



606134

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/27/2009 01:32 PM

.

.

Senator Dean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (15) is added to section 163.3177,
Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive
plan; studies and surveys.—

(15) (a) The Legislature finds that:

1. There are a number of rural agricultural industrial
centers in the state that process, produce, or aid in the
production or distribution of a variety of agriculturally based



606134

13 products, including, but not limited to, fruits, vegetables,
14 timber, and other crops, and juices, paper, and building
15 materials. Rural agricultural industrial centers have a
16 significant amount of existing associated infrastructure that is
17 used for processing, producing, or distributing agricultural
18 products.

19 2. Such rural agricultural industrial centers are often
20 located within or near communities in which the economy is
21 largely dependent upon agriculture and agriculturally based
22 products. The centers significantly enhance the economy of such
23 communities. However, these agriculturally based communities are
24 often socioeconomically challenged and designated as rural areas
25 of critical economic concern. If such rural agricultural
26 industrial centers are lost and not replaced with other job-
27 creating enterprises, the agriculturally based communities will
28 lose a substantial amount of their economies.

29 3. The state has a compelling interest in preserving the
30 viability of agriculture and protecting rural agricultural
31 communities and the state from the economic upheaval that would
32 result from short-term or long-term adverse changes in the
33 agricultural economy. To protect these communities and promote
34 viable agriculture for the long term, it is essential to
35 encourage and permit diversification of existing rural
36 agricultural industrial centers by providing for jobs that are
37 not solely dependent upon, but are compatible with and
38 complement, existing agricultural industrial operations and to
39 encourage the creation and expansion of industries that use
40 agricultural products in innovative ways. However, the expansion
41 and diversification of these existing centers must be



606134

42 accomplished in a manner that does not promote urban sprawl into
43 surrounding agricultural and rural areas.

44 (b) As used in this subsection, the term "rural
45 agricultural industrial center" means a developed parcel of land
46 in an unincorporated area on which there exists an operating
47 agricultural industrial facility or facilities that employ at
48 least 200 full-time employees in the aggregate and process and
49 prepare for transport a farm product, as defined in s. 163.3162,
50 or any biomass material that could be used, directly or
51 indirectly, for the production of fuel, renewable energy,
52 bioenergy, or alternative fuel as defined by law. The center may
53 also include land contiguous to the facility site which is not
54 used for the cultivation of crops, but on which other existing
55 activities essential to the operation of such facility or
56 facilities are located or conducted. The parcel of land must be
57 located within, or within 10 miles of, a rural area of critical
58 economic concern.

59 (c)1. A landowner whose land is located within a rural
60 agricultural industrial center may apply for an amendment to the
61 local government comprehensive plan for the purpose of
62 designating and expanding the existing agricultural industrial
63 uses of facilities located within the center or expanding the
64 existing center to include industrial uses or facilities that
65 are not dependent upon but are compatible with agriculture and
66 the existing uses and facilities. A local government
67 comprehensive plan amendment under this paragraph must:

68 a. Not increase the physical area of the existing rural
69 agricultural industrial center by more than 50 percent or 320
70 acres, whichever is greater.



606134

71 b. Propose a project that would, upon completion, create at
72 least 50 new full-time jobs.

73 c. Demonstrate that sufficient infrastructure capacity
74 exists or will be provided to support the expanded center at the
75 level-of-service standards adopted in the local government
76 comprehensive plan.

77 d. Contain goals, objectives, and policies that will ensure
78 that any adverse environmental impacts of the expanded center
79 will be adequately addressed and mitigation implemented or
80 demonstrate that the local government comprehensive plan
81 contains such provisions.

82 2. Within 6 months after receiving an application as
83 provided in this paragraph, the local government shall transmit
84 the application to the state land planning agency for review
85 pursuant to chapter 163 together with any needed amendments to
86 the applicable sections of its comprehensive plan to include
87 goals, objectives, and policies that provide for the expansion
88 of rural agricultural industrial centers and discourage urban
89 sprawl in the surrounding areas. Such goals, objectives, and
90 policies must promote and be consistent with the findings in
91 this subsection. An amendment that meets the requirements of
92 this subsection is presumed to be consistent with rule 9J-
93 5.006(5), Florida Administrative Code. This presumption may be
94 rebutted by a preponderance of the evidence.

95 (d) This subsection does not apply to an optional sector
96 plan adopted pursuant to s. 163.3245, a rural land stewardship
97 area designated pursuant to subsection (11), or any
98 comprehensive plan amendment that includes an inland port
99 terminal or affiliated port development.



606134

100 (e) Nothing in this subsection shall be construed to confer
101 the status of rural area of critical economic concern, or any of
102 the rights or benefits derived from such status, on any land
103 area not otherwise designated as such pursuant to s.
104 288.0656(7).

105 Section 2. This act shall take effect July 1, 2009.

106
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109
110 Delete everything before the enacting clause
111 and insert:

112 A bill to be entitled
113 An act relating to rural agricultural industrial
114 centers; amending s. 163.3177, F.S.; providing
115 legislative recognition and findings; providing a
116 definition; authorizing landowners within a rural
117 agricultural industrial center to apply for an
118 amendment to the local government comprehensive plan
119 for certain purposes; providing amendment
120 requirements; requiring a local government to transmit
121 the application to the state land planning agency for
122 review within a specified period after receiving such
123 application; providing that such amendments are
124 presumed consistent with the Florida Administrative
125 Code; providing for rebuttal of the presumption;
126 specifying nonapplication to optional sector plans,
127 rural land stewardship areas, and comprehensive plan
128 amendments that include an inland port terminal or



606134

129
130

affiliated port development; providing construction;
providing an effective date.