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1  
2 An act relating to economic development; amending s.  
3 163.3202, F.S.; requiring each county and municipality  
4 to adopt and enforce land development regulations in  
5 accordance with the submitted comprehensive plan;  
6 amending s. 212.098, F.S.; providing a sales tax  
7 refund for purchases of electricity by certain  
8 eligible businesses; providing an annual cap on the  
9 total amount of tax refunds that may be approved;  
10 authorizing the Department of Revenue to adopt rules;  
11 amending s. 288.0001, F.S.; requiring an analysis of  
12 the New Markets Development Program in the Economic  
13 Development Programs Evaluation; amending s. 288.005,  
14 F.S.; defining terms; creating s. 288.006, F.S.;

15 providing requirements for loan programs relating to  
16 accountability and proper stewardship of funds;  
17 authorizing the Auditor General to conduct audits for  
18 a specified purpose; authorizing the department to  
19 adopt rules; amending s. 288.061, F.S.; deleting an  
20 incorrect cross-reference; amending s. 288.8013, F.S.;

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

24 providing that terms of the initial appointments to  
25 the board of directors of Triumph Gulf Coast, Inc.,



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26 begin after the Legislature appropriates funds to the  
27 Recovery Fund; providing initial appointment term  
28 limits; providing that the audit by the retained  
29 independent certified public accountant is annual;  
30 amending s. 288.987, F.S.; increasing the amount of  
31 funds that may be spent on staffing and administrative  
32 expenses of the Florida Defense Support Task Force;  
33 amending s. 290.0411, F.S.; revising legislative  
34 intent for purposes of the Florida Small Cities  
35 Community Development Block Grant Program; amending s.  
36 290.044, F.S.; requiring the Department of Economic  
37 Opportunity to adopt rules establishing a competitive  
38 selection process for loan guarantees and grants  
39 awarded under the block grant program; revising the  
40 criteria for the award of grants; amending s. 290.046,  
41 F.S.; revising limits on the number of grants that an  
42 applicant may apply for and receive; revising the  
43 requirement that the department conduct a site visit  
44 before awarding a grant; requiring the department to  
45 rank applications according to criteria established by  
46 rule and to distribute funds according to the  
47 rankings; revising scoring factors to consider in  
48 ranking applications; revising requirements for public  
49 hearings; providing that the creation of a citizen  
50 advisory task force is discretionary, rather than



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51 required; deleting a requirement that a local  
52 government obtain consent from the department for an  
53 alternative citizen participation plan; amending s.  
54 290.047, F.S.; revising the maximum amount and  
55 percentage of block grant funds that may be spent on  
56 certain costs and expenses; amending s. 290.0475,  
57 F.S.; conforming provisions to changes made by the  
58 act; amending s. 290.048, F.S.; deleting a provision  
59 authorizing the department to adopt and enforce strict  
60 requirements concerning an applicant's written  
61 description of a service area; amending s. 331.3051,  
62 F.S.; requiring Space Florida to consult with the  
63 Florida Tourism Industry Marketing Corporation, rather  
64 than with Enterprise Florida, Inc., in developing a  
65 space tourism marketing plan; authorizing Space  
66 Florida to enter into an agreement with the  
67 corporation, rather than with Enterprise Florida,  
68 Inc., for a specified purpose; revising the research  
69 and development duties of Space Florida; creating s.  
70 331.371, F.S.; authorizing the Department of  
71 Transportation to fund strategic spaceport launch  
72 support facilities investment projects under certain  
73 conditions; repealing s. 443.036(26), F.S., relating  
74 to the definition of the term "initial skills review";  
75 amending s. 443.091, F.S.; deleting the requirement



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76 | that an unemployed individual take an initial skill  
77 | review before he or she is eligible to receive  
78 | reemployment assistance benefits; requiring the  
79 | department to make available for such individual a  
80 | voluntary online assessment that identifies an  
81 | individual's skills, abilities, and career aptitude;  
82 | requiring information from such assessment to be made  
83 | available to certain groups; revising the requirement  
84 | that the department offer certain training  
85 | opportunities; amending s. 443.1116, F.S.; defining  
86 | the term "employer sponsored training"; revising the  
87 | requirements for a short-term compensation plan to be  
88 | approved by the department; revising the treatment of  
89 | fringe benefits in such plan; requiring an employer to  
90 | describe the manner in which the employer will  
91 | implement the plan; requiring the director to approve  
92 | the plan if it is consistent with employer obligations  
93 | under law; prohibiting the department from denying  
94 | short-time compensation benefits to certain  
95 | individuals; amending s. 443.141, F.S.; providing an  
96 | employer payment schedule for specified years'  
97 | contributions to the Unemployment Compensation Trust  
98 | Fund; providing applicability; amending s. 443.151,  
99 | F.S.; requiring the department to provide an alternate  
100 | means for filing claims when the approved electronic



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101 method is unavailable; amending ss. 125.271, 163.3177,  
102 163.3187, 163.3246, 211.3103, 212.098, 218.67, F.S.;  
103 renaming "rural areas of critical economic concern" as  
104 "rural areas of opportunity"; amending s. 288.018,  
105 F.S.; revising the maximum amount of grants that may  
106 be awarded; renaming "rural areas of critical economic  
107 concern" as "rural areas of opportunity"; amending ss.  
108 288.065, 288.0655, 288.0656, 288.1088, 288.1089,  
109 290.0055, 339.2819, 339.63, 373.4595, and 380.06,  
110 F.S.; renaming "rural areas of critical economic  
111 concern" as "rural areas of opportunity"; amending s.  
112 380.0651, F.S.; renaming "rural areas of critical  
113 economic concern" as "rural areas of opportunity";  
114 adding a circumstance under which the requirement that  
115 two or more developments be aggregated and treated as  
116 a single development is inapplicable; amending ss.  
117 985.686 and 1011.76, F.S.; renaming "rural areas of  
118 critical economic concern" as "rural areas of  
119 opportunity"; amending ss. 215.425 and 443.1216, F.S.;  
120 conforming cross-references to changes made by the  
121 act; extending and renewing building permits and  
122 certain permits issued by the Department of  
123 Environmental Protection or a water management  
124 district, including any local government-issued  
125 development order or building permit issued pursuant



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126 thereto; limiting certain permit extensions to a  
127 specified period of time; extending commencement and  
128 completion dates for required mitigation associated  
129 with a phased construction project; requiring the  
130 holder of an extended permit or authorization to  
131 provide notice to the authorizing agency; providing  
132 exceptions to the extension and renewal of such  
133 permits; providing that extended permits are governed  
134 by certain rules; providing applicability; creating  
135 Part XIV of ch. 288, F.S., consisting of ss. 288.993-  
136 288.9937, F.S., relating to microfinance programs;  
137 creating s. 288.993, F.S.; providing a short title;  
138 creating s. 288.9931, F.S.; providing legislative  
139 findings and intent; creating s. 288.9932, F.S.;

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

141 authorizing the Department of Economic Opportunity to  
142 adopt rules to implement this part; creating s.  
143 288.9934, F.S.; establishing the Microfinance Loan  
144 Program; providing a purpose; defining the term "loan  
145 administrator"; requiring the Department of Economic  
146 Opportunity to contract with at least one entity to  
147 administer the program; requiring the loan  
148 administrator to contract with the department to  
149 receive an award of funds; providing other terms and  
150 conditions to receiving funds; specifying fees



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151 authorized to be charged by the department and the  
152 loan administrator; requiring the loan administrator  
153 to remit the microloan principal collected from all  
154 microloans made with state funds received by the loan  
155 administrator; providing for contract termination;  
156 providing for auditing and reporting; requiring  
157 applicants for funds from the Microfinance Loan  
158 Program to meet certain qualifications; requiring the  
159 department to be guided by the 5-year statewide  
160 strategic plan and to advertise and promote the loan  
161 program; requiring the department to perform a study  
162 on methods and best practices to increase the  
163 availability of and access to credit in this state;  
164 prohibiting the pledging of the credit of the state;  
165 authorizing the department to adopt rules; creating s.  
166 288.9935, F.S.; establishing the Microfinance  
167 Guarantee Program; defining the term "lender";  
168 requiring the department to contract with Enterprise  
169 Florida, Inc., to administer the program; prohibiting  
170 Enterprise Florida, Inc., from guaranteeing certain  
171 loans; requiring borrowers to meet certain conditions  
172 before receiving a loan guarantee; requiring  
173 Enterprise Florida, Inc., to submit an annual report  
174 to the department; prohibiting the pledging of the  
175 credit of the state or Enterprise Florida, Inc.;



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176 creating s. 288.9936, F.S.; requiring the department  
 177 to report annually on the Microfinance Loan Program;  
 178 requiring the Office of Program Policy Analysis and  
 179 Government Accountability and the Office of Economic  
 180 and Demographic Research to report on the  
 181 effectiveness of the State Small Business Credit  
 182 Initiative; creating s. 288.9937, F.S.; requiring the  
 183 Office of Economic and Demographic Research to  
 184 evaluate and report on the Microfinance Loan Program  
 185 and the Microfinance Guarantee Program by a specified  
 186 date; authorizing the executive director of the  
 187 Department of Economic Opportunity to adopt emergency  
 188 rules; providing an appropriation to the Department of  
 189 Economic Opportunity; authorizing the Department of  
 190 Economic Opportunity and Enterprise Florida, Inc., to  
 191 spend a specified amount for marketing and promotional  
 192 purposes; authorizing and providing an appropriation  
 193 for one full-time equivalent position; providing an  
 194 effective date.

195  
 196 Be It Enacted by the Legislature of the State of Florida:

197  
 198 Section 1. Subsection (1) of section 163.3202, Florida  
 199 Statutes, is amended to read:

200 163.3202 Land development regulations.—





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201 (1) Within 1 year after submission of its comprehensive  
202 plan or revised comprehensive plan for review pursuant to s.  
203 163.3191 ~~s. 163.3167(2)~~, each county and each municipality shall  
204 adopt or amend and enforce land development regulations that are  
205 consistent with and implement their adopted comprehensive plan.

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

208 212.098 Rural Job Tax Credit Program.—

209 (12) A new or existing eligible business that receives a  
210 tax credit under subsection (2) or subsection (3) is eligible  
211 for a tax refund of up to 50 percent of the amount of sales tax  
212 on purchases of electricity paid by the business during the 1-  
213 year period after the date the credit is received. The total  
214 amount of tax refunds approved pursuant to this subsection may  
215 not exceed \$600,000 during any calendar year. The department may  
216 adopt rules to administer this subsection.

217 Section 3. Paragraph (a) of subsection (2) of section  
218 288.0001, Florida Statutes, is amended to read:

219 288.0001 Economic Development Programs Evaluation.—The  
220 Office of Economic and Demographic Research and the Office of  
221 Program Policy Analysis and Government Accountability (OPPAGA)  
222 shall develop and present to the Governor, the President of the  
223 Senate, the Speaker of the House of Representatives, and the  
224 chairs of the legislative appropriations committees the Economic  
225 Development Programs Evaluation.



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

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

231 1. The capital investment tax credit established under s.  
232 220.191.

233 2. The qualified target industry tax refund established  
234 under s. 288.106.

235 3. The brownfield redevelopment bonus refund established  
236 under s. 288.107.

237 4. High-impact business performance grants established  
238 under s. 288.108.

239 5. The Quick Action Closing Fund established under s.  
240 288.1088.

241 6. The Innovation Incentive Program established under s.  
242 288.1089.

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

245 8. The New Markets Development Program established under  
246 ss. 288.991-288.9922.

247 Section 4. Subsections (5) and (6) are added to section  
248 288.005, Florida Statutes, to read:

249 288.005 Definitions.—As used in this chapter, the term:

250 (5) "Loan administrator" means an entity statutorily



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251 eligible to receive state funds and authorized by the department  
252 to make loans under a loan program.

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

259 Section 5. Section 288.006, Florida Statutes, is created  
260 to read:

261 288.006 General operation of loan programs.-

262 (1) The Legislature intends to promote the goals of  
263 accountability and proper stewardship by recipients of loan  
264 program funds. This section applies to all loan programs  
265 established under this chapter.

266 (2) State funds appropriated for a loan program may be  
267 used only by an eligible recipient or loan administrator, and  
268 the use of such funds is restricted to the specific state  
269 purpose of the loan program, subject to any compensation due to  
270 a loan administrator as provided under this chapter. State funds  
271 may be awarded directly by the department to an eligible  
272 recipient or awarded by the department to a loan administrator.  
273 All state funds, including any interest earned, remain state  
274 funds unless otherwise stated in the statutory requirements of  
275 the loan program.



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276       (3) (a) Upon termination of a loan program by the  
277 Legislature or by statute, all appropriated funds shall revert  
278 to the General Revenue Fund. The department shall pay the entity  
279 for any allowable administrative expenses due to the loan  
280 administrator as provided under this chapter, unless otherwise  
281 required by law.

282       (b) Upon termination of a contract between the department  
283 and an eligible recipient or loan administrator, all remaining  
284 appropriated funds shall revert to the fund from which the  
285 appropriation was made. The department shall become the  
286 successor entity for any outstanding loans. Except in the case  
287 of the termination of a contract for fraud or a finding that the  
288 loan administrator was not meeting the terms of the program, the  
289 department shall pay the entity for any allowable administrative  
290 expenses due to the loan administrator as provided under this  
291 chapter.

292       (c) The eligible recipient or loan administrator to which  
293 this subsection applies shall execute all appropriate  
294 instruments to reconcile any remaining accounts associated with  
295 a terminated loan program or contract. The entity shall execute  
296 all appropriate instruments to ensure that the department is  
297 authorized to collect all receivables for outstanding loans,  
298 including, but not limited to, assignments of promissory notes  
299 and mortgages.

300       (4) An eligible recipient or loan administrator must avoid



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301 any potential conflict of interest regarding the use of  
302 appropriated funds for a loan program. An eligible recipient or  
303 loan administrator or a board member, employee, or agent  
304 thereof, or an immediate family member of a board member,  
305 employee, or agent, may not have a financial interest in an  
306 entity that is awarded a loan under a loan program. A loan may  
307 not be made to a person or entity if a conflict of interest  
308 exists between the parties involved. As used in this subsection,  
309 the term "immediate family" means a parent, spouse, child,  
310 sibling, grandparent, or grandchild related by blood or  
311 marriage.

312 (5) In determining eligibility for an entity applying for  
313 the award of funds directly by the department or applying for  
314 selection as a loan administrator for a loan program, the  
315 department shall evaluate each applicant's business practices,  
316 financial stability, and past performance in other state  
317 programs, in addition to the loan program's statutory  
318 requirements. Eligibility of an entity applying to be a  
319 recipient or loan administrator may be conditionally granted or  
320 denied outright if the department determines that the entity is  
321 noncompliant with any law, rule, or program requirement.

322 (6) Recurring use of state funds, including revolving  
323 loans or new negotiable instruments, which have been repaid to  
324 the loan administrator may be made if the loan program's  
325 statutory structure permits. However, any use of state funds



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326 made by a loan administrator remains subject to subsections (2)  
327 and (3), and compensation to a loan administrator may not exceed  
328 any limitation provided by this chapter.

329 (7) The Auditor General may conduct audits as provided in  
330 s. 11.45 to verify that the appropriations under each loan  
331 program are expended by the eligible recipient or loan  
332 administrator as required for each program. If the Auditor  
333 General determines that the appropriations are not expended as  
334 required, the Auditor General shall notify the department, which  
335 may pursue recovery of the funds. This section does not prevent  
336 the department from pursuing recovery of the appropriated loan  
337 program funds when necessary to protect the funds or when  
338 authorized by law.

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

341 Section 6. Paragraph (b) of subsection (3) of section  
342 288.061, Florida Statutes, is amended to read:

343 288.061 Economic development incentive application  
344 process.—

345 (3) Within 10 business days after the department receives  
346 the submitted economic development incentive application, the  
347 executive director shall approve or disapprove the application  
348 and issue a letter of certification to the applicant which  
349 includes a justification of that decision, unless the business  
350 requests an extension of that time.



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351 (b) The release of funds for the incentive or incentives  
352 awarded to the applicant depends upon the statutory requirements  
353 of the particular incentive program, ~~except as provided in~~  
354 ~~subsection (4).~~

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

357 288.8013 Triumph Gulf Coast, Inc.; Recovery Fund;  
358 creation; investment.—

359 (6) The Auditor General shall conduct an operational audit  
360 of the Recovery Fund and Triumph Gulf Coast, Inc., annually.  
361 Triumph Gulf Coast, Inc., shall provide to the Auditor General  
362 any detail or supplemental data required.

