



258588

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

Floor: 1/AD/3R

05/02/2014 12:01 PM

---

Senator Detert moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

163.3202 Land development regulations.—

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



258588

12 consistent with and implement their adopted comprehensive plan.

13 Section 2. Subsection (12) is added to section 212.098,  
14 Florida Statutes, to read:

15 212.098 Rural Job Tax Credit Program.—

16 (12) A new or existing eligible business that receives a  
17 tax credit under subsection (2) or subsection (3) is eligible  
18 for a tax refund of up to 50 percent of the amount of sales tax  
19 on purchases of electricity paid by the business during the 1-  
20 year period after the date the credit is received. The total  
21 amount of tax refunds approved pursuant to this subsection may  
22 not exceed \$600,000 during any calendar year. The department may  
23 adopt rules to administer this subsection.

24 Section 3. Paragraph (a) of subsection (2) of section  
25 288.0001, Florida Statutes, is amended to read:

26 288.0001 Economic Development Programs Evaluation.—The  
27 Office of Economic and Demographic Research and the Office of  
28 Program Policy Analysis and Government Accountability (OPPAGA)  
29 shall develop and present to the Governor, the President of the  
30 Senate, the Speaker of the House of Representatives, and the  
31 chairs of the legislative appropriations committees the Economic  
32 Development Programs Evaluation.

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

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

38 1. The capital investment tax credit established under s.  
39 220.191.

40 2. The qualified target industry tax refund established



258588

41 under s. 288.106.

42 3. The brownfield redevelopment bonus refund established  
43 under s. 288.107.

44 4. High-impact business performance grants established  
45 under s. 288.108.

46 5. The Quick Action Closing Fund established under s.  
47 288.1088.

48 6. The Innovation Incentive Program established under s.  
49 288.1089.

50 7. Enterprise Zone Program incentives established under ss.  
51 212.08(5) and (15), 212.096, 220.181, and 220.182.

52 8. The New Markets Development Program established under  
53 ss. 288.991-288.9922.

54 Section 4. Subsections (5) and (6) are added to section  
55 288.005, Florida Statutes, to read:

56 288.005 Definitions.—As used in this chapter, the term:

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

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

66 Section 5. 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



258588

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 loan  
77 administrator as provided under this chapter. State funds may be  
78 awarded directly by the department to an eligible recipient or  
79 awarded by the department to a loan administrator. All state  
80 funds, including any interest earned, remain state funds unless  
81 otherwise stated in the statutory requirements of the loan  
82 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  
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 loan administrator was not meeting the terms of the program, the  
96 department shall pay the entity for any allowable administrative  
97 expenses due to the loan administrator as provided under this  
98 chapter.



258588

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  
111 thereof, or an immediate family member of a board member,  
112 employee, or agent, may not have a financial interest in an  
113 entity that is awarded a loan under a loan program. A loan may  
114 not be made to a person or entity if a conflict of interest  
115 exists between the parties involved. As used in this subsection,  
116 the term "immediate family" means a parent, spouse, child,  
117 sibling, grandparent, or grandchild related by blood or  
118 marriage.

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



258588

128 noncompliant with any law, rule, or program requirement.

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

136 (7) The Auditor General may conduct audits as provided in  
137 s. 11.45 to verify that the appropriations under each loan  
138 program are expended by the eligible recipient or loan  
139 administrator as required for each program. If the Auditor  
140 General determines that the appropriations are not expended as  
141 required, the Auditor General shall notify the department, which  
142 may pursue recovery of the funds. This section does not prevent  
143 the department from pursuing recovery of the appropriated loan  
144 program funds when necessary to protect the funds or when  
145 authorized by law.

146 (8) The department may adopt rules under ss. 120.536(1) and  
147 120.54 as necessary to carry out this section.

148 Section 6. Paragraph (b) of subsection (3) of section  
149 288.061, Florida Statutes, is amended to read:

150 288.061 Economic development incentive application  
151 process.—

152 (3) Within 10 business days after the department receives  
153 the submitted economic development incentive application, the  
154 executive director shall approve or disapprove the application  
155 and issue a letter of certification to the applicant which  
156 includes a justification of that decision, unless the business



258588

157 requests an extension of that time.

158 (b) The release of funds for the incentive or incentives  
159 awarded to the applicant depends upon the statutory requirements  
160 of the particular incentive program, ~~except as provided in~~  
161 ~~subsection (4).~~

162 Section 7. Subsection (6) of section 288.8013, Florida  
163 Statutes, is amended to read:

164 288.8013 Triumph Gulf Coast, Inc.; Recovery Fund; creation;  
165 investment.—

166 (6) The Auditor General shall conduct an operational audit  
167 of the Recovery Fund and Triumph Gulf Coast, Inc., annually.  
168 Triumph Gulf Coast, Inc., shall provide to the Auditor General  
169 any detail or supplemental data required.

170 Section 8. Subsection (3) and paragraph (a) of subsection  
171 (9) of section 288.8014, Florida Statutes, are amended to read:

172 288.8014 Triumph Gulf Coast, Inc.; organization; board of  
173 directors.—

174 (3) Notwithstanding s. 20.052(4)(c), each initial  
175 appointment to the board of directors by the Board of Trustees  
176 of the State Board of Administration shall serve for a term that  
177 ends 4 years after the Legislature appropriates funds to the  
178 Recovery Fund. To achieve staggered terms among the members of  
179 the board, each initial appointment to the board of directors by  
180 the President of the Senate and the Speaker of the House of  
181 Representatives shall serve for a term that ends 5 years after  
182 the Legislature appropriates funds to the Recovery Fund.

183 Thereafter, each member of the board of directors shall serve  
184 for a term of 4 years, ~~except that initially the appointments of~~  
185 ~~the President of the Senate and the Speaker of the House of~~



258588

186 ~~Representatives each shall serve a term of 2 years to achieve~~  
187 ~~staggered terms among the members of the board.~~ A member is not  
188 eligible for reappointment to the board, except, however, any  
189 member appointed to fill a vacancy for a term of 2 years or less  
190 may be reappointed for an additional term of 4 years. The  
191 initial appointments to the board must be made by November 15,  
192 2013. Vacancies on the board of directors shall be filled by the  
193 officer who originally appointed the member. A vacancy that  
194 occurs before the scheduled expiration of the term of the member  
195 shall be filled for the remainder of the unexpired term.

196 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or  
197 contract for all staff necessary to the proper execution of its  
198 powers and duties to implement this act. The corporation is  
199 required to retain:

200 1. An independent certified public accountant licensed in  
201 this state pursuant to chapter 473 to inspect the records of and  
202 to annually audit the expenditure of the earnings and available  
203 principal disbursed by Triumph Gulf Coast, Inc.

204 2. An independent financial advisor to assist Triumph Gulf  
205 Coast, Inc., in the development and implementation of a  
206 strategic plan consistent with the requirements of this act.

207 3. An economic advisor who will assist in the award  
208 process, including the development of priorities, allocation  
209 decisions, and the application and process; will assist the  
210 board in determining eligibility of award applications and the  
211 evaluation and scoring of applications; and will assist in the  
212 development of award documentation.

213 4. A legal advisor with expertise in not-for-profit  
214 investing and contracting and who is a member of The Florida Bar





258588

215 to assist with contracting and carrying out the intent of this  
216 act.

217 Section 9. Subsection (7) of section 288.987, Florida  
218 Statutes, is amended to read:

219 288.987 Florida Defense Support Task Force.—

220 (7) The department shall contract with the task force for  
221 expenditure of appropriated funds, which may be used by the task  
222 force for economic and product research and development, joint  
223 planning with host communities to accommodate military missions  
224 and prevent base encroachment, advocacy on the state's behalf  
225 with federal civilian and military officials, assistance to  
226 school districts in providing a smooth transition for large  
227 numbers of additional military-related students, job training  
228 and placement for military spouses in communities with high  
229 proportions of active duty military personnel, and promotion of  
230 the state to military and related contractors and employers. The  
231 task force may annually spend up to \$250,000 ~~\$200,000~~ of funds  
232 appropriated to the department for the task force for staffing  
233 and administrative expenses of the task force, including travel  
234 and per diem costs incurred by task force members who are not  
235 otherwise eligible for state reimbursement.

236 Section 10. Section 290.0411, Florida Statutes, is amended  
237 to read:

238 290.0411 Legislative intent and purpose of ss. 290.0401-  
239 290.048.—It is the intent of the Legislature to provide the  
240 necessary means to develop, preserve, redevelop, and revitalize  
241 Florida communities exhibiting signs of decline, ~~or~~ distress, or  
242 economic need by enabling local governments to undertake the  
243 necessary community and economic development programs. The



258588

244 overall objective is to create viable communities by eliminating  
245 slum and blight, fortifying communities in urgent need,  
246 providing decent housing and suitable living environments, and  
247 expanding economic opportunities, principally for persons of low  
248 or moderate income. The purpose of ss. 290.0401-290.048 is to  
249 assist local governments in carrying out effective community and  
250 economic development and project planning and design activities  
251 to arrest and reverse community decline and restore community  
252 vitality. Community and economic development and project  
253 planning activities to maintain viable communities, revitalize  
254 existing communities, expand economic development and employment  
255 opportunities, and improve housing conditions and expand housing  
256 opportunities, providing direct benefit to persons of low or  
257 moderate income, are the primary purposes of ss. 290.0401-  
258 290.048. The Legislature, therefore, declares that the  
259 development, redevelopment, preservation, and revitalization of  
260 communities in this state and all the purposes of ss. 290.0401-  
261 290.048 are public purposes for which public money may be  
262 borrowed, expended, loaned, pledged to guarantee loans, and  
263 granted.

264 Section 11. Section 290.044, Florida Statutes, is amended  
265 to read:

266 290.044 Florida Small Cities Community Development Block  
267 Grant Program Fund; administration; distribution.—

268 (1) The Florida Small Cities Community Development Block  
269 Grant Program Fund is created. All revenue designated for  
270 deposit in such fund shall be deposited by the appropriate  
271 agency. The department shall administer this fund as a grant and  
272 loan guarantee program for carrying out the purposes of ss.



258588

273 290.0401-290.048.

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

277 (3) The department shall require applicants for grants to  
278 compete against each other in the following grant program  
279 categories:

- 280 (a) Housing rehabilitation.
- 281 (b) Economic development.
- 282 (c) Neighborhood revitalization.
- 283 (d) Commercial revitalization.

284 ~~(4)-(3)~~ The department shall define ~~the~~ broad community  
285 development objectives ~~objective~~ to be achieved by the  
286 activities in each of the ~~following~~ grant program categories  
287 with the use of funds from the Florida Small Cities Community  
288 Development Block Grant Program Fund. Such objectives shall be  
289 designed to meet at least one of the national objectives  
290 provided in the Housing and Community Development Act of 1974,  
291 ~~and require applicants for grants to compete against each other~~  
292 ~~in these grant program categories:~~

- 293 ~~(a) Housing.~~
- 294 ~~(b) Economic development.~~
- 295 ~~(c) Neighborhood revitalization.~~
- 296 ~~(d) Commercial revitalization.~~
- 297 ~~(e) Project planning and design.~~

298 (5)-(4) The department may set aside an amount of up to 5  
299 percent of the funds annually for use in any eligible local  
300 government jurisdiction for which an emergency or natural  
301 disaster has been declared by executive order. Such funds may



258588

302 only be provided to a local government to fund eligible  
303 emergency-related activities for which no other source of  
304 federal, state, or local disaster funds is available. The  
305 department may provide for such set-aside by rule. In the last  
306 quarter of the state fiscal year, any funds not allocated under  
307 the emergency-related set-aside shall be distributed to unfunded  
308 applications from the most recent funding cycle.

309 (6)~~(5)~~ The department shall establish a system of  
310 monitoring grants, including site visits, to ensure the proper  
311 expenditure of funds and compliance with the conditions of the  
312 recipient's contract. The department shall establish criteria  
313 for implementation of internal control, to include, but not be  
314 limited to, the following measures:

315 (a) Ensuring that subrecipient audits performed by a  
316 certified public accountant are received and responded to in a  
317 timely manner.

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

320 (c) Providing specific justification for contract  
321 amendments that takes into account any change in contracted  
322 activities and the resultant cost adjustments which shall be  
323 reflected in the amount of the grant.

324 Section 12. Section 290.046, Florida Statutes, is amended  
325 to read:

326 290.046 Applications for grants; procedures; requirements.-

327 (1) In applying for a grant under a specific program  
328 category, an applicant shall propose eligible activities that  
329 directly address the objectives ~~objective~~ of that program  
330 category.



258588

331           (2) (a) Except for applications for economic development  
332 grants as provided in subparagraph (b)1. ~~paragraph (c), an each~~  
333 eligible local government may submit one ~~an~~ application for a  
334 grant ~~under either the housing program category or the~~  
335 ~~neighborhood revitalization program category~~ during each  
336 application annual funding cycle. ~~An applicant may not receive~~  
337 ~~more than one grant in any state fiscal year from any of the~~  
338 ~~following categories: housing, neighborhood revitalization, or~~  
339 ~~commercial revitalization.~~

340           (b) 1. ~~An Except as provided in paragraph (c), each~~ eligible  
341 local government may apply up to three times in any one annual  
342 funding cycle for an economic development ~~a grant under the~~  
343 ~~economic development program category~~ but may not ~~shall~~ receive  
344 ~~no~~ more than one such grant per annual funding cycle. A local  
345 government may have more than one open economic development  
346 grant ~~Applications for grants under the economic development~~  
347 ~~program category may be submitted at any time during the annual~~  
348 ~~funding cycle, and such grants shall be awarded no less~~  
349 ~~frequently than three times per funding cycle.~~

350           2. The department shall establish minimum criteria  
351 pertaining to the number of jobs created for persons of low or  
352 moderate income, the degree of private sector financial  
353 commitment, and the economic feasibility of the proposed project  
354 and shall establish any other criteria the department deems  
355 appropriate. Assistance to a private, for-profit business may  
356 not be provided from a grant award unless sufficient evidence  
357 exists to demonstrate that without such public assistance the  
358 creation or retention of such jobs would not occur.

359           (c) 1. A local government ~~governments~~ with an open housing



258588

360 rehabilitation, neighborhood revitalization, or commercial  
361 revitalization contract ~~is shall~~ not be eligible to apply for  
362 another housing rehabilitation, neighborhood revitalization, or  
363 commercial revitalization grant until administrative closeout of  
364 its their existing contract. The department shall notify a local  
365 government of administrative closeout or of any outstanding  
366 closeout issues within 45 days after ~~of~~ receipt of a closeout  
367 package from the local government. A local government  
368 ~~governments~~ with an open housing rehabilitation, neighborhood  
369 revitalization, or commercial revitalization community  
370 development block grant contract whose activities are on  
371 schedule in accordance with the expenditure rates and  
372 accomplishments described in the contract may apply for an  
373 economic development grant.

374 2. A local government ~~governments~~ with an open economic  
375 development community development block grant contract whose  
376 activities are on schedule in accordance with the expenditure  
377 rates and accomplishments described in the contract may apply  
378 for a housing rehabilitation, ~~or~~ neighborhood revitalization, or  
379 ~~and a~~ commercial revitalization community development block  
380 grant. A local government ~~governments~~ with an open economic  
381 development contract whose activities are on schedule in  
382 accordance with the expenditure rates and accomplishments  
383 described in the contract may receive no more than one  
384 additional economic development grant in each fiscal year.

