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1 A bill to be entitled
2 An act relating to growth enterprise development;
3 creating s. 288.10895, F.S.; defining terms; amending
4 s. 288.109, F.S.; requiring the Department of Economic
5 Opportunity to establish a One-Stop Permitting System
6 in cooperation with certain participating agencies;
7 requiring the department to establish a one-stop
8 application for the expedited review and approval of
9 certain state or regional development permits;
10 providing procedures for the filing and expedited
11 processing of one-stop applications; authorizing the
12 department to adopt rules for administering the
13 system; deleting provisions relating to the One-Stop
14 Permitting System of the former State Technology
15 Office; creating s. 288.1091, F.S.; authorizing local
16 governments to establish growth enterprise development
17 programs that provide for master development approval
18 for the development or expansion of certain sites
19 owned and operated by growth enterprises; authorizing
20 development of such a site consistent with a master
21 development order without requiring certain additional
22 local development approvals; requiring local
23 governments to adopt resolutions declaring their
24 intent whether to establish growth enterprise
25 development programs; requiring the department to
26 adopt a model ordinance; providing requirements for
27 the contents of a local government's growth enterprise
28 development program ordinance; prohibiting local

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29 governments from abolishing their growth enterprise
30 development programs during a specified period;
31 providing for the effect of the repeal of a growth
32 enterprise development program ordinance on pending
33 applications for master development plans; requiring
34 certain local governments to annually reconsider
35 whether to establish growth enterprise development
36 programs; amending s. 288.1095, F.S.; providing for
37 the development and distribution of literature
38 explaining the One-Stop Permitting System and
39 identifying local growth enterprise development
40 programs; repealing ss. 288.1092 and 288.1093, F.S.,
41 relating to the One-Stop Permitting System Grant
42 Program and the Quick Permitting County Designation
43 Program of the former State Technology Office;
44 providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 288.10895, Florida Statutes, is created
49 to read:

50 288.10895 Definitions.—As used in ss. 288.10895–288.1095,
51 the term:

52 (1) "Growth enterprise" means a business located, or
53 planned to be located, within the geographic boundaries of a
54 local government that has adopted a growth enterprise
55 development program under s. 288.1091 in order to engage for
56 profit in the manufacturing, processing, or fabrication of any

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57 of the following products, at least 50 percent of which are
58 exported out of the state:

59 (a) Computer, electronic, or information technology
60 products.

61 (b) Aerospace, aviation, or other transportation
62 equipment.

63 (c) Fabricated metal products.

64 (d) Food products.

65 (e) Machinery.

66 (f) Nonmetallic mineral products.

67 (g) Chemical products.

68 (h) Paper products.

69 (i) Plastic or rubber products.

70 (j) Clean technology products.

71 (k) Energy.

72 (l) Life sciences products.

73 (2) "Local development approval" means a local permit or
74 other approval issued by a local government, or any modification
75 of such permit or approval, that is necessary for the physical
76 location or expansion of a growth enterprise, including, but not
77 limited to, permits or approvals related to elements of a master
78 development plan required under s. 288.1091(2)(c).

79 (3) "Local government" means a county or municipality.

80 (4) "Participating agency" means each of the following
81 agencies:

82 (a) The Department of Environmental Protection.

83 (b) The Department of Transportation, including its
84 district offices.

85 (c) The Fish and Wildlife Conservation Commission, when
 86 acting pursuant to statutory authority granted by the
 87 Legislature.

88 (d) Water management districts.

89 (5) "State development approval" means a state or regional
 90 permit or other approval issued by a participating agency, or
 91 any modification of such permit or approval, that is necessary
 92 for the physical location or expansion of a growth enterprise,
 93 including, but not limited to, permits or approvals listed in s.
 94 288.1091(2).

95 Section 2. Section 288.109, Florida Statutes, is amended
 96 to read:

97 (Substantial rewording of section. See
 98 s. 288.109, F.S., for present text.)
 99 288.109 One-Stop Permitting System.—

100 (1) By January 1, 2013, the department, with the
 101 cooperation of the participating agencies, shall establish a
 102 One-Stop Permitting System that:

103 (a) Expedites the processing of state development
 104 approvals by ensuring collaboration and coordination among the
 105 participating agencies.

106 (b) Provides growth enterprises with a single point of
 107 contact for submitting a one-stop application and supporting
 108 information for state development approvals.

109 (c) Requires the simultaneous review by the participating
 110 agencies of the one-stop application and supporting information.

