

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Development &
2 Tourism Subcommittee

3 Representative Boyd offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7
8 Section 1. Section 163.325 is created to read:

9 163.325 Short title.—Sections 163.325-163.3253 may be cited
10 as the "Manufacturing Competitiveness Act."

11 Section 2. Section 163.3251 is created to read:

12 163.3251 Definitions.—As used in ss. 163.3251-163.3253, the
13 term:

14 (1) "Department" means the Department of Economic
15 Opportunity.

16 (2) "Local government development approval" means a local
17 land development permit, order, or other approval issued by a
18 local government, or any modification of such permit, order, or
19 approval, which is required for a manufacturer to physically
20 locate or expand and includes, but is not limited to, the review

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21 and approval of a master development plan required under s.
22 163.3252(2)(c).

23 (3) "Local manufacturing development program" means a
24 program enacted by a local government for approval of master
25 development plans under s. 163.3252.

26 (4) "Manufacturer" means a business that is classified in
27 Sectors 31-33 of the National American Industry Classification
28 System (NAICS) and is located, or intends to locate, within the
29 geographic boundaries of an area designated by a local
30 government as provided under s. 163.3252.

31 (5) "Participating agency" means:

32 (a) The Department of Environmental Protection.

33 (b) The Department of Transportation.

34 (c) The Fish and Wildlife Conservation Commission, when
35 acting pursuant to statutory authority granted by the
36 Legislature.

37 (d) Water management districts.

38 (6) "State development approval" means a state or regional
39 permit or other approval issued by a participating agency, or
40 any modification of such permit or approval, which must be
41 obtained before the development or expansion of a manufacturer's
42 site, and includes, but is not limited to, those specified in s.
43 163.3253(1).

44 Section 3. Section 163.3252 is created to read:

45 163.3252 Local manufacturing development program; master
46 development approval for manufacturers.—A local government may
47 adopt an ordinance establishing a local manufacturing
48 development program through which the local government may grant

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49 master development approval for the development or expansion of
50 sites that are, or are proposed to be, operated by manufacturers
51 at specified locations within the local government's geographic
52 boundaries.

53 (1) (a) A local government that elects to establish a local
54 manufacturing development program shall submit a copy of the
55 ordinance establishing the program to the department within 20
56 days after the ordinance is enacted.

57 (b) A local government ordinance adopted before the
58 effective date of this act establishes a local manufacturing
59 development program if it satisfies the minimum criteria
60 established in subsection (3) and if the local government
61 submits a copy of the ordinance to the department on or before
62 September 1, 2013.

63 (2) By December 1, 2013, the department shall develop a
64 model ordinance to guide local governments that intend to
65 establish a local manufacturing development program. The model
66 ordinance, which need not be adopted by a local government, must
67 include:

68 (a) Procedures for a manufacturer to apply for a master
69 development plan and procedures for a local government to review
70 and approve a master development plan.

71 (b) Identification of those areas within the local
72 government's jurisdiction which are subject to the program.

73 (c) Minimum elements for a master development plan,
74 including, but not limited to:

75 1. A site map.

76 2. A list proposing the site's land uses.

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77 3. Maximum square footage, floor area ratio, and building
78 heights for future development on the site, specifying with
79 particularity those features and facilities for which the local
80 government will require the establishment of maximum dimensions.

81 4. Development conditions.

82 (d) A list of the development impacts, if applicable to the
83 proposed site, which the local government will require to be
84 addressed in a master development plan, including, but not
85 limited to:

86 1. Drainage.

87 2. Wastewater.

88 3. Potable water.

89 4. Solid waste.

90 5. Onsite and offsite natural resources.

91 6. Preservation of historic and archeological resources.

92 7. Offsite infrastructure.

93 8. Public services.

94 9. Compatibility with adjacent offsite land uses.

95 10. Vehicular and pedestrian entrance to and exit from the
96 site.

97 11. Offsite transportation impacts.

98 (e) A provision vesting any existing development rights
99 authorized by the local government before the approval of a
100 master development plan, if requested by the manufacturer.

101 (f) Whether an expiration date is required for a master
102 development plan and, if required, a provision stating that the
103 expiration date may not be earlier than 10 years after the
104 plan's adoption.

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105 (g) A provision limiting the circumstances that require an
106 amendment to an approved master development plan to the
107 following:

108 1. Enactment of state law or local ordinance addressing an
109 immediate and direct threat to the public safety that requires
110 an amendment to the master development order.

111 2. Any revision to the master development plan initiated by
112 the manufacturer.

