

By Senator Galvano

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1                                   A bill to be entitled  
2       An act relating to manufacturing development; creating  
3       s. 288.1101, F.S.; providing a short title;  
4       establishing the Manufacturing Competitiveness Act;  
5       creating s. 288.1102, F.S.; providing definitions;  
6       creating s. 288.1103, F.S.; authorizing local  
7       governments to establish a local manufacturing  
8       development program that provides for master  
9       development approval for certain sites; providing  
10      specific time periods for action by local governments;  
11      requiring the Department of Economic Opportunity to  
12      develop a model ordinance containing specified  
13      information and provisions; requiring a local  
14      manufacturing development program ordinance to include  
15      certain information; providing certain restrictions on  
16      the termination of a local manufacturing development  
17      program; creating s. 288.1104, F.S.; requiring the  
18      department, in cooperation with participating  
19      agencies, to establish a manufacturing development  
20      coordinated approval process for certain  
21      manufacturers; requiring participating agencies to  
22      coordinate and review applications for certain state  
23      development approvals; requiring a manufacturer to  
24      file certain documents; requiring the department to  
25      convene a meeting when requested by a certain  
26      manufacturer; providing for requests for additional  
27      information and specifying time periods; requiring  
28      participating agencies to take final action on  
29      applications within a certain time period; requiring

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30 the department to facilitate the resolution of certain  
31 applications; providing for approval by default;  
32 authorizing the department to adopt rules; creating s.  
33 288.1105, F.S.; requiring the department to develop  
34 materials that identify local manufacturing  
35 development programs; requiring the department and  
36 other entities to distribute such material; providing  
37 an effective date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Section 288.1101, Florida Statutes, is created  
42 to read:

43 288.1101 Short title.—Sections 288.1101-288.1105 may be  
44 cited as the “Manufacturing Competitiveness Act.”

45 Section 2. Section 288.1102, Florida Statutes, is created  
46 to read:

47 288.1102 Definitions.—As used in ss. 288.1101-288.1105, the  
48 term:

49 (1) “Local government” means a county or municipality.

50 (2) “Local government development approval” means a local  
51 land development permit, order, or other approval issued by a  
52 local government, or any modification of such permit, order, or  
53 approval, which is required for a manufacturer to physically  
54 locate or expand and includes, but is not limited to, the review  
55 and approval of a master development plan required under s.  
56 288.1103(2)(c).

57 (3) “Local manufacturing development program” means a  
58 program enacted by a local government for approval of master

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59 development plans under s. 288.1103.

60 (4) "Manufacturer" means a business that is classified in  
61 Sectors 31-33 of the National American Industry Classification  
62 System (NAICS) and is located, or intends to locate, within the  
63 geographic boundaries of an area designated by a local  
64 government as provided under s. 288.1103.

65 (5) "Participating agency" means:

66 (a) The Department of Environmental Protection.

67 (b) The Department of Transportation.

68 (c) The Fish and Wildlife Conservation Commission, when  
69 acting pursuant to statutory authority granted by the  
70 Legislature.

71 (d) Water management districts.

72 (6) "State development approval" means a state or regional  
73 permit or other approval issued by a participating agency, or  
74 any modification of such permit or approval, which must be  
75 obtained before the development or expansion of a manufacturer's  
76 site, and includes, but is not limited to, those specified in s.  
77 288.1104(1).

78 Section 3. Section 288.1103, Florida Statutes, is created  
79 to read:

80 288.1103 Local manufacturing development program; master  
81 development approval for manufacturers.—A local government may  
82 adopt an ordinance establishing a local manufacturing  
83 development program through which the local government may grant  
84 master development approval for the development or expansion of  
85 sites that are, or are proposed to be, operated by manufacturers  
86 at specified locations within the local government's geographic  
87 boundaries.

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88       (1) (a) A local government that elects to establish a local  
89 manufacturing development program shall submit a copy of the  
90 ordinance establishing the program to the department within 20  
91 days after the ordinance is enacted.

