

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 transmit the application to the state land  
 10      planning agency for review within a specified period after  
 11      receiving such application; providing that such amendments  
 12      are presumed consistent with the Florida Administrative  
 13      Code; providing for rebuttal of the presumption;  
 14      specifying nonapplication to optional sector plans, rural  
 15      land stewardship areas, and comprehensive plan amendments  
 16      that include an inland port terminal or affiliated port  
 17      development; providing construction; providing an  
 18      effective date.

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 20   Be It Enacted by the Legislature of the State of Florida:

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

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

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

27       1. There are a number of rural agricultural industrial  
 28       centers in the state that process, produce, or aid in the

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

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

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

57 agricultural products in innovative ways. However, the expansion  
58 and diversification of these existing centers must be  
59 accomplished in a manner that does not promote urban sprawl into  
60 surrounding agricultural and rural areas.

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

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

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

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

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

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

99 2. Within 6 months after receiving an application as  
100 provided in this paragraph, the local government shall transmit  
101 the application to the state land planning agency for review  
102 pursuant to chapter 163 together with any needed amendments to  
103 the applicable sections of its comprehensive plan to include  
104 goals, objectives, and policies that provide for the expansion  
105 of rural agricultural industrial centers and discourage urban  
106  sprawl in the surrounding areas. Such goals, objectives, and  
107 policies must promote and be consistent with the findings in  
108 this subsection. An amendment that meets the requirements of  
109 this subsection is presumed to be consistent with rule 9J-  
110 5.006(5), Florida Administrative Code. This presumption may be  
111 rebutted by a preponderance of the evidence.

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

113 plan adopted pursuant to s. 163.3245, a rural land stewardship  
114 area designated pursuant to subsection (11), or any  
115 comprehensive plan amendment that includes an inland port  
116 terminal or affiliated port development.

117 (e) Nothing in this subsection shall be construed to  
118 confer the status of rural area of critical economic concern, or  
119 any of the rights or benefits derived from such status, on any  
120 land area not otherwise designated as such pursuant to s.  
121 288.0656(7).

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