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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/02/2023 06:29 PM	.	05/04/2023 03:24 PM
	.	

Senator Simon moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (h) is added to subsection (1) of
section 215.971, Florida Statutes, to read:

215.971 Agreements funded with federal or state
assistance.—

(1) An agency agreement that provides state financial
assistance to a recipient or subrecipient, as those terms are
defined in s. 215.97, or that provides federal financial



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12 assistance to a subrecipient, as defined by applicable United
13 States Office of Management and Budget circulars, must include
14 all of the following:

15 (h) If the agency agreement provides federal or state
16 financial assistance to a county or municipality that is a rural
17 community or rural area of opportunity as those terms are
18 defined in s. 288.0656(2), a provision allowing the agency to
19 provide for the payment of invoices to the county, municipality,
20 or rural area of opportunity as that term is defined in s.
21 288.0656(2), for verified and eligible performance that has been
22 completed in accordance with the terms and conditions set forth
23 in the agreement. This provision is included to alleviate the
24 financial hardships that certain rural counties and
25 municipalities encounter when administering agreements, and must
26 be exercised by the agency when a county or municipality
27 demonstrates financial hardship, to the extent that federal or
28 state law, rule, or other regulation allows such payments. This
29 paragraph may not be construed to alter or limit any other
30 provisions of federal or state law, rule, or other regulation.

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

34 288.0655 Rural Infrastructure Fund.—

35 (2)

36 (b) To facilitate access of rural communities and rural
37 areas of opportunity as defined by the Rural Economic
38 Development Initiative to infrastructure funding programs of the
39 Federal Government, such as those offered by the United States
40 Department of Agriculture and the United States Department of



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41 Commerce, and state programs, including those offered by Rural
42 Economic Development Initiative agencies, and to facilitate
43 local government or private infrastructure funding efforts, the
44 department may award grants for up to 75 ~~50~~ percent of the total
45 infrastructure project cost, or up to 100 percent of the total
46 infrastructure project cost for a project located in a rural
47 community as defined in s. 288.0656(2) which is also located in
48 a fiscally constrained county as defined in s. 218.67(1) or a
49 rural area of opportunity as defined in s. 288.0656(2). ~~Eligible~~
50 ~~projects must be related to specific job creation or job~~
51 ~~retention opportunities.~~ Eligible uses of funds ~~projects~~ may
52 ~~also~~ include improving any inadequate infrastructure that has
53 resulted in regulatory action that prohibits economic or
54 community growth ~~and~~, reducing the costs to community users of
55 proposed infrastructure improvements that exceed such costs in
56 comparable communities, ~~and improving access to and the~~
57 ~~availability of broadband Internet service.~~ Eligible uses of
58 funds ~~shall~~ include improvements to public infrastructure for
59 industrial or commercial sites ~~and~~, upgrades to or development
60 of public tourism infrastructure, ~~and improvements to broadband~~
61 ~~Internet service and access in unserved or underserved rural~~
62 ~~communities. Improvements to broadband Internet service and~~
63 ~~access must be conducted through a partnership or partnerships~~
64 ~~with one or more dealers, as defined in s. 202.11(2), and the~~
65 ~~partnership or partnerships must be established through a~~
66 ~~competitive selection process that is publicly noticed.~~
67 Authorized infrastructure may include the following public or
68 public-private partnership facilities: storm water systems;
69 telecommunications facilities; ~~broadband facilities~~; roads or



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70 other remedies to transportation impediments; nature-based
71 tourism facilities; or other physical requirements necessary to
72 facilitate tourism, trade, and economic development activities
73 in the community. Authorized infrastructure may also include
74 publicly or privately owned self-powered nature-based tourism
75 facilities, publicly owned telecommunications facilities, ~~and~~
76 ~~broadband facilities,~~ and additions to the distribution
77 facilities of the existing natural gas utility as defined in s.
78 366.04(3)(c), the existing electric utility as defined in s.
79 366.02, or the existing water or wastewater utility as defined
80 in s. 367.021(12), or any other existing water or wastewater
81 facility, which owns a gas or electric distribution system or a
82 water or wastewater system in this state when ~~where~~:

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

87 2. Such utilities as defined herein are willing and able to
88 provide such service.

89 ~~(c) To facilitate timely response and induce the location~~
90 ~~or expansion of specific job creating opportunities,~~ The
91 department may award grants of up to \$300,000 for infrastructure
92 feasibility studies, design and engineering activities, or other
93 infrastructure planning and preparation activities. ~~Authorized~~
94 ~~grants shall be up to \$50,000 for an employment project with a~~
95 ~~business committed to create at least 100 jobs; up to \$150,000~~
96 ~~for an employment project with a business committed to create at~~
97 ~~least 300 jobs; and up to \$300,000 for a project in a rural area~~
98 ~~of opportunity.~~ Grants awarded under this paragraph may be used



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99 in conjunction with grants awarded under paragraph (b), ~~provided~~
100 ~~that the total amount of both grants does not exceed 30 percent~~
101 ~~of the total project cost.~~ In evaluating applications under this
102 paragraph, the department shall consider the extent to which the
103 application seeks to minimize administrative and consultant
104 expenses.

105 (e) To enable local governments to access the resources
106 available pursuant to s. 403.973(18), the department may award
107 grants for surveys, feasibility studies, and other activities
108 related to the identification and preclearance review of land
109 which is suitable for preclearance review. Authorized grants
110 under this paragraph may not exceed \$75,000 each, except in the
111 case of a project in a rural area of opportunity, in which case
112 the grant may not exceed \$300,000. Any funds awarded under this
113 paragraph must be matched at a level of 50 percent with local
114 funds, except that any funds awarded for a project in a rural
115 area of opportunity do not require a match of ~~must be matched at~~
116 ~~a level of 33 percent with~~ local funds. If an application for
117 funding is for a catalyst site, as defined in s. 288.0656, the
118 requirement for local match may be waived pursuant to the
119 process in s. 288.06561. In evaluating applications under this
120 paragraph, the department shall consider the extent to which the
121 application seeks to minimize administrative and consultant
122 expenses.

123 (3) The department, in consultation with Enterprise
124 Florida, Inc., the Florida Tourism Industry Marketing
125 Corporation, the Department of Environmental Protection, and the
126 Florida Fish and Wildlife Conservation Commission, as
127 appropriate, shall review and certify applications pursuant to



128 s. 288.061. The review must ~~shall~~ include an evaluation of the
129 economic benefit ~~of the projects~~ and ~~their~~ long-term viability.
130 The department shall have final approval for any grant under
131 this section.

132 Section 3. This act shall take effect July 1, 2023.

134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause
137 and insert:

138 A bill to be entitled
139 An act relating to rural development; amending s.
140 215.971, F.S.; requiring certain agency agreements to
141 include a provision authorizing the agency to provide
142 for the payment of specified invoices to certain
143 counties or municipalities for certain verified and
144 eligible performance; providing intent; providing
145 construction; amending s. 288.0655, F.S.; revising the
146 percentages of total infrastructure project cost which
147 the Department of Economic Opportunity may award
148 through grants from the Rural Infrastructure Fund;
149 revising authorized uses of eligible funds; deleting a
150 provision requiring that eligible projects be related
151 to specified opportunities; deleting provisions
152 allowing eligible funds to be used for broadband
153 Internet service and access; authorizing the
154 department to award grants up to a specified amount
155 for specified planning and preparation activities;
156 deleting a restriction on dual grant awards being used



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157 which would exceed a specified percentage threshold;
158 revising a provision that requires that awarded funds
159 for specified surveys or other activities be matched
160 with a specified amount of local funds; providing an
161 effective date.