

CS/HB 7053

2009

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, rural land stewardship areas, and
15 comprehensive plan amendments that include an inland port
16 terminal or affiliated port development; providing
17 construction; providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsection (15) is added to section 163.3177,
22 Florida Statutes, to read:

23 163.3177 Required and optional elements of comprehensive
24 plan; studies and surveys.--

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

26 1. There are a number of rural agricultural industrial
27 centers in the state that process, produce, or aid in the
28 production or distribution of a variety of agriculturally based

29 products, including, but not limited to, fruits, vegetables,
30 timber, and other crops, and juices, paper, and building
31 materials. Rural agricultural industrial centers have a
32 significant amount of existing associated infrastructure that is
33 used for processing, producing, or distributing agricultural
34 products.

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

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

57 and diversification of these existing centers must be
58 accomplished in a manner that does not promote urban sprawl into
59 surrounding agricultural and rural areas.

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

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

84 a. Not increase the physical area of the existing rural

85 agricultural industrial center by more than 50 percent or 320
 86 acres, whichever is greater.

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

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

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

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

109 (d) This subsection does not apply to an optional sector
 110 plan adopted pursuant to s. 163.3245, a rural land stewardship
 111 area designated pursuant to subsection (11), or any
 112 comprehensive plan amendment that includes an inland port

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113 terminal or affiliated port development.

114 (e) Nothing in this subsection shall be construed to
115 confer the status of rural area of critical economic concern, or
116 any of the rights or benefits derived from such status, on any
117 land area not otherwise designated as such pursuant to s.
118 288.0656(7).

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