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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
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The Committee on Commerce and Tourism (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 163.325, Florida Statutes, is created to read:

163.325 Short title.—Sections 163.325–163.3253 may be cited as the “Manufacturing Competitiveness Act.”

Section 2. Section 163.3251, Florida Statutes, is created to read:

163.3251 Definitions.—As used in ss. 163.3251–163.3253, the term:



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

15           (2) "Local government development approval" means a local  
16 land development permit, order, or other approval issued by a  
17 local government, or a modification of such permit, order, or  
18 approval, which is required for a manufacturer to physically  
19 locate or expand and includes, but is not limited to, the review  
20 and approval of a master development plan required under s.  
21 163.3252(2)(c).

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

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

30           (5) "Participating agency" means:

31           (a) The Department of Environmental Protection.

32           (b) The Department of Transportation.

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

36           (d) Water management districts.

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



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42 163.3253(1).

43 Section 3. Section 163.3252, Florida Statutes, is created  
44 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  
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.



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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.

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



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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.

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.



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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.

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



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158 coordinated approval process established in s. 163.3253.

159 Section 4. Section 163.3253, Florida Statutes, is created  
160 to read:

161 163.3253 Coordinated manufacturing development approval  
162 process.—Participating agencies shall coordinate the  
163 manufacturing development approval process, as set forth in this  
164 section, for manufacturers that are developing or expanding in  
165 the jurisdiction of a local government that has a local  
166 manufacturing development program.

167 (1) Participating agencies shall collaborate and coordinate  
168 the simultaneous review 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 each participating  
182 agency proof that its development or expansion is located in the  
183 jurisdiction of a local government that has a local  
184 manufacturing development program.

185 (b) If a local government repeals its local manufacturing  
186 development program ordinance, a manufacturer developing or



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187 expanding in that jurisdiction remains entitled to participate  
188 in the process if the manufacturer submitted its application for  
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 a meeting with one or more participating agencies to  
193 facilitate the process, such participating agency shall convene  
194 and attend such meeting.

195 (4) If a participating agency determines that an  
196 application is incomplete, the participating agency shall notify  
197 the applicant, in writing, of the additional information  
198 necessary to complete the application.

199 (a) Unless the deadline is waived in writing by the  
200 manufacturer, a participating agency shall provide a request for  
201 additional information to the manufacturer within 20 days after  
202 the date the application is filed with the participating agency.

203 (b) If the participating agency does not request additional  
204 information within the 20-day period, the participating agency  
205 may not subsequently deny the application based on the  
206 manufacturer's failure to provide additional information.

207 (c) Within 10 days after the manufacturer's response to the  
208 request for additional information, a participating agency may  
209 make a second request for additional information for the sole  
210 purpose of obtaining clarification of the manufacturer's  
211 response.

212 (5) (a) Unless the deadline is waived in writing by the  
213 manufacturer, each participating agency shall take final agency  
214 action on a state development approval within its authority  
215 within 60 days after a complete application is filed. The 60-day





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216 period is tolled by the initiation of a proceeding under ss.  
217 120.569 and 120.57.

218 (b) A participating agency shall notify the manufacturer if  
219 the agency intends to deny a manufacturer's application and,  
220 unless waived in writing by the manufacturer, the participating  
221 agency shall timely convene an informal meeting to facilitate a  
222 resolution.

223 (c) Unless waived in writing by the manufacturer, if a  
224 participating agency does not approve or deny an application  
225 within the 60-day period, within the time allowed by a federally  
226 delegated permitting program, or, if a proceeding is initiated  
227 under ss. 120.569 and 120.57, within 45 days after a recommended  
228 order is submitted to the agency and the parties, the state  
229 development approval within the authority of the participating  
230 agency is deemed approved. A manufacturer seeking to claim  
231 approval by default under this subsection shall notify, in  
232 writing, the clerk of the participating agency of that intent. A  
233 manufacturer may not take action based on the default approval  
234 until such notice is received by the agency clerk.

235 (d) At any time after a proceeding is initiated under ss.  
236 120.569 and 120.57, the manufacturer may demand expeditious  
237 resolution by serving notice on an administrative law judge and  
238 all other parties to the proceeding. The administrative law  
239 judge shall set the matter for final hearing no more than 30  
240 days after receipt of such notice. After the final hearing is  
241 set, a continuance may not be granted without the written  
242 agreement of all parties.

243 (6) Subsections (4) and (5) do not apply to permit  
244 applications governed by federally delegated or approved



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245 permitting programs to the extent that subsections (4) and (5)  
246 impose timeframes or other requirements that are prohibited by  
247 or inconsistent with such federally delegated or approved  
248 permitting programs.

249 Section 5. Section 288.111, Florida Statutes, is created to  
250 read:

251 288.111 Information concerning local manufacturing  
252 development programs.—The department shall develop materials  
253 that identify each local government that establishes a local  
254 manufacturing development program under s. 163.3252. The  
255 materials, which the department may elect to develop and  
256 maintain in electronic format or in any other format deemed by  
257 the department to provide public access, must be updated at  
258 least annually. Enterprise Florida, Inc., shall, and other state  
259 agencies may, distribute the materials to prospective, new,  
260 expanding, and relocating manufacturing businesses seeking to  
261 conduct business in this state.

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

263  
264 ===== T I T L E A M E N D M E N T =====

265 And the title is amended as follows:

266 Delete everything before the enacting clause  
267 and insert:

268 A bill to be entitled  
269 An act relating to manufacturing development; creating  
270 s. 163.325, F.S.; providing a short title;  
271 establishing the Manufacturing Competitiveness Act;  
272 creating s. 163.3251, F.S.; providing definitions;  
273 creating s. 163.3252, F.S.; authorizing local



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274 governments to establish a local manufacturing  
275 development program that provides for master  
276 development approval for certain sites; providing  
277 specific time periods for action by local governments;  
278 requiring the Department of Economic Opportunity to  
279 develop a model ordinance containing specified  
280 information and provisions; requiring a local  
281 manufacturing development program ordinance to include  
282 certain information; providing certain restrictions on  
283 the termination of a local manufacturing development  
284 program; creating s. 163.3253, F.S.; requiring  
285 participating agencies to establish a manufacturing  
286 development coordinated approval process for certain  
287 manufacturers; requiring participating agencies to  
288 coordinate and review applications for certain state  
289 development approvals; requiring participating  
290 agencies to convene and attend a meeting when  
291 requested by a certain manufacturer; providing for  
292 requests for additional information and specifying  
293 time periods; requiring participating agencies to take  
294 final action on applications within a certain time  
295 period; requiring participating agencies to facilitate  
296 the resolution of certain applications; providing for  
297 approval by default; providing for applicability with  
298 respect to permit applications governed by federally  
299 delegated or approved permitting programs; creating s.  
300 288.111, F.S.; requiring the department to develop  
301 materials that identify local manufacturing  
302 development programs; requiring Enterprise Florida,



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Inc., and authorizing other state agencies, to  
distribute such material; providing an effective date.