385 (d) ~~Beginning October 1, 1988,~~ The department may not shall  
386 award a ~~no~~ grant until it the department has conducted  
387 ~~determined, based upon~~ a site visit to verify the information  
388 contained in the local government's application, ~~that the~~



258588

389 ~~proposed area matches and adheres to the written description~~  
390 ~~contained within the applicant's request. If, based upon review~~  
391 ~~of the application or a site visit, the department determines~~  
392 ~~that any information provided in the application which affects~~  
393 ~~eligibility or scoring has been misrepresented, the applicant's~~  
394 ~~request shall be rejected by the department pursuant to s.~~  
395 ~~290.0475(7). Mathematical errors in applications which may be~~  
396 ~~discovered and corrected by readily computing available numbers~~  
397 ~~or formulas provided in the application shall not be a basis for~~  
398 ~~such rejection.~~

399       (3) (a) The department shall rank each application received  
400 during the application cycle according to criteria established  
401 by rule. The ranking system shall include a procedure to  
402 eliminate or reduce any population-related bias that places  
403 exceptionally small communities at a disadvantage in the  
404 competition for funds ~~Each application shall be ranked~~  
405 ~~competitively based on community need and program impact.~~  
406 ~~Community need shall be weighted 25 percent. Program impact~~  
407 ~~shall be weighted 65 percent. Outstanding performance in equal~~  
408 ~~opportunity employment and housing shall be weighted 10 percent.~~

409       (b) Funds shall be distributed according to the rankings  
410 established in each application cycle. If economic development  
411 funds remain available after the application cycle closes, the  
412 remaining funds shall be awarded to eligible projects on a  
413 first-come, first-served basis until such funds are fully  
414 obligated ~~The criteria used to measure community need shall~~  
415 ~~include, at a minimum, indicators of the extent of poverty in~~  
416 ~~the community and the condition of physical structures. Each~~  
417 ~~application, regardless of the program category for which it is~~



258588

418 ~~being submitted, shall be scored competitively on the same~~  
419 ~~community need criteria. In recognition of the benefits~~  
420 ~~resulting from the receipt of grant funds, the department shall~~  
421 ~~provide for the reduction of community need scores for specified~~  
422 ~~increments of grant funds provided to a local government since~~  
423 ~~the state began using the most recent census data. In the year~~  
424 ~~in which new census data are first used, no such reduction shall~~  
425 ~~occur.~~

426 (c) The application's program impact score, equal  
427 employment opportunity and fair housing score, and communitywide  
428 needs score may take into consideration scoring factors,  
429 including, but not limited to, unemployment, poverty levels,  
430 low-income and moderate-income populations, benefits to low-  
431 income and moderate-income residents, use of minority-owned and  
432 woman-owned business enterprises in previous grants, health and  
433 safety issues, and the condition of physical structures ~~The~~  
434 ~~criteria used to measure the impact of an applicant's proposed~~  
435 ~~activities shall include, at a minimum, indicators of the direct~~  
436 ~~benefit received by persons of low income and persons of~~  
437 ~~moderate income, the extent to which the problem identified is~~  
438 ~~addressed by the proposed activities, and the extent to which~~  
439 ~~resources other than the funds being applied for under this~~  
440 ~~program are being used to carry out the proposed activities.~~

441 ~~(d) Applications shall be scored competitively on program~~  
442 ~~impact criteria that are uniquely tailored to the community~~  
443 ~~development objective established in each program category. The~~  
444 ~~criteria used to measure the direct benefit to persons of low~~  
445 ~~income and persons of moderate income shall represent no less~~  
446 ~~than 42 percent of the points assigned to the program impact~~





258588

447 ~~factor. For the housing and neighborhood revitalization~~  
448 ~~categories, the department shall also include the following~~  
449 ~~criteria in the scoring of applications:~~

450 ~~1. The proportion of very low income and low income~~  
451 ~~households served.~~

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

454 ~~(4) An applicant for a neighborhood revitalization or~~  
455 ~~commercial revitalization grant shall demonstrate that its~~  
456 ~~activities are to be carried out in distinct service areas which~~  
457 ~~are characterized by the existence of slums or blighted~~  
458 ~~conditions, or by the concentration of persons of low or~~  
459 ~~moderate income.~~

460 (4)(5) In order to provide citizens with information  
461 concerning an applicant's proposed project, the applicant shall  
462 make available to the public information concerning the amounts  
463 of funds available for various activities and the range of  
464 activities that may be undertaken. In addition, the applicant  
465 shall hold a minimum of two public hearings in the local  
466 jurisdiction within which the project is to be implemented to  
467 obtain the views of citizens before submitting the final  
468 application to the department. The applicant shall conduct the  
469 initial hearing to solicit public input concerning community  
470 needs, inform the public about funding opportunities available  
471 to address community needs, and discuss activities that may be  
472 undertaken. Before a second public hearing is held, the  
473 applicant must publish a summary of the proposed application  
474 that provides citizens with an opportunity to examine the  
475 contents of the application and to submit comments. The



258588

476 applicant shall conduct a second hearing to obtain comments from  
477 citizens concerning the proposed application and to modify the  
478 proposed application if appropriate ~~program before an~~  
479 ~~application is submitted to the department, the applicant shall:~~

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

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

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

488       ~~(d) Consider any comments and views expressed by citizens~~  
489 ~~on the proposed application and, if appropriate, modify the~~  
490 ~~proposed application.~~

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

495       (5)~~(6)~~ The local government may ~~shall~~ establish a citizen  
496 advisory task force composed of citizens in the jurisdiction in  
497 which the proposed project is to be implemented to provide input  
498 relative to all phases of the project process. ~~The local~~  
499 ~~government must obtain consent from the department for any other~~  
500 ~~type of citizen participation plan upon a showing that such plan~~  
501 ~~is better suited to secure citizen participation for that~~  
502 ~~locality.~~

503       (6)~~(7)~~ The department shall, before ~~prior to~~ approving an  
504 application for a grant, determine that the applicant has the



258588

505 administrative capacity to carry out the proposed activities and  
506 has performed satisfactorily in carrying out past activities  
507 funded by community development block grants. The evaluation of  
508 past performance shall take into account procedural aspects of  
509 previous grants as well as substantive results. If the  
510 department determines that any applicant has failed to  
511 accomplish substantially the results it proposed in its last  
512 previously funded application, it may prohibit the applicant  
513 from receiving a grant or may penalize the applicant in the  
514 rating of the current application. An ~~Ne~~ application for grant  
515 funds may not be denied solely upon the basis of the past  
516 performance of the eligible applicant.

517 Section 13. Subsections (3) and (6) of section 290.047,  
518 Florida Statutes, are amended to read:

519 290.047 Establishment of grant ceilings and maximum  
520 administrative cost percentages; elimination of population bias;  
521 loans in default.-

522 (3) The maximum percentage of block grant funds that can be  
523 spent on administrative costs by an eligible local government  
524 shall be 15 percent for the housing rehabilitation program  
525 category, 8 percent for both the neighborhood and the commercial  
526 revitalization program categories, and 8 percent for the  
527 economic development program category. The maximum amount of  
528 block grant funds that may be spent on administrative costs by  
529 an eligible local government for the economic development  
530 program category is \$120,000. The purpose of the ceiling is to  
531 maximize the amount of block grant funds actually going toward  
532 the redevelopment of the area. The department will continue to  
533 encourage eligible local governments to consider ways to limit



258588

534 the amount of block grant funds used for administrative costs,  
535 consistent with the need for prudent management and  
536 accountability in the use of public funds. However, this  
537 subsection does ~~shall not be construed, however, to~~ prohibit  
538 eligible local governments from contributing their own funds or  
539 making in-kind contributions to cover administrative costs which  
540 exceed the prescribed ceilings, provided that all such  
541 contributions come from local government resources other than  
542 Community Development Block Grant funds.

543 (6) The maximum amount ~~percentage~~ of block grant funds that  
544 may be spent on engineering and architectural costs by an  
545 eligible local government shall be determined in accordance with  
546 a method ~~schedule~~ adopted by the department by rule. Any such  
547 method ~~schedule~~ so adopted shall be consistent with the schedule  
548 used by the United States Farmer's Home Administration as  
549 applied to projects in Florida or another comparable schedule as  
550 amended.

551 Section 14. Section 290.0475, Florida Statutes, is amended  
552 to read:

553 290.0475 Rejection of grant applications; penalties for  
554 failure to meet application conditions.—Applications are  
555 ineligible ~~received~~ for funding if ~~under all program categories~~  
556 ~~shall be rejected without scoring only in the event that~~ any of  
557 the following circumstances arise:

558 (1) The application is not received by the department by  
559 the application deadline;:-

560 (2) The proposed project does not meet one of the three  
561 national objectives as contained in federal and state  
562 legislation;:-



258588

563 (3) The proposed project is not an eligible activity as  
564 contained in the federal legislation;~~;~~

565 (4) The application is not consistent with the local  
566 government's comprehensive plan adopted pursuant to s.  
567 163.3184;~~;~~

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

571 (6) The local government is not in compliance with the  
572 citizen participation requirements prescribed in ss. 104(a)(1)  
573 and (2) and 106(d)(5)(c) of Title I of the Housing and Community  
574 Development Act of 1974, s. 290.046(4), 1984 and department  
575 rules; or.

576 (7) Any information provided in the application that  
577 affects eligibility or scoring is found to have been  
578 misrepresented, and the information is not a mathematical error  
579 which may be discovered and corrected by readily computing  
580 available numbers or formulas provided in the application.

581 Section 15. Subsection (5) of section 290.048, Florida  
582 Statutes, is amended to read:

583 290.048 General powers of department under ss. 290.0401-  
584 290.048.—The department has all the powers necessary or  
585 appropriate to carry out the purposes and provisions of the  
586 program, including the power to:

587 ~~(5) Adopt and enforce strict requirements concerning an~~  
588 ~~applicant's written description of a service area. Each such~~  
589 ~~description shall contain maps which illustrate the location of~~  
590 ~~the proposed service area. All such maps must be clearly legible~~  
591 ~~and must:~~



258588

- 592       ~~(a) Contain a scale which is clearly marked on the map.~~  
593       ~~(b) Show the boundaries of the locality.~~  
594       ~~(c) Show the boundaries of the service area where the~~  
595 ~~activities will be concentrated.~~  
596       ~~(d) Display the location of all proposed area activities.~~  
597       ~~(e) Include the names of streets, route numbers, or easily~~  
598 ~~identifiable landmarks where all service activities are located.~~

599       Section 16. Subsections (5) and (8) of section 331.3051,  
600 Florida Statutes, are amended to read:

601       331.3051 Duties of Space Florida.—Space Florida shall:

602       (5) Consult with the Florida Tourism Industry Marketing  
603 Corporation ~~Enterprise Florida, Inc.~~, in developing a space  
604 tourism marketing plan. Space Florida and the Florida Tourism  
605 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~ may  
606 enter into a mutually beneficial agreement that provides funding  
607 to the corporation ~~Enterprise Florida, Inc.~~ for its services to  
608 implement this subsection.

609       (8) Carry out its responsibility for research and  
610 development by:

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

613       (b) Working in collaboration with one or more public or  
614 private universities and other public or private entities to  
615 ~~develop a proposal for a Center of Excellence for Aerospace that~~  
616 ~~will~~ foster and promote the research necessary to develop  
617 commercially promising, advanced, and innovative science and  
618 technology and ~~will~~ transfer those discoveries to the commercial  
619 sector. This may include developing a proposal to establish a  
620 Center of Excellence for Aerospace.



258588

621 (c) Supporting universities in this state that are members  
622 of the Federal Aviation Administration's Center of Excellence  
623 for Commercial Space Transportation to assure a safe,  
624 environmentally compatible, and efficient commercial space  
625 transportation system in this state.

626 Section 17. Section 331.371, Florida Statutes, is created  
627 to read:

628 331.371 Strategic space infrastructure investment.—In  
629 consultation with Space Florida, the Department of  
630 Transportation may fund strategic spaceport launch support  
631 facilities investment projects, as defined in s. 331.303, at up  
632 to 100 percent of the project's cost if:

633 (1) Important access and on-spaceport and commercial launch  
634 facility capacity improvements are provided;

635 (2) Capital improvements that strategically position the  
636 state to maximize opportunities in international trade are  
637 achieved;

638 (3) Goals of an integrated intermodal transportation system  
639 for the state are achieved; and

640 (4) Feasibility and availability of matching funds through  
641 federal, local, or private partners are demonstrated.

642 Section 18. Subsection (26) of section 443.036, Florida  
643 Statutes, is repealed.

644 Section 19. Paragraph (c) of subsection (1) of section  
645 443.091, Florida Statutes, is amended to read:

646 443.091 Benefit eligibility conditions.—

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



258588

650 (c) To make continued claims for benefits, she or he is  
651 reporting to the department in accordance with this paragraph  
652 and department rules, ~~and participating in an initial skills~~  
653 ~~review, as directed by the department.~~ Department rules may not  
654 conflict with s. 443.111(1)(b), which requires that each  
655 claimant continue to report regardless of any pending appeal  
656 relating to her or his eligibility or disqualification for  
657 benefits.

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

662 2. The department must offer an online assessment that  
663 serves to identify an individual's skills, abilities, and career  
664 aptitude. The skills assessment must be voluntary, and the  
665 department must allow a claimant to choose whether to take the  
666 skills assessment. The online assessment shall be made available  
667 to any person seeking services from a regional workforce board  
668 or a one-stop career center ~~The administrator or operator of the~~  
669 ~~initial skills review shall notify the department when the~~  
670 ~~individual completes the initial skills review and report the~~  
671 ~~results of the review to the regional workforce board or the~~  
672 ~~one-stop career center as directed by the workforce board. The~~  
673 ~~department shall prescribe a numeric score on the initial skills~~  
674 ~~review that demonstrates a minimal proficiency in workforce~~  
675 ~~skills.~~

676 a. If the claimant chooses to take the online assessment,  
677 the outcome of the assessment must be made available to the  
678 claimant, regional workforce board, and one-stop career center.





258588

679 The department, workforce board, or one-stop career center shall  
680 use the assessment ~~initial skills review~~ to develop a plan for  
681 referring individuals to training and employment opportunities.  
682 Aggregate data on assessment outcomes may be made available to  
683 Workforce Florida, Inc., and Enterprise Florida, Inc., for use  
684 in the development of policies related to education and training  
685 programs that will ensure that businesses in this state have  
686 access to a skilled and competent workforce ~~The failure of the~~  
687 ~~individual to comply with this requirement will result in the~~  
688 ~~individual being determined ineligible for benefits for the week~~  
689 ~~in which the noncompliance occurred and for any subsequent week~~  
690 ~~of unemployment until the requirement is satisfied. However,~~  
691 ~~this requirement does not apply if the individual is exempt from~~  
692 ~~the work registration requirement as set forth in paragraph (b).~~  
693 b.3. Individuals ~~Any individual who falls below the minimal~~  
694 ~~proficiency score prescribed by the department in subparagraph~~  
695 ~~2. on the initial skills review shall be~~ informed of and offered  
696 services through the one-stop delivery system, including career  
697 counseling, provision of skill match and job market information,  
698 and skills upgrade and other training opportunities, and shall  
699 be encouraged to participate in such services training at no  
700 cost to the individuals ~~individual in order to improve his or~~  
701 ~~her workforce skills to the minimal proficiency level.~~  
702 4. The department shall coordinate with Workforce Florida,  
703 Inc., the workforce boards, and the one-stop career centers to  
704 identify, develop, and use ~~utilize~~ best practices for improving  
705 the skills of individuals who choose to participate in skills  
706 upgrade and other training opportunities. The department may  
707 contract with an entity to create the online assessment in



258588

708 accordance with the competitive bidding requirements in s.  
709 287.057. The online assessment must work seamlessly with the  
710 Reemployment Assistance Claims and Benefits Information System  
711 ~~and who have a minimal proficiency score below the score~~  
712 ~~prescribed in subparagraph 2.~~

713 ~~5. The department, in coordination with Workforce Florida,~~  
714 ~~Inc., the workforce boards, and the one stop career centers,~~  
715 ~~shall evaluate the use, effectiveness, and costs associated with~~  
716 ~~the training prescribed in subparagraph 3. and report its~~  
717 ~~findings and recommendations for training and the use of best~~  
718 ~~practices to the Governor, the President of the Senate, and the~~  
719 ~~Speaker of the House of Representatives by January 1, 2013.~~

720 Section 20. Subsections (1), (2), and (5) of section  
721 443.1116, Florida Statutes, are amended to read:

722 443.1116 Short-time compensation.—

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

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

728 (b) "Employer-sponsored training" means a training  
729 component sponsored by an employer to improve the skills of the  
730 employer's workers.

