.

616 Section 17. Paragraphs (b), (c), and (e) of subsection (2)
617 of section 288.0655, Florida Statutes, are amended to read:

618 288.0655 Rural Infrastructure Fund.—

619 (2)

620 (b) To facilitate access of rural communities and rural
621 areas of opportunity ~~critical economic concern~~ as defined by the
622 Rural Economic Development Initiative to infrastructure funding
623 programs of the Federal Government, such as those offered by the
624 United States Department of Agriculture and the United States
625 Department of Commerce, and state programs, including those
626 offered by Rural Economic Development Initiative agencies, and
627 to facilitate local government or private infrastructure funding
628 efforts, the department may award grants for up to 30 percent of
629 the total infrastructure project cost. If an application for
630 funding is for a catalyst site, as defined in s. 288.0656, the
631 department may award grants for up to 40 percent of the total
632 infrastructure project cost. Eligible projects must be related
633 to specific job-creation or job-retention opportunities.
634 Eligible projects may also include improving any inadequate
635 infrastructure that has resulted in regulatory action that
636 prohibits economic or community growth or reducing the costs to
637 community users of proposed infrastructure improvements that
638 exceed such costs in comparable communities. Eligible uses of

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639 funds shall include improvements to public infrastructure for
640 industrial or commercial sites and upgrades to or development of
641 public tourism infrastructure. Authorized infrastructure may
642 include the following public or public-private partnership
643 facilities: storm water systems; telecommunications facilities;
644 broadband facilities; roads or other remedies to transportation
645 impediments; nature-based tourism facilities; or other physical
646 requirements necessary to facilitate tourism, trade, and
647 economic development activities in the community. Authorized
648 infrastructure may also include publicly or privately owned
649 self-powered nature-based tourism facilities, publicly owned
650 telecommunications facilities, and broadband facilities, and
651 additions to the distribution facilities of the existing natural
652 gas utility as defined in s. 366.04(3)(c), the existing electric
653 utility as defined in s. 366.02, or the existing water or
654 wastewater utility as defined in s. 367.021(12), or any other
655 existing water or wastewater facility, which owns a gas or
656 electric distribution system or a water or wastewater system in
657 this state where:

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

662 2. Such utilities as defined herein are willing and able to
663 provide such service.

664 (c) To facilitate timely response and induce the location
665 or expansion of specific job creating opportunities, the
666 department may award grants for infrastructure feasibility
667 studies, design and engineering activities, or other

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668 infrastructure planning and preparation activities. Authorized
669 grants shall be up to \$50,000 for an employment project with a
670 business committed to create at least 100 jobs; up to \$150,000
671 for an employment project with a business committed to create at
672 least 300 jobs; and up to \$300,000 for a project in a rural area
673 of opportunity ~~critical economic concern~~. Grants awarded under
674 this paragraph may be used in conjunction with grants awarded
675 under paragraph (b), provided that the total amount of both
676 grants does not exceed 30 percent of the total project cost. In
677 evaluating applications under this paragraph, the department
678 shall consider the extent to which the application seeks to
679 minimize administrative and consultant expenses.

680 (e) To enable local governments to access the resources
681 available pursuant to s. 403.973(18), the department may award
682 grants for surveys, feasibility studies, and other activities
683 related to the identification and preclearance review of land
684 which is suitable for preclearance review. Authorized grants
685 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
686 in the case of a project in a rural area of opportunity ~~critical~~
687 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed
688 \$300,000. Any funds awarded under this paragraph must be matched
689 at a level of 50 percent with local funds, except that any funds
690 awarded for a project in a rural area of opportunity ~~critical~~
691 ~~economic concern~~ must be matched at a level of 33 percent with
692 local funds. If an application for funding is for a catalyst
693 site, as defined in s. 288.0656, the requirement for local match
694 may be waived pursuant to the process in s. 288.06561. In
695 evaluating applications under this paragraph, the department
696 shall consider the extent to which the application seeks to

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697 minimize administrative and consultant expenses.