92       (b) A local government ordinance adopted before the  
93 effective date of this act establishes a local manufacturing  
94 development program if it satisfies the minimum criteria  
95 established in subsection (3) and if the local government  
96 submits a copy of the ordinance to the department on or before  
97 September 1, 2013.

98       (2) By December 1, 2013, the department shall develop a  
99 model ordinance to guide local governments that intend to  
100 establish a local manufacturing development program. The model  
101 ordinance, which need not be adopted by a local government, must  
102 include:

103       (a) Procedures for a manufacturer to apply for a master  
104 development plan and procedures for a local government to review  
105 and approve a master development plan.

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

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

110       1. A site map.

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

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

116       4. Development conditions.

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117 (d) A list of the development impacts, if applicable to the  
118 proposed site, which the local government will require to be  
119 addressed in a master development plan, including, but not  
120 limited to:

- 121 1. Drainage.
- 122 2. Wastewater.
- 123 3. Potable water.
- 124 4. Solid waste.
- 125 5. Onsite and offsite natural resources.
- 126 6. Preservation of historic and archeological resources.
- 127 7. Offsite infrastructure.
- 128 8. Public services.
- 129 9. Compatibility with adjacent offsite land uses.
- 130 10. Vehicular and pedestrian entrance to and exit from the  
131 site.
- 132 11. Offsite transportation impacts.

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

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

140 (g) A provision limiting the circumstances that require an  
141 amendment to an approved master development plan to the  
142 following:

- 143 1. Enactment of state law or local ordinance addressing an  
144 immediate and direct threat to the public safety that requires  
145 an amendment to the master development order.

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146       2. Any revision to the master development plan initiated by  
147 the manufacturer.

148       (h) A provision stating that the scope of review for any  
149 amendment to a master development plan is limited to the  
150 amendment and does not subject any other provision of the  
151 approved master development plan to further review.

152       (i) A provision stating that, during the term of a master  
153 development plan, the local government may not require  
154 additional local development approvals for those development  
155 impacts listed in paragraph (d) that are addressed in the master  
156 development plan, other than approval of a building permit to  
157 ensure compliance with the state building code and any other  
158 applicable state-mandated life and safety code.

159       (j) A provision stating that, before commencing  
160 construction or site development work, the manufacturer must  
161 submit a certification, signed by a licensed architect,  
162 engineer, or landscape architect, attesting that such work  
163 complies with the master development plan.

164       (k) A provision establishing the form that will be used by  
165 the local government to certify that a manufacturer is eligible  
166 to participate in the local manufacturing development program  
167 adopted by that jurisdiction.

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

171       (a) Reviewing an application from a manufacturer for  
172 approval of a master development plan.

173       (b) Approving a master development plan, which may include  
174 conditions that address development impacts anticipated during

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175 the life of the development.

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

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

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

184 (b) If a local government repeals its local manufacturing  
185 development program ordinance:

186 1. Any application for a master development plan which is  
187 submitted to the local government before the effective date of  
188 the repeal is vested and remains subject to the local  
189 manufacturing development program ordinance in effect when the  
190 application was submitted; and

191 2. The manufacturer that submitted the application is  
192 entitled to participate in the manufacturing development  
193 coordinated approval process established in s. 288.1104.

194 Section 4. Section 288.1104, Florida Statutes, is created  
195 to read:

196 288.1104 Manufacturing development coordinated approval  
197 process.—The department, in cooperation with participating  
198 agencies, shall establish, facilitate, and oversee the  
199 manufacturing development coordinated approval process for  
200 manufacturers that are developing or expanding in a local  
201 government that has a local manufacturing development program.

202 (1) The approval process must include collaboration and  
203 coordination among, and simultaneous review by, the

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204 participating agencies of applications for the following state  
205 development approvals:

206 (a) Wetland or environmental resource permits.

