

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

BILL: SB 2634

INTRODUCER: Senator Dean

SUBJECT: Agricultural Industrial Centers

DATE: April 3, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Poole	AG	Favorable
2.	_____	_____	CA	_____
3.	_____	_____	EP	_____
4.	_____	_____	TA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill adds “agricultural industrial center” as a land use category under the Local Government Comprehensive Planning and Land Development Act¹. It requires local governments to identify existing centers by July 1, 2009, and amend their comprehensive land use plan by July 1, 2010, to establish agricultural industrial center economic overlay planning districts. It sets forth procedures for a landowner to apply for an amendment to the local comprehensive plan to expand the uses or facilities of an agricultural industrial center without being restricted to the twice a year limitation and without being subjected to an urban sprawl review.

This bill substantially amends sections 163.3164 and 163.3177 of the Florida Statutes.

II. Present Situation:

The Legislature finds that there are facilities throughout the state that process, produce, or distribute agricultural products which are grouped in agricultural industrial centers in areas largely dependent on agriculture. It further finds that many such areas have been designated as rural areas of critical economic concern and would lose a substantial amount of their economy if the business of the agricultural industrial center was lost and not replaced with other job-creating enterprises. The Legislature declares that it is a compelling state interest to protect these communities from economic upheaval by encouraging diversification of the employment base within agricultural industrial centers so that jobs are not solely dependent on agricultural operations.

¹ Section 163.3164, F.S.

Currently, there are no provisions regarding agricultural industrial centers in the laws governing the future development and growth plans required of local planning agencies.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3164, F.S., Local Government Comprehensive Planning and Land Development Regulation Act, to define “agricultural industrial center” as a parcel of land that

- has an operating facility that processes, produces, and prepares for transport farm products or biomass material that could be used for the production of fuel, renewable energy, bioenergy, or alternative fuel;
- includes contiguous lands associated with the operation of such a facility;
- is located within a rural area of critical economic concern or in a county in which a portion has been so designated.

Section 2 amends s. 163.3177, F.S., to modify the comprehensive land plan laws by adding provisions regarding agricultural industrial centers as follows:

- Local governments are required to consult with the Department of Agriculture and Consumer Affairs (DACs), the Office of Tourism, Trade and Economic Development, regional planning councils, property owners, and other interested parties to identify existing agricultural industrial centers by July 1, 2009;
- Local governments must follow specified procedures to amend their comprehensive land use plan by July 1, 2010, to establish agricultural industrial center economic overlay planning districts, which amendment is not subject to the twice-a-year limitation.
- Allows landowners in an agricultural industrial center district to apply for an amendment to the local comprehensive plan to expand the industrial uses or facilities of the agricultural industrial center which may include uses or facilities not dependent upon agriculture. An application may not increase the existing industrial center by more than the lesser of 200 percent or 640 acres, except that the increase is limited to 50 percent if the applicant cannot demonstrate that infrastructure capacity exists to support the improvements. Such an amendment, which may include uses and intensities consistent with those of the agricultural industrial center, is presumed to be consistent with the provisions of the urban sprawl review, subject to rebuttal by clear and convincing evidence.
- Requires the local government and the landowner to negotiate in good faith within 180 days of receipt of a complete application to reach a consensus on uses consistent with those in the agricultural industrial center.
- Within 30 days of receipt of a complete application, the local government and the landowner must agree in writing to a schedule to cover all matters from information submittal to final action and compliance with the schedule constitutes good faith negotiation.
- Upon conclusion of good faith negotiations, the local government must transmit the amendment to the state land planning agency even if a consensus on expansion and uses has not been reached. If the amendment has not been transferred within 180 days, it must be immediately transferred for review at the first available transmittal cycle. An amendment transmitted pursuant to this provision is presumed to be consistent with the provisions of the urban sprawl review, subject to rebuttal by clear and convincing evidence.

- An owner is not entitled to the rebuttable presumptions in this bill if he fails to negotiate in good faith.

Section 3 provides that this act shall take effect July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The cost for a landowner to pursue amendments to a local comprehensive land use plan and the resulting cost of capital improvements contemplated by such action cannot be determined.

C. Government Sector Impact:

The cost for local governments to comply with this bill cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
