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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/07/2012	.	
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The Committee on Budget (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 444 and 445

insert:

Section 8. Section 288.10894, Florida Statutes, is created to read:

288.10894 Manufacturing Competitiveness Act.-

(1) Sections 288.10894-288.1095 may be cited as the "Manufacturing Competitiveness Act."

(2) It is the intent of the Legislature to increase manufacturing output and Florida-origin exports and to create an efficient and competitive business environment for manufacturers to expand or locate in this state. The Manufacturing



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14 Competitiveness Act is created to address the ability for
15 manufacturers that export to respond to market opportunities.
16 The Manufacturing Competitiveness Act improves the process for
17 obtaining permits by providing a more focused and coordinated
18 agency permit process for manufacturers located within local
19 jurisdictions having a similar focused and efficient permitting
20 process for manufacturers.

21 Section 9. Section 288.10895, Florida Statutes, is created
22 to read:

23 288.10895 Definitions.—As used in ss. 288.10895–288.1095,
24 the term:

25 (1) "Growth enterprise" means a business located, or
26 planned to be located, within the geographic boundaries of an
27 area designated by a local government as subject to a growth
28 enterprise development program under s. 288.1091 in order to
29 engage for profit in the manufacturing, processing, or
30 fabrication of any of the following products, at least 50
31 percent of which are exported out of the state:

32 (a) Computer, electronic, or information technology
33 products.

34 (b) Aerospace, aviation, or other transportation equipment.

35 (c) Fabricated metal products.

36 (d) Food products.

37 (e) Machinery.

38 (f) Nonmetallic mineral products.

39 (g) Chemical products.

40 (h) Paper products.

41 (i) Plastic or rubber products.

42 (j) Clean technology products.



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43 (k) Energy.

44 (1) Life sciences products.

45 (2) "Local development approval" means a local permit or
46 other approval issued by a local government, or any modification
47 of such permit or approval, which is necessary for the physical
48 location or expansion of a growth enterprise, including, but not
49 limited to, permits or approvals related to elements of a master
50 development plan required under s. 288.1091(2)(c).

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

52 (4) "Participating agency" means each of the following
53 agencies:

54 (a) The Department of Environmental Protection.

55 (b) The Department of Transportation.

56 (c) The Fish and Wildlife Conservation Commission, when
57 acting pursuant to statutory authority granted by the
58 Legislature.

59 (d) A water management district.

60 (5) "State development approval" means a state or regional
61 permit or other approval issued by a participating agency, or
62 any modification of such permit or approval, which is necessary
63 for the physical location or expansion of a growth enterprise,
64 including, but not limited to, permits or approvals listed in
65 ss. 288.109(2).

66 Section 10. Section 288.109, Florida Statutes, is created
67 to read:

68 288.109 Growth enterprise coordinated permitting process.—

69 (1) By January 1, 2013, the Department of Economic
70 Opportunity, with the cooperation of the participating agencies,
71 shall establish a growth enterprise coordinated permitting



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72 process for growth enterprises as defined in s. 288.10895(1).

73 The process shall:

74 (a) Coordinate the processing of state development
75 approvals by providing oversight and facilitating the
76 collaboration and coordination among the participating agencies.

77 (b) Require the simultaneous review by the participating
78 agencies of the joint application and supporting information.

79 (2) The department shall prescribe the content and format
80 for the joint application, in consultation with the
81 participating agencies, which must include information necessary
82 to review requests for state development approvals for:

83 (a) Wetland or environmental resource permits.

84 (b) Surface water management permits.

85 (c) Stormwater permits.

86 (d) Consumptive water use permits.

87 (e) Wastewater permits.

88 (f) Air emission permits.

89 (g) Permits relating to listed species.

90 (h) Highway or roadway access permits.

91 (i) Any other approval within the scope of any
92 participating agency's regulatory authority.

93 (3) At any time in the process, the growth enterprise may
94 request the department to convene a meeting with one or more
95 participating agencies to facilitate the growth enterprise
96 permitting process. Upon a request, the department shall convene
97 a meeting.

98 (4) The growth enterprise shall file a copy of its joint
99 application with the department and each participating agency.

100 (5) (a) Upon receipt of a joint application, each



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101 participating agency shall notify the growth enterprise and the
102 department whether any permit or approval from that
103 participating agency is required. If the permit or approval is
104 required, the participating agency shall notify the department
105 and the growth enterprise whether the application is complete
106 with respect to those parts of the application which are within
107 the agency's permitting or approval authority.

108 (b) Unless waived in writing by the growth enterprise, if
109 any part of the application is not complete, the respective
110 participating agency must notify and submit a request for
111 additional information necessary to complete the application to
112 the growth enterprise and the department within 20 days after
113 the date the application is filed with the participating agency.
114 If the participating agency does not request the additional
115 information within the 20-day period, state development approval
116 by that participating agency may not be denied based on the
117 growth enterprise's failure to provide the additional
118 information. Within 10 days after the growth enterprise's
119 response to the initial information request, an agency may make
120 a second request solely to clarify the growth enterprise's
121 response.