698 Section 18. Paragraphs (a), (b), and (d) of subsection (2)
699 and subsection (7) of section 288.0656, Florida Statutes, are
700 amended to read:

701 288.0656 Rural Economic Development Initiative.—

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

703 (a) "Catalyst project" means a business locating or
704 expanding in a rural area of opportunity ~~critical economic~~
705 ~~concern~~ to serve as an economic generator of regional
706 significance for the growth of a regional target industry
707 cluster. The project must provide capital investment on a scale
708 significant enough to affect the entire region and result in the
709 development of high-wage and high-skill jobs.

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

716 (d) "Rural area of opportunity ~~critical economic concern~~"
717 means a rural community, or a region composed of rural
718 communities, designated by the Governor, which ~~that~~ has been
719 adversely affected by an extraordinary economic event, severe or
720 chronic distress, or a natural disaster or that presents a
721 unique economic development opportunity of regional impact.

722 (7) (a) REDI may recommend to the Governor up to three rural
723 areas of opportunity ~~critical economic concern~~. The Governor may
724 by executive order designate up to three rural areas of
725 opportunity ~~critical economic concern~~ which will establish these

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726 areas as priority assignments for REDI as well as to allow the
727 Governor, acting through REDI, to waive criteria, requirements,
728 or similar provisions of any economic development incentive.
729 Such incentives shall include, but are not ~~be~~ limited to, the
730 Qualified Target Industry Tax Refund Program under s. 288.106,
731 the Quick Response Training Program under s. 288.047, the Quick
732 Response Training Program for participants in the welfare
733 transition program under s. 288.047(8), transportation projects
734 under s. 339.2821, the brownfield redevelopment bonus refund
735 under s. 288.107, and the rural job tax credit program under ss.
736 212.098 and 220.1895.

737 (b) Designation as a rural area of opportunity ~~critical~~
738 ~~economic concern~~ under this subsection shall be contingent upon
739 the execution of a memorandum of agreement among the department;
740 the governing body of the county; and the governing bodies of
741 any municipalities to be included within a rural area of
742 opportunity ~~critical economic concern~~. Such agreement shall
743 specify the terms and conditions of the designation, including,
744 but not limited to, the duties and responsibilities of the
745 county and any participating municipalities to take actions
746 designed to facilitate the retention and expansion of existing
747 businesses in the area, as well as the recruitment of new
748 businesses to the area.

749 (c) Each rural area of opportunity ~~critical economic~~
750 ~~concern~~ may designate catalyst projects, provided that each
751 catalyst project is specifically recommended by REDI, identified
752 as a catalyst project by Enterprise Florida, Inc., and confirmed
753 as a catalyst project by the department. All state agencies and
754 departments shall use all available tools and resources to the

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755 extent permissible by law to promote the creation and
756 development of each catalyst project and the development of
757 catalyst sites.

758 Section 19. Paragraph (a) of subsection (3) of section
759 288.1088, Florida Statutes, is amended to read:

760 288.1088 Quick Action Closing Fund.—

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

766 1. Based on extraordinary circumstances;

767 2. In order to mitigate the impact of the conclusion of the
768 space shuttle program; or

769 3. In rural areas of opportunity ~~critical economic concern~~
770 if the project would significantly benefit the local or regional
771 economy.

772 Section 20. Paragraphs (b), (c), and (d) of subsection (4)
773 of section 288.1089, Florida Statutes, are amended to read:

774 288.1089 Innovation Incentive Program.—

775 (4) To qualify for review by the department, the applicant
776 must, at a minimum, establish the following to the satisfaction
777 of the department:

778 (b) A research and development project must:

779 1. Serve as a catalyst for an emerging or evolving
780 technology cluster.

781 2. Demonstrate a plan for significant higher education
782 collaboration.

783 3. Provide the state, at a minimum, a cumulative break-even

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784 economic benefit within a 20-year period.

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

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

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

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

796 2. Have an activity or product that is within an industry
797 that is designated as a target industry business under s.
798 288.106 or a designated sector under s. 288.108.

