

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/HB 357 — Manufacturing Development

by Economic Development and Tourism Subcommittee; Reps. Boyd and others (CS/CS/SB 582
by Appropriations Committee; Commerce and Tourism Committee; and Senator Galvano)

CS/HB 357 creates the “Manufacturing Competitiveness Act.”

Model Ordinance

The bill creates a process by which local governments may adopt an ordinance to establish a local manufacturing development program to grant master development approval for the development, expansion, or modification of manufacturing facilities located within its jurisdiction. The Department of Economic Opportunity (DEO) is directed to create a model ordinance by December 31, 2013, that local governments may use to establish a local manufacturing development program. If a local government enacts an ordinance establishing a manufacturing development program, a copy of the ordinance must be provided to DEO within 20 days of enactment. Local governments that have adopted ordinances before the bill’s effective date that satisfy the minimum requirements of the bill may submit their ordinance to DEO for approval before September 1, 2013.

The ordinance must be consistent with the model ordinance and must establish procedures for the review and approval of a master development plan, the development of the site in a manner consistent with the master development plan without requiring additional local approvals other than building permits, and the certification that a manufacturer is eligible to participate in the local manufacturing development program. Such ordinance must remain in effect for at least 24 months, and if repealed, any application submitted prior to the effective date of the repeal is treated as if the program were still in effect.

The DEO must develop materials that identify each local government with a local manufacturing program for distribution by Enterprise Florida, Inc., to prospective, new, expanding, and relocating manufacturing businesses.

Coordinated Manufacturing Development Approval Process

The bill directs DEO to coordinate the manufacturing development approval process with the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, and the state’s five water management districts (participating agencies). The coordinated approval process must provide for a collaborative, coordinated, and simultaneous review of applications for permits by the participating agencies, under their respective authorities.

At the time of application, the manufacturer must provide proof that its project is located within the jurisdiction of a local government with a manufacturing development program. If a local government repeals its program, a manufacturer is entitled to participate in the coordinated

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manufacturing development approval process if it submitted its application for local development approval prior to the effective date of repeal.

A manufacturer may request that DEO convene a meeting with one or more of the participating agencies to facilitate the process. The DEO is not required to mediate between the parties, but may participate to minimize the duplication of information provided by the manufacturer and the time required to approve or disapprove the application.

If a participating agency determines that an application is incomplete, it will notify the manufacturer and DEO in writing, and request the missing information. Unless the manufacturer waives the deadline in writing, an agency must request any additional information within 20 days from the date the application was filed. If the agency does not request additional information within that 20-day period, the agency may not then deny the application based on insufficient information. Within 10 days after the manufacturer's response, an agency may make a second request for additional information but the request must be limited to clarification of the manufacturer's response.

Each participating agency must take final agency action on an application within 60 days after a complete application is filed, unless the manufacturer waives the deadline or a federally delegated permitting program mandates a different deadline. If an application is not approved or denied within 60 days, it is deemed approved. If a manufacturer seeks to claim approval by default, it must notify the agency clerks of the participating agency and DEO of its intent prior to taking any action.

If a participating agency plans to deny an application, it must notify DEO and DEO must convene an informal meeting to facilitate a resolution, unless waived by the manufacturer.

Throughout the process, the manufacturer may initiate an administrative hearing under ch. 120, F.S. If such a proceeding is initiated, the 60-day approval period is tolled.

The 60-day approval period does not apply to federally delegated permitting programs to the extent that it is inconsistent with such programs.

The DEO may adopt rules to implement the provisions of the bill.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 116-1