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

735 (d) ~~(e)~~ "Short-time compensation benefits" means benefits  
736 payable to individuals in an affected unit under an approved



258588

737 short-time compensation plan.

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

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

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

749 (a) The plan applies to and identifies each specific  
750 affected unit;

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

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

756 (d) The plan includes a certified statement by the employer  
757 that the aggregate reduction in work hours is in lieu of  
758 ~~temporary~~ layoffs that would affect at least 10 percent of the  
759 employees in the affected unit and that would have resulted in  
760 an equivalent reduction in work hours;

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

763 (f) The plan is approved in writing by the collective  
764 bargaining agent for each collective bargaining agreement  
765 covering any individual in the affected unit;



258588

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

769 (h) The plan certifies that, if the employer provides  
770 fringe benefits to any employee whose workweek is reduced under  
771 the program, the fringe benefits will continue to be provided to  
772 the employee participating in the short-time compensation  
773 program under the same terms and conditions as though the  
774 workweek of such employee had not been reduced or to the same  
775 extent as other employees not participating in the short-time  
776 compensation program ~~the manner in which the employer will treat~~  
777 ~~fringe benefits of the individuals in the affected unit if the~~  
778 ~~hours of the individuals are reduced to less than their normal~~  
779 ~~weekly hours of work.~~ As used in this paragraph, the term  
780 "fringe benefits" includes, but is not limited to, health  
781 insurance, retirement benefits under defined benefit pension  
782 plans as defined in subsection 35 of s. 1002 of the Employee  
783 Retirement Income Security Act of 1974, 29 U.S.C., contributions  
784 under a defined contribution plan as defined in s. 414(i) of the  
785 Internal Revenue Code, paid vacation and holidays, and sick  
786 leave;:-

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

793 (j) The terms of the employer's written plan and  
794 implementation are consistent with employer obligations under



258588

795 applicable federal laws and laws of this state.

796 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
797 BENEFITS.—

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

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

805 2. The individual is able to work and is available for  
806 additional hours of work or for full-time work with the short-  
807 time employer; and

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

811 (b) The department may not deny short-time compensation  
812 benefits to an individual who is otherwise eligible for these  
813 benefits for any week by reason of the application of any  
814 provision of this chapter relating to availability for work,  
815 active search for work, or refusal to apply for or accept work  
816 from other than the short-time compensation employer of that  
817 individual.

818 (c) The department may not deny short-time compensation  
819 benefits to an individual who is otherwise eligible for these  
820 benefits for any week because such individual is participating  
821 in an employer-sponsored training or a training under the  
822 Workforce Investment Act to improve job skills when the training  
823 is approved by the department.



258588

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

830            Section 21. Paragraph (f) of subsection (1) of section  
831 443.141, Florida Statutes, is amended to read:

832            443.141 Collection of contributions and reimbursements.—

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

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

841            1. For contributions due for wages paid in the first  
842 quarter of each year, one-fourth of the contributions due must  
843 be paid on or before April 30, one-fourth must be paid on or  
844 before July 31, one-fourth must be paid on or before October 31,  
845 and one-fourth must be paid on or before December 31.

846            2. In addition to the payments specified in subparagraph  
847 1., for contributions due for wages paid in the second quarter  
848 of each year, one-third of the contributions due must be paid on  
849 or before July 31, one-third must be paid on or before October  
850 31, and one-third must be paid on or before December 31.

851            3. In addition to the payments specified in subparagraphs  
852 1. and 2., for contributions due for wages paid in the third



258588

853 quarter of each year, one-half of the contributions due must be  
854 paid on or before October 31, and one-half must be paid on or  
855 before December 31.

856 4. The annual administrative fee assessed for electing to  
857 pay under the installment method shall be collected at the time  
858 the employer makes the first installment payment each year. The  
859 fee shall be segregated from the payment and deposited into the  
860 Operating Trust Fund of the Department of Revenue.

861 5. Interest does not accrue on any contribution that  
862 becomes due for wages paid in the first three quarters of each  
863 year if the employer pays the contribution in accordance with  
864 subparagraphs 1.-4. Interest and fees continue to accrue on  
865 prior delinquent contributions and commence accruing on all  
866 contributions due for wages paid in the first three quarters of  
867 each year which are not paid in accordance with subparagraphs  
868 1.-3. Penalties may be assessed in accordance with this chapter.  
869 The contributions due for wages paid in the fourth quarter ~~of~~  
870 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are  
871 due and payable in accordance with this chapter.

872 Section 22. Paragraph (a) of subsection (2) of section  
873 443.151, Florida Statutes, is amended to read:

874 443.151 Procedure concerning claims.—

875 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
876 CLAIMANTS AND EMPLOYERS.—

877 (a) *In general.*—Initial and continued claims for benefits  
878 must be made by approved electronic or alternate means and in  
879 accordance with rules adopted by the Department of Economic  
880 Opportunity. The department shall provide alternative means,  
881 such as by telephone, for filing initial and continued claims if



258588

882 the department determines access to the approved electronic  
883 means is or will be unavailable and also must provide public  
884 notice of such unavailability. The department must notify  
885 claimants and employers regarding monetary and nonmonetary  
886 determinations of eligibility. Investigations of issues raised  
887 in connection with a claimant which may affect a claimant's  
888 eligibility for benefits or charges to an employer's employment  
889 record shall be conducted by the department through written,  
890 telephonic, or electronic means as prescribed by rule.

891 Section 23. Subsection (1) of section 125.271, Florida  
892 Statutes, is amended to read:

893 125.271 Emergency medical services; county emergency  
894 medical service assessments.—

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

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

899 (b) A small county having a population of 75,000 or fewer  
900 on the effective date of this act which has levied at least 10  
901 mills of ad valorem tax for the previous fiscal year; or

902 (c) A county that adopted an ordinance authorizing the  
903 imposition of an assessment for emergency medical services prior  
904 to January 1, 2002.

905  
906 Once a county has qualified under this subsection, it always  
907 retains the qualification.

908 Section 24. Paragraphs (a), (b), and (e) of subsection (7)  
909 of section 163.3177, Florida Statutes, are amended to read:

910 163.3177 Required and optional elements of comprehensive





258588

911 plan; studies and surveys.-

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

913 1. There are a number of rural agricultural industrial  
914 centers in the state that process, produce, or aid in the  
915 production or distribution of a variety of agriculturally based  
916 products, including, but not limited to, fruits, vegetables,  
917 timber, and other crops, and juices, paper, and building  
918 materials. Rural agricultural industrial centers have a  
919 significant amount of existing associated infrastructure that is  
920 used for processing, producing, or distributing agricultural  
921 products.

922 2. Such rural agricultural industrial centers are often  
923 located within or near communities in which the economy is  
924 largely dependent upon agriculture and agriculturally based  
925 products. The centers significantly enhance the economy of such  
926 communities. However, these agriculturally based communities are  
927 often socioeconomically challenged and designated as rural areas  
928 of opportunity ~~critical economic concern~~. If such rural  
929 agricultural industrial centers are lost and not replaced with  
930 other job-creating enterprises, the agriculturally based  
931 communities will lose a substantial amount of their economies.

932 3. The state has a compelling interest in preserving the  
933 viability of agriculture and protecting rural agricultural  
934 communities and the state from the economic upheaval that would  
935 result from short-term or long-term adverse changes in the  
936 agricultural economy. To protect these communities and promote  
937 viable agriculture for the long term, it is essential to  
938 encourage and permit diversification of existing rural  
939 agricultural industrial centers by providing for jobs that are



258588

940 not solely dependent upon, but are compatible with and  
941 complement, existing agricultural industrial operations and to  
942 encourage the creation and expansion of industries that use  
943 agricultural products in innovative ways. However, the expansion  
944 and diversification of these existing centers must be  
945 accomplished in a manner that does not promote urban sprawl into  
946 surrounding agricultural and rural areas.

947 (b) As used in this subsection, the term "rural  
948 agricultural industrial center" means a developed parcel of land  
949 in an unincorporated area on which there exists an operating  
950 agricultural industrial facility or facilities that employ at  
951 least 200 full-time employees in the aggregate and process and  
952 prepare for transport a farm product, as defined in s. 163.3162,  
953 or any biomass material that could be used, directly or  
954 indirectly, for the production of fuel, renewable energy,  
955 bioenergy, or alternative fuel as defined by law. The center may  
956 also include land contiguous to the facility site which is not  
957 used for the cultivation of crops, but on which other existing  
958 activities essential to the operation of such facility or  
959 facilities are located or conducted. The parcel of land must be  
960 located within, or within 10 miles of, a rural area of  
961 opportunity critical economic concern.

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

967 Section 25. Subsection (3) of section 163.3187, Florida  
968 Statutes, is amended to read:



258588

969           163.3187 Process for adoption of small-scale comprehensive  
970 plan amendment.—

971           (3) If the small scale development amendment involves a  
972 site within a rural area of opportunity ~~critical economic~~  
973 ~~concern~~ as defined under s. 288.0656(2)(d) for the duration of  
974 such designation, the 10-acre limit listed in subsection (1)  
975 shall be increased by 100 percent to 20 acres. The local  
976 government approving the small scale plan amendment shall  
977 certify to the Office of Tourism, Trade, and Economic  
978 Development that the plan amendment furthers the economic  
979 objectives set forth in the executive order issued under s.  
980 288.0656(7), and the property subject to the plan amendment  
981 shall undergo public review to ensure that all concurrency  
982 requirements and federal, state, and local environmental permit  
983 requirements are met.

984           Section 26. Subsection (10) of section 163.3246, Florida  
985 Statutes, is amended to read:

986           163.3246 Local government comprehensive planning  
987 certification program.—

988           (10) Notwithstanding subsections (2), (4), (5), (6), and  
989 (7), any municipality designated as a rural area of opportunity  
990 ~~critical economic concern~~ pursuant to s. 288.0656 which is  
991 located within a county eligible to levy the Small County Surtax  
992 under s. 212.055(3) shall be considered certified during the  
993 effectiveness of the designation of rural area of opportunity  
994 ~~critical economic concern~~. The state land planning agency shall  
995 provide a written notice of certification to the local  
996 government of the certified area, which shall be considered  
997 final agency action subject to challenge under s. 120.569. The



258588

998 notice of certification shall include the following components:

999 (a) The boundary of the certification area.

1000 (b) A requirement that the local government submit ~~either~~  
1001 an annual or biennial monitoring report to the state land  
1002 planning agency according to the schedule provided in the  
1003 written notice. The monitoring report shall, at a minimum,  
1004 include the number of amendments to the comprehensive plan  
1005 adopted by the local government, the number of plan amendments  
1006 challenged by an affected person, and the disposition of those  
1007 challenges.

1008 Section 27. Paragraph (a) of subsection (6) of section  
1009 211.3103, Florida Statutes, is amended to read:

1010 211.3103 Levy of tax on severance of phosphate rock; rate,  
1011 basis, and distribution of tax.—

1012 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the  
1013 proceeds of all taxes, interest, and penalties imposed under  
1014 this section are exempt from the general revenue service charge  
1015 provided in s. 215.20, and such proceeds shall be paid into the  
1016 State Treasury as follows:

1017 1. To the credit of the Conservation and Recreation Lands  
1018 Trust Fund, 25.5 percent.

1019 2. To the credit of the General Revenue Fund of the state,  
1020 35.7 percent.

1021 3. For payment to counties in proportion to the number of  
1022 tons of phosphate rock produced from a phosphate rock matrix  
1023 located within such political boundary, 12.8 percent. The  
1024 department shall distribute this portion of the proceeds  
1025 annually based on production information reported by the  
1026 producers on the annual returns for the taxable year. Any such



258588

1027 proceeds received by a county shall be used only for phosphate-  
1028 related expenses.

1029 4. For payment to counties that have been designated as a  
1030 rural area of opportunity ~~critical economic concern~~ pursuant to  
1031 s. 288.0656 in proportion to the number of tons of phosphate  
1032 rock produced from a phosphate rock matrix located within such  
1033 political boundary, 10.0 percent. The department shall  
1034 distribute this portion of the proceeds annually based on  
1035 production information reported by the producers on the annual  
1036 returns for the taxable year. Payments under this subparagraph  
1037 shall be made to the counties unless the Legislature by special  
1038 act creates a local authority to promote and direct the economic  
1039 development of the county. If such authority exists, payments  
1040 shall be made to that authority.

1041 5. To the credit of the Nonmandatory Land Reclamation Trust  
1042 Fund, 6.2 percent.

1043 6. To the credit of the Phosphate Research Trust Fund in  
1044 the Division of Universities of the Department of Education, 6.2  
1045 percent.

1046 7. To the credit of the Minerals Trust Fund, 3.6 percent.

1047 Section 28. Paragraph (c) of subsection (1) of section  
1048 212.098, Florida Statutes, is amended to read:

1049 212.098 Rural Job Tax Credit Program.—

1050 (1) As used in this section, the term:

1051 (c) "Qualified area" means any area that is contained  
1052 within a rural area of opportunity ~~critical economic concern~~  
1053 designated under s. 288.0656, a county that has a population of  
1054 fewer than 75,000 persons, or a county that has a population of  
1055 125,000 or less and is contiguous to a county that has a



258588

1056 population of less than 75,000, selected in the following  
1057 manner: every third year, the Department of Economic Opportunity  
1058 shall rank and tier the state's counties according to the  
1059 following four factors:

1060       1. Highest unemployment rate for the most recent 36-month  
1061 period.

1062       2. Lowest per capita income for the most recent 36-month  
1063 period.

1064       3. Highest percentage of residents whose incomes are below  
1065 the poverty level, based upon the most recent data available.

1066       4. Average weekly manufacturing wage, based upon the most  
1067 recent data available.

1068       Section 29. Subsection (1) of section 218.67, Florida  
1069 Statutes, is amended to read:

1070       218.67 Distribution for fiscally constrained counties.—

1071       (1) Each county that is entirely within a rural area of  
1072 opportunity ~~critical economic concern~~ as designated by the  
1073 Governor pursuant to s. 288.0656 or each county for which the  
1074 value of a mill will raise no more than \$5 million in revenue,  
1075 based on the taxable value certified pursuant to s.  
1076 1011.62(4)(a)1.a., from the previous July 1, shall be considered  
1077 a fiscally constrained county.

1078       Section 30. Subsection (1) of section 288.018, Florida  
1079 Statutes, is amended to read:

1080       288.018 Regional Rural Development Grants Program.—

1081       (1) The department shall establish a matching grant program  
1082 to provide funding to regionally based economic development  
1083 organizations representing rural counties and communities for  
1084 the purpose of building the professional capacity of their



258588

1085 organizations. Such matching grants may also be used by an  
1086 economic development organization to provide technical  
1087 assistance to businesses within the rural counties and  
1088 communities that it serves. The department is authorized to  
1089 approve, on an annual basis, grants to such regionally based  
1090 economic development organizations. The maximum amount an  
1091 organization may receive in any year will be \$50,000 ~~\$35,000~~, or  
1092 \$150,000 ~~\$100,000~~ in a rural area of opportunity critical  
1093 ~~economic concern~~ recommended by the Rural Economic Development  
1094 Initiative and designated by the Governor, and must be matched  
1095 each year by an equivalent amount of nonstate resources.

1096 Section 31. Paragraphs (a) and (c) of subsection (2) of  
1097 section 288.065, Florida Statutes, are amended to read:

1098 288.065 Rural Community Development Revolving Loan Fund.—

1099 (2) (a) The program shall provide for long-term loans, loan  
1100 guarantees, and loan loss reserves to units of local  
1101 governments, or economic development organizations substantially  
1102 underwritten by a unit of local government, within counties with  
1103 populations of 75,000 or fewer, or within any county with a  
1104 population of 125,000 or fewer which is contiguous to a county  
1105 with a population of 75,000 or fewer, based on the most recent  
1106 official population estimate as determined under s. 186.901,  
1107 including those residing in incorporated areas and those  
1108 residing in unincorporated areas of the county, or to units of  
1109 local government, or economic development organizations  
1110 substantially underwritten by a unit of local government, within  
1111 a rural area of opportunity critical ~~economic concern~~.