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

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

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

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

810 1. Demonstrate a plan for significant collaboration with an
811 institution of higher education;

812 2. Provide the state, at a minimum, a cumulative break-even

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813 economic benefit within a 20-year period;

814 3. Include matching funds provided by the applicant or
815 other available sources. The match requirement may be reduced or
816 waived in rural areas of opportunity ~~critical economic concern~~
817 or reduced in rural areas, brownfield areas, and enterprise
818 zones;

819 4. Be located in this state; and

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

823 Section 21. Paragraph (d) of subsection (6) of section
824 290.0055, Florida Statutes, is amended to read:

825 290.0055 Local nominating procedure.—

826 (6)

827 (d)1. The governing body of a jurisdiction which has
828 nominated an application for an enterprise zone that is at least
829 15 square miles and less than 20 square miles and includes a
830 portion of the state designated as a rural area of opportunity
831 ~~critical economic concern~~ under s. 288.0656(7) may apply to the
832 department to expand the boundary of the existing enterprise
833 zone by not more than 3 square miles.

834 2. The governing body of a jurisdiction which has nominated
835 an application for an enterprise zone that is at least 20 square
836 miles and includes a portion of the state designated as a rural
837 area of opportunity ~~critical economic concern~~ under s.
838 288.0656(7) may apply to the department to expand the boundary
839 of the existing enterprise zone by not more than 5 square miles.

840 3. An application to expand the boundary of an enterprise
841 zone under this paragraph must be submitted by December 31,

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842 2013.

843 4. Notwithstanding the area limitations specified in
844 subsection (4), the department may approve the request for a
845 boundary amendment if the area continues to satisfy the
846 remaining requirements of this section.

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

849 Section 22. Paragraph (c) of subsection (4) of section
850 339.2819, Florida Statutes, is amended to read:

851 339.2819 Transportation Regional Incentive Program.—

852 (4)

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

854 1. Provide connectivity to the Strategic Intermodal System
855 developed under s. 339.64.

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

859 3. Are subject to a local ordinance that establishes
860 corridor management techniques, including access management
861 strategies, right-of-way acquisition and protection measures,
862 appropriate land use strategies, zoning, and setback
863 requirements for adjacent land uses.

864 4. Improve connectivity between military installations and
865 the Strategic Highway Network or the Strategic Rail Corridor
866 Network.

867
868 The department shall also consider the extent to which local
869 matching funds are available to be committed to the project.

870 Section 23. Paragraph (b) of subsection (5) of section

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871 339.63, Florida Statutes, is amended to read:

872 339.63 System facilities designated; additions and
873 deletions.—

874 (5)

875 (b) A facility designated part of the Strategic Intermodal
876 System pursuant to paragraph (a) that is within the jurisdiction
877 of a local government that maintains a transportation
878 concurrency system shall receive a waiver of transportation
879 concurrency requirements applicable to Strategic Intermodal
880 System facilities in order to accommodate any development at the
881 facility which occurs pursuant to a building permit issued on or
882 before December 31, 2017, but only if such facility is located:

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

885 2. Within a rural enterprise zone as defined in s.
886 290.004(5); or

887 3. Within 15 miles of the boundary of a rural area of
888 opportunity ~~critical economic concern~~ or a rural enterprise
889 zone.

890 Section 24. Paragraph (c) of subsection (3) of section
891 373.4595, Florida Statutes, is amended to read:

892 373.4595 Northern Everglades and Estuaries Protection
893 Program.—

894 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
895 protection program for Lake Okeechobee that achieves phosphorus
896 load reductions for Lake Okeechobee shall be immediately
897 implemented as specified in this subsection. The program shall
898 address the reduction of phosphorus loading to the lake from
899 both internal and external sources. Phosphorus load reductions

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900 shall be achieved through a phased program of implementation.
901 Initial implementation actions shall be technology-based, based
902 upon a consideration of both the availability of appropriate
903 technology and the cost of such technology, and shall include
904 phosphorus reduction measures at both the source and the
905 regional level. The initial phase of phosphorus load reductions
906 shall be based upon the district's Technical Publication 81-2
907 and the district's WOD program, with subsequent phases of
908 phosphorus load reductions based upon the total maximum daily
909 loads established in accordance with s. 403.067. In the
910 development and administration of the Lake Okeechobee Watershed
911 Protection Program, the coordinating agencies shall maximize
912 opportunities provided by federal cost-sharing programs and
913 opportunities for partnerships with the private sector.