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

365 288.8014 Triumph Gulf Coast, Inc.; organization; board of  
366 directors.—

367 (3) Notwithstanding s. 20.052(4)(c), each initial  
368 appointment to the board of directors by the Board of Trustees  
369 of the State Board of Administration shall serve for a term that  
370 ends 4 years after the Legislature appropriates funds to the  
371 Recovery Fund. To achieve staggered terms among the members of  
372 the board, each initial appointment to the board of directors by  
373 the President of the Senate and the Speaker of the House of  
374 Representatives shall serve for a term that ends 5 years after  
375 the Legislature appropriates funds to the Recovery Fund.



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376 Thereafter, each member of the board of directors shall serve  
377 for a term of 4 years, ~~except that initially the appointments of~~  
378 ~~the President of the Senate and the Speaker of the House of~~  
379 ~~Representatives each shall serve a term of 2 years to achieve~~  
380 ~~staggered terms among the members of the board.~~ A member is not  
381 eligible for reappointment to the board, except, however, any  
382 member appointed to fill a vacancy for a term of 2 years or less  
383 may be reappointed for an additional term of 4 years. The  
384 initial appointments to the board must be made by November 15,  
385 2013. Vacancies on the board of directors shall be filled by the  
386 officer who originally appointed the member. A vacancy that  
387 occurs before the scheduled expiration of the term of the member  
388 shall be filled for the remainder of the unexpired term.

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

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

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

400 3. An economic advisor who will assist in the award





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401 process, including the development of priorities, allocation  
402 decisions, and the application and process; will assist the  
403 board in determining eligibility of award applications and the  
404 evaluation and scoring of applications; and will assist in the  
405 development of award documentation.

406 4. A legal advisor with expertise in not-for-profit  
407 investing and contracting and who is a member of The Florida Bar  
408 to assist with contracting and carrying out the intent of this  
409 act.

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

412 288.987 Florida Defense Support Task Force.—

413 (7) The department shall contract with the task force for  
414 expenditure of appropriated funds, which may be used by the task  
415 force for economic and product research and development, joint  
416 planning with host communities to accommodate military missions  
417 and prevent base encroachment, advocacy on the state's behalf  
418 with federal civilian and military officials, assistance to  
419 school districts in providing a smooth transition for large  
420 numbers of additional military-related students, job training  
421 and placement for military spouses in communities with high  
422 proportions of active duty military personnel, and promotion of  
423 the state to military and related contractors and employers. The  
424 task force may annually spend up to \$250,000 ~~\$200,000~~ of funds  
425 appropriated to the department for the task force for staffing



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426 and administrative expenses of the task force, including travel  
427 and per diem costs incurred by task force members who are not  
428 otherwise eligible for state reimbursement.

429 Section 10. Section 290.0411, Florida Statutes, is amended  
430 to read:

431 290.0411 Legislative intent and purpose of ss. 290.0401-  
432 290.048.—It is the intent of the Legislature to provide the  
433 necessary means to develop, preserve, redevelop, and revitalize  
434 Florida communities exhibiting signs of decline, ~~or~~ distress, or  
435 economic need by enabling local governments to undertake the  
436 necessary community and economic development programs. The  
437 overall objective is to create viable communities by eliminating  
438 slum and blight, fortifying communities in urgent need,  
439 providing decent housing and suitable living environments, and  
440 expanding economic opportunities, principally for persons of low  
441 or moderate income. The purpose of ss. 290.0401-290.048 is to  
442 assist local governments in carrying out effective community and  
443 economic development and project planning and design activities  
444 to arrest and reverse community decline and restore community  
445 vitality. Community and economic development and project  
446 planning activities to maintain viable communities, revitalize  
447 existing communities, expand economic development and employment  
448 opportunities, and improve housing conditions and expand housing  
449 opportunities, providing direct benefit to persons of low or  
450 moderate income, are the primary purposes of ss. 290.0401-



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451 | 290.048. The Legislature, therefore, declares that the  
452 | development, redevelopment, preservation, and revitalization of  
453 | communities in this state and all the purposes of ss. 290.0401-  
454 | 290.048 are public purposes for which public money may be  
455 | borrowed, expended, loaned, pledged to guarantee loans, and  
456 | granted.

457 |       Section 11. Section 290.044, Florida Statutes, is amended  
458 | to read:

459 |       290.044 Florida Small Cities Community Development Block  
460 | Grant Program Fund; administration; distribution.—

461 |       (1) The Florida Small Cities Community Development Block  
462 | Grant Program Fund is created. All revenue designated for  
463 | deposit in such fund shall be deposited by the appropriate  
464 | agency. The department shall administer this fund as a grant and  
465 | loan guarantee program for carrying out the purposes of ss.  
466 | 290.0401-290.048.

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

470 |       (3) The department shall require applicants for grants to  
471 | compete against each other in the following grant program  
472 | categories:

473 |       (a) Housing rehabilitation.

474 |       (b) Economic development.

475 |       (c) Neighborhood revitalization.



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476           (d) Commercial revitalization.  
477           (4)~~(3)~~ The department shall define ~~the~~ broad community  
478 development objectives ~~objective~~ to be achieved by the  
479 activities in each of the ~~following~~ grant program categories  
480 with the use of funds from the Florida Small Cities Community  
481 Development Block Grant Program Fund. Such objectives shall be  
482 designed to meet at least one of the national objectives  
483 provided in the Housing and Community Development Act of 1974,  
484 ~~and require applicants for grants to compete against each other~~  
485 ~~in these grant program categories:~~  
486           ~~(a) Housing.~~  
487           ~~(b) Economic development.~~  
488           ~~(c) Neighborhood revitalization.~~  
489           ~~(d) Commercial revitalization.~~  
490           ~~(e) Project planning and design.~~  
491           (5)~~(4)~~ The department may set aside an amount of up to 5  
492 percent of the funds annually for use in any eligible local  
493 government jurisdiction for which an emergency or natural  
494 disaster has been declared by executive order. Such funds may  
495 only be provided to a local government to fund eligible  
496 emergency-related activities for which no other source of  
497 federal, state, or local disaster funds is available. The  
498 department may provide for such set-aside by rule. In the last  
499 quarter of the state fiscal year, any funds not allocated under  
500 the emergency-related set-aside shall be distributed to unfunded



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501 applications from the most recent funding cycle.

502 (6)~~(5)~~ The department shall establish a system of  
503 monitoring grants, including site visits, to ensure the proper  
504 expenditure of funds and compliance with the conditions of the  
505 recipient's contract. The department shall establish criteria  
506 for implementation of internal control, to include, but not be  
507 limited to, the following measures:

508 (a) Ensuring that subrecipient audits performed by a  
509 certified public accountant are received and responded to in a  
510 timely manner.

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

513 (c) Providing specific justification for contract  
514 amendments that takes into account any change in contracted  
515 activities and the resultant cost adjustments which shall be  
516 reflected in the amount of the grant.

517 Section 12. Section 290.046, Florida Statutes, is amended  
518 to read:

519 290.046 Applications for grants; procedures;  
520 requirements.—

521 (1) In applying for a grant under a specific program  
522 category, an applicant shall propose eligible activities that  
523 directly address the objectives ~~objective~~ of that program  
524 category.

525 (2) (a) Except for applications for economic development



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526 | grants as provided in subparagraph (b)1. ~~paragraph (c),~~ an each  
527 | eligible local government may submit one ~~an~~ application for a  
528 | grant ~~under either the housing program category or the~~  
529 | ~~neighborhood revitalization program category~~ during each  
530 | application annual funding cycle. ~~An applicant may not receive~~  
531 | ~~more than one grant in any state fiscal year from any of the~~  
532 | ~~following categories: housing, neighborhood revitalization, or~~  
533 | ~~commercial revitalization.~~

534 |       (b)1. An ~~Except as provided in paragraph (c),~~ each  
535 | eligible local government may apply up to three times in any one  
536 | annual funding cycle for an economic development ~~a grant under~~  
537 | ~~the economic development program category~~ but may not ~~shall~~  
538 | receive ~~no~~ more than one such grant per annual funding cycle. A  
539 | local government may have more than one open economic  
540 | development grant ~~Applications for grants under the economic~~  
541 | ~~development program category may be submitted at any time during~~  
542 | ~~the annual funding cycle, and such grants shall be awarded no~~  
543 | ~~less frequently than three times per funding cycle.~~

544 |       2. The department shall establish minimum criteria  
545 | pertaining to the number of jobs created for persons of low or  
546 | moderate income, the degree of private sector financial  
547 | commitment, and the economic feasibility of the proposed project  
548 | and shall establish any other criteria the department deems  
549 | appropriate. Assistance to a private, for-profit business may  
550 | not be provided from a grant award unless sufficient evidence



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551 | exists to demonstrate that without such public assistance the  
552 | creation or retention of such jobs would not occur.

553 |       (c)1. A local government ~~governments~~ with an open housing  
554 | rehabilitation, neighborhood revitalization, or commercial  
555 | revitalization contract is ~~shall~~ not ~~be~~ eligible to apply for  
556 | another housing rehabilitation, neighborhood revitalization, or  
557 | commercial revitalization grant until administrative closeout of  
558 | its ~~their~~ existing contract. The department shall notify a local  
559 | government of administrative closeout or of any outstanding  
560 | closeout issues within 45 days after ~~of~~ receipt of a closeout  
561 | package from the local government. A local government  
562 | ~~governments~~ with an open housing rehabilitation, neighborhood  
563 | revitalization, or commercial revitalization community  
564 | development block grant contract whose activities are on  
565 | schedule in accordance with the expenditure rates and  
566 | accomplishments described in the contract may apply for an  
567 | economic development grant.

568 |       2. A local government ~~governments~~ with an open economic  
569 | development community development block grant contract whose  
570 | activities are on schedule in accordance with the expenditure  
571 | rates and accomplishments described in the contract may apply  
572 | for a housing rehabilitation, ~~or~~ neighborhood revitalization, or  
573 | ~~and a~~ commercial revitalization community development block  
574 | grant. A local government ~~governments~~ with an open economic  
575 | development contract whose activities are on schedule in



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576 accordance with the expenditure rates and accomplishments  
577 described in the contract may receive no more than one  
578 additional economic development grant in each fiscal year.

579 (d) ~~Beginning October 1, 1988,~~ The department may not  
580 ~~shall award a no~~ grant until it ~~the department~~ has conducted  
581 ~~determined, based upon a site visit to verify the information~~  
582 contained in the local government's application, ~~that the~~  
583 ~~proposed area matches and adheres to the written description~~  
584 ~~contained within the applicant's request. If, based upon review~~  
585 ~~of the application or a site visit, the department determines~~  
586 ~~that any information provided in the application which affects~~  
587 ~~eligibility or scoring has been misrepresented, the applicant's~~  
588 ~~request shall be rejected by the department pursuant to s.~~  
589 ~~290.0475(7). Mathematical errors in applications which may be~~  
590 ~~discovered and corrected by readily computing available numbers~~  
591 ~~or formulas provided in the application shall not be a basis for~~  
592 ~~such rejection.~~

593 (3) (a) The department shall rank each application received  
594 during the application cycle according to criteria established  
595 by rule. The ranking system shall include a procedure to  
596 eliminate or reduce any population-related bias that places  
597 exceptionally small communities at a disadvantage in the  
598 competition for funds ~~Each application shall be ranked~~  
599 ~~competitively based on community need and program impact.~~  
600 ~~Community need shall be weighted 25 percent. Program impact~~





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601 ~~shall be weighted 65 percent. Outstanding performance in equal~~  
602 ~~opportunity employment and housing shall be weighted 10 percent.~~

603 (b) Funds shall be distributed according to the rankings  
604 established in each application cycle. If economic development  
605 funds remain available after the application cycle closes, the  
606 remaining funds shall be awarded to eligible projects on a  
607 first-come, first-served basis until such funds are fully  
608 obligated ~~The criteria used to measure community need shall~~  
609 ~~include, at a minimum, indicators of the extent of poverty in~~  
610 ~~the community and the condition of physical structures. Each~~  
611 ~~application, regardless of the program category for which it is~~  
612 ~~being submitted, shall be scored competitively on the same~~  
613 ~~community need criteria. In recognition of the benefits~~  
614 ~~resulting from the receipt of grant funds, the department shall~~  
615 ~~provide for the reduction of community need scores for specified~~  
616 ~~increments of grant funds provided to a local government since~~  
617 ~~the state began using the most recent census data. In the year~~  
618 ~~in which new census data are first used, no such reduction shall~~  
619 ~~occur.~~

620 (c) The application's program impact score, equal  
621 employment opportunity and fair housing score, and communitywide  
622 needs score may take into consideration scoring factors,  
623 including, but not limited to, unemployment, poverty levels,  
624 low-income and moderate-income populations, benefits to low-  
625 income and moderate-income residents, use of minority-owned and



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626 woman-owned business enterprises in previous grants, health and  
627 safety issues, and the condition of physical structures The  
628 ~~criteria used to measure the impact of an applicant's proposed~~  
629 ~~activities shall include, at a minimum, indicators of the direct~~  
630 ~~benefit received by persons of low income and persons of~~  
631 ~~moderate income, the extent to which the problem identified is~~  
632 ~~addressed by the proposed activities, and the extent to which~~  
633 ~~resources other than the funds being applied for under this~~  
634 ~~program are being used to carry out the proposed activities.~~

635 ~~(d) Applications shall be scored competitively on program~~  
636 ~~impact criteria that are uniquely tailored to the community~~  
637 ~~development objective established in each program category. The~~  
638 ~~criteria used to measure the direct benefit to persons of low~~  
639 ~~income and persons of moderate income shall represent no less~~  
640 ~~than 42 percent of the points assigned to the program impact~~  
641 ~~factor. For the housing and neighborhood revitalization~~  
642 ~~categories, the department shall also include the following~~  
643 ~~criteria in the scoring of applications:~~

644 ~~1. The proportion of very-low-income and low-income~~  
645 ~~households served.~~

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

648 ~~(4) An applicant for a neighborhood revitalization or~~  
649 ~~commercial revitalization grant shall demonstrate that its~~  
650 ~~activities are to be carried out in distinct service areas which~~



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651 ~~are characterized by the existence of slums or blighted~~  
652 ~~conditions, or by the concentration of persons of low or~~  
653 ~~moderate income.~~

654 (4)~~(5)~~ In order to provide citizens with information  
655 concerning an applicant's proposed project, the applicant shall  
656 make available to the public information concerning the amounts  
657 of funds available for various activities and the range of  
658 activities that may be undertaken. In addition, the applicant  
659 shall hold a minimum of two public hearings in the local  
660 jurisdiction within which the project is to be implemented to  
661 obtain the views of citizens before submitting the final  
662 application to the department. The applicant shall conduct the  
663 initial hearing to solicit public input concerning community  
664 needs, inform the public about funding opportunities available  
665 to address community needs, and discuss activities that may be  
666 undertaken. Before a second public hearing is held, the  
667 applicant must publish a summary of the proposed application  
668 that provides citizens with an opportunity to examine the  
669 contents of the application and to submit comments. The  
670 applicant shall conduct a second hearing to obtain comments from  
671 citizens concerning the proposed application and to modify the  
672 proposed application if appropriate ~~program before an~~  
673 ~~application is submitted to the department, the applicant shall:~~

674 ~~(a) Make available to the public information concerning~~  
675 ~~the amounts of funds available for various activities and the~~



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676 ~~range of activities that may be undertaken.~~

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

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

682 ~~(d) Consider any comments and views expressed by citizens~~  
683 ~~on the proposed application and, if appropriate, modify the~~  
684 ~~proposed application.~~

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

689 ~~(5)-(6)~~ (6) The local government may ~~shall~~ establish a citizen  
690 advisory task force composed of citizens in the jurisdiction in  
691 which the proposed project is to be implemented to provide input  
692 relative to all phases of the project process. ~~The local~~  
693 ~~government must obtain consent from the department for any other~~  
694 ~~type of citizen participation plan upon a showing that such plan~~  
695 ~~is better suited to secure citizen participation for that~~  
696 ~~locality.~~

697 ~~(6)-(7)~~ (6) The department shall, before ~~prior to~~ approving an  
698 application for a grant, determine that the applicant has the  
699 administrative capacity to carry out the proposed activities and  
700 has performed satisfactorily in carrying out past activities



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701 funded by community development block grants. The evaluation of  
702 past performance shall take into account procedural aspects of  
703 previous grants as well as substantive results. If the  
704 department determines that any applicant has failed to  
705 accomplish substantially the results it proposed in its last  
706 previously funded application, it may prohibit the applicant  
707 from receiving a grant or may penalize the applicant in the  
708 rating of the current application. An ~~Ne~~ application for grant  
709 funds may not be denied solely upon the basis of the past  
710 performance of the eligible applicant.