122 (6) (a) Unless waived in writing by the growth enterprise,
123 each participating agency, within 60 days after a complete
124 application is filed with the participating agency, shall take
125 final agency action on any state development approval within the
126 agency's permitting or approval authority. The 60-day period is
127 tolled by the initiation of a proceeding under ss. 120.569 and
128 120.57.

129 (b) If a participating agency intends to deny or denies a



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130 growth enterprise application, it must notify the department,
131 which shall timely convene an informal meeting to facilitate
132 resolution unless waived in writing by the growth enterprise.

133 (c) Unless waived in writing by the growth enterprise, if a
134 participating agency does not approve or deny a state
135 development approval within the 60-day period or, if a
136 proceeding is initiated under ss. 120.569 and 120.57, within 45
137 days after a recommended order is submitted to the agency and
138 the parties, whichever is later, the state development approval
139 that falls within the authority of that participating agency
140 shall be deemed approved. A growth enterprise seeking to claim
141 approval by default under this subsection shall notify the
142 agency clerk of the participating agency and the department in
143 writing of that intent and may not take action based upon the
144 default approval until the notice is received by both agency
145 clerks.

146 (7) The department may adopt rules to administer this
147 section.

148 Section 11. Section 288.1091, Florida Statutes, is created
149 to read:

150 288.1091 Local growth enterprise development programs;
151 master development approval for growth enterprises.-

152 (1) (a) A local government may adopt an ordinance
153 establishing a growth enterprise development program under which
154 the local government may grant master development approval for
155 the development or expansion of sites owned and operated by
156 growth enterprises at fixed locations within the local
157 government's geographic boundaries.

158 (b) A local government that elects to establish a growth



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159 enterprise development program shall submit a copy of the
160 ordinance establishing the program to the department within 20
161 days after the ordinance is enacted.

162 (2) By October 1, 2012, in order to provide guidance for
163 local governments establishing growth enterprise development
164 programs, the department shall develop a model ordinance for the
165 growth enterprise development programs. The model ordinance,
166 which need not be adopted as a rule, must include:

167 (a) Procedures for a growth enterprise to apply for, and
168 for a local government to review and approve, a master
169 development plan.

170 (b) Identification of those areas within the local
171 government's jurisdiction which are subject to the growth
172 enterprise development program.

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

175 1. A site map.

176 2. A list of the site's potential land uses under the
177 applicable land development regulations.

178 3. Maximum square footage, floor area ratio, and building
179 heights for future development on the site, specifying with
180 particularity those features and facilities for which the local
181 government will require that maximum dimensions be established.

182 4. Development conditions.

183 (d) A list of the development impacts that the local
184 government will require to be addressed in a master development
185 plan, including, but not limited to:

186 1. Drainage.

187 2. Wastewater.



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188 3. Potable water.

189 4. Solid waste.

190 5. Onsite and offsite natural resources.

191 6. Preservation of historic and archeological resources.

192 7. Offsite infrastructure.

193 8. Public services.

194 9. Compatibility with adjacent offsite land uses.

195 10. Vehicular and pedestrian entrance to and exit from the
196 site.

197 11. Offsite transportation impacts.

198 (e) A provision vesting those existing development rights
199 authorized by the local government before the approval of a
200 master development plan if requested by the growth enterprise.

201 (f) Whether an expiration date is required for a master
202 development plan and, if required, a provision stating that the
203 expiration date may not occur earlier than 10 years after the
204 plan's adoption.

205 (g) A provision limiting the conditions that require an
206 amendment to the master development order to the following:

207 1. An enactment of state law or local ordinance addressing
208 an immediate and direct threat to the public safety which
209 requires an amendment to the master development order.

210 2. A substantial modification of the land uses authorized
211 in the master development order. The master development order
212 must expressly define the criteria that will be used to
213 determine whether a modification of land uses will be deemed to
214 be substantial.

215 3. An increase of more than 10 percent in the total maximum
216 intensity or square footage authorized in the master development



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- 217 order.
- 218 4. A decrease of more than 5 percent in the total area set
219 aside for open space, mitigation, or buffering required in the
220 master development order.
- 221 5. An increase or decrease of more than 10 percent in the
222 total number of parking spaces authorized in the master
223 development order.
- 224 6. An increase of more than 15 percent in the total height
225 authorized in the master development order for any structure.
- 226 7. A substantial change in the total number or the location
227 of vehicular access points authorized in the master development
228 order.
- 229 8. The relocation of specific land uses on the site in a
230 manner that increases offsite impacts on transportation, other
231 infrastructure, or public services.
- 232 9. The expansion or contraction of the development site by
233 more than 10 percent of the total area authorized in the master
234 development order.
- 235 (h) A provision stating that the scope of review for any
236 amendment to a master development order is limited to the
237 subject matter of the amendment.
- 238 (i) A provision stating that, during the term of a master
239 development order, the local government may not require
240 additional local development approvals for those development
241 impacts listed in paragraph (d) which are addressed in the
242 master development order, except for those approvals that are
243 required to ensure compliance with the State Building Code or
244 life and safety issues.
- 245 (j) A provision stating that, before commencing



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246 construction or site development work, the growth enterprise
247 must submit a certification, signed by a licensed architect,
248 engineer, or landscape architect, attesting that the work
249 complies with the master development order.