914 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—
915 The Lake Okeechobee Watershed Phosphorus Control Program is
916 designed to be a multifaceted approach to reducing phosphorus
917 loads by improving the management of phosphorus sources within
918 the Lake Okeechobee watershed through implementation of
919 regulations and best management practices, development and
920 implementation of improved best management practices,
921 improvement and restoration of the hydrologic function of
922 natural and managed systems, and utilization of alternative
923 technologies for nutrient reduction. The coordinating agencies
924 shall facilitate the application of federal programs that offer
925 opportunities for water quality treatment, including
926 preservation, restoration, or creation of wetlands on
927 agricultural lands.

928 1. Agricultural nonpoint source best management practices,

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929 developed in accordance with s. 403.067 and designed to achieve
930 the objectives of the Lake Okeechobee Watershed Protection
931 Program, shall be implemented on an expedited basis. The
932 coordinating agencies shall develop an interagency agreement
933 pursuant to ss. 373.046 and 373.406(5) that assures the
934 development of best management practices that complement
935 existing regulatory programs and specifies how those best
936 management practices are implemented and verified. The
937 interagency agreement shall address measures to be taken by the
938 coordinating agencies during any best management practice
939 reevaluation performed pursuant to sub-subparagraph d. The
940 department shall use best professional judgment in making the
941 initial determination of best management practice effectiveness.

942 a. As provided in s. 403.067(7)(c), the Department of
943 Agriculture and Consumer Services, in consultation with the
944 department, the district, and affected parties, shall initiate
945 rule development for interim measures, best management
946 practices, conservation plans, nutrient management plans, or
947 other measures necessary for Lake Okeechobee watershed total
948 maximum daily load reduction. The rule shall include thresholds
949 for requiring conservation and nutrient management plans and
950 criteria for the contents of such plans. Development of
951 agricultural nonpoint source best management practices shall
952 initially focus on those priority basins listed in subparagraph
953 (b)1. The Department of Agriculture and Consumer Services, in
954 consultation with the department, the district, and affected
955 parties, shall conduct an ongoing program for improvement of
956 existing and development of new interim measures or best
957 management practices for the purpose of adoption of such

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958 practices by rule. The Department of Agriculture and Consumer
959 Services shall work with the University of Florida's Institute
960 of Food and Agriculture Sciences to review and, where
961 appropriate, develop revised nutrient application rates for all
962 agricultural soil amendments in the watershed.

963 b. Where agricultural nonpoint source best management
964 practices or interim measures have been adopted by rule of the
965 Department of Agriculture and Consumer Services, the owner or
966 operator of an agricultural nonpoint source addressed by such
967 rule shall either implement interim measures or best management
968 practices or demonstrate compliance with the district's WOD
969 program by conducting monitoring prescribed by the department or
970 the district. Owners or operators of agricultural nonpoint
971 sources who implement interim measures or best management
972 practices adopted by rule of the Department of Agriculture and
973 Consumer Services shall be subject to the provisions of s.
974 403.067(7). The Department of Agriculture and Consumer Services,
975 in cooperation with the department and the district, shall
976 provide technical and financial assistance for implementation of
977 agricultural best management practices, subject to the
978 availability of funds.

979 c. The district or department shall conduct monitoring at
980 representative sites to verify the effectiveness of agricultural
981 nonpoint source best management practices.

982 d. Where water quality problems are detected for
983 agricultural nonpoint sources despite the appropriate
984 implementation of adopted best management practices, the
985 Department of Agriculture and Consumer Services, in consultation
986 with the other coordinating agencies and affected parties, shall

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987 institute a reevaluation of the best management practices and
988 make appropriate changes to the rule adopting best management
989 practices.