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

713 290.047 Establishment of grant ceilings and maximum  
714 administrative cost percentages; elimination of population bias;  
715 loans in default.—

716 (3) The maximum percentage of block grant funds that can  
717 be spent on administrative costs by an eligible local government  
718 shall be 15 percent for the housing rehabilitation program  
719 category, 8 percent for both the neighborhood and the commercial  
720 revitalization program categories, and 8 percent for the  
721 economic development program category. The maximum amount of  
722 block grant funds that may be spent on administrative costs by  
723 an eligible local government for the economic development  
724 program category is \$120,000. The purpose of the ceiling is to  
725 maximize the amount of block grant funds actually going toward



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726 the redevelopment of the area. The department will continue to  
727 encourage eligible local governments to consider ways to limit  
728 the amount of block grant funds used for administrative costs,  
729 consistent with the need for prudent management and  
730 accountability in the use of public funds. However, this  
731 subsection does ~~shall~~ not be construed, ~~however,~~ to prohibit  
732 eligible local governments from contributing their own funds or  
733 making in-kind contributions to cover administrative costs which  
734 exceed the prescribed ceilings, provided that all such  
735 contributions come from local government resources other than  
736 Community Development Block Grant funds.

737 (6) The maximum amount ~~percentage~~ of block grant funds  
738 that may be spent on engineering and architectural costs by an  
739 eligible local government shall be determined in accordance with  
740 a method ~~schedule~~ adopted by the department by rule. Any such  
741 method ~~schedule~~ so adopted shall be consistent with the schedule  
742 used by the United States Farmer's Home Administration as  
743 applied to projects in Florida or another comparable schedule as  
744 amended.

745 Section 14. Section 290.0475, Florida Statutes, is amended  
746 to read:

747 290.0475 Rejection of grant applications; penalties for  
748 failure to meet application conditions.—Applications are  
749 ineligible ~~received~~ for funding if ~~under all program categories~~  
750 ~~shall be rejected without scoring only in the event that any of~~



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751 | the following circumstances arise:

752 |       (1) The application is not received by the department by  
753 | the application deadline;;-

754 |       (2) The proposed project does not meet one of the three  
755 | national objectives as contained in federal and state  
756 | legislation;;-

757 |       (3) The proposed project is not an eligible activity as  
758 | contained in the federal legislation;;-

759 |       (4) The application is not consistent with the local  
760 | government's comprehensive plan adopted pursuant to s.  
761 | 163.3184;;-

762 |       (5) The applicant has an open community development block  
763 | grant, except as provided in s. 290.046(2)(b) and (c) and  
764 | department rules; ~~290.046(2)(c).~~

765 |       (6) The local government is not in compliance with the  
766 | citizen participation requirements prescribed in ss. 104(a)(1)  
767 | and (2) and 106(d)(5)(c) of Title I of the Housing and Community  
768 | Development Act of 1974, s. 290.046(4), ~~1984~~ and department  
769 | rules; or-

770 |       (7) Any information provided in the application that  
771 | affects eligibility or scoring is found to have been  
772 | misrepresented, and the information is not a mathematical error  
773 | which may be discovered and corrected by readily computing  
774 | available numbers or formulas provided in the application.

775 |       Section 15. Subsection (5) of section 290.048, Florida



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776 Statutes, is amended to read:

777       290.048 General powers of department under ss. 290.0401-  
778 290.048.—The department has all the powers necessary or  
779 appropriate to carry out the purposes and provisions of the  
780 program, including the power to:

781       ~~(5) Adopt and enforce strict requirements concerning an~~  
782 ~~applicant's written description of a service area. Each such~~  
783 ~~description shall contain maps which illustrate the location of~~  
784 ~~the proposed service area. All such maps must be clearly legible~~  
785 ~~and must:~~

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

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

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

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

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

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

795       331.3051 Duties of Space Florida.—Space Florida shall:

796       (5) Consult with the Florida Tourism Industry Marketing  
797 Corporation ~~Enterprise Florida, Inc.~~, in developing a space  
798 tourism marketing plan. Space Florida and the Florida Tourism  
799 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, may  
800 enter into a mutually beneficial agreement that provides funding





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801 to the corporation ~~Enterprise Florida, Inc.,~~ for its services to  
802 implement this subsection.

803 (8) Carry out its responsibility for research and  
804 development by:

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

807 (b) Working in collaboration with one or more public or  
808 private universities and other public or private entities to  
809 ~~develop a proposal for a Center of Excellence for Aerospace that~~  
810 ~~will~~ foster and promote the research necessary to develop  
811 commercially promising, advanced, and innovative science and  
812 technology and ~~will~~ transfer those discoveries to the commercial  
813 sector. This may include developing a proposal to establish a  
814 Center of Excellence for Aerospace.

815 (c) Supporting universities in this state that are members  
816 of the Federal Aviation Administration's Center of Excellence  
817 for Commercial Space Transportation to assure a safe,  
818 environmentally compatible, and efficient commercial space  
819 transportation system in this state.

820 Section 17. Section 331.371, Florida Statutes, is created  
821 to read:

822 331.371 Strategic space infrastructure investment.—In  
823 consultation with Space Florida, the Department of  
824 Transportation may fund strategic spaceport launch support  
825 facilities investment projects, as defined in s. 331.303, at up



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826 to 100 percent of the project's cost if:

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

829 (2) Capital improvements that strategically position the  
830 state to maximize opportunities in international trade are  
831 achieved;

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

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

836 Section 18. Subsection (26) of section 443.036, Florida  
837 Statutes, is repealed.

838 Section 19. Paragraph (c) of subsection (1) of section  
839 443.091, Florida Statutes, is amended to read:

840 443.091 Benefit eligibility conditions.—

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

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



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851 benefits.

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

857 2. The department must offer an online assessment that  
858 serves to identify an individual's skills, abilities, and career  
859 aptitude. The skills assessment must be voluntary, and the  
860 department must allow a claimant to choose whether to take the  
861 skills assessment. The online assessment shall be made available  
862 to any person seeking services from a regional workforce board  
863 or a one-stop career center ~~The administrator or operator of the~~  
864 ~~initial skills review shall notify the department when the~~  
865 ~~individual completes the initial skills review and report the~~  
866 ~~results of the review to the regional workforce board or the~~  
867 ~~one-stop career center as directed by the workforce board. The~~  
868 ~~department shall prescribe a numeric score on the initial skills~~  
869 ~~review that demonstrates a minimal proficiency in workforce~~  
870 ~~skills.~~

871 a. If the claimant chooses to take the online assessment,  
872 the outcome of the assessment must be made available to the  
873 claimant, regional workforce board, and one-stop career center.  
874 The department, workforce board, or one-stop career center shall  
875 use the assessment ~~initial skills review~~ to develop a plan for



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876 referring individuals to training and employment opportunities.  
877 Aggregate data on assessment outcomes may be made available to  
878 Workforce Florida, Inc., and Enterprise Florida, Inc., for use  
879 in the development of policies related to education and training  
880 programs that will ensure that businesses in this state have  
881 access to a skilled and competent workforce ~~The failure of the~~  
882 ~~individual to comply with this requirement will result in the~~  
883 ~~individual being determined ineligible for benefits for the week~~  
884 ~~in which the noncompliance occurred and for any subsequent week~~  
885 ~~of unemployment until the requirement is satisfied. However,~~  
886 ~~this requirement does not apply if the individual is exempt from~~  
887 ~~the work registration requirement as set forth in paragraph (b).~~  
888 b.3. Individuals ~~Any individual who falls below the~~  
889 ~~minimal proficiency score prescribed by the department in~~  
890 ~~subparagraph 2. on the initial skills review shall be informed~~  
891 ~~of and offered services through the one-stop delivery system,~~  
892 ~~including career counseling, provision of skill match and job~~  
893 ~~market information, and skills upgrade and other training~~  
894 ~~opportunities, and shall be encouraged to participate in such~~  
895 ~~services training at no cost to the individuals individual in~~  
896 ~~order to improve his or her workforce skills to the minimal~~  
897 ~~proficiency level.~~  
898 4. The department shall coordinate with Workforce Florida,  
899 Inc., the workforce boards, and the one-stop career centers to  
900 identify, develop, and use ~~utilize~~ best practices for improving



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901 | the skills of individuals who choose to participate in skills  
 902 | upgrade and other training opportunities. The department may  
 903 | contract with an entity to create the online assessment in  
 904 | accordance with the competitive bidding requirements in s.  
 905 | 287.057. The online assessment must work seamlessly with the  
 906 | Reemployment Assistance Claims and Benefits Information System  
 907 | ~~and who have a minimal proficiency score below the score~~  
 908 | ~~prescribed in subparagraph 2.~~

909 | ~~5. The department, in coordination with Workforce Florida,~~  
 910 | ~~Inc., the workforce boards, and the one stop career centers,~~  
 911 | ~~shall evaluate the use, effectiveness, and costs associated with~~  
 912 | ~~the training prescribed in subparagraph 3. and report its~~  
 913 | ~~findings and recommendations for training and the use of best~~  
 914 | ~~practices to the Governor, the President of the Senate, and the~~  
 915 | ~~Speaker of the House of Representatives by January 1, 2013.~~

916 | Section 20. Subsections (1), (2), and (5) of section  
 917 | 443.1116, Florida Statutes, are amended to read:

918 | 443.1116 Short-time compensation.—

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

920 | (a) "Affected unit" means a specified plant, department,  
 921 | shift, or other definable unit of two or more employees  
 922 | designated by the employer to participate in a short-time  
 923 | compensation plan.

924 | (b) "Employer-sponsored training" means a training  
 925 | component sponsored by an employer to improve the skills of the



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926 | employer's workers.

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

931 |        (d)~~(e)~~ "Short-time compensation benefits" means benefits  
932 | payable to individuals in an affected unit under an approved  
933 | short-time compensation plan.

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

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

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

945 |           (a) The plan applies to and identifies each specific  
946 | affected unit;

947 |           (b) The individuals in the affected unit are identified by  
948 | name and social security number;

949 |           (c) The normal weekly hours of work for individuals in the  
950 | affected unit are reduced by at least 10 percent and by not more



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951 | than 40 percent;

952 |       (d) The plan includes a certified statement by the  
953 | employer that the aggregate reduction in work hours is in lieu  
954 | of ~~temporary~~ layoffs that would affect at least 10 percent of  
955 | the employees in the affected unit and that would have resulted  
956 | in an equivalent reduction in work hours;

957 |       (e) The plan applies to at least 10 percent of the  
958 | employees in the affected unit;

959 |       (f) The plan is approved in writing by the collective  
960 | bargaining agent for each collective bargaining agreement  
961 | covering any individual in the affected unit;

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

965 |       (h) The plan certifies that, if the employer provides  
966 | fringe benefits to any employee whose workweek is reduced under  
967 | the program, the fringe benefits will continue to be provided to  
968 | the employee participating in the short-time compensation  
969 | program under the same terms and conditions as though the  
970 | workweek of such employee had not been reduced or to the same  
971 | extent as other employees not participating in the short-time  
972 | compensation program ~~the manner in which the employer will treat~~  
973 | ~~fringe benefits of the individuals in the affected unit if the~~  
974 | ~~hours of the individuals are reduced to less than their normal~~  
975 | ~~weekly hours of work.~~ As used in this paragraph, the term



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976 "fringe benefits" includes, but is not limited to, health  
977 insurance, retirement benefits under defined benefit pension  
978 plans as defined in subsection 35 of s. 1002 of the Employee  
979 Retirement Income Security Act of 1974, 29 U.S.C., contributions  
980 under a defined contribution plan as defined in s. 414(i) of the  
981 Internal Revenue Code, paid vacation and holidays, and sick  
982 leave;—

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

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

992 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
993 BENEFITS.—

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

998 1. The individual is employed as a member of an affected  
999 unit in an approved plan that was approved before the week and  
1000 is in effect for the week;





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1001           2. The individual is able to work and is available for  
1002 additional hours of work or for full-time work with the short-  
1003 time employer; and

1004           3. The normal weekly hours of work of the individual are  
1005 reduced by at least 10 percent but not by more than 40 percent,  
1006 with a corresponding reduction in wages.

1007           (b) The department may not deny short-time compensation  
1008 benefits to an individual who is otherwise eligible for these  
1009 benefits for any week by reason of the application of any  
1010 provision of this chapter relating to availability for work,  
1011 active search for work, or refusal to apply for or accept work  
1012 from other than the short-time compensation employer of that  
1013 individual.

1014           (c) The department may not deny short-time compensation  
1015 benefits to an individual who is otherwise eligible for these  
1016 benefits for any week because such individual is participating  
1017 in an employer-sponsored training or a training under the  
1018 Workforce Investment Act to improve job skills when the training  
1019 is approved by the department.

1020           (d) ~~(e)~~ Notwithstanding any other provision of this  
1021 chapter, an individual is deemed unemployed in any week for  
1022 which compensation is payable to her or him, as an employee in  
1023 an affected unit, for less than her or his normal weekly hours  
1024 of work in accordance with an approved short-time compensation  
1025 plan in effect for the week.



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1026 Section 21. Paragraph (f) of subsection (1) of section  
1027 443.141, Florida Statutes, is amended to read:

1028 443.141 Collection of contributions and reimbursements.—

1029 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
1030 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1031 (f) *Payments for ~~2012, 2013, and 2014~~ contributions.*—For  
1032 an annual administrative fee not to exceed \$5, a contributing  
1033 employer may pay its quarterly contributions due for wages paid  
1034 in the first three quarters of each year ~~of 2012, 2013, and 2014~~  
1035 in equal installments if those contributions are paid as  
1036 follows:

1037 1. For contributions due for wages paid in the first  
1038 quarter of each year, one-fourth of the contributions due must  
1039 be paid on or before April 30, one-fourth must be paid on or  
1040 before July 31, one-fourth must be paid on or before October 31,  
1041 and one-fourth must be paid on or before December 31.

1042 2. In addition to the payments specified in subparagraph  
1043 1., for contributions due for wages paid in the second quarter  
1044 of each year, one-third of the contributions due must be paid on  
1045 or before July 31, one-third must be paid on or before October  
1046 31, and one-third must be paid on or before December 31.

1047 3. In addition to the payments specified in subparagraphs  
1048 1. and 2., for contributions due for wages paid in the third  
1049 quarter of each year, one-half of the contributions due must be  
1050 paid on or before October 31, and one-half must be paid on or



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1051 | before December 31.

1052 |         4. The annual administrative fee assessed for electing to  
 1053 | pay under the installment method shall be collected at the time  
 1054 | the employer makes the first installment payment each year. The  
 1055 | fee shall be segregated from the payment and deposited into the  
 1056 | Operating Trust Fund of the Department of Revenue.

1057 |         5. Interest does not accrue on any contribution that  
 1058 | becomes due for wages paid in the first three quarters of each  
 1059 | year if the employer pays the contribution in accordance with  
 1060 | subparagraphs 1.-4. Interest and fees continue to accrue on  
 1061 | prior delinquent contributions and commence accruing on all  
 1062 | contributions due for wages paid in the first three quarters of  
 1063 | each year which are not paid in accordance with subparagraphs  
 1064 | 1.-3. Penalties may be assessed in accordance with this chapter.  
 1065 | The contributions due for wages paid in the fourth quarter ~~of~~  
 1066 | ~~2012, 2013, and 2014~~ are not affected by this paragraph and are  
 1067 | due and payable in accordance with this chapter.

1068 |         Section 22. Paragraph (a) of subsection (2) of section  
 1069 | 443.151, Florida Statutes, is amended to read:

1070 |         443.151 Procedure concerning claims.—

1071 |         (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
 1072 | CLAIMANTS AND EMPLOYERS.—

1073 |         (a) *In general.*—Initial and continued claims for benefits  
 1074 | must be made by approved electronic or alternate means and in  
 1075 | accordance with rules adopted by the Department of Economic



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1076 | Opportunity. The department shall provide alternative means,  
1077 | such as by telephone, for filing initial and continued claims if  
1078 | the department determines access to the approved electronic  
1079 | means is or will be unavailable and also must provide public  
1080 | notice of such unavailability. The department must notify  
1081 | claimants and employers regarding monetary and nonmonetary  
1082 | determinations of eligibility. Investigations of issues raised  
1083 | in connection with a claimant which may affect a claimant's  
1084 | eligibility for benefits or charges to an employer's employment  
1085 | record shall be conducted by the department through written,  
1086 | telephonic, or electronic means as prescribed by rule.