113 (h) A provision stating that the scope of review for any
114 amendment to a master development plan is limited to the
115 amendment and does not subject any other provision of the
116 approved master development plan to further review.

117 (i) A provision stating that, during the term of a master
118 development plan, the local government may not require
119 additional local development approvals for those development
120 impacts listed in paragraph (d) that are addressed in the master
121 development plan, other than approval of a building permit to
122 ensure compliance with the state building code and any other
123 applicable state-mandated life and safety code.

124 (j) A provision stating that, before commencing
125 construction or site development work, the manufacturer must
126 submit a certification, signed by a licensed architect,
127 engineer, or landscape architect, attesting that such work
128 complies with the master development plan.

129 (k) A provision establishing the form that will be used by
130 the local government to certify that a manufacturer is eligible
131 to participate in the local manufacturing development program
132 adopted by that jurisdiction.

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133 (3) A local manufacturing development program ordinance
134 must, at a minimum, be consistent with subsection (2) and
135 establish procedures for:

136 (a) Reviewing an application from a manufacturer for
137 approval of a master development plan.

138 (b) Approving a master development plan, which may include
139 conditions that address development impacts anticipated during
140 the life of the development.

141 (c) Developing the site in a manner consistent with the
142 master development plan without requiring additional local
143 development approvals other than building permits.

144 (d) Certifying that a manufacturer is eligible to
145 participate in the local manufacturing development program.

146 (4) (a) A local government that establishes a local
147 manufacturing development program may not abolish the program
148 until it has been in effect for at least 24 months.

149 (b) If a local government repeals its local manufacturing
150 development program ordinance:

151 1. Any application for a master development plan which is
152 submitted to the local government before the effective date of
153 the repeal is vested and remains subject to the local
154 manufacturing development program ordinance in effect when the
155 application was submitted; and

156 2. The manufacturer that submitted the application is
157 entitled to participate in the manufacturing development
158 coordinated approval process established in s. 163.3253.

159 Section 4. Section 163.3253 is created to read:

160 163.3253 Coordinated manufacturing development approval

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161 process.—The department shall coordinate the manufacturing
162 development approval process with the participating agencies, as
163 set forth in this section, for manufacturers that are developing
164 or expanding in a local government that has a local
165 manufacturing development program.

166 (1) The approval process must include collaboration and
167 coordination among, and simultaneous review by, the
168 participating agencies of applications for the following state
169 development approvals:

170 (a) Wetland or environmental resource permits.

171 (b) Surface water management permits.

172 (c) Stormwater permits.

173 (d) Consumptive water use permits.

174 (e) Wastewater permits.

175 (f) Air emission permits.

176 (g) Permits relating to listed species.

177 (h) Highway or roadway access permits.

178 (i) Any other state development approval within the scope
179 of a participating agency's authority.

180 (2) (a) When filing its application for state development
181 approval, a manufacturer shall file with the department and each
182 participating agency proof that its development or expansion is
183 located in a local government that has a local manufacturing
184 development program.

185 (b) If a local government repeals its local manufacturing
186 development program ordinance, a manufacturer developing or
187 expanding in that jurisdiction remains entitled to participate
188 in the process if the manufacturer submitted its application for

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189 a local government development approval before the effective
190 date of repeal.

191 (3) At any time during the process, if a manufacturer
192 requests that the department convene a meeting with one or more
193 participating agencies to facilitate the process, the department
194 shall convene a meeting which the involved participating
195 agencies must attend.

196 (a) The department is not required to mediate between the
197 participating agencies and the manufacturer but may participate
198 as necessary to accomplish the purposes set forth in s.
199 20.60(4)(f).

200 (b) The department shall not be a party to any proceeding
201 initiated under s. 120.569 and 120.57 relating to approval or
202 disapproval of an application for state development approval
203 processed under this section.

204 (c) The department's participation in a coordinated
205 manufacturing development approval process under this section
206 shall have no effect on its approval or disapproval of any
207 application for economic development incentives sought under s.
208 288.061 or any other incentive requiring department approval.

209 (4) If a participating agency determines that an
210 application is incomplete, the participating agency shall notify
211 the applicant and the department in writing of the additional
212 information necessary to complete the application.

213 (a) Unless the deadline is waived in writing by the
214 manufacturer, a participating agency shall provide a request for
215 additional information to the manufacturer and the department

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216 within 20 days after the date the application is filed with the
217 participating agency.

218 (b) If the participating agency does not request additional
219 information within the 20-day period, the participating agency
220 may not subsequently deny the application based on the
221 manufacturer's failure to provide additional information.

