

By the Committee on Agriculture; and Senator Dean

575-03313-09

20092572c1

1 A bill to be entitled
2 An act relating to rural agricultural industrial
3 centers; amending s. 163.3177, F.S.; providing
4 legislative findings; defining the term "rural
5 agricultural industrial center"; authorizing
6 landowners within a rural agricultural industrial
7 center to apply for an amendment to the local
8 government comprehensive plan for certain purposes;
9 providing requirements for such application; requiring
10 that the local government amend its comprehensive plan
11 within a specified period after receiving such
12 application; providing that such amendments are
13 presumed consistent with the Florida Administrative
14 Code; providing that such presumption may be rebutted
15 by a preponderance of the evidence; providing an
16 exception for optional sector plans and rural land
17 stewardship areas; amending ss. 163.3184 and 380.06,
18 F.S.; conforming cross-references; providing an
19 effective date.

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21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Present subsections (13) and (14) of section
25 163.3177, Florida Statutes, are redesignated as subsections (14)
26 and (15), respectively, and a new subsection (13) is added to
27 that section, to read:

28 163.3177 Required and optional elements of comprehensive
29 plan; studies and surveys.—

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30 (13) (a) The Legislature recognizes and finds that:

31 1. There are a number of rural agricultural industrial
32 centers in the state which process, produce, or aid in the
33 production or distribution of a variety of agriculturally based
34 products, including fruits, vegetables, timber, and other crops,
35 as well as juices, paper, and building materials. The rural
36 agricultural industrial centers have a significant amount of
37 existing associated infrastructure that is used for the
38 processing, production, or distribution of agricultural
39 products.

40 2. Such rural agricultural industrial centers are often
41 located within or near communities in which the economy is
42 largely dependent upon agriculture and agriculturally based
43 products. The centers significantly enhance the economy of such
44 communities. However, these agriculturally based communities are
45 often socioeconomically challenged and have been designated as
46 rural areas of critical economic concern. If such rural
47 agricultural industrial centers are lost and not replaced with
48 other job-creating enterprises, the agriculturally based
49 communities will lose a substantial amount of their economies.

50 3. The state has a compelling interest in preserving the
51 viability of agriculture and protecting rural agricultural
52 communities and the state from the economic upheaval that will
53 result from short-term or long-term adverse changes in the
54 agricultural economy. To protect such communities and promote
55 viable agriculture for the long term, it is essential to
56 encourage and permit diversification of existing rural
57 agricultural industrial centers by providing for jobs that are
58 not solely dependent upon, but are compatible with and

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59 complement, existing agricultural industrial operations and to
60 encourage the creation and expansion of industries that use
61 agricultural products in innovative or new ways. However, the
62 expansion and diversification of these existing centers must be
63 accomplished in a manner that does not promote urban sprawl into
64 surrounding agricultural and rural areas.

65 (b) As used in this subsection, the term "rural
66 agricultural industrial center" means a developed parcel of land
67 in an unincorporated area on which there exists an operating
68 agricultural industrial facility or facilities that employ at
69 least 200 full-time employees in the aggregate and are used for
70 processing and preparing for transport a farm product, as
71 defined in s. 163.3162, or any biomass material that could be
72 used, directly or indirectly, for the production of fuel,
73 renewable energy, bioenergy, or alternative fuel as defined in
74 state law. The center may also include land contiguous to the
75 facility site which is not used for the cultivation of crops,
76 but on which other existing activities essential to the
77 operation of such facility or facilities are located or
78 conducted. The parcel of land must be located within or in
79 reasonable proximity to, not to exceed 10 miles, a rural area of
80 critical economic concern.