1087 | Section 23. Subsection (1) of section 125.271, Florida  
1088 | Statutes, is amended to read:

1089 | 125.271 Emergency medical services; county emergency  
1090 | medical service assessments.—

1091 | (1) As used in this section, the term "county" means:

1092 | (a) A county that is within a rural area of opportunity  
1093 | ~~critical economic concern~~ as designated by the Governor pursuant  
1094 | to s. 288.0656;

1095 | (b) A small county having a population of 75,000 or fewer  
1096 | on the effective date of this act which has levied at least 10  
1097 | mills of ad valorem tax for the previous fiscal year; or

1098 | (c) A county that adopted an ordinance authorizing the  
1099 | imposition of an assessment for emergency medical services prior  
1100 | to January 1, 2002.



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1101  
 1102 Once a county has qualified under this subsection, it always  
 1103 retains the qualification.  
 1104 Section 24. Paragraphs (a), (b), and (e) of subsection (7)  
 1105 of section 163.3177, Florida Statutes, are amended to read:  
 1106 163.3177 Required and optional elements of comprehensive  
 1107 plan; studies and surveys.—  
 1108 (7)(a) The Legislature finds that:  
 1109 1. There are a number of rural agricultural industrial  
 1110 centers in the state that process, produce, or aid in the  
 1111 production or distribution of a variety of agriculturally based  
 1112 products, including, but not limited to, fruits, vegetables,  
 1113 timber, and other crops, and juices, paper, and building  
 1114 materials. Rural agricultural industrial centers have a  
 1115 significant amount of existing associated infrastructure that is  
 1116 used for processing, producing, or distributing agricultural  
 1117 products.  
 1118 2. Such rural agricultural industrial centers are often  
 1119 located within or near communities in which the economy is  
 1120 largely dependent upon agriculture and agriculturally based  
 1121 products. The centers significantly enhance the economy of such  
 1122 communities. However, these agriculturally based communities are  
 1123 often socioeconomically challenged and designated as rural areas  
 1124 of opportunity ~~critical economic concern~~. If such rural  
 1125 agricultural industrial centers are lost and not replaced with



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1126 other job-creating enterprises, the agriculturally based  
1127 communities will lose a substantial amount of their economies.

1128 3. The state has a compelling interest in preserving the  
1129 viability of agriculture and protecting rural agricultural  
1130 communities and the state from the economic upheaval that would  
1131 result from short-term or long-term adverse changes in the  
1132 agricultural economy. To protect these communities and promote  
1133 viable agriculture for the long term, it is essential to  
1134 encourage and permit diversification of existing rural  
1135 agricultural industrial centers by providing for jobs that are  
1136 not solely dependent upon, but are compatible with and  
1137 complement, existing agricultural industrial operations and to  
1138 encourage the creation and expansion of industries that use  
1139 agricultural products in innovative ways. However, the expansion  
1140 and diversification of these existing centers must be  
1141 accomplished in a manner that does not promote urban sprawl into  
1142 surrounding agricultural and rural areas.

1143 (b) As used in this subsection, the term "rural  
1144 agricultural industrial center" means a developed parcel of land  
1145 in an unincorporated area on which there exists an operating  
1146 agricultural industrial facility or facilities that employ at  
1147 least 200 full-time employees in the aggregate and process and  
1148 prepare for transport a farm product, as defined in s. 163.3162,  
1149 or any biomass material that could be used, directly or  
1150 indirectly, for the production of fuel, renewable energy,



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1151 bioenergy, or alternative fuel as defined by law. The center may  
1152 also include land contiguous to the facility site which is not  
1153 used for the cultivation of crops, but on which other existing  
1154 activities essential to the operation of such facility or  
1155 facilities are located or conducted. The parcel of land must be  
1156 located within, or within 10 miles of, a rural area of  
1157 opportunity ~~critical economic concern~~.

1158 (e) ~~Nothing in~~ This subsection does not ~~shall be construed~~  
1159 ~~to~~ confer the status of rural area of opportunity ~~critical~~  
1160 ~~economic concern~~, or any of the rights or benefits derived from  
1161 such status, on any land area not otherwise designated as such  
1162 pursuant to s. 288.0656(7).

1163 Section 25. Subsection (3) of section 163.3187, Florida  
1164 Statutes, is amended to read:

1165 163.3187 Process for adoption of small-scale comprehensive  
1166 plan amendment.—

1167 (3) If the small scale development amendment involves a  
1168 site within a rural area of opportunity ~~critical economic~~  
1169 ~~concern~~ as defined under s. 288.0656(2)(d) for the duration of  
1170 such designation, the 10-acre limit listed in subsection (1)  
1171 shall be increased by 100 percent to 20 acres. The local  
1172 government approving the small scale plan amendment shall  
1173 certify to the Office of Tourism, Trade, and Economic  
1174 Development that the plan amendment furthers the economic  
1175 objectives set forth in the executive order issued under s.



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1176 | 288.0656(7), and the property subject to the plan amendment  
 1177 | shall undergo public review to ensure that all concurrency  
 1178 | requirements and federal, state, and local environmental permit  
 1179 | requirements are met.

1180 |       Section 26. Subsection (10) of section 163.3246, Florida  
 1181 | Statutes, is amended to read:

1182 |       163.3246 Local government comprehensive planning  
 1183 | certification program.—

1184 |       (10) Notwithstanding subsections (2), (4), (5), (6), and  
 1185 | (7), any municipality designated as a rural area of opportunity  
 1186 | ~~critical economic concern~~ pursuant to s. 288.0656 which is  
 1187 | located within a county eligible to levy the Small County Surtax  
 1188 | under s. 212.055(3) shall be considered certified during the  
 1189 | effectiveness of the designation of rural area of opportunity  
 1190 | ~~critical economic concern~~. The state land planning agency shall  
 1191 | provide a written notice of certification to the local  
 1192 | government of the certified area, which shall be considered  
 1193 | final agency action subject to challenge under s. 120.569. The  
 1194 | notice of certification shall include the following components:

1195 |       (a) The boundary of the certification area.

1196 |       (b) A requirement that the local government submit ~~either~~  
 1197 | an annual or biennial monitoring report to the state land  
 1198 | planning agency according to the schedule provided in the  
 1199 | written notice. The monitoring report shall, at a minimum,  
 1200 | include the number of amendments to the comprehensive plan





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1201 adopted by the local government, the number of plan amendments  
 1202 challenged by an affected person, and the disposition of those  
 1203 challenges.

1204 Section 27. Paragraph (a) of subsection (6) of section  
 1205 211.3103, Florida Statutes, is amended to read:

1206 211.3103 Levy of tax on severance of phosphate rock; rate,  
 1207 basis, and distribution of tax.—

1208 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the  
 1209 proceeds of all taxes, interest, and penalties imposed under  
 1210 this section are exempt from the general revenue service charge  
 1211 provided in s. 215.20, and such proceeds shall be paid into the  
 1212 State Treasury as follows:

1213 1. To the credit of the Conservation and Recreation Lands  
 1214 Trust Fund, 25.5 percent.

1215 2. To the credit of the General Revenue Fund of the state,  
 1216 35.7 percent.

1217 3. For payment to counties in proportion to the number of  
 1218 tons of phosphate rock produced from a phosphate rock matrix  
 1219 located within such political boundary, 12.8 percent. The  
 1220 department shall distribute this portion of the proceeds  
 1221 annually based on production information reported by the  
 1222 producers on the annual returns for the taxable year. Any such  
 1223 proceeds received by a county shall be used only for phosphate-  
 1224 related expenses.

1225 4. For payment to counties that have been designated as a



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1226 rural area of opportunity ~~critical economic concern~~ pursuant to  
1227 s. 288.0656 in proportion to the number of tons of phosphate  
1228 rock produced from a phosphate rock matrix located within such  
1229 political boundary, 10.0 percent. The department shall  
1230 distribute this portion of the proceeds annually based on  
1231 production information reported by the producers on the annual  
1232 returns for the taxable year. Payments under this subparagraph  
1233 shall be made to the counties unless the Legislature by special  
1234 act creates a local authority to promote and direct the economic  
1235 development of the county. If such authority exists, payments  
1236 shall be made to that authority.

1237 5. To the credit of the Nonmandatory Land Reclamation  
1238 Trust Fund, 6.2 percent.

1239 6. To the credit of the Phosphate Research Trust Fund in  
1240 the Division of Universities of the Department of Education, 6.2  
1241 percent.

1242 7. To the credit of the Minerals Trust Fund, 3.6 percent.

1243 Section 28. Paragraph (c) of subsection (1) of section  
1244 212.098, Florida Statutes, is amended to read:

1245 212.098 Rural Job Tax Credit Program.—

1246 (1) As used in this section, the term:

1247 (c) "Qualified area" means any area that is contained  
1248 within a rural area of opportunity ~~critical economic concern~~  
1249 designated under s. 288.0656, a county that has a population of  
1250 fewer than 75,000 persons, or a county that has a population of



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1251 | 125,000 or less and is contiguous to a county that has a  
 1252 | population of less than 75,000, selected in the following  
 1253 | manner: every third year, the Department of Economic Opportunity  
 1254 | shall rank and tier the state's counties according to the  
 1255 | following four factors:

1256 |         1. Highest unemployment rate for the most recent 36-month  
 1257 | period.

1258 |         2. Lowest per capita income for the most recent 36-month  
 1259 | period.

1260 |         3. Highest percentage of residents whose incomes are below  
 1261 | the poverty level, based upon the most recent data available.

1262 |         4. Average weekly manufacturing wage, based upon the most  
 1263 | recent data available.

1264 |         Section 29. Subsection (1) of section 218.67, Florida  
 1265 | Statutes, is amended to read:

1266 |             218.67 Distribution for fiscally constrained counties.—

1267 |             (1) Each county that is entirely within a rural area of  
 1268 | opportunity ~~critical economic concern~~ as designated by the  
 1269 | Governor pursuant to s. 288.0656 or each county for which the  
 1270 | value of a mill will raise no more than \$5 million in revenue,  
 1271 | based on the taxable value certified pursuant to s.  
 1272 | 1011.62(4)(a)1.a., from the previous July 1, shall be considered  
 1273 | a fiscally constrained county.

1274 |         Section 30. Subsection (1) of section 288.018, Florida  
 1275 | Statutes, is amended to read:



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1276           288.018 Regional Rural Development Grants Program.—  
 1277           (1) The department shall establish a matching grant  
 1278 program to provide funding to regionally based economic  
 1279 development organizations representing rural counties and  
 1280 communities for the purpose of building the professional  
 1281 capacity of their organizations. Such matching grants may also  
 1282 be used by an economic development organization to provide  
 1283 technical assistance to businesses within the rural counties and  
 1284 communities that it serves. The department is authorized to  
 1285 approve, on an annual basis, grants to such regionally based  
 1286 economic development organizations. The maximum amount an  
 1287 organization may receive in any year will be \$50,000 ~~\$35,000~~, or  
 1288 \$150,000 ~~\$100,000~~ in a rural area of opportunity ~~critical~~  
 1289 ~~economic concern~~ recommended by the Rural Economic Development  
 1290 Initiative and designated by the Governor, and must be matched  
 1291 each year by an equivalent amount of nonstate resources.

1292           Section 31. Paragraphs (a) and (c) of subsection (2) of  
 1293 section 288.065, Florida Statutes, are amended to read:

1294           288.065 Rural Community Development Revolving Loan Fund.—

1295           (2) (a) The program shall provide for long-term loans, loan  
 1296 guarantees, and loan loss reserves to units of local  
 1297 governments, or economic development organizations substantially  
 1298 underwritten by a unit of local government, within counties with  
 1299 populations of 75,000 or fewer, or within any county with a  
 1300 population of 125,000 or fewer which is contiguous to a county



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1301 with a population of 75,000 or fewer, based on the most recent  
 1302 official population estimate as determined under s. 186.901,  
 1303 including those residing in incorporated areas and those  
 1304 residing in unincorporated areas of the county, or to units of  
 1305 local government, or economic development organizations  
 1306 substantially underwritten by a unit of local government, within  
 1307 a rural area of opportunity ~~critical economic concern~~.

1308 (c) All repayments of principal and interest shall be  
 1309 returned to the loan fund and made available for loans to other  
 1310 applicants. However, in a rural area of opportunity ~~critical~~  
 1311 ~~economic concern~~ designated by the Governor, and upon approval  
 1312 by the department, repayments of principal and interest may be  
 1313 retained by the applicant if such repayments are dedicated and  
 1314 matched to fund regionally based economic development  
 1315 organizations representing the rural area of opportunity  
 1316 ~~critical economic concern~~.

1317 Section 32. Paragraphs (b), (c), and (e) of subsection (2)  
 1318 of section 288.0655, Florida Statutes, are amended to read:

1319 288.0655 Rural Infrastructure Fund.—

1320 (2)

1321 (b) To facilitate access of rural communities and rural  
 1322 areas of opportunity ~~critical economic concern~~ as defined by the  
 1323 Rural Economic Development Initiative to infrastructure funding  
 1324 programs of the Federal Government, such as those offered by the  
 1325 United States Department of Agriculture and the United States



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1326 Department of Commerce, and state programs, including those  
1327 offered by Rural Economic Development Initiative agencies, and  
1328 to facilitate local government or private infrastructure funding  
1329 efforts, the department may award grants for up to 30 percent of  
1330 the total infrastructure project cost. If an application for  
1331 funding is for a catalyst site, as defined in s. 288.0656, the  
1332 department may award grants for up to 40 percent of the total  
1333 infrastructure project cost. Eligible projects must be related  
1334 to specific job-creation or job-retention opportunities.  
1335 Eligible projects may also include improving any inadequate  
1336 infrastructure that has resulted in regulatory action that  
1337 prohibits economic or community growth or reducing the costs to  
1338 community users of proposed infrastructure improvements that  
1339 exceed such costs in comparable communities. Eligible uses of  
1340 funds shall include improvements to public infrastructure for  
1341 industrial or commercial sites and upgrades to or development of  
1342 public tourism infrastructure. Authorized infrastructure may  
1343 include the following public or public-private partnership  
1344 facilities: storm water systems; telecommunications facilities;  
1345 broadband facilities; roads or other remedies to transportation  
1346 impediments; nature-based tourism facilities; or other physical  
1347 requirements necessary to facilitate tourism, trade, and  
1348 economic development activities in the community. Authorized  
1349 infrastructure may also include publicly or privately owned  
1350 self-powered nature-based tourism facilities, publicly owned



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1351 | telecommunications facilities, and broadband facilities, and  
 1352 | additions to the distribution facilities of the existing natural  
 1353 | gas utility as defined in s. 366.04(3)(c), the existing electric  
 1354 | utility as defined in s. 366.02, or the existing water or  
 1355 | wastewater utility as defined in s. 367.021(12), or any other  
 1356 | existing water or wastewater facility, which owns a gas or  
 1357 | electric distribution system or a water or wastewater system in  
 1358 | this state where:

1359 |         1. A contribution-in-aid of construction is required to  
 1360 | serve public or public-private partnership facilities under the  
 1361 | tariffs of any natural gas, electric, water, or wastewater  
 1362 | utility as defined herein; and

1363 |         2. Such utilities as defined herein are willing and able  
 1364 | to provide such service.

1365 |         (c) To facilitate timely response and induce the location  
 1366 | or expansion of specific job creating opportunities, the  
 1367 | department may award grants for infrastructure feasibility  
 1368 | studies, design and engineering activities, or other  
 1369 | infrastructure planning and preparation activities. Authorized  
 1370 | grants shall be up to \$50,000 for an employment project with a  
 1371 | business committed to create at least 100 jobs; up to \$150,000  
 1372 | for an employment project with a business committed to create at  
 1373 | least 300 jobs; and up to \$300,000 for a project in a rural area  
 1374 | of opportunity ~~critical economic concern~~. Grants awarded under  
 1375 | this paragraph may be used in conjunction with grants awarded



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1376 | under paragraph (b), provided that the total amount of both  
1377 | grants does not exceed 30 percent of the total project cost. In  
1378 | evaluating applications under this paragraph, the department  
1379 | shall consider the extent to which the application seeks to  
1380 | minimize administrative and consultant expenses.

1381 |       (e) To enable local governments to access the resources  
1382 | available pursuant to s. 403.973(18), the department may award  
1383 | grants for surveys, feasibility studies, and other activities  
1384 | related to the identification and preclearance review of land  
1385 | which is suitable for preclearance review. Authorized grants  
1386 | under this paragraph may ~~shall~~ not exceed \$75,000 each, except  
1387 | in the case of a project in a rural area of opportunity ~~critical~~  
1388 | ~~economic concern~~, in which case the grant may ~~shall~~ not exceed  
1389 | \$300,000. Any funds awarded under this paragraph must be matched  
1390 | at a level of 50 percent with local funds, except that any funds  
1391 | awarded for a project in a rural area of opportunity ~~critical~~  
1392 | ~~economic concern~~ must be matched at a level of 33 percent with  
1393 | local funds. If an application for funding is for a catalyst  
1394 | site, as defined in s. 288.0656, the requirement for local match  
1395 | may be waived pursuant to the process in s. 288.06561. In  
1396 | evaluating applications under this paragraph, the department  
1397 | shall consider the extent to which the application seeks to  
1398 | minimize administrative and consultant expenses.