990 2. Nonagricultural nonpoint source best management
991 practices, developed in accordance with s. 403.067 and designed
992 to achieve the objectives of the Lake Okeechobee Watershed
993 Protection Program, shall be implemented on an expedited basis.
994 The department and the district shall develop an interagency
995 agreement pursuant to ss. 373.046 and 373.406(5) that assures
996 the development of best management practices that complement
997 existing regulatory programs and specifies how those best
998 management practices are implemented and verified. The
999 interagency agreement shall address measures to be taken by the
1000 department and the district during any best management practice
1001 reevaluation performed pursuant to sub-subparagraph d.

1002 a. The department and the district are directed to work
1003 with the University of Florida's Institute of Food and
1004 Agricultural Sciences to develop appropriate nutrient
1005 application rates for all nonagricultural soil amendments in the
1006 watershed. As provided in s. 403.067(7)(c), the department, in
1007 consultation with the district and affected parties, shall
1008 develop interim measures, best management practices, or other
1009 measures necessary for Lake Okeechobee watershed total maximum
1010 daily load reduction. Development of nonagricultural nonpoint
1011 source best management practices shall initially focus on those
1012 priority basins listed in subparagraph (b)1. The department, the
1013 district, and affected parties shall conduct an ongoing program
1014 for improvement of existing and development of new interim
1015 measures or best management practices. The district shall adopt

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1016 technology-based standards under the district's WOD program for
1017 nonagricultural nonpoint sources of phosphorus. Nothing in this
1018 sub-subparagraph shall affect the authority of the department or
1019 the district to adopt basin-specific criteria under this part to
1020 prevent harm to the water resources of the district.

1021 b. Where nonagricultural nonpoint source best management
1022 practices or interim measures have been developed by the
1023 department and adopted by the district, the owner or operator of
1024 a nonagricultural nonpoint source shall implement interim
1025 measures or best management practices and be subject to the
1026 provisions of s. 403.067(7). The department and district shall
1027 provide technical and financial assistance for implementation of
1028 nonagricultural nonpoint source best management practices,
1029 subject to the availability of funds.

1030 c. The district or the department shall conduct monitoring
1031 at representative sites to verify the effectiveness of
1032 nonagricultural nonpoint source best management practices.

1033 d. Where water quality problems are detected for
1034 nonagricultural nonpoint sources despite the appropriate
1035 implementation of adopted best management practices, the
1036 department and the district shall institute a reevaluation of
1037 the best management practices.

1038 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not
1039 preclude the department or the district from requiring
1040 compliance with water quality standards or with current best
1041 management practices requirements set forth in any applicable
1042 regulatory program authorized by law for the purpose of
1043 protecting water quality. Additionally, subparagraphs 1. and 2.
1044 are applicable only to the extent that they do not conflict with

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1045 any rules adopted ~~promulgated~~ by the department that are
1046 necessary to maintain a federally delegated or approved program.

1047 4. Projects that reduce the phosphorus load originating
1048 from domestic wastewater systems within the Lake Okeechobee
1049 watershed shall be given funding priority in the department's
1050 revolving loan program under s. 403.1835. The department shall
1051 coordinate and provide assistance to those local governments
1052 seeking financial assistance for such priority projects.

1053 5. Projects that make use of private lands, or lands held
1054 in trust for Indian tribes, to reduce nutrient loadings or
1055 concentrations within a basin by one or more of the following
1056 methods: restoring the natural hydrology of the basin, restoring
1057 wildlife habitat or impacted wetlands, reducing peak flows after
1058 storm events, increasing aquifer recharge, or protecting range
1059 and timberland from conversion to development, are eligible for
1060 grants available under this section from the coordinating
1061 agencies. For projects of otherwise equal priority, special
1062 funding priority will be given to those projects that make best
1063 use of the methods outlined above that involve public-private
1064 partnerships or that obtain federal match money. Preference
1065 ranking above the special funding priority will be given to
1066 projects located in a rural area of opportunity ~~critical~~
1067 ~~economic concern~~ designated by the Governor. Grant applications
1068 may be submitted by any person or tribal entity, and eligible
1069 projects may include, but are not limited to, the purchase of
1070 conservation and flowage easements, hydrologic restoration of
1071 wetlands, creating treatment wetlands, development of a
1072 management plan for natural resources, and financial support to
1073 implement a management plan.