111 (2) The department shall prescribe the content and format
 112 for the one-stop application, which must include information

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113 necessary to review requests for state development approvals
114 for:

115 (a) Wetland or environmental resource permits.

116 (b) Surface water management permits.

117 (c) Stormwater permits.

118 (d) Consumptive water use permits.

119 (e) Wastewater permits.

120 (f) Air emission permits.

121 (g) Permits relating to listed species.

122 (h) Highway or roadway access permits.

123 (3) The department shall designate a single physical
124 location, Internet website, or other electronic portal where
125 one-stop applications may be filed.

126 (4) The department shall distribute a copy of each one-
127 stop application received from a growth enterprise to each of
128 the participating agencies and shall forward a request for
129 additional information from any of the participating agencies to
130 the growth enterprise.

131 (5) (a) Upon receipt of a one-stop application, each
132 participating agency shall notify the department as to whether
133 the application is complete with respect to those parts of the
134 application that are within the agency's permitting or approval
135 authority. If any part of the application is not complete, the
136 respective participating agency shall notify the department in
137 writing of the additional information necessary to complete the
138 application.

139 (b) Unless waived in writing by the growth enterprise, the
140 department must submit any request for additional information

141 required by the participating agency under paragraph (a) to the
 142 growth enterprise within 20 days after the date the application
 143 is filed with the department. If the department does not request
 144 such additional information within the 20-day period, state
 145 development approval may not be denied based on the growth
 146 enterprise's failure to provide such additional information.

147 (6) (a) Unless waived in writing by the growth enterprise,
 148 each participating agency, within 60 days after a complete
 149 application is filed with the department, shall take final
 150 agency action on any state development approval within the
 151 agency's permitting or approval authority. The 60-day period is
 152 tolled by the initiation of a proceeding under ss. 120.569 and
 153 120.57.

154 (b) Notwithstanding s. 120.60(1), if a participating
 155 agency does not, within the 60-day period or, if a proceeding is
 156 initiated under ss. 120.569 and 120.57, within 45 days after a
 157 recommended order is submitted to the agency and the parties,
 158 whichever is later, take final agency action on those parts of
 159 the application that are within the agency's permitting or
 160 approval authority, such parts of the application are deemed
 161 approved.

162 (7) The department may adopt rules to administer this
 163 section.

164 Section 3. Section 288.1091, Florida Statutes, is created
 165 to read:

166 288.1091 Local growth enterprise development programs;
 167 master development approval for growth enterprises.-

168 (1) (a) A local government may adopt an ordinance

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169 establishing a growth enterprise development program under which
170 the local government may grant master development approval for
171 the development or expansion of a site owned and operated by a
172 growth enterprise at a fixed location within the local
173 government's geographic boundaries.

174 (b) The governing body of each local government in the
175 state shall consider whether to establish a growth enterprise
176 development program under this section. By January 1, 2013, for
177 an existing local government, or within 120 days after
178 incorporation of a municipality or creation of a county, the
179 governing body of each local government shall adopt a resolution
180 declaring whether the local government intends to establish a
181 growth enterprise development program and shall submit a copy of
182 the resolution to the department within 5 days after adoption.

183 (2) By October 1, 2012, to provide guidance for local
184 governments establishing growth enterprise development programs,
185 the department shall adopt a model ordinance for such growth
186 enterprise development programs. The model ordinance shall
187 include:

188 (a) Procedures for a growth enterprise to apply for, and
189 for a local government to review and approve, a master
190 development plan.

191 (b) Minimum elements for a master development plan,
192 including, but not limited to:

193 1. A site map.

194 2. A list of the site's potential land uses.

195 3. Maximum dimensions for future development on the site,
196 including buildings, parking and loading areas, buffering and

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197 setbacks, open space, and landscaping.

198 4. Development conditions.

199 (c) A list of the development impacts that must be
 200 addressed in a master development plan, including, but not
 201 limited to:

202 1. Drainage.

203 2. Wastewater.

204 3. Potable water.

205 4. Solid waste.

206 5. Onsite and offsite natural resources.

207 6. Preservation of historic and archeological resources.

208 7. Offsite infrastructure.

209 8. Public services.

210 9. Compatibility with adjacent offsite land uses.

211 10. Vehicular and pedestrian entrance to and exit from the
 212 site.

213 11. Offsite transportation impacts.

