

HB 515

2012

1                   A bill to be entitled  
2           An act relating to growth enterprise development;  
3           creating s. 288.10895, F.S.; defining terms; amending  
4           s. 288.109, F.S.; requiring the Department of Economic  
5           Opportunity to establish a One-Stop Permitting System  
6           in cooperation with certain participating agencies;  
7           requiring the department to establish a one-stop  
8           application for the expedited review and approval of  
9           certain state or regional development permits;  
10          providing procedures for the filing and expedited  
11          processing of one-stop applications; authorizing the  
12          department to adopt rules for administering the  
13          system; deleting provisions relating to the One-Stop  
14          Permitting System of the former State Technology  
15          Office; creating s. 288.1091, F.S.; authorizing local  
16          governments to establish growth enterprise development  
17          programs that provide for master development approval  
18          for the development or expansion of certain sites  
19          owned and operated by growth enterprises; authorizing  
20          development of such a site consistent with a master  
21          development order without requiring certain additional  
22          local development approvals; requiring local  
23          governments to adopt resolutions declaring their  
24          intent whether to establish growth enterprise  
25          development programs; requiring the department to  
26          adopt a model ordinance; providing requirements for  
27          the contents of a local government's growth enterprise  
28          development program ordinance; prohibiting local

HB 515

2012

29 governments from abolishing their growth enterprise  
30 development programs during a specified period;  
31 providing for the effect of the repeal of a growth  
32 enterprise development program ordinance on pending  
33 applications for master development plans; requiring  
34 certain local governments to annually reconsider  
35 whether to establish growth enterprise development  
36 programs; amending s. 288.1095, F.S.; providing for  
37 the development and distribution of literature  
38 explaining the One-Stop Permitting System and  
39 identifying local growth enterprise development  
40 programs; repealing ss. 288.1092 and 288.1093, F.S.,  
41 relating to the One-Stop Permitting System Grant  
42 Program and the Quick Permitting County Designation  
43 Program of the former State Technology Office;  
44 providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Section 288.10895, Florida Statutes, is created  
49 to read:

50 288.10895 Definitions.—As used in ss. 288.10895–288.1095,  
51 the term:

52 (1) "Growth enterprise" means a business located, or  
53 planned to be located, within the geographic boundaries of a  
54 local government that has adopted a growth enterprise  
55 development program under s. 288.1091 in order to engage for  
56 profit in the manufacturing, processing, or fabrication of any

57 of the following products, at least 50 percent of which are  
 58 exported out of the state:

59 (a) Computer, electronic, or information technology  
 60 products.

61 (b) Aerospace, aviation, or other transportation  
 62 equipment.

63 (c) Fabricated metal products.

64 (d) Food products.

65 (e) Machinery.

66 (f) Nonmetallic mineral products.

67 (g) Chemical products.

68 (h) Paper products.

69 (i) Plastic or rubber products.

70 (j) Clean technology products.

71 (k) Energy.

72 (l) Life sciences products.

73 (2) "Local development approval" means a local permit or  
 74 other approval issued by a local government, or any modification  
 75 of such permit or approval, that is necessary for the physical  
 76 location or expansion of a growth enterprise, including, but not  
 77 limited to, permits or approvals related to elements of a master  
 78 development plan required under s. 288.1091(2)(c).

79 (3) "Local government" means a county or municipality.

80 (4) "Participating agency" means each of the following  
 81 agencies:

82 (a) The Department of Environmental Protection.

83 (b) The Department of Transportation, including its  
 84 district offices.

HB 515

2012

85 (c) The Fish and Wildlife Conservation Commission, when  
86 acting pursuant to statutory authority granted by the  
87 Legislature.

88 (d) Water management districts.

89 (5) "State development approval" means a state or regional  
90 permit or other approval issued by a participating agency, or  
91 any modification of such permit or approval, that is necessary  
92 for the physical location or expansion of a growth enterprise,  
93 including, but not limited to, permits or approvals listed in s.  
94 288.1091(2).

95 Section 2. Section 288.109, Florida Statutes, is amended  
96 to read:

97 (Substantial rewording of section. See  
98 s. 288.109, F.S., for present text.)

99 288.109 One-Stop Permitting System.—

100 (1) By January 1, 2013, the department, with the  
101 cooperation of the participating agencies, shall establish a  
102 One-Stop Permitting System that:

103 (a) Expedites the processing of state development  
104 approvals by ensuring collaboration and coordination among the  
105 participating agencies.

106 (b) Provides growth enterprises with a single point of  
107 contact for submitting a one-stop application and supporting  
108 information for state development approvals.

109 (c) Requires the simultaneous review by the participating  
110 agencies of the one-stop application and supporting information.