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1074 6.a. The department shall require all entities disposing of
1075 domestic wastewater residuals within the Lake Okeechobee
1076 watershed and the remaining areas of Okeechobee, Glades, and
1077 Hendry Counties to develop and submit to the department an
1078 agricultural use plan that limits applications based upon
1079 phosphorus loading. By July 1, 2005, phosphorus concentrations
1080 originating from these application sites may ~~shall~~ not exceed
1081 the limits established in the district's WOD program. After
1082 December 31, 2007, the department may not authorize the disposal
1083 of domestic wastewater residuals within the Lake Okeechobee
1084 watershed unless the applicant can affirmatively demonstrate
1085 that the phosphorus in the residuals will not add to phosphorus
1086 loadings in Lake Okeechobee or its tributaries. This
1087 demonstration shall be based on achieving a net balance between
1088 phosphorus imports relative to exports on the permitted
1089 application site. Exports shall include only phosphorus removed
1090 from the Lake Okeechobee watershed through products generated on
1091 the permitted application site. This prohibition does not apply
1092 to Class AA residuals that are marketed and distributed as
1093 fertilizer products in accordance with department rule.

1094 b. Private and government-owned utilities within Monroe,
1095 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1096 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1097 dispose of wastewater residual sludge from utility operations
1098 and septic removal by land spreading in the Lake Okeechobee
1099 watershed may use a line item on local sewer rates to cover
1100 wastewater residual treatment and disposal if such disposal and
1101 treatment is done by approved alternative treatment methodology
1102 at a facility located within the areas designated by the

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1103 Governor as rural areas of opportunity ~~critical economic concern~~
1104 pursuant to s. 288.0656. This additional line item is an
1105 environmental protection disposal fee above the present sewer
1106 rate and may ~~shall~~ not be considered a part of the present sewer
1107 rate to customers, notwithstanding provisions to the contrary in
1108 chapter 367. The fee shall be established by the county
1109 commission or its designated assignee in the county in which the
1110 alternative method treatment facility is located. The fee shall
1111 be calculated to be no higher than that necessary to recover the
1112 facility's prudent cost of providing the service. Upon request
1113 by an affected county commission, the Florida Public Service
1114 Commission will provide assistance in establishing the fee.
1115 Further, for utilities and utility authorities that use the
1116 additional line item environmental protection disposal fee, such
1117 fee may ~~shall~~ not be considered a rate increase under the rules
1118 of the Public Service Commission and shall be exempt from such
1119 rules. Utilities using the provisions of this section may
1120 immediately include in their sewer invoicing the new
1121 environmental protection disposal fee. Proceeds from this
1122 environmental protection disposal fee shall be used for
1123 treatment and disposal of wastewater residuals, including any
1124 treatment technology that helps reduce the volume of residuals
1125 that require final disposal, but such proceeds may ~~shall~~ not be
1126 used for transportation or shipment costs for disposal or any
1127 costs relating to the land application of residuals in the Lake
1128 Okeechobee watershed.

1129 c. No less frequently than once every 3 years, the Florida
1130 Public Service Commission or the county commission through the
1131 services of an independent auditor shall perform a financial

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1132 audit of all facilities receiving compensation from an
1133 environmental protection disposal fee. The Florida Public
1134 Service Commission or the county commission through the services
1135 of an independent auditor shall also perform an audit of the
1136 methodology used in establishing the environmental protection
1137 disposal fee. The Florida Public Service Commission or the
1138 county commission shall, within 120 days after completion of an
1139 audit, file the audit report with the President of the Senate
1140 and the Speaker of the House of Representatives and shall
1141 provide copies to the county commissions of the counties set
1142 forth in sub-subparagraph b. The books and records of any
1143 facilities receiving compensation from an environmental
1144 protection disposal fee shall be open to the Florida Public
1145 Service Commission and the Auditor General for review upon
1146 request.