207 (b) Surface water management permits.

208 (c) Stormwater permits.

209 (d) Consumptive water use permits.

210 (e) Wastewater permits.

211 (f) Air emission permits.

212 (g) Permits relating to listed species.

213 (h) Highway or roadway access permits.

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

216 (2) (a) When filing its application for state development  
217 approval, a manufacturer shall file with the department and each  
218 participating agency proof that its development or expansion is  
219 located in a local government that has a local manufacturing  
220 development program.

221 (b) If a local government repeals its local manufacturing  
222 development program ordinance, a manufacturer developing or  
223 expanding in that jurisdiction remains entitled to participate  
224 in the process if the manufacturer submitted its application for  
225 a state or local government development approval before the  
226 effective date of repeal.

227 (3) At any time during the process, if a manufacturer  
228 requests that the department convene a meeting with one or more  
229 participating agencies to facilitate the process, the department  
230 shall convene a meeting.

231 (4) If a participating agency determines that an  
232 application is incomplete, the participating agency shall notify

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233 the applicant and the department in writing of the additional  
234 information necessary to complete the application.

235 (a) Unless the deadline is waived in writing by the  
236 manufacturer, a participating agency shall provide a request for  
237 additional information to the manufacturer and the department  
238 within 20 days after the date the application is filed with the  
239 participating agency.

240 (b) If the participating agency does not request additional  
241 information within the 20-day period, the participating agency  
242 may not subsequently deny the application based on the  
243 manufacturer's failure to provide additional information.

244 (c) Within 10 days after the manufacturer's response to the  
245 request for additional information, a participating agency may  
246 make a second request for additional information for the sole  
247 purpose of obtaining clarification of the manufacturer's  
248 response.

249 (5) (a) Unless the deadline is waived in writing by the  
250 manufacturer or a different deadline is mandated by a federally  
251 delegated permitting program, each participating agency shall  
252 take final agency action on a state development approval within  
253 its authority within 60 days after a complete application is  
254 filed. The 60-day period is tolled by the initiation of a  
255 proceeding under ss. 120.569 and 120.57.

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

260 (c) Unless waived in writing by the manufacturer, if a  
261 participating agency does not approve or deny an application

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262 within the 60-day period, within the time allowed by a federally  
263 delegated permitting program, or, if a proceeding is initiated  
264 under ss. 120.569 and 120.57, within 45 days after a recommended  
265 order is submitted to the agency and the parties, the state  
266 development approval within the authority of the participating  
267 agency is deemed approved. A manufacturer seeking to claim  
268 approval by default under this subsection shall notify, in  
269 writing, the clerks of both the participating agency and the  
270 department of that intent. A manufacturer may not take action  
271 based upon the default approval until such notice is received by  
272 both agency clerks.

273 (d) At any time after a proceeding is initiated under ss.  
274 120.569 and 120.57, the manufacturer may demand expeditious  
275 resolution by serving notice on an administrative law judge and  
276 all other parties to the proceeding. The administrative law  
277 judge shall set the matter for final hearing no more than 30  
278 days after receipt of such notice. After the final hearing is  
279 set, a continuance may not be granted without the written  
280 agreement of all parties.

281 (6) The department may adopt rules to administer this  
282 section.

283 Section 5. Section 288.1105, Florida Statutes, is created  
284 to read:

285 288.1105 Information concerning local manufacturing  
286 development programs.—The department shall develop materials  
287 that identify each local government that establishes a local  
288 manufacturing development program under s. 288.1103. The  
289 materials, which the department may elect to develop and  
290 maintain in electronic format or in any other format deemed by

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291 the department to provide public access, must be updated at  
292 least annually. The department, Enterprise Florida, Inc., or  
293 such other state agency or office assigned the principal  
294 responsibility of distributing the materials, shall provide them  
295 to prospective, new, expanding, and relocating businesses  
296 seeking to conduct business in this state.

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