81 (c) A landowner located within a rural agricultural
82 industrial center may apply for an amendment to the local
83 government comprehensive plan for the purpose of designating and
84 expanding the existing agricultural industrial uses or
85 facilities located in the center or expanding the existing
86 center to include industrial uses or facilities that are not
87 dependent upon but are compatible with agriculture and the

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88 existing uses and facilities. An application for a local
89 government comprehensive plan amendment under this paragraph:

90 1. May not increase the physical area of the existing rural
91 agricultural industrial center by more than 50 percent or 320
92 acres, whichever is greater;

93 2. Must propose a project that would create, upon
94 completion, at least 50 new full-time jobs;

95 3. Must demonstrate that infrastructure capacity exists or
96 will be provided to support the expanded center at the level-of-
97 service standards adopted in the local government comprehensive
98 plan; and

99 4. Must contain goals, objectives, and policies that will
100 ensure that any adverse environmental impacts of the expanded
101 center will be adequately addressed and mitigation implemented
102 or demonstrate that the local government comprehensive plan
103 contains such provisions.

104
105 Within 6 months after receiving an application as provided in
106 this subsection, the local government shall amend the applicable
107 sections of its comprehensive plan to include goals, objectives,
108 and policies that provide for the expansion of rural
109 agricultural industrial centers and discourage urban sprawl in
110 the surrounding areas. Such goals, objectives, and policies must
111 promote and be consistent with the findings in this subsection.
112 An amendment that meets the requirements in this subsection is
113 presumed to be consistent with rule 9J-5.006(5), Florida
114 Administrative Code. This presumption may be rebutted by a
115 preponderance of the evidence.

116 (d) This subsection does not apply to an optional sector

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117 plan adopted pursuant to s. 163.3245 or a rural land stewardship
118 area designated pursuant to subsection (11).

119 Section 2. Subsection (17) of section 163.3184, Florida
120 Statutes, is amended to read:

121 163.3184 Process for adoption of comprehensive plan or plan
122 amendment.—

123 (17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A
124 local government that has adopted a community vision and urban
125 service boundary under s. 163.3177(14) and (15) ~~s. 163.3177(13)~~
126 ~~and (14)~~ may adopt a plan amendment related to map amendments
127 solely to property within an urban service boundary in the
128 manner described in subsections (1), (2), (7), (14), (15), and
129 (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that
130 state and regional agency review is eliminated. The department
131 may not issue an objections, recommendations, and comments
132 report on proposed plan amendments or a notice of intent on
133 adopted plan amendments; however, affected persons, as defined
134 by paragraph (1)(a), may file a petition for administrative
135 review pursuant to the requirements of s. 163.3187(3)(a) to
136 challenge the compliance of an adopted plan amendment. This
137 subsection does not apply to any amendment within an area of
138 critical state concern, to any amendment that increases
139 residential densities allowable in high-hazard coastal areas as
140 defined in s. 163.3178(2)(h), or to a text change to the goals,
141 policies, or objectives of the local government's comprehensive
142 plan. Amendments submitted under this subsection are exempt from
143 the limitation on the frequency of plan amendments in s.
144 163.3187.

145 Section 3. Paragraph (1) of subsection (24) of section

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146 380.06, Florida Statutes, is amended to read:

147 380.06 Developments of regional impact.—

148 (24) STATUTORY EXEMPTIONS.—

149 (1) Any proposed development within an urban service
150 boundary established under s. 163.3177(15) ~~s. 163.3177(14)~~ is
151 exempt from the provisions of this section if the local
152 government having jurisdiction over the area where the
153 development is proposed has adopted the urban service boundary,
154 has entered into a binding agreement with jurisdictions that
155 would be impacted and with the Department of Transportation
156 regarding the mitigation of impacts on state and regional
157 transportation facilities, and has adopted a proportionate share
158 methodology pursuant to s. 163.3180(16).

159
160 If a use is exempt from review as a development of regional
161 impact under paragraphs (a)-(t), but will be part of a larger
162 project that is subject to review as a development of regional
163 impact, the impact of the exempt use must be included in the
164 review of the larger project.

165 Section 4. This act shall take effect July 1, 2009.