1147 7. The Department of Health shall require all entities
1148 disposing of septage within the Lake Okeechobee watershed to
1149 develop and submit to that agency an agricultural use plan that
1150 limits applications based upon phosphorus loading. By July 1,
1151 2005, phosphorus concentrations originating from these
1152 application sites may ~~shall~~ not exceed the limits established in
1153 the district's WOD program.

1154 8. The Department of Agriculture and Consumer Services
1155 shall initiate rulemaking requiring entities within the Lake
1156 Okeechobee watershed which land-apply animal manure to develop
1157 resource management system level conservation plans, according
1158 to United States Department of Agriculture criteria, which limit
1159 such application. Such rules may include criteria and thresholds
1160 for the requirement to develop a conservation or nutrient

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1161 management plan, requirements for plan approval, and
1162 recordkeeping requirements.

1163 9. The district, the department, or the Department of
1164 Agriculture and Consumer Services, as appropriate, shall
1165 implement those alternative nutrient reduction technologies
1166 determined to be feasible pursuant to subparagraph (d)6.

1167 Section 25. Paragraph (e) of subsection (2) and paragraph
1168 (b) of subsection (26) of section 380.06, Florida Statutes, are
1169 amended to read:

1170 380.06 Developments of regional impact.—

1171 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1172 (e) With respect to residential, hotel, motel, office, and
1173 retail developments, the applicable guidelines and standards
1174 shall be increased by 50 percent in urban central business
1175 districts and regional activity centers of jurisdictions whose
1176 local comprehensive plans are in compliance with part II of
1177 chapter 163. With respect to multiuse developments, the
1178 applicable individual use guidelines and standards for
1179 residential, hotel, motel, office, and retail developments and
1180 multiuse guidelines and standards shall be increased by 100
1181 percent in urban central business districts and regional
1182 activity centers of jurisdictions whose local comprehensive
1183 plans are in compliance with part II of chapter 163, if one land
1184 use of the multiuse development is residential and amounts to
1185 not less than 35 percent of the jurisdiction's applicable
1186 residential threshold. With respect to resort or convention
1187 hotel developments, the applicable guidelines and standards
1188 shall be increased by 150 percent in urban central business
1189 districts and regional activity centers of jurisdictions whose

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1190 local comprehensive plans are in compliance with part II of
1191 chapter 163 and where the increase is specifically for a
1192 proposed resort or convention hotel located in a county with a
1193 population greater than 500,000 and the local government
1194 specifically designates that the proposed resort or convention
1195 hotel development will serve an existing convention center of
1196 more than 250,000 gross square feet built before ~~prior to~~ July
1197 1, 1992. The applicable guidelines and standards shall be
1198 increased by 150 percent for development in any area designated
1199 by the Governor as a rural area of opportunity ~~critical economic~~
1200 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the
1201 designation.

1202 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1203 (b) Upon receipt of written confirmation from the state
1204 land planning agency that any required mitigation applicable to
1205 completed development has occurred, an industrial development of
1206 regional impact located within the coastal high-hazard area of a
1207 rural area of opportunity ~~county of economic concern~~ which was
1208 approved before ~~prior to~~ the adoption of the local government's
1209 comprehensive plan required under s. 163.3167 and which plan's
1210 future land use map and zoning designates the land use for the
1211 development of regional impact as commercial may be unilaterally
1212 abandoned without the need to proceed through the process
1213 described in paragraph (a) if the developer or owner provides a
1214 notice of abandonment to the local government and records such
1215 notice with the applicable clerk of court. Abandonment shall be
1216 deemed to have occurred upon the recording of the notice. All
1217 development following abandonment shall be fully consistent with
1218 the current comprehensive plan and applicable zoning.