1112 (c) All repayments of principal and interest shall be  
1113 returned to the loan fund and made available for loans to other



258588

1114 applicants. However, in a rural area of opportunity ~~critical~~  
1115 ~~economic concern~~ designated by the Governor, and upon approval  
1116 by the department, repayments of principal and interest may be  
1117 retained by the applicant if such repayments are dedicated and  
1118 matched to fund regionally based economic development  
1119 organizations representing the rural area of opportunity  
1120 ~~critical economic concern~~.

1121 Section 32. Paragraphs (b), (c), and (e) of subsection (2)  
1122 of section 288.0655, Florida Statutes, are amended to read:

1123 288.0655 Rural Infrastructure Fund.—

1124 (2)

1125 (b) To facilitate access of rural communities and rural  
1126 areas of opportunity ~~critical economic concern~~ as defined by the  
1127 Rural Economic Development Initiative to infrastructure funding  
1128 programs of the Federal Government, such as those offered by the  
1129 United States Department of Agriculture and the United States  
1130 Department of Commerce, and state programs, including those  
1131 offered by Rural Economic Development Initiative agencies, and  
1132 to facilitate local government or private infrastructure funding  
1133 efforts, the department may award grants for up to 30 percent of  
1134 the total infrastructure project cost. If an application for  
1135 funding is for a catalyst site, as defined in s. 288.0656, the  
1136 department may award grants for up to 40 percent of the total  
1137 infrastructure project cost. Eligible projects must be related  
1138 to specific job-creation or job-retention opportunities.  
1139 Eligible projects may also include improving any inadequate  
1140 infrastructure that has resulted in regulatory action that  
1141 prohibits economic or community growth or reducing the costs to  
1142 community users of proposed infrastructure improvements that





258588

1143 exceed such costs in comparable communities. Eligible uses of  
1144 funds shall include improvements to public infrastructure for  
1145 industrial or commercial sites and upgrades to or development of  
1146 public tourism infrastructure. Authorized infrastructure may  
1147 include the following public or public-private partnership  
1148 facilities: storm water systems; telecommunications facilities;  
1149 broadband facilities; roads or other remedies to transportation  
1150 impediments; nature-based tourism facilities; or other physical  
1151 requirements necessary to facilitate tourism, trade, and  
1152 economic development activities in the community. Authorized  
1153 infrastructure may also include publicly or privately owned  
1154 self-powered nature-based tourism facilities, publicly owned  
1155 telecommunications facilities, and broadband facilities, and  
1156 additions to the distribution facilities of the existing natural  
1157 gas utility as defined in s. 366.04(3)(c), the existing electric  
1158 utility as defined in s. 366.02, or the existing water or  
1159 wastewater utility as defined in s. 367.021(12), or any other  
1160 existing water or wastewater facility, which owns a gas or  
1161 electric distribution system or a water or wastewater system in  
1162 this state where:

1163       1. A contribution-in-aid of construction is required to  
1164 serve public or public-private partnership facilities under the  
1165 tariffs of any natural gas, electric, water, or wastewater  
1166 utility as defined herein; and

1167       2. Such utilities as defined herein are willing and able to  
1168 provide such service.

1169       (c) To facilitate timely response and induce the location  
1170 or expansion of specific job creating opportunities, the  
1171 department may award grants for infrastructure feasibility



258588

1172 studies, design and engineering activities, or other  
1173 infrastructure planning and preparation activities. Authorized  
1174 grants shall be up to \$50,000 for an employment project with a  
1175 business committed to create at least 100 jobs; up to \$150,000  
1176 for an employment project with a business committed to create at  
1177 least 300 jobs; and up to \$300,000 for a project in a rural area  
1178 of opportunity ~~critical economic concern~~. Grants awarded under  
1179 this paragraph may be used in conjunction with grants awarded  
1180 under paragraph (b), provided that the total amount of both  
1181 grants does not exceed 30 percent of the total project cost. In  
1182 evaluating applications under this paragraph, the department  
1183 shall consider the extent to which the application seeks to  
1184 minimize administrative and consultant expenses.

1185 (e) To enable local governments to access the resources  
1186 available pursuant to s. 403.973(18), the department may award  
1187 grants for surveys, feasibility studies, and other activities  
1188 related to the identification and preclearance review of land  
1189 which is suitable for preclearance review. Authorized grants  
1190 under this paragraph may ~~shall~~ not exceed \$75,000 each, except  
1191 in the case of a project in a rural area of opportunity ~~critical~~  
1192 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed  
1193 \$300,000. Any funds awarded under this paragraph must be matched  
1194 at a level of 50 percent with local funds, except that any funds  
1195 awarded for a project in a rural area of opportunity ~~critical~~  
1196 ~~economic concern~~ must be matched at a level of 33 percent with  
1197 local funds. If an application for funding is for a catalyst  
1198 site, as defined in s. 288.0656, the requirement for local match  
1199 may be waived pursuant to the process in s. 288.06561. In  
1200 evaluating applications under this paragraph, the department



258588

1201 shall consider the extent to which the application seeks to  
1202 minimize administrative and consultant expenses.

1203 Section 33. Paragraphs (a), (b), and (d) of subsection (2)  
1204 and subsection (7) of section 288.0656, Florida Statutes, are  
1205 amended to read:

1206 288.0656 Rural Economic Development Initiative.—

1207 (2) As used in this section, the term:

1208 (a) "Catalyst project" means a business locating or  
1209 expanding in a rural area of opportunity ~~critical economic~~  
1210 ~~concern~~ to serve as an economic generator of regional  
1211 significance for the growth of a regional target industry  
1212 cluster. The project must provide capital investment on a scale  
1213 significant enough to affect the entire region and result in the  
1214 development of high-wage and high-skill jobs.

1215 (b) "Catalyst site" means a parcel or parcels of land  
1216 within a rural area of opportunity ~~critical economic concern~~  
1217 that has been prioritized as a geographic site for economic  
1218 development through partnerships with state, regional, and local  
1219 organizations. The site must be reviewed by REDI and approved by  
1220 the department for the purposes of locating a catalyst project.

1221 (d) "Rural area of opportunity ~~critical economic concern~~"  
1222 means a rural community, or a region composed of rural  
1223 communities, designated by the Governor, which ~~that~~ has been  
1224 adversely affected by an extraordinary economic event, severe or  
1225 chronic distress, or a natural disaster or that presents a  
1226 unique economic development opportunity of regional impact.

1227 (7) (a) REDI may recommend to the Governor up to three rural  
1228 areas of opportunity ~~critical economic concern~~. The Governor may  
1229 by executive order designate up to three rural areas of



258588

1230 opportunity critical economic concern which will establish these  
1231 areas as priority assignments for REDI as well as to allow the  
1232 Governor, acting through REDI, to waive criteria, requirements,  
1233 or similar provisions of any economic development incentive.  
1234 Such incentives shall include, but are not ~~be~~ limited to, the  
1235 Qualified Target Industry Tax Refund Program under s. 288.106,  
1236 the Quick Response Training Program under s. 288.047, the Quick  
1237 Response Training Program for participants in the welfare  
1238 transition program under s. 288.047(8), transportation projects  
1239 under s. 339.2821, the brownfield redevelopment bonus refund  
1240 under s. 288.107, and the rural job tax credit program under ss.  
1241 212.098 and 220.1895.

1242 (b) Designation as a rural area of opportunity critical  
1243 ~~economic concern~~ under this subsection shall be contingent upon  
1244 the execution of a memorandum of agreement among the department;  
1245 the governing body of the county; and the governing bodies of  
1246 any municipalities to be included within a rural area of  
1247 opportunity critical economic concern. Such agreement shall  
1248 specify the terms and conditions of the designation, including,  
1249 but not limited to, the duties and responsibilities of the  
1250 county and any participating municipalities to take actions  
1251 designed to facilitate the retention and expansion of existing  
1252 businesses in the area, as well as the recruitment of new  
1253 businesses to the area.

1254 (c) Each rural area of opportunity critical economic  
1255 ~~concern~~ may designate catalyst projects, provided that each  
1256 catalyst project is specifically recommended by REDI, identified  
1257 as a catalyst project by Enterprise Florida, Inc., and confirmed  
1258 as a catalyst project by the department. All state agencies and



258588

1259 departments shall use all available tools and resources to the  
1260 extent permissible by law to promote the creation and  
1261 development of each catalyst project and the development of  
1262 catalyst sites.

1263 Section 34. Paragraph (a) of subsection (3) of section  
1264 288.1088, Florida Statutes, is amended to read:

1265 288.1088 Quick Action Closing Fund.—

1266 (3) (a) The department and Enterprise Florida, Inc., shall  
1267 jointly review applications pursuant to s. 288.061 and determine  
1268 the eligibility of each project consistent with the criteria in  
1269 subsection (2). Waiver of these criteria may be considered under  
1270 the following criteria:

1271 1. Based on extraordinary circumstances;

1272 2. In order to mitigate the impact of the conclusion of the  
1273 space shuttle program; or

1274 3. In rural areas of opportunity ~~critical economic concern~~  
1275 if the project would significantly benefit the local or regional  
1276 economy.

1277 Section 35. Paragraphs (b), (c), and (d) of subsection (4)  
1278 of section 288.1089, Florida Statutes, are amended to read:

1279 288.1089 Innovation Incentive Program.—

1280 (4) To qualify for review by the department, the applicant  
1281 must, at a minimum, establish the following to the satisfaction  
1282 of the department:

1283 (b) A research and development project must:

1284 1. Serve as a catalyst for an emerging or evolving  
1285 technology cluster.

1286 2. Demonstrate a plan for significant higher education  
1287 collaboration.



258588

1288           3. Provide the state, at a minimum, a cumulative break-even  
1289 economic benefit within a 20-year period.

1290           4. Be provided with a one-to-one match from the local  
1291 community. The match requirement may be reduced or waived in  
1292 rural areas of opportunity ~~critical economic concern~~ or reduced  
1293 in rural areas, brownfield areas, and enterprise zones.

1294           (c) An innovation business project in this state, other  
1295 than a research and development project, must:

1296           1.a. Result in the creation of at least 1,000 direct, new  
1297 jobs at the business; or

1298           b. Result in the creation of at least 500 direct, new jobs  
1299 if the project is located in a rural area, a brownfield area, or  
1300 an enterprise zone.

1301           2. Have an activity or product that is within an industry  
1302 that is designated as a target industry business under s.  
1303 288.106 or a designated sector under s. 288.108.

1304           3.a. Have a cumulative investment of at least \$500 million  
1305 within a 5-year period; or

1306           b. Have a cumulative investment that exceeds \$250 million  
1307 within a 10-year period if the project is located in a rural  
1308 area, brownfield area, or an enterprise zone.

1309           4. Be provided with a one-to-one match from the local  
1310 community. The match requirement may be reduced or waived in  
1311 rural areas of opportunity ~~critical economic concern~~ or reduced  
1312 in rural areas, brownfield areas, and enterprise zones.

1313           (d) For an alternative and renewable energy project in this  
1314 state, the project must:

1315           1. Demonstrate a plan for significant collaboration with an  
1316 institution of higher education;



258588

1317           2. Provide the state, at a minimum, a cumulative break-even  
1318 economic benefit within a 20-year period;

1319           3. Include matching funds provided by the applicant or  
1320 other available sources. The match requirement may be reduced or  
1321 waived in rural areas of opportunity ~~critical economic concern~~  
1322 or reduced in rural areas, brownfield areas, and enterprise  
1323 zones;

1324           4. Be located in this state; and

1325           5. Provide at least 35 direct, new jobs that pay an  
1326 estimated annual average wage that equals at least 130 percent  
1327 of the average private sector wage.

1328           Section 36. Paragraph (d) of subsection (6) of section  
1329 290.0055, Florida Statutes, is amended to read:

1330           290.0055 Local nominating procedure.—

1331           (6)

1332           (d)1. The governing body of a jurisdiction which has  
1333 nominated an application for an enterprise zone that is at least  
1334 15 square miles and less than 20 square miles and includes a  
1335 portion of the state designated as a rural area of opportunity  
1336 ~~critical economic concern~~ under s. 288.0656(7) may apply to the  
1337 department to expand the boundary of the existing enterprise  
1338 zone by not more than 3 square miles.

1339           2. The governing body of a jurisdiction which has nominated  
1340 an application for an enterprise zone that is at least 20 square  
1341 miles and includes a portion of the state designated as a rural  
1342 area of opportunity ~~critical economic concern~~ under s.  
1343 288.0656(7) may apply to the department to expand the boundary  
1344 of the existing enterprise zone by not more than 5 square miles.

1345           3. An application to expand the boundary of an enterprise



258588

1346 zone under this paragraph must be submitted by December 31,  
1347 2013.

1348 4. Notwithstanding the area limitations specified in  
1349 subsection (4), the department may approve the request for a  
1350 boundary amendment if the area continues to satisfy the  
1351 remaining requirements of this section.

1352 5. The department shall establish the initial effective  
1353 date of an enterprise zone designated under this paragraph.

1354 Section 37. Paragraph (c) of subsection (4) of section  
1355 339.2819, Florida Statutes, is amended to read:

1356 339.2819 Transportation Regional Incentive Program.—

1357 (4)

1358 (c) The department shall give priority to projects that:

1359 1. Provide connectivity to the Strategic Intermodal System  
1360 developed under s. 339.64.

1361 2. Support economic development and the movement of goods  
1362 in rural areas of opportunity ~~critical economic concern~~  
1363 designated under s. 288.0656(7).

1364 3. Are subject to a local ordinance that establishes  
1365 corridor management techniques, including access management  
1366 strategies, right-of-way acquisition and protection measures,  
1367 appropriate land use strategies, zoning, and setback  
1368 requirements for adjacent land uses.

1369 4. Improve connectivity between military installations and  
1370 the Strategic Highway Network or the Strategic Rail Corridor  
1371 Network.

1372

1373 The department shall also consider the extent to which local  
1374 matching funds are available to be committed to the project.





258588

1375 Section 38. Paragraph (b) of subsection (5) of section  
1376 339.63, Florida Statutes, is amended to read:

1377 339.63 System facilities designated; additions and  
1378 deletions.—

1379 (5)

1380 (b) A facility designated part of the Strategic Intermodal  
1381 System pursuant to paragraph (a) that is within the jurisdiction  
1382 of a local government that maintains a transportation  
1383 concurrency system shall receive a waiver of transportation  
1384 concurrency requirements applicable to Strategic Intermodal  
1385 System facilities in order to accommodate any development at the  
1386 facility which occurs pursuant to a building permit issued on or  
1387 before December 31, 2017, but only if such facility is located:

1388 1. Within an area designated pursuant to s. 288.0656(7) as  
1389 a rural area of opportunity ~~critical economic concern~~;

1390 2. Within a rural enterprise zone as defined in s.  
1391 290.004(5); or

1392 3. Within 15 miles of the boundary of a rural area of  
1393 opportunity ~~critical economic concern~~ or a rural enterprise  
1394 zone.

1395 Section 39. Paragraph (c) of subsection (3) of section  
1396 373.4595, Florida Statutes, is amended to read:

1397 373.4595 Northern Everglades and Estuaries Protection  
1398 Program.—

1399 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A  
1400 protection program for Lake Okeechobee that achieves phosphorus  
1401 load reductions for Lake Okeechobee shall be immediately  
1402 implemented as specified in this subsection. The program shall  
1403 address the reduction of phosphorus loading to the lake from



258588

1404 both internal and external sources. Phosphorus load reductions  
1405 shall be achieved through a phased program of implementation.  
1406 Initial implementation actions shall be technology-based, based  
1407 upon a consideration of both the availability of appropriate  
1408 technology and the cost of such technology, and shall include  
1409 phosphorus reduction measures at both the source and the  
1410 regional level. The initial phase of phosphorus load reductions  
1411 shall be based upon the district's Technical Publication 81-2  
1412 and the district's WOD program, with subsequent phases of  
1413 phosphorus load reductions based upon the total maximum daily  
1414 loads established in accordance with s. 403.067. In the  
1415 development and administration of the Lake Okeechobee Watershed  
1416 Protection Program, the coordinating agencies shall maximize  
1417 opportunities provided by federal cost-sharing programs and  
1418 opportunities for partnerships with the private sector.