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

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

256 (b) Approving a master development plan through issuance,
257 by ordinance, of a master development order, which may include
258 conditional approvals that address development impacts
259 anticipated during the life of the development.

260 (c) Developing the site in a manner consistent with the
261 master development order without requiring additional local
262 development approvals other than building permits.

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

266 (b) If a local government repeals its growth enterprise
267 development program ordinance, any application for a master
268 development plan which is submitted to the local government
269 before the effective date of the repeal is vested and remains
270 subject to the growth enterprise program ordinance in effect
271 when the application was submitted and is entitled to be
272 reviewed under the growth enterprise coordinated permitting
273 process, notwithstanding s. 288.1090(1).

274 Section 12. Section 288.1095, Florida Statutes, is amended



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275 to read:

276 288.1095 Information concerning the ~~One-Stop~~ growth
277 enterprise coordinated permitting process and local growth
278 enterprise development programs ~~System~~.—The department shall
279 develop materials ~~literature~~ that explain ~~explains~~ the ~~One-Stop~~
280 coordinated permitting process established under s. 288.1090
281 ~~System~~ and identify each local government ~~identifies~~ those
282 ~~counties~~ that establishes a growth enterprise development
283 program under s. 288.1091 ~~have been designated as Quick~~
284 ~~Permitting Counties~~. The materials, which the department may
285 elect to develop and maintain in electronic format or in any
286 other format deemed by the department to provide public access,
287 ~~literature~~ must be updated at least once each year. To the
288 maximum extent feasible, state agencies and offices, including
289 Enterprise Florida, Inc., shall distribute the materials ~~such~~
290 ~~literature~~ and inform the public of the coordinated ~~One-Stop~~
291 permitting process ~~System~~ and the local governments that
292 establish growth enterprise development programs ~~Quick~~
293 ~~Permitting Counties~~. In addition, the department, Enterprise
294 Florida, Inc., or such other state agency or office assigned the
295 principal responsibility of distributing information to
296 prospective businesses regarding location or expansion in the
297 state, shall provide this information to prospective, new,
298 expanding, and relocating businesses seeking to conduct business
299 in this state, municipalities, counties, economic-development
300 organizations, and chambers of commerce.

301 Section 13. Sections 288.109, 288.1092 and 288.1093,
302 Florida Statutes, are repealed.

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304 ===== T I T L E A M E N D M E N T =====

305 And the title is amended as follows:

306 Delete line 32

307 and insert:

308 certain circumstances; creating s. 288.10894, F.S.;

309 establishing the Manufacturing Competitiveness Act;

310 providing legislative intent; creating s. 288.10895,

311 F.S.; defining terms; creating s. 288.109, F.S.;

312 requiring the Department of Economic Opportunity to

313 establish a growth enterprise coordinated permitting

314 process in cooperation with certain participating

315 agencies; requiring the department to establish a

316 joint application for the coordinated review and

317 approval of certain state or regional development

318 permits; providing procedures for the filing and

319 processing of joint applications; authorizing the

320 department to adopt rules for administering the

321 process; creating s. 288.1091, F.S.; authorizing local

322 governments to establish growth enterprise development

323 programs that provide for master development approval

324 for the development or expansion of certain sites

325 owned and operated by growth enterprises; authorizing

326 development of such a site consistent with a master

327 development order without requiring certain additional

328 local development approvals; requiring the department

329 to adopt a model ordinance; providing requirements for

330 the contents of a local government's growth enterprise

331 development program ordinance; prohibiting local

332 governments from abolishing their growth enterprise



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333 development programs during a specified period;
334 providing for the effect of the repeal of a growth
335 enterprise development program ordinance on pending
336 applications for master development plans; amending s.
337 288.1095, F.S.; providing for the development and
338 distribution of materials explaining the growth
339 enterprise coordinated permitting process and
340 identifying local growth enterprise development
341 programs; repealing ss. 288.109, 288.1092, and
342 288.1093, F.S., relating to the One-Stop Permitting
343 System, One-Stop Permitting Grant Program, and the
344 Quick Permitting County Designation Program of the
345 former State Technology Office; amending s. 288.1254,
346 F.S.;