111 (2) The department shall prescribe the content and format  
112 for the one-stop application, which must include information

HB 515

2012

113 necessary to review requests for state development approvals  
114 for:

115 (a) Wetland or environmental resource permits.

116 (b) Surface water management permits.

117 (c) Stormwater permits.

118 (d) Consumptive water use permits.

119 (e) Wastewater permits.

120 (f) Air emission permits.

121 (g) Permits relating to listed species.

122 (h) Highway or roadway access permits.

123 (3) The department shall designate a single physical  
124 location, Internet website, or other electronic portal where  
125 one-stop applications may be filed.

126 (4) The department shall distribute a copy of each one-  
127 stop application received from a growth enterprise to each of  
128 the participating agencies and shall forward a request for  
129 additional information from any of the participating agencies to  
130 the growth enterprise.

131 (5) (a) Upon receipt of a one-stop application, each  
132 participating agency shall notify the department as to whether  
133 the application is complete with respect to those parts of the  
134 application that are within the agency's permitting or approval  
135 authority. If any part of the application is not complete, the  
136 respective participating agency shall notify the department in  
137 writing of the additional information necessary to complete the  
138 application.

139 (b) Unless waived in writing by the growth enterprise, the  
140 department must submit any request for additional information

HB 515

2012

141 required by the participating agency under paragraph (a) to the  
142 growth enterprise within 20 days after the date the application  
143 is filed with the department. If the department does not request  
144 such additional information within the 20-day period, state  
145 development approval may not be denied based on the growth  
146 enterprise's failure to provide such additional information.

147 (6) (a) Unless waived in writing by the growth enterprise,  
148 each participating agency, within 60 days after a complete  
149 application is filed with the department, shall take final  
150 agency action on any state development approval within the  
151 agency's permitting or approval authority. The 60-day period is  
152 tolled by the initiation of a proceeding under ss. 120.569 and  
153 120.57.

154 (b) Notwithstanding s. 120.60(1), if a participating  
155 agency does not, within the 60-day period or, if a proceeding is  
156 initiated under ss. 120.569 and 120.57, within 45 days after a  
157 recommended order is submitted to the agency and the parties,  
158 whichever is later, take final agency action on those parts of  
159 the application that are within the agency's permitting or  
160 approval authority, such parts of the application are deemed  
161 approved.

162 (7) The department may adopt rules to administer this  
163 section.

164 Section 3. Section 288.1091, Florida Statutes, is created  
165 to read:

166 288.1091 Local growth enterprise development programs;  
167 master development approval for growth enterprises.-

168 (1) (a) A local government may adopt an ordinance

HB 515

2012

169 establishing a growth enterprise development program under which  
170 the local government may grant master development approval for  
171 the development or expansion of a site owned and operated by a  
172 growth enterprise at a fixed location within the local  
173 government's geographic boundaries.

174 (b) The governing body of each local government in the  
175 state shall consider whether to establish a growth enterprise  
176 development program under this section. By January 1, 2013, for  
177 an existing local government, or within 120 days after  
178 incorporation of a municipality or creation of a county, the  
179 governing body of each local government shall adopt a resolution  
180 declaring whether the local government intends to establish a  
181 growth enterprise development program and shall submit a copy of  
182 the resolution to the department within 5 days after adoption.

183 (2) By October 1, 2012, to provide guidance for local  
184 governments establishing growth enterprise development programs,  
185 the department shall adopt a model ordinance for such growth  
186 enterprise development programs. The model ordinance shall  
187 include:

188 (a) Procedures for a growth enterprise to apply for, and  
189 for a local government to review and approve, a master  
190 development plan.

191 (b) Minimum elements for a master development plan,  
192 including, but not limited to:

193 1. A site map.

194 2. A list of the site's potential land uses.

195 3. Maximum dimensions for future development on the site,  
196 including buildings, parking and loading areas, buffering and

HB 515

2012

197 setbacks, open space, and landscaping.

198 4. Development conditions.

199 (c) A list of the development impacts that must be  
 200 addressed in a master development plan, including, but not  
 201 limited to:

202 1. Drainage.

203 2. Wastewater.

204 3. Potable water.

205 4. Solid waste.

206 5. Onsite and offsite natural resources.

207 6. Preservation of historic and archeological resources.

208 7. Offsite infrastructure.

209 8. Public services.

210 9. Compatibility with adjacent offsite land uses.

211 10. Vehicular and pedestrian entrance to and exit from the  
 212 site.

213 11. Offsite transportation impacts.

214 (d) A provision prohibiting the limitation or modification  
 215 of development rights that are granted before the approval of a  
 216 master development plan, including, but not limited to,  
 217 development rights affecting the impacts listed in paragraph  
 218 (c).