1399 |       Section 33. Paragraphs (a), (b), and (d) of subsection (2)  
1400 | and subsection (7) of section 288.0656, Florida Statutes, are





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1401 amended to read:

1402 288.0656 Rural Economic Development Initiative.—

1403 (2) As used in this section, the term:

1404 (a) "Catalyst project" means a business locating or  
1405 expanding in a rural area of opportunity ~~critical economic~~  
1406 ~~concern~~ to serve as an economic generator of regional  
1407 significance for the growth of a regional target industry  
1408 cluster. The project must provide capital investment on a scale  
1409 significant enough to affect the entire region and result in the  
1410 development of high-wage and high-skill jobs.

1411 (b) "Catalyst site" means a parcel or parcels of land  
1412 within a rural area of opportunity ~~critical economic concern~~  
1413 that has been prioritized as a geographic site for economic  
1414 development through partnerships with state, regional, and local  
1415 organizations. The site must be reviewed by REDI and approved by  
1416 the department for the purposes of locating a catalyst project.

1417 (d) "Rural area of opportunity ~~critical economic concern~~"  
1418 means a rural community, or a region composed of rural  
1419 communities, designated by the Governor, which ~~that~~ has been  
1420 adversely affected by an extraordinary economic event, severe or  
1421 chronic distress, or a natural disaster or that presents a  
1422 unique economic development opportunity of regional impact.

1423 (7) (a) REDI may recommend to the Governor up to three  
1424 rural areas of opportunity ~~critical economic concern~~. The  
1425 Governor may by executive order designate up to three rural



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1426 areas of opportunity ~~critical economic concern~~ which will  
1427 establish these areas as priority assignments for REDI as well  
1428 as to allow the Governor, acting through REDI, to waive  
1429 criteria, requirements, or similar provisions of any economic  
1430 development incentive. Such incentives shall include, but are  
1431 not ~~be~~ limited to, the Qualified Target Industry Tax Refund  
1432 Program under s. 288.106, the Quick Response Training Program  
1433 under s. 288.047, the Quick Response Training Program for  
1434 participants in the welfare transition program under s.  
1435 288.047(8), transportation projects under s. 339.2821, the  
1436 brownfield redevelopment bonus refund under s. 288.107, and the  
1437 rural job tax credit program under ss. 212.098 and 220.1895.

1438 (b) Designation as a rural area of opportunity ~~critical~~  
1439 ~~economic concern~~ under this subsection shall be contingent upon  
1440 the execution of a memorandum of agreement among the department;  
1441 the governing body of the county; and the governing bodies of  
1442 any municipalities to be included within a rural area of  
1443 opportunity ~~critical economic concern~~. Such agreement shall  
1444 specify the terms and conditions of the designation, including,  
1445 but not limited to, the duties and responsibilities of the  
1446 county and any participating municipalities to take actions  
1447 designed to facilitate the retention and expansion of existing  
1448 businesses in the area, as well as the recruitment of new  
1449 businesses to the area.

1450 (c) Each rural area of opportunity ~~critical economic~~



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1451 ~~concern~~ may designate catalyst projects, provided that each  
1452 catalyst project is specifically recommended by REDI, identified  
1453 as a catalyst project by Enterprise Florida, Inc., and confirmed  
1454 as a catalyst project by the department. All state agencies and  
1455 departments shall use all available tools and resources to the  
1456 extent permissible by law to promote the creation and  
1457 development of each catalyst project and the development of  
1458 catalyst sites.

1459 Section 34. Paragraph (a) of subsection (3) of section  
1460 288.1088, Florida Statutes, is amended to read:

1461 288.1088 Quick Action Closing Fund.—

1462 (3) (a) The department and Enterprise Florida, Inc., shall  
1463 jointly review applications pursuant to s. 288.061 and determine  
1464 the eligibility of each project consistent with the criteria in  
1465 subsection (2). Waiver of these criteria may be considered under  
1466 the following criteria:

1467 1. Based on extraordinary circumstances;

1468 2. In order to mitigate the impact of the conclusion of  
1469 the space shuttle program; or

1470 3. In rural areas of opportunity ~~critical economic concern~~  
1471 if the project would significantly benefit the local or regional  
1472 economy.

1473 Section 35. Paragraphs (b), (c), and (d) of subsection (4)  
1474 of section 288.1089, Florida Statutes, are amended to read:

1475 288.1089 Innovation Incentive Program.—



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1476 (4) To qualify for review by the department, the applicant  
1477 must, at a minimum, establish the following to the satisfaction  
1478 of the department:

1479 (b) A research and development project must:

1480 1. Serve as a catalyst for an emerging or evolving  
1481 technology cluster.

1482 2. Demonstrate a plan for significant higher education  
1483 collaboration.

1484 3. Provide the state, at a minimum, a cumulative break-  
1485 even economic benefit within a 20-year period.

1486 4. Be provided with a one-to-one match from the local  
1487 community. The match requirement may be reduced or waived in  
1488 rural areas of opportunity ~~critical economic concern~~ or reduced  
1489 in rural areas, brownfield areas, and enterprise zones.

1490 (c) An innovation business project in this state, other  
1491 than a research and development project, must:

1492 1.a. Result in the creation of at least 1,000 direct, new  
1493 jobs at the business; or

1494 b. Result in the creation of at least 500 direct, new jobs  
1495 if the project is located in a rural area, a brownfield area, or  
1496 an enterprise zone.

1497 2. Have an activity or product that is within an industry  
1498 that is designated as a target industry business under s.  
1499 288.106 or a designated sector under s. 288.108.

1500 3.a. Have a cumulative investment of at least \$500 million



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1501 | within a 5-year period; or  
1502 |       b. Have a cumulative investment that exceeds \$250 million  
1503 | within a 10-year period if the project is located in a rural  
1504 | area, brownfield area, or an enterprise zone.  
1505 |       4. Be provided with a one-to-one match from the local  
1506 | community. The match requirement may be reduced or waived in  
1507 | rural areas of opportunity ~~critical economic concern~~ or reduced  
1508 | in rural areas, brownfield areas, and enterprise zones.  
1509 |       (d) For an alternative and renewable energy project in  
1510 | this state, the project must:  
1511 |       1. Demonstrate a plan for significant collaboration with  
1512 | an institution of higher education;  
1513 |       2. Provide the state, at a minimum, a cumulative break-  
1514 | even economic benefit within a 20-year period;  
1515 |       3. Include matching funds provided by the applicant or  
1516 | other available sources. The match requirement may be reduced or  
1517 | waived in rural areas of opportunity ~~critical economic concern~~  
1518 | or reduced in rural areas, brownfield areas, and enterprise  
1519 | zones;  
1520 |       4. Be located in this state; and  
1521 |       5. Provide at least 35 direct, new jobs that pay an  
1522 | estimated annual average wage that equals at least 130 percent  
1523 | of the average private sector wage.  
1524 |       Section 36. Paragraph (d) of subsection (6) of section  
1525 | 290.0055, Florida Statutes, is amended to read:



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1526           290.0055 Local nominating procedure.—  
 1527           (6)  
 1528           (d)1. The governing body of a jurisdiction which has  
 1529 nominated an application for an enterprise zone that is at least  
 1530 15 square miles and less than 20 square miles and includes a  
 1531 portion of the state designated as a rural area of opportunity  
 1532 ~~critical economic concern~~ under s. 288.0656(7) may apply to the  
 1533 department to expand the boundary of the existing enterprise  
 1534 zone by not more than 3 square miles.  
 1535           2. The governing body of a jurisdiction which has  
 1536 nominated an application for an enterprise zone that is at least  
 1537 20 square miles and includes a portion of the state designated  
 1538 as a rural area of opportunity ~~critical economic concern~~ under  
 1539 s. 288.0656(7) may apply to the department to expand the  
 1540 boundary of the existing enterprise zone by not more than 5  
 1541 square miles.  
 1542           3. An application to expand the boundary of an enterprise  
 1543 zone under this paragraph must be submitted by December 31,  
 1544 2013.  
 1545           4. Notwithstanding the area limitations specified in  
 1546 subsection (4), the department may approve the request for a  
 1547 boundary amendment if the area continues to satisfy the  
 1548 remaining requirements of this section.  
 1549           5. The department shall establish the initial effective  
 1550 date of an enterprise zone designated under this paragraph.



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1551           Section 37. Paragraph (c) of subsection (4) of section  
 1552 339.2819, Florida Statutes, is amended to read:  
 1553           339.2819 Transportation Regional Incentive Program.—  
 1554           (4)  
 1555           (c) The department shall give priority to projects that:  
 1556           1. Provide connectivity to the Strategic Intermodal System  
 1557 developed under s. 339.64.  
 1558           2. Support economic development and the movement of goods  
 1559 in rural areas of opportunity ~~critical economic concern~~  
 1560 designated under s. 288.0656(7).  
 1561           3. Are subject to a local ordinance that establishes  
 1562 corridor management techniques, including access management  
 1563 strategies, right-of-way acquisition and protection measures,  
 1564 appropriate land use strategies, zoning, and setback  
 1565 requirements for adjacent land uses.  
 1566           4. Improve connectivity between military installations and  
 1567 the Strategic Highway Network or the Strategic Rail Corridor  
 1568 Network.  
 1569  
 1570 The department shall also consider the extent to which local  
 1571 matching funds are available to be committed to the project.  
 1572           Section 38. Paragraph (b) of subsection (5) of section  
 1573 339.63, Florida Statutes, is amended to read:  
 1574           339.63 System facilities designated; additions and  
 1575 deletions.—



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1576 (5)

1577 (b) A facility designated part of the Strategic Intermodal  
1578 System pursuant to paragraph (a) that is within the jurisdiction  
1579 of a local government that maintains a transportation  
1580 concurrency system shall receive a waiver of transportation  
1581 concurrency requirements applicable to Strategic Intermodal  
1582 System facilities in order to accommodate any development at the  
1583 facility which occurs pursuant to a building permit issued on or  
1584 before December 31, 2017, but only if such facility is located:

1585 1. Within an area designated pursuant to s. 288.0656(7) as  
1586 a rural area of opportunity ~~critical economic concern~~;

1587 2. Within a rural enterprise zone as defined in s.  
1588 290.004(5); or

1589 3. Within 15 miles of the boundary of a rural area of  
1590 opportunity ~~critical economic concern~~ or a rural enterprise  
1591 zone.

1592 Section 39. Paragraph (c) of subsection (3) of section  
1593 373.4595, Florida Statutes, is amended to read:

1594 373.4595 Northern Everglades and Estuaries Protection  
1595 Program.—

1596 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A  
1597 protection program for Lake Okeechobee that achieves phosphorus  
1598 load reductions for Lake Okeechobee shall be immediately  
1599 implemented as specified in this subsection. The program shall  
1600 address the reduction of phosphorus loading to the lake from





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1601 both internal and external sources. Phosphorus load reductions  
1602 shall be achieved through a phased program of implementation.  
1603 Initial implementation actions shall be technology-based, based  
1604 upon a consideration of both the availability of appropriate  
1605 technology and the cost of such technology, and shall include  
1606 phosphorus reduction measures at both the source and the  
1607 regional level. The initial phase of phosphorus load reductions  
1608 shall be based upon the district's Technical Publication 81-2  
1609 and the district's WOD program, with subsequent phases of  
1610 phosphorus load reductions based upon the total maximum daily  
1611 loads established in accordance with s. 403.067. In the  
1612 development and administration of the Lake Okeechobee Watershed  
1613 Protection Program, the coordinating agencies shall maximize  
1614 opportunities provided by federal cost-sharing programs and  
1615 opportunities for partnerships with the private sector.

1616 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—  
1617 The Lake Okeechobee Watershed Phosphorus Control Program is  
1618 designed to be a multifaceted approach to reducing phosphorus  
1619 loads by improving the management of phosphorus sources within  
1620 the Lake Okeechobee watershed through implementation of  
1621 regulations and best management practices, development and  
1622 implementation of improved best management practices,  
1623 improvement and restoration of the hydrologic function of  
1624 natural and managed systems, and utilization of alternative  
1625 technologies for nutrient reduction. The coordinating agencies



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1626 shall facilitate the application of federal programs that offer  
1627 opportunities for water quality treatment, including  
1628 preservation, restoration, or creation of wetlands on  
1629 agricultural lands.

1630 1. Agricultural nonpoint source best management practices,  
1631 developed in accordance with s. 403.067 and designed to achieve  
1632 the objectives of the Lake Okeechobee Watershed Protection  
1633 Program, shall be implemented on an expedited basis. The  
1634 coordinating agencies shall develop an interagency agreement  
1635 pursuant to ss. 373.046 and 373.406(5) that assures the  
1636 development of best management practices that complement  
1637 existing regulatory programs and specifies how those best  
1638 management practices are implemented and verified. The  
1639 interagency agreement shall address measures to be taken by the  
1640 coordinating agencies during any best management practice  
1641 reevaluation performed pursuant to sub-subparagraph d. The  
1642 department shall use best professional judgment in making the  
1643 initial determination of best management practice effectiveness.

1644 a. As provided in s. 403.067(7)(c), the Department of  
1645 Agriculture and Consumer Services, in consultation with the  
1646 department, the district, and affected parties, shall initiate  
1647 rule development for interim measures, best management  
1648 practices, conservation plans, nutrient management plans, or  
1649 other measures necessary for Lake Okeechobee watershed total  
1650 maximum daily load reduction. The rule shall include thresholds



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1651 | for requiring conservation and nutrient management plans and  
1652 | criteria for the contents of such plans. Development of  
1653 | agricultural nonpoint source best management practices shall  
1654 | initially focus on those priority basins listed in subparagraph  
1655 | (b)1. The Department of Agriculture and Consumer Services, in  
1656 | consultation with the department, the district, and affected  
1657 | parties, shall conduct an ongoing program for improvement of  
1658 | existing and development of new interim measures or best  
1659 | management practices for the purpose of adoption of such  
1660 | practices by rule. The Department of Agriculture and Consumer  
1661 | Services shall work with the University of Florida's Institute  
1662 | of Food and Agriculture Sciences to review and, where  
1663 | appropriate, develop revised nutrient application rates for all  
1664 | agricultural soil amendments in the watershed.

1665 |       b. Where agricultural nonpoint source best management  
1666 | practices or interim measures have been adopted by rule of the  
1667 | Department of Agriculture and Consumer Services, the owner or  
1668 | operator of an agricultural nonpoint source addressed by such  
1669 | rule shall either implement interim measures or best management  
1670 | practices or demonstrate compliance with the district's WOD  
1671 | program by conducting monitoring prescribed by the department or  
1672 | the district. Owners or operators of agricultural nonpoint  
1673 | sources who implement interim measures or best management  
1674 | practices adopted by rule of the Department of Agriculture and  
1675 | Consumer Services shall be subject to the provisions of s.



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1676 403.067(7). The Department of Agriculture and Consumer Services,  
1677 in cooperation with the department and the district, shall  
1678 provide technical and financial assistance for implementation of  
1679 agricultural best management practices, subject to the  
1680 availability of funds.

1681 c. The district or department shall conduct monitoring at  
1682 representative sites to verify the effectiveness of agricultural  
1683 nonpoint source best management practices.

1684 d. Where water quality problems are detected for  
1685 agricultural nonpoint sources despite the appropriate  
1686 implementation of adopted best management practices, the  
1687 Department of Agriculture and Consumer Services, in consultation  
1688 with the other coordinating agencies and affected parties, shall  
1689 institute a reevaluation of the best management practices and  
1690 make appropriate changes to the rule adopting best management  
1691 practices.

1692 2. Nonagricultural nonpoint source best management  
1693 practices, developed in accordance with s. 403.067 and designed  
1694 to achieve the objectives of the Lake Okeechobee Watershed  
1695 Protection Program, shall be implemented on an expedited basis.  
1696 The department and the district shall develop an interagency  
1697 agreement pursuant to ss. 373.046 and 373.406(5) that assures  
1698 the development of best management practices that complement  
1699 existing regulatory programs and specifies how those best  
1700 management practices are implemented and verified. The



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1701 interagency agreement shall address measures to be taken by the  
1702 department and the district during any best management practice  
1703 reevaluation performed pursuant to sub-subparagraph d.

