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CS/HB 7053, Engrossed 1

2009 Legislature

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.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 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

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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

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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:

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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

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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.