219 (e) Whether an expiration date is required for a master  
 220 development plan and, if required, a provision stating that the  
 221 expiration date may not occur earlier than 10 years after the  
 222 plan's adoption.

223 (f) A provision limiting the conditions that require an  
 224 amendment to the master development order to the following:



HB 515

2012

225 1. Enactment of state law or local ordinance addressing an  
226 immediate and direct threat to the public safety that requires  
227 an amendment to the master development order.

228 2. Substantial modification of the land uses authorized in  
229 the master development order.

230 3. An increase of more than 10 percent in the total  
231 maximum intensity or square footage authorized in the master  
232 development order.

233 4. A decrease of more than 5 percent in the total area set  
234 aside for open space, mitigation, or buffering required in the  
235 master development order.

236 5. An increase or decrease of more than 10 percent in the  
237 total number of parking spaces authorized in the master  
238 development order.

239 6. An increase of more than 15 percent in the total height  
240 authorized in the master development order for any structure.

241 7. A substantial change in the total number or the  
242 location of vehicular access points authorized in the master  
243 development order.

244 8. Relocation of specific land uses on the site in a  
245 manner that increases offsite impacts on transportation, other  
246 infrastructure, or public services.

247 9. Expansion or contraction of the development site by  
248 more than 10 percent of the total area authorized in the master  
249 development order.

250 (g) A provision stating that the scope of review for any  
251 amendment to a master development order is limited to the  
252 subject matter of the amendment.

HB 515

2012

253 (h) A provision stating that, during the term of a master  
254 development order, the local government may not require  
255 additional local development approvals for those elements of the  
256 master development plan listed in paragraph (c) that are  
257 approved in the master development order, except for those  
258 approvals that are required to ensure compliance with the State  
259 Building Code or life and safety issues.

260 (i) A provision stating that, before commencing  
261 construction or site development work, the growth enterprise  
262 must submit a certification, signed by a licensed architect,  
263 engineer, or landscape architect, attesting that such work shall  
264 comply with the master development order.

265 (3) A local government's growth enterprise development  
266 program ordinance need not conform to the department's model  
267 ordinance but, at a minimum, must be consistent with subsection  
268 (2) and establish procedures for:

269 (a) Reviewing an application from a growth enterprise for  
270 approval of a master development plan.

271 (b) Approving a master development plan through issuance,  
272 by ordinance, of a master development order, which may include  
273 conditional approvals that address development impacts  
274 anticipated during the life of the development.

275 (c) Development of the site in a manner consistent with  
276 the master development order without requiring additional local  
277 development approvals other than building permits.

278 (4) (a) A local government that establishes a growth  
279 enterprise development program may not abolish the program until  
280 it has been in effect for at least 24 months.

281 (b) If a local government repeals its growth enterprise  
 282 development program ordinance, any application for a master  
 283 development plan that is submitted to the local government  
 284 before the effective date of the repeal is vested and remains  
 285 subject to the growth enterprise program ordinance in effect  
 286 when the application was submitted.

287 (c) The governing body of a local government that does not  
 288 establish a growth enterprise development program or that  
 289 subsequently abolishes the program shall, by January 1 of each  
 290 year, reconsider whether to establish a growth enterprise  
 291 development program under this section.

292 Section 4. Section 288.1095, Florida Statutes, is amended  
 293 to read:

294 288.1095 Information concerning the One-Stop Permitting  
 295 System and local growth enterprise development programs.—The  
 296 department shall develop literature that explains the One-Stop  
 297 Permitting System established under s. 288.109 and identifies  
 298 each local government ~~those counties~~ that establishes a growth  
 299 enterprise development program under s. 288.1091 ~~have been~~  
 300 ~~designated as Quick Permitting Counties.~~ The literature must be  
 301 updated at least once each year. To the maximum extent feasible,  
 302 state agencies and offices, including Enterprise Florida, Inc.,  
 303 shall distribute such literature and inform the public of the  
 304 One-Stop Permitting System and the local governments that  
 305 establish growth enterprise development programs ~~Quick~~  
 306 ~~Permitting Counties.~~ In addition, the department, Enterprise  
 307 Florida, Inc., or such other state agency or office assigned the  
 308 principal responsibility of distributing information to

HB 515

2012

309 prospective businesses regarding location or expansion in the  
310 state, shall provide this information to prospective, new,  
311 expanding, and relocating businesses seeking to conduct business  
312 in this state, municipalities, counties, economic-development  
313 organizations, and chambers of commerce.

314 Section 5. Sections 288.1092 and 288.1093, Florida  
315 Statutes, are repealed.

316 Section 6. This act shall take effect July 1, 2012.