1419       (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—  
1420 The Lake Okeechobee Watershed Phosphorus Control Program is  
1421 designed to be a multifaceted approach to reducing phosphorus  
1422 loads by improving the management of phosphorus sources within  
1423 the Lake Okeechobee watershed through implementation of  
1424 regulations and best management practices, development and  
1425 implementation of improved best management practices,  
1426 improvement and restoration of the hydrologic function of  
1427 natural and managed systems, and utilization of alternative  
1428 technologies for nutrient reduction. The coordinating agencies  
1429 shall facilitate the application of federal programs that offer  
1430 opportunities for water quality treatment, including  
1431 preservation, restoration, or creation of wetlands on  
1432 agricultural lands.



258588

1433           1. Agricultural nonpoint source best management practices,  
1434 developed in accordance with s. 403.067 and designed to achieve  
1435 the objectives of the Lake Okeechobee Watershed Protection  
1436 Program, shall be implemented on an expedited basis. The  
1437 coordinating agencies shall develop an interagency agreement  
1438 pursuant to ss. 373.046 and 373.406(5) that assures the  
1439 development of best management practices that complement  
1440 existing regulatory programs and specifies how those best  
1441 management practices are implemented and verified. The  
1442 interagency agreement shall address measures to be taken by the  
1443 coordinating agencies during any best management practice  
1444 reevaluation performed pursuant to sub-subparagraph d. The  
1445 department shall use best professional judgment in making the  
1446 initial determination of best management practice effectiveness.

1447           a. As provided in s. 403.067(7)(c), the Department of  
1448 Agriculture and Consumer Services, in consultation with the  
1449 department, the district, and affected parties, shall initiate  
1450 rule development for interim measures, best management  
1451 practices, conservation plans, nutrient management plans, or  
1452 other measures necessary for Lake Okeechobee watershed total  
1453 maximum daily load reduction. The rule shall include thresholds  
1454 for requiring conservation and nutrient management plans and  
1455 criteria for the contents of such plans. Development of  
1456 agricultural nonpoint source best management practices shall  
1457 initially focus on those priority basins listed in subparagraph  
1458 (b)1. The Department of Agriculture and Consumer Services, in  
1459 consultation with the department, the district, and affected  
1460 parties, shall conduct an ongoing program for improvement of  
1461 existing and development of new interim measures or best



258588

1462 management practices for the purpose of adoption of such  
1463 practices by rule. The Department of Agriculture and Consumer  
1464 Services shall work with the University of Florida's Institute  
1465 of Food and Agriculture Sciences to review and, where  
1466 appropriate, develop revised nutrient application rates for all  
1467 agricultural soil amendments in the watershed.

1468         b. Where agricultural nonpoint source best management  
1469 practices or interim measures have been adopted by rule of the  
1470 Department of Agriculture and Consumer Services, the owner or  
1471 operator of an agricultural nonpoint source addressed by such  
1472 rule shall either implement interim measures or best management  
1473 practices or demonstrate compliance with the district's WOD  
1474 program by conducting monitoring prescribed by the department or  
1475 the district. Owners or operators of agricultural nonpoint  
1476 sources who implement interim measures or best management  
1477 practices adopted by rule of the Department of Agriculture and  
1478 Consumer Services shall be subject to the provisions of s.  
1479 403.067(7). The Department of Agriculture and Consumer Services,  
1480 in cooperation with the department and the district, shall  
1481 provide technical and financial assistance for implementation of  
1482 agricultural best management practices, subject to the  
1483 availability of funds.

1484         c. The district or department shall conduct monitoring at  
1485 representative sites to verify the effectiveness of agricultural  
1486 nonpoint source best management practices.

1487         d. Where water quality problems are detected for  
1488 agricultural nonpoint sources despite the appropriate  
1489 implementation of adopted best management practices, the  
1490 Department of Agriculture and Consumer Services, in consultation



258588

1491 with the other coordinating agencies and affected parties, shall  
1492 institute a reevaluation of the best management practices and  
1493 make appropriate changes to the rule adopting best management  
1494 practices.

1495         2. Nonagricultural nonpoint source best management  
1496 practices, developed in accordance with s. 403.067 and designed  
1497 to achieve the objectives of the Lake Okeechobee Watershed  
1498 Protection Program, shall be implemented on an expedited basis.  
1499 The department and the district shall develop an interagency  
1500 agreement pursuant to ss. 373.046 and 373.406(5) that assures  
1501 the development of best management practices that complement  
1502 existing regulatory programs and specifies how those best  
1503 management practices are implemented and verified. The  
1504 interagency agreement shall address measures to be taken by the  
1505 department and the district during any best management practice  
1506 reevaluation performed pursuant to sub-subparagraph d.

1507         a. The department and the district are directed to work  
1508 with the University of Florida's Institute of Food and  
1509 Agricultural Sciences to develop appropriate nutrient  
1510 application rates for all nonagricultural soil amendments in the  
1511 watershed. As provided in s. 403.067(7)(c), the department, in  
1512 consultation with the district and affected parties, shall  
1513 develop interim measures, best management practices, or other  
1514 measures necessary for Lake Okeechobee watershed total maximum  
1515 daily load reduction. Development of nonagricultural nonpoint  
1516 source best management practices shall initially focus on those  
1517 priority basins listed in subparagraph (b)1. The department, the  
1518 district, and affected parties shall conduct an ongoing program  
1519 for improvement of existing and development of new interim



258588

1520 measures or best management practices. The district shall adopt  
1521 technology-based standards under the district's WOD program for  
1522 nonagricultural nonpoint sources of phosphorus. Nothing in this  
1523 sub-subparagraph shall affect the authority of the department or  
1524 the district to adopt basin-specific criteria under this part to  
1525 prevent harm to the water resources of the district.

1526       b. Where nonagricultural nonpoint source best management  
1527 practices or interim measures have been developed by the  
1528 department and adopted by the district, the owner or operator of  
1529 a nonagricultural nonpoint source shall implement interim  
1530 measures or best management practices and be subject to the  
1531 provisions of s. 403.067(7). The department and district shall  
1532 provide technical and financial assistance for implementation of  
1533 nonagricultural nonpoint source best management practices,  
1534 subject to the availability of funds.

1535       c. The district or the department shall conduct monitoring  
1536 at representative sites to verify the effectiveness of  
1537 nonagricultural nonpoint source best management practices.

1538       d. Where water quality problems are detected for  
1539 nonagricultural nonpoint sources despite the appropriate  
1540 implementation of adopted best management practices, the  
1541 department and the district shall institute a reevaluation of  
1542 the best management practices.

1543       3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not  
1544 preclude the department or the district from requiring  
1545 compliance with water quality standards or with current best  
1546 management practices requirements set forth in any applicable  
1547 regulatory program authorized by law for the purpose of  
1548 protecting water quality. Additionally, subparagraphs 1. and 2.



258588

1549 are applicable only to the extent that they do not conflict with  
1550 any rules adopted ~~promulgated~~ by the department that are  
1551 necessary to maintain a federally delegated or approved program.

1552 4. Projects that reduce the phosphorus load originating  
1553 from domestic wastewater systems within the Lake Okeechobee  
1554 watershed shall be given funding priority in the department's  
1555 revolving loan program under s. 403.1835. The department shall  
1556 coordinate and provide assistance to those local governments  
1557 seeking financial assistance for such priority projects.

1558 5. Projects that make use of private lands, or lands held  
1559 in trust for Indian tribes, to reduce nutrient loadings or  
1560 concentrations within a basin by one or more of the following  
1561 methods: restoring the natural hydrology of the basin, restoring  
1562 wildlife habitat or impacted wetlands, reducing peak flows after  
1563 storm events, increasing aquifer recharge, or protecting range  
1564 and timberland from conversion to development, are eligible for  
1565 grants available under this section from the coordinating  
1566 agencies. For projects of otherwise equal priority, special  
1567 funding priority will be given to those projects that make best  
1568 use of the methods outlined above that involve public-private  
1569 partnerships or that obtain federal match money. Preference  
1570 ranking above the special funding priority will be given to  
1571 projects located in a rural area of opportunity ~~critical~~  
1572 ~~economic concern~~ designated by the Governor. Grant applications  
1573 may be submitted by any person or tribal entity, and eligible  
1574 projects may include, but are not limited to, the purchase of  
1575 conservation and flowage easements, hydrologic restoration of  
1576 wetlands, creating treatment wetlands, development of a  
1577 management plan for natural resources, and financial support to



258588

1578 implement a management plan.

1579         6.a. The department shall require all entities disposing of  
1580 domestic wastewater residuals within the Lake Okeechobee  
1581 watershed and the remaining areas of Okeechobee, Glades, and  
1582 Hendry Counties to develop and submit to the department an  
1583 agricultural use plan that limits applications based upon  
1584 phosphorus loading. By July 1, 2005, phosphorus concentrations  
1585 originating from these application sites may ~~shall~~ not exceed  
1586 the limits established in the district's WOD program. After  
1587 December 31, 2007, the department may not authorize the disposal  
1588 of domestic wastewater residuals within the Lake Okeechobee  
1589 watershed unless the applicant can affirmatively demonstrate  
1590 that the phosphorus in the residuals will not add to phosphorus  
1591 loadings in Lake Okeechobee or its tributaries. This  
1592 demonstration shall be based on achieving a net balance between  
1593 phosphorus imports relative to exports on the permitted  
1594 application site. Exports shall include only phosphorus removed  
1595 from the Lake Okeechobee watershed through products generated on  
1596 the permitted application site. This prohibition does not apply  
1597 to Class AA residuals that are marketed and distributed as  
1598 fertilizer products in accordance with department rule.

1599         b. Private and government-owned utilities within Monroe,  
1600 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1601 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1602 dispose of wastewater residual sludge from utility operations  
1603 and septic removal by land spreading in the Lake Okeechobee  
1604 watershed may use a line item on local sewer rates to cover  
1605 wastewater residual treatment and disposal if such disposal and  
1606 treatment is done by approved alternative treatment methodology





258588

1607 at a facility located within the areas designated by the  
1608 Governor as rural areas of opportunity ~~critical economic concern~~  
1609 pursuant to s. 288.0656. This additional line item is an  
1610 environmental protection disposal fee above the present sewer  
1611 rate and may ~~shall~~ not be considered a part of the present sewer  
1612 rate to customers, notwithstanding provisions to the contrary in  
1613 chapter 367. The fee shall be established by the county  
1614 commission or its designated assignee in the county in which the  
1615 alternative method treatment facility is located. The fee shall  
1616 be calculated to be no higher than that necessary to recover the  
1617 facility's prudent cost of providing the service. Upon request  
1618 by an affected county commission, the Florida Public Service  
1619 Commission will provide assistance in establishing the fee.  
1620 Further, for utilities and utility authorities that use the  
1621 additional line item environmental protection disposal fee, such  
1622 fee may ~~shall~~ not be considered a rate increase under the rules  
1623 of the Public Service Commission and shall be exempt from such  
1624 rules. Utilities using the provisions of this section may  
1625 immediately include in their sewer invoicing the new  
1626 environmental protection disposal fee. Proceeds from this  
1627 environmental protection disposal fee shall be used for  
1628 treatment and disposal of wastewater residuals, including any  
1629 treatment technology that helps reduce the volume of residuals  
1630 that require final disposal, but such proceeds may ~~shall~~ not be  
1631 used for transportation or shipment costs for disposal or any  
1632 costs relating to the land application of residuals in the Lake  
1633 Okeechobee watershed.

1634 c. No less frequently than once every 3 years, the Florida  
1635 Public Service Commission or the county commission through the



258588

1636 services of an independent auditor shall perform a financial  
1637 audit of all facilities receiving compensation from an  
1638 environmental protection disposal fee. The Florida Public  
1639 Service Commission or the county commission through the services  
1640 of an independent auditor shall also perform an audit of the  
1641 methodology used in establishing the environmental protection  
1642 disposal fee. The Florida Public Service Commission or the  
1643 county commission shall, within 120 days after completion of an  
1644 audit, file the audit report with the President of the Senate  
1645 and the Speaker of the House of Representatives and shall  
1646 provide copies to the county commissions of the counties set  
1647 forth in sub-subparagraph b. The books and records of any  
1648 facilities receiving compensation from an environmental  
1649 protection disposal fee shall be open to the Florida Public  
1650 Service Commission and the Auditor General for review upon  
1651 request.

1652         7. The Department of Health shall require all entities  
1653 disposing of septage within the Lake Okeechobee watershed to  
1654 develop and submit to that agency an agricultural use plan that  
1655 limits applications based upon phosphorus loading. By July 1,  
1656 2005, phosphorus concentrations originating from these  
1657 application sites may ~~shall~~ not exceed the limits established in  
1658 the district's WOD program.

1659         8. The Department of Agriculture and Consumer Services  
1660 shall initiate rulemaking requiring entities within the Lake  
1661 Okeechobee watershed which land-apply animal manure to develop  
1662 resource management system level conservation plans, according  
1663 to United States Department of Agriculture criteria, which limit  
1664 such application. Such rules may include criteria and thresholds



258588

1665 for the requirement to develop a conservation or nutrient  
1666 management plan, requirements for plan approval, and  
1667 recordkeeping requirements.

1668 9. The district, the department, or the Department of  
1669 Agriculture and Consumer Services, as appropriate, shall  
1670 implement those alternative nutrient reduction technologies  
1671 determined to be feasible pursuant to subparagraph (d)6.

1672 Section 40. Paragraph (e) of subsection (2) and paragraph  
1673 (b) of subsection (26) of section 380.06, Florida Statutes, are  
1674 amended to read:

1675 380.06 Developments of regional impact.—

1676 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1677 (e) With respect to residential, hotel, motel, office, and  
1678 retail developments, the applicable guidelines and standards  
1679 shall be increased by 50 percent in urban central business  
1680 districts and regional activity centers of jurisdictions whose  
1681 local comprehensive plans are in compliance with part II of  
1682 chapter 163. With respect to multiuse developments, the  
1683 applicable individual use guidelines and standards for  
1684 residential, hotel, motel, office, and retail developments and  
1685 multiuse guidelines and standards shall be increased by 100  
1686 percent in urban central business districts and regional  
1687 activity centers of jurisdictions whose local comprehensive  
1688 plans are in compliance with part II of chapter 163, if one land  
1689 use of the multiuse development is residential and amounts to  
1690 not less than 35 percent of the jurisdiction's applicable  
1691 residential threshold. With respect to resort or convention  
1692 hotel developments, the applicable guidelines and standards  
1693 shall be increased by 150 percent in urban central business



258588

1694 districts and regional activity centers of jurisdictions whose  
1695 local comprehensive plans are in compliance with part II of  
1696 chapter 163 and where the increase is specifically for a  
1697 proposed resort or convention hotel located in a county with a  
1698 population greater than 500,000 and the local government  
1699 specifically designates that the proposed resort or convention  
1700 hotel development will serve an existing convention center of  
1701 more than 250,000 gross square feet built before ~~prior to~~ July  
1702 1, 1992. The applicable guidelines and standards shall be  
1703 increased by 150 percent for development in any area designated  
1704 by the Governor as a rural area of opportunity ~~critical economic~~  
1705 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the  
1706 designation.

1707 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1708 (b) Upon receipt of written confirmation from the state  
1709 land planning agency that any required mitigation applicable to  
1710 completed development has occurred, an industrial development of  
1711 regional impact located within the coastal high-hazard area of a  
1712 rural area of opportunity ~~county of economic concern~~ which was  
1713 approved before ~~prior to~~ the adoption of the local government's  
1714 comprehensive plan required under s. 163.3167 and which plan's  
1715 future land use map and zoning designates the land use for the  
1716 development of regional impact as commercial may be unilaterally  
1717 abandoned without the need to proceed through the process  
1718 described in paragraph (a) if the developer or owner provides a  
1719 notice of abandonment to the local government and records such  
1720 notice with the applicable clerk of court. Abandonment shall be  
1721 deemed to have occurred upon the recording of the notice. All  
1722 development following abandonment shall be fully consistent with



258588

1723 the current comprehensive plan and applicable zoning.

