

By the Committees on Transportation and Economic Development
Appropriations; and Agriculture; and Senators Dean and Baker

606-05690-09

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1 A bill to be entitled
2 An act relating to rural agricultural industrial
3 centers; amending s. 163.3177, F.S.; providing
4 legislative findings; defining the term "rural
5 agricultural industrial center"; authorizing
6 landowners within a rural agricultural industrial
7 center to apply for an amendment to the local
8 government comprehensive plan for certain purposes;
9 providing requirements for such application; requiring
10 that the local government amend its comprehensive plan
11 within a specified period after receiving such
12 application; providing that such amendments are
13 presumed consistent with the Florida Administrative
14 Code; providing that such presumption may be rebutted
15 by a preponderance of the evidence; providing an
16 exception for optional sector plans and rural land
17 stewardship areas; clarifying that any land area that
18 is not designated as a rural area of critical economic
19 concern does not hold any of the rights or benefits
20 derived from such designation; amending ss. 163.3184
21 and 380.06, F.S.; conforming cross-references;
22 providing an effective date.

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

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27 Section 1. Present subsections (13) and (14) of section
28 163.3177, Florida Statutes, are redesignated as subsections (14)
29 and (15), respectively, and a new subsection (13) is added to

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30 that section, to read:

31 163.3177 Required and optional elements of comprehensive
32 plan; studies and surveys.-

33 (13) (a) The Legislature recognizes and finds that:

34 1. There are a number of rural agricultural industrial
35 centers in the state which process, produce, or aid in the
36 production or distribution of a variety of agriculturally based
37 products, including fruits, vegetables, timber, and other crops,
38 as well as juices, paper, and building materials. The rural
39 agricultural industrial centers have a significant amount of
40 existing associated infrastructure that is used for the
41 processing, production, or distribution of agricultural
42 products.

43 2. Such rural agricultural industrial centers are often
44 located within or near communities in which the economy is
45 largely dependent upon agriculture and agriculturally based
46 products. The centers significantly enhance the economy of such
47 communities. However, these agriculturally based communities are
48 often socioeconomically challenged and have been designated as
49 rural areas of critical economic concern. If such rural
50 agricultural industrial centers are lost and not replaced with
51 other job-creating enterprises, the agriculturally based
52 communities will lose a substantial amount of their economies.

53 3. The state has a compelling interest in preserving the
54 viability of agriculture and protecting rural agricultural
55 communities and the state from the economic upheaval that will
56 result from short-term or long-term adverse changes in the
57 agricultural economy. To protect such communities and promote
58 viable agriculture for the long term, it is essential to

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59 encourage and permit diversification of existing rural
60 agricultural industrial centers by providing for jobs that are
61 not solely dependent upon, but are compatible with and
62 complement, existing agricultural industrial operations and to
63 encourage the creation and expansion of industries that use
64 agricultural products in innovative or new ways. However, the
65 expansion and diversification of these existing centers must be
66 accomplished in a manner that does not promote urban sprawl into
67 surrounding agricultural and rural areas.

68 (b) As used in this subsection, the term "rural
69 agricultural industrial center" means a developed parcel of land
70 in an unincorporated area on which there exists an operating
71 agricultural industrial facility or facilities that employ at
72 least 200 full-time employees in the aggregate and are used for
73 processing and preparing for transport a farm product, as
74 defined in s. 163.3162, or any biomass material that could be
75 used, directly or indirectly, for the production of fuel,
76 renewable energy, bioenergy, or alternative fuel as defined in
77 state law. The center may also include land contiguous to the
78 facility site which is not used for the cultivation of crops,
79 but on which other existing activities essential to the
80 operation of such facility or facilities are located or
81 conducted. The parcel of land must be located within or in
82 reasonable proximity to, not to exceed 10 miles, a rural area of
83 critical economic concern.

