

1                                   A bill to be entitled  
 2           An act relating to rural agricultural industrial centers;  
 3           amending s. 163.3177, F.S.; providing legislative  
 4           recognition and findings; providing a definition;  
 5           authorizing landowners within a rural agricultural  
 6           industrial center to apply for an amendment to the local  
 7           government comprehensive plan for certain purposes;  
 8           providing amendment requirements; requiring a local  
 9           government to amend its comprehensive plan within a  
 10          specified period after receiving such application;  
 11          providing that such amendments are presumed consistent  
 12          with the Florida Administrative Code; providing for  
 13          rebuttal of the presumption; specifying nonapplication to  
 14          optional sector plans and rural land stewardship areas;  
 15          providing an effective date.

16  
 17   Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Subsection (15) is added to section 163.3177,  
 20   Florida Statutes, to read:

21           163.3177 Required and optional elements of comprehensive  
 22   plan; studies and surveys.--

23           (15) (a) The Legislature finds that:

24           1. There are a number of rural agricultural industrial  
 25   centers in the state that process, produce, or aid in the  
 26   production or distribution of a variety of agriculturally based  
 27   products, including, but not limited to, fruits, vegetables,  
 28   timber, and other crops, and juices, paper, and building

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29 materials. Rural agricultural industrial centers have a  
30 significant amount of existing associated infrastructure that is  
31 used for processing, producing, or distributing agricultural  
32 products.

33 2. Such rural agricultural industrial centers are often  
34 located within or near communities in which the economy is  
35 largely dependent upon agriculture and agriculturally based  
36 products. The centers significantly enhance the economy of such  
37 communities. However, these agriculturally based communities are  
38 often socioeconomically challenged and designated as rural areas  
39 of critical economic concern. If such rural agricultural  
40 industrial centers are lost and not replaced with other job-  
41 creating enterprises, the agriculturally based communities will  
42 lose a substantial amount of their economies.

43 3. The state has a compelling interest in preserving the  
44 viability of agriculture and protecting rural agricultural  
45 communities and the state from the economic upheaval that would  
46 result from short-term or long-term adverse changes in the  
47 agricultural economy. To protect these communities and promote  
48 viable agriculture for the long term, it is essential to  
49 encourage and permit diversification of existing rural  
50 agricultural industrial centers by providing for jobs that are  
51 not solely dependent upon, but are compatible with and  
52 complement, existing agricultural industrial operations and to  
53 encourage the creation and expansion of industries that use  
54 agricultural products in innovative ways. However, the expansion  
55 and diversification of these existing centers must be  
56 accomplished in a manner that does not promote urban sprawl into

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57 surrounding agricultural and rural areas.

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

73 (c)1. A landowner whose land is located within a rural  
74 agricultural industrial center may apply for an amendment to the  
75 local government comprehensive plan for the purpose of  
76 designating and expanding the existing agricultural industrial  
77 uses of facilities located within the center or expanding the  
78 existing center to include industrial uses or facilities that  
79 are not dependent upon but are compatible with agriculture and  
80 the existing uses and facilities. A local government  
81 comprehensive plan amendment under this paragraph must:

82 a. Not increase the physical area of the existing rural  
83 agricultural industrial center by more than 50 percent or 320  
84 acres, whichever is greater.

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85 b. Propose a project that would, upon completion, create  
86 at least 50 new full-time jobs.

87 c. Demonstrate that sufficient infrastructure capacity  
88 exists or will be provided to support the expanded center at the  
89 level-of-service standards adopted in the local government  
90 comprehensive plan.

91 d. Contain goals, objectives, and policies that will  
92 ensure that any adverse environmental impacts to the expanded  
93 center will be adequately addressed and mitigation implemented  
94 or demonstrate that the local government comprehensive plan  
95 contains such provisions.

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

107 (d) This subsection does not apply to an optional sector  
108 plan adopted pursuant to s. 163.3245 or a rural land stewardship  
109 area designated pursuant to subsection (11).

110 Section 2. This act shall take effect July 1, 2009.