1724 Section 41. Paragraph (g) of subsection (3) and paragraph  
1725 (c) of subsection (4) of section 380.0651, Florida Statutes, are  
1726 amended to read:

1727 380.0651 Statewide guidelines and standards.—

1728 (3) The following statewide guidelines and standards shall  
1729 be applied in the manner described in s. 380.06(2) to determine  
1730 whether the following developments shall be required to undergo  
1731 development-of-regional-impact review:

1732 (g) *Residential development.*—~~A~~ ~~No~~ rule may not be adopted  
1733 concerning residential developments which treats a residential  
1734 development in one county as being located in a less populated  
1735 adjacent county unless more than 25 percent of the development  
1736 is located within 2 ~~or less~~ miles or less of the less populated  
1737 adjacent county. The residential thresholds of adjacent counties  
1738 with less population and a lower threshold may ~~shall~~ not be  
1739 controlling on any development wholly located within areas  
1740 designated as rural areas of opportunity ~~critical economic~~  
1741 ~~concern~~.

1742 (4) Two or more developments, represented by their owners  
1743 or developers to be separate developments, shall be aggregated  
1744 and treated as a single development under this chapter when they  
1745 are determined to be part of a unified plan of development and  
1746 are physically proximate to one other.

1747 (c) Aggregation is not applicable when the following  
1748 circumstances and provisions of this chapter are applicable:

1749 1. Developments which are otherwise subject to aggregation  
1750 with a development of regional impact which has received  
1751 approval through the issuance of a final development order shall



258588

1752 not be aggregated with the approved development of regional  
1753 impact. However, nothing contained in this subparagraph shall  
1754 preclude the state land planning agency from evaluating an  
1755 allegedly separate development as a substantial deviation  
1756 pursuant to s. 380.06(19) or as an independent development of  
1757 regional impact.

1758         2. Two or more developments, each of which is independently  
1759 a development of regional impact that has or will obtain a  
1760 development order pursuant to s. 380.06.

1761         3. Completion of any development that has been vested  
1762 pursuant to s. 380.05 or s. 380.06, including vested rights  
1763 arising out of agreements entered into with the state land  
1764 planning agency for purposes of resolving vested rights issues.  
1765 Development-of-regional-impact review of additions to vested  
1766 developments of regional impact shall not include review of the  
1767 impacts resulting from the vested portions of the development.

1768         4. The developments sought to be aggregated were authorized  
1769 to commence development prior to September 1, 1988, and could  
1770 not have been required to be aggregated under the law existing  
1771 prior to that date.

1772         5. Any development that qualifies for an exemption under s.  
1773 380.06(29).

1774         Section 42. Paragraph (b) of subsection (2) of section  
1775 985.686, Florida Statutes, is amended to read:

1776         985.686 Shared county and state responsibility for juvenile  
1777 detention.—

1778         (2) As used in this section, the term:

1779         (b) "Fiscally constrained county" means a county within a  
1780 rural area of opportunity ~~critical economic concern~~ as



258588

1781 designated by the Governor pursuant to s. 288.0656 or each  
1782 county for which the value of a mill will raise no more than \$5  
1783 million in revenue, based on the certified school taxable value  
1784 certified pursuant to s. 1011.62(4)(a)1.a., from the previous  
1785 July 1.

1786 Section 43. Subsection (2) of section 1011.76, Florida  
1787 Statutes, is amended to read:

1788 1011.76 Small School District Stabilization Program.—

1789 (2) In order to participate in this program, a school  
1790 district must be located in a rural area of opportunity ~~critical~~  
1791 ~~economic concern~~ designated by the Executive Office of the  
1792 Governor, and the district school board must submit a resolution  
1793 to the Department of Economic Opportunity requesting  
1794 participation in the program. A rural area of opportunity  
1795 ~~critical economic concern~~ must be a rural community, or a region  
1796 composed of such, that has been adversely affected by an  
1797 extraordinary economic event or a natural disaster or that  
1798 presents a unique economic development concern or opportunity of  
1799 regional impact. The resolution must be accompanied by ~~with~~  
1800 documentation of the economic conditions in the community and  
1801 provide information indicating the negative impact of these  
1802 conditions on the school district's financial stability, and the  
1803 school district must participate in a best financial management  
1804 practices review to determine potential efficiencies that could  
1805 be implemented to reduce program costs in the district.

1806 Section 44. Paragraph (a) of subsection (4) of section  
1807 215.425, Florida Statutes, is amended to read:

1808 215.425 Extra compensation claims prohibited; bonuses;  
1809 severance pay.—



258588

1810 (4) (a) On or after July 1, 2011, a unit of government that  
1811 enters into a contract or employment agreement, or renewal or  
1812 renegotiation of an existing contract or employment agreement,  
1813 that contains a provision for severance pay with an officer,  
1814 agent, employee, or contractor must include the following  
1815 provisions in the contract:

1816 1. A requirement that severance pay provided may not exceed  
1817 an amount greater than 20 weeks of compensation.

1818 2. A prohibition of provision of severance pay when the  
1819 officer, agent, employee, or contractor has been fired for  
1820 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the  
1821 unit of government.

1822 Section 45. Paragraph (f) of subsection (13) of section  
1823 443.1216, Florida Statutes, is amended to read:

1824 443.1216 Employment.—Employment, as defined in s. 443.036,  
1825 is subject to this chapter under the following conditions:

1826 (13) The following are exempt from coverage under this  
1827 chapter:

1828 (f) Service performed in the employ of a public employer as  
1829 defined in s. 443.036, except as provided in subsection (2), and  
1830 service performed in the employ of an instrumentality of a  
1831 public employer as described in s. 443.036(35) (b) or (c) ~~s.~~  
1832 ~~443.036(36) (b) or (c)~~, to the extent that the instrumentality is  
1833 immune under the United States Constitution from the tax imposed  
1834 by s. 3301 of the Internal Revenue Code for that service.

1835 Section 46. (1) Any building permit, and any permit issued  
1836 by the Department of Environmental Protection or by a water  
1837 management district pursuant to part IV of chapter 373, Florida  
1838 Statutes, which has an expiration date from January 1, 2014,





258588

1839 through January 1, 2016, is extended and renewed for a period of  
1840 2 years after its previously scheduled date of expiration. This  
1841 extension includes any local government-issued development order  
1842 or building permit including certificates of levels of service.  
1843 This section does not prohibit conversion from the construction  
1844 phase to the operation phase upon completion of construction.  
1845 This extension is in addition to any existing permit extension.  
1846 Extensions granted pursuant to this section; s. 14 of chapter  
1847 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter  
1848 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of  
1849 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; or  
1850 s. 24 of chapter 2012-205, Laws of Florida, may not exceed 4  
1851 years in total. Further, specific development order extensions  
1852 granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may  
1853 not be further extended by this section.

1854 (2) The commencement and completion dates for any required  
1855 mitigation associated with a phased construction project are  
1856 extended so that mitigation takes place in the same timeframe  
1857 relative to the phase as originally permitted.

1858 (3) The holder of a valid permit or other authorization  
1859 that is eligible for the 2-year extension must notify the  
1860 authorizing agency in writing by December 31, 2014, identifying  
1861 the specific authorization for which the holder intends to use  
1862 the extension and the anticipated timeframe for acting on the  
1863 authorization.

1864 (4) The extension provided in subsection (1) does not apply  
1865 to:

1866 (a) A permit or other authorization under any programmatic  
1867 or regional general permit issued by the Army Corps of



258588

1868 Engineers.

1869 (b) A permit or other authorization held by an owner or  
1870 operator determined to be in significant noncompliance with the  
1871 conditions of the permit or authorization as established through  
1872 the issuance of a warning letter or notice of violation, the  
1873 initiation of formal enforcement, or other equivalent action by  
1874 the authorizing agency.

1875 (c) A permit or other authorization, if granted an  
1876 extension that would delay or prevent compliance with a court  
1877 order.

1878 (5) Permits extended under this section shall continue to  
1879 be governed by the rules in effect at the time the permit was  
1880 issued unless it is demonstrated that the rules in effect at the  
1881 time the permit was issued would create an immediate threat to  
1882 public safety or health. This provision applies to any  
1883 modification of the plans, terms, and conditions of the permit  
1884 which lessens the environmental impact, except that any such  
1885 modification does not extend the time limit beyond 2 additional  
1886 years.

1887 (6) This section does not impair the authority of a county  
1888 or municipality to require the owner of a property who has  
1889 notified the county or municipality of the owner's intent to  
1890 receive the extension of time granted pursuant to this section  
1891 to maintain and secure the property in a safe and sanitary  
1892 condition in compliance with applicable laws and ordinances.

1893 Section 47. Part XIV of chapter 288, Florida Statutes,  
1894 consisting of ss. 288.993-288.9937, is created and entitled  
1895 "Microfinance Programs."

1896 Section 48. Section 288.993, Florida Statutes, is created



258588

1897 to read:

1898 288.993 Short title.—This part may be cited as the “Florida  
1899 Microfinance Act.”

1900 Section 49. Section 288.9931, Florida Statutes, is created  
1901 to read:

1902 288.9931 Legislative findings and intent.—The Legislature  
1903 finds that the ability of entrepreneurs and small businesses to  
1904 access capital is vital to the overall health and growth of this  
1905 state’s economy; however, access to capital is limited by the  
1906 lack of available credit for entrepreneurs and small businesses  
1907 in this state. The Legislature further finds that entrepreneurs  
1908 and small businesses could be assisted through the creation of a  
1909 program that will provide an avenue for entrepreneurs and small  
1910 businesses in this state to access credit. Additionally, the  
1911 Legislature finds that business management training, business  
1912 development training, and technical assistance are necessary to  
1913 ensure that entrepreneurs and small businesses that receive  
1914 credit develop the skills necessary to grow and achieve long-  
1915 term financial stability. The Legislature intends to expand job  
1916 opportunities for this state’s workforce by expanding access to  
1917 credit to entrepreneurs and small businesses. Furthermore, the  
1918 Legislature intends to avoid duplicating existing programs and  
1919 to coordinate, assist, augment, and improve access to those  
1920 programs for entrepreneurs and small businesses in this state.

1921 Section 50. Section 288.9932, Florida Statutes, is created  
1922 to read:

1923 288.9932 Definitions.—As used in this part, the term:

1924 (1) “Applicant” means an entrepreneur or small business  
1925 that applies to a loan administrator for a microloan.



258588

1926           (2) "Domiciled in this state" means authorized to do  
1927 business in this state and located in this state.

1928           (3) "Entrepreneur" means an individual residing in this  
1929 state who desires to assume the risk of organizing, managing,  
1930 and operating a small business in this state.

1931           (4) "Network" means the Florida Small Business Development  
1932 Center Network.

1933           (5) "Small business" means a business, regardless of  
1934 corporate structure, domiciled in this state which employs 25 or  
1935 fewer people and generated average annual gross revenues of \$1.5  
1936 million or less per year for the preceding 2 years. For the  
1937 purposes of this part, the identity of a small business is not  
1938 affected by name changes or changes in personnel.

1939           Section 51. Section 288.9933, Florida Statutes, is created  
1940 to read:

1941           288.9933 Rulemaking authority.—The department may adopt  
1942 rules to implement this part.

1943           Section 52. Section 288.9934, Florida Statutes, is created  
1944 to read:

1945           288.9934 Microfinance Loan Program.—

1946           (1) PURPOSE.—The Microfinance Loan Program is established  
1947 in the department to make short-term, fixed-rate microloans in  
1948 conjunction with business management training, business  
1949 development training, and technical assistance to entrepreneurs  
1950 and newly established or growing small businesses for start-up  
1951 costs, working capital, and the acquisition of materials,  
1952 supplies, furniture, fixtures, and equipment. Participation in  
1953 the loan program is intended to enable entrepreneurs and small  
1954 businesses to access private financing upon completing the loan



258588

1955 program.

1956 (2) DEFINITION.—As used in this section, the term “loan  
1957 administrator” means an entity that enters into a contract with  
1958 the department pursuant to this section to administer the loan  
1959 program.

1960 (3) REQUEST FOR PROPOSAL.—

1961 (a) By December 1, 2014, the department shall contract with  
1962 at least one but not more than three entities to administer the  
1963 loan program for a term of 3 years. The department shall award  
1964 the contract in accordance with the request for proposal  
1965 requirements in s. 287.057 to an entity that:

1966 1. Is a corporation registered in this state;

1967 2. Does not offer checking accounts or savings accounts;

1968 3. Demonstrates that its board of directors and managers  
1969 are experienced in microlending and small business finance and  
1970 development;

1971 4. Demonstrates that it has the technical skills and  
1972 sufficient resources and expertise to:

1973 a. Analyze and evaluate applications by entrepreneurs and  
1974 small businesses applying for microloans;

1975 b. Underwrite and service microloans provided pursuant to  
1976 this part; and

1977 c. Coordinate the provision of such business management  
1978 training, business development training, and technical  
1979 assistance as required by this part.

1980 5. Demonstrates that it has established viable, existing  
1981 partnerships with public and private nonstate funding sources,  
1982 economic development agencies, and workforce development and job  
1983 referral networks; and



258588

1984           6. Demonstrates that it has a plan that includes proposed  
1985 microlending activities under the loan program, including, but  
1986 not limited to, the types of entrepreneurs and businesses to be  
1987 assisted and the size and range of loans the loan administrator  
1988 intends to make.

1989           (b) To ensure that prospective loan administrators meet the  
1990 requirements of subparagraphs (a)2.-6., the request for proposal  
1991 must require submission of the following information:

1992           1. A description of the types of entrepreneurs and small  
1993 businesses the loan administrator has assisted in the past, and  
1994 the average size and terms of loans made in the past to such  
1995 entities;

1996           2. A description of the experience of members of the board  
1997 of directors and managers in the areas of microlending and small  
1998 business finance and development;

1999           3. A description of the loan administrator's underwriting  
2000 and credit policies and procedures, credit decisionmaking  
2001 process, monitoring policies and procedures, and collection  
2002 practices, and samples of any currently used loan documentation;

2003           4. A description of the nonstate funding sources that will  
2004 be used by the loan administrator in conjunction with the state  
2005 funds to make microloans pursuant to this section;

2006           5. The loan administrator's three most recent financial  
2007 audits or, if no prior audits have been completed, the loan  
2008 administrator's three most recent unaudited financial  
2009 statements; and

2010           6. A conflict of interest statement from the loan  
2011 administrator's board of directors certifying that a board  
2012 member, employee, or agent, or an immediate family member



258588

2013 thereof, or any other person connected to or affiliated with the  
2014 loan administrator, is not receiving or will not receive any  
2015 type of compensation or remuneration from an entrepreneur or  
2016 small business that has received or will receive funds from the  
2017 loan program. The department may waive this requirement for good  
2018 cause shown. As used in this subparagraph, the term "immediate  
2019 family" means a parent, child, or spouse, or any other relative  
2020 by blood, marriage, or adoption, of a board member, employee, or  
2021 agent of the loan administrator.

2022 (4) CONTRACT AND AWARD OF FUNDS.-

2023 (a) The selected loan administrator must enter into a  
2024 contract with the department for a term of 3 years to receive  
2025 state funds for the loan program. Funds appropriated to the  
2026 program must be reinvested and maintained as a long-term and  
2027 stable source of funding for the program. The amount of state  
2028 funds used in any microloan made pursuant to this part may not  
2029 exceed 50 percent of the total microloan amount. The department  
2030 shall establish financial performance measures and objectives  
2031 for the loan program and for the loan administrator in order to  
2032 maximize the state funds awarded.