84 (c) A landowner located within a rural agricultural
85 industrial center may apply for an amendment to the local
86 government comprehensive plan for the purpose of designating and
87 expanding the existing agricultural industrial uses or

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88 facilities located in the center or expanding the existing
89 center to include industrial uses or facilities that are not
90 dependent upon but are compatible with agriculture and the
91 existing uses and facilities. An application for a local
92 government comprehensive plan amendment under this paragraph:

93 1. May not increase the physical area of the existing rural
94 agricultural industrial center by more than 50 percent or 320
95 acres, whichever is greater;

96 2. Must propose a project that would create, upon
97 completion, at least 50 new full-time jobs;

98 3. Must demonstrate that infrastructure capacity exists or
99 will be provided to support the expanded center at the level-of-
100 service standards adopted in the local government comprehensive
101 plan; and

102 4. Must contain goals, objectives, and policies that will
103 ensure that any adverse environmental impacts of the expanded
104 center will be adequately addressed and mitigation implemented
105 or demonstrate that the local government comprehensive plan
106 contains such provisions.

107
108 Within 6 months after receiving an application as provided in
109 this subsection, the local government shall amend the applicable
110 sections of its comprehensive plan to include goals, objectives,
111 and policies that provide for the expansion of rural
112 agricultural industrial centers and discourage urban sprawl in
113 the surrounding areas. Such goals, objectives, and policies must
114 promote and be consistent with the findings in this subsection.
115 An amendment that meets the requirements in this subsection is
116 presumed to be consistent with rule 9J-5.006(5), Florida

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117 Administrative Code. This presumption may be rebutted by a
118 preponderance of the evidence.

119 (d) This subsection does not apply to an optional sector
120 plan adopted pursuant to s. 163.3245 or a rural land stewardship
121 area designated pursuant to subsection (11).

122 (e) Any land area that is not otherwise designated as a
123 rural area of critical economic concern pursuant to s.
124 288.0656(7) does not hold any of the rights or benefits derived
125 from such designation.

126 Section 2. Subsection (17) of section 163.3184, Florida
127 Statutes, is amended to read:

128 163.3184 Process for adoption of comprehensive plan or plan
129 amendment.—

130 (17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A
131 local government that has adopted a community vision and urban
132 service boundary under s. 163.3177(14) and (15) ~~s. 163.3177(13)~~
133 ~~and (14)~~ may adopt a plan amendment related to map amendments
134 solely to property within an urban service boundary in the
135 manner described in subsections (1), (2), (7), (14), (15), and
136 (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that
137 state and regional agency review is eliminated. The department
138 may not issue an objections, recommendations, and comments
139 report on proposed plan amendments or a notice of intent on
140 adopted plan amendments; however, affected persons, as defined
141 by paragraph (1)(a), may file a petition for administrative
142 review pursuant to the requirements of s. 163.3187(3)(a) to
143 challenge the compliance of an adopted plan amendment. This
144 subsection does not apply to any amendment within an area of
145 critical state concern, to any amendment that increases

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146 residential densities allowable in high-hazard coastal areas as
147 defined in s. 163.3178(2)(h), or to a text change to the goals,
148 policies, or objectives of the local government's comprehensive
149 plan. Amendments submitted under this subsection are exempt from
150 the limitation on the frequency of plan amendments in s.
151 163.3187.

152 Section 3. Paragraph (1) of subsection (24) of section
153 380.06, Florida Statutes, is amended to read:

154 380.06 Developments of regional impact.—

155 (24) STATUTORY EXEMPTIONS.—

156 (1) Any proposed development within an urban service
157 boundary established under s. 163.3177(15) ~~s. 163.3177(14)~~ is
158 exempt from the provisions of this section if the local
159 government having jurisdiction over the area where the
160 development is proposed has adopted the urban service boundary,
161 has entered into a binding agreement with jurisdictions that
162 would be impacted and with the Department of Transportation
163 regarding the mitigation of impacts on state and regional
164 transportation facilities, and has adopted a proportionate share
165 methodology pursuant to s. 163.3180(16).

166
167 If a use is exempt from review as a development of regional
168 impact under paragraphs (a)-(t), but will be part of a larger
169 project that is subject to review as a development of regional
170 impact, the impact of the exempt use must be included in the
171 review of the larger project.

172 Section 4. This act shall take effect July 1, 2009.