

HB 61

2019

A bill to be entitled
 An act relating to the Small Business Road
 Construction Mitigation Grant Program; creating s.
 339.28154, F.S.; providing legislative findings;
 requiring the Department of Transportation to create a
 Small Business Road Construction Mitigation Grant
 Program; defining the terms "construction mitigation
 zone" and "qualified business"; requiring the
 department to disburse grants to qualified businesses
 for the purpose of maintaining the businesses during a
 road construction project of the department; limiting
 the amount of each grant; providing application and
 eligibility requirements; requiring the Department of
 Economic Opportunity to provide assistance under
 certain circumstances; providing for prioritization of
 awards; providing that any grant awarded offsets any
 civil damages against the Department of
 Transportation; requiring the department to report to
 the Legislature and initiate rulemaking by specified
 dates; providing an effective date.

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

Section 1. Section 339.28154, Florida Statutes, is created
 to read:

26 339.28154 Small Business Road Construction Mitigation
27 Grant Program.—

28 (1) The Legislature finds that it is in the best interest
29 of the state to support small businesses that are negatively
30 impacted by state road construction projects and to mitigate the
31 negative impacts on such businesses. While the benefit of road
32 construction and development by the state ultimately helps small
33 business growth, small businesses may experience, in the short
34 term, decreased revenue that may decrease economic activity,
35 state revenue, and employment.

36 (2) The department shall, subject to legislative
37 appropriation, create a Small Business Road Construction
38 Mitigation Grant Program to provide support for qualified
39 businesses that are impacted by state road construction
40 projects.

41 (3) As used in this section, the term:

42 (a) "Construction mitigation zone" means a geographic area
43 with a high concentration of qualified businesses which is
44 designated by the department as being impacted by a road
45 construction project of the department.

46 (b) "Qualified business" means an entity that:

- 47 1. Is engaged in a for-profit business enterprise;
48 2. Employs up to 40 full-time or part-time employees; and
49 3. Is located in a construction mitigation zone.

50 (4)(a) The department shall disburse grants to qualified

businesses for the purpose of maintaining the businesses during the road construction project.

(b) The grant to each qualified business may not exceed the decline in revenue demonstrated by the business or \$15,000 per calendar year, whichever is less.

(c) A qualified business may apply to the department for a grant only for a road construction project lasting 90 days or more. To be eligible for a grant, the qualified business must demonstrate in its application a significant decline in revenue, including timelines connecting the project to such decline in revenue, in a format and manner prescribed by the department. The Department of Economic Opportunity shall, upon request and at no cost to the applicant, assist an applicant in preparing documentation to demonstrate such decline.

(5) The department shall prioritize the award of each grant on a case-by-case basis using all of the following criteria:

- (a) Rate of decline in revenue.
- (b) Duration of construction.
- (c) Proximity to construction.
- (d) Severity of traffic disruption.
- (e) Lack of access to parking.
- (f) Lack of access for pedestrian traffic.
- (g) Any other criteria the department determines to be relevant.

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76 (6) Any grant received shall offset any damages awarded in
77 a civil action against the department relating to the road
78 construction project.

79 (7) On or before January 31, 2020, the department shall
80 submit a report to the President of the Senate and the Speaker
81 of the House of Representatives detailing best practices and
82 methods to reduce the negative impacts of road construction
83 projects on qualified businesses, including a list of
84 recommendations.

85 (8) By August 31, 2019, the department shall initiate
86 rulemaking to implement this section.

87 Section 2. This act shall take effect July 1, 2019.