2033 (b) State funds may be used only to provide direct  
2034 microloans to entrepreneurs and small businesses according to  
2035 the limitations, terms, and conditions provided in this part.  
2036 Except as provided in subsection (5), state funds may not be  
2037 used to pay administrative costs, underwriting costs, servicing  
2038 costs, or any other costs associated with providing microloans,  
2039 business management training, business development training, or  
2040 technical assistance.

2041 (c) The loan administrator shall reserve 10 percent of the



258588

2042 total award amount from the department to provide microloans  
2043 pursuant to this part to entrepreneurs and small businesses that  
2044 employ no more than five people and generate annual gross  
2045 revenues averaging no more than \$250,000 per year for the last 2  
2046 years.

2047 (d)1. If the loan program is appropriated funding in a  
2048 fiscal year, the department shall distribute such funds to the  
2049 loan administrator within 30 days of the execution of the  
2050 contract by the department and the loan administrator.

2051 2. The total amount of funding allocated to the loan  
2052 administrator in a fiscal year may not exceed the amount  
2053 appropriated for the loan program in the same fiscal year. If  
2054 the funds appropriated to the loan program in a fiscal year  
2055 exceed the amount of state funds received by the loan  
2056 administrator, such excess funds shall revert to the General  
2057 Revenue Fund.

2058 (e) Within 30 days of executing its contract with the  
2059 department, the loan administrator must enter into a memorandum  
2060 of understanding with the network:

2061 1. For the provision of business management training,  
2062 business development training, and technical assistance to  
2063 entrepreneurs and small businesses that receive microloans under  
2064 this part; and

2065 2. To promote the program to underserved entrepreneurs and  
2066 small businesses.

2067 (f) By September 1, 2014, the department shall review  
2068 industry best practices and determine the minimum business  
2069 management training, business development training, and  
2070 technical assistance that must be provided by the network to





258588

2071 achieve the goals of this part.

2072 (g) The loan administrator must meet the requirements of  
2073 this section, the terms of its contract with the department, and  
2074 any other applicable state or federal laws to be eligible to  
2075 receive funds in any fiscal year. The contract with the loan  
2076 administrator must specify any sanctions for the loan  
2077 administrator's failure to comply with the contract or this  
2078 part.

2079 (5) FEES.—

2080 (a) Except as provided in this section, the department may  
2081 not charge fees or interest or require collateral from the loan  
2082 administrator. The department may charge an annual fee or  
2083 interest of up to 80 percent of the Federal Funds Rate as of the  
2084 date specified in the contract for state funds received under  
2085 the loan program. The department shall require as collateral an  
2086 assignment of the notes receivable of the microloans made by the  
2087 loan administrator under the loan program.

2088 (b) The loan administrator is entitled to retain a one-time  
2089 administrative servicing fee of 1 percent of the total award  
2090 amount to offset the administrative costs of underwriting and  
2091 servicing microloans made pursuant to this part. This fee may  
2092 not be charged to or paid by microloan borrowers participating  
2093 in the loan program. Except as provided in subsection (7)(c),  
2094 the loan administrator may not be required to return this fee to  
2095 the department.

2096 (c) The loan administrator may not charge interest, fees,  
2097 or costs except as authorized in subsection (9).

2098 (d) Except as provided in subsection (7), the loan  
2099 administrator is not required to return the interest, fees, or



258588

2100 costs authorized under subsection (9).

2101 (6) REPAYMENT OF AWARD FUNDS.—

2102 (a) After collecting interest and any fees or costs  
2103 permitted under this section in satisfaction of all microloans  
2104 made pursuant to this part, the loan administrator shall remit  
2105 to the department the microloan principal collected from all  
2106 microloans made with state funds received under this part.

2107 Repayment of microloan principal to the department may be  
2108 deferred by the department for a period not to exceed 6 months;  
2109 however, the loan administrator may not provide a microloan  
2110 under this part after the contract with the department expires.

2111 (b) If for any reason the loan administrator is unable to  
2112 make repayments to the department in accordance with the  
2113 contract, the department may accelerate maturity of the state  
2114 funds awarded and demand repayment in full. In this event, or if  
2115 a loan administrator violates this part or the terms of its  
2116 contract, the loan administrator shall surrender to the  
2117 department possession of all collateral required pursuant to  
2118 subsection (5). Any loss or deficiency greater than the value of  
2119 the collateral may be recovered by the department from the loan  
2120 administrator.

2121 (c) In the event of a default as specified in the contract,  
2122 termination of the contract, or violation of this section, the  
2123 state may, in addition to any other remedy provided by law,  
2124 bring suit to enforce its interest.

2125 (d) A microloan borrower's default does not relieve the  
2126 loan administrator of its obligation to repay an award to the  
2127 department.

2128 (7) CONTRACT TERMINATION.—



258588

2129           (a) The loan administrator's contract with the department  
2130 may be terminated by the department, and the loan administrator  
2131 required to immediately return all state funds awarded,  
2132 including any interest, fees, and costs it would otherwise be  
2133 entitled to retain pursuant to subsection (5) for that fiscal  
2134 year, upon a finding by the department that:

2135           1. The loan administrator has, within the previous 5 years,  
2136 participated in a state-funded economic development program in  
2137 this or any other state and was found to have failed to comply  
2138 with the requirements of that program;

2139           2. The loan administrator is currently in material  
2140 noncompliance with any statute, rule, or program administered by  
2141 the department;

2142           3. The loan administrator or any member of its board of  
2143 directors, officers, partners, managers, or shareholders has  
2144 pled no contest or been found guilty, regardless of whether  
2145 adjudication was withheld, of any felony or any misdemeanor  
2146 involving fraud, misrepresentation, or dishonesty;

2147           4. The loan administrator failed to meet or agree to the  
2148 terms of the contract with the department or failed to meet this  
2149 part; or

2150           5. The department finds that the loan administrator  
2151 provided fraudulent or misleading information to the department.

2152           (b) The loan administrator's contract with the department  
2153 may be terminated by the department at any time for any reason  
2154 upon 30 days' notice by the department. In such a circumstance,  
2155 the loan administrator shall return all awarded state funds to  
2156 the department within 60 days of the termination. However, the  
2157 loan administrator may retain any interest, fees, or costs it



258588

2158 has collected pursuant to subsection (5).

2159 (c) The loan administrator's contract with the department  
2160 may be terminated by the loan administrator at any time for any  
2161 reason upon 30 days' notice by the loan administrator. In such a  
2162 circumstance, the loan administrator shall return all awarded  
2163 state funds to the department, including any interest, fees, and  
2164 costs it has retained or would otherwise be entitled to retain  
2165 pursuant to subsection (5), within 30 days of the termination.

2166 (8) AUDITS AND REPORTING.—

2167 (a) The loan administrator shall annually submit to the  
2168 department a financial audit performed by an independent  
2169 certified public accountant and an operational performance audit  
2170 for the most recently completed fiscal year. Both audits must  
2171 indicate whether any material weakness or instances of material  
2172 noncompliance are indicated in the audit.

2173 (b) The loan administrator shall submit quarterly reports  
2174 to the department as required by s. 288.9936(3).

2175 (c) The loan administrator shall make its books and records  
2176 related to the loan program available to the department or its  
2177 designee for inspection upon reasonable notice.

2178 (9) ELIGIBILITY AND APPLICATION.—

2179 (a) To be eligible for a microloan, an applicant must, at a  
2180 minimum, be an entrepreneur or small business located in this  
2181 state.

2182 (b) Microloans may not be made if the direct or indirect  
2183 purpose or result of granting the microloan would be to:

2184 1. Pay off any creditors of the applicant, including the  
2185 refund of a debt owed to a small business investment company  
2186 organized pursuant to 15 U.S.C. s. 681;



258588

2187        2. Provide funds, directly or indirectly, for payment,  
2188 distribution, or as a microloan to owners, partners, or  
2189 shareholders of the applicant's business, except as ordinary  
2190 compensation for services rendered;

2191        3. Finance the acquisition, construction, improvement, or  
2192 operation of real property which is, or will be, held primarily  
2193 for sale or investment;

2194        4. Pay for lobbying activities; or

2195        5. Replenish funds used for any of the purposes specified  
2196 in subparagraphs 1.-4.

2197        (c) A microloan applicant shall submit a written  
2198 application in the format prescribed by the loan administrator  
2199 and shall pay an application fee not to exceed \$50 to the loan  
2200 administrator.

2201        (d) The following minimum terms apply to a microloan made  
2202 by the loan administrator:

2203        1. The amount of a microloan may not exceed \$50,000;

2204        2. A borrower may not receive more than \$75,000 per year in  
2205 total microloans;

2206        3. A borrower may not receive more than two microloans per  
2207 year and may not receive more than five microloans in any 3-year  
2208 period;

2209        4. The proceeds of the microloan may be used only for  
2210 startup costs, working capital, and the acquisition of  
2211 materials, supplies, furniture, fixtures, and equipment;

2212        5. The period of any microloan may not exceed 1 year;

2213        6. The interest rate may not exceed the prime rate  
2214 published in the Wall Street Journal as of the date specified in  
2215 the microloan, plus 1000 basis points;



258588

2216           7. All microloans must be personally guaranteed;  
2217           8. The borrower must participate in business management  
2218 training, business development training, and technical  
2219 assistance as determined by the loan administrator in the  
2220 microloan agreement;  
2221           9. The borrower shall provide such information as required  
2222 by the loan administrator, including monthly job creation and  
2223 financial data, in the manner prescribed by the loan  
2224 administrator; and  
2225           10. The loan administrator may collect fees for late  
2226 payments which are consistent with standard business lending  
2227 practices and may recover costs and fees incurred for any  
2228 collection efforts necessitated by a borrower's default.  
2229           (e) The department may not review microloans made by the  
2230 loan administrator pursuant to this part before approval of the  
2231 loan by the loan administrator.  
2232           (10) STATEWIDE STRATEGIC PLAN.—In implementing this  
2233 section, the department shall be guided by the 5-year statewide  
2234 strategic plan adopted pursuant to s. 20.60(5). The department  
2235 shall promote and advertise the loan program by, among other  
2236 things, cooperating with government, nonprofit, and private  
2237 industry to organize, host, or participate in seminars and other  
2238 forums for entrepreneurs and small businesses.  
2239           (11) STUDY.—By December 31, 2014, the department shall  
2240 commence or commission a study to identify methods and best  
2241 practices that will increase access to credit to entrepreneurs  
2242 and small businesses in this state. The study must also explore  
2243 the ability of, and limitations on, Florida nonprofit  
2244 organizations and private financial institutions to expand



258588

2245 access to credit to entrepreneurs and small businesses in this  
2246 state.

2247 (12) CREDIT OF THE STATE.—With the exception of funds  
2248 appropriated to the loan program by the Legislature, the credit  
2249 of the state may not be pledged. The state is not liable or  
2250 obligated in any way for claims on the loan program or against  
2251 the loan administrator or the department.

2252 Section 53. Section 288.9935, Florida Statutes, is created  
2253 to read:

2254 288.9935 Microfinance Guarantee Program.—

2255 (1) The Microfinance Guarantee Program is established in  
2256 the department. The purpose of the program is to stimulate  
2257 access to credit for entrepreneurs and small businesses in this  
2258 state by providing targeted guarantees to loans made to such  
2259 entrepreneurs and small businesses. Funds appropriated to the  
2260 program must be reinvested and maintained as a long-term and  
2261 stable source of funding for the program.

2262 (2) As used in this section, the term "lender" means a  
2263 financial institution as defined in s. 655.005.

2264 (3) The department must enter into a contract with  
2265 Enterprise Florida, Inc., to administer the Microfinance  
2266 Guarantee Program. In administering the program, Enterprise  
2267 Florida, Inc., must, at a minimum:

2268 (a) Establish lender and borrower eligibility requirements  
2269 in addition to those provided in this section;

2270 (b) Determine a reasonable leverage ratio of loan amounts  
2271 guaranteed to state funds; however, the leverage ratio may not  
2272 exceed 3 to 1;

2273 (c) Establish reasonable fees and interest;



258588

2274 (d) Promote the program to financial institutions that  
2275 provide loans to entrepreneurs and small businesses in order to  
2276 maximize the number of lenders throughout the state which  
2277 participate in the program;

2278 (e) Enter into a memorandum of understanding with the  
2279 network to promote the program to underserved entrepreneurs and  
2280 small businesses;

2281 (f) Establish limits on the total amount of loan guarantees  
2282 a single lender can receive;

2283 (g) Establish an average loan guarantee amount for loans  
2284 guaranteed under this section;

2285 (h) Establish a risk-sharing strategy to be employed in the  
2286 event of a loan failure; and

2287 (i) Establish financial performance measures and objectives  
2288 for the program in order to maximize the state funds.

2289 (4) Enterprise Florida, Inc., is limited to providing loan  
2290 guarantees for loans with total loan amounts of at least \$50,000  
2291 and not more than \$250,000. A loan guarantee may not exceed 50  
2292 percent of the total loan amount.

2293 (5) Enterprise Florida, Inc., may not guarantee a loan if  
2294 the direct or indirect purpose or result of the loan would be  
2295 to:

2296 (a) Pay off any creditors of the applicant, including the  
2297 refund of a debt owed to a small business investment company  
2298 organized pursuant to 15 U.S.C. s. 681;

2299 (b) Provide funds, directly or indirectly, for payment,  
2300 distribution, or as a loan to owners, partners, or shareholders  
2301 of the applicant's business, except as ordinary compensation for  
2302 services rendered;





258588

2303 (c) Finance the acquisition, construction, improvement, or  
2304 operation of real property which is, or will be, held primarily  
2305 for sale or investment;

2306 (d) Pay for lobbying activities; or

2307 (e) Replenish funds used for any of the purposes specified  
2308 in paragraphs (a) through (d).

2309 (6) Enterprise Florida, Inc., may not use funds  
2310 appropriated from the state for costs associated with  
2311 administering the guarantee program.

2312 (7) To be eligible to receive a loan guarantee under the  
2313 Microfinance Guarantee Program, a borrower must, at a minimum:

2314 (a) Be an entrepreneur or small business located in this  
2315 state;

2316 (b) Employ 25 or fewer people;

2317 (c) Generate average annual gross revenues of \$1.5 million  
2318 or less per year for the last 2 years; and

2319 (d) Meet any additional requirements established by  
2320 Enterprise Florida, Inc.

2321 (8) By October 1 of each year, Enterprise Florida, Inc.,  
2322 shall submit a complete and detailed annual report to the  
2323 department for inclusion in the department's report required  
2324 under s. 20.60(10). The report must, at a minimum, provide:

2325 (a) A comprehensive description of the program, including  
2326 an evaluation of its application and guarantee activities,  
2327 recommendations for change, and identification of any other  
2328 state programs that overlap with the program;

2329 (b) An assessment of the current availability of and access  
2330 to credit for entrepreneurs and small businesses in this state;

2331 (c) A summary of the financial and employment results of



258588

2332 the entrepreneurs and small businesses receiving loan  
2333 guarantees, including the number of full-time equivalent jobs  
2334 created as a result of the guaranteed loans and the amount of  
2335 wages paid to employees in the newly created jobs;  
2336 (d) Industry data about the borrowers, including the six-  
2337 digit North American Industry Classification System (NAICS)  
2338 code;  
2339 (e) The name and location of lenders that receive loan  
2340 guarantees;  
2341 (f) The amount of state funds received by Enterprise  
2342 Florida, Inc.;  
2343 (g) The number of loan guarantee applications received;  
2344 (h) The number, duration, location, and amount of  
2345 guarantees made;  
2346 (i) The number and amount of guaranteed loans outstanding,  
2347 if any;  
2348 (j) The number and amount of guaranteed loans with payments  
2349 overdue, if any;  
2350 (k) The number and amount of guaranteed loans in default,  
2351 if any;  
2352 (l) The repayment history of the guaranteed loans made; and  
2353 (m) An evaluation of the program's ability to meet the  
2354 financial performance measures and objectives specified in  
2355 subsection (3).  
2356 (9) The credit of the state or Enterprise Florida, Inc.,  
2357 may not be pledged except for funds appropriated by law to the  
2358 Microfinance Guarantee Program. The state is not liable or  
2359 obligated in any way for claims on the program or against  
2360 Enterprise Florida, Inc., or the department.