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1219 Section 26. Paragraph (g) of subsection (3) of section
1220 380.0651, Florida Statutes, is amended to read:

1221 380.0651 Statewide guidelines and standards.—

1222 (3) The following statewide guidelines and standards shall
1223 be applied in the manner described in s. 380.06(2) to determine
1224 whether the following developments shall be required to undergo
1225 development-of-regional-impact review:

1226 (g) *Residential development.*—~~A~~ ~~No~~ rule may not be adopted
1227 concerning residential developments which treats a residential
1228 development in one county as being located in a less populated
1229 adjacent county unless more than 25 percent of the development
1230 is located within 2 ~~or less~~ miles or less of the less populated
1231 adjacent county. The residential thresholds of adjacent counties
1232 with less population and a lower threshold may ~~shall~~ not be
1233 controlling on any development wholly located within areas
1234 designated as rural areas of opportunity ~~critical economic~~
1235 ~~concern~~.

1236 Section 27. Paragraph (b) of subsection (2) of section
1237 985.686, Florida Statutes, is amended to read:

1238 985.686 Shared county and state responsibility for juvenile
1239 detention.—

1240 (2) As used in this section, the term:

1241 (b) "Fiscally constrained county" means a county within a
1242 rural area of opportunity ~~critical economic concern~~ as
1243 designated by the Governor pursuant to s. 288.0656 or each
1244 county for which the value of a mill will raise no more than \$5
1245 million in revenue, based on the certified school taxable value
1246 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
1247 July 1.

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1248 Section 28. Subsection (2) of section 1011.76, Florida
1249 Statutes, is amended to read:

1250 1011.76 Small School District Stabilization Program.—

1251 (2) In order to participate in this program, a school
1252 district must be located in a rural area of opportunity ~~critical~~
1253 ~~economic concern~~ designated by the Executive Office of the
1254 Governor, and the district school board must submit a resolution
1255 to the Department of Economic Opportunity requesting
1256 participation in the program. A rural area of opportunity
1257 ~~critical economic concern~~ must be a rural community, or a region
1258 composed of such, that has been adversely affected by an
1259 extraordinary economic event or a natural disaster or that
1260 presents a unique economic development concern or opportunity of
1261 regional impact. The resolution must be accompanied by ~~with~~
1262 documentation of the economic conditions in the community and,
1263 provide information indicating the negative impact of these
1264 conditions on the school district's financial stability, and the
1265 school district must participate in a best financial management
1266 practices review to determine potential efficiencies that could
1267 be implemented to reduce program costs in the district.

1268 Section 29. Paragraph (a) of subsection (4) of section
1269 215.425, Florida Statutes, is amended to read:

1270 215.425 Extra compensation claims prohibited; bonuses;
1271 severance pay.—

1272 (4) (a) On or after July 1, 2011, a unit of government that
1273 enters into a contract or employment agreement, or renewal or
1274 renegotiation of an existing contract or employment agreement,
1275 that contains a provision for severance pay with an officer,
1276 agent, employee, or contractor must include the following

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1277 provisions in the contract:

1278 1. A requirement that severance pay provided may not exceed
1279 an amount greater than 20 weeks of compensation.

1280 2. A prohibition of provision of severance pay when the
1281 officer, agent, employee, or contractor has been fired for
1282 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the
1283 unit of government.

1284 Section 30. Paragraph (f) of subsection (13) of section
1285 443.1216, Florida Statutes, is amended to read:

1286 443.1216 Employment.—Employment, as defined in s. 443.036,
1287 is subject to this chapter under the following conditions:

1288 (13) The following are exempt from coverage under this
1289 chapter:

1290 (f) Service performed in the employ of a public employer as
1291 defined in s. 443.036, except as provided in subsection (2), and
1292 service performed in the employ of an instrumentality of a
1293 public employer as described in s. 443.036(35)(b) or (c) ~~s.
1294 443.036(36)(b) or (c)~~, to the extent that the instrumentality is
1295 immune under the United States Constitution from the tax imposed
1296 by s. 3301 of the Internal Revenue Code for that service.

1297 Section 31. This act shall take effect July 1, 2014.