1704 a. The department and the district are directed to work  
1705 with the University of Florida's Institute of Food and  
1706 Agricultural Sciences to develop appropriate nutrient  
1707 application rates for all nonagricultural soil amendments in the  
1708 watershed. As provided in s. 403.067(7)(c), the department, in  
1709 consultation with the district and affected parties, shall  
1710 develop interim measures, best management practices, or other  
1711 measures necessary for Lake Okeechobee watershed total maximum  
1712 daily load reduction. Development of nonagricultural nonpoint  
1713 source best management practices shall initially focus on those  
1714 priority basins listed in subparagraph (b)1. The department, the  
1715 district, and affected parties shall conduct an ongoing program  
1716 for improvement of existing and development of new interim  
1717 measures or best management practices. The district shall adopt  
1718 technology-based standards under the district's WOD program for  
1719 nonagricultural nonpoint sources of phosphorus. Nothing in this  
1720 sub-subparagraph shall affect the authority of the department or  
1721 the district to adopt basin-specific criteria under this part to  
1722 prevent harm to the water resources of the district.

1723 b. Where nonagricultural nonpoint source best management  
1724 practices or interim measures have been developed by the  
1725 department and adopted by the district, the owner or operator of



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1726 a nonagricultural nonpoint source shall implement interim  
1727 measures or best management practices and be subject to the  
1728 provisions of s. 403.067(7). The department and district shall  
1729 provide technical and financial assistance for implementation of  
1730 nonagricultural nonpoint source best management practices,  
1731 subject to the availability of funds.

1732 c. The district or the department shall conduct monitoring  
1733 at representative sites to verify the effectiveness of  
1734 nonagricultural nonpoint source best management practices.

1735 d. Where water quality problems are detected for  
1736 nonagricultural nonpoint sources despite the appropriate  
1737 implementation of adopted best management practices, the  
1738 department and the district shall institute a reevaluation of  
1739 the best management practices.

1740 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not  
1741 preclude the department or the district from requiring  
1742 compliance with water quality standards or with current best  
1743 management practices requirements set forth in any applicable  
1744 regulatory program authorized by law for the purpose of  
1745 protecting water quality. Additionally, subparagraphs 1. and 2.  
1746 are applicable only to the extent that they do not conflict with  
1747 any rules adopted ~~promulgated~~ by the department that are  
1748 necessary to maintain a federally delegated or approved program.

1749 4. Projects that reduce the phosphorus load originating  
1750 from domestic wastewater systems within the Lake Okeechobee



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1751 watershed shall be given funding priority in the department's  
1752 revolving loan program under s. 403.1835. The department shall  
1753 coordinate and provide assistance to those local governments  
1754 seeking financial assistance for such priority projects.

1755 5. Projects that make use of private lands, or lands held  
1756 in trust for Indian tribes, to reduce nutrient loadings or  
1757 concentrations within a basin by one or more of the following  
1758 methods: restoring the natural hydrology of the basin, restoring  
1759 wildlife habitat or impacted wetlands, reducing peak flows after  
1760 storm events, increasing aquifer recharge, or protecting range  
1761 and timberland from conversion to development, are eligible for  
1762 grants available under this section from the coordinating  
1763 agencies. For projects of otherwise equal priority, special  
1764 funding priority will be given to those projects that make best  
1765 use of the methods outlined above that involve public-private  
1766 partnerships or that obtain federal match money. Preference  
1767 ranking above the special funding priority will be given to  
1768 projects located in a rural area of opportunity ~~critical~~  
1769 ~~economic concern~~ designated by the Governor. Grant applications  
1770 may be submitted by any person or tribal entity, and eligible  
1771 projects may include, but are not limited to, the purchase of  
1772 conservation and flowage easements, hydrologic restoration of  
1773 wetlands, creating treatment wetlands, development of a  
1774 management plan for natural resources, and financial support to  
1775 implement a management plan.



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1776           6.a. The department shall require all entities disposing  
1777 of domestic wastewater residuals within the Lake Okeechobee  
1778 watershed and the remaining areas of Okeechobee, Glades, and  
1779 Hendry Counties to develop and submit to the department an  
1780 agricultural use plan that limits applications based upon  
1781 phosphorus loading. By July 1, 2005, phosphorus concentrations  
1782 originating from these application sites may ~~shall~~ not exceed  
1783 the limits established in the district's WOD program. After  
1784 December 31, 2007, the department may not authorize the disposal  
1785 of domestic wastewater residuals within the Lake Okeechobee  
1786 watershed unless the applicant can affirmatively demonstrate  
1787 that the phosphorus in the residuals will not add to phosphorus  
1788 loadings in Lake Okeechobee or its tributaries. This  
1789 demonstration shall be based on achieving a net balance between  
1790 phosphorus imports relative to exports on the permitted  
1791 application site. Exports shall include only phosphorus removed  
1792 from the Lake Okeechobee watershed through products generated on  
1793 the permitted application site. This prohibition does not apply  
1794 to Class AA residuals that are marketed and distributed as  
1795 fertilizer products in accordance with department rule.

1796           b. Private and government-owned utilities within Monroe,  
1797 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1798 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1799 dispose of wastewater residual sludge from utility operations  
1800 and septic removal by land spreading in the Lake Okeechobee





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1801 watershed may use a line item on local sewer rates to cover  
 1802 wastewater residual treatment and disposal if such disposal and  
 1803 treatment is done by approved alternative treatment methodology  
 1804 at a facility located within the areas designated by the  
 1805 Governor as rural areas of opportunity ~~critical economic concern~~  
 1806 pursuant to s. 288.0656. This additional line item is an  
 1807 environmental protection disposal fee above the present sewer  
 1808 rate and may ~~shall~~ not be considered a part of the present sewer  
 1809 rate to customers, notwithstanding provisions to the contrary in  
 1810 chapter 367. The fee shall be established by the county  
 1811 commission or its designated assignee in the county in which the  
 1812 alternative method treatment facility is located. The fee shall  
 1813 be calculated to be no higher than that necessary to recover the  
 1814 facility's prudent cost of providing the service. Upon request  
 1815 by an affected county commission, the Florida Public Service  
 1816 Commission will provide assistance in establishing the fee.  
 1817 Further, for utilities and utility authorities that use the  
 1818 additional line item environmental protection disposal fee, such  
 1819 fee may ~~shall~~ not be considered a rate increase under the rules  
 1820 of the Public Service Commission and shall be exempt from such  
 1821 rules. Utilities using the provisions of this section may  
 1822 immediately include in their sewer invoicing the new  
 1823 environmental protection disposal fee. Proceeds from this  
 1824 environmental protection disposal fee shall be used for  
 1825 treatment and disposal of wastewater residuals, including any



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1826 treatment technology that helps reduce the volume of residuals  
1827 that require final disposal, but such proceeds may ~~shall~~ not be  
1828 used for transportation or shipment costs for disposal or any  
1829 costs relating to the land application of residuals in the Lake  
1830 Okeechobee watershed.

1831 c. No less frequently than once every 3 years, the Florida  
1832 Public Service Commission or the county commission through the  
1833 services of an independent auditor shall perform a financial  
1834 audit of all facilities receiving compensation from an  
1835 environmental protection disposal fee. The Florida Public  
1836 Service Commission or the county commission through the services  
1837 of an independent auditor shall also perform an audit of the  
1838 methodology used in establishing the environmental protection  
1839 disposal fee. The Florida Public Service Commission or the  
1840 county commission shall, within 120 days after completion of an  
1841 audit, file the audit report with the President of the Senate  
1842 and the Speaker of the House of Representatives and shall  
1843 provide copies to the county commissions of the counties set  
1844 forth in sub-subparagraph b. The books and records of any  
1845 facilities receiving compensation from an environmental  
1846 protection disposal fee shall be open to the Florida Public  
1847 Service Commission and the Auditor General for review upon  
1848 request.

1849 7. The Department of Health shall require all entities  
1850 disposing of septage within the Lake Okeechobee watershed to



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1851 develop and submit to that agency an agricultural use plan that  
1852 limits applications based upon phosphorus loading. By July 1,  
1853 2005, phosphorus concentrations originating from these  
1854 application sites may ~~shall~~ not exceed the limits established in  
1855 the district's WOD program.

1856 8. The Department of Agriculture and Consumer Services  
1857 shall initiate rulemaking requiring entities within the Lake  
1858 Okeechobee watershed which land-apply animal manure to develop  
1859 resource management system level conservation plans, according  
1860 to United States Department of Agriculture criteria, which limit  
1861 such application. Such rules may include criteria and thresholds  
1862 for the requirement to develop a conservation or nutrient  
1863 management plan, requirements for plan approval, and  
1864 recordkeeping requirements.

1865 9. The district, the department, or the Department of  
1866 Agriculture and Consumer Services, as appropriate, shall  
1867 implement those alternative nutrient reduction technologies  
1868 determined to be feasible pursuant to subparagraph (d)6.

1869 Section 40. Paragraph (e) of subsection (2) and paragraph  
1870 (b) of subsection (26) of section 380.06, Florida Statutes, are  
1871 amended to read:

1872 380.06 Developments of regional impact.—

1873 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1874 (e) With respect to residential, hotel, motel, office, and  
1875 retail developments, the applicable guidelines and standards



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1876 shall be increased by 50 percent in urban central business  
1877 districts and regional activity centers of jurisdictions whose  
1878 local comprehensive plans are in compliance with part II of  
1879 chapter 163. With respect to multiuse developments, the  
1880 applicable individual use guidelines and standards for  
1881 residential, hotel, motel, office, and retail developments and  
1882 multiuse guidelines and standards shall be increased by 100  
1883 percent in urban central business districts and regional  
1884 activity centers of jurisdictions whose local comprehensive  
1885 plans are in compliance with part II of chapter 163, if one land  
1886 use of the multiuse development is residential and amounts to  
1887 not less than 35 percent of the jurisdiction's applicable  
1888 residential threshold. With respect to resort or convention  
1889 hotel developments, the applicable guidelines and standards  
1890 shall be increased by 150 percent in urban central business  
1891 districts and regional activity centers of jurisdictions whose  
1892 local comprehensive plans are in compliance with part II of  
1893 chapter 163 and where the increase is specifically for a  
1894 proposed resort or convention hotel located in a county with a  
1895 population greater than 500,000 and the local government  
1896 specifically designates that the proposed resort or convention  
1897 hotel development will serve an existing convention center of  
1898 more than 250,000 gross square feet built before ~~prior to~~ July  
1899 1, 1992. The applicable guidelines and standards shall be  
1900 increased by 150 percent for development in any area designated



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1901 by the Governor as a rural area of opportunity ~~critical economic~~  
 1902 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the  
 1903 designation.

1904 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

1905 (b) Upon receipt of written confirmation from the state  
 1906 land planning agency that any required mitigation applicable to  
 1907 completed development has occurred, an industrial development of  
 1908 regional impact located within the coastal high-hazard area of a  
 1909 rural area of opportunity ~~county of economic concern~~ which was  
 1910 approved before ~~prior to~~ the adoption of the local government's  
 1911 comprehensive plan required under s. 163.3167 and which plan's  
 1912 future land use map and zoning designates the land use for the  
 1913 development of regional impact as commercial may be unilaterally  
 1914 abandoned without the need to proceed through the process  
 1915 described in paragraph (a) if the developer or owner provides a  
 1916 notice of abandonment to the local government and records such  
 1917 notice with the applicable clerk of court. Abandonment shall be  
 1918 deemed to have occurred upon the recording of the notice. All  
 1919 development following abandonment shall be fully consistent with  
 1920 the current comprehensive plan and applicable zoning.

1921 Section 41. Paragraph (g) of subsection (3) and paragraph  
 1922 (c) of subsection (4) of section 380.0651, Florida Statutes, are  
 1923 amended to read:

1924 380.0651 Statewide guidelines and standards.—

1925 (3) The following statewide guidelines and standards shall



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1926 | be applied in the manner described in s. 380.06(2) to determine  
1927 | whether the following developments shall be required to undergo  
1928 | development-of-regional-impact review:

1929 |       (g) *Residential development.*—~~A~~ ~~Ne~~ rule may not be adopted  
1930 | concerning residential developments which treats a residential  
1931 | development in one county as being located in a less populated  
1932 | adjacent county unless more than 25 percent of the development  
1933 | is located within 2 ~~or less~~ miles or less of the less populated  
1934 | adjacent county. The residential thresholds of adjacent counties  
1935 | with less population and a lower threshold may ~~shall~~ not be  
1936 | controlling on any development wholly located within areas  
1937 | designated as rural areas of opportunity ~~critical economic~~  
1938 | ~~concern~~.

1939 |       (4) Two or more developments, represented by their owners  
1940 | or developers to be separate developments, shall be aggregated  
1941 | and treated as a single development under this chapter when they  
1942 | are determined to be part of a unified plan of development and  
1943 | are physically proximate to one other.

1944 |       (c) Aggregation is not applicable when the following  
1945 | circumstances and provisions of this chapter are applicable:

1946 |           1. Developments which are otherwise subject to aggregation  
1947 | with a development of regional impact which has received  
1948 | approval through the issuance of a final development order shall  
1949 | not be aggregated with the approved development of regional  
1950 | impact. However, nothing contained in this subparagraph shall



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1951 preclude the state land planning agency from evaluating an  
1952 allegedly separate development as a substantial deviation  
1953 pursuant to s. 380.06(19) or as an independent development of  
1954 regional impact.

1955 2. Two or more developments, each of which is  
1956 independently a development of regional impact that has or will  
1957 obtain a development order pursuant to s. 380.06.

1958 3. Completion of any development that has been vested  
1959 pursuant to s. 380.05 or s. 380.06, including vested rights  
1960 arising out of agreements entered into with the state land  
1961 planning agency for purposes of resolving vested rights issues.  
1962 Development-of-regional-impact review of additions to vested  
1963 developments of regional impact shall not include review of the  
1964 impacts resulting from the vested portions of the development.

1965 4. The developments sought to be aggregated were  
1966 authorized to commence development prior to September 1, 1988,  
1967 and could not have been required to be aggregated under the law  
1968 existing prior to that date.

1969 5. Any development that qualifies for an exemption under  
1970 s. 380.06(29).

1971 Section 42. Paragraph (b) of subsection (2) of section  
1972 985.686, Florida Statutes, is amended to read:

1973 985.686 Shared county and state responsibility for  
1974 juvenile detention.—

1975 (2) As used in this section, the term:



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1976 (b) "Fiscally constrained county" means a county within a  
1977 rural area of opportunity ~~critical economic concern~~ as  
1978 designated by the Governor pursuant to s. 288.0656 or each  
1979 county for which the value of a mill will raise no more than \$5  
1980 million in revenue, based on the certified school taxable value  
1981 certified pursuant to s. 1011.62(4)(a)1.a., from the previous  
1982 July 1.

1983 Section 43. Subsection (2) of section 1011.76, Florida  
1984 Statutes, is amended to read:

1985 1011.76 Small School District Stabilization Program.—

1986 (2) In order to participate in this program, a school  
1987 district must be located in a rural area of opportunity ~~critical~~  
1988 ~~economic concern~~ designated by the Executive Office of the  
1989 Governor, and the district school board must submit a resolution  
1990 to the Department of Economic Opportunity requesting  
1991 participation in the program. A rural area of opportunity  
1992 ~~critical economic concern~~ must be a rural community, or a region  
1993 composed of such, that has been adversely affected by an  
1994 extraordinary economic event or a natural disaster or that  
1995 presents a unique economic development concern or opportunity of  
1996 regional impact. The resolution must be accompanied by ~~with~~  
1997 documentation of the economic conditions in the community and  
1998 provide information indicating the negative impact of these  
1999 conditions on the school district's financial stability, and the  
2000 school district must participate in a best financial management





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2001 | practices review to determine potential efficiencies that could  
 2002 | be implemented to reduce program costs in the district.

2003 |       Section 44. Paragraph (a) of subsection (4) of section  
 2004 | 215.425, Florida Statutes, is amended to read:

2005 |       215.425 Extra compensation claims prohibited; bonuses;  
 2006 | severance pay.—

2007 |       (4) (a) On or after July 1, 2011, a unit of government that  
 2008 | enters into a contract or employment agreement, or renewal or  
 2009 | renegotiation of an existing contract or employment agreement,  
 2010 | that contains a provision for severance pay with an officer,  
 2011 | agent, employee, or contractor must include the following  
 2012 | provisions in the contract:

2013 |       1. A requirement that severance pay provided may not  
 2014 | exceed an amount greater than 20 weeks of compensation.