258588

2361 Section 54. Section 288.9936, Florida Statutes, is created  
2362 to read:

2363 288.9936 Annual report of the Microfinance Loan Program.—

2364 (1) The department shall include in the report required by  
2365 s. 20.60(10) a complete and detailed annual report on the  
2366 Microfinance Loan Program. The report must include:

2367 (a) A comprehensive description of the program, including  
2368 an evaluation of its application and funding activities,  
2369 recommendations for change, and identification of any other  
2370 state programs that overlap with the program;

2371 (b) The financial institutions and the public and private  
2372 organizations and individuals participating in the program;

2373 (c) An assessment of the current availability of and access  
2374 to credit for entrepreneurs and small businesses in this state;

2375 (d) A summary of the financial and employment results of  
2376 the entities receiving microloans;

2377 (e) The number of full-time equivalent jobs created as a  
2378 result of the microloans and the amount of wages paid to  
2379 employees in the newly created jobs;

2380 (f) The number and location of prospective loan  
2381 administrators that responded to the department request for  
2382 proposals;

2383 (g) The amount of state funds received by the loan  
2384 administrator;

2385 (h) The number of microloan applications received by the  
2386 loan administrator;

2387 (i) The number, duration, and location of microloans made  
2388 by the loan administrator, including the aggregate number of  
2389 microloans made to minority business enterprises if available;



258588

2390           (j) The number and amount of microloans outstanding, if  
2391 any;  
2392           (k) The number and amount of microloans with payments  
2393 overdue, if any;  
2394           (l) The number and amount of microloans in default, if any;  
2395           (m) The repayment history of the microloans made;  
2396           (n) The repayment history and performance of funding  
2397 awards;  
2398           (o) An evaluation of the program's ability to meet the  
2399 financial performance measures and objectives specified in s.  
2400 288.9934; and  
2401           (p) A description and evaluation of the technical  
2402 assistance and business management and development training  
2403 provided by the network pursuant to its memorandum of  
2404 understanding with the loan administrator.  
2405           (2) The department shall submit the report provided to the  
2406 department from Enterprise Florida, Inc., pursuant to  
2407 288.9935(7) for inclusion in the department's annual report  
2408 required under s. 20.60(10).  
2409           (3) The department shall require at least quarterly reports  
2410 from the loan administrator. The loan administrator's report  
2411 must include, at a minimum, the number of microloan applications  
2412 received, the number of microloans made, the amount and interest  
2413 rate of each microloan made, the amount of technical assistance  
2414 or business development and management training provided, the  
2415 number of full-time equivalent jobs created as a result of the  
2416 microloans, the amount of wages paid to employees in the newly  
2417 created jobs, the six-digit North American Industry  
2418 Classification System (NAICS) code associated with the



258588

2419 borrower's business, and the borrower's locations.

2420 (4) The Office of Program Policy Analysis and Government  
2421 Accountability shall conduct a study to evaluate the  
2422 effectiveness and the Office of Economic and Demographic  
2423 Research shall conduct a study to evaluate the return on  
2424 investment of the State Small Business Credit Initiative  
2425 operated in this state pursuant to 12 U.S.C. ss. 5701 et seq.  
2426 The offices shall each submit a report to the President of the  
2427 Senate and the Speaker of the House of Representatives by  
2428 January 1, 2015.

2429 Section 55. Section 288.9937, Florida Statutes, is created  
2430 to read:

2431 288.9937 Evaluation of programs.—The Office of Economic and  
2432 Demographic Research shall analyze, evaluate, and determine the  
2433 economic benefits, as defined in s. 288.005, of the first 3  
2434 years of the Microfinance Loan Program and the Microfinance  
2435 Guarantee Program. The analysis must also evaluate the number of  
2436 jobs created, the increase or decrease in personal income, and  
2437 the impact on state gross domestic product from the direct,  
2438 indirect, and induced effects of the state's investment. The  
2439 analysis must also identify any inefficiencies in the programs  
2440 and provide recommendations for changes to the programs. The  
2441 office shall submit a report to the President of the Senate and  
2442 the Speaker of the House of Representatives by January 1, 2018.  
2443 This section expires January 31, 2018.

2444 Section 56. (1) The executive director of the Department of  
2445 Economic Opportunity is authorized, and all conditions are  
2446 deemed to be met, to adopt emergency rules pursuant to ss.  
2447 120.536(1) and 120.54(4), Florida Statutes, for the purpose of



2448 implementing this act.

2449 (2) Notwithstanding any other provision of law, the  
2450 emergency rules adopted pursuant to subsection (1) remain in  
2451 effect for 6 months after adoption and may be renewed during the  
2452 pendency of procedures to adopt permanent rules addressing the  
2453 subject of the emergency rules.

2454 (3) This section shall expire October 1, 2015.

2455 Section 57. For the 2014-2015 fiscal year, the sum of \$10  
2456 million in nonrecurring funds from the General Revenue Fund is  
2457 appropriated to the Department of Economic Opportunity to  
2458 implement this act. From these nonrecurring funds, the  
2459 Department of Economic Opportunity and Enterprise Florida, Inc.,  
2460 may spend up to \$100,000 to market and promote the programs  
2461 created in this act. For the 2014-2015 fiscal year, one full-  
2462 time equivalent position is authorized with 55,000 of salary  
2463 rate, and \$64,759 of recurring funds and \$3,018 of nonrecurring  
2464 funds from the State Economic Enhancement and Development Trust  
2465 Fund, \$12,931 of recurring funds and \$604 of nonrecurring funds  
2466 from the Tourism Promotional Trust Fund, and \$3,233 of recurring  
2467 funds and \$151 of nonrecurring funds from the Florida  
2468 International Trade and Promotion Trust Fund are appropriated to  
2469 the Department of Economic Opportunity to implement this act.

2470 Section 58. This act shall take effect July 1, 2014.

2471 ===== T I T L E A M E N D M E N T =====

2472 And the title is amended as follows:

2473 Delete everything before the enacting clause  
2474 and insert:

2475 A bill to be entitled

2476 An act relating to economic development; amending s.



258588

2477 163.3202, F.S.; requiring each county and municipality  
2478 to adopt and enforce land development regulations in  
2479 accordance with the submitted comprehensive plan;  
2480 amending s. 212.098, F.S.; providing a sales tax  
2481 refund for purchases of electricity by certain  
2482 eligible businesses; providing an annual cap on the  
2483 total amount of tax refunds that may be approved;  
2484 authorizing the Department of Revenue to adopt rules;  
2485 amending s. 288.0001, F.S.; requiring an analysis of  
2486 the New Markets Development Program in the Economic  
2487 Development Programs Evaluation; amending s. 288.005,  
2488 F.S.; defining terms; creating s. 288.006, F.S.;

2489 providing requirements for loan programs relating to  
2490 accountability and proper stewardship of funds;  
2491 authorizing the Auditor General to conduct audits for  
2492 a specified purpose; authorizing the department to  
2493 adopt rules; amending s. 288.061, F.S.; deleting an  
2494 incorrect cross-reference; amending s. 288.8013, F.S.;

2495 clarifying that the Auditor General's annual audit of  
2496 the Recovery Fund and Triumph Gulf Coast, Inc., is a  
2497 performance audit; amending s. 288.8014, F.S.;

2498 providing that terms of the initial appointments to  
2499 the board of directors of Triumph Gulf Coast, Inc.,  
2500 begin after the Legislature appropriates funds to the  
2501 Recovery Fund; providing initial appointment term  
2502 limits; providing that the audit by the retained  
2503 independent certified public accountant is annual;  
2504 amending s. 288.987, F.S.; increasing the amount of  
2505 funds that may be spent on staffing and administrative



258588

2506 expenses of the Florida Defense Support Task Force;  
2507 amending s. 290.0411, F.S.; revising legislative  
2508 intent for purposes of the Florida Small Cities  
2509 Community Development Block Grant Program; amending s.  
2510 290.044, F.S.; requiring the Department of Economic  
2511 Opportunity to adopt rules establishing a competitive  
2512 selection process for loan guarantees and grants  
2513 awarded under the block grant program; revising the  
2514 criteria for the award of grants; amending s. 290.046,  
2515 F.S.; revising limits on the number of grants that an  
2516 applicant may apply for and receive; revising the  
2517 requirement that the department conduct a site visit  
2518 before awarding a grant; requiring the department to  
2519 rank applications according to criteria established by  
2520 rule and to distribute funds according to the  
2521 rankings; revising scoring factors to consider in  
2522 ranking applications; revising requirements for public  
2523 hearings; providing that the creation of a citizen  
2524 advisory task force is discretionary, rather than  
2525 required; deleting a requirement that a local  
2526 government obtain consent from the department for an  
2527 alternative citizen participation plan; amending s.  
2528 290.047, F.S.; revising the maximum amount and  
2529 percentage of block grant funds that may be spent on  
2530 certain costs and expenses; amending s. 290.0475,  
2531 F.S.; conforming provisions to changes made by the  
2532 act; amending s. 290.048, F.S.; deleting a provision  
2533 authorizing the department to adopt and enforce strict  
2534 requirements concerning an applicant's written





258588

2535 description of a service area; amending s. 331.3051,  
2536 F.S.; requiring Space Florida to consult with the  
2537 Florida Tourism Industry Marketing Corporation, rather  
2538 than with Enterprise Florida, Inc., in developing a  
2539 space tourism marketing plan; authorizing Space  
2540 Florida to enter into an agreement with the  
2541 corporation, rather than with Enterprise Florida,  
2542 Inc., for a specified purpose; revising the research  
2543 and development duties of Space Florida; creating s.  
2544 331.371, F.S.; authorizing the Department of  
2545 Transportation to fund strategic spaceport launch  
2546 support facilities investment projects under certain  
2547 conditions; repealing s. 443.036(26), F.S., relating  
2548 to the definition of the term "initial skills review";  
2549 amending s. 443.091, F.S.; deleting the requirement  
2550 that an unemployed individual take an initial skill  
2551 review before he or she is eligible to receive  
2552 reemployment assistance benefits; requiring the  
2553 department to make available for such individual a  
2554 voluntary online assessment that identifies an  
2555 individual's skills, abilities, and career aptitude;  
2556 requiring information from such assessment to be made  
2557 available to certain groups; revising the requirement  
2558 that the department offer certain training  
2559 opportunities; amending s. 443.1116, F.S.; defining  
2560 the term "employer sponsored training"; revising the  
2561 requirements for a short-term compensation plan to be  
2562 approved by the department; revising the treatment of  
2563 fringe benefits in such plan; requiring an employer to



258588

2564 describe the manner in which the employer will  
2565 implement the plan; requiring the director to approve  
2566 the plan if it is consistent with employer obligations  
2567 under law; prohibiting the department from denying  
2568 short-time compensation benefits to certain  
2569 individuals; amending s. 443.141, F.S.; providing an  
2570 employer payment schedule for specified years'  
2571 contributions to the Unemployment Compensation Trust  
2572 Fund; providing applicability; amending s. 443.151,  
2573 F.S.; requiring the department to provide an alternate  
2574 means for filing claims when the approved electronic  
2575 method is unavailable; amending ss. 125.271, 163.3177,  
2576 163.3187, 163.3246, 211.3103, 212.098, 218.67, F.S.;  
2577 renaming "rural areas of critical economic concern" as  
2578 "rural areas of opportunity"; amending s. 288.018,  
2579 F.S.; revising the maximum amount of grants that may  
2580 be awarded; renaming "rural areas of critical economic  
2581 concern" as "rural areas of opportunity"; amending ss.  
2582 288.065, 288.0655, 288.0656, 288.1088, 288.1089,  
2583 290.0055, 339.2819, 339.63, 373.4595, and 380.06,  
2584 F.S.; renaming "rural areas of critical economic  
2585 concern" as "rural areas of opportunity"; amending s.  
2586 380.0651, F.S.; renaming "rural areas of critical  
2587 economic concern" as "rural areas of opportunity";  
2588 adding a circumstance under which the requirement that  
2589 two or more developments be aggregated and treated as  
2590 a single development is inapplicable; amending ss.  
2591 985.686 and 1011.76, F.S.; renaming "rural areas of  
2592 critical economic concern" as "rural areas of



258588

2593 opportunity"; amending ss. 215.425 and 443.1216, F.S.;

2594 conforming cross-references to changes made by the

2595 act; extending and renewing building permits and

2596 certain permits issued by the Department of

2597 Environmental Protection or a water management

2598 district, including any local government-issued

2599 development order or building permit issued pursuant

2600 thereto; limiting certain permit extensions to a

2601 specified period of time; extending commencement and

2602 completion dates for required mitigation associated

2603 with a phased construction project; requiring the

2604 holder of an extended permit or authorization to

2605 provide notice to the authorizing agency; providing

2606 exceptions to the extension and renewal of such

2607 permits; providing that extended permits are governed

2608 by certain rules; providing applicability; creating

2609 Part XIV of ch. 288, F.S., consisting of ss. 288.993-

2610 288.9937, F.S., relating to microfinance programs;

2611 creating s. 288.993, F.S.; providing a short title;

2612 creating s. 288.9931, F.S.; providing legislative

2613 findings and intent; creating s. 288.9932, F.S.;

2614 defining terms; creating s. 288.9933, F.S.;

2615 authorizing the Department of Economic Opportunity to

2616 adopt rules to implement this part; creating s.

2617 288.9934, F.S.; establishing the Microfinance Loan

2618 Program; providing a purpose; defining the term "loan

2619 administrator"; requiring the Department of Economic

2620 Opportunity to contract with at least one entity to

2621 administer the program; requiring the loan



258588

2622 administrator to contract with the department to  
2623 receive an award of funds; providing other terms and  
2624 conditions to receiving funds; specifying fees  
2625 authorized to be charged by the department and the  
2626 loan administrator; requiring the loan administrator  
2627 to remit the microloan principal collected from all  
2628 microloans made with state funds received by the loan  
2629 administrator; providing for contract termination;  
2630 providing for auditing and reporting; requiring  
2631 applicants for funds from the Microfinance Loan  
2632 Program to meet certain qualifications; requiring the  
2633 department to be guided by the 5-year statewide  
2634 strategic plan and to advertise and promote the loan  
2635 program; requiring the department to perform a study  
2636 on methods and best practices to increase the  
2637 availability of and access to credit in this state;  
2638 prohibiting the pledging of the credit of the state;  
2639 authorizing the department to adopt rules; creating s.  
2640 288.9935, F.S.; establishing the Microfinance  
2641 Guarantee Program; defining the term "lender";  
2642 requiring the department to contract with Enterprise  
2643 Florida, Inc., to administer the program; prohibiting  
2644 Enterprise Florida, Inc., from guaranteeing certain  
2645 loans; requiring borrowers to meet certain conditions  
2646 before receiving a loan guarantee; requiring  
2647 Enterprise Florida, Inc., to submit an annual report  
2648 to the department; prohibiting the pledging of the  
2649 credit of the state or Enterprise Florida, Inc.;  
2650 creating s. 288.9936, F.S.; requiring the department



2651 to report annually on the Microfinance Loan Program;  
2652 requiring the Office of Program Policy Analysis and  
2653 Government Accountability and the Office of Economic  
2654 and Demographic Research to report on the  
2655 effectiveness of the State Small Business Credit  
2656 Initiative; creating s. 288.9937, F.S.; requiring the  
2657 Office of Economic and Demographic Research to  
2658 evaluate and report on the Microfinance Loan Program  
2659 and the Microfinance Guarantee Program by a specified  
2660 date; authorizing the executive director of the  
2661 Department of Economic Opportunity to adopt emergency  
2662 rules; providing an appropriation to the Department of  
2663 Economic Opportunity; authorizing the Department of  
2664 Economic Opportunity and Enterprise Florida, Inc., to  
2665 spend a specified amount for marketing and promotional  
2666 purposes; authorizing and providing an appropriation  
2667 for one full-time equivalent position; providing an  
2668 effective date.