222 (c) Within 10 days after the manufacturer's response to the
223 request for additional information, a participating agency may
224 make a second request for additional information for the sole
225 purpose of obtaining clarification of the manufacturer's
226 response.

227 (5) (a) Unless the deadline is waived in writing by the
228 manufacturer, each participating agency shall
229 take final agency action on a state development approval within
230 its authority within 60 days after a complete application is
231 filed. The 60-day period is tolled by the initiation of a
232 proceeding under ss. 120.569 and 120.57.

233 (b) A participating agency shall notify the department if
234 it intends to deny a manufacturer's application and, unless
235 waived in writing by the manufacturer, the department shall
236 timely convene an informal meeting to facilitate a resolution.

237 (c) Unless waived in writing by the manufacturer, if a
238 participating agency does not approve or deny an application
239 within the 60-day period, within the time allowed by a federally
240 delegated permitting program, or, if a proceeding is initiated
241 under ss. 120.569 and 120.57, within 45 days after a recommended
242 order is submitted to the agency and the parties, the state
243 development approval within the authority of the participating

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244 agency is deemed approved. A manufacturer seeking to claim
245 approval by default under this subsection shall notify, in
246 writing, the clerks of both the participating agency and the
247 department of that intent. A manufacturer may not take action
248 based upon the default approval until such notice is received by
249 both agency clerks.

250 (d) At any time after a proceeding is initiated under ss.
251 120.569 and 120.57, the manufacturer may demand expeditious
252 resolution by serving notice on an administrative law judge and
253 all other parties to the proceeding. The administrative law
254 judge shall set the matter for final hearing no more than 30
255 days after receipt of such notice. After the final hearing is
256 set, a continuance may not be granted without the written
257 agreement of all parties.

258 (6) Subsections (4) and (5) do not apply to permit
259 applications governed by federally delegated or approved
260 permitting programs to the extent that subsections (4) and (5)
261 impose timeframes or other requirements that are prohibited by
262 or inconsistent with such federally delegated or approved
263 permitting programs impose timeframes or other requirements that
264 are prohibited by or inconsistent with subsections(4) and (5).

265 (7) The department may adopt rules to administer this
266 section.

267 Section 5. Section 288.111 is created to read:

268 288.111 Information concerning local manufacturing
269 development programs.—The department shall develop materials
270 that identify each local government that establishes a local
271 manufacturing development program under s. 163.3252. The

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272 materials, which the department may elect to develop and
 273 maintain in electronic format or in any other format deemed by
 274 the department to provide public access, must be updated at
 275 least annually. Enterprise Florida, Inc., shall, and other state
 276 agencies may, distribute the materials to prospective, new,
 277 expanding, and relocating businesses seeking to conduct business
 278 in this state.

279 Section 6. This act shall take effect July 1, 2013.

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

Remove everything before the enacting clause and insert:

An act relating to manufacturing development; creating s.
 163.325, F.S.; providing a short title; establishing the
 Manufacturing Competitiveness Act; creating s. 163.3251, F.S.;
 providing definitions; creating s. 163.3252, F.S.; authorizing
 local governments to establish a local government manufacturing
 development program that provides for master development
 approval for certain sites; providing specific time periods for
 action by local governments; requiring the Department of
 Economic Opportunity to develop a model ordinance containing
 specified information and provisions; requiring a local
 manufacturing development program ordinance to include certain
 information; providing certain restrictions on the termination
 of a local manufacturing development program; creating s.
 163.3253, F.S.; requiring the department, in cooperation with

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300 participating agencies, to establish a manufacturing development
301 coordinated approval process for certain manufacturers;
302 requiring participating agencies to coordinate and review
303 applications for certain state development approvals; requiring
304 the department to convene a meeting when requested by a certain
305 manufacturer; requiring participating agencies to attend
306 meetings convened by the department; specifying that the
307 department is not required to mediate between the participating
308 agencies and a manufacturer; providing that the department shall
309 not be party to certain proceedings involving state development
310 approvals; requiring that the coordinated approval process have
311 no effect on the department's economic development incentive
312 approval process; providing for requests for additional
313 information and specifying time periods; requiring participating
314 agencies to take final action on applications within a certain
315 time period; requiring the department to facilitate the
316 resolution of certain applications; providing for approval by
317 default; providing for applicability with respect to permit
318 applications governed by federally delegated or approved
319 permitting programs; authorizing the department to adopt rules;
320 creating s. 288.111, F.S.; requiring the department to develop
321 materials that identify local manufacturing development
322 programs; requiring Enterprise Florida, Inc. to distribute such
323 material; providing an effective date.