214 (d) A provision prohibiting the limitation or modification
 215 of development rights that are granted before the approval of a
 216 master development plan, including, but not limited to,
 217 development rights affecting the impacts listed in paragraph
 218 (c).

219 (e) Whether an expiration date is required for a master
 220 development plan and, if required, a provision stating that the
 221 expiration date may not occur earlier than 10 years after the
 222 plan's adoption.

223 (f) A provision limiting the conditions that require an
 224 amendment to the master development order to the following:

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

228 2. Substantial modification of the land uses authorized in
229 the master development order.

230 3. An increase of more than 10 percent in the total
231 maximum intensity or square footage authorized in the master
232 development order.

233 4. A decrease of more than 5 percent in the total area set
234 aside for open space, mitigation, or buffering required in the
235 master development order.

236 5. An increase or decrease of more than 10 percent in the
237 total number of parking spaces authorized in the master
238 development order.

239 6. An increase of more than 15 percent in the total height
240 authorized in the master development order for any structure.

241 7. A substantial change in the total number or the
242 location of vehicular access points authorized in the master
243 development order.

244 8. Relocation of specific land uses on the site in a
245 manner that increases offsite impacts on transportation, other
246 infrastructure, or public services.

247 9. Expansion or contraction of the development site by
248 more than 10 percent of the total area authorized in the master
249 development order.

250 (g) A provision stating that the scope of review for any
251 amendment to a master development order is limited to the
252 subject matter of the amendment.

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253 (h) A provision stating that, during the term of a master
254 development order, the local government may not require
255 additional local development approvals for those elements of the
256 master development plan listed in paragraph (c) that are
257 approved in the master development order, except for those
258 approvals that are required to ensure compliance with the State
259 Building Code or life and safety issues.

260 (i) A provision stating that, before commencing
261 construction or site development work, the growth enterprise
262 must submit a certification, signed by a licensed architect,
263 engineer, or landscape architect, attesting that such work shall
264 comply with the master development order.

265 (3) A local government's growth enterprise development
266 program ordinance need not conform to the department's model
267 ordinance but, at a minimum, must be consistent with subsection
268 (2) and establish procedures for:

269 (a) Reviewing an application from a growth enterprise for
270 approval of a master development plan.

271 (b) Approving a master development plan through issuance,
272 by ordinance, of a master development order, which may include
273 conditional approvals that address development impacts
274 anticipated during the life of the development.

275 (c) Development of the site in a manner consistent with
276 the master development order without requiring additional local
277 development approvals other than building permits.

278 (4) (a) A local government that establishes a growth
279 enterprise development program may not abolish the program until
280 it has been in effect for at least 24 months.

281 (b) If a local government repeals its growth enterprise
 282 development program ordinance, any application for a master
 283 development plan that is submitted to the local government
 284 before the effective date of the repeal is vested and remains
 285 subject to the growth enterprise program ordinance in effect
 286 when the application was submitted.

287 (c) The governing body of a local government that does not
 288 establish a growth enterprise development program or that
 289 subsequently abolishes the program shall, by January 1 of each
 290 year, reconsider whether to establish a growth enterprise
 291 development program under this section.

292 Section 4. Section 288.1095, Florida Statutes, is amended
 293 to read:

294 288.1095 Information concerning the One-Stop Permitting
 295 System and local growth enterprise development programs.—The
 296 department shall develop literature that explains the One-Stop
 297 Permitting System established under s. 288.109 and identifies
 298 each local government ~~those counties~~ that establishes a growth
 299 enterprise development program under s. 288.1091 ~~have been~~
 300 ~~designated as Quick Permitting Counties.~~ The literature must be
 301 updated at least once each year. To the maximum extent feasible,
 302 state agencies and offices, including Enterprise Florida, Inc.,
 303 shall distribute such literature and inform the public of the
 304 One-Stop Permitting System and the local governments that
 305 establish growth enterprise development programs ~~Quick~~
 306 ~~Permitting Counties.~~ In addition, the department, Enterprise
 307 Florida, Inc., or such other state agency or office assigned the
 308 principal responsibility of distributing information to

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309 prospective businesses regarding location or expansion in the
310 state, shall provide this information to prospective, new,
311 expanding, and relocating businesses seeking to conduct business
312 in this state, municipalities, counties, economic-development
313 organizations, and chambers of commerce.

314 Section 5. Sections 288.1092 and 288.1093, Florida
315 Statutes, are repealed.

316 Section 6. This act shall take effect July 1, 2012.