2015 |       2. A prohibition of provision of severance pay when the  
 2016 | officer, agent, employee, or contractor has been fired for  
 2017 | misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the  
 2018 | unit of government.

2019 |       Section 45. Paragraph (f) of subsection (13) of section  
 2020 | 443.1216, Florida Statutes, is amended to read:

2021 |       443.1216 Employment.—Employment, as defined in s. 443.036,  
 2022 | is subject to this chapter under the following conditions:

2023 |       (13) The following are exempt from coverage under this  
 2024 | chapter:

2025 |       (f) Service performed in the employ of a public employer



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2026 as defined in s. 443.036, except as provided in subsection (2),  
2027 and service performed in the employ of an instrumentality of a  
2028 public employer as described in s. 443.036(35) (b) or (c) ~~s.~~  
2029 ~~443.036(36) (b) or (c)~~, to the extent that the instrumentality is  
2030 immune under the United States Constitution from the tax imposed  
2031 by s. 3301 of the Internal Revenue Code for that service.

2032 Section 46. (1) Any building permit, and any permit  
2033 issued by the Department of Environmental Protection or by a  
2034 water management district pursuant to part IV of chapter 373,  
2035 Florida Statutes, which has an expiration date from January 1,  
2036 2014, through January 1, 2016, is extended and renewed for a  
2037 period of 2 years after its previously scheduled date of  
2038 expiration. This extension includes any local government-issued  
2039 development order or building permit including certificates of  
2040 levels of service. This section does not prohibit conversion  
2041 from the construction phase to the operation phase upon  
2042 completion of construction. This extension is in addition to any  
2043 existing permit extension. Extensions granted pursuant to this  
2044 section; s. 14 of chapter 2009-96, Laws of Florida, as  
2045 reauthorized by s. 47 of chapter 2010-147, Laws of Florida; s.  
2046 46 of chapter 2010-147, Laws of Florida; s. 73 or s. 79 of  
2047 chapter 2011-139, Laws of Florida; or s. 24 of chapter 2012-205,  
2048 Laws of Florida, may not exceed 4 years in total. Further,  
2049 specific development order extensions granted pursuant to s.  
2050 380.06(19) (c)2., Florida Statutes, may not be further extended



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2051 by this section.

2052 (2) The commencement and completion dates for any required  
2053 mitigation associated with a phased construction project are  
2054 extended so that mitigation takes place in the same timeframe  
2055 relative to the phase as originally permitted.

2056 (3) The holder of a valid permit or other authorization  
2057 that is eligible for the 2-year extension must notify the  
2058 authorizing agency in writing by December 31, 2014, identifying  
2059 the specific authorization for which the holder intends to use  
2060 the extension and the anticipated timeframe for acting on the  
2061 authorization.

2062 (4) The extension provided in subsection (1) does not  
2063 apply to:

2064 (a) A permit or other authorization under any programmatic  
2065 or regional general permit issued by the Army Corps of  
2066 Engineers.

2067 (b) A permit or other authorization held by an owner or  
2068 operator determined to be in significant noncompliance with the  
2069 conditions of the permit or authorization as established through  
2070 the issuance of a warning letter or notice of violation, the  
2071 initiation of formal enforcement, or other equivalent action by  
2072 the authorizing agency.

2073 (c) A permit or other authorization, if granted an  
2074 extension that would delay or prevent compliance with a court  
2075 order.



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2076       (5) Permits extended under this section shall continue to  
 2077 be governed by the rules in effect at the time the permit was  
 2078 issued unless it is demonstrated that the rules in effect at the  
 2079 time the permit was issued would create an immediate threat to  
 2080 public safety or health. This provision applies to any  
 2081 modification of the plans, terms, and conditions of the permit  
 2082 which lessens the environmental impact, except that any such  
 2083 modification does not extend the time limit beyond 2 additional  
 2084 years.

2085       (6) This section does not impair the authority of a county  
 2086 or municipality to require the owner of a property who has  
 2087 notified the county or municipality of the owner's intent to  
 2088 receive the extension of time granted pursuant to this section  
 2089 to maintain and secure the property in a safe and sanitary  
 2090 condition in compliance with applicable laws and ordinances.

2091       Section 47. Part XIV of chapter 288, Florida Statutes,  
 2092 consisting of ss. 288.993-288.9937, is created and entitled  
 2093 "Microfinance Programs."

2094       Section 48. Section 288.993, Florida Statutes, is created  
 2095 to read:

2096       288.993 Short title.—This part may be cited as the  
 2097 "Florida Microfinance Act."

2098       Section 49. Section 288.9931, Florida Statutes, is created  
 2099 to read:

2100       288.9931 Legislative findings and intent.—The Legislature



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2101 finds that the ability of entrepreneurs and small businesses to  
2102 access capital is vital to the overall health and growth of this  
2103 state's economy; however, access to capital is limited by the  
2104 lack of available credit for entrepreneurs and small businesses  
2105 in this state. The Legislature further finds that entrepreneurs  
2106 and small businesses could be assisted through the creation of a  
2107 program that will provide an avenue for entrepreneurs and small  
2108 businesses in this state to access credit. Additionally, the  
2109 Legislature finds that business management training, business  
2110 development training, and technical assistance are necessary to  
2111 ensure that entrepreneurs and small businesses that receive  
2112 credit develop the skills necessary to grow and achieve long-  
2113 term financial stability. The Legislature intends to expand job  
2114 opportunities for this state's workforce by expanding access to  
2115 credit to entrepreneurs and small businesses. Furthermore, the  
2116 Legislature intends to avoid duplicating existing programs and  
2117 to coordinate, assist, augment, and improve access to those  
2118 programs for entrepreneurs and small businesses in this state.

2119 Section 50. Section 288.9932, Florida Statutes, is created  
2120 to read:

2121 288.9932 Definitions.—As used in this part, the term:

2122 (1) "Applicant" means an entrepreneur or small business  
2123 that applies to a loan administrator for a microloan.

2124 (2) "Domiciled in this state" means authorized to do  
2125 business in this state and located in this state.



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2126       (3) "Entrepreneur" means an individual residing in this  
2127 state who desires to assume the risk of organizing, managing,  
2128 and operating a small business in this state.

2129       (4) "Network" means the Florida Small Business Development  
2130 Center Network.

2131       (5) "Small business" means a business, regardless of  
2132 corporate structure, domiciled in this state which employs 25 or  
2133 fewer people and generated average annual gross revenues of \$1.5  
2134 million or less per year for the preceding 2 years. For the  
2135 purposes of this part, the identity of a small business is not  
2136 affected by name changes or changes in personnel.

2137       Section 51. Section 288.9933, Florida Statutes, is created  
2138 to read:

2139       288.9933 Rulemaking authority.—The department may adopt  
2140 rules to implement this part.

2141       Section 52. Section 288.9934, Florida Statutes, is created  
2142 to read:

2143       288.9934 Microfinance Loan Program.—

2144       (1) PURPOSE.—The Microfinance Loan Program is established  
2145 in the department to make short-term, fixed-rate microloans in  
2146 conjunction with business management training, business  
2147 development training, and technical assistance to entrepreneurs  
2148 and newly established or growing small businesses for start-up  
2149 costs, working capital, and the acquisition of materials,  
2150 supplies, furniture, fixtures, and equipment. Participation in



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2151 | the loan program is intended to enable entrepreneurs and small  
 2152 | businesses to access private financing upon completing the loan  
 2153 | program.

2154 | (2) DEFINITION.—As used in this section, the term "loan  
 2155 | administrator" means an entity that enters into a contract with  
 2156 | the department pursuant to this section to administer the loan  
 2157 | program.

2158 | (3) REQUEST FOR PROPOSAL.—

2159 | (a) By December 1, 2014, the department shall contract  
 2160 | with at least one but not more than three entities to administer  
 2161 | the loan program for a term of 3 years. The department shall  
 2162 | award the contract in accordance with the request for proposal  
 2163 | requirements in s. 287.057 to an entity that:

2164 | 1. Is a corporation registered in this state;  
 2165 | 2. Does not offer checking accounts or savings accounts;  
 2166 | 3. Demonstrates that its board of directors and managers  
 2167 | are experienced in microlending and small business finance and  
 2168 | development;

2169 | 4. Demonstrates that it has the technical skills and  
 2170 | sufficient resources and expertise to:

2171 | a. Analyze and evaluate applications by entrepreneurs and  
 2172 | small businesses applying for microloans;

2173 | b. Underwrite and service microloans provided pursuant to  
 2174 | this part; and

2175 | c. Coordinate the provision of such business management



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2176 training, business development training, and technical  
2177 assistance as required by this part.

2178 5. Demonstrates that it has established viable, existing  
2179 partnerships with public and private nonstate funding sources,  
2180 economic development agencies, and workforce development and job  
2181 referral networks; and

2182 6. Demonstrates that it has a plan that includes proposed  
2183 microlending activities under the loan program, including, but  
2184 not limited to, the types of entrepreneurs and businesses to be  
2185 assisted and the size and range of loans the loan administrator  
2186 intends to make.

2187 (b) To ensure that prospective loan administrators meet  
2188 the requirements of subparagraphs (a)2.-6., the request for  
2189 proposal must require submission of the following information:

2190 1. A description of the types of entrepreneurs and small  
2191 businesses the loan administrator has assisted in the past, and  
2192 the average size and terms of loans made in the past to such  
2193 entities;

2194 2. A description of the experience of members of the board  
2195 of directors and managers in the areas of microlending and small  
2196 business finance and development;

2197 3. A description of the loan administrator's underwriting  
2198 and credit policies and procedures, credit decisionmaking  
2199 process, monitoring policies and procedures, and collection  
2200 practices, and samples of any currently used loan documentation;





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2201       4. A description of the nonstate funding sources that will  
2202 be used by the loan administrator in conjunction with the state  
2203 funds to make microloans pursuant to this section;

2204       5. The loan administrator's three most recent financial  
2205 audits or, if no prior audits have been completed, the loan  
2206 administrator's three most recent unaudited financial  
2207 statements; and

2208       6. A conflict of interest statement from the loan  
2209 administrator's board of directors certifying that a board  
2210 member, employee, or agent, or an immediate family member  
2211 thereof, or any other person connected to or affiliated with the  
2212 loan administrator, is not receiving or will not receive any  
2213 type of compensation or remuneration from an entrepreneur or  
2214 small business that has received or will receive funds from the  
2215 loan program. The department may waive this requirement for good  
2216 cause shown. As used in this subparagraph, the term "immediate  
2217 family" means a parent, child, or spouse, or any other relative  
2218 by blood, marriage, or adoption, of a board member, employee, or  
2219 agent of the loan administrator.

2220       (4) CONTRACT AND AWARD OF FUNDS.—

2221       (a) The selected loan administrator must enter into a  
2222 contract with the department for a term of 3 years to receive  
2223 state funds for the loan program. Funds appropriated to the  
2224 program must be reinvested and maintained as a long-term and  
2225 stable source of funding for the program. The amount of state



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2226 funds used in any microloan made pursuant to this part may not  
2227 exceed 50 percent of the total microloan amount. The department  
2228 shall establish financial performance measures and objectives  
2229 for the loan program and for the loan administrator in order to  
2230 maximize the state funds awarded.

2231 (b) State funds may be used only to provide direct  
2232 microloans to entrepreneurs and small businesses according to  
2233 the limitations, terms, and conditions provided in this part.  
2234 Except as provided in subsection (5), state funds may not be  
2235 used to pay administrative costs, underwriting costs, servicing  
2236 costs, or any other costs associated with providing microloans,  
2237 business management training, business development training, or  
2238 technical assistance.

2239 (c) The loan administrator shall reserve 10 percent of the  
2240 total award amount from the department to provide microloans  
2241 pursuant to this part to entrepreneurs and small businesses that  
2242 employ no more than five people and generate annual gross  
2243 revenues averaging no more than \$250,000 per year for the last 2  
2244 years.

2245 (d)1. If the loan program is appropriated funding in a  
2246 fiscal year, the department shall distribute such funds to the  
2247 loan administrator within 30 days of the execution of the  
2248 contract by the department and the loan administrator.

2249 2. The total amount of funding allocated to the loan  
2250 administrator in a fiscal year may not exceed the amount



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2251 appropriated for the loan program in the same fiscal year. If  
2252 the funds appropriated to the loan program in a fiscal year  
2253 exceed the amount of state funds received by the loan  
2254 administrator, such excess funds shall revert to the General  
2255 Revenue Fund.

2256 (e) Within 30 days of executing its contract with the  
2257 department, the loan administrator must enter into a memorandum  
2258 of understanding with the network:

2259 1. For the provision of business management training,  
2260 business development training, and technical assistance to  
2261 entrepreneurs and small businesses that receive microloans under  
2262 this part; and

2263 2. To promote the program to underserved entrepreneurs and  
2264 small businesses.

2265 (f) By September 1, 2014, the department shall review  
2266 industry best practices and determine the minimum business  
2267 management training, business development training, and  
2268 technical assistance that must be provided by the network to  
2269 achieve the goals of this part.

2270 (g) The loan administrator must meet the requirements of  
2271 this section, the terms of its contract with the department, and  
2272 any other applicable state or federal laws to be eligible to  
2273 receive funds in any fiscal year. The contract with the loan  
2274 administrator must specify any sanctions for the loan  
2275 administrator's failure to comply with the contract or this



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2276 part.

2277 (5) FEES.—

2278 (a) Except as provided in this section, the department may

2279 not charge fees or interest or require collateral from the loan

2280 administrator. The department may charge an annual fee or

2281 interest of up to 80 percent of the Federal Funds Rate as of the

2282 date specified in the contract for state funds received under

2283 the loan program. The department shall require as collateral an

2284 assignment of the notes receivable of the microloans made by the

2285 loan administrator under the loan program.

2286 (b) The loan administrator is entitled to retain a one-

2287 time administrative servicing fee of 1 percent of the total

2288 award amount to offset the administrative costs of underwriting

2289 and servicing microloans made pursuant to this part. This fee

2290 may not be charged to or paid by microloan borrowers

2291 participating in the loan program. Except as provided in

2292 subsection (7)(c), the loan administrator may not be required to

2293 return this fee to the department.

2294 (c) The loan administrator may not charge interest, fees,

2295 or costs except as authorized in subsection (9).

2296 (d) Except as provided in subsection (7), the loan

2297 administrator is not required to return the interest, fees, or

2298 costs authorized under subsection (9).

2299 (6) REPAYMENT OF AWARD FUNDS.—

2300 (a) After collecting interest and any fees or costs



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2301 permitted under this section in satisfaction of all microloans  
2302 made pursuant to this part, the loan administrator shall remit  
2303 to the department the microloan principal collected from all  
2304 microloans made with state funds received under this part.

2305 Repayment of microloan principal to the department may be  
2306 deferred by the department for a period not to exceed 6 months;  
2307 however, the loan administrator may not provide a microloan  
2308 under this part after the contract with the department expires.

2309 (b) If for any reason the loan administrator is unable to  
2310 make repayments to the department in accordance with the  
2311 contract, the department may accelerate maturity of the state  
2312 funds awarded and demand repayment in full. In this event, or if  
2313 a loan administrator violates this part or the terms of its  
2314 contract, the loan administrator shall surrender to the  
2315 department possession of all collateral required pursuant to  
2316 subsection (5). Any loss or deficiency greater than the value of  
2317 the collateral may be recovered by the department from the loan  
2318 administrator.

2319 (c) In the event of a default as specified in the  
2320 contract, termination of the contract, or violation of this  
2321 section, the state may, in addition to any other remedy provided  
2322 by law, bring suit to enforce its interest.

2323 (d) A microloan borrower's default does not relieve the  
2324 loan administrator of its obligation to repay an award to the  
2325 department.



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2326       (7) CONTRACT TERMINATION.—

2327       (a) The loan administrator's contract with the department

2328 may be terminated by the department, and the loan administrator

2329 required to immediately return all state funds awarded,

2330 including any interest, fees, and costs it would otherwise be

2331 entitled to retain pursuant to subsection (5) for that fiscal

2332 year, upon a finding by the department that:

2333       1. The loan administrator has, within the previous 5

2334 years, participated in a state-funded economic development

2335 program in this or any other state and was found to have failed

2336 to comply with the requirements of that program;

2337       2. The loan administrator is currently in material

2338 noncompliance with any statute, rule, or program administered by

2339 the department;

2340       3. The loan administrator or any member of its board of

2341 directors, officers, partners, managers, or shareholders has

2342 pled no contest or been found guilty, regardless of whether

2343 adjudication was withheld, of any felony or any misdemeanor

2344 involving fraud, misrepresentation, or dishonesty;

2345       4. The loan administrator failed to meet or agree to the

2346 terms of the contract with the department or failed to meet this

2347 part; or

2348       5. The department finds that the loan administrator

2349 provided fraudulent or misleading information to the department.

2350       (b) The loan administrator's contract with the department



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2351 may be terminated by the department at any time for any reason  
2352 upon 30 days' notice by the department. In such a circumstance,  
2353 the loan administrator shall return all awarded state funds to  
2354 the department within 60 days of the termination. However, the  
2355 loan administrator may retain any interest, fees, or costs it  
2356 has collected pursuant to subsection (5).

2357 (c) The loan administrator's contract with the department  
2358 may be terminated by the loan administrator at any time for any  
2359 reason upon 30 days' notice by the loan administrator. In such a  
2360 circumstance, the loan administrator shall return all awarded  
2361 state funds to the department, including any interest, fees, and  
2362 costs it has retained or would otherwise be entitled to retain  
2363 pursuant to subsection (5), within 30 days of the termination.

2364 (8) AUDITS AND REPORTING.—

2365 (a) The loan administrator shall annually submit to the  
2366 department a financial audit performed by an independent  
2367 certified public accountant and an operational performance audit  
2368 for the most recently completed fiscal year. Both audits must  
2369 indicate whether any material weakness or instances of material  
2370 noncompliance are indicated in the audit.

2371 (b) The loan administrator shall submit quarterly reports  
2372 to the department as required by s. 288.9936(3).

2373 (c) The loan administrator shall make its books and  
2374 records related to the loan program available to the department  
2375 or its designee for inspection upon reasonable notice.



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- 2376        (9) ELIGIBILITY AND APPLICATION.—
- 2377        (a) To be eligible for a microloan, an applicant must, at  
2378 a minimum, be an entrepreneur or small business located in this  
2379 state.
- 2380        (b) Microloans may not be made if the direct or indirect  
2381 purpose or result of granting the microloan would be to:
- 2382            1. Pay off any creditors of the applicant, including the  
2383 refund of a debt owed to a small business investment company  
2384 organized pursuant to 15 U.S.C. s. 681;
- 2385            2. Provide funds, directly or indirectly, for payment,  
2386 distribution, or as a microloan to owners, partners, or  
2387 shareholders of the applicant's business, except as ordinary  
2388 compensation for services rendered;
- 2389            3. Finance the acquisition, construction, improvement, or  
2390 operation of real property which is, or will be, held primarily  
2391 for sale or investment;
- 2392            4. Pay for lobbying activities; or
- 2393            5. Replenish funds used for any of the purposes specified  
2394 in subparagraphs 1.-4.
- 2395        (c) A microloan applicant shall submit a written  
2396 application in the format prescribed by the loan administrator  
2397 and shall pay an application fee not to exceed \$50 to the loan  
2398 administrator.
- 2399        (d) The following minimum terms apply to a microloan made  
2400 by the loan administrator:





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- 2401 |       1. The amount of a microloan may not exceed \$50,000;
- 2402 |       2. A borrower may not receive more than \$75,000 per year
- 2403 | in total microloans;
- 2404 |       3. A borrower may not receive more than two microloans per
- 2405 | year and may not receive more than five microloans in any 3-year
- 2406 | period;
- 2407 |       4. The proceeds of the microloan may be used only for
- 2408 | startup costs, working capital, and the acquisition of
- 2409 | materials, supplies, furniture, fixtures, and equipment;
- 2410 |       5. The period of any microloan may not exceed 1 year;
- 2411 |       6. The interest rate may not exceed the prime rate
- 2412 | published in the Wall Street Journal as of the date specified in
- 2413 | the microloan, plus 1000 basis points;
- 2414 |       7. All microloans must be personally guaranteed;
- 2415 |       8. The borrower must participate in business management
- 2416 | training, business development training, and technical
- 2417 | assistance as determined by the loan administrator in the
- 2418 | microloan agreement;
- 2419 |       9. The borrower shall provide such information as required
- 2420 | by the loan administrator, including monthly job creation and
- 2421 | financial data, in the manner prescribed by the loan
- 2422 | administrator; and
- 2423 |       10. The loan administrator may collect fees for late
- 2424 | payments which are consistent with standard business lending
- 2425 | practices and may recover costs and fees incurred for any



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2426 collection efforts necessitated by a borrower's default.

2427 (e) The department may not review microloans made by the  
2428 loan administrator pursuant to this part before approval of the  
2429 loan by the loan administrator.

2430 (10) STATEWIDE STRATEGIC PLAN.—In implementing this  
2431 section, the department shall be guided by the 5-year statewide  
2432 strategic plan adopted pursuant to s. 20.60(5). The department  
2433 shall promote and advertise the loan program by, among other  
2434 things, cooperating with government, nonprofit, and private  
2435 industry to organize, host, or participate in seminars and other  
2436 forums for entrepreneurs and small businesses.

2437 (11) STUDY.—By December 31, 2014, the department shall  
2438 commence or commission a study to identify methods and best  
2439 practices that will increase access to credit to entrepreneurs  
2440 and small businesses in this state. The study must also explore  
2441 the ability of, and limitations on, Florida nonprofit  
2442 organizations and private financial institutions to expand  
2443 access to credit to entrepreneurs and small businesses in this  
2444 state.

2445 (12) CREDIT OF THE STATE.—With the exception of funds  
2446 appropriated to the loan program by the Legislature, the credit  
2447 of the state may not be pledged. The state is not liable or  
2448 obligated in any way for claims on the loan program or against  
2449 the loan administrator or the department.

2450 Section 53. Section 288.9935, Florida Statutes, is created



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2451 to read:

2452 288.9935 Microfinance Guarantee Program.-

2453 (1) The Microfinance Guarantee Program is established in  
2454 the department. The purpose of the program is to stimulate  
2455 access to credit for entrepreneurs and small businesses in this  
2456 state by providing targeted guarantees to loans made to such  
2457 entrepreneurs and small businesses. Funds appropriated to the  
2458 program must be reinvested and maintained as a long-term and  
2459 stable source of funding for the program.

2460 (2) As used in this section, the term "lender" means a  
2461 financial institution as defined in s. 655.005.

2462 (3) The department must enter into a contract with  
2463 Enterprise Florida, Inc., to administer the Microfinance  
2464 Guarantee Program. In administering the program, Enterprise  
2465 Florida, Inc., must, at a minimum:

2466 (a) Establish lender and borrower eligibility requirements  
2467 in addition to those provided in this section;

2468 (b) Determine a reasonable leverage ratio of loan amounts  
2469 guaranteed to state funds; however, the leverage ratio may not  
2470 exceed 3 to 1;

2471 (c) Establish reasonable fees and interest;

2472 (d) Promote the program to financial institutions that  
2473 provide loans to entrepreneurs and small businesses in order to  
2474 maximize the number of lenders throughout the state which  
2475 participate in the program;



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2476       (e) Enter into a memorandum of understanding with the  
2477 network to promote the program to underserved entrepreneurs and  
2478 small businesses;

2479       (f) Establish limits on the total amount of loan  
2480 guarantees a single lender can receive;

2481       (g) Establish an average loan guarantee amount for loans  
2482 guaranteed under this section;

2483       (h) Establish a risk-sharing strategy to be employed in  
2484 the event of a loan failure; and

2485       (i) Establish financial performance measures and  
2486 objectives for the program in order to maximize the state funds.

2487       (4) Enterprise Florida, Inc., is limited to providing loan  
2488 guarantees for loans with total loan amounts of at least \$50,000  
2489 and not more than \$250,000. A loan guarantee may not exceed 50  
2490 percent of the total loan amount.

2491       (5) Enterprise Florida, Inc., may not guarantee a loan if  
2492 the direct or indirect purpose or result of the loan would be  
2493 to:

2494       (a) Pay off any creditors of the applicant, including the  
2495 refund of a debt owed to a small business investment company  
2496 organized pursuant to 15 U.S.C. s. 681;

2497       (b) Provide funds, directly or indirectly, for payment,  
2498 distribution, or as a loan to owners, partners, or shareholders  
2499 of the applicant's business, except as ordinary compensation for  
2500 services rendered;



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2501 (c) Finance the acquisition, construction, improvement, or  
2502 operation of real property which is, or will be, held primarily  
2503 for sale or investment;

2504 (d) Pay for lobbying activities; or

2505 (e) Replenish funds used for any of the purposes specified  
2506 in paragraphs (a) through (d).

2507 (6) Enterprise Florida, Inc., may not use funds  
2508 appropriated from the state for costs associated with  
2509 administering the guarantee program.

2510 (7) To be eligible to receive a loan guarantee under the  
2511 Microfinance Guarantee Program, a borrower must, at a minimum:

2512 (a) Be an entrepreneur or small business located in this  
2513 state;

2514 (b) Employ 25 or fewer people;

2515 (c) Generate average annual gross revenues of \$1.5 million  
2516 or less per year for the last 2 years; and

2517 (d) Meet any additional requirements established by  
2518 Enterprise Florida, Inc.

2519 (8) By October 1 of each year, Enterprise Florida, Inc.,  
2520 shall submit a complete and detailed annual report to the  
2521 department for inclusion in the department's report required  
2522 under s. 20.60(10). The report must, at a minimum, provide:

2523 (a) A comprehensive description of the program, including  
2524 an evaluation of its application and guarantee activities,  
2525 recommendations for change, and identification of any other



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2526 state programs that overlap with the program;  
2527 (b) An assessment of the current availability of and  
2528 access to credit for entrepreneurs and small businesses in this  
2529 state;  
2530 (c) A summary of the financial and employment results of  
2531 the entrepreneurs and small businesses receiving loan  
2532 guarantees, including the number of full-time equivalent jobs  
2533 created as a result of the guaranteed loans and the amount of  
2534 wages paid to employees in the newly created jobs;  
2535 (d) Industry data about the borrowers, including the six-  
2536 digit North American Industry Classification System (NAICS)  
2537 code;  
2538 (e) The name and location of lenders that receive loan  
2539 guarantees;  
2540 (f) The amount of state funds received by Enterprise  
2541 Florida, Inc.;  
2542 (g) The number of loan guarantee applications received;  
2543 (h) The number, duration, location, and amount of  
2544 guarantees made;  
2545 (i) The number and amount of guaranteed loans outstanding,  
2546 if any;  
2547 (j) The number and amount of guaranteed loans with  
2548 payments overdue, if any;  
2549 (k) The number and amount of guaranteed loans in default,  
2550 if any;



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2551 (l) The repayment history of the guaranteed loans made;  
 2552 and

2553 (m) An evaluation of the program's ability to meet the  
 2554 financial performance measures and objectives specified in  
 2555 subsection (3).

2556 (9) The credit of the state or Enterprise Florida, Inc.,  
 2557 may not be pledged except for funds appropriated by law to the  
 2558 Microfinance Guarantee Program. The state is not liable or  
 2559 obligated in any way for claims on the program or against  
 2560 Enterprise Florida, Inc., or the department.

2561 Section 54. Section 288.9936, Florida Statutes, is created  
 2562 to read:

2563 288.9936 Annual report of the Microfinance Loan Program.-

2564 (1) The department shall include in the report required by  
 2565 s. 20.60(10) a complete and detailed annual report on the  
 2566 Microfinance Loan Program. The report must include:

2567 (a) A comprehensive description of the program, including  
 2568 an evaluation of its application and funding activities,  
 2569 recommendations for change, and identification of any other  
 2570 state programs that overlap with the program;

2571 (b) The financial institutions and the public and private  
 2572 organizations and individuals participating in the program;

2573 (c) An assessment of the current availability of and  
 2574 access to credit for entrepreneurs and small businesses in this  
 2575 state;



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2576        (d) A summary of the financial and employment results of  
2577 the entities receiving microloans;

2578        (e) The number of full-time equivalent jobs created as a  
2579 result of the microloans and the amount of wages paid to  
2580 employees in the newly created jobs;

2581        (f) The number and location of prospective loan  
2582 administrators that responded to the department request for  
2583 proposals;

2584        (g) The amount of state funds received by the loan  
2585 administrator;

2586        (h) The number of microloan applications received by the  
2587 loan administrator;

2588        (i) The number, duration, and location of microloans made  
2589 by the loan administrator, including the aggregate number of  
2590 microloans made to minority business enterprises if available;

2591        (j) The number and amount of microloans outstanding, if  
2592 any;

2593        (k) The number and amount of microloans with payments  
2594 overdue, if any;

2595        (l) The number and amount of microloans in default, if  
2596 any;

2597        (m) The repayment history of the microloans made;

2598        (n) The repayment history and performance of funding  
2599 awards;

2600        (o) An evaluation of the program's ability to meet the





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2601 financial performance measures and objectives specified in s.  
2602 288.9934; and

2603 (p) A description and evaluation of the technical  
2604 assistance and business management and development training  
2605 provided by the network pursuant to its memorandum of  
2606 understanding with the loan administrator.

2607 (2) The department shall submit the report provided to the  
2608 department from Enterprise Florida, Inc., pursuant to  
2609 288.9935(7) for inclusion in the department's annual report  
2610 required under s. 20.60(10).

2611 (3) The department shall require at least quarterly  
2612 reports from the loan administrator. The loan administrator's  
2613 report must include, at a minimum, the number of microloan  
2614 applications received, the number of microloans made, the amount  
2615 and interest rate of each microloan made, the amount of  
2616 technical assistance or business development and management  
2617 training provided, the number of full-time equivalent jobs  
2618 created as a result of the microloans, the amount of wages paid  
2619 to employees in the newly created jobs, the six-digit North  
2620 American Industry Classification System (NAICS) code associated  
2621 with the borrower's business, and the borrower's locations.

2622 (4) The Office of Program Policy Analysis and Government  
2623 Accountability shall conduct a study to evaluate the  
2624 effectiveness and the Office of Economic and Demographic  
2625 Research shall conduct a study to evaluate the return on



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2626 investment of the State Small Business Credit Initiative  
2627 operated in this state pursuant to 12 U.S.C. ss. 5701 et seq.  
2628 The offices shall each submit a report to the President of the  
2629 Senate and the Speaker of the House of Representatives by  
2630 January 1, 2015.

2631 Section 55. Section 288.9937, Florida Statutes, is created  
2632 to read:

2633 288.9937 Evaluation of programs.—The Office of Economic  
2634 and Demographic Research shall analyze, evaluate, and determine  
2635 the economic benefits, as defined in s. 288.005, of the first 3  
2636 years of the Microfinance Loan Program and the Microfinance  
2637 Guarantee Program. The analysis must also evaluate the number of  
2638 jobs created, the increase or decrease in personal income, and  
2639 the impact on state gross domestic product from the direct,  
2640 indirect, and induced effects of the state's investment. The  
2641 analysis must also identify any inefficiencies in the programs  
2642 and provide recommendations for changes to the programs. The  
2643 office shall submit a report to the President of the Senate and  
2644 the Speaker of the House of Representatives by January 1, 2018.  
2645 This section expires January 31, 2018.

2646 Section 56. (1) The executive director of the Department  
2647 of Economic Opportunity is authorized, and all conditions are  
2648 deemed to be met, to adopt emergency rules pursuant to ss.  
2649 120.536(1) and 120.54(4), Florida Statutes, for the purpose of  
2650 implementing this act.



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2651 | (2) Notwithstanding any other provision of law, the  
2652 | emergency rules adopted pursuant to subsection (1) remain in  
2653 | effect for 6 months after adoption and may be renewed during the  
2654 | pendency of procedures to adopt permanent rules addressing the  
2655 | subject of the emergency rules.

2656 | (3) This section shall expire October 1, 2015.

2657 | Section 57. For the 2014-2015 fiscal year, the sum of \$10  
2658 | million in nonrecurring funds from the General Revenue Fund is  
2659 | appropriated to the Department of Economic Opportunity to  
2660 | implement this act. From these nonrecurring funds, the  
2661 | Department of Economic Opportunity and Enterprise Florida, Inc.,  
2662 | may spend up to \$100,000 to market and promote the programs  
2663 | created in this act. For the 2014-2015 fiscal year, one full-  
2664 | time equivalent position is authorized with 55,000 of salary  
2665 | rate, and \$64,759 of recurring funds and \$3,018 of nonrecurring  
2666 | funds from the State Economic Enhancement and Development Trust  
2667 | Fund, \$12,931 of recurring funds and \$604 of nonrecurring funds  
2668 | from the Tourism Promotional Trust Fund, and \$3,233 of recurring  
2669 | funds and \$151 of nonrecurring funds from the Florida  
2670 | International Trade and Promotion Trust Fund are appropriated to  
2671 | the Department of Economic Opportunity to implement this act.

2672 | Section 58. This act